



# Ecosense

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## PEDESTRIAN PATH TO CONNECT THE HERMANUS CLIFF PATH VIA POOLE'S BAY IN HERMANUS

### Pre-application Draft Basic Assessment Report

Prepared for  
Cliff Path Action Group  
(Jobre Stassen)



December 2020

### Statement of Ecosense CC Independence

Ecosense was appointed to compile this report. Neither Ecosense nor any of the authors of this report have any material present or contingent interest in the outcome of this report, nor do they have any pecuniary or other interest that could be reasonably regarded as being capable of affecting their independence or that of Ecosense. Ecosense has no beneficial interest in the outcome of the assessment which is capable of affecting its independence.

### Disclaimer

The opinions expressed in this report have been based on the information supplied to Ecosense by the Proponent or their appointed consultants. Ecosense has exercised all due care in reviewing the supplied information, but conclusions from the review are reliant on the accuracy and completeness of the supplied data. Ecosense does not accept responsibility for any errors or omissions in the supplied information and does not accept any consequential liability arising from commercial decisions or actions resulting from them. Opinions presented in this report apply to the site conditions and features as they existed at the time of Ecosense's investigations, and those reasonably foreseeable. These opinions do not necessarily apply to conditions and features that may arise after the date of this report, about which Ecosense had no prior knowledge nor had the opportunity to evaluate.

Report prepared by Kozette Myburgh, Ecosense		Report reviewed by Mark Sasman, Ecosense ( <i>Pr Sci Nat</i> )	
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## BASIC ASSESSMENT REPORT

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

NOVEMBER 2019

(For official use only)	
Pre-application Reference Number (if applicable):	16/3/3/6/7/1/E2/15/1135/19 - previous NOI, file closed  16/3/3/6/7/1/E2/15/1265/20
EIA Application Reference Number:	
NEAS Reference Number:	
Exemption Reference Number (if applicable):	
Date BAR received by Department:	
Date BAR received by Directorate:	
Date BAR received by Case Officer:	

### GENERAL PROJECT DESCRIPTION

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

**PEDESTRIAN PATH TO COMPLETE THE HERMANUS CLIFF PATH VIA POOLE'SBAY IN HERMANUS**

[Report date -December 2020]

## IMPORTANT INFORMATION TO BE READ PRIOR TO COMPLETING THIS BASIC ASSESSMENT REPORT

1. **The purpose** of this template is to provide a format for the Basic Assessment report as set out in Appendix 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended) in order to ultimately obtain Environmental Authorisation.
2. The Environmental Impact Assessment ("EIA") Regulations is defined in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") hereinafter referred to as the "NEMA EIA Regulations".
3. The required information must be typed within the spaces provided in this Basic Assessment Report ("BAR"). The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided.
4. All applicable sections of this BAR must be completed.
5. Unless protected by law, all information contained in, and attached to this BAR, will become public information on receipt by the Competent Authority. If information is not submitted with this BAR due to such information being protected by law, the applicant and/or Environmental Assessment Practitioner ("EAP") must declare such non-disclosure and provide the reasons for believing that the information is protected.
6. This BAR is current as of **November 2019**. It is the responsibility of the Applicant/ EAP to ascertain whether subsequent versions of the BAR have been released by the Department. Visit this Department's website at <http://www.westerncape.gov.za/eadp> to check for the latest version of this BAR.
7. This BAR is the standard format, which must be used in all instances when preparing a BAR for Basic Assessment applications for an environmental authorisation in terms of the NEMA EIA Regulations when the Western Cape Government Department of Environmental Affairs and Development Planning ("DEA&DP") is the Competent Authority.
8. Unless otherwise indicated by the Department, one hard copy and one electronic copy of this BAR must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department. Reasonable access to copies of this Report must be provided to the relevant Organs of State for consultation purposes, which may, if so indicated by the Department, include providing a printed copy to a specific Organ of State.
9. This BAR must be duly dated and originally signed by the Applicant, EAP (if applicable) and Specialist(s) and must be submitted to the Department at the details provided below.
10. The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations, any subsequent Circulars, and guidelines must be taken into account when completing this BAR.
11. Should a water use licence application be required in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA"), the "One Environmental System" is applicable, specifically in terms of the synchronisation of the consideration of the application in terms of the NEMA and the NWA. Refer to this Department's Circular EADP 0028/2014: One Environmental Management System.
12. Where Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA") is triggered, a copy of Heritage Western Cape's final comment must be attached to the BAR.
13. 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 BAR.

14. Where this Department is also identified as the Licencing Authority to decide on applications under the National Environmental Management: Air Quality Act (Act No. 29 of 2004) ('NEM:AQA"), the submission of the Report must also be made as follows, for-  
 Waste Management Licence Applications, this report must also (i.e., another hard copy and electronic copy) be submitted for the attention of the Department's Waste Management Directorate (Tel: 021-483-2728/2705 and Fax: 021-483-4425) at the same postal address as the Cape Town Office.

Atmospheric Emissions Licence Applications, this report must also be (i.e., another hard copy and electronic copy) submitted for the attention of the Licensing Authority or this Department's Air Quality Management Directorate (Tel: 021 483 2888 and Fax: 021 483 4368) at the same postal address as the Cape Town Office.

### DEPARTMENTAL DETAILS

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

## EXECUTIVE SUMMARY OF THE BASIC ASSESSMENT REPORT:

Ecosense CC has been appointed as independent consultant responsible for facilitating the Basic Assessment process for the proposed pedestrian path to connect the existing Hermanus Cliff Path via Poole's Bay, Hermanus. The Environmental Assessment Practitioner (EAP) is Kozette Myburgh, EAPASA registration no 2019/1346.

The process is being undertaken in terms of the National Environmental Management Act (NEMA, Act 107 of 1998), Environmental Impact Assessment Regulations as promulgated in December 2014 (as amended). The Applicant is the Cliff Path Action Group, who will facilitate and implement the activity, should it be approved by the Department of Environmental Affairs and Development Planning (DEA&DP). In terms of the NEMA, this proposal requires an application for environmental authorisation for the following listed activities 15, 52, 18, 19 and 19A, through a Basic Assessment process. These activities are concerned with development in or within proximity to water courses and the sea.

The current proposal is for a concrete pedestrian path built just below the high water mark (HWM) in Poole's Bay that would consist of battered and balustrade sections, depending on the height above ground level as well as wave force in the area. There would also be sections of varying demarcation as some areas on the beach may only require subtle demarcation for users of the path to refrain from entering private property.

The balustrade sections are included for areas where the cliff fall is higher than 500mm, and where the walkway would have a concrete balustrade with a steel grab-bar. Within the battered sections, steps would accommodate the landscape, creating paths over large rocks, while crossings would accommodate the falls and allow sea water to flow back and under the path. These gully areas would be bridged by heavy duty sugar gum beam crossings, connected to the concrete with stainless steel threaded bar.

The only material considered strong enough to withstand rough sea conditions is concrete (e.g. tidal pools and harbour walls). It would be finished with a rough aggregate, to encourage staining and seaweed/mussel shell growth. There would be no materials that could be damaged in high storm seas.

Because the walk would mostly be built on the seaward side of the HWM (except for its two connection points where it would join the existing path), there would be times when it would not be safely accessible, and appropriate signage would be required to advise the public to be aware of sea conditions before using this part of the walk. Less agile persons would also be warned of the nature of the walk, being inaccessible to wheelchairs as a result of the required stepped areas and crossings over gully areas.

The NEMA EIA Regulations require a consideration of alternatives to achieve the best practical environmental option for the proposed development. Layout, design and technology alternatives were therefore investigated, as there is not a site alternative - Poole's bay falls between two sections of the existing Hermanus Cliff Path and is therefore the only proposed site.

The two layout alternatives previously considered differed only in one area where a servitude was proposed over private land. After consultation with private landowners, it became clear that the structure should preferably remain on public land and therefore below the HWM. After considering input from authorities, the public, specialists, engineering professionals and the applicant, it was concluded that the above would be the only feasible and reasonable alternative as opposed to the no-go alternative. Should it become possible to register a servitude in future, this option is still included on the Site layout to indicate where it is proposed.

In the case of the '**no-go**' alternative, no action will be taken to formalise the path and undesirable access and usage conditions will remain as is current.

A Notice of Intent to Develop Form was submitted to DEA&DP, Cape Town on 5 April 2019. A freshwater Ecology Screening and Heritage Screening for Notice of Intent to Develop submission to Heritage Western Cape have been undertaken. This report is the revised draft (Pre-application Basic Assessment Report (BAR)) for public and authority comment to address issues identified during the first comment period in June/July 2019.

The Public Participation Process is being carried out in terms of the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), as set out in Chapter 6 of Government Notice No. 982, as amended.

Since the first comment period, the following actions have been undertaken while the design has been under revision:

- Acknowledgement of comments received.
- Opening and maintaining a register of interested and affected parties
- Compilation of draft comments and responses report.
- Additional consultation with authorities and organisations, including Surveyor General, DEA&DP Coastal Management, DEA Oceans and Coasts, Birdlife South Africa.
- Poole's Bay property owner meetings (October 2019).
- Avian Specialist appointment and facilitation (for bird survey as recommended by Birdlife SA) (December 2019-February 2020).
- Technical meeting with architect and construction contractor (March 2020).

This revised report contains a summary of the public participation process to date. A full record of previous public participation is not required, as this process is a new process.

### **Impacts and Mitigation**

Impacts normally associated with construction activities include disturbance outside construction footprint, noise, littering, etc. In order to mitigate these impacts, specifications have been included in the Environmental Management Programme (EMPr), which must be adhered to. These include:

- Demarcated restriction of construction activities site to minimise any potential disturbance to the surrounding area.
- Following an integrated waste management approach during construction and operation.
- Rehabilitation of disturbed areas must take place after the completion of construction.
- Environmental awareness training to construction staff.
- Local employment.

Operational aspects of the proposed development would be limited to maintenance of infrastructure and signage and waste management along the path. Specifications in the EMPr to address the associated impacts include:

- Regular inspection of infrastructure and signage
- Regular clean-up of litter along this section of the path

The intention of the Applicant is to facilitate safer access to this part of the coast in the least disruptive and most practical way. Due to the locality of this project, no detrimental impacts to the environment or affected parties are expected; on the contrary, this proposed activity will strive to enhance social impacts. The proposal would result in the optimal utilisation of the site with minimal adverse impacts on the ecological environment.

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## MAPS

<b>Provide a location map (see below) as Appendix A1 to this BAR that shows the location of the proposed development and associated structures and infrastructure on the property.</b>	
Locality Map:	<p>The scale of the locality map must be at least 1:50 000. For linear activities or development proposals 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 indicate the following:</p> <ul style="list-style-type: none"> <li>• an accurate indication of the project site position as well as the positions of the alternative sites, if any;</li> <li>• road names or numbers of all the major roads as well as the roads that provide access to the site(s)</li> <li>• a north arrow;</li> <li>• a legend; and</li> <li>• a linear scale.</li> </ul> <p>For ocean based or aquatic activity, the coordinates must be provided within which the activity is to be undertaken and a map at an appropriate scale clearly indicating the area within which the activity is to be undertaken.</p> <p>Where comment from the Western Cape Government: Transport and Public Works is required, a map illustrating the properties (owned by the Western Cape Government: Transport and Public Works) that will be affected by the proposed development must be included in the Report.</p>
<b>Provide a detailed site development plan / site map (see below) as Appendix B1 to this BAR; and if applicable, all alternative properties and locations.</b>	
Site Plan:	<p>Detailed site development plan(s) must be prepared for each alternative site or alternative activity. The site plans must contain or conform to the following:</p> <ul style="list-style-type: none"> <li>• The detailed site plan must preferably be at a scale of 1:500 or at an appropriate scale. The scale must be clearly indicated on the plan, preferably together with a linear scale.</li> <li>• The property boundaries and numbers of all the properties within 50m of the site must be indicated on the site plan.</li> <li>• On land where the property has not been defined, the co-ordinates of the area in which the proposed activity or development is proposed must be provided.</li> <li>• The current land use (not zoning) as well as the land use zoning of each of the adjoining properties must be clearly indicated on the site plan.</li> <li>• The position of each component of the proposed activity or development as well as any other structures on the site must be indicated on the site plan.</li> <li>• Services, including electricity supply cables (indicate aboveground or underground), water supply pipelines, boreholes, sewage pipelines, storm water infrastructure and access roads that will form part of the proposed development <b>must</b> be clearly indicated on the site plan.</li> <li>• Servitudes and an indication of the purpose of each servitude must be indicated on the site plan.</li> <li>• Sensitive environmental elements within 100m of the site must be included on the site plan, including (but not limited to): <ul style="list-style-type: none"> <li>o Watercourses / Rivers / Wetlands</li> <li>o Flood lines (i.e., 1:100 year, 1:50 year and 1:10 year where applicable);</li> <li>o Coastal Risk Zones as delineated for the Western Cape by the Department of Environmental Affairs and Development Planning ("DEA&amp;DP");</li> <li>o Ridges;</li> <li>o Cultural and historical features/landscapes;</li> <li>o Areas with indigenous vegetation (even if degraded or infested with alien species).</li> </ul> </li> <li>• Whenever the slope of the site exceeds 1:10, a contour map of the site must be submitted.</li> <li>• North arrow</li> </ul> <p>A map/site plan must also be provided at an appropriate scale, which superimposes the proposed development and its associated structures and infrastructure on the environmental sensitivities of the preferred and alternative sites indicating any areas that should be avoided, including buffer areas.</p>
Site photographs:	<p>Colour photographs of the site that shows the overall condition of the site and its surroundings (taken on the site and taken from outside the site) with a description of each photograph. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide a recent aerial photograph. Photographs must be attached to this BAR as <b>Appendix C</b>. The aerial photograph(s) should be supplemented with additional photographs of relevant features on the site. Date of photographs must be included. Please note that the above requirements must be duplicated for all alternative sites.</p> <p><b>EAPS note: Some photographs have been repeated in the body of this document for ease of reference in the immediate context of the discussion.</b></p>
Biodiversity Overlay Map:	<p>A map of the relevant biodiversity information and conditions must be provided as an overlay map on the property/site plan. The Map must be attached to this BAR as <b>Appendix D</b>.</p>
Linear activities or development and multiple properties	<p>GPS co-ordinates must be provided in degrees, minutes and seconds using the Hartebeeshoek 94 WGS84 co-ordinate system. Where numerous properties/sites are involved (linear activities) you must attach a list of the Farm Name(s)/Portion(s)/Erf number(s) to this BAR as an Appendix. For linear activities that are longer than 500m, please provide a map with the co-ordinates taken every 100m along the route to this BAR as <b>Appendix A3</b>.</p>

## ACRONYMS

BA:	Basic Assessment
BAR:	Basic Assessment Report
CBA:	Critical Biodiversity Area
DEA:	National Department of Environmental Affairs
DEA& DP:	Department of Environmental Affairs and Development Planning
DWS:	Department of Water and Sanitation
EIA:	Environmental Impact Assessment
EMPr:	Environmental Management Programme
ESA:	Ecological Support Area
HWC:	Heritage Western Cape
I&APs:	Interested and Affected Parties
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998)
NEM:ICMA	National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)
NEM:WA	National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)
NHRA	National Heritage Resources Act, 1999 (Act No. 25 of 1999)
PPP:	Public Participation Process

## ATTACHMENTS

**Note:** The Appendices must be attached to the BAR as per the list below. Please use a ✓ (tick) or a x (cross) to indicate whether the Appendix is attached to the BAR.

The following checklist of attachments must be completed.

APPENDIX		✓ (Tick) or x (cross)
Appendix A:	<b>Maps</b>	
	Appendix A1:	Locality Map ✓
	Appendix A2:	Coastal Risk Zones as delineated in terms of ICMA for the Western Cape by the Department of Environmental Affairs and Development Planning N.a. development is below the HWM
	Appendix A3:	Map with the GPS co-ordinates for linear activities ✓
Appendix B:	Appendix B1:	Site development plan(s) ✓
	Appendix B2	A map of appropriate scale, which superimposes the proposed development and its associated structures and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffer areas; See site development plan
Appendix C:	Photographs	✓
Appendix D:	Biodiversity overlay map	✓
Appendix E:	Permit(s) / license(s) / exemption notice, agreements, comments from State Department/Organs of state and service letters from the municipality.	
	Appendix E1:	Final comment/ROD from HWC ✓ Previous comment still applicable
	Appendix E2:	Copy of comment from Cape Nature Not yet received for new process
	Appendix E3:	Final Comment from the DWS Not yet received for new process
	Appendix E4:	Comment from the DEA: Oceans and Coast Not yet received for new process

	<b>Appendix E5:</b>	<b>Comment from the DAFF</b>	Not yet received for new process
	<b>Appendix E6:</b>	<b>Comment from WCG: Transport and Public Works</b>	Not yet received for new process
	<b>Appendix E7:</b>	<b>Comment from WCG: DoA</b>	Not applicable
	<b>Appendix E8:</b>	<b>Comment from WCG: DHS</b>	Not applicable
	<b>Appendix E9:</b>	<b>Comment from WCG: DoH</b>	Not applicable
	<b>Appendix E10:</b>	<b>Comment from DEA&amp;DP: Pollution Management</b>	Not yet received for new process
	<b>Appendix E11:</b>	<b>Comment from DEA&amp;DP: Waste Management</b>	Not applicable
	<b>Appendix E12:</b>	<b>Comment from DEA&amp;DP: Biodiversity</b>	Not yet received for new process
	<b>Appendix E13:</b>	<b>Comment from DEA&amp;DP: Air Quality</b>	Not applicable
	<b>Appendix E14:</b>	<b>Comment from DEA&amp;DP: Coastal Management</b>	Not yet received for new process
	<b>Appendix E15:</b>	<b>Comment from the local authority</b>	Not yet received for new process
	<b>Appendix E16:</b>	<b>Confirmation of all services (water, electricity, sewage, solid waste management)</b>	Not applicable
	<b>Appendix E17:</b>	<b>Comment from the District Municipality</b>	Not yet received for new process
	<b>Appendix E18:</b>	<b>Copy of an exemption notice</b>	Not applicable
	<b>Appendix E19:</b>	<b>Pre-approval for the reclamation of land</b>	Not applicable
	<b>Appendix E20:</b>	<b>Proof of agreement/TOR of the specialist studies conducted.</b>	See specialist studies
	<b>Appendix E21:</b>	<b>Proof of land use rights</b>	Not applicable
	<b>Appendix E22:</b>	<b>Proof of public participation agreement for linear activities</b>	✓
<b>Appendix F:</b>	<b>Public participation information: including a copy of the register of I&amp;APs, the comments and responses Report, proof of notices, advertisements and any other public participation information as is required.</b>		✓ Relevant meeting minutes from previous process included, but new process information limited to public participation plan
<b>Appendix G:</b>	<b>Specialist Report(s)</b>		✓
	<b>Appendix G1</b>		
	<b>Appendix G2</b>		
	<b>Appendix G3</b>		
<b>Appendix H:</b>	<b>EMPr</b>		✓
<b>Appendix I:</b>	<b>Screening tool report</b>		✓
<b>Appendix J:</b>	<b>The impact and risk assessment for each alternative</b>		See Section H
<b>Appendix K:</b>	<b>Need and desirability for the proposed activity or development in terms of this Department's guideline on Need and Desirability (March 2013)/DEA Integrated Environmental Management Guideline</b>		✓
<b>Appendix.....</b>	<b>Any other attachments must be included as subsequent appendices</b>		

## 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)
<b>Duplicate this section where there is more than one Proponent</b> Name of Applicant/Proponent: Name of contact person for Applicant/Proponent (if other): Company/ Trading name/State Department/Organ of State: Company Registration Number: Postal address:  Telephone: E-mail:	Cliff Path Action Group		
	Jobre Stassen		
	Not applicable		
	Not applicable		
	24 Monmouth Ave		
	Claremont		Postal code: 7708
	( )		Cell: 0828964527
E-mail: <a href="mailto:jobre@iafrica.com">jobre@iafrica.com</a>		Fax: ( )	
Company of EAP: EAP name: Postal address:  Telephone: E-mail: Qualifications: EAPASA registration no:	Ecosense cc		
	Kozette Myburgh		
	PO Box 1426		
	Knysna		Postal code: 6570
	(021) 161 0258		Cell: 082 783 9860
	E-mail: <a href="mailto:kozette@ecosense.co.za">kozette@ecosense.co.za</a>		Fax: (086) 547 4221
	LL.M Env Law (K Myburgh) / NDip Nature Conservation (M Sasman)		
2019/1346			
<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:	Not applicable. – Coastal public property below the High Water Mark		
			Postal code:
	( )		Cell:
			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:	Not applicable. – Coastal public property below the High Water Mark		
			Postal code:
	( )		Cell:
			Fax: ( )
<b>Duplicate this section where there is more than one Municipal Jurisdiction</b> Municipality in whose area of jurisdiction the proposed activity will fall: Contact person: Postal address:  Telephone: E-mail:	Overstrand Municipality		
	Coenie Groenewald (Municipal Manager)		
	PO Box 20		
	Hermanus		Postal code: 7200
	(028) 313 8000		Cell:
	E-mail: <a href="mailto:cgroenewald@overstrand.gov.za">cgroenewald@overstrand.gov.za</a>		Fax: (028) 312 1894

**SECTION B: CONFIRMATION OF SPECIFIC PROJECT DETAILS AS INCLUDED IN THE APPLICATION FORM**

1.	Is the proposed development (please tick):	New	✓	Expansion	✓
The proposal entails new construction to facilitate access, but the path is already informally in use. The path would also connect two sections of an existing formalised path (Hermanus Cliff path).					
2.	Is the proposed site(s) a brownfield of greenfield site? Please explain.				
Greenfields. No development has taken place below the high water mark in this area.					
3.	<b>For Linear activities or developments</b>				
3.1.	Provide the Farm(s)/Farm Portion(s)/Erf number(s) for all routes:				
Not applicable. – seashore					
3.2.	Development footprint of the proposed development for all alternatives.			Approximately 800m <sup>2</sup>	
3.3.	Provide a description of the proposed development (e.g. for roads the length, width and width of the road reserve in the case of pipelines indicate the length and diameter) for all alternatives.				
<p>In order to be able to have linked public access from Sea Road to Mollergren Park through Poole’s Bay, a pedestrian path of approximately has been designed to be entirely on the sea side of the prescribed high water mark (HWM) apart from the entry / exit points on either side, which would connect to the existing path on municipal land. Although there are a few areas where the access would be a lot simpler, all the depicted current design work is located off any and all privately owned property (See Appendix B.).</p> <p>The path would consist of appropriately designed concrete as the principle structure. The materials to be used would be limited to reinforced concrete, heavy duty hardwoods, galvanized reinforcing and stainless-steel fixings and rails. Concrete that is correctly re-inforced and specified has proven to be hardy enough to withstand the extremes of stormy weather and high tides, plus the corrosive effect of seawater and the abrasive and destructive action of heavy seas.</p> <p>The finish to the pathway is designed as rough exposed aggregate concrete, using 50mm granite chip and river sand in the mix, to bring out an earthy colour, prevent slipperiness and to encourage marine growth. The overall feel of the concrete matches that of the rock, using the existing tidal pool in front of erf 12257 as the model.</p> <p>The many level changes will be taken up by comfortable steps (risers 150 treads 350), in groups of 3 or 5 risers to keep the new pathway as close to bedrock level as possible and to limit the drops either side to a maximum of 500mm. Where helpful, the pathway will have a fall on it, not more than 1:12. In places the existing rocks will protrude through the pathway as it winds along the route of the surveyed HWM. In order to allow the sea water out again, the gully areas are bridged by crossings made of heavy duty sugar gum beams connected to the concrete with stainless steel threaded bar, all acting as culverts over a 3.0m span. These crossings will be situated in geographically logical positions.</p> <p>There are a few areas where the HWM is at the bottom of high cliffs with difficult access and in these zones the concrete pathway will be elevated and supported on buttressed concrete supports. These zones would have a protecting concrete balustrade wall, with a thin stainless-steel grab rail. The concrete balustrade walls would be at an angle to deflect the forces of the waves in high seas.</p>					

Because the walk would mostly be built on the seaward side of the HWM (except for its two connection points where it would join the existing path), there would be times when it would not be safely accessible, and appropriate signage would be required to advise the public to be aware of sea conditions before using this part of the walk. Less agile persons would also be warned of the nature of the walk, being inaccessible to wheelchairs as a result of the required stepped areas and crossings over gully areas.

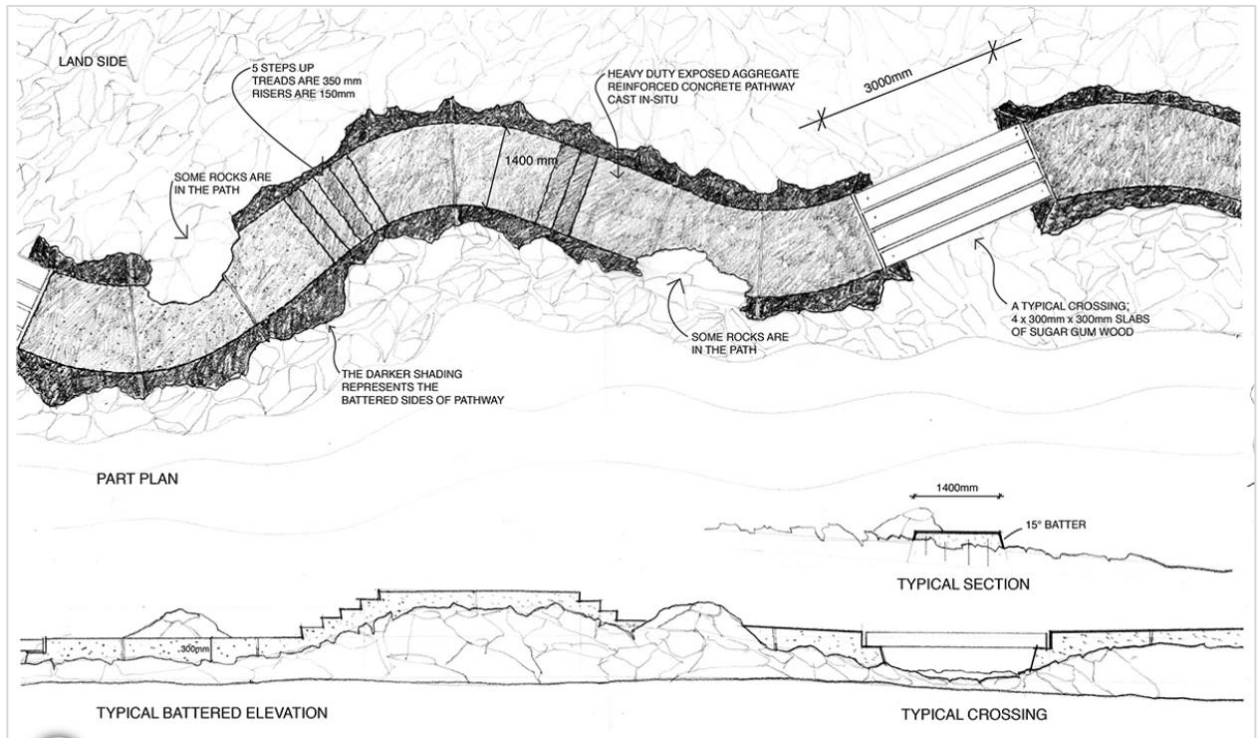


Figure 1: Concept drawing of battered pathway

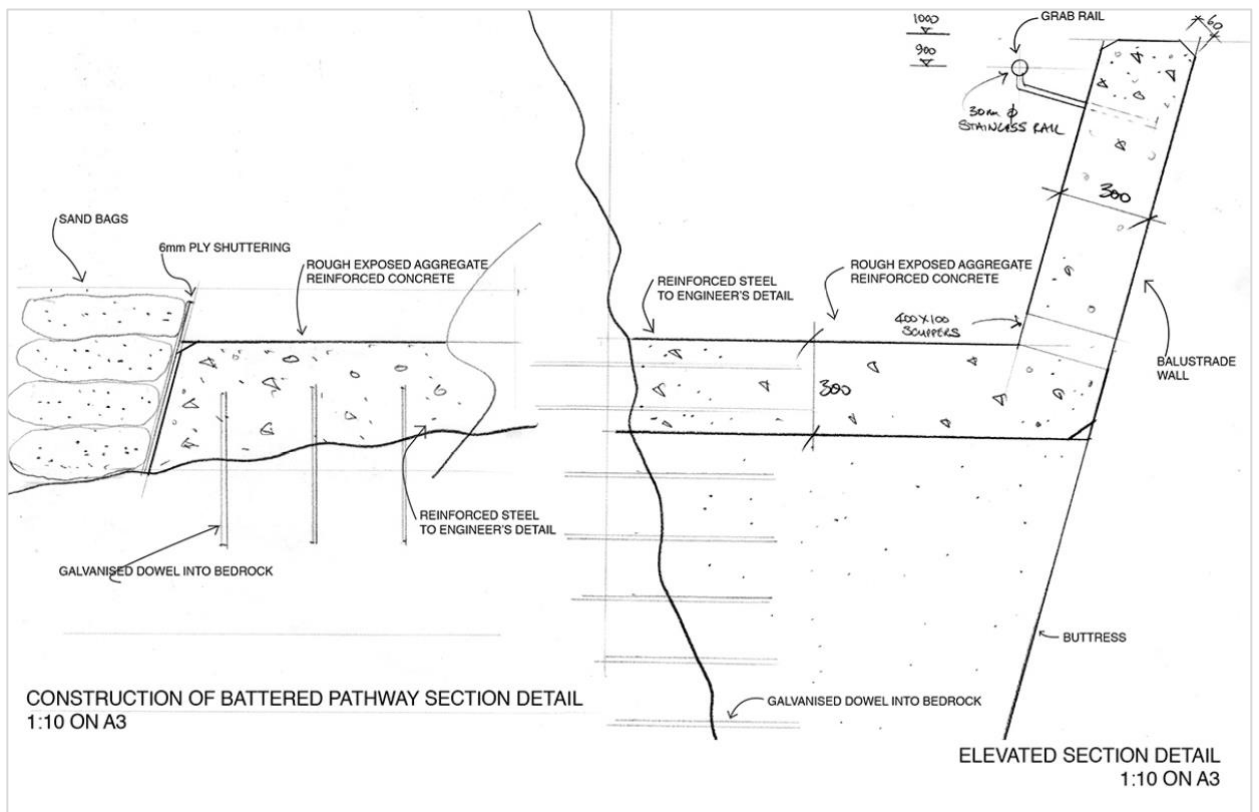
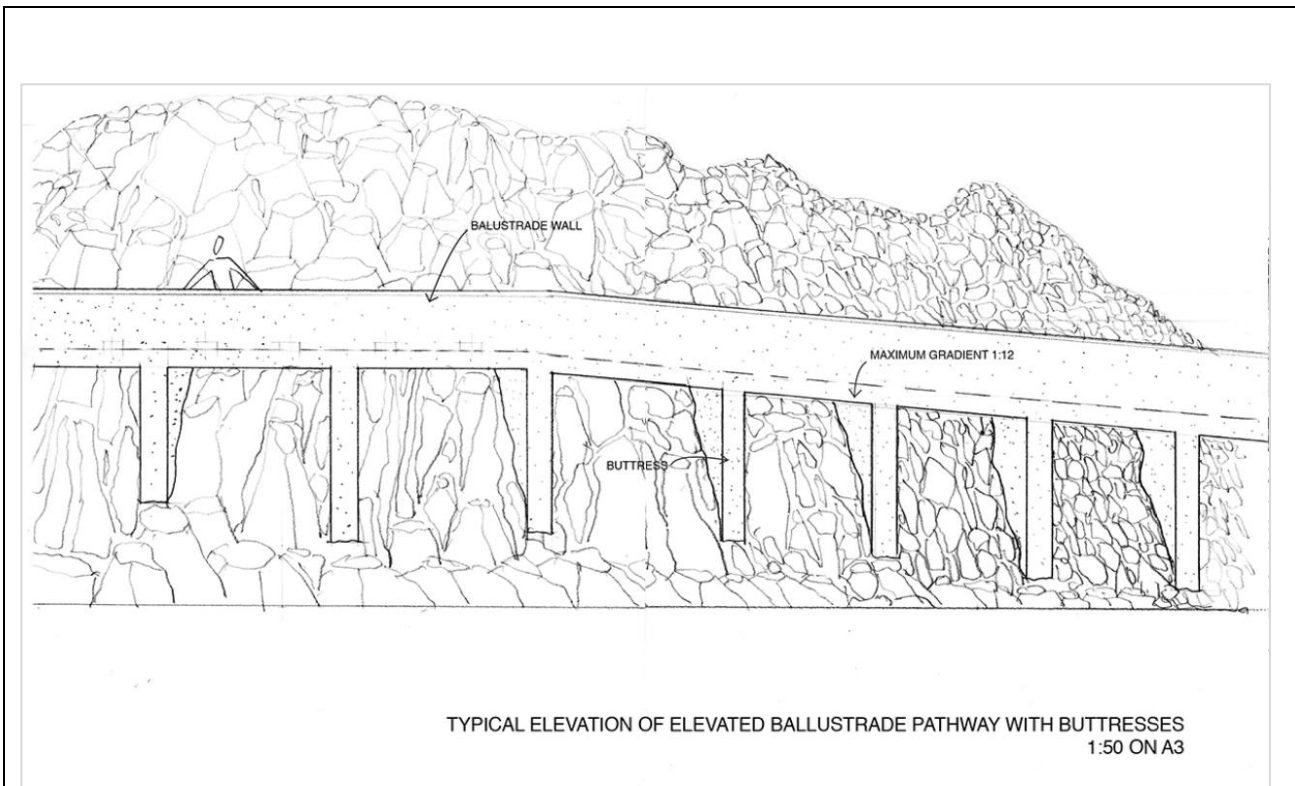
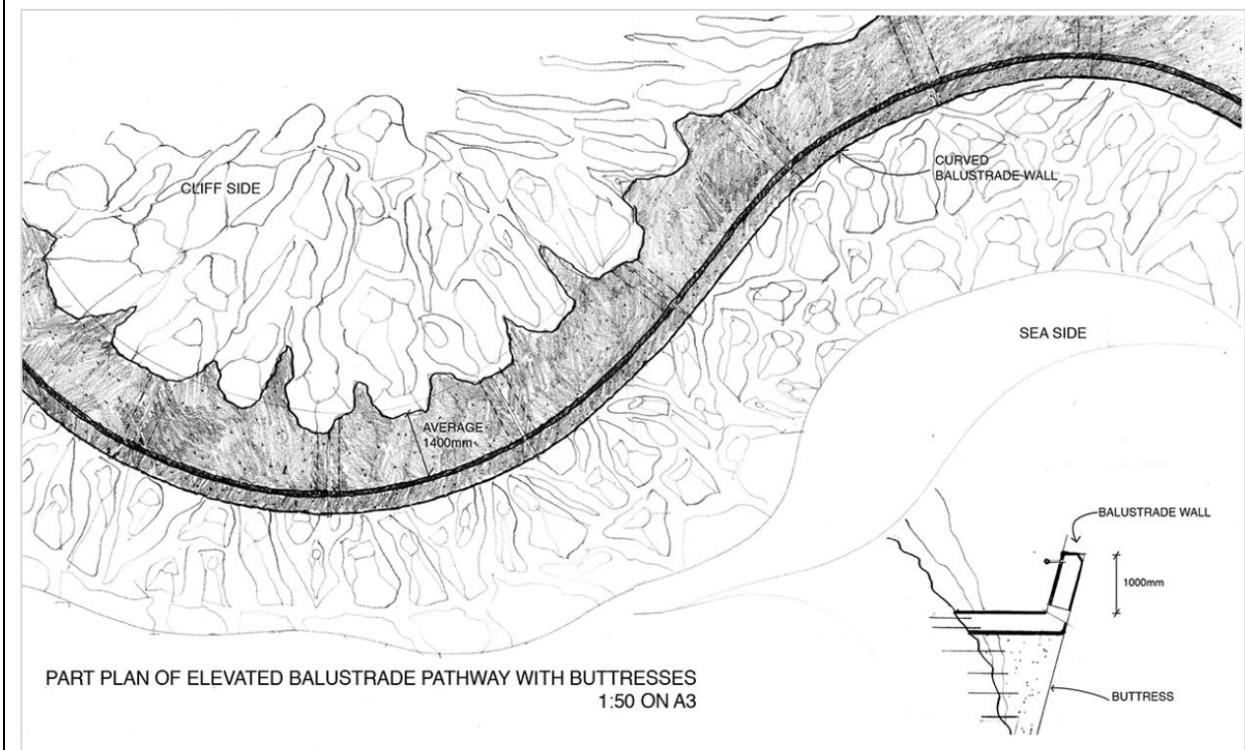


Figure 2: Construction method for battered and balustraded sections



**Figure 3: Concept drawing of elevation of balustrade section of pathway**



**Figure 4: Concept drawing of balustrade section of pathway**

3.4.	Indicate how access to the proposed routes will be obtained for all alternatives.	
<p>The proposal entails new construction to facilitate access, but the path is already informally in use. The path would also connect two sections of an existing formalised path (Hermanus Cliff path).</p>		
3.5.	SG Digit codes of the Farms/Farm Portions/Erf numbers for all alternatives	Not applicable

3.6.	<b>Starting point co-ordinates for all alternatives</b>			
	Latitude (S)	34°	24'	55.79"
	Longitude (E)	19°	14'	59.33"
	<b>Middle point co-ordinates for all alternatives</b>			
	Latitude (S)	34°	24'	48.15"
	Longitude (E)	19°	15'	6.26"
	<b>End point co-ordinates for all alternatives</b>			
	Latitude (S)	34°	24'	46.03"
	Longitude (E)	19°	15'	19.22"
<b>Note: For Linear activities or developments longer than 500m, a map indicating the co-ordinates for every 100m along the route must be attached to this BAR as Appendix A3.</b>				
4.	<b>Other developments</b>			
4.1.	Property size(s) of all proposed site(s):			m <sup>2</sup>
4.2.	Developed footprint of the existing facility and associated infrastructure (if applicable):			m <sup>2</sup>
4.3.	Development footprint of the proposed development and associated infrastructure size(s) for all alternatives:			m <sup>2</sup>
4.4.	Provide a detailed description of the proposed development and its associated infrastructure (This must include details of e.g. buildings, structures, infrastructure, storage facilities, sewage/effluent treatment and holding facilities).			
4.5.	Indicate how access to the proposed site(s) will be obtained for all alternatives.			
4.6.	SG Digit code(s) of the proposed site(s) for all alternatives:			
4.7.	Coordinates of the proposed site(s) for all alternatives:			
	Latitude (S)	°	'	"
	Longitude (E)	°	'	"



## SECTION C: LEGISLATION/POLICIES AND/OR GUIDELINES/PROTOCOLS

### 1. Exemption applied for in terms of the NEMA and the NEMA EIA Regulations

Has exemption been applied for in terms of the NEMA and the NEMA EIA Regulations. If yes, include a copy of the exemption notice in Appendix E18.	YES	NO
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### 2. Is the following legislation applicable to the proposed activity or development.

The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICMA"). If yes, attach a copy of the comment from the relevant competent authority as Appendix E4 and the pre-approval for the reclamation of land as Appendix E19.  No reclamation of land is required.	YES	NO
The National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA"). If yes, attach a copy of the comment from Heritage Western Cape as Appendix E1.  A NID was submitted to HWC in order to assess the potential impact on National Heritage Resources. It was assessed that no negative impact is expected and Heritage Western Cape's final comment also indicated no further required studies.	YES	NO
The National Water Act, 1998 (Act No. 36 of 1998) ("NWA"). If yes, attach a copy of the comment from the DWS as Appendix E3.  A General Authorisation may have to be applied for from the Department of Water Affairs.	YES In process	NO
The National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) ("NEM:AQA"). If yes, attach a copy of the comment from the relevant authorities as Appendix E13.	YES	NO
The National Environmental Management Waste Act (Act No. 59 of 2008) ("NEM:WA")	YES	NO
The National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004 ("NEMBA").	YES	NO
The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) ("NEMPAA").	YES	NO
The Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983). If yes, attach comment from the relevant competent authority as Appendix E5.	YES	NO

### 3. Other legislation

List any other legislation that is applicable to the proposed activity or development.	
Seashore Act 21 of 1935	Seashore lease for structures below the high water mark

### 4. Policies

Explain which policies were considered and how the proposed activity or development complies and responds to these policies.	
Western Cape Provincial Spatial Development Framework (PSDF)	The Provincial Spatial Development Framework was consulted to determine whether the development proposal is in line with the framework's recommendations for land use. This proposal was found to be in line with the Western Cape PSDF, as there is a strong need for the aggressive protection and rehabilitation of river systems and ground water recharge zones, particularly in those areas where there is intensive land use (such as agricultural activity or settlement area).
Overstrand Spatial Development Framework (SDF)	It was determined that this proposal is not in conflict with the Overstrand Municipality Spatial Development Framework. The proposal is for tourism infrastructure within the coastal public property.
Overstrand Integrated Development Plan (IDP)	The proposed development is not in conflict with the Overstrand Municipality IDP (Draft 2017-2021). The IDP regards tourism as a key

	economic driver. Connecting the existing Cliff path would support a landmark tourism attraction in the area. Since the development of the path would not be financed through municipal resources, it would not put pressure on municipal revenue.
National Coastal Management Programme	The proposed project would be in line with the following priority areas for the National Programme: Priority Area 1: Social and Economic development and planning (in support of local tourism which is one of the main economic drivers of the area) Priority Area 3: Facilitation of coastal access (which the project would contribute to)
Overberg Coastal Management Programme	Goal: Facilitation of Coastal Access: to provide reasonable and equitable access to the coast for all; which the proposed project aims to achieve

## 5. Guidelines

List the guidelines which have been considered relevant to the proposed activity or development and explain how they have influenced the development proposal.	
DEA&DP EIA Guideline Information Document on Generic Terms of Reference for EAPs and Project Schedules (March 2013)	This Guideline was consulted to ensure that the EAP's managing of the process and the Project Schedule of this application relates these requirements.
DEA&DP EIA Guideline on Public Participation (March 2013)	A Public Participation Process is being undertaken in order to comply with Chapter 6 of Government No. R. 982. The Guideline was consulted to ensure full compliance with the Regulations. Details on the PPP are provided in Section F of the BAR, as well as <b>Appendix E22 and F</b> .
DEA&DP EIA Guideline on Need & Desirability (March 2013)	This Guideline was consulted as part of the project motivation section of this report describing the activity's need & desirability. See <b>Appendix K</b> for more detail on the project's need and desirability within its specific context.
DEA&DP EIA Guideline on Alternatives (March 2013)	The EIA Guideline on Alternatives was consulted as part of the project motivation and section of this report describing the possible alternatives.
DEA&DP Guidelines on Environmental Management Plans (June 2005)	The Environmental Management Programme Guidelines were consulted as part of the compiling of the Environmental Management Programme (EMP) for this application to ensure that the EMP prescribed complies with the Guidelines.
DEA&DP Guideline for Determining the Scope of Specialist Involvement (June 2005)	This Guideline was consulted as an ecology report and a hydrological assessment was done for this proposal.

DEA&DP Waste Minimization Guideline Document for EIA Reviews (May 2003)	This Guideline was consulted in consideration of ways to minimise waste and wastage in design, construction and operational phases of the development.
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**6. Protocols**

Explain how the proposed activity or development complies with the requirements of the protocols referred to in the NOI and/or application form

Please see **Appendix I** for the sensitivity verification report.

## SECTION D: APPLICABLE LISTED ACTIVITIES

List the applicable activities in terms of the NEMA EIA Regulations

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 development to which the applicable listed activity relates.
15, 52	The development or expansion of structures in the coastal public property where the development footprint is bigger than 50 square metres	The proposed pathway would exceed 50 m <sup>2</sup> .
18	The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion	The proposed pathway would entail the placement of concrete on more than 10m <sup>2</sup> exposed sand surfaces within the littoral active zone in order to provide safe access for pedestrians, hence preventing the free movement of sand, erosion or accretion in these areas
19	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse	The pathway will cross a small stream flowing into the sea and may entail the disturbance of more than 10 cubic metres, depending on the design of the path at this point. It is highly unlikely though, as the area to be crossed will only impact on approximately 5m <sup>2</sup> surface area. Therefore, this activity will only be triggered if excavations required are more than 2m deep.
19A	The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from the seashore	Construction activities would necessitate the infilling or depositing of more than 5 m <sup>3</sup> of pebbles and grit within the seashore, as the pathway would be more than 1000m long.
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 development to which the applicable listed activity relates.
N.A. – although Activity 12 was considered, it is our opinion that it would not be required, as the path would be located below the HWM of the sea, where there is no vegetation to be cleared.		
<p><b>Note:</b></p> <ul style="list-style-type: none"> <li>The listed activities specified above must reconcile with activities applied for in the application form. The onus is on the Applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, a new application for Environmental Authorisation will have to be submitted.</li> <li>Where additional listed activities have been identified, that have not been included in the application form, and amended application form must be submitted to the competent authority.</li> </ul>		

List the applicable waste management listed activities in terms of the NEM:WA

Activity No(s):	Provide the relevant <b>Basic Assessment Activity(ies)</b> as set out in <b>Category A</b>	Describe the portion of the proposed development to which the applicable listed activity relates.
<b>Not applicable to this application.</b>		

List the applicable listed activities in terms of the NEM:AQA

Activity No(s):	Provide the relevant <b>Listed Activity(ies)</b>	Describe the portion of the proposed development to which the applicable listed activity relates.
<b>Not applicable to this application.</b>		

## SECTION E: PLANNING CONTEXT AND NEED AND DESIRABILITY

1.	Provide a description of the preferred alternative.
<p>The current proposal is for a path built in concrete consisting of battered and balustrade sections, depending on their heights above ground level and the wave force in the area. There would also be sections of varying demarcation as some areas that are accessible on the beach may only require subtle demarcation for users of the path to refrain from entering private property.</p> <p>Within the battered sections, steps would accommodate the landscape, creating paths over large rocks, while crossings would accommodate the falls and allow sea water to flow back and under the path. These gully areas would be bridged by heavy duty sugar gum beam crossings, connected to the concrete with stainless steel threaded bar.</p> <p>The balustrade sections are included for areas where the cliff fall is higher than 500mm, and where the walkway would have a concrete balustrade with a steel grab-bar for added safety.</p> <p>The path would not require municipal service infrastructure.</p>	
2.	Explain how the proposed development is in line with the existing land use rights of the property as you have indicated in the NOI and application form? Include the proof of the existing land use rights granted in Appendix E21.
<p>As this is a structure that would be located in the coastal public property, the municipal planning by-law does not apply. Because it is in the interest of the public, supporting tourism objectives, it does not require any change in land use legally or physically. The development would provide safer access to the coast, which is one of the objectives of NEMICMA.</p>	
3.	Explain how potential conflict with respect to existing approvals for the proposed site (as indicated in the NOI/and or application form) and the proposed development have been resolved.
<p>There are no existing approvals associated with the site that we are aware of.</p>	
4.	Explain how the proposed development will be in line with the following?
4.1	The Provincial Spatial Development Framework.
<p>Although the PSDF does not include coastal public property, the proposal is aligned with the PSDF's guiding principles in that the three pillars of sustainability are being complied with, namely Ecological Integrity (refers to the continued wholeness and success of the environment in terms of providing for and sustaining life on earth), Social Equity (refers to both material human wellbeing and spiritual human wellbeing) and Economic Efficiency (refers to the optimisation of benefit at the lowest cost).</p>	
4.2	The Integrated Development Plan of the local municipality.
<p>One of the Strategic objectives identified in the municipal IDP for 2017-2021 is social upliftment and economic development. The proposed connection of the Cliff path via Poole's Bay would contribute to the key performance areas identified under this objective, i.e. local economic development and tourism and the enhancement of sport, recreation and culture (Overstrand Municipality 2017:101).</p>	
4.3.	The Spatial Development Framework of the local municipality.
<p>The goals of the SDF include among others (Overstrand Municipality 2017: 224):</p> <ol style="list-style-type: none"> <li>2) An environmentally sustainable and resilient Overstrand.</li> <li>3) A memorable and distinctive Overstrand</li> <li>6) An accessible and connected Overstrand.</li> </ol>	

The proposed connection path of the existing distinctive Hermanus Cliff path sections intends to enhance coastal access without damaging the environment and would therefore be in line with the above goals.

4.4. The Environmental Management Framework applicable to the area.

With reference to the coast, the SEMF states that the protection of the aesthetic, tourism and cultural value of the coast requires that the planning and management of land use in the coastal zone takes these values into consideration. Land-use planning must also consider the predicted effects of climate change in terms of, disaster risk reduction strategies and programmes, and in terms of safeguarding and promoting ecosystem resilience (Cilliers and Withers, 2013:80). Restrictions are noted in terms of coastal management lines and buffers from wetlands, within which the proposed development would fall. However, the location, nature and scale of the proposed connection path would not significantly impact, or be impacted by these factors.

5. Explain how comments from the relevant authorities and/or specialist(s) with respect to biodiversity have influenced the proposed development.

Not applicable. Although comment was previously received regarding the CBA in the area, the site falls below the HWM. Construction activities would however be sensitive to the surrounding environment with demarcated no-go areas to limit any potential impact to the minimum.

6. Explain how the Western Cape Biodiversity Spatial Plan (including the guidelines in the handbook) has influenced the proposed development.

The Western Cape Biodiversity Spatial Plan (WCBSP) (2017) indicates a single freshwater feature falling just within the proposed site and classed partially as an aquatic Ecological Support Area (ESA) class 1, and also as an aquatic ESA class 2. ESA's are areas that are required to support the functioning of Critical Biodiversity Areas (CBA's) which are essential in averting loss of biodiversity. ESA class 1 is in good ecological condition, while an ESA class 2 requires rehabilitation. The WCBSP (2017) also indicates that the easternmost portion of the proposed path would most likely fall within the Fernkloof Nature Reserve. The design and construction methods would be sensitive to these features.

7. Explain how the proposed development is in line with the intention/purpose of the relevant zones as defined in the ICMA.

The proposed path would fall seaward side of the Coastal Management lines as promoted in the coastal management plan of the municipality.

8. Explain whether the screening report has changed from the one submitted together with the application form. The screening report must be attached as Appendix I.

The Screening tool report and site sensitivity verification report was submitted with the Notice of Intent and is dated April 2020. There have been no changes to the report since April.

9. Explain how the proposed development will optimise vacant land available within an urban area.

The proposed project is not located on available vacant land within the urban area.

10. Explain how the proposed development will optimise the use of existing resources and infrastructure.

The existing Hermanus coastal path would be enhanced by connecting it through Poole's Bay. Current informal access to the area is not optimal as it is not safe or easily accessible.

11.	Explain whether the necessary services are available and whether the local authority has confirmed sufficient, spare, unallocated service capacity. (Confirmation of all services must be included in Appendix E16).
<p>The proposed project would not require the use of municipal services. No additional services with additional capacity need be created.</p>	
12.	In addition to the above, explain the need and desirability of the proposed activity or development in terms of this Department's guideline on Need and Desirability (March 2013) or the DEA's Integrated Environmental Management Guideline on Need and Desirability. This may be attached to this BAR as Appendix K.
<p>See Appendix K.</p>	

## SECTION F: PUBLIC PARTICIPATION

The Public Participation Process ("PPP") must fulfil the requirements as outlined in the NEMA EIA Regulations and must be attached as Appendix F. Please note that if the NEM: WA and/or the NEM: AQA is applicable to the proposed development, an advertisement must be placed in at least two newspapers.

1. Exclusively for linear activities: Indicate what PPP was agreed to by the competent authority. Include proof of this agreement in Appendix E22.

See DEA&DP correspondence in **Appendix E22**

2. Confirm that the PPP as indicated in the application form has been complied with. All the PPP must be included in Appendix F.

This report is the pre-application draft report and is being initiated as a new process, even though it was subject to pre-application public participation during 2019. Proof of all public participation as part of this new process will be included with subsequent reports. It is not required to include proof of the previous public participation process. The public participation plan is however included under Appendix F.

3. Confirm which of the State Departments and Organs of State indicated in the Notice of Intent/application form were consulted with.

State Department / Organ of State	Date request was sent:	Date comment received:	Support / not in support
<b>Note that since this project has already been subject to scrutiny by various authorities and the public during 2019, relevant consultation has been indicated:</b>			
Department of Environmental Affairs & Development Planning – Directorate Coastal Management	12 June 2019 - Pre-application meeting, 9 September 2019 21 June 2019 - request for comment New request -December 2020	New comment to follow. Summary of comment received in Section 6 below	Support in principle
Department of Environmental Affairs – Oceans and Coasts	21 June 2019 - request for comment New request -December 2020	New comment to follow	Comments reserved for draft phase
Department of Environmental Affairs & Development Planning – Directorate Development Management Region 2	5 April 2019 (Notice of Intent to apply for Environmental Authorisation) 21 June 2019 - request for comment New request -December 2020	New comment to follow. Summary of comment received in Section 6 below	Not indicated
Department of Environmental Affairs & Development Planning – Directorate Pollution and Chemicals Management	21 June 2019 - request for comment New request -December 2020	None received initially, New comment to follow	
Department of Environmental Affairs & Development Planning – Coastal Management	21 June 2019 - request for comment New request -December 2020	New comment to follow. Summary of comment received in Section 6 below	
Department of Water and Sanitation / BGCMA	21 June 2019 - request for comment to DWS	None received initially, New comment to follow	



	New request to BGCMA - December 2020		
CapeNature	21 June 2019 - request for comment New request -December 2020	5 August 2019, new comment to follow. Summary in Section 6 below	Not indicated
Heritage Western Cape	28 May 2019 - NID submission Not required	7 June 2019, see Appendix E1	Final response - no further action
South African Heritage Resources Agency	11 June 2019 New request -December 2020	19 July 2019, new comment to follow	Interim comment
Overstrand Municipality	21 June 2019 - request for comment New request -December 2020	24 July 2019, new comment to follow. Summary in Section 6 below	Not indicated

4. If any of the State Departments and Organs of State were not consulted, indicate which and why.

See 3. above.

5. if any of the State Departments and Organs of State did not respond, indicate which.

See 3. above.

6. Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues were incorporated into the development proposal.

During the comment period on the pre-application draft BAR that was available for comment in June 2019, 91 comments were submitted formally. Of these about 60% were in support of the proposed project. It is noteworthy to mention the general support for the project by the wider public, but not necessary to include here, as this is a new process. Any new comments received will be included in subsequent reports.

Other comments included requests for registration, corrections to the documents, reminders of requirements of the application process and so on. These have been addressed where applicable in the documents referred to. The parties that requested to register will be kept on the register unless they opt to be removed.

The main issues highlighted in the remainder of the comments received included those as set out below in alphabetical order. For ease of reference, we include a summary of our response and referral to how it has been incorporated into the process. Note that only pressing concerns that required further consideration is included here. Since a new process was initiated, the actual comments and responses will not be included with this report and IAPs will have a new opportunity to raise comment on issues of concern that were not yet addressed.

Issue	Manner in which the issues were incorporated
<b>Access</b> Clarity on connection points to the existing path Comments in support also referred to the need for safer and equitable access and a	The two connection points to the existing path have now been indicated more clearly on the site plans. The Coastal Access Audit was considered the in the report as the Poole's Bay area was identified as a conflict area where public access is desired. Coastal access is an important government driven issue, as is evident from the current coastal

<p>desire to rather walk along the coastline than along the R43.</p>	<p>access management strategy. It was revealed during the public participation process for this strategy that people in the area was under the general impression that access was denied to this part of the coast.</p>
<p><b>Alternatives</b> No-go Inadequate consideration of alternatives</p>	<p>It is the intention of the process to consider practical options with their impacts to determine if feasible and reasonable and if not, the No-go option would be implemented.</p> <p>In the 2019 pre-application draft report, two alternatives were presented along with the no-go alternative. These alternatives were not substantially different, albeit from an alignment / layout point of view in that for one, the possibility of having the path above the HWM in some areas was explored. As a result, the impacts associated with each did not differ.</p> <p>Through respecting the fact that properties in this area extends down to the HWM and that the majority of landowners would prefer to see the path below the HWM the only feasible alignment is therefore along the HWM.</p> <p>Although other alternatives, such as materials to be used was considered, it is not regarded as practical within the coastal context and therefore it is motivated that they are not reasonable or feasible. The original design presented is more elaborate and not feasible from a financial point of view, considering that this would be a community funded project.</p> <p>The DEA&amp;DP Guideline on alternatives which confirms that in the absence of reasonable and feasible alternatives, the preferred alternative may be assessed in comparison the no-go alternative, provided that a reasonable motivation is provided for not considering other alternatives.</p>
<p><b>Birds</b> The importance of birds and sea life in this area and on the island close to the proposed eastern entry point.</p>	<p>This was further investigated and a survey by an Avian specialist is included under <b>Appendix G3</b>. Although two red data species were observed during their study, they also observed a number of people using the current informal path. Their findings concluded that the path would not present fatal flaws from an avian point of view that may compromise the birds' presence or possible breeding.</p>
<p><b>Costs and funding:</b> Use of public funding / Allocation of funds, Maintenance costs Ability of applicant to complete project</p>	<p>There has been a misconception by some people that the funding for this project would be municipal or other public funding.</p> <p>It is emphasized that the project is community driven, but would be dependent on private funding / donor funding for construction as well as maintenance. Financial guarantees have been suggested to ensure that the means to fund the project are available.</p>
<p><b>Construction</b> Timing; Methods; Management (noise, dust, nuisance, litter etc)</p>	<p>These issues have been formally addressed in the EMPr</p>
<p><b>Design and layout</b> Further refinement of design, alignment and inclusion of coastal management line on site plan Structural integrity</p>	<p>Revised design descriptions for the preferred alternative have been included in this report. Updated drawings / plans have been included in <b>Appendix B</b>.</p> <p>The path would need to be constructed in the same way any other sea-exposed structure is done, such as piers, harbours and tidal pools, so damage by wave action can be withstood.</p>

	Experienced engineers and contractors have been approached for input and method statements are to be included with the EMPr to ensure that structures are developed sustainably.
<b>Freshwater features</b> Stream and wetlands	The Freshwater ecologist suggested a bridge like crossing, so the approximately 2m wide stream would not be impacted. This has been incorporated into the design (sugar gum crossings). The ecologist further noted that if the path stays below the HWM, there should not be any impact on the wetlands located adjacent above the HWM. These areas have been demarcated as No-go areas in the EMPr
<b>Liability</b>	Liability can only be addressed by putting agreements in place with the relevant authorities and by ensuring disclaimers are visible along the pathway. This has been stipulated as a requirement to be implemented through the EMPr.
<b>Pollution</b> <b>Concrete spills</b>	The current specifications, as well as method statements to be included with the EMPr specifies how construction should take place to minimise the risk of spills.
<b>Safety (referring to physical safety when using the path)</b> Storm surges, danger during high tide, terrain	Appropriate signage has been recommended and included as a specification to be implemented through the EMPr. The purpose of the path would be to ease access over difficult terrain and the proposed design included in the report and <b>Appendix B</b> shows how - battered sections with steps over large rocks or crossings over crevices.
<b>Privacy</b> Loss of privacy Pool on Erf 6337	The proposed alignment is off private property. We have been informed by local landowners that there are regular breaches of privacy by hikers not knowing where to walk currently. It is assumed that since the path is envisaged to be as low as possible, formal demarcation would reduce the amount of people trespassing on private property. The path would also be aligned below the pool on Erf 6337.
<b>Property values</b> Decline due to loss of privacy and security	The perceived loss of privacy and security would be relative to the physical location of the path in relation to individual properties. It is unlikely that the values would decline substantially as a result of the pathway, which may not be physically visible to most of the properties due to topography, as the path would be located behind / below rocks in many places.
<b>Security (referring to criminal elements)</b>	It is our opinion that to formalise the Poole's Bay section would improve accessibility for law enforcement officials to pursue poachers or other criminal elements.
<b>Visual impact</b> The path may result in property owners erecting walls and fences which would have a visual impact.	It is not possible to respond or predict what property owners along the path would do. Currently only two properties don't have some form of barrier between their property and the shore.
<b>Waste Management</b> Construction and operational phases of the proposed development - it must be specified who will be responsible.	The EMPr specifies how waste should be dealt with during construction and operational phase and specifies responsibility.
<b>Specific comments issued by Organs of State that have been incorporated / addressed:</b> <u>Cape Nature:</u>	
<ul style="list-style-type: none"> <li>• recommendation that the proposed footpath should minimise the amount of the construction and structures as far as possible</li> </ul>	

*The design has since been revised to be as little intrusive as possible*

- Use of pre-cast concrete

*Although pre-cast concrete would be preferred, the terrain may not allow it in all places and small batches of on-site casting may be more practical. A method statement would cover the applicable method.*

- in terms of the Sea-Shore Act (Act No 21 of 1935), a lease is required from CapeNature for structures below the HWM.

*An application will be made in due course, if still applicable at the time.*

- The location of the footpath below the HWM needs to be considered in terms of the impact on the coastal environment, in particular related to hydrodynamics.

*We understand hydrodynamics to be the study of the flow of water. It has been acknowledged in the design that since the path would be located below the HWM, it should not create a tidal pool by restricting water to flow back to the ocean. The path therefore includes various crossings, which would allow for water flowing through. Battered sections would be at a gentle slope to accommodate rough sea conditions.*

- Coastal management lines (CML) not indicated in relation to the proposed alignment to the path. The CML's are landward of the HWM, while the path would be located below the HWM

Department of Environment Affairs (DEA) Branch: Oceans and Coast (Directorate: Coastal Conservation and Strategies)

- Comments reserved for draft phase

Department of Environmental Affairs and Development Planning Western Cape Government (Directorate: Biodiversity and Coastal Management):

- More detailed consideration of S63 of NEMICMA

*The objectives of the Act is to promote social equity and make best economic use of coastal resources, whilst protecting the natural environment, which can be realised through the proposed project.*

*See Section 3.2 below for discussion on coastal attributes and management lines and Section 3.3.*

- Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone

*An Estuarine Functional Zone, is not applicable in this context, as the project falls approximately 5 kms away from the Klein River Estuary*

Department of Environmental Affairs and Development Planning Western Cape Government (Directorate: Development Management: Region 1)

- Submission of a written water use application request to the DWS if a WULA is required, proof of submission to BGCMA and all information related to the WULA application must be included in the BAR

*Currently in consultation with BGMA regarding requirements*

- In addition to this, comment from the relevant water management authority regarding the proposed development, must be obtained.

*Currently in consultation with BGMA regarding requirements*

- a separate MMP document must be drafted and included in the final BAR

*A MMP was already included as a separate document under Section 6 of the EMPr.*

- The Public Participation Process must comply with the requirements of Regulation 41 of the EIA Regulations 2014, and proof of compliance with all the steps undertaken must be included in the Final BAR.

- Obtaining comments from listed authorities

- An original signed and dated applicant declaration is required to be submitted with the final BAR.

- An original signed and dated EAP declaration is required to be submitted with the final BAR

### Heritage Western Cape

- Should any heritage resources, including evidence of graves and human burials, archaeological material and palaeontological material be discovered during the execution of the activities, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

*Specification included in EMPr*

### South African Heritage Resources Agency

- Should any structures or shipwreck remains older than 60 years be uncovered during the proposed works, they must be notified immediately so that further advice can be given regarding complying with heritage legislation

*Specification included in EMPr*

### Overstrand Municipality

- Specify which entity will be responsible for maintenance of the path as well as responsibilities in terms of refuse removal/emptying of bins
- Specify which entity will be dealing with claims in regard to public liability

*The CPAG would be the authorised entity with responsibility of compliance (including implementation of the MMP unless the EA is amended. Disclaimer of liability signs will be erected in visible places according to the EMPr*

### Overberg District Municipality

- Inclusion of visual concept of path

See Appendix B

- Method statement of construction process

*This can only be provided by the contractor when construction will take place, but is a requirement of the EMPr. Construction methods have been indicated for the battered and balustrade sections in Section B 3.3 (Fig 2) above.*

#### **Note:**

A register of all the I&AP's notified, including the Organs of State, and all the registered I&APs must be included in Appendix F. The register must be maintained and made available to any person requesting access to the register in writing.

The EAP must notify I&AP's that all information submitted by I&AP's becomes public information.

Your attention is drawn to Regulation 40 (3) of the NEMA EIA Regulations which states that "*Potential or registered interested and affected parties, including the competent authority, may be provided with an opportunity to comment on reports and plans contemplated in subregulation (1) prior to submission of an application but **must** be provided with an opportunity to comment on such reports once an application has been submitted to the competent authority.*"

All the comments received from I&APs on the pre -application BAR (if applicable and the draft BAR must be recorded, responded to and included in the Comments and Responses Report and must be included in Appendix F.

All information obtained during the PPP (the minutes of any meetings held by the EAP with I&APs and other role players wherein the views of the participants are recorded) and must be included in Appendix F.

Please note that proof of the PPP conducted must be included in Appendix F. In terms of the required "proof" the following is required:

- a site map showing where the site notice was displayed, dated photographs showing the notice displayed on site and a copy of the text displayed on the notice;
- in terms of the written notices given, a copy of the written notice sent, as well as:
  - if registered mail was sent, a list of the registered mail sent (showing the registered mail number, the name of the person the mail was sent to, the address of the person and the date the registered mail was sent);
  - if normal mail was sent, a list of the mail sent (showing the name of the person the mail was sent to, the address of the person, the date the mail was sent, and the signature of the post office worker or the post office stamp indicating that the letter was sent);
  - if a facsimile was sent, a copy of the facsimile Report;
  - if an electronic mail was sent, a copy of the electronic mail sent; and

- if a "mail drop" was done, a signed register of "mail drops" received (showing the name of the person the notice was handed to, the address of the person, the date, and the signature of the person); and
- a copy of the newspaper advertisement ("newspaper clipping") that was placed, indicating the name of the newspaper and date of publication (of such quality that the wording in the advertisement is legible).

## SECTION G: DESCRIPTION OF THE RECEIVING ENVIRONMENT

All specialist studies must be attached as Appendix G.

### 1. GROUNDWATER

1.1.	Was a specialist study conducted?	YES	NO
1.2.	Provide the name and or company who conducted the specialist study.		
Not applicable			
1.3.	Indicate above which aquifer your proposed development will be located and explain how this has influenced your proposed development.		
Not applicable			
1.4.	Indicate the depth of groundwater and explain how the depth of groundwater and type of aquifer (if present) has influenced your proposed development.		
Not applicable			

### 2. SURFACE WATER

2.1.	Was a specialist study conducted?	YES	NO
2.2.	Provide the name and/or company who conducted the specialist study.		
Enviroswift conducted a screening study to delineate wetlands in the vicinity of the path.			
2.3.	Explain how the presence of watercourse(s) and/or wetlands on the property(ies) has influenced your proposed development.		
The proposed development would be located below the HWM and will have minimal impact on the wetland area 1, while the stream will be crossed by a sugar gum crossing over it so as to not impede any flow into the sea at this point. At wetland Area 2, there should not be any impact on the wetland where it drains into the sea, as the path would be located below the HWM.			

### 3. COASTAL ENVIRONMENT

3.1.	Was a specialist study conducted?	YES	NO
3.2.	Provide the name and/or company who conducted the specialist study.		
Coastal Attributes were investigated by the EAP and the following information is presented: The shoreline areas of the Overberg coastline are rugged and characterized by a range of habitats including rocky headlands, boulder beaches, wave cut platforms, sandy beaches, subtidal soft sediment habitats, pocket beaches, kelp forests, estuaries, sub tidal reefs and pelagic habitat (DEA&DP 2015:2). The Poole's Bay area in particular consists mostly of rocky outcrops (as also indicated on the topographical map in <b>Appendix A</b> ), but some small gravel coves and pebble beaches with kelp washed up in many places are also found along the connection path.			



**Figure 5: Rocky outcrops**



**Figure 6: Gravel in small coves**



**Figure 7: Pebble beach**



**Figure 8: Tidal pool and pebbles / gravel**

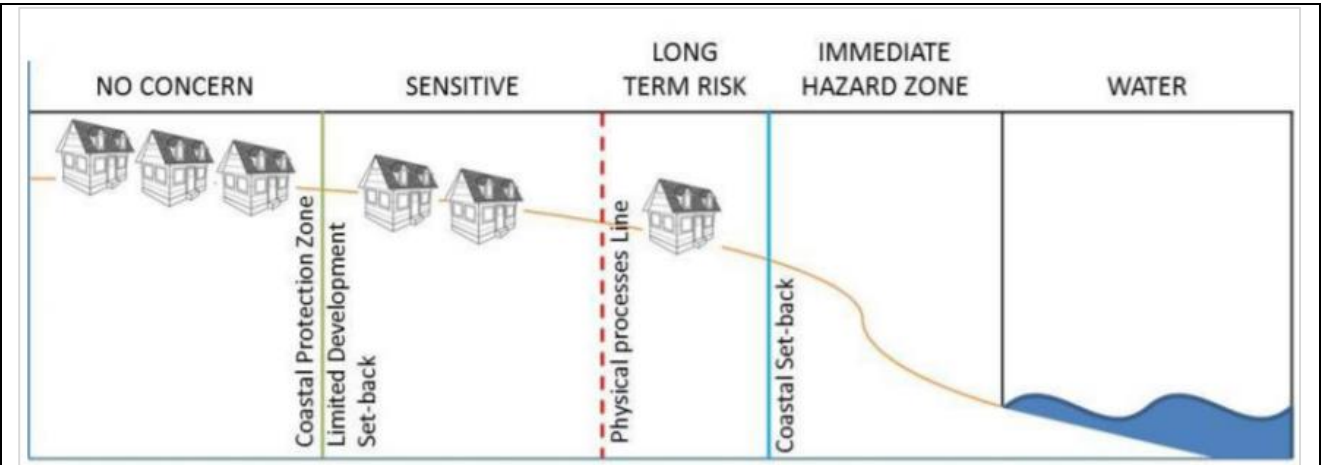
During 2010, a study to inform development setback for the Overberg District was undertaken, which also informed the DEA&DP Coastal Management Programme (2015). The Overberg Coastal Set-backs project involved delineating realistic coastal set-back line(s) (or coastal management lines / CMS1) in addition to the modelled maximum risk line. The management lines would then translate long term (e.g. 100 year) natural processes modelling into guidance that relates to pragmatic planning horizons (e.g. 50 year structural life expectancy). The project culminated in the designation of three conceptual lines or zones:

- A broad Coastal Protection Zone extending to the landward boundary of sensitive coastal features in addition to the maximum modelled coastal risk zone, within which limited management control was required
- A Physical Processes Zone<sup>2</sup> which demarcated the output of the rigorous scientific modelling process used to project future coastal risk
- A Draft Overberg Coastal Set-back Line which designated a narrow band of high risk area along the shoreline within which strict management controls are to be applied

<sup>1</sup> Coastal Management line (CMA) means a line determined in accordance with section 25 of the NEMICMA, as amended, in order to demarcate an area within which development will be prohibited or controlled in order to achieve the objects of the Act or coastal management objectives

<sup>2</sup> A physical process / hazard line is intended to define the limit of the coastal area seaward of which any development is likely to experience unacceptable risk of erosion, flooding by wave action and/or unacceptable maintenance of windblown sand accumulations.

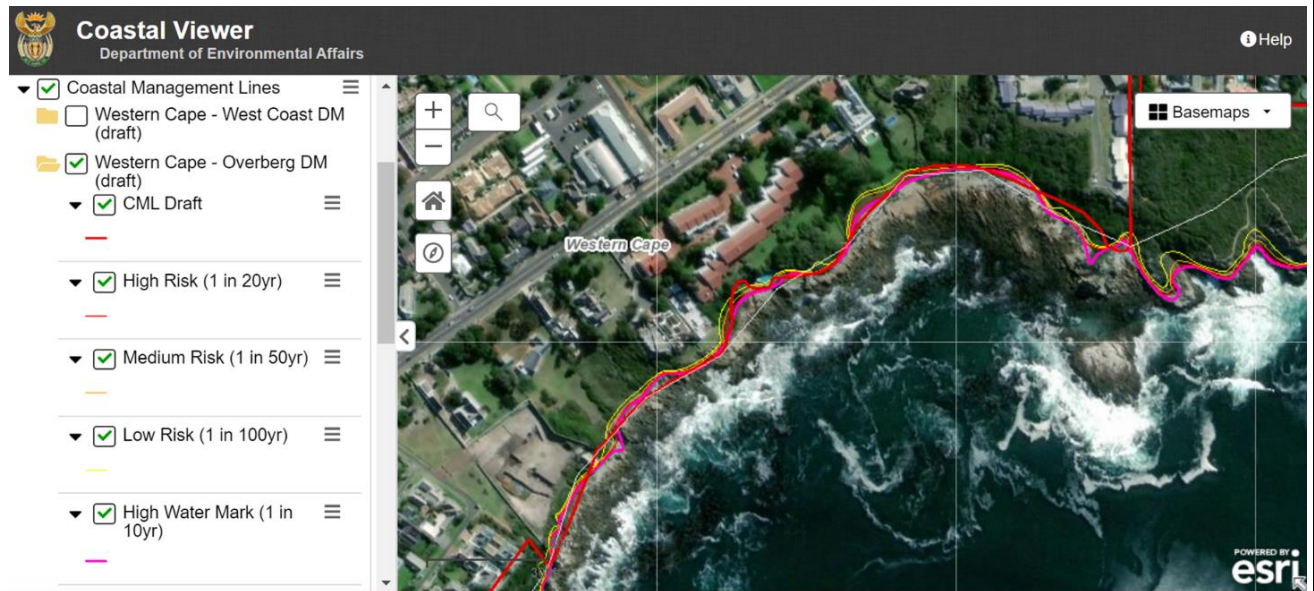




**Figure 9: Schematic representation of Overberg District Coastal Set-Back Lines concept (source – DEA&DP 2015:11)**

The Coastal Management line (CML) is an important factor to consider in any development application. In terms of the NEMICMA, **Coastal Management Lines** are intended to protect **coastal** public property, private property, the **coastal** protection zone, people and infrastructure from the dynamic processes of the coast in the interest of public safety, and preservation of the aesthetic value of the **coastal** zone. For Overstrand in this particular location, it follows the edge of the 13 properties along Poole’s Bay, as indicated in Figure 8 below. Note that the CML and the HWM overlaps to a great extent (CML - thick red line, HWM thick pink line). The CML has been indicated on the Site plans included under **Appendix B**.

Note that the HWM was surveyed in September 2020. It is indicated in finer detail on the Site development plans in **Appendix B**.



**Figure 10: Coastal Management line in Poole’s Bay area**

3.3.	Explain how the relevant considerations of Section 63 of the ICMA were taken into account and explain how this influenced your proposed development.
<p>Section 63 of NEMICMA refers to Environmental authorisations for coastal activities. “coastal activities” means activities listed or specified in terms of Chapter 5 of the National Environmental Management Act which take place in (a) in the coastal zone; “coastal zone” means the area comprising coastal public property, the coastal protection zone, coastal access land, coastal protected areas, the seashore and coastal waters, and includes any aspect of the environment on, in, under and above such area; The property falls within the coastal protection zone, which includes any land parcel within 100m of the high watermark of the sea. The trigger is therefore the 100m threshold from the HWM.</p>	

The preamble of this Act states among others that everyone has the constitutional right to have the environment, including the coastal environment, protected for the benefit of present and future generations; that the coastal zone is a unique part of the environment in which biophysical, economic, social and institutional considerations interconnect in a manner that requires a dedicated and integrated management approach; that much of the rich natural heritage of our coastal zone is being squandered by overuse, degradation and inappropriate management; and that the economic, social and environmental benefits of the coastal zone have been distributed unfairly in the past. The Act was therefore promulgated to establish a system of integrated coastal and estuarine management to also ensure that development and the use of natural resources within the coastal zone is socially and economically justifiable and ecologically sustainable.

As far as the requirements are applicable to the Proponent, the development is proposed mainly within the coastal public property. The Act is very clear on access to coastal public property:

- (1) Subject to this Act and any other applicable legislation, any natural person in the Republic -
- (a) has a right of reasonable access to coastal public property; and
  - (b) is entitled to use and enjoy coastal public property, provided such use-
    - (i) does not adversely affect the rights of members of the public to use and enjoy the coastal public property;
    - (ii) does not hinder the State in the performance of its duty to protect the environment; and
    - (iii) does not cause an adverse effect.
- (1A) Subject to subsections (2) and (3), no person may prevent access to coastal public property.

The Act states under Section 15 (2) that no person may construct, maintain or extend any structure, or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act (NEM:ICMA), the National Environmental Management Act or any other specific environmental management Act. This implies an Application for Environmental Authorisation under NEMA, as well as a Coastal use permit.

Previously, the competent authority was not allowed to grant an environmental authorisation if the activity was situated within coastal public property and inconsistent with the objective of conserving and enhancing coastal public property for the benefit of current and future generations, or is situated within the coastal protection zone or coastal access land and is inconsistent with the purposes of those zones, unless the nature of the activity requires it to be located within that particular zone or the activity will provide important services to the public. However, in terms of the NEM:ICMA Amendment Act the competent authority merely has to take the following factors into account in making a decision and is not prohibited from granting an environmental authorisation if the applicant does not satisfy the competent authority that these factors do not apply:

- whether coastal public property, the coastal protection zone or coastal access land will be affected, and if so, the extent to which the proposed development or activity is consistent with the purpose for establishing and protecting those areas;
- the estuarine management plans, coastal management programmes (CMP), coastal management lines and coastal management objectives (CMOs) applicable in the area;
- the likely impact of coastal environmental processes on the proposed activity;
- whether the very nature of the proposed activity or development requires it to be located within coastal public property, the coastal protection zone or coastal access land; and
- whether the proposed activity or development will provide important services to the public when using coastal public property, the coastal protection zone, coastal access land or a coastal propertyed area

The proposed development would fall within the Coastal Public Property and would therefore affect it as a new structure would be developed. The proposed development is intended to enhance the Coastal Public Property, as it would provide improved access to this part of the coastline, that is also in line with the Western Cape Coastal Access strategy.

3.4.	Explain how estuary management plans (if applicable) has influenced the proposed development.
	The proposed development would not fall within an estuary.
3.5.	Explain how the modelled coastal risk zones, the coastal protection zone, littoral active zone and estuarine functional zones, have influenced the proposed development.
	Not applicable. The path is proposed on the seaward side of the HWM, therefore these zones are not applicable.

#### 4. BIODIVERSITY

4.1.	Were specialist studies conducted?	YES	NO
4.2.	Provide the name and/or company who conducted the specialist studies.		
	Not applicable.		
4.3.	Explain which systematic conservation planning and other biodiversity informants such as vegetation maps, NFEPA, NSBA etc. have been used and how has this influenced your proposed development.		
	Although the proposed path would seemingly fall within the CBA that is indicated along this stretch of coastline, it is not indicated as such on the WCBSP, as the site falls below the HWM, where very little vegetation is found.		
4.4.	Explain how the objectives and management guidelines of the Biodiversity Spatial Plan have been used and how has this influenced your proposed development.		
	The Western Cape Biodiversity Spatial Plan (WCBSP) (2017) indicates a single freshwater feature falling just within the proposed site and classed partially as an aquatic Ecological Support Area (ESA) class 1, and also as an aquatic ESA class 2. ESA's are areas that are required to support the functioning of Critical Biodiversity Areas (CBA's) which are essential in averting loss of biodiversity. ESA class 1 is in good ecological condition, while an ESA class 2 requires rehabilitation. The WCBSP (2017) also indicates that the easternmost portion of the proposed path would most likely fall within the Fernkloof Nature Reserve, but the border of the reserve falls on the top of the Cliff where the current Cliff path is located.		
4.5.	Explain what impact the proposed development will have on the site specific features and/or function of the Biodiversity Spatial Plan category and how has this influenced the proposed development.		
	Areas below the HWM is not covered in the Western Cape Biodiversity Spatial Plan (WCBSP) (2017).		
4.6.	If your proposed development is located in a protected area, explain how the proposed development is in line with the protected area management plan.		
	The development site is not located in a Protected area.		
4.7.	Explain how the presence of fauna on and adjacent to the proposed development has influenced your proposed development.		
	Fauna on or adjacent the site is limited to shore birds, an occasional sea otter, dassies or whales off shore. The design is sensitive to the environment as to not impede movements of any of the fauna that would have to cross the path. Whales would not be affected.		

## 5. GEOGRAPHICAL ASPECTS

Explain whether any geographical aspects will be affected and how has this influenced the proposed activity or development.

The proposed activity is not expected to result in any significant geographical impacts. Due to the location of the site and the nature and the character of the surrounding land use types, the impact associated with this anticipated change is expected to be low. The path would be built with concrete, with a rough aggregate, to encourage staining and seaweed/mussel shell growth, thus minimising impact. Physically, a new structure would be created in the landscape, but it is expected that it would blend into the surrounding environment over time, since it would be built as near as possible to the bedrock and to conform to the local topography.

## 6. HERITAGE RESOURCES

6.1.	Was a specialist study conducted?	YES	NO
6.2.	Provide the name and/or company who conducted the specialist study.		
Jayson Orton, Asha Consulting.			
6.3.	Explain how areas that contain sensitive heritage resources have influenced the proposed development.		
<p>There are a number of buildings older than 60 years in the area and the tidal pool adjacent to erf 6337 is also older than 60 years (though now heavily modified), which would not be affected by the proposed development. (Orton, 2019).</p> <p>The first phase of the existing Cliff path was completed in 1948, thus making the existing Cliff path older than 60 years. A member of Mollergren Park Board provided the history as recorded by the Rotary Club between 1948-1998 (Pers comm W Hamman, 2019):          “The first phase of making the cliff path wheel chair friendly and extending it from Protea Road to the Marine Hotel car park has been completed.</p> <p>As a result of the success of this project it was decided to extend it by reconstructing the path to the Old Harbour. Rotary provided the money for the materials and the Municipality provided the labour. “</p> <p>Basil Clark Brown was Rotary’s supervisor or Clerk of works at the time.</p> <p>When Mr Hamman became President of Rotary in 2000, they constructed a hall at Mollergren Park and asked if the Cliff Path could be extended past Mollergren. It was indicated at the time that the land is private and Rotary did not have the financial resources to contest this in court.</p>			

## 7. HISTORICAL AND CULTURAL ASPECTS

Explain whether there are any culturally or historically significant elements as defined in Section 2 of the NHRA that will be affected and how has this influenced the proposed development.

Two Later Stone Age (LSA) archaeological sites were located. One was a scatter of shells and quartzite flakes near the east end of the study area. An existing old footpath goes through the site, but it appears to be only a very light scatter that extends under the bushes in this area. A second site was identified only by a few marine shells in an area of lawn and garden midway along the proposed pathway.

Description of impact on heritage resource: The LSA site will be only very slightly impacted since the new path will be built along the alignment of the existing informal pathway. The site is in a private garden and will not be impacted by the new works. (Orton, 2019)

(Refer to NID attached in **Appendix E1** for more details)

## 8. SOCIO/ECONOMIC ASPECTS

8.1. Describe the existing social and economic characteristics of the community in the vicinity of the proposed site.

By 2023 the population is estimated to be approximately 98 000 with the current unemployment rate of 19 % (Western Cape 2017:3). The economic sectors that contributed the most to employment in the Overstrand area (2015 figures) included the wholesale and retail trade, catering and accommodation (28.2 per cent), the finance, insurance, real estate and business services (15.0 per cent) and the community, social and personal services (13.5 per cent) sectors. Tourism falls mostly under the wholesale and retail trade catering and accommodation sector. (Western Cape 2017:25) The tourism industry in the province has grown faster and created more jobs than any other industry. One in 10 employees in the Western Cape earns a living in the tourism industry, and it contributes more than R25 billion to the provincial economy (Overstrand, 2018:6).

Hermanus is one of the top five cities visited in the Western Cape (Wesgro 2016:7) Hermanus emerges unsurprisingly as the economic hub of the Overstrand local economy contributing almost two-thirds (62,2%) of the area's economic output. Tourism is a major economic driver for the Overstrand and plays an important role in the social, cultural and economic vibrancy of the Overstrand. The effect of tourism is not limited to the accommodation, cafes & restaurants, retail and personal services sectors; the indirect financial and employment benefits filter through to all industries (Overstrand, 2018:10).

Historical processes have over time limited access to the coast. This is reflected in socio-economic patterns of land dispossession and ownership in the present (DEA&DP 2018:18). Historical restriction of access in this particular area has also mostly been driven by property ownership and until very recently, access was 'prohibited' by private signage.



**Figure 11: Older signage along the connection path, which has only recently been removed (photo provided by the Applicant)**



**Figure 12: Current signage at the Bayview apartments, which could also be interpreted as no access to the connection path**

8.2. Explain the socio-economic value/contribution of the proposed development.

The area would likely benefit from this development and the proposal has merit because it will result in a better utilisation of tourism infrastructure. The execution of this activity would be beneficial considering the possible consequences that unformalised access could have.

8.3. Explain what social initiatives will be implemented by applicant to address the needs of the community and to uplift the area.

The applicant has already launched a number of campaign to make people aware of the possibility of walking along this area of the coastline. Currently access is not easy.

Although not a specific social initiative, It will improve safety of people as they are currently using an informal and indistinctly demarcated pathway.

It would improve health, safety and general sense of place through avoiding a narrow sidewalk along the R43, which is the main route through Hermanus connecting other towns in the region.

The Hermanus Cliff path is a landmark tourism attraction. Having an uninterrupted pathway along approximately 13km of coast line would enhance this feature, which contributes positively towards tourism (a major income source for the town of Hermanus).

Furthermore, it will create a limited number of job opportunities during the construction phase.

8.4. Explain whether the proposed development will impact on people's health and well-being (e.g. in terms of noise, odours, visual character and sense of place etc) and how has this influenced the proposed development.

The overall impact is expected to be of a positive nature. Provided that the conditions and other precautionary and mitigation measures stipulated in both this BAR and the attached EMPr are complied with, it is not anticipated that the proposed activity will impact negatively on people's safety, health or wellbeing. On the contrary, the proposed development would improve the safety of people using the currently informal pathway. Visually, the impact would be localised. Furthermore, it would create a limited number of job opportunities during the construction phase.

## SECTION H: ALTERNATIVES, METHODOLOGY AND ASSESSMENT OF ALTERNATIVES

### 1. DETAILS OF THE ALTERNATIVES IDENTIFIED AND CONSIDERED

1.1.	Property and site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts.
Provide a description of the preferred property and site alternative.	
Due to the fact that this Application is for the development of a connection path along the Poole's Bay coast to connect two ends of the existing Hermanus Cliff Path along the shore, only one site alternative has been assessed.	
Provide a description of any other property and site alternatives investigated.	
Due to the nature of this application, no activity alternatives were investigated. The proposed activity entails the construction of a concrete pedestrian path on the seashore.	
Provide a motivation for the preferred property and site alternative including the outcome of the site selectin matrix.	
Due to the fact that this Application is for the formalisation of an informal pathway to connect to an existing formalised pathway, only one site alternative exists, and no other sites were considered or assessed.	
Provide a full description of the process followed to reach the preferred alternative within the site.	
<p>Project objectives were determined. The main objective for the applicant is to complete the Hermanus Cliff path through Poole's Bay.</p> <p>Constraints were investigated, especially the position of the high watermark and topography, as well as possible impact to birds, heritage and freshwater features in proximity to the site.</p> <p>Alternatives were considered including the path being above the HWM in some sections - but since the route is limited to the high watermark through Poole's Bay as a result of private property boundaries up to the HWM, alternatives are limited to use of materials and design. T</p> <p>The reality of climate change, sea-level rise and more frequent storm events is not debated, hence the proposal for a low and robust structure to withstand such events. The success of concrete structures in rough sea conditions have been repeatedly confirmed, and it seems fitting to implement a well validated solution.</p> <p>As there was a previous opportunity to obtain input from adjoining landowners, their local knowledge, concerns and suggestions were incorporated as far as practically possible.</p> <p>Initially the path would also have spanning sections (thus design alternative), but the cost of construction would be too high and the visual effect too sophisticated. The preferred alternative would therefore consist of battered and balustrade sections, depending on the height above ground level as well as the wave force in the area. To make the design as little intrusive in the landscape as possible, there would also be sections of varying demarcation as some areas on the beach may only require subtle demarcation for users of the path to refrain from entering private property.</p> <p>Ballustrade sections would have stainless steel grab rails for safety. Steps would accommodate the landscape, creating paths over large rocks, while crossings would accommodate the falls and allow sea water to flow back and under the path. These gully areas would be bridged by heavy duty sugar gum beam crossings, connected to the concrete with stainless steel threaded bar.</p> <p>The layout is planned to follow the HWM from in front of Erf 12257 to Erf 6088 at Mickey's Rock. Avian specialists indicated that disturbance to the birds on the Island at Mickey would not be of significant concern, but the option</p>	

of informal access over Erf 6088 would still form part of the layout, should the landowners be receptive to registering a servitude at any time in the future.

Provide a detailed motivation if no property and site alternatives were considered.

Should a path be built in this location, it can only be located below the high watermark. Consideration of site alternatives would therefore be futile.

The description of the investigation of alternatives considered are provided in section (c) and (d) above and will not be repeated here.

List the positive and negative impacts that the property and site alternatives will have on the environment.

N.a.as there are no property / site alternatives.

1.2.	Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts.
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Provide a description of the preferred activity alternative.

The activity would be the construction of an approximately 1.4m wide concrete pedestrian path that would have battered and balustrade sections as well as areas with subtle demarcation where a path is not necessary.

Provide a description of any other activity alternatives investigated.

Due to the nature of this Application, no activity alternatives were investigated. The proposed activity entails the construction of a concrete pedestrian path on the seashore.

Provide a motivation for the preferred activity alternative.

The existing Hermanus Cliff Path is interrupted at Poole's Bay and people can either navigate the rocks along this stretch or turn to the R43 and proceed next to a fairly busy road to where the Cliff Path continues. The proposed concrete path would allow safer and aesthetically more pleasing access along this area, albeit below the highwater mark since private property reaches up to the HWM in Poole's Bay.

Provide a detailed motivation if no activity alternatives exist.

There is not another viable way to allow access through Poole's Bay.

List the positive and negative impacts that the activity alternatives will have on the environment.



Construction		
Aspect	Impact	Significance
Geographical / physical	Structure in the landscape	Low-
Geographical / physical	Spillage of concrete / pollution	Low-
Biological	Disruption of aquatic / marine ecology	Low-
Biological	Displacement of birds	Med-
Biological	Destruction of vegetation	Med-
Waste	Pollution - litter and building rubble	Low-
Noise	Nuisance of construction noise	Low-
Visual	Visual intrusion of activities	Low-
Socio-economic	Destruction of archaeological resources	Med-
Socio-economic	Employment creation	Med+
Operation		
Biological	Displacement of birds	Med-
Waste	Pollution - litter	Med-
Socio-economic	Improvement of access to coastal resources (tourism)	High+
Socio-economic	Improvement of safety (pedestrians)	High+
Socio-economic	Improvement of security (neighbouring private property)	High+
Socio-economic	Improvement of privacy (reduced trespassing on neighbouring private property)	High+
Socio-economic	Employment creation	Med+
Cultural	Improvement of the landscape and natural features (the Cliff Path valued by the local community for aesthetic significance)	High+

See detailed assessment of preferred alternative and no-go alternative in Section H 4 below.

1.3. Design or layout alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts

Provide a description of the preferred design or layout alternative.

The alternatives presented in the first Pre-application BAR during 2019 were as follows:

**First and Preferred layout Alternative - Mostly below the HWM (A1)**

The preferred layout alternative entails the construction of a concrete pedestrian footpath just below the high watermark of the sea in Poole's Bay, but following the topography of the coast and erf boundaries as far as possible, which may in some cases be above the HWM of the sea in Poole's Bay

**Second Layout Alternative – Entirely below the HWM (A2)**

This layout alternative entails the construction of a concrete pedestrian footpath just below the high watermark of the sea in Poole's Bay, which would follow the HWM completely thus avoiding crossing any of the 13 properties along Poole's Bay of which the boundaries are up to the HWM. Although this is possible from an engineering point of view, it is a less safe option and would therefore be the more expensive option to design it in such a way to provide optimal safety.

The design further proposed spanning sections, dowelled sections and steppingstone sections.

While the above were under revision, the pre-application file was closed.

**Revisions to alternatives (2020):**

Through careful consideration of the terrain by physical investigation and survey of the high watermark, as well as consultation with local land owners, engineers and building contractors, it was found that within the limitation of

the HWM, the only feasible alternative would be a revised design, which consists of battered sections of no higher than 500mm with steps to accommodate uneven rocks and where the terrain requires these section to raise higher than 500mm, a concrete balustrade with stainless steel grab handles would improve safety during rough sea conditions. In areas where the terrain is relatively flat, no structures are required and the path would be marked with varying demarcation, best suited to the specific section of the path (bollards, local rocks etc). The layout is still proposed entirely below the HWM but includes an informal additional section over Erf 6088 where only demarcation is necessary - no construction would take place in this section. This could possibly be formalised by way of servitude, should the landowners be receptive to it.

The design is an improvement to the original design in terms of practicality and cost (taking into account that it is a community driven project that would be dependent on donor funding) and would be the least visible in the landscape. As such, the need to present both designs as alternatives were not regarded necessary as it would follow the same layout on the ground.

Provide a description of any other design or layout alternatives investigated.

The first design layout considered consisted of spanning sections, dowelled sections and steppingstone sections. This was during 2019 and was presented in the pre-application BAR of June 2019.

Provide a motivation for the preferred design or layout alternative.

The current design layout is preferred as it would consist of battered sections following the bedrock as close as possible, balustrade areas where rocks are too high or steep and areas with minimal construction where only subtle demarcation is necessary.

Provide a detailed motivation if no design or layout alternatives exist.

The first design considered during 2019 is not regarded to be feasible anymore and will therefore not be considered further.

List the positive and negative impacts that the design alternatives will have on the environment.

The development in its entirety would result in the identified impacts and the design would not have any distinct impact. The assessment of preferred alternative and no-go alternative in Section H 4 below.

1.4.	Technology alternatives (e.g., to reduce resource demand and increase resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts.
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Provide a description of the preferred technology alternative:

The materials that can possibly be used for construction can also be viewed as technology alternatives. The path would consist mostly of concrete with some crossings being sugar gum slabs.

Provide a description of any other technology alternatives investigated.

Wooden structures instead of concrete structures were considered, but due to the rough sea conditions and the path being situated below the HWM, this option is not regarded as practical as it would require constant repair and maintenance of infrastructure.

Solid stainless-steel structures could also be considered, but would be too expensive and would not blend into the landscape as easily as a concrete path.

Provide a motivation for the preferred technology alternative.

Since the infrastructure would be a public asset, a practical, durable and robust design is required, which would be served best by using concrete as the main building material. Stainless-steel grab handles in the most exposed

balustrade areas would however form part of the design as an extra safety measure. The only timber material to be used, would be the sugar gum crossings, but would be limited to gully areas and crossing of a small stream to allow for the natural throughflow of water. Maintenance requirements are included in the EMPr

Provide a detailed motivation if no alternatives exist.

Alternatives that exist would not be durable or viable.

List the positive and negative impacts that the technology alternatives will have on the environment.

No technology alternatives have been assessed. The development in its entirety would result in the identified impacts and technology would not have any distinct impact. See assessment of preferred alternative and no-go alternative in Section H 4 below.

1.5. Operational alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts.

Provide a description of the preferred operational alternative.

Although not strictly an operational activity, maintenance of the path could be regarded as operational activities. This would be limited to upkeep of the path itself, should storm damage occur and maintenance of information signage and safety warnings.

Provide a description of any other operational alternatives investigated.

Not applicable

Provide a motivation for the preferred operational alternative.

Not applicable

Provide a detailed motivation if no alternatives exist.

No operational alternatives exist. The proposed development would be a fixed structure in the landscape with only maintenance requirements.

List the positive and negative impacts that the operational alternatives will have on the environment.

No operational alternatives have been assessed. The development in its entirety would result in the identified impacts and operational activities would not have any distinct impact. See assessment of preferred alternative and no-go alternative in Section H 4 below.

1.6. The option of not implementing the activity (the 'No-Go' Option).

Provide an explanation as to why the 'No-Go' Option is not preferred.

In the case of the '**no-go**' alternative (**NO-GO ALTERNATIVE**), no action will be taken to formalise the path and undesirable access conditions will remain.

1.7. Provide an explanation as to whether any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist.

None.

1.8. Provide a concluding statement indicating the preferred alternatives, including the preferred location of the activity.

The preferred proposal is for a path following just below the HWM (albeit for its eastern and western entry points where it connects to the existing Hermanus Cliff Path). The path would further include an informal additional section over Erf 6088 where only demarcation is recommended - no construction would take place in this section.

It would be built of concrete, with a rough aggregate, to encourage staining and seaweed/mussel shell growth. It would consist of battered and balustrade sections, depending on the height above ground level as well as wave force in the area. A number of crossings would be included to accommodate the falls and allow sea water to flow back and under the path. These gully areas would be bridged by heavy duty sugar gum beam crossings, connected to the concrete with stainless steel threaded bar. There would also be sections of varying demarcation as some sections which are accessible on the beach may only require subtle demarcation for users of the path to refrain from entering private property.

The balustrade sections would be built in areas where the cliff fall is higher than 500mm. Here the walkway would have a concrete balustrade with a steel grab-bar. Within the battered sections, steps would accommodate the landscape, creating paths over large rocks, while crossings would accommodate the falls and allow sea water to flow back and under the path. These gully areas would be bridged by heavy duty sugar gum beam crossings, connected to the concrete with stainless steel threaded bar.

The proposed would provide the most logical and safest access, which is already in informal use. Since it would not require significant disturbance of any of the features located along the route, it would provide the best practical environmental option for the proposed development. The NEMA defines the “best practicable environmental option” as “the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term”.

Since the infrastructure would be a public asset, a practical, durable and robust design is required, which would be served best by using concrete as the main building material, since the success of concrete structures in rough sea conditions have been confirmed time after time (tidal pools, harbour walls etc).

It is submitted that this proposal is the only reasonable and feasible alternative after considering input from authorities, the public, specialists, engineering professionals and the applicant. It will therefore be assessed together with the No-go alternative (status quo).

## 2. “NO-GO” AREAS

Explain what “no-go” area(s) have been identified during identification of the alternatives and provide the co-ordinates of the “no-go” area(s).

No-go areas would be private property along the pathway. A 3.5m buffer zone is recommended where temporary demarcation can be set up above the high watermark to clearly demarcate the area as no-go.

## 3. METHODOLOGY TO DETERMINE THE SIGNIFICANCE RATINGS OF THE POTENTIAL ENVIRONMENTAL IMPACTS AND RISKS ASSOCIATED WITH THE ALTERNATIVES.

Describe the methodology to be used in determining and ranking the nature, significance, consequences, extent, duration of the potential environmental impacts and risks associated with the proposed activity or development and alternatives, the degree to which the impact or risk can be reversed and the degree to which the impact and risk may cause irreplaceable loss of resources.

Due to the difficulty involved in attaching values to potential impacts, the risks of the potential impacts were determined according to certain criteria for determining risk ratings, namely **Extent, Duration, Intensity** to determine Significance, as well as the **Probability** of the impacts to impact an affected party or the affected environment.

**1. Extent scale**

The Extent scale refers to the extent of the impact to be felt at the regional, local or site specific scale. The extent scale is explained in more detail in **Error! Reference source not found.**1 below:

**Table 1: Description of the Spatial scale**

Rating	Description
Low	The impact will affect only the specific site
Med	The impact will affect as far as a 1 - 2 km radius area (Local)
High	The impact will affect more than a 2 km radius area or Regional

**2. Duration scale**

This explains the duration and persistence of an impact on affected parties or the environment. The duration scale is rated according to criteria set out in Table 2 below:

**Table 2: Description of the Duration scale**

Rating	Description
Low	The impact will be limited to the construction phase (up to 18 months). / Short term
Med	The impact will persist for up to 5 years / Medium term
High	The impact will be permanent.

**3. Intensity scale**

This explains the degree to which natural or social functions are altered, see **Error! Reference source not found.** below:

**Table 3:Description of the Intensity scale**

Rating	Description
Low	Natural or social functions are negligibly altered or even unaltered.
Medium	Natural or social functions are slightly altered.
High	Natural or social functions are severable or notably altered.

**4. Significance Assessment**

Based on a synthesis of the information contained above, the assessment of the significance of potential impacts can be done with assistance from the following table. The significance of impacts shall be assessed both with and without prescribed mitigation actions.

**Table 4: Significance calculation Significance: (Duration X Extent X Intensity)**

		Intensity = L		
Duration	H			
	M			Medium
	L	Low		
		Intensity = M		
Duration	H			High
	M		Medium	
	L	Low		
		Intensity = H		
Duration	H			High
	M			High
	L	Medium		
		L	M	H
		Extent		

Significance rating of the associated impacts embraces the notion of extent and magnitude. The means of arriving at a Significance Rating is explained in Table 5 below:

**Table 5: Description of the Significance Rating scale**

Significance	Description	Effect on decision making
Very low / Negligible	The impact is negligible within the bounds of impacts which could occur. In the case of adverse impacts, almost no mitigation and/or remedial activity are needed, and any minor steps which might be needed are easy, cheap, and simple. In the case of beneficial impacts, alternative means are almost all likely to be better, in one or a number of ways, than this means of achieving the benefit.	Will not have an influence on the decision to proceed with the proposed project, provided that the recommended mitigation measures to mitigate impacts are implemented.
Low	The impact is low where the impact affects the environment in such a way that natural, cultural and social functions and processes are minimally affected. In the case of adverse impacts, mitigation and/or remedial activity is either easily achieved or little will be required. In the case of beneficial impacts, alternative means for achieving this benefit are likely to be easier, cheaper and more effective.	Will not have an influence on the decision to proceed with the proposed project, provided that the recommended mitigation measures to mitigate impacts are implemented.
Medium	Impact is real but not substantial in relation to other impacts. In the case of adverse impacts, mitigation and/or remedial activity are both feasible and fairly easily possible. In the case of beneficial impacts, other means of achieving this benefit are about equal in time, cost and effort.	Should influence the decision to proceed with the proposed project, provided that recommended measures to mitigate impacts are implemented.
High	Impact is of substantial order within the bounds of impacts, which could occur. In the case of adverse impacts, mitigation and/or remedial activity is feasible but difficult, expensive, time-consuming or some combination of these. In the case of beneficial impacts, other means of achieving this benefit are feasible but they are more difficult, expensive, time-consuming or some combination of these.	Would strongly influence the decision to proceed with the proposed project.
Very-high	The impact on natural, cultural or social functions and processes are altered to the extent that it will temporarily or permanently cease; and valued, important, sensitive or vulnerable systems or communities are substantially affected. In the case of adverse impacts: there is no possible mitigation and/or remedial activity which could offset the impact. In the case of beneficial impacts, there is no real alternative to achieving this benefit.	Would strongly influence the decision to proceed with the proposed project.

**6. Probability scale**

This explains the likelihood of an impact occurring as described in Table 6 below:

**Table 6: Description of the Probability scale**

Rating	Description
Highly improbable	The consultant believes that it is not going to happen
Unlikely	Less than 40% chance
Probable	40% - 70% sure
Very likely	70% - 90% sure
Definite	More than 90% certain that it is going to happen

**7. Consequence scale (risk)**

This explains what the changes mean as described in Table 7 below:

**Table 7: Description of the Probability scale**

Rating	Description
Slight	Change with no other consequence
Moderate	Nuisance / Convenience
Substantial	Material reduction / improvement in environmental quality (air, soil, water, habitat, heritage, amenity etc)
Severe	Loss of faunal populations, livelihoods, individual economic loss or gain
Extreme	Human health, morbidity, mortality, species loss

**IMPACT ASSESSMENT AND RISK RATING OF THE PROPOSED CONNECTION PATH ALONG POOLE'S BAY, HERMANUS.**

**Table 8: Impact Assessment Ratings for Construction**

Construction							
Aspect:	Impact:	Score:		Criteria ratings:			
		Significance (E x D x I)	Extent(E)	Duration(D)	Intensity(I)	Probability	Consequence
Geographical / physical	Structure in the landscape	Other means of realising this benefit may likely be cheaper to achieve	Site specific – limited to footprint of the path, less than 1km long area	The proposed path is intended to be a permanent feature	Negligible alteration of natural functions	Definite if the path is built	Negative or positive change (depending on opinion) with no other geographically related consequence
		Low	Low	High	Low	Definite	Slight
Geographical / physical	Indirect: spillage of concrete / pollution	Impact not substantial, remediation fairly easy to achieve	Site specific – limited to areas where concrete is to be cast in place, less than 1km long area	Spillages would occur only during construction, possibly if needed during maintenance	Negligible alteration of natural functions, any spillage not cleaned up would likely be dispersed of in the sea	Probable due to construction context	Problem, but not insurmountable
		Low	Low	Low	Low	Probable	Moderate
Biological	Disruption of aquatic / marine ecology	The impact is negligible within the bounds of impacts which it could occur as watercourses are on private property above the HWM, which would be a no-go area. The stream which needs to be crossed, is a narrow trickle over the beach into the sea with limited function. The high dispersal rate of the sea would mitigate concrete spills, which would be limited as a result of manual labour	The impact may affect only the specific identified areas on site	Provided the flow of water is not interrupted permanently, the potential impact would be minimised. This impact may only occur during the time when the infrastructure is being built in this particular area where the watercourses occur	Provided the flow of water is not interrupted (which can be achieved through mitigation), the potential impact would be minimised, thus negligible alteration of natural functions	Although it will be of short term (even temporary), the stream flow would have to be interrupted if a crossing is installed at this point	Problem, but not insurmountable
		Low	Low	Low	Low	Definite	Moderate

Biological	Displacement of birds	The impact is low where the impact affects the environment in such a way that natural, cultural and social functions and processes are minimally affected.	The impact would only affect certain areas of the specific site	The impact would be limited to the construction phase which may continue for longer than 18 months.	Behaviour of birds may be slightly altered as they would not be able to forage within the area of construction	It is probable that this impact may occur	Problem, but not adverse
		Med	Low	Med	Med	Probable	Moderate
Biological	Destruction of vegetation	The impact is negligible within the bounds of which it could occur due to the sparse occurrence of vegetation on the path footprint. Most vegetation is located on neighbouring private property, which would be a no-go area.	The impact may affect only specific areas on site where vegetation does grow over the proposed path footprint.	Vegetation would not grow back where the path is constructed, so the impact would be permanent within the footprint of the path	Negligible alteration of natural functions, as there is very limited vegetation below the HWM of the sea.	Depending on the route followed by the HWM, it is very likely that some vegetation would need to be removed.	Problem, but not adverse
		Med	Low	High	Low	Probable	Moderate
Waste	Pollution - litter and building rubble	Impact is low and can be easily mitigated	The impact may affect only specific areas on site	May occur only during construction	Negligible alteration of natural functions	It is possible that even with mitigation in place, it could occur due to neglect by construction workers	Nuisance, but manageable
		Low	Low	Low	Low	Possible	Moderate
Noise	Nuisance of construction noise	Impact is very low due to natural noise mitigation by wave action	The impact may affect only specific areas on site	Short-term, only during construction	Negligible alteration of social functions	Although of very low significance, it is probable that the impact would be experienced by some	Nuisance, but manageable
		Low	Low	Low	Low	Probable	Moderate
Visual	Visual intrusion of activities	Impact would be low, as most of the construction area would not be visible to the public and be limited to	The impact may affect only specific areas on site	Short-term, only during construction	Negligible alteration of social functions	Very likely that construction activities would visually intrude according to some perceptions, but due to the short term nature	Nuisance, but manageable



		some private properties abutting the HWM				may not be regarded as an impact by others	
		Low	Low	Low	Low	Probable	Moderate
Socio-economic	Destruction of archaeological resources	Should identified resources need to be removed, the impact would be real but not substantial in relation to other impacts, little mitigation would be required	The impact may affect only one specific area on site	Permanent impact if it were to be removed	Negligible alteration of social functions	Some identified resources may need to be removed, but unlikely as it forms part of a section of the informal path that could still be utilised as such (mitigation)	Problem, but not adverse
		Med	Low	High	Low	Unlikely	Moderate
Socio-economic	Employment creation	Other means of achieving this are about equal in time, cost, and effort	Employment would be sourced from more than 2km away, thus be a regional impact	Opportunities would be limited to construction phase	Negligible alteration of social functions due to limited opportunities as the project is not of large scale	Construction workers would definitely be required, but there is a chance that it would not require new appointments and that local contractors with existing labour would be utilised	Positive convenience
		Med	High	Low	Low	Probable	Moderate

**Table 9: Impact Assessment Ratings for Operation**

Operation							
Aspect:	Impact:	Score:	Criteria ratings				
		Significance	Spatial	Duration	Intensity	Probability	Consequence
Biological	Displacement of birds	Impact is real but not substantial in relation to other impacts.	The impact would only affect certain areas of the specific site	The impact would occur as long as the path is being used	Behaviour of birds may be slightly altered	It is possible that this impact may occur	Problem, but not adverse
		Med	Low	High	Med	Possible	Moderate
Waste	Pollution - litter	Impact is real but not substantial in relation to other impacts. In the case of adverse impacts, mitigation and/or remedial activity are both feasible and fairly easily possible	The impact may affect only specific areas on site	Would occur on an ongoing basis (from sea)	Negligible alteration of natural functions	It is probable that even with mitigation in place, it could occur due to neglect or ignorance of path users. Litter would also be washed up from the sea which cannot be controlled by the applicant	Nuisance, but manageable
		Med	Low	High	Low	Probable	Moderate
Socio-economic	Improvement of access to coastal resources (tourism)	This is a positive impact to which there is no real alternative to achieving this benefit	The proposed connection path would be almost 1km long, but would enhance the overall Cliff path which is over 12km long	The proposed path would be permanent, thus having permanent impact on access to the coast	Social functions (access) would be notably altered	It is very likely that the proposed path would have a notable impact	Material improvement in access to public amenity
		High	High	High	High	Probable	Substantial
Socio-economic	Improvement of safety (pedestrians)	This is a positive impact to which there is no real alternative to achieving this benefit	The proposed connection path would be almost 1km long, where there is currently no warning regarding tide conditions / demarcation of a safe path	The proposed path would be permanent, thus having permanent impact on safety in this area of the coast line	Social functions (safety) would be notably altered, provided that mitigation is implemented and adhered to	It is very likely that the proposed path would have a notable impact	Material improvement in pedestrian safety when using the path
		High	Med	High	Med	Probable	Substantial
Socio-economic	Improvement of security (neighbouring private property)	This is a positive impact to which there to which there may be cheaper alternatives to achieving this benefit, although it	This positive impact would occur along the length of the connection path, which would be almost 1km	This would be a permanent impact if associated with the formalisation of the path	Social functions (security) would be altered, albeit slightly	Although it cannot be guaranteed, that security could be improved	Convenience of having improved security access in otherwise difficult to access area

		would then be the responsibility of individual property owners					
		High	Med	High	Med	Possible	Moderate
Socio-economic	Improvement of privacy (reduced trespassing on neighbouring private property)	This is a positive impact to which there to which there may be cheaper alternatives to achieving this benefit, although it would then be the responsibility of individual property owners	This positive impact would occur along the length of the connection path, which would be almost 1km	This would be a permanent impact if associated with the formalisation of the path	Social functions (security) would be altered, albeit slightly	Although it cannot be guaranteed, it is likely that pedestrians would adhere to the demarcated path and not wander onto private property if the path is safer and clearly demarcated	Convenience of demarcation could reduce trespassing
		High	Med	High	Med	Possible	Moderate
Socio-economic	Employment creation	Other means of achieving this are about equal in time, cost and effort	Employment would be sourced from more than 2km away, thus be a regional impact	Opportunities would be limited to maintenance and litter clean up	Negligible alteration of social functions due to limited opportunities as the project is not of large scale	Unlikely that new opportunities would be created during operational phase of the project due to low maintenance requirements	Positive convenience
		Med	High	Low	Low	Unlikely	Moderate
Cultural	Improvement of the landscape and natural features (the Cliff Path valued by the local community for aesthetic significance)	There is no real alternative to achieving this benefit	As the entire Cliff path will be benefitted, the impact will have an effect at regional scale	Once established, this will be a permanent impact	The social function of the path will be notably altered	If the path is constructed, this cultural resource would very likely be improved.	Material improvement in aesthetic significance of existing public amenity
		High	High	High	High	Probably	Substantial

#### 4. ASSESSMENT OF EACH IMPACT AND RISK IDENTIFIED FOR EACH ALTERNATIVE

**Note:** The following table serves as a guide for summarising each alternative. The table should be repeated for each alternative to ensure a comparative assessment. The EAP may decide to include this section as Appendix J to this BAR.

PLANNING, DESIGN AND DEVELOPMENT PHASE		
Alternative:	Preferred Alternative	No-go Alternative
<b>Potential impact and risk: Geographical and physical aspects:</b>	Structure in the landscape	
Nature of impact:	Positive (considering positive socio-cultural impacts)	Neutral – No impact
Extent and duration of impact:	Local, permanent	
Consequence of impact or risk:	Acceptable slight risk	
Probability of occurrence:	Definite if approved	
Degree to which the impact may cause irreplaceable loss of resources:	Low	
Degree to which the impact can be reversed:	Low, not impossible, but may be difficult	
Indirect impacts:	Pollution as a result of <ul style="list-style-type: none"> <li>• concrete spillage during construction</li> <li>• building rubble</li> <li>• litter from workers</li> </ul> (negative impacts of low significance)	
Cumulative impact prior to mitigation:	None	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low	
Degree to which the impact can be avoided:	Not applicable	
Degree to which the impact can be managed:	High	
Degree to which the impact can be mitigated:	High	
Proposed mitigation:	The appearance to match the existing Cliff path For indirect impacts, implement CEMP specifications and waste management measures	
Residual impacts:	Structure in the landscape	
Cumulative impact post mitigation:	Positive – overall enhancement of 13km existing Cliff Path	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low	

PLANNING, DESIGN AND DEVELOPMENT PHASE		
Alternative:	Preferred Alternative	No-go Alternative
<b>Potential impact and risk: Biological aspects:</b>	Destruction of vegetation	
Nature of impact:	Negative	Neutral – No impact
Extent and duration of impact:	Site specific, permanent within footprint	
Consequence of impact or risk:	Acceptable moderate risk	
Probability of occurrence:	Probable	

Degree to which the impact may cause irreplaceable loss of resources:	Low	
Degree to which the impact can be reversed:	Medium –where rehabilitation is possible next to the path footprint	
Indirect impacts:	None – insignificant scale	
Cumulative impact prior to mitigation:	Further reduction of Critically endangered vegetation type (insignificant quantity, restoration would occur naturally)	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium	
Degree to which the impact can be avoided:	High	
Degree to which the impact can be managed:	High	
Degree to which the impact can be mitigated:	Medium	
Proposed mitigation:	Rehabilitation where possible below the HWM, private property above the HWM where vegetation occurs to be avoided as no-go area, but to be rehabilitated if accidentally disturbed.	
Residual impacts:	Due to the sparse occurrence of vegetation below the HWM within the path footprint, it is unlikely that there would be residual impacts and may be limited to areas where the path would be located above the HWM (e.g. connection points to current path where vegetation is already sparse due to informal use of the path)	
Cumulative impact post mitigation:	Local improvement of vegetation type through rehabilitation and reduced trampling	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low	

PLANNING, DESIGN AND DEVELOPMENT PHASE		
<b>Alternative:</b>	Preferred Alternative	No-go Alternative
<b>Potential impact and risk: Biological aspects</b>	Disruption of marine / aquatic ecology, including birds	
Nature of impact:	Negative	Neutral – No impact
Extent and duration of impact:	Site specific, temporary	
Consequence of impact or risk:	Acceptable moderate risk	
Probability of occurrence:	Definitely, streamflow would have to be interrupted when constructing through the area in vicinity of the stream. Birds would be disturbed from foraging in areas under construction.	
Degree to which the impact may cause irreplaceable loss of resources:	Negligible	
Degree to which the impact can be reversed:	High, as disruption would be temporary	
Indirect impacts:	None - insignificant scale	

Cumulative impact prior to mitigation:	Not applicable	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low	
Degree to which the impact can be avoided:	High	
Degree to which the impact can be managed:	High	
Degree to which the impact can be mitigated:	Medium	
Proposed mitigation:	Cement-rich runoff/spills that may disrupt ecology can be mitigated through comprehensive containment of the working area and removal off-site. See also EMPr for impact management measures.	
Residual impacts:	None expected	
Cumulative impact post mitigation:	The location of the stream in relation to the sea and the diluting factor during a relatively short construction time would result in negligible impact.	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Negligible	

PLANNING, DESIGN AND DEVELOPMENT PHASE		
<b>Alternative:</b>	Preferred Alternative	No-go Alternative
<b>Potential impact and risk: Socio-economic aspects</b>	Construction employment opportunities.	
Nature of impact:	Positive	Neutral
Extent and duration of impact:	Local extent and Temporary in nature	If no development takes place, no new employment opportunities can be created.
Consequence of impact or risk:	Increase in employment opportunities.	
Probability of occurrence:	Very likely as there is a 70% – 90% chance that construction will take place.	
Degree to which the impact may cause irreplaceable loss of resources:	Not applicable	
Degree to which the impact can be reversed:	Positive impact – no need to reverse	
Indirect impacts:	Community upliftment and reduced poverty, albeit on very small scale.	
Cumulative impact prior to mitigation:	Many local community members are without work and do not have the opportunity to develop and learn new skills.	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Med - positive	
Degree to which the impact can be avoided:	No avoidance needed.	
Degree to which the impact can be managed:	High	
Degree to which the impact can be mitigated:	Low	
Proposed mitigation:	As many as possible local community members should be employed. This will ensure that there is skills transfer for the benefit of possible future employment.	
Residual impacts:	Skills investment.	

Cumulative impact post mitigation:	Temporary construction jobs are of great value. Not only will money be invested into the local community, but also new skills can be learnt and implemented elsewhere in the future. This will result in a positive socio-economic impact.	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Med - positive	

PLANNING, DESIGN AND DEVELOPMENT PHASE			
Alternative:	Preferred Alternative	No-go Alternative	
<b>Potential impact and risk:</b> <b>Cultural-historical aspects</b>	Destruction of archaeological resources – old steps on eastern side of proposed connection path		
Nature of impact:	Negative	Neutral – No impact	
Extent and duration of impact:	Site specific but permanent – only where the resource occurs		
Consequence of impact or risk:	The consequence would be of moderate significance		
Probability of occurrence:	Permanent, if removed		
Degree to which the impact may cause irreplaceable loss of resources:	High		
Degree to which the impact can be reversed:	The impact cannot be reversed if it occurred		
Indirect impacts:	None identified		
Cumulative impact prior to mitigation:	Not applicable		
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium		
Degree to which the impact can be avoided:	High		
Degree to which the impact can be managed:	High		
Degree to which the impact can be mitigated:	High		
Proposed mitigation:	Should identified resources need to be removed, the impact would be real but not substantial in relation to other impacts, little mitigation would be required. Mitigation would include incorporation of the existing steps into the proposed connection path.		
Residual impacts:	Removal of the steps would be a permanent impact.		
Cumulative impact post mitigation:	Not applicable		
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low		

PLANNING, DESIGN AND DEVELOPMENT PHASE		
Alternative:	Preferred Alternative	No-go Alternative
<b>Potential impact and risk:</b> <b>Noise aspect:</b>	Noise emanating from construction workers, equipment and activities may be a nuisance to neighbouring residents during the construction phase.	
Nature of impact:	Negative	Neutral – No impact
Extent and duration of impact:	Local extent and Temporary in nature (Construction phase only)	
Consequence of impact or risk:	Moderate (nuisance)	

Probability of occurrence:	Probable	
Degree to which the impact may cause irreplaceable loss of resources:	The noise emanating from constructing will not result in the irreplaceable loss of resources.	
Degree to which the impact can be reversed:	The impact is temporary and fully reversible.	
Indirect impacts:	None expected.	
Cumulative impact prior to mitigation:	Should more than one construction project be undertaken at the same time in the vicinity, this would result in cumulative noise impacts.	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low	
Degree to which the impact can be avoided:	Unavoidable	
Degree to which the impact can be managed:	Medium High	
Degree to which the impact can be mitigated:	High	
Proposed mitigation:	Natural mitigation of noise from waves As per the EMPr / MMP: <ul style="list-style-type: none"> <li>• Construction activities should be restricted to normal working hours.</li> <li>• Due to nature of access to the area, it is unlikely that large machinery would be used and activities would be restricted to manual labour, which would reduce construction noise significantly</li> </ul>	
Residual impacts:	None	
Cumulative impact post mitigation:	Very low	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low	

PLANNING, DESIGN AND DEVELOPMENT PHASE		
<b>Alternative:</b>	Preferred Alternative	No-go Alternative
<b>Potential impact and risk: Visual aspect</b>	Visual intrusion of construction activities	
Nature of impact:	Negative	Neutral – No impact
Extent and duration of impact:	Site specific and temporary in nature	
Consequence of impact or risk:	Moderate - nuisance to neighbouring residents	
Probability of occurrence:	It is probable that this impact will occur at some stage of the development.	
Degree to which the impact may cause irreplaceable loss of resources:	This activity will not result in the irreplaceable loss of resources.	
Degree to which the impact can be reversed:	Completely reversible at the end of the construction phase.	
Indirect impacts:	Unightly environment.	
Cumulative impact prior to mitigation:	None	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low	
Degree to which the impact can be avoided:	Medium high	



Degree to which the impact can be managed:	High	
Degree to which the impact can be mitigated:	The impact can be mitigated.	
Proposed mitigation:	<p>As the site is out of the public eye, visual intrusion is expected to be minimal. It can still be mitigated as per the EMPr / MMP:</p> <ul style="list-style-type: none"> <li>• Implement measures for visual screening where appropriate e.g. shade cloth and fencing to screen sites</li> <li>• Construction activities should be limited to “normal working hours”.</li> <li>• Implement litter control measures.</li> <li>• Ensure housekeeping at construction sites</li> </ul>	
Residual impacts:	None expected	
Cumulative impact post mitigation:	Very low	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Negligible	

OPERATIONAL PHASE		
Alternative:	PREFERRED ALTERNATIVE	NO-GO ALTERNATIVE
<b>Potential impact and risk: Waste aspect</b>	Pollution - litter	
Nature of impact:	Negative	Negative
Extent and duration of impact:	The impact may affect only specific areas on site but would likely occur on an ongoing basis (from the sea)	The impact would occur, even if the development does not go ahead
Consequence of impact or risk:	Moderate - litter from the sea would remain a nuisance	
Probability of occurrence:	It is probable that even with mitigation in place, it could occur due to neglect or ignorance of path users. Litter would also be washed up from the sea	
Degree to which the impact may cause irreplaceable loss of resources:	Low	
Degree to which the impact can be reversed:	Low	
Indirect impacts:	Entanglement of animals in litter	
Cumulative impact prior to mitigation:	Low – the formalisation of the path would make a negligible difference to littering already occurring in the area.	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium	
Degree to which the impact can be avoided:	Low (sea litter), High (littering from path users)	
Degree to which the impact can be managed:	High	
Degree to which the impact can be mitigated:	Medium	
Proposed mitigation:	Provision of litter bins, regular clean ups, awareness signage	

Residual impacts:	Not applicable	
Cumulative impact post mitigation:	Low	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium-Low	

OPERATIONAL PHASE		
Alternative:	PREFERRED ALTERNATIVE	NO-GO ALTERNATIVE
<b>Potential impact and risk: Biological aspects</b>	Disruption of marine / aquatic ecology, including birds	
Nature of impact:	Negative	Negative
Extent and duration of impact:	Permanent - as long as the path is used, but only in areas where animals/birds are present at that moment	The impact would occur, even if the development does not go ahead through informal use of the area.
Consequence of impact or risk:	Acceptable moderate risk, due to	
Probability of occurrence:	Probable -Birds/animals in close proximity to the path may be disturbed	
Degree to which the impact may cause irreplaceable loss of resources:	Low	
Degree to which the impact can be reversed:	High, as disturbance would be temporary	
Indirect impacts:	None - insignificant scale	
Cumulative impact prior to mitigation:	Not applicable	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium	
Degree to which the impact can be avoided:	High	
Degree to which the impact can be managed:	High	
Degree to which the impact can be mitigated:	Medium	
Proposed mitigation:	Signage for awareness and sensitivity to bird encounters, keeping dogs on leash	
Residual impacts:	None expected	
Cumulative impact post mitigation:	None identified	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium-Low	

OPERATIONAL PHASE		
Alternative:	PREFERRED ALTERNATIVE	NO-GO ALTERNATIVE
<b>Potential impact and risk: Socio-economic aspects</b>	Improved access (inlc pedestrain safety) to coastal resources (for local community as well as tourism) through the formalisation of the path	
Nature of impact:	Positive	Indirectly Negative
Extent and duration of impact:	Site specific and permanent (life time of path)	No development would not result in improved safe accessibility for the public.
Consequence of impact or risk:	This is a substantial positive impact to which there is no real alternative to achieving this benefit	
Probability of occurrence:	Probable	
Degree to which the impact may cause irreplaceable loss of resources:	None	

Degree to which the impact can be reversed:	Positive impact – no need to reverse	
Indirect impacts:	Economic benefit for tourism Improved safety of pedestrians	
Cumulative impact prior to mitigation:	Linking the existing Hermanus Cliff path, would add to its appeal to local as well as other users.	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	High	
Degree to which the impact can be avoided:	Positive – no avoidance needed.	
Degree to which the impact can be managed:	Medium-high	
Degree to which the impact can be mitigated:	The impact can be enhanced through constant maintenance of infrastructure	
Proposed mitigation:	Warnings regarding tide conditions / demarcation of a safe path Routine maintenance of the pathway and signage.	
Residual impacts:	None applicable	
Cumulative impact post mitigation:	The proposed connection path would be almost 1km long, but would enhance access to the overall Cliff path which is over 12km long. From a Health and Safety perspective, given the evident high energy of wave action in the area, this initiative is of considerable value to minimize risks to human life when using this area.	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	High –very high	

OPERATIONAL PHASE		
Alternative:	PREFERRED ALTERNATIVE	NO-GO ALTERNATIVE
<b>Potential impact and risk: Socio-economic aspects</b>	Increased security and privacy for the local land owners through the formalisation of the path	
Nature of impact:	Positive	Neutral
Extent and duration of impact:	Site specific and permanent	No change to current situation
Consequence of impact or risk:	Moderate as it may be convenient to have improved security access to an area which is otherwise difficult to access	
Probability of occurrence:	Although it cannot be guaranteed, it is probable that pedestrians would adhere to the demarcated path and not wander onto private property if the path is safer and clearly demarcated. Although it is possible that criminals would also use the path, security may be better able to pursue them.	
Degree to which the impact may cause irreplaceable loss of resources:	None	

Degree to which the impact can be reversed:	Positive impact – no need to reverse	
Indirect impacts:	Decrease in crime, reduced trespassing	
Cumulative impact prior to mitigation:	This positive impact would occur along the length of the connection path, which would be almost 1km	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	High	
Degree to which the impact can be avoided:	Positive – no avoidance needed.	
Degree to which the impact can be managed:	Medium	
Degree to which the impact can be mitigated:	The impact can be enhanced even further through additional security measures such as continued patrols by security guards	
Proposed mitigation:	Routine maintenance of the pathway.	
Residual impacts:	None	
Cumulative impact post mitigation:	Overall improvement of security on the Hermanus Cliff path	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	High	

OPERATIONAL PHASE		
Alternative:	PREFERRED ALTERNATIVE	NO-GO ALTERNATIVE
<b>Potential impact and risk: Socio-economic aspects</b>	Employment creation	
Nature of impact:	Positive	Neutral
Extent and duration of impact:	Site specific and temporary - Opportunities would be limited to maintenance and litter clean up	If no development takes place, no new employment opportunities can be created.
Consequence of impact or risk:	Moderate as there would only be limited opportunities due to small scale	
Probability of occurrence:	Unlikely that many new opportunities would be created	
Degree to which the impact may cause irreplaceable loss of resources:	None	
Degree to which the impact can be reversed:	Positive impact – no need to reverse	
Indirect impacts:	Improvement of livelihoods during periods of work	
Cumulative impact prior to mitigation:	Not applicable.	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium	
Degree to which the impact can be avoided:	Positive – no avoidance needed.	
Degree to which the impact can be managed:	Medium	
Degree to which the impact can be mitigated:	Low	
Proposed mitigation:	Use of local contractors / labour	
Residual impacts:	None	
Cumulative impact post mitigation:	Not applicable	

Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Medium	
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OPERATIONAL PHASE		
Alternative:	PREFERRED ALTERNATIVE	NO-GO ALTERNATIVE
<b>Potential impact and risk:</b> <b>Visual aspect</b>	Visual impact of the development. Once established, the new pathway structures will become part of the landscape and be of similar appearance as the existing Cliff Path in the vicinity, which will not result in any significant visual impact.	
Nature of impact:	Positive	Neutral
Extent and duration of impact:	Site specific and Permanent	No development will result in no visual change.
Consequence of impact or risk:	Moderate as it will become part of the landscape.	
Probability of occurrence:	Definite	
Degree to which the impact may cause irreplaceable loss of resources:	None	
Degree to which the impact can be reversed:	Fully reversible	
Indirect impacts:	None	
Cumulative impact prior to mitigation:	Low	
Significance rating of impact prior to mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low	
Degree to which the impact can be avoided:	Positive – no avoidance needed.	
Degree to which the impact can be managed:	Low	
Degree to which the impact can be mitigated:	Routine maintenance will ensure that the development will not cause visual disturbance.	
Proposed mitigation:	The effective upkeep and maintenance of the connection path is necessary.	
Residual impacts:	None	
Cumulative impact post mitigation:	Low	
Significance rating of impact after mitigation (e.g. Low, Medium, Medium-High, High, or Very-High)	Low	

OPERATIONAL PHASE		
Alternative:	PREFERRED ALTERNATIVE	NO-GO ALTERNATIVE
<b>Potential impact and risk:</b> <b>Noise aspect</b>	None expected	None expected

DECOMMISSIONING AND CLOSURE PHASE
<b><u>EAP'S NOTE:</u></b>
<i>It is not expected and is highly unlikely that the proposed development would need to be closed or decommissioned in the near future. The impact assessment of the proposed project at this stage of the authorisation stage is not relevant to this study as there will be no large-scale rehabilitation to complete or hazardous substances to remove at the end of this project's life time. However, should total decommissioning be considered, decommissioning and rehabilitation of the area to natural habitat will be at the Holder of the Authorisation's expense and be undertaken in terms of a Decommissioning Environmental Management Plan (DEMP submitted for DEA&amp;DP approval). The concept of decommissioning does not apply to the No-Go option.</i>

## SECTION I: FINDINGS, IMPACT MANAGEMENT AND MITIGATION MEASURES

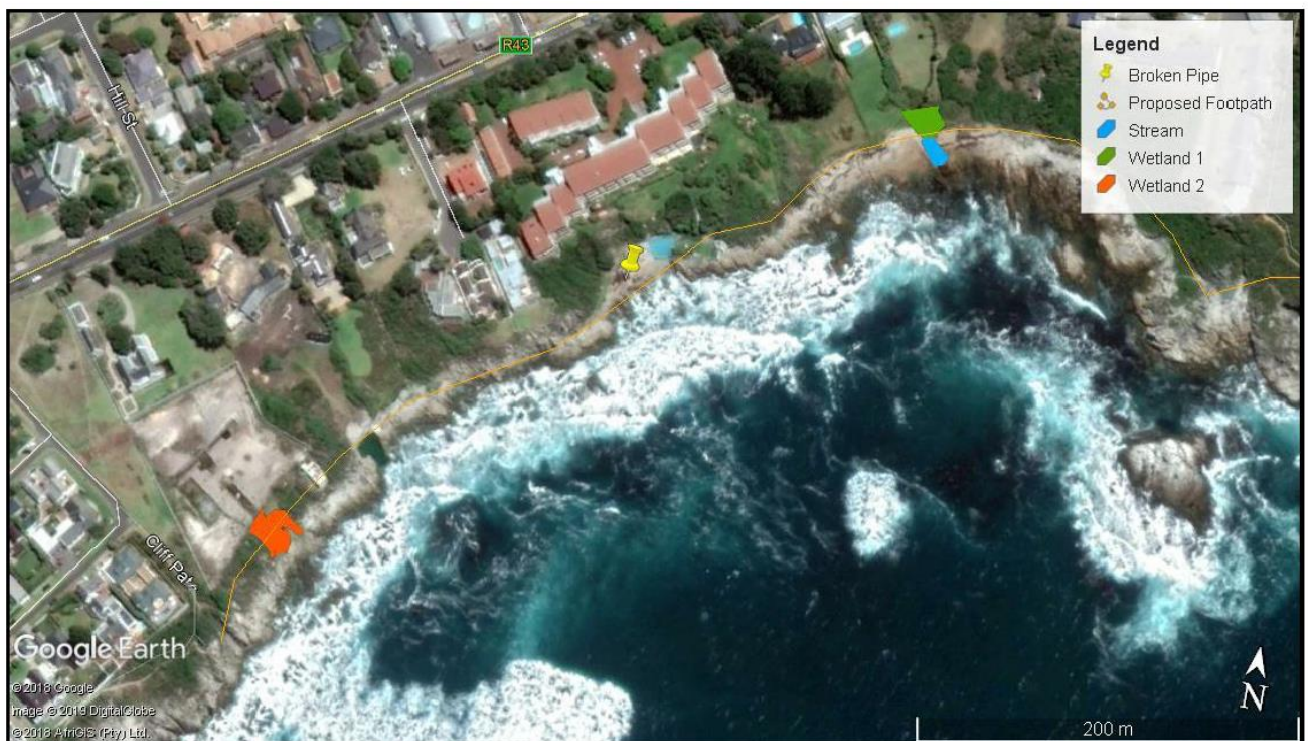
1. Provide a summary of the findings and impact management measures identified by all Specialist and an indication of how these findings and recommendations have influenced the proposed development.

### **FRESHWATER ECOLOGY SCREENING by Enviroswift**

Two wetlands were identified within the proposed site and delineated. Wetland 1 was classified as a channeled valley bottom wetland (which becomes a stream when it reaches the beach), while Wetland 2 was classified as a hillslope seep (see Figure 13 below).

Construction of the footpath within either wetland would result in minor wetland loss and may therefore require a Water Use License (WUL) in order to proceed with construction. It is, however, possible in the opinion of the specialist that both wetlands can be avoided and this approach is strongly recommended. At Wetland 1, the watercourse can be crossed on the pebbled beach where the watercourse becomes a stream. Given the volume of flow that occurs, it is recommended that a bridge be constructed over the stream so as to ensure that the current flow over and through the pebbles is not interrupted. Bridges are however susceptible to wave damage during storms and an acceptable alternative would be to construct the concrete pathway directly through the watercourse, but to inlay concrete pipes such that the pathway maintains permeability in the direction of flow.

At Wetland 2, there is sufficient space below the wetland to construct a concrete footpath over the rocks in such a manner that the flow of water from the wetland is not interrupted in any way. Under these conditions the potential impact on the wetlands and their outflows is minimised and the project would most likely require only registration of the water use under the GA, and no WUL would be required.



**Figure 13: Delineated wetlands within the vicinity of the proposed path**

## **HERITAGE NOTICE OF INTENT TO DEVELOP by Dr Jason Orton**

There are a number of buildings older than 60 years in the area and the tidal pool adjacent to erf 6337 is also older than 60 years (though now heavily modified). No structures will be impacted, although it may be necessary to install the walkway along the modern lip of the tidal pool.

Two Later Stone Age (LSA) archaeological sites were located. One was a scatter of shells and quartzite flakes near the east end of the study area (waypoint 1759 in the attached). An existing old footpath goes through the site but it appears to be only a very light scatter that extends under the bushes in this area. A second site was identified only by a few marine shells in an area of lawn and garden midway along the proposed pathway but above the HWM on private property (waypoint 1767). A few shells were seen on steep ground in a disturbed context at waypoint 1769. Their source could not be ascertained and no obvious location for an archaeological site was evident. Note that the survey followed the existing informal path which is often above the HWM since it was clear that no archaeological materials (with the possible exception of maritime archaeological items) would be found below the HWM. The LSA site at waypoint 1759 will be only very slightly impacted since the new path will be built along the alignment of the existing informal pathway. The site at waypoint 1767 is in a private garden and will not be impacted by the new works which will be seaward of the erf. No maritime archaeology was seen, although an old anchor lying near the swimming pool at waypoint 1765 was brought in from elsewhere for display purposes. It will not be affected.



**Figure 14: Waypoints relating to heritage findings**

The only negative impacts are therefore likely to be in the vicinity of the existing historical pathway where this exists in the northeast. The impacts would relate to the removal of existing historical fabric (stones and cement) during the upgrade work and the possible disturbance of some shells and stone artefacts from the LSA shell scatter that occurs there.

The Cliff Path is a resource valued by the local community for its aesthetic significance. The existing pathway will not be affected but by linking the west and east sections there will be a significant positive impact.

The specialist did not identify a need for a full heritage impact assessment, and it was confirmed by Heritage Western Cape.

### AVIAN SURVEY by Dr

The Survey that was commissioned confirmed the occurrence of important birds in the area, with two red data species observed on the island at the western entrance of the proposed path. The survey was undertaken in March 2019, towards the end of the breeding season for most birds in the area.

There is currently easy access to the area close to Bird Island (eastern side at Mickey rock) for people and dogs. The Avian study also observed the human visitation rate with just over 30 people per hour (recorded mainly on Sunday 8 March).

Even though the study provides only a snapshot of which avian species may occur in the Poole's Bay area, by definition rare species are less likely to be recorded. There was however no evidence of threatened species such as African Penguins or Black Oystercatchers breeding along the proposed path.

The study concluded that present evidence suggest that little negative disturbance to the avifauna will result from the provision of a walkway between the two existing cliff top pathways, and judging by the number of human visitors, such a path would be regularly used by tourists and local inhabitants alike.

2. List the impact management measures that were identified by all Specialist that will be included in the EMPr

#### Freshwater Ecology

Design phase - a bridge crossing should be incorporated into the design where the section of the path crosses the small stream below wetland 1

#### Heritage

Incorporation of the existing steps into the proposed connection path (not stipulated in the NID, but verbally recommended).

#### Avian

No specific impact management measures, as present evidence suggest that little negative disturbance to the avifauna will result from the provision of a walkway between the two existing cliff top pathways.

3. List the specialist investigations and the impact management measures that will **not** be implemented and provide an explanation as to why these measures will not be implemented.

Not applicable.

4. Explain how the proposed development will impact the surrounding communities.

It will improve safety of people using the informal and indistinctly demarcated pathway.

It would improve health, safety and general sense of place through avoiding a narrow and busy sidewalk along the R43, which is the main route through Hermanus connecting other towns in the region.

It will contribute positively towards tourism, which is a major income source for the town of Hermanus as the path will now be uninterrupted along approximately 13km of coastline. Furthermore, it will create a limited number of job opportunities during the construction phase and possibly have tourism spin offs during the operational phase.

5. Explain how the risk of climate change may influence the proposed activity or development and how has the potential impacts of climate change been considered and addressed.

The proposed development would be located below the high watermark. The effects of climate change may put the structure at risk as it may become more regularly submersed over time. More frequent storm events would pose a risk of damage to infrastructure. The design and materials to be used however considers this and caters for severe sea conditions.



Pedestrian safety would also be at risk during severe storm events. Use of the current informal path is however already subject to this risk. Safety warnings and informative information and temporary closure of the path during high storm events are all ways to limit this risk. This cannot currently be implemented as there is no formalised path through Poole's Bay.

The applicant is prepared to invest in the infrastructure so the area can be accessed more safely at least in the short-medium term.

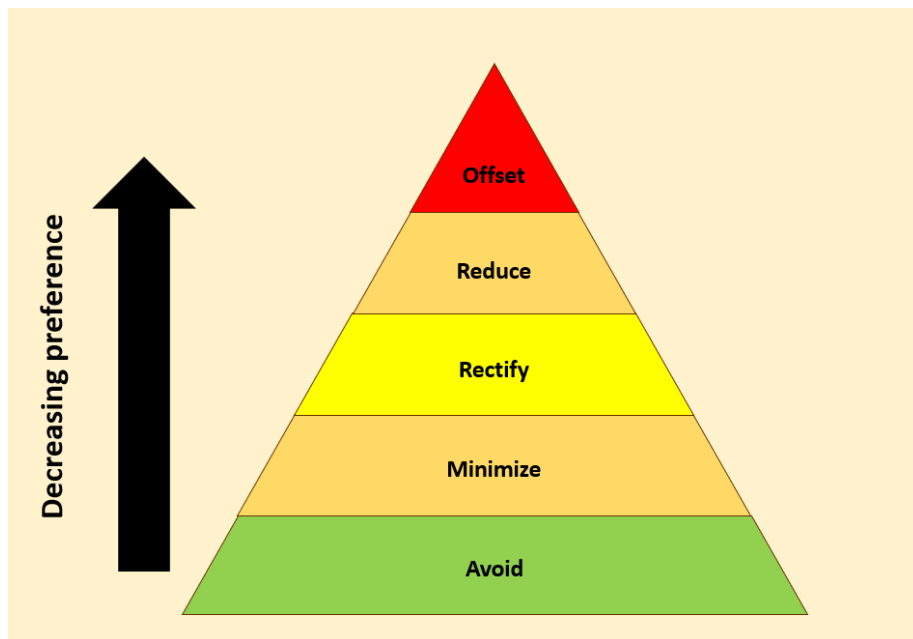
6. Explain whether there are any conflicting recommendations between the specialists. If so, explain how these have been addressed and resolved.

No conflicting recommendations

7. Explain how the findings and recommendations of the different specialist studies have been integrated to inform the most appropriate mitigation measures that should be implemented to manage the potential impacts of the proposed activity or development.

The recommendations on mitigation have been incorporated into the EMPr in order to limit impacts.

8. Explain how the mitigation hierarchy has been applied to arrive at the best practicable environmental option.



IMPACT	MITIGATION	HIERARCHY LEVEL
<b>DESIGN / CONSTRUCTION PHASE</b>		
Structure in the landscape	Design sensitive to topography	Minimise
Spillage of concrete / pollution	Implement EMPr impact management measures ( relevant specifications / Method statement)	Minimise
Disruption of aquatic / marine ecology	Implement EMPr impact management measures (no-go areas)	Minimise
Displacement of birds	Implement EMPr impact management measures (no-go areas)	Minimise
Destruction of vegetation	Implement EMPr impact management measures (no-go areas)	Rectify
Pollution - litter and building rubble	Implement EMPr impact management measures (relevant specifications- housekeeping)	Avoid
Nuisance of construction noise	Implement EMPr impact management measures (relevant specifications- constructing hours)	Minimise
Visual intrusion of activities	Implement EMPr impact management measures (relevant specifications- housekeeping)	Minimise
Destruction of archaeological resources	Design to incorporate existing steps / EMPr impact management measures (relevant specifications- archaeology)	Avoid
Employment creation	Use of local labour as far as possible	Positive therefore maximise

<b>OPERATIONAL PHASE</b>		
Displacement of birds		Minimise
Pollution - litter	Implement EMPr impact management measures (relevant specifications-waste control)	Minimise
Improvement of coastal access	Implement EMPr impact management measures (relevant specifications-maintenance)	Positive therefore maximise
Improvement of pedestrian safety	Implement EMPr impact management measures (relevant specifications-maintenance)	Positive therefore maximise
Improvement of security	Implement EMPr impact management measures (relevant specifications-maintenance)	Positive therefore maximise
Improvement of privacy	Implement EMPr impact management measures (relevant specifications-maintenance)	Positive therefore maximise
Employment creation	N.a.	Positive therefore maximise
Improvement of the landscape	Implement EMPr impact management measures (relevant specifications-maintenance)	Positive therefore maximise

## SECTION J: GENERAL

### 1. Environmental Impact Statement

1.1.	Provide a summary of the key findings of the EIA.
<p>The main motivation for the proposed project is to facilitate safer access for the public to this part of the coast in the least disruptive and most practical way. Due to the locality of this project, no detrimental impacts to the environment or affected parties are expected; on the contrary, this proposed activity will strive to enhance social impacts. Climate change risks are real and have been considered, but the Applicant prepared to invest in the infrastructure so the area can be accessed more safely at least in the short-medium term. The proposal would therefore result in the optimal utilisation of the site with minimal adverse impacts on the ecological environment.</p> <p>Although specialists have identified features of significance (wetland areas landward side of the proposed pathway, historical steps and shell middens), it is possible to minimize, or even avoid impacts to these features. Where impacts are unavoidable, it has been found to be of low significance and can be mitigated through design or implementation of the EMPr.</p> <p>The site locality and context do not provide for many alternatives and alternatives are restricted to how the path could be linked at the western and eastern ends in the safest and most logical way. At this point in the process, if the HWM was to be followed entirely, conditions would be less safe than if not. Engineering solutions could however limit this aspect but would be more expensive. The impact assessments for the two development alternatives are therefore similar and both can be regarded as reasonable and feasible.</p> <p>Should the No-go alternative be approved, none of the positive impacts identified would realize.</p>	
1.2.	Provide a map that that superimposes the preferred activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers. (Attach map to this BAR as Appendix B2)
<p>Refer to <b>Appendix B</b> in this regard.</p>	
1.3.	Provide a summary of the positive and negative impacts and risks that the proposed activity or development and alternatives will have on the environment and community.
<p><b>PLANNING, DESIGN &amp; CONSTRUCTION PHASE IMPACTS</b></p> <p><u>Disturbance to the local aquatic ecology – Biological Impact</u> It is anticipated that the earthworks and construction activities will have a <b>VERY LOW</b> impact (<b>negative</b>) on the local aquatic ecology of the stream / sea. It is <b>unlikely</b> that the impact will occur, and it will be <b>site specific</b> and <b>temporary</b> in nature.</p> <p><u>Increase in construction employment opportunities</u> It is <b>very likely</b> that the proposed development will result in an increase in construction employment opportunities for local community members. Although only <b>temporary</b> in nature and of <b>local extent</b>, this <b>positive</b> impact is expected to have a <b>LOW</b> significance.</p> <p><u>Construction phase noises</u> It is <b>unlikely</b> that construction phase noises will cause a great nuisance as the expected impact is to be <b>temporary</b> in nature and of <b>local</b> extent.</p> <p><u>Visual intrusion of construction activities</u> The presence of construction activities on the seashore will create a <b>VERY LOW</b> (negative) visual intrusion, as the impact will be <b>site specific</b> and <b>temporary</b> in duration.</p>	

## OPERATIONAL PHASE IMPACTS

### Increased safety for the public

The formalisation of the pathway through concrete structures to ensure safe access over difficult terrain will be a benefit to the public who would like to access this part of the coastline. The proposal is expected to have a **positive** impact of **MEDIUM-HIGH** significance.

### Visual impact of the development

The visual impact will be **highly localised** and is expected that once established, the new pathway structures will become part of the landscape and be of similar appearance as the existing Cliff Path in the vicinity, which will not result in any significant visual impact. Appropriate rehabilitation efforts will further alleviate the impact. The impact will be **site specific** and **permanent**.

If the **NO-GO OPTION** is to be implemented:

- If no action is taken to formalise the current pathway in this section along the coast, access would remain unsafe to uninformed pedestrians.
- There would be no new construction employment opportunities, resulting in no positive impact on the socio-economic aspects of the community.

## 2. Recommendation of the Environmental Assessment Practitioner (“EAP”)

2.1.	Provide Impact management outcomes (based on the assessment and where applicable, specialist assessments) for the proposed activity or development for inclusion in the EMPr
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The Environmental Management Programme (EMPr) serves as an additional guideline to prevent unnecessary environmental impacts. The document provides a description of the methods and procedures for mitigating and monitoring impacts and contains environmental objectives to reduce or eliminate negative impacts throughout the construction phase (Construction EMP).

The objective of the EMPr is to provide consistent information and guidance for implementing the management - and monitoring measures to help achieve environmental policy goals. An effective EMPr is concerned with both the immediate outcome as well as the long-term impacts of the project. The EMPr further includes a Maintenance Management Plan for future maintenance work within 100m of the HWM of the sea. It is a requirement that a Maintenance Management Plan (MMP) is submitted for adoption in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and the Environmental Impact Assessment Regulations, 2014 (as amended).

### **The EMPr aims to have the following broad outcomes:**

- To provide a structure or framework within which the environmental management requirements will be implemented, audited and reported on, in order to ensure that potential impacts on the environment are minimised.
- To set out the mitigation measures and environmental specifications which are required to be implemented during the various phases of the development in order to minimise the extent of environmental impacts, to manage environmental impacts and where possible to improve the condition of the environment.
- To state standards and guidelines that are required to be achieved in terms of environmental legislation and authorization conditions.
- To provide a clear indication of the environmental management requirements of each of the role players involved.

**Mitigation and Monitoring measures included in the EMPr aims to achieve the following more specific outcomes:**

**Construction Phase –**

- **Controlled Access and Construction Traffic**
  - Construction access to this site is limited to the existing cliff path (by foot) on either end of the new path section, as accessed via Main Road and Protea Road parking areas. Access via private properties would need to be specifically negotiated between the contractors and the respective property owners. Construction vehicles are not to hinder the access of other road users in the area (public roads and public parking places) e.g. during off loading or due to obstructive parking. Maintain traffic safety at all times and station flagmen when required. All parking, delivery and access points and routes must be approved by the Principal Agent and the ECO.
  - Appropriately secure transported materials to ensure safe passage between destinations. This includes cleaning running boards of loose debris before vehicles leave site and covering trucks carrying sand with shade cloth/canvas covers to avoid loss en-route.
  - Any lost materials/sand/debris on the surrounding public road network or cliff path as a result of the contractors' activities shall be cleared immediately. These shall be swept up and removed and not left on the side of the road or path.
- **Effective Site Demarcation and adherence to avoidance of No-Go Areas**
  - No staff, materials, equipment, damage or dumping of materials or waste is allowed outside of the agreed work site boundaries (5 meters path work area width SEAWARD from HWM plus 3.5 meter width buffer area inland above HWM to erect demarcation and approved stockpile/site storage areas, unless otherwise agreed per an approved Method Statement) except where used to specifically rehabilitate/repair an area off-site.
  - Private properties are considered no-go areas (unless access has been specifically negotiated and formalized in writing between the contractor and the owner) and wherever possible pegs shall be used to demarcate the extent the work area inland within the 3.5m buffer zone where this abuts private property so that staff have a visual guide/reminder.
- **Well organised, secured and neat Contractor's Camp**
  - The contractor shall obtain approval from the landowner/municipality for any area used for temporary stockpiling/deliveries, or establishing a site storage container.
- **Effective management of fuel and plant**
  - No bulk fuel storage (more than 50l) shall take place on the site. Jerry cans of fuel on site shall be stored in leak-proof drip trays, well away from combustible materials and at least 20 meters away from the stream and wetland areas as indicated on plan.
  - Maintain all vehicles and equipment in a good condition in order to minimize the risk of leakage and possible contamination of the soil, stormwater or adjacent public roads by fuels, oils and hydraulic fluids.
  - Mop up or treat (bio-remediate) any spills immediately.
  - Provide drip trays (placed strategically to avoid incidental spillage of oils and fuels onto the ground) for any plant/equipment e.g. generators and concrete mixers that leak during refuelling or operation.
- **Appropriate Housekeeping and Waste Management**
  - The Contractor shall provide for the ECO's approval a Waste Management Plan Register indicating the anticipated construction waste types, sorting and storage and disposal/recycling methods.
  - Provide sufficient bins/bags on site in which to store the solid waste. Storage facilities shall not be allowed to become overfull. Bins/bags/waste stockpiles must be covered with lids/shade cloth to prevent redistribution of the waste in high wind conditions where this is a risk due to the type of waste stored.

- The site shall be kept neat and tidy. No littering on site - litter shall be collected daily into bins or more frequently as required to prevent it from blowing onto adjacent properties/areas.
- Waste shall be disposed of at licensed waste disposal sites. Recyclable/re-usable waste shall be stored/bagged separately for recycling. No waste may be disposed of on site by burning or burying. Remove staff food waste from site minimum daily.
- The Contractor is responsible for maintaining records to demonstrate that waste has been lawfully disposed of by the Contractor – this shall be kept on the Contractor’s site file and checked by the ECO. Records shall detail who removed the waste (Contractor directly or a third party service provider), date removed from site, type, quantity and destination/treatment of waste e.g. recycling/landfill, and where obtainable, receipts/proof of delivery to a licensed landfill or waste management service provider.
- Stockpile all building rubble in central locations on site and remove this as soon as it constitutes a practical load. Keep clean building rubble separate from ‘soft’ waste to minimize dumping costs and allow for recycling e.g. at an off-site crusher facility.
- Hazardous demolition or construction waste e.g. fuel/oil contaminated waste etc., requires special handling and disposal per legislation. Store in a sealed drum and remove off the site to a hazardous waste disposal site or have collected by an accredited hazardous waste disposal service provider. Waste manifests and the related safe disposal receipt copies shall be submitted to the ECO for all hazardous wastes disposed of by the Contractor.
- Available Emergency Procedures
  - Fire - Advise the relevant authority of a fire as soon as one starts and do not wait until it can no longer be controlled. All site staff to be made aware of the procedure to be followed in the event of a fire.
  - Spills - Mop up all fuel/oil/chemical/sewage spills and keep all contaminated earth and mop up materials in a sealed drum for removal to a hazardous waste disposal site periodically/at end of contract. Alternatively, treat in-situ with a bio-remedial product. Report all spills and treatment to the ECO.
- Properly managed Concrete and Cement Works
  - Give preference to pre-cast concrete elements as opposed to on-site batching/casting wherever practically possible.
  - Store unused cement in a secure weatherproof location.
  - Avoid any cement contaminated runoff into the environment. Create/provide an impermeable plastic/plastic-lined sump if required to hold any cement contaminated water.
  - Remove any concrete spills from the surrounding area immediately.
  - No mixing/ placing concrete products on unprotected terrain – use of mixing trays/pans/boards only.
  - Collect empty cement bags from the working areas at the end of every day and store in a windproof container and remove from site for disposal daily.
- Properly managed Paints/Hazardous Substances
  - No paint products, chemical additives or solvents such as thinners and turpentine or any other hazardous substances may be disposed of on site.
  - Store all hazardous substances in sealed, well labelled containers when on site and remove from site at the end of every working day. Liquid substances containers shall be placed on a drip tray/bunded area to safely contain any accidental spillages

**Operational Phase –**

- Continued Infrastructure maintenance
  - Regular maintenance of infrastructure and signage
  - The CEMP management specifications contained within the EMPr must be applicable to any construction work required as part of maintenance work, including ECO appointment if the work scope is longer than 2 weeks.

- Adherence to No-go areas
  - Maintenance workers and staff shall not access private properties at any time
  - Signage shall be installed and maintained to discourage public access into private properties from the pathway and trampling of vegetation.
- Effective Alien Invasive Plant Management
  - The area within 2 meter width of the new cliff path shall be kept free of alien invasive plants as listed in the Alien Invasive Species Regulations (2016 and any subsequent amendments) of the National Environmental Management: Biodiversity Act (of 2004).
  - These shall be pulled out by hand as seedlings and the plants removed from the area for disposal.
- Effective Waste Management
  - Provision of litter bins
  - Periodic litter clean ups
- Ensuring safety and awareness of path users
  - Safety/indemnity signage is recommended to make path users aware of safety risks due to terrain and location within the HWM of the sea.
  - Interpretative signage, encouraging environmental/conservation awareness is encouraged.
  - Signage and infrastructure shall be aesthetically pleasing (and thus maintained in good condition).
- Utilisation of Local labour
  - Wherever possible, local labour shall be used for maintenance work.

Please refer to the attached EMPr for more details (**Appendix H**).

2.2.	Provide a description of any aspects that were conditional to the findings of the assessment either by the EAP or specialist that must be included as conditions of the authorisation.
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None identified to be conditional at this stage.

2.3.	Provide a reasoned opinion as to whether the proposed activity or development should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be included in the authorisation.
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Although the information contained in this report is considered to be adequate for authorities to reach a decision, the public participation process for this report may inform them of any additional issues arising, which first need to be addressed before a decision can be made.

Due to the relatively small extent of this project, no significant negative impacts to the environment or affected parties are expected. If permission is granted, the proposed activity is considered to be advantageous to the public, surrounding neighbours and visitors to Hermanus.

At this point in the process, we cannot yet see a reason why the project should not be authorized.

Conditions to be included in the authorisation:

- The Applicant should provide the DEA&DP with a bank guarantee for the cost of the works and 5 year's maintenance costs before construction may commence.
- The EMPr must be adhered to, including the appointment of an ECO during construction and any future maintenance, should activities for maintenance exceed a period of two weeks.
- All activities must be restricted to the demarcated area to minimise any potential disturbance to the surrounding area and avoid trespassing on private property.
- During excavations, sediment into streamflow and the sea must be restricted.
- All construction staff must be provided with environmental awareness training prior to the commencement of construction activities.
- An integrated waste management approach must be used that is based on waste minimisation and should incorporate reduction, recycling, re-use and disposal where appropriate. All excess sand, gravel, concrete and waste material, including litter associated with meals, must be removed from the construction site.

	<ul style="list-style-type: none"> <li>• Rehabilitation of any disturbed areas associated with the development must take place after the completion of construction.</li> <li>• If any animals are trapped on site, they must first be removed and relocated to places of safety in a similar habitat and not harmed in any way.</li> <li>• The proliferation of alien invasive plants must be prevented and controlled.</li> <li>• As many as possible local community members should be employed for construction work.</li> </ul>
2.4.	Provide a description of any assumptions, uncertainties and gaps in knowledge that relate to the assessment and mitigation measures proposed.
	<p><u>Gaps in knowledge</u></p> <ul style="list-style-type: none"> <li>• Gaps in knowledge include issues that may arise from the ongoing public participation process which have not been identified by the EAP.</li> <li>• Future changes in circumstances and legislation can also not be accounted for at this stage.</li> </ul> <p><u>Underlying Assumptions</u></p> <ul style="list-style-type: none"> <li>• It is assumed that all information on which this report is based is truthful and correct.</li> <li>• All the relevant design and mitigation measures specified in this report will be implemented in order to achieve an acceptable level of impact and to ensure minimal impact on the surrounding environment.</li> <li>• It has been assumed that the description of the proposed project, provided by the Applicant, is accurate.</li> <li>• It is assumed that the Public Participation Process undertaken as part of the Basic Assessment Process will be sufficient and adequate. Every effort will be made to inform all potential stakeholders of the proposed development (notification through letters, advertisements, site notices). The demography, language preferences or social standing of some potential I&amp;AP's cannot always be catered for despite best efforts.</li> </ul> <p><u>Uncertainties</u></p> <ul style="list-style-type: none"> <li>• The impacts have been identified and assessed to the EAP's best ability. Any other impacts not identified are currently unknown.</li> <li>• The extent to which organs of state can intervene to provide safe access to the coastal public property is uncertain and may influence the presented proposal in this phase of the application.</li> <li>• The high water mark has been surveyed as per maps in Appendix B.</li> </ul>
2.5.	The period for which the EA is required, the date the activity will be concluded and when the post construction monitoring requirements should be finalised.
	<p>It is recommended that the activity commences within three years of the date of authorisation. Funding and contractor procurement would need to be secured before construction could commence. Construction should be undertaken in the summer months of the selected year. Anything later will be a challenge during the rainy season, when the sea is also at its highest. The selection of capable contractors will be important since delays to lack of ability will push the project into the rain season with major programme consequences.</p> <p>Three years should be sufficient to obtain finance, commence and conclude the construction activities. It must however be noted that the maintenance activities would be ongoing and a specific period cannot be allocated.</p> <p>It is assumed that non-operational aspects refer to the construction period. A period of three years should be sufficient to commence and complete the construction activities to cover financing, procurement and seasonal aspects.</p> <p>As the structure would require ongoing (albeit minimal) maintenance, no specific period can be allocated as this application is seeking to authorise also an ongoing maintenance management plan.</p>



### 3. Water

Since the Western Cape is a water scarce area explain what measures will be implemented to avoid the use of potable water during the development and operational phase and what measures will be implemented to reduce your water demand, save water and measures to reuse or recycle water.

During development phase water would be required for concrete mixing. As there is no water supply along the coast (seawater cannot be used), the contractor would have to procure water for this purpose. The EMPr specifies that the use of potable water needs to be avoided as far as practically possible. Should it not be possible, the contractor would have to provide a detailed motivation for using such.

### 4. Waste

Explain what measures have been taken to reduce, reuse or recycle waste.

An integrated waste management approach will be utilised that is based on waste minimisation and incorporates reduction, recycling and re-use where appropriate. The impacts of cement-rich runoff/spills can be mitigated through comprehensive containment of the working area and for contaminated water to be tankered off-site.

### 5. Energy Efficiency

8.1. Explain what design measures have been taken to ensure that the development proposal will be energy efficient.

Not applicable

## SECTION K: DECLARATIONS

### DECLARATION OF THE APPLICANT

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

I....., ID number .....in my personal capacity or duly authorised thereto hereby declare/affirm that all the information submitted or to be submitted as part of this application form is true and correct, and that:

- 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 ("EIA") Regulations, 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 of my general duty of care in terms of Section 28 of the NEMA;
- 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 appointed the Environmental Assessment Practitioner ("EAP") (if not exempted from this requirement) which:
  - meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations; or
  - meets all the requirements other than the requirement to be independent in terms of Regulation 13 of the NEMA EIA Regulations, but a review EAP has been appointed who does meet all the requirements of Regulation 13 of the NEMA EIA Regulations;
- I will provide the EAP and any specialist, where applicable, and the Competent Authority with access to all information at my disposal that is relevant to the application;
- 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 legitimately person contracted by the EAP;
  - costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
  - Legitimate costs in respect of specialist(s) reviews; and
  - the provision of security to ensure compliance with applicable management and mitigation measures;
- I am responsible for complying with conditions that may be attached to any decision(s) issued by the Competent Authority, hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which I or the EAP is responsible in terms of the NEMA EIA Regulations and any Specific Environmental Management Act.

**Note:** If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

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Signature of the Applicant:

Date:

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Name of company (if applicable):

## DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I **Kozette Myburgh** EAPASA Registration number **2019/1346** as the appointed EAP hereby declare/affirm the correctness of the:

- Information provided in this **Pre-application Draft BAR** and any other documents/reports submitted in support of this BAR;
- The inclusion of comments and inputs from stakeholders and I&APs;
- The inclusion of inputs and recommendations from the specialist reports where relevant; and
- Any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties, and that:
- In terms of the general requirement to be independent:
  - other than fair remuneration for work performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
  - am not independent, but another EAP that meets the general requirements set out in Regulation 13 of NEMA EIA Regulations has been appointed to review my work (Note: a declaration by the review EAP must be submitted);
- In terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- I have disclosed, to the Applicant, the specialist (if any), the Competent Authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of this application;
- I have ensured that information containing all relevant facts in respect of the application was distributed or was made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments;
- I have ensured that the comments of all interested and affected parties were considered, recorded, responded to and submitted to the Competent Authority in respect of this application; **(To follow in the application phase of this process)**
- I have ensured the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- I have kept a register of all interested and affected parties that participated in the public participation process **(ongoing)**; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations;



**30 November 2020**

Signature of the EAP:

Date:

**Ecosense CC**

Name of company (if applicable):

**DECLARATION OF THE REVIEW EAP - *Not applicable***

I ....., EAPASA Registration number ..... as the appointed Review EAP hereby declare/affirm that:

- I have reviewed all the work produced by the EAP;
- I have reviewed the correctness of the information provided as part of this Report;
- I meet all of the general requirements of EAPs as set out in Regulation 13 of the NEMA EIA Regulations;
- I have disclosed to the applicant, the EAP, the specialist (if any), the review specialist (if any), the Department and I&APs, all material information that has or may have the potential to influence the decision of the Department or the objectivity of any Report, plan or document prepared as part of the application; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations.

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Signature of the EAP:

Date:

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Name of company (if applicable):

**DECLARATION OF THE SPECIALIST - see individual specialist studies under Appendix G**

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

I ....., as the appointed Specialist hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that:

- In terms of the general requirement to be independent:
  - other than fair remuneration for work performed in terms of this application, have no business, financial, personal or other interest in the development proposal or application and that there are no circumstances that may compromise my objectivity; or
  - am not independent, but another specialist (the "Review Specialist") that meets the general requirements set out in Regulation 13 of the NEMA EIA Regulations has been appointed to review my work (Note: a declaration by the review specialist must be submitted);
- In terms of the remainder of the general requirements for a specialist, have throughout this EIA process met all of the requirements;
- I have disclosed to the applicant, the EAP, the Review EAP (if applicable), the Department and I&APs all material information that has or may have the potential to influence the decision of the Department or the objectivity of any Report, plan or document prepared or to be prepared as part of the application; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations.

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Signature of the EAP:

Date:

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Name of company (if applicable):

**DECLARATION OF THE REVIEW SPECIALIST - *Not applicable***

I ....., as the appointed Review Specialist hereby declare/affirm that:

- I have reviewed all the work produced by the Specialist(s);
- I have reviewed the correctness of the specialist information provided as part of this Report;
- I meet all of the general requirements of specialists as set out in Regulation 13 of the NEMA EIA Regulations;
- I have disclosed to the applicant, the EAP, the review EAP (if applicable), the Specialist(s), the Department and I&APs, all material information that has or may have the potential to influence the decision of the Department or the objectivity of any Report, plan or document prepared as part of the application; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations.

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Signature of the EAP:

Date:

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Name of company (if applicable):