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Ref: C220pi  
23 June 2024

## **ENVIRONMENTAL IMPACT REPORT**

in terms of the Outeniqua Sensitive Coastal Area Extension (OSCAE) Regulations under Section 21 (1) of the Environmental Conservation Act (73 of 1989):

### **EARTHWORKS AND CLEARING OF VEGETATION FOR THE CONSTRUCTION OF A HOUSE ON ERF 2105 FYNBOS CLOSE, CONSTANTIA KLOOF, WILDERNESS, GEORGE**

#### 1. BACKGROUND AND TERMS OF REFERENCE

An “OSCAER” permit is required for the construction of a primary residence on the above property. This is a moderately steep forested erf at the top bend of Fynbos Close off Constantia Drive in Constantia Kloof, Wilderness.

The whole of the property is covered in a protected “forest community” with senile fynbos elements on the upper portion of the property. This is in an area now rated as containing critically endangered fynbos. Only a relatively small area of forest will have to be removed for the construction of the house, driveway and parking area. The house is situated in the lower portion of the erf so that it will be possible to preserve a large portion of the very conservation-worthy vegetation on the rest of the erf.

The Terms of Reference are an instruction from the owner, Mrs Terri Harford, to apply on her behalf for a permit to remove vegetation and to undertake the earthworks necessary for the construction of a house on the property. A permit was previously issued for the construction of a much larger residence on the property originally in November 2019, while a revised layout (following a planning process) was approved in on 29 April 2022.

#### LOCALITY PLAN

The locality is shown in the following image from CapeFarmMapper



## 2. DETAILS OF APPLICATION

### 2(a) Details of the proposed activity

The activity consists of clearing of vegetation and earthworks necessary for the construction of a driveway, parking area and house on Erf 2105, on a forested slope closest to the road (Fynbos Close) off Constantia Drive in the Constantia Kloof Development in Wilderness.

### 2(b) Plans and location

Building and site plans have been submitted to the Municipality's building control office. As stated above, the site is situated on the bend of Fynbos Close above Constantia Drive. It is situated on a bend in the road with existing houses next to it on the east side, and west side, with a protected public open space (portions of Erf 2099) on the north-east and north-west corners above it.

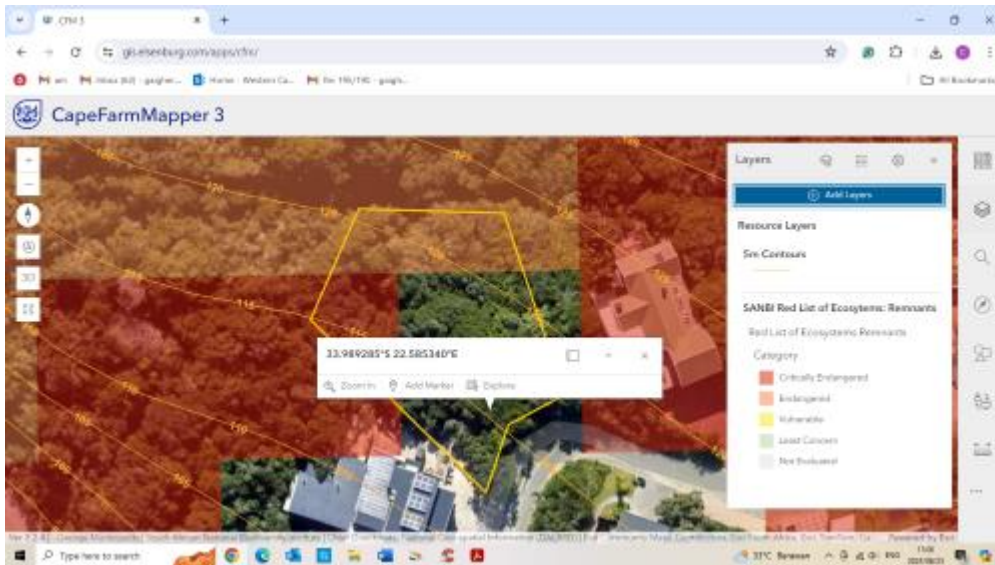
For the site development plan and architectural design, sections and aspects see the attached application form and plans.

## 3. ENVIRONMENTAL IMPACT REPORT

### 3.1 SITE DESCRIPTION

#### Vegetation

The site consists of a moderate to steep south-facing slope with a drainage line on the first bend of Fynbos Close above Constantia Drive in Constantia Kloof, Wilderness. The vegetation on the plot consists entirely of highly conservation-worthy coastal temperate thicket and forest with overlapping canopies as well as remnant elements of senile fynbos in more open areas. This is now classed in amendments to the NEMA as Critically Endangered Fynbos. CapeFarmMapper indicates this is as follows:



The rest of the property is mainly densely covered in forest and thicket. Although specific protected species (such as white milkwood, cheesewood, yellowwood and stinkwood) were not observed the forest vegetation itself represents a “protected forest community” and a permit for its removal will therefore be required. Comment from DFFE will thus be requested and the necessary license/s applied for. (‘Forestry’ had no objection to the previous two layouts for the larger house). Specific protected trees are not the issue in this case, but the vegetation as a whole is of great conservation value with the greater part consisting of ‘protected forest’. Fortunately the modest construction will be confined to the lower portion of the plot and a large part of the Erf can thus be preserved in a natural state.

The proposed drive-way is on the south-eastern corner of the Erf, while with sensitive planning an area of forest which falls partially within the road reserve and partially on the property can be preserved. This could be a valuable asset and screen from the road. Only the opening necessary for the driveway should therefore be cleared while the rest could be retained as a ‘visual screen’.

Images of the vegetation in the proposed development area are as follows:





### Geology

Geologically the general site is classed as belonging to the “Kaaimans Group” characterised by feldspartic quartzite and ‘schists and shales’. On the lower portion of the Estate soils and rocks more typically belong to the ‘Cape Granite Suite’ occur with granitic soils with surface rocks being present in places.

### Topography

The site in general is not very steep, with a maximal fall over the property being approximately 10m. This is also indicated in the Site Development Plan that also indicates that the building, carport and driveway are situated as close to the road as building lines will allow thus minimizing the length of the driveway and lessening impact on the rest of the erf..

### 3.2 ENVIRONMENTAL IMPACT OF THE ACTIVITIES.

#### a) Earthworks

Due to the slope, the intention is to build the house on a 'building platform'. This will be cast on supporting structures so that excavation will be limited and the house itself will be comparatively small and compact. Limited earthworks will also be necessary for the driveway and parking area. As mentioned above this will be situated near to the bottom boundary of the property and the major portion of the site will not be negatively impacted.

Bearing in mind that this will only immediately impact on 14 % of the property (17.6 % before rehabilitation) the overall impact of construction on the erf will not be unacceptable (compared to most other houses in the Estate). Care will however need to be taken to ensure that construction is well managed and controlled.

All disturbed areas will also need to be effectively stabilised and care taken to protect the surrounding (forest) vegetation.

#### b) Clearing of vegetation

As above, clearing of vegetation will only be required on a comparatively limited portion of the site --- while the greatest part of the site can be retained in a natural state. As mentioned above as this will require the total removal of an area of highly conservation-worthy (and protected) natural forest vegetation a license from the Directorate of Forestry, and an identification of the number and species involved, will need to be applied for. 'Forestry', in principle, however generally accepts the primary right of a property owner to clear vegetation on a residential plot where unavoidable on the grounds of approved plans. (They also did not object to the previous much larger construction.)

Initial comment on the proposed structure will thus be requested during the application stage and a license to remove the vegetation will be applied for before construction commences (subject to whatever conditions DFFE then consider appropriate.)

The importance of the natural vegetation and its role in protecting the slope against erosion should however be borne in mind and the area of forest not immediately impacted by construction should be actively protected as a no-go area during construction.

Provided only the area of construction and a reasonable working area around it is cleared and stabilised impact can be contained and the degree of disturbance can be kept within acceptable parameters.

#### c) Visual impact

The building will be constructed well below the skyline and could be significantly screened from the road by the retention of the vegetation along the road. With a sensitive selection of colours and finishes, visual impact could thus be significantly reduced and will then not be unacceptable.

d) Legislation

Although the property is now classed by the NEMA as critically endangered, the total area of disturbance (204.44m<sup>2</sup>) is well below the threshold that would 'trigger' an Environmental Authorisation --- moreover the Estate falls within the Urban Edge of Wilderness so that NEMA Regulations in any case do not apply.

#### 4. SYNTHESIS AND MITIGATION

The application is for the construction of a small compact house which is the primary right of the owner. As described above, the house impacts on a comparatively limited area, leaving the greater part of the site potentially undisturbed so that provided other planning criteria are met the construction of the house will be environmentally acceptable.

It should however be appreciated that it is a highly sensitive and, conservation-worthy site and it is therefore important that development should be undertaken in a responsible manner. The clearing of vegetation should thus be limited to what is necessary and the area not impacted should be protected during construction.

Subject to the above, the issuing of the necessary "OSCAER" permit is recommended. This should include the following mitigation measures as conditions of approval:

- The removal of vegetation should be kept to a minimum and must be restricted to the area of construction and necessary retaining structures and a reasonable but limited area around them;
- This should be ensured by erecting and maintaining barriers around 'no-go' areas throughout the construction phase;
- Special attention should be given to ensure that no earth or building materials are allowed to spill over into or be temporarily stored on the retained natural areas;
- All disturbed areas outside the house footprint must be effectively stabilised with retaining structures where necessary and open areas revegetated preferably with approved locally indigenous ground covers, shrubs and trees;
- Stormwater off disturbed areas and hard surfaces (such as roofs and paving) must be managed during and after the construction period to ensure that erosion does not occur and the site is not destabilised and degraded by wash-aways;
- Due to its invasive nature Kikuyu grass is not to be used for lawns or stabilisation. (Grassing --- if any --- should in any case be restricted to the minimum and only used for stabilisation of unavoidably disturbed areas);
- It is understood that a 'Forestry license' will be necessary and must be applied for and issued before any disturbance of the site takes place .

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