



## **Comments and Response Report**

### **The Proposed Development of a Small Beachfront Security Estate on Portions 66 and 67 of the Farm Brakkloof 443, Plettenberg Bay, Western Cape.**

**DEA&DP Ref. No: 16/3/3/1/D1/14/0028/22**

#### **APPROACH**

The public participation process for the Project was undertaken with due reference to Section 39 of the EIA Regulations, 2014 (as amended). Specifically, this comprised the following activities:

- The Notice of Intent to Submit and application was submitted to the Department of Environmental Affairs and Development Planning (DEA&DP) in March 2021, and acknowledged on 06/08/2021
- A site meeting with DEA&DP officials was held on 06/04/2021.
- The public participation process was initiated by Andrew West Environmental Consultancy on 11/11/2021 with the publishing of a notice in the local newspaper, the Knysna-Plett Herald. (Annexure 1).
- The Screening Tool Report, Site Sensitivity Verification Report and Public Participation Plan was submitted to DEA&DP via email on 20/08/2021, and comments received on 09/09/2021.
- The appointed Environmental Consultancy had to withdraw from this specific project, and Eco Route Environmental Consultancy was appointed to continue with the process.
- A 30-day Public Participation was undertaken on 11/07/2022 that also included the Town Planning Application for consolidation, rezoning and subdivision. Stakeholders and Interested and Affected Parties were notified via email (Annexure 2). Emails sent to private individuals have been excluded from annexure 2 due to the POPI Act.
- A Pre-Application Basic Assessment Report was submitted on 26/07/2022 to DEA&DP and comments received on 24/08/2022.
- Following the comments received, the SSVR was updated and submitted to the department on 19/10/2022 and comments received on 24/10/2022.
- The Application was submitted on 24/10/2022 to the DEA&DP, and acknowledged on 27/10/2022.
- The 30-day Public Participation Process commenced on 03/11/2022 to 05/12/2022 which included publishing of a notice in the Knysna-Plett Herald and placing of notice boards at the site. All I&APs were notified via email.
- An additional Public Participation Process commenced on 23/01/2023 to 22/02/2023. A Freshwater Assessment was undertaken by specialists Dr J.M. Dabrowski of Confluent Aquatic Consulting and Research, as requested by DEA&DP. Due to the addition of new information and the application for a General Authorisation in terms of the National Water Act, a further 30-day Public Participation Process was required.

- Following this it was determined by BGCMA (Appendix 5) that a WULA will be required. This resulted in the requirement of another 30-day Public Participation Process to include the information contained in the WULA process.
- A stakeholder and Interested and Affected Parties (I&AP) database was prepared for the project (Annexure 3).
- The preparation of an Issues Trail, listing the comments received throughout the public participation process to date (Annexure 4).
- DWS consultation regarding WULA is incorporated into Annexure 5
- Evidence of comments received have been included in Annexure 6.
- Evidence of notifications sent to I&APs have been included in Annexure 7. Emails sent to private individuals have been excluded from annexure 2 due to the POPI Act.

## Annexure 1: Newspaper advertisement

**KNYSNA-PLETT  
HERALD**

INCORPORATING AREAS FROM SEDGEFIELD TO BITOU R4.00

Thursday 11 November, 2021 [www.knysnaplettherald.com](http://www.knysnaplettherald.com)

**Andrew West Environmental Consultancy**  
**EIA PROCESS**  
**Notification to Interested & Affected Parties**  
**Development on Portion 66 & 67 of Farm 443,**  
**Plettenberg Bay**

**Availability of Pre-App Basic Assessment Report**

Notice is hereby given in terms of the **National Environmental Management Act (Act 107 of 1998)** NEMA, and the 2014 Environmental Impact Assessment Regulations (and 2017 amendments), of the availability of the Pre-Application Basic Assessment Report (Public Participation Process).  
DEADP Ref: 16/3/16/7/1/D/1/14/0027/21

**Activity:** The Basic Assessment Application is for the proposal to create a small beachfront security estate. The development concept includes 15 residential stands that vary between approx 750m<sup>2</sup> and 1300m<sup>2</sup> in size. Communal Open Space will be rehabilitated with natural indigenous vegetation.  
**Government Notice No. RCP27 Activity Not(s):**  
Listed Activities 17, 19 & 27 are applicable

**Location:** The property is situated on the south-eastern section of the Bitou Municipality area, adjacent to Robberg beach. The property is accessed from the south, via Robberg Bay Rd and from the north via a servitude over Portion 58 that connects Aquarius Rd to Robberg Bay Rd.

**Proponent:** The Keep Property (Pty) Ltd  
**Assessment Practitioner:** Andrew West, P. O. Box 9187, George, 6530.  
Tel: 082336890 Fax: 0866580998  
Email: [andrewwest@isat.co.za](mailto:andrewwest@isat.co.za)

**Date of advertisement:** 11 November 2021

You may register as an Interested & Affected Party as part of the public participation process and are requested to send your details and the nature of your interest to the Environmental Assessment Practitioner above. The **Draft Basic Assessment Report (BAR)** will be available as a commenting document (CID) as part of the public participation process for review and potential Interested & Affected Parties must communicate to the Consultant the preferred way (eg. email, hardcopy, digitally) in which they would like to receive or view the Document. There will be a 30 day review period from **11 November 2021** in order to ensure that any possible additional environmental issues are addressed. The issues and any particular concerns will be recorded by the Consultant.

**Figure 1: Advert placed in the Knysna-Plett Herald on 11 November 2021 by Andrew West Consultancy.**



# Jay Jay gets welcome help from sponsors

■ Blake Linder

KNYSNA – Local boxer Jay Jay Ndukwana, 31, received a welcome helping hand from Re/Max Coastal and Coyote Events last week that enabled him to travel to East London for his second-ever professional fight. He boxed in the lightweight division and the fight was streamed on SABC. He had only competed in one professional fight before, in December 2019, which he won with a knockout in the first round, but had to put his budding boxing career on hold due to the Covid-19 pandemic. This set him back considerably, but did not deter him. He continued to stay fit and work hard, aiming to get back into the ring.

The chance finally came in East London on Sunday, but while he had the drive and the determination to make it there, he didn't have the means. This is where Re/Max and Coyote stepped in, the former

sourcing some boxing attire for Ndukwana and arranging jackets and boxing trunks for him and his coach, Gcobani Tom, while Coyote Events provided financial support to



Jay Jay Ndukwana (left) with his coach, Gcobani Tom.

The kind sponsors who made Jay Jay Ndukwana's trip possible. From left: Bronwyn Lloyd (Coyote Events), Jay Jay Ndukwana, Chris van der Merwe (Re/Max Coastal), Gcobani Tom (Ndukwana's coach) and Belinda Hobson (Coyote Events). Photos: Blake Linder

be able to travel. Sadly it wasn't a fairly tale return to the ring. He suffered a defeat by split decision having gone the full length of the match. Ndukwana took up the sport of boxing at a young age, but never really boxed seriously. He was born in Mdantsane in the Eastern Cape and grew up between

there and Knysna, matriculating from Percy Mdala High School in Knysna. After school he spent eight years in the sport of bodybuilding before deciding to take up professional boxing in 2019. He currently trains independently from home and isn't affiliated to a boxing club, but aims to continue growing his boxing career.

# Lifting the weights of success

■ Blake Linder

KNYSNA - A team of five athletes and two coaches from Enhanced Fitness Studio and Boulderling Gym took part in the South African Weightlifting Championships hosted by Eden Fitness in Mossel Bay on Saturday and Sunday, 22 and 23 October.

The team has over the past few months put in some serious hard work to refine their techniques and get stronger and more confident in the Olympic lifts and this really showed on competition day. Of the five lifters, only one had competed before while the other four were competing for the first time ever.

"As a coach I could not be prouder of my athletes," said Benjamin Lombard, the head coach. "And as a gym our Fitfam community are excited for our next fitness goals and look forward to the 2023 season of functional fitness, weightlifting, maybe a triathlon or two - whatever the next adventure is, you can be sure we will be giving it our best as the Enhanced Fitfam."

The individual results were as follows:

- Callum Nicoll – second place, men's 109kg
- Jenavicka Lombard – second place, women's 55kg
- Benjamin Lombard – eighth place, men's 89kg
- Laetitia Patte Bensley – first place, women over 45, 59kg and third place, women's 59kg
- Nicholas Alexandrou – first place, men's 35, 96kg and second place, men's 96kg



Nicholas Alexandrou



Laetitia Bensley



The competing team from Knysna. From left: Callum Nicoll, Jenavicka Lombard, Benjamin Lombard, Laetitia Bensley, Nicholas Alexandrou and Nataasha du Toit (assistant coach).

**ECO-ROUTE ENVIRONMENTAL CONSULTANCY EIA PROCESS**

Notification of Public Participation:

The Proposed Development of a Beachfront Security Estate on Portion 66 & 67 of Farm 443, Plettenberg Bay, Western Cape.

Notice is hereby provided in terms of the National Environmental Management Act (Act 107 of 1989), the National Environmental Management Act: Environmental Impact Assessment Regulations 2014, as amended, of a 30-day Public Participation Process to be undertaken under the authority of the Department of Environmental Affairs and Development Planning (DEADP). The Public Participation Process will run from 03/11/2022 – 05/12/2022.

DEADP Ref: 16/3/31/01/14/002/022

**Address:**  
The Basic Assessment Application is for the proposed development of a small exclusive beachfront security estate on Portion 66 and 67 of Farm 443, Plettenberg Bay. The development concept includes 9 residential stands that vary between ±13 19m² and ±9 987m² in size. There will be some designated communal open space that will be rehabilitated with natural indigenous vegetation.

**The following EIA United Activities are applicable:**

Government Notice No. R227 (Licensing Notice 1): Activity 17(v)(a), 19(A), & 27  
Government Notice No. R224 (Licensing Notice 3): Activity 4(i)(i)(a)

A Draft Basic Assessment Report and relevant appendices will be sent via email to all registered Interested and Affected Parties (I&APs) for public review and comment. Alternatively, all relevant documents may be accessed via our website during the public participation period. Should you wish to gain further information regarding the project or wish to register as an Interested and Affected Party please contact the Environmental Assessment Practitioner (details below).

Please provide written comments with your name, contact details and an indication of any direct business, financial, personal, or other interest which you may have in the development.

Environmental Assessment Practitioner: Jane! Ebenrohn (EPASA Reg 2019/12/95)  
www.ecoroute.co.za | PO Box 1252, Sedgfield, 6573 | Email: jane@ecoroute.co.za  
Cell: 082 85 77 122



**South African NATIONAL PARKS**

**Notice of Public Participation Process**

**Sout (Oos) Estuary Management Plan**

**Garden Route National Park**

Notice is hereby given of the public participation process and the opportunity to participate in the development of an Estuary Management Plan for the Sout (Oos) Estuary located 3km west of Natures Valley. Following an initial public meeting to develop high level objectives and several focus group meetings, the draft Sout (Oos) Estuary Management Plan was developed. Your inputs are requested to help finalise the plan to be submitted to the Minister for approval. Interested and affected parties are invited to register. A public meeting will be held at the Kurland Bowling Club on 29 November 2022 at 16h00.

To register please send your contact details to Len du Plessis at len.duplessis@sanparks.org

**ECO-ROUTE  
ENVIRONMENTAL CONSULTANCY  
EIA PROCESS**



**Notification of Public Participation:**

**The Proposed Development of a Beachfront Security Estate on Portion 66 & 67 of Farm 443, Plettenberg Bay, Western Cape.**

Notice is hereby provided in terms of the National Environmental Management Act (Act 107 of 1998), the National Environmental Management Act: Environmental Impact Assessment Regulations 2014, as amended, of a 30-day Public Participation Process to be undertaken under the authority of the Department of Environmental Affairs and Development Planning (DEA&DP). The Public Participation Process will run from **03/11/2022 – 05/12/2022**.

DEADP Ref: 16/3/3/1/D1/14/0028/22

**Activity:**

The Basic Assessment Application is for the proposed development of a small exclusive beachfront security estate on Portion 66 and 67 of Farm Brakkloof 443, Plettenberg Bay. The development concept includes 9 residential stands that vary between ±1319m<sup>2</sup> and ±1987m<sup>2</sup> in size. There will be some designated communal open space that will be rehabilitated with natural indigenous vegetation.

**The following EIA Listed Activities are applicable:**

**Government Notice No. R327 (Listing Notice 1):** Activity 17(v)(e), 19A(ii), & 27

**Government Notice No. R324 (Listing Notice 3):** Activity 4(i)(ii)(aa)

A Draft Basic Assessment Report and relevant appendices will be sent via email to all registered Interested and Affected Parties (I&APs) for public review and comment. Alternatively, all relevant documents may be accessed via our website during the public participation period.

Should you wish to gain further information regarding the project or wish to register as an Interested and Affected Party please contact the Environmental Assessment Practitioner (details below).

Please provide written comments with your name, contact details and an indication of any direct business, financial, personal, or other interest which you may have in the development.

**Environmental Assessment Practitioner:** Janet Ebersohn (EAPASA Reg 2019/1286)

www.ecoroute.co.za | P.O. Box 1252, Sedgefield, 6573 | Email: janet@ecoroute.co.za

Cell: 082 55 77 122

OR22239826\_ML

**Figure 2: Advert placed in the Knysna-Plett Herald on 3 November 2022.**



**ECO-ROUTE  
ENVIRONMENTAL CONSULTANCY**



**EIA PROCESS**

**Notification of Public Participation:**

**The Proposed Development of a Beachfront Security Estate on Portion 66 & 67 of Farm 443, Plettenberg Bay, Western Cape.**

Notice is hereby provided in terms of the National Environmental Management Act (Act 107 of 1998), the National Environmental Management Act: Environmental Impact Assessment Regulations 2014, as amended, of a 30-day Public Participation Process to be undertaken under the authority of the Department of Environmental Affairs and Development Planning (DEA&DP). The Public Participation Process will run from **03/11/2022 – 05/12/2022**.

DEADP Ref: 16/3/3/1/D1/14/0028/22

**Activity:**

The Basic Assessment Application is for the proposed development of a small exclusive beachfront security estate on Portion 66 and 67 of Farm Brakkloof 443, Plettenberg Bay. The development concept includes 9 residential stands that vary between  $\pm 1319\text{m}^2$  and  $\pm 1987\text{m}^2$  in size. There will be some designated communal open space that will be rehabilitated with natural indigenous vegetation.

**The following EIA Listed Activities are applicable:**

**Government Notice No. R327 (Listing Notice 1):** Activity 17(v)(e), 19A(ii), & 27

**Government Notice No. R324 (Listing Notice 3):** Activity 4(i)(ii)(aa)

A Draft Basic Assessment Report and relevant appendices will be sent via email to all registered Interested and Affected Parties (I&APs) for public review and comment. Alternatively, all relevant documents may be accessed via our website during the public participation period.

Should you wish to gain further information regarding the project or wish to register as an Interested and Affected Party please contact the Environmental Assessment Practitioner (details below).

Please provide written comments with your name, contact details and an indication of any direct business, financial, personal, or other interest which you may have in the development.

**Environmental Assessment Practitioner:** Janet Ebersohn (EAPASA Reg 2019/1286)

[www.ecoroute.co.za](http://www.ecoroute.co.za)

P.O. Box 1252, Sedgefield, 6573

Email: [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)

Cell: 082 55 77 122

**Figure 3: Two site signs were erected on portion 66 and 67 of 443 Brakkakloof.**





**Figure 4: Site sign at existing entrance gate to portion 66 of 443 off the Robberg Bay Road, coordinates 34° 5'27.05"S , 23°22'10.39"E**





**Figure 5: Site sign at the corner of portion 67 of 443 where the Robberg Bay Road ends, coordinates 34° 5'23.41"S , 23°22'8.65"E**



## Annexure 2: Notification to Stakeholders and I&AP's of the Pre-Application BAR

**From:** [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za) <[janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)>

**Sent:** Monday, 11 July 2022 13:00

**To:** 'Mlungis.Booi@westerncape.gov.za' <[Mlungis.Booi@westerncape.gov.za](mailto:Mlungis.Booi@westerncape.gov.za)>; 'msimons@capenature.co.za' <[msimons@capenature.co.za](mailto:msimons@capenature.co.za)>; 'joy.ruiters@westerncape.gov.za' <[joy.ruiters@westerncape.gov.za](mailto:joy.ruiters@westerncape.gov.za)>; 'Landuse.elsenberg@elsenburg.com' <[Landuse.elsenberg@elsenburg.com](mailto:Landuse.elsenberg@elsenburg.com)>; 'cabrahams@bgcma.co.za' <[cabrahams@bgcma.co.za](mailto:cabrahams@bgcma.co.za)>; Melanie Koen <[Mkoen@dffe.gov.za](mailto:Mkoen@dffe.gov.za)>; 'danie.swanepoel@westerncape.gov.za' <[danie.swanepoel@westerncape.gov.za](mailto:danie.swanepoel@westerncape.gov.za)>; 'Jessica P Christie' <[Jessica.Christie@westerncape.gov.za](mailto:Jessica.Christie@westerncape.gov.za)>; 'Francois Naude' <[Francois.Naude@westerncape.gov.za](mailto:Francois.Naude@westerncape.gov.za)>; 'grace.swanepoel@westerncape.gov.za' <[grace.swanepoel@westerncape.gov.za](mailto:grace.swanepoel@westerncape.gov.za)>

**Cc:** 'Kyle p' <[kylepowter1@gmail.com](mailto:kylepowter1@gmail.com)>; 'lizemarie@planningspace.co.za' <[lizemarie@planningspace.co.za](mailto:lizemarie@planningspace.co.za)>

**Subject:** Public Participation Development on Portion 66 & 67 of Farm 443 Plettenberg Bay

### EIA PROCESS

#### Notification to Interested & Affected Parties Development on Portion 66 & 67 of Farm 443, Plettenberg Bay

#### Availability of Pre-App Basic Assessment Report, Including Town Planning Application and Heritage Impact Assessment

Notice is hereby given in terms of the *National Environmental Management Act (Act 107 of 1998)* NEMA, and the 2014 Environmental Impact Assessment Regulations (and 2017 amendments), of the availability of the Pre-Application Basic Assessment Report (Public Participation Process).  
DEADP Ref: 16/3/3/6/7/1/D1/14/0027/21

**Activity:** The Basic Assessment Application is for the proposal to create a small beachfront security estate. The development concept includes 9 residential stands that vary between approx. 1300m<sup>2</sup> and 1987m<sup>2</sup> in size. Communal Open Space will be rehabilitated with natural indigenous vegetation.  
Government Notice No. R327 Activity Nol(s):  
Listed Activities 17, 19 & 27 are applicable

**Location:** The property is situated on the south-eastern section of the Bitou Municipality area, adjacent to Robberg beach. The property is accessed from the south, via Robberg Bay Rd and from the north via a servitude over Portion 58 that connects Aquarius Rd to Robberg Bay Rd.

**Proponent:** The Keep Property (Pty) Ltd  
**Assessment Practitioner:** Andrew West, & Janet Ebersohn  
Tel: 082 5577122  
Email: [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)

**Town Planning:** Lizemarie Botha  
VPM  
Tel: 082 855 1125  
Email: [lizemarie@planningspace.co.za](mailto:lizemarie@planningspace.co.za)

**Activity:** The town planning application submitted to the Bitou Municipality has also been amended to read as follows:

- i. Consolidation of Portion 66 and 67 of the Farm Brakloof No. 443;
- ii. Rezoning of the consolidated properties from "Agriculture 1" to "Subdivisional Area";
- iii. Subdivision of the property into 9 (nine) Single Residential erven and 1 (one) Private Open Space Erf.

**Heritage Impact Assessment:** Andre Vercueil Consulting Architects  
Tel: 082 565 4618  
Email: [andre@architectset.com](mailto:andre@architectset.com)

**Activity:** Heritage Resource Act, Act 25 of 1999

*You may register as an Interested & Affected Party as part of the public participation process and are requested to send your details and the nature of your interest to the Environmental Assessment Practitioner above ([janet@ecoroute.co.za](mailto:janet@ecoroute.co.za))*

*The Pre-Application Basic Assessment Report (BAR) will be available as a commenting document (BID) as part of the public participation process for review and potential Interested & Affected Parties can review all documents on [www.ecoroute.co.za](http://www.ecoroute.co.za).*

*There will be a 30 day review period from 11 July 2022 in order to ensure that any possible additional environmental issues are addressed. The issues and any particular concerns will be recorded by the Consultant.*



**Andrew West Environmental Consultancy**

All the required information for this Pre-application Public Participation can be found on the following link:

<https://ecoroute.co.za/node/52>

Should you require any further information, please do not hesitate to contact me.

Kind Regards  
Janet Ebersohn  
Bsc.Hons Environmental Management  
082 55 77 122  
EAPASA:2019/1286



**PUBLIC PARTICIPATION FOR DEVELOPMENT ON PORTION 66 & 67 OF FARM 443 PLETTENBERG BAY**

**From** <admin@ecoroute.co.za>  
**To** <Jessica.Christie@westerncape.gov.za>, <Nathan.Jacobs@westerncape.gov.za>, <Azni.November@westerncape.gov.za>, <Dirk.Prinsloo@westerncape.gov.za>, <Roberts.J@dwa.gov.za>, <Landuse.elsenburg@elsenburg.com>, <corvdw@elsenburg.com>, <Joy.ruiters@westerncape.gov.za>, <Danie.Swanepoel@westerncape.gov.za>, <MKoen@dffe.gov.za>, [3 more...](#)  
**Cc** Janet <janet@ecoroute.co.za>, Joclyn <joclyn@ecoroute.co.za>  
**Date** 2022-11-03 12:19

Good day

You have been identified as an Interested and/or Affected Party with regards to the following:  
The Proposed Development of a Beachfront Security Estate on Portion 66 & 67 of Farm 443, Plettenberg Bay, Western Cape.

Notice is hereby provided in terms of the National Environmental Management Act (Act 107 of 1998), the National Environmental Management Act: Environmental Impact Assessment Regulations 2014, as amended, of a 30-day Public Participation Process to be undertaken under the authority of the Department of Environmental Affairs and Development Planning (DEA&DP). The Public Participation Process will run from 03/11/2022 - 05/12/2022.

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Please provide written comments with your name, contact details and an indication of any direct business, financial, personal, or other interest which you may have in the development.

Environmental Assessment Practitioner: Janet Ebersohn (EAPASA Reg 2019/1286)

[www.ecoroute.co.za](http://www.ecoroute.co.za)  
P.O. Box 1252, Sedgefield  
6573  
Email: [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)  
Cell: 082 557 7122

**PUBLIC PARTICIPATION FOR DEVELOPMENT ON PORTION 66 & 67 OF FARM 443 PLETTENBERG BAY**

**From** <admin@ecoroute.co.za>  
**To** <AbrahamsN@nra.co.za>, <managerfpa@gmail.com>, <Maretha.alant@sanparks.org>, <cschliemann@plett.gov.za>, <mrhode@plett.gov.za>, <ataljaard@plett.gov.za>, <info@gardenroute.gov.za>  
**Cc** Janet <janet@ecoroute.co.za>, Joclyn <joclyn@ecoroute.co.za>  
**Date** 2022-11-03 12:23

Good day

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Environmental Assessment Practitioner: Janet Ebersohn (EAPASA Reg 2019/1286)

[www.ecoroute.co.za](http://www.ecoroute.co.za)  
P.O. Box 1252, Sedgfield  
6573  
Email: [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)  
Cell: 082 557 7122



**PUBLIC PARTICIPATION FOR DEVELOPMENT ON PORTION 66 & 67 OF FARM 443 PLETTENBERG BAY**

**From** <admin@ecoroute.co.za>  
**To** <msimons@capenature.co.za>  
**Cc** Janet <janet@ecoroute.co.za>, Joclyn <joclyn@ecoroute.co.za>  
**Date** 2022-11-03 13:02

Good day

You have been identified as an Interested and/or Affected Party with regards to the following:  
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Environmental Assessment Practitioner: Janet Ebersohn (EAPASA Reg 2019/1286)

[www.ecoroute.co.za](http://www.ecoroute.co.za)

P.O. Box 1252, Sedgfield

6573

Email: [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)

Cell: 082 557 7122

**PUBLIC PARTICIPATION FOR DEVELOPMENT ON PORTION 66 & 67 OF FARM 443 PLETTENBERG BAY**

**From** <admin@ecoroute.co.za>  
**To** <Stephanie.barnardt@westerncape.gov.za>, <Noluvo.Toto@westerncape.gov.za>  
**Cc** Janet <janet@ecoroute.co.za>, Joclyn <joclyn@ecoroute.co.za>  
**Date** 2022-11-03 12:29

DBAR Cover letter\_HWC.pdf (~150 KB)

Good day

You have been identified as an Interested and/or Affected Party with regards to the following:  
The Proposed Development of a Beachfront Security Estate on Portion 66 & 67 of Farm 443, Plettenberg Bay, Western Cape.

Notice is hereby provided in terms of the National Environmental Management Act (Act 107 of 1998), the National Environmental Management Act: Environmental Impact Assessment Regulations 2014, as amended, of a 30-day Public Participation Process to be undertaken under the authority of the Department of Environmental Affairs and Development Planning (DEA&DP). The Public Participation Process will run from 03/11/2022 - 05/12/2022.

DEADP Ref: 16/3/3/1/D1/14/0028/22

**Activity:**

The Basic Assessment Application is for the proposed development of a small exclusive beachfront security estate on Portion 66 and 67 of Farm Brakkloof 443, Plettenberg Bay. The development includes 9 residential stands that vary between  $\pm 1319\text{m}^2$  and  $\pm 1987\text{m}^2$  in size. There will be some designated communal open space that will be rehabilitated with natural indigenous vegetation.

The following EIA Listed Activities are applicable:

Government Notice No. R327 (Listing Notice 1): Activity 17(v)(e), 19A(ii), & 27

Government Notice No. R324 (Listing Notice 3): Activity 4(i)(ii)(aa)

A Draft Basic Assessment Report and relevant appendices will be sent via email to all registered Interested and Affected Parties (I&APs) for public review and comment. Alternatively, all relevant documents may be accessed via our website ([www.ecoroute.co.za](http://www.ecoroute.co.za)) during the public participation period.

Should you wish to gain further information regarding the project please contact the Environmental Assessment Practitioner (details below).

Your written comments are kindly requested.

Environmental Assessment Practitioner: Janet Ebersohn (EAPASA Reg 2019/1286)

[www.ecoroute.co.za](http://www.ecoroute.co.za)

P.O. Box 1252, Sedgefield  
6573

Email: [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)

Cell: 082 557 7122



**PUBLIC PARTICIPATION FOR DEVELOPMENT ON PORTION 66 & 67 OF FARM 443 PLETTENBERG BAY**

**From** <admin@ecoroute.co.za>  
**To** <Strohl@caa.co.za>  
**Cc** Janet <janet@ecoroute.co.za>, Joclyn <joclyn@ecoroute.co.za>  
**Date** 2022-11-03 12:31

DBAR Cover letter\_SACAA.pdf (~139 KB)

Good day

You have been identified as an Interested and/or Affected Party with regards to the following:  
The Proposed Development of a Beachfront Security Estate on Portion 66 & 67 of Farm 443, Plettenberg Bay, Western Cape.

Notice is hereby provided in terms of the National Environmental Management Act (Act 107 of 1998), the National Environmental Management Act: Environmental Impact Assessment Regulations 2014, as amended, of a 30-day Public Participation Process to be undertaken under the authority of the Department of Environmental Affairs and Development Planning (DEA&DP). The Public Participation Process will run from 03/11/2022 - 05/12/2022.

DEADP Ref: 16/3/3/1/D1/14/0028/22

**Activity:**

The Basic Assessment Application is for the proposed development of a small exclusive beachfront security estate on Portion 66 and 67 of Farm Brakkloof 443, Plettenberg Bay. The development includes 9 residential stands that vary between  $\pm 1319\text{m}^2$  and  $\pm 1987\text{m}^2$  in size. There will be some designated communal open space that will be rehabilitated with natural indigenous vegetation.

The following EIA Listed Activities are applicable:

Government Notice No. R327 (Listing Notice 1): Activity 17(v)(e), 19A(ii), & 27

Government Notice No. R324 (Listing Notice 3): Activity 4(i)(ii)(aa)

A Draft Basic Assessment Report and relevant appendices will be sent via email to all registered Interested and Affected Parties (I&APs) for public review and comment. Alternatively, all relevant documents may be accessed via our website ([www.ecoroute.co.za](http://www.ecoroute.co.za)) during the public participation period.

Should you wish to gain further information regarding the project please contact the Environmental Assessment Practitioner (details below).

Your written comments are kindly requested.

Environmental Assessment Practitioner: Janet Ebersohn (EAPASA Reg 2019/1286)

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# Eco Route

**ENVIRONMENTAL CONSULTANCY**

REGISTRATION NO. 1998/031976/23

DR. COLLEEN EBERSOHN

PhD Univ. Pretoria

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## Annexure 3: Interested and Affected Parties Database

STATE DEPARTMENTS			
Name	Contact Person	Contact Details	Email
Department of Environmental Affairs and Development Planning (DEA & DP)	Jessica Christie	Private Bag x 6509, George, 6530 <a href="tel:0448142013">044 814 2013 (T)</a>	<a href="mailto:Jessica.Christie@westerncape.gov.za">Jessica.Christie@westerncape.gov.za</a>
Department of Health	Nathan Jacobs	Private Bag x6592, George, 6530 044-803 2727 (T) 044-873 5929 (F)	<a href="mailto:Nathan.Jacobs@westerncape.gov.za">Nathan.Jacobs@westerncape.gov.za</a>
Heritage Western Cape	Noluvo Toto Stephanie Barnardt	Private Bag x9067, Cape Town, 8000 021-483 9729 (T) 021-483 9845 (F)	<a href="mailto:Noluvo.Toto@westerncape.gov.za">Noluvo.Toto@westerncape.gov.za</a> <a href="mailto:Stephanie.barnardt@westerncape.gov.za">Stephanie.barnardt@westerncape.gov.za</a>
Provincial Roads Dept	Azni November Dirk Prinsloo Vanessa Stoffels	Private Bag x617, Oudtshoorn, 6620 044 272 6071 (T) 044 272 7243 (F)	<a href="mailto:Azni.November@westerncape.gov.za">Azni.November@westerncape.gov.za</a> <a href="mailto:Dirk.Prinsloo@westerncape.gov.za">Dirk.Prinsloo@westerncape.gov.za</a> <a href="mailto:Vanessa.Stoffels@westerncape.gov.za">Vanessa.Stoffels@westerncape.gov.za</a>
Department of Water & Sanitation	John Roberts	Private Bag x16, Sanlamhof, 7532 021 941 6179 (T) 021 941 6082 (F)	<a href="mailto:RobertsJ@dwa.gov.za">RobertsJ@dwa.gov.za</a>
Dept of Agriculture Land Use Management	Cor van der Walt	Private Bag x1, Elsenburg, 7601 021 808 5099 (T) 021 808 5092 (F)	<a href="mailto:corvdw@elsenburg.com">corvdw@elsenburg.com</a>



Coastal Management Unit, DEA&DP	Joy Ruiters	Private Bag x9086, Cape Town. 8000 021 483 4737 (T) 021 483 8326 (F)	<a href="mailto:Joy.ruiters@westerncape.gov.za">Joy.ruiters@westerncape.gov.za</a>
Dept of Environmental Affairs & Development Planning (DEA & DP)	Danie Swanepoel	Private Bag x6509, George, 6530 044 805 8602 (T) 044 805 8650 (F)	<a href="mailto:Danie.Swanepoel@westerncape.gov.za">Danie.Swanepoel@westerncape.gov.za</a>
DAFF: Forestry Management	Melanie Koen	Private Bag x12, Knysna, 6570 044 302 6902 (T) 044 382 5461 (F)	<a href="mailto:MKoen@dfffe.gov.za">MKoen@dfffe.gov.za</a>

### ORGANS OF STATE

Name	Contact Person	Contact Details	Email
Breede-Gouritz Catchment Management Agency	Andiswa Sam R Mphahlele	PO Box 1205, George, 6530 <a href="tel:0233468000">023 346 8000 (T)</a> <a href="tel:0233472012">023 347 2012 (F)</a>	<a href="mailto:asam@bgcma.co.za">asam@bgcma.co.za</a> <a href="mailto:rmphahlele@bgcma.co.za">rmphahlele@bgcma.co.za</a>
Cape Nature Land Use Advice	Colin Fordham	Private Bag x6546, George, 6530 044 802 5328 (T) 044 802 5313 (F)	<a href="mailto:msimons@capenature.co.za">msimons@capenature.co.za</a>
SANRAL	Nicole Abrahams	Private Bag x19, Bellville, 7530 021 957 4602 (T)	<a href="mailto:AbrahamsN@nra.co.za">AbrahamsN@nra.co.za</a>
Southern Cape Fire Protection Agency	Dirk Smit	Private Bag x12, Knysna, 6570 044 302 6912 (T) 086 616 1682 (F)	<a href="mailto:managerfpa@gmail.com">managerfpa@gmail.com</a>
SANPARKS	Maretha Alant	PO Box 3542, Knysna, 6570 044 302 5600 (T) 044 382 4539 (F)	<a href="mailto:Maretha.alant@sanparks.org">Maretha.alant@sanparks.org</a>
South African Civil Aviation Authority	Lizell Stroh	011 545 1232 (T)	<a href="mailto:Strohl@caa.co.za">Strohl@caa.co.za</a>

<b>MUNICIPALITIES</b>			
<b>Name</b>	<b>Contact Person</b>	<b>Contact Details</b>	<b>Email</b>
<b>Bitou Municipality</b>	Chris Schliemann	PO Box 255, Plettenberg Bay, 6600 044 501 3324 (T) 086 659 7954 (F) 083 628 4001	<a href="mailto:cschliemann@plett.gov.za">cschliemann@plett.gov.za</a>
<b>Bitou Municipality</b>	Michael Rhode	PO Box 255, Plettenberg Bay, 6600 044 501 3264 (T) 044 533 3485 (F)	<a href="mailto:mrhode@plett.gov.za">mrhode@plett.gov.za</a>
<b>Bitou Municipality</b>	Anja Taljaard	PO Box 255, Plettenberg Bay, 6600 044 501 3318 (T) 044 533 6885 (F)	<a href="mailto:ataljaard@plett.gov.za">ataljaard@plett.gov.za</a>
<b>Garden Route District Municipality</b>	Mr. Lusanda Menze	P.O. Box 12, George, 6530 044-8031300 (T) 0865556303 (F)	<a href="mailto:info@gardenroute.gov.za">info@gardenroute.gov.za</a>
<b>PUBLIC</b>			
<b>Portion No.</b>	<b>Contact Person</b>	<b>Contact Details</b>	<b>Email</b>
The Ivor Karan Trust (Portion 88 of the farm Brakkloof 443)	Ivor Karan		
Portion 89A and 112	Albert van der Merwe obo Almerwe Trust		
Erf 65 / 443	Bruce Anderson obo Jacobs Anderson Share Block		
Erf 65 / 443	Trevor Charles Frost Family Trust obo Jacobs/Anderson Share Block		

<ul style="list-style-type: none"> <li>• Plett Erven 3959 / 3960 / 3961 (Celsum 1069 (Pty) Ltd</li> <li>• Plett Erf 3958 (Philippus Greeff Joubert)</li> <li>• Plett Erf 12906 (BF Solar (Pty) Ltd</li> <li>• Plett Erf 13006 (Ursula Walter Kruse &amp; Carlos Maria Criado Perez Trefault)</li> <li>• Plett Er 13011 (Schnitzel Von Krumm Investments (Pty) Ltd)</li> <li>• Plett Erf 13012 (H Pretorius)</li> <li>• Plett Erf 13013 (Iyakhula II Trust)</li> <li>• Plett Erf 13015 (IS Projects CC)</li> <li>• Plett Erf 13016 (V Hulme)</li> <li>• Plett Erf 13018 (A Mulckhuyse)</li> </ul>	Marike Vreken obo Duin & See Homeowners Association		
Erf 87 / 443	Delarey Viljoen obo Mr PK Gain		
Erf 87 / 443	Hilland and Associates obo Peter Gain / Cathy Avierinos		
	EcoVive on behalf of Plett Environmental Forum		
	S Comline Plettenberg Bay Ratepayers and Residents Association		
	K. Otto		



**Annexure 4: Issues and Response Register**

COMMENTS	RESPONSE
<b>COMMENTS RECEIVED IN RESPONSE TO PRE-APPLICATION BASIC ASSESSMENT REPORT DATED 11 JULY 2022</b>	
<b>STATE DEPARTMENTS</b>	
<b>Department of Environmental Affairs and Development Planning (DEA&amp;DP) – 24/08/2022</b>	
<p>1. The abovementioned report received by this Directorate on 26 July 2022, refers.</p> <p>2. This Directorate has reviewed the Pre-Application Basic Assessment Report (Pre-App BAR) and have the following comment:</p> <p>2.1. Compliance with minimum information requirements and Protocols: Please be advised that the report as submitted to this Directorate does not comply with the requirements of Appendix 1 of the Environmental Impact Assessment Regulations 2014 (hereinafter interchangeably referenced as "EIA Regulations" or "Regulation"). Furthermore, no declaration has been signed by the applicant nor the EAP, it is therefore interpreted that the applicant nor the EAP take responsibility for the content of the report.</p> <p>The report does not comply with all the minimum information requirements set out in Protocols as identified and gazetted by the Minister in a government notice. Further detail is set out below.</p> <p>Kindly take cognisance of the requirements of Regulation 16. Furthermore, please be reminded that information requirements set out in this Directorate's letter under the same reference number (dated 9 September 2021) must be complied with.</p> <p>With regard to compliance with Regulation 12, from the Pre-App BAR document it appears that the report has been compiled by Mr Andrew West of Andrew West Environmental Consultancy (AWEC) as the document contains the contact details and the unsigned declaration of independence refers to AWEC; however, the report and supporting documents were received from Eco Route Environmental Consultancy. The relationship between the two consulting firms and which "person" was responsible for the investigation, assessment and preparation of the Pre-App BAR and will be responsible to manage the application once it has been submitted, including the investigation, assessment and preparation of the Basic Assessment Report and EMPr contemplated in regulation</p>	<p>2.1. The EAP has taken due consideration of the EIA Regulations and the report now complies with minimum information requirements and protocols.</p> <p>With regard to compliance with Regulation 12, Eco Route was subsequently appointed as the Environmental Consultancy and has provided declaration of independence. This is reflected in the Application submitted to the department on 24/10/2022. The Applicants declaration accompanies the BAR.</p> <p>2.2. Activity Number 4 of Listing Notice 3 (GN No. R.985 of 4 December 2014, as amended) has been included in the BAR.</p> <p>2.3. Need and Desirability</p> <p>This has been addressed in the BAR and in Appendix K.</p> <p>2.4. Specialist Assessments</p> <p>Agriculture – no objection to the development was received from the Department of Agriculture (Appendix E7). Aquatic Biodiversity Sensitivity – Freshwater Assessment completed (Appendix G). Landscape / Visual Impact Assessment – VIA completed (Appendix G). Socio-economic – Addressed in the BAR, Town Planning Report (Appendix G), and Appendix K. The response to these specialists studies are detailed in the SSVR attached as Appendix I.</p> <p>Botanical Sensitivity Analysis: The report addresses Terrestrial Plant Species. The report was revised to include all required protocols the following - "where no SCC are found on site during the investigation or if the presence is confirmed to be unlikely, a Terrestrial Plant</p>

19(1)(a) is unclear. It is also unclear whether Eco Route Environmental Consultancy has acted as the EAP or a Review EAP, as no declaration is attached to the Pre-App BAR.

Although this Directorate is aware of the reasons that Mr West has had to withdraw from this specific project, please be reminded that from 8 August 2022, only a person registered as an environmental assessment practitioner (EAP) may perform tasks in connection with an application for an environmental authorisation contemplated in Chapter 5 of the National Environmental Management Act, 1998 as amended ("NEMA"), read with the EIA Regulations, 2014; unless the transitional arrangements set out in Regulation 21 of the Section 24H Registration Authority Regulations, 2016 (Government Notice 849 in Government Gazette 40154 dated 22 July 2016, as amended refers) are applicable. This aspect must be clarified prior to an application for Environmental Authorisation being submitted to this Department as it may prejudice the success of the application.

#### 2.2. Applicable Listed Activities

The following listed activity is not included in the list of applicable activities that may be triggered by the proposed development: Activity Number 4 of Listing Notice 3 (GN No. R.985 of 4 December 2014, as amended) It is unclear why Activity 4 has not been included or regarded as applicable. This activity must also be included in the Application and assessed in the Basic Assessment Report ("BAR"). You are reminded that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that the applicable listed activities are assessed as part of the Environmental Impact Assessment ("EIA") process.

#### 2.3. Need and Desirability

The need and desirability of the proposed development has not been demonstrated and lacking detail even though it is written in the report that the guideline for need and desirability has been taken into consideration.

#### 2.4. Specialist Assessments:

Notwithstanding this Directorate's letter of 9 September 2021, the following specialist studies do not appear to have not been undertaken and are not appended to the report, namely:

Agriculture;

Aquatic Biodiversity Sensitivity;

Landscape / Visual Impact Assessment; and

Socio-economic

Species Compliance Statement must be submitted." The specialist did not find any SCC and evaluated the site as having a "low" sensitivity.

Jan Vlok provides responses regarding the Botanical study:

- I made it clear in my report that the pre-fire high levels of infestation by alien vegetation and the post-fire high recruitment of the alien vegetation, despite a serious attempt to eradicate the post-fire alien plant recruitment, the altered ecology of the proposed development area did not allow for the natural re-establishment of the vegetation. There is also no point in attempting to re-establish the natural vegetation artificially (even if it was possible) as the proposed development area is an isolated area that has little biodiversity value or ecological function. Regalis Environmental Services 102 Hope Street 6620 Oudtshoorn Rep. of South Africa Tel: 044-279 1987 Email: janvlok@ mweb.co.za
- Within the proposed development area small portions were identified as CBA and ESA's. These small spots were identified as areas located within an endangered vegetation type (which it is not – as the SAVEG type is incorrect in this respect) and as it is located in a coastal corridor (which the proposed development area is not, as it is an island located between two adjacent development sites). Small CBA and ESA's are furthermore an artefact of the rather crude data that were used to develop the conservation plan and by now officials of DEA&DP should know that they cannot use the plan beyond a scale of 1:30 000. Of importance here is to notice that the sensitivity of the foredune area and current ecological value thereof was clearly addressed in the report to ensure that the proposed development will have a minimal negative impact on this area.
- The plant species list provided from my field investigation clearly indicates that the crude SAVEG map is wrong for the affected area (note that you can use the latter resource at a scale of 1: 500 000 only). In their response CapeNature did not indicate that they differ from my conclusion regarding the affected vegetation type.

Terrestrial Fauna Sensitivity Report:

The Animal Species and Terrestrial Biodiversity assessment was revised to address all protocols, this can be verified in Appendix 5a and 5b of the report. Landscape connectivity has been further detailed in Section 3.2.4 of the report (ECOLOGICAL SUPPORT AREA CLASSIFICATION AND FUNCTION).

Please take note of the following comment and guidance regarding specialist studies that were received:

Botanical Sensitivity Analysis: This report by Regalis Environmental Services CC is dated December 2020. It is unclear that the Botanical Sensitivity Analysis addresses both the—  
Terrestrial Biodiversity Theme; and  
Terrestrial Plant Species Theme.

Notwithstanding the above, the protocol for Terrestrial Plant Species was gazetted and came into effect on 30 October 2020 (GN. No. R43855 of 30 October 2020). In previous comment issued by this Directorate on the Site Sensitivity Verification Report on 9 September 2021, it was clearly indicated that “An applicant intending to undertake an activity identified in the scope of this protocol on a site identified by the screening tool as being of “medium sensitivity” for terrestrial plant species must submit either a Terrestrial Plant Species Specialist Assessment Report or a Terrestrial Plant Species Compliance Statement, depending on the outcome of a site inspection undertaken in accordance with paragraph 4.”

The requirements of the Protocol for Terrestrial Plant Species (i.e. paragraph 4) were not complied with, and no reasons/representations provided why they would not be applicable. Please be advised that the BAR must comply with the relevant minimum information requirements for each relevant Protocol. Failing which, the success of the application may be prejudiced. It is advised that this entire specialist report be revisited/redone to ensure that it complies with the relevant protocol. Therefore, the Competent Authority requires that the EAP or appointed specialist must consult the South African National Biodiversity Institute (SANBI) as indicated in the STR; and the procedure set out in the Protocol regarding the Medium Sensitivity Species of Conservation Concern Confirmation be followed. Please note that—

- where SCC are found on site or have been confirmed to be likely present, a Terrestrial Plant Species Specialist Assessment must be submitted in accordance with the requirements specified for “very high” and “high” sensitivity in this protocol.
- similarly, where no SCC are found on site during the investigation or if the presence is confirmed to be unlikely, a Terrestrial Plant Species Compliance Statement must be submitted.

Comments from CapeNature were received on 12/12/2022, where they state the following – “CapeNature is satisfied that the WCBSP (Pool-Stanvliet et.al. 2017) reasons layer and land use guideline handbook were considered and included in the proposed development considering the entire site is mapped as natural ESA.”

#### 2.5. Alternatives:

The no-go alternative has been readdressed in the BAR.

The current dwelling has been considered in the BAR. The illegal structure on portion 66 of 443 could be utilised as a home or guesthouse but will require a departure from building lines and height restrictions and coastal setbacks to which it currently encroaches. The building was constructed illegally therefore the municipality did not have an opportunity to certify foundations or roof structures. It is uncertain whether the structure complies with the national building regulations, and if the structure will be approved by the municipality and an occupational certificate issued. Presently there are no approved building plans and no occupation certificates, and the structure may not be used. This has been the status quo for many years. This alternative poses risks to the developers.

The agriculture alternative has not been considered as a suitable option, as amended in the BAR.

#### 2.6. Impact Assessment

The impacts methodology and impact assessments have been readdressed in Appendix J.

Stormwater management has been addressed in the Engineering Report (Appendix G) that includes the use of rainwater tanks that will serve as a retention vessel in downpours on each plot, grass blocks/pavers on driveways to facilitate percolation, and kerb and channel side drain on common roadways to transport and discharge stormwater into stilling chamber for retention and percolation.

The upgrade of the road to the property (gravel section of Robberg Bay Road) does not form part of this development. The SDP does not include the road upgrade and is on a separate property. The upgrade will require a separate environmental authorisation when required.



Furthermore, the specialist has described the vegetation on the property as "the proposed development area consists of Goukamma Dune Thicket (status = Least Concerned) and a narrow strip of Garden Route Shale Fynbos (status = Vulnerable)" yet, according to the National Biodiversity Assessment 2011 the vegetation as being Garden Route Shale Fynbos. It is unclear what vegetation layer the specialist used to describe the vegetation to include Goukamma Dune Thicket. In addition, it is unclear what criteria was used to determine that the diversity is poor. Clarity is required.

Furthermore, the vegetation on the property has been mapped as Garden Route Shale Fynbos which is gazetted[1] as vulnerable (VU) ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA").

Note: To establish whether a site falls within or contains part of a threatened ecosystem, go to SANBI's BGIS. If the site does fall within a listed ecosystem, it is important to ground-truth the presence of indigenous vegetation of the ecosystem in question, preferably with an ecologist who knows the area. Spatial data on the location of ecosystems and on land cover is always subject to errors of scale, and land cover data is never 100% up to date.

From the list of species recorded on the site by the specialist it appears that the vegetation type may relate to Groot Brak Dune Strandveld, this aspect must be clarified by the specialist. Comment must also be obtained from CapeNature on this aspect.

This specialist report has raised an important issue, namely ecological fire requirements and fire risk management; however, this issue has not been adequately addressed. It may be necessary that a separate report be prepared on this issue as it will have crosscutting issues with other specialist studies.

#### Terrestrial Fauna Sensitivity Report:

This report does not comply with the minimum information requirement of the relevant Protocol (i.e. Terrestrial animal species). For example, no indication was given when the field assessment was undertaken, the duration of the field assessment, methodology amongst others. It is noted that this study was commissioned by the EAP; however, the report is not dated. It is noted that the declaration was signed by the specialist on 20

2.7. Assumptions, uncertainties, and gaps in knowledge  
There is no reference made to the R102 in the BAR.

2.8. Implementation programme:  
An implementation programme was submitted with the Application.

2.9. Bulk Services:  
Bulk services plans are included in the Engineering report.

2.10. Public Participation Process  
The PPP has been redone to comply with Regulation 41 of the EIA Regulations 2014. Evidence is included in the Comments and Response Report (Appendix F).

2.11. Environmental Management Programme ("EMPr")  
EMPr is attached to the BAR as Appendix H.

June 2022. This specialist makes a statement that the vegetation mapping is incorrect due to the coarse scale of the national vegetation types. It is however, suggested that the specialist consult with CapeNature and SANBI to ascertain the methodology used in determining the classification of the vegetation instead of referring to it erroneously. In this regard, the specialist for the respective themes should consult one another's reports to avoid any disparity between specialist reports. In this report, the specialist provides an opinion on the connectivity in the landscape from west to east (i.e. wetland inland from the property to the coast) and the specialist concludes that "The study site thus does not represent any kind of "last link" between the foredune area and the wetland". It is unclear how the conclusion is reached as this property has not cut off any movement of as yet. The proposal to have a gated security estate and that sufficient ecological corridors as described by the EAP in the report, contrary to the specialist's opinion. The specialist report must address the need for connectivity and alternative layout options be described to demonstrate how the connectivity can be maintained or improved.

#### 2.5. Alternatives:

The No-Go alternative as presented in the report is unacceptable. The reasoning that if the property remains undeveloped and the site is not maintained; that this will place the landowner in contravention with other national legislation (i.e. removal of listed alien and invasive plant species), is irrational.

An alternative must be considered and reported on which describes how the current dwelling can be utilised on the property (albeit that the expansion of the existing dwelling is required). There are many alternatives that could be investigated, including the layout and density of the proposed development.

The alternative to perform the primary right of agriculture is noted however, the assessment done to determine that it is not a viable option to undertake agricultural activities (i.e. cultivation of the land or other agriculture activities) is insufficient.

Please be reminded that the competent authority can authorise or refuse any alternative (in full or in part).

#### 2.6. Impact Assessment

The impact assessment methodology in the report does not adequately address the impacts and risks. Furthermore, the 'nature of the impacts' identified does not make sense, (i.e. the nature of the impact in the report is given as "Impact on sensitive areas"). The loss of vegetation, loss of faunal habitat etc. is not clear.

The impact of increased traffic on the road, increased stormwater from hardened surfaces have not been assessed. Also, the traffic assessment mentions that the road will require an upgrade. This too, was not reported on. It is also unclear whether this upgrade may require environmental authorisation.

The indirect and cumulative impacts have not been described for any of the impacts. Furthermore, the impact assessment for the planning, design and development phase it is written that it is "to be investigated / determined post PPP". This is not acceptable.

Please be reminded that the EAP appointed by the applicant must, according to Regulation 13(1)(b) of the EIA Regulations, have expertise in conducting environmental impact assessments or undertaking specialist work as required, including knowledge of the Act, these regulations and any guidelines that have relevance to the proposed activity.

#### 2.7. Assumptions, uncertainties, and gaps in knowledge:

The description of the assumptions, uncertainties and gaps in knowledge refer to the development being in close proximity to the R102. This appears to be incorrect and must be reviewed again and completed.

#### 2.8. Implementation programme:

Please note that, in accordance with the provisions of the Environmental Impact Assessment Regulations, 2014, a period for which the environmental authorisation is required must be provided. This period must be informed by the operational aspects (if applicable) and the non-operational aspects of the proposed development. As such, the date on which the activity will be concluded and the post construction monitoring requirements finalised, must be determined.

This Department requests that an implementation programme be provided which sets out the construction phase (non-operational aspects) of the proposed development and specifies the period required to conclude the respective activities (a date on which the activity will be deemed to have



been concluded should be derived from such a programme). Where the proposed development will include operational aspects, the period for which the environmental authorisation is required must be provided.

The periods included in the reports that speaks to the proposed validity period of the EA is to be valid for does not make sense.

#### 2.9. Bulk Services:

More detailed plans must be included in the Basic Assessment report that shows the internal reticulation of the water, sewerage and stormwater management systems as well as the new pumpstations that are mentioned in the engineering report. These plans must indicate all external features such as stormwater outfall structures.

#### 2.10. Public Participation Process:

Notwithstanding the public participation on this document, it is noted that a public participation process was conducted during late 2021 by AWEC; however, this Directorate was not notified of this process and not afforded an opportunity to comment on the pre-application report and associated appendices. Furthermore, the legal advertisement placed in the Knysna-Plett Herald does not comply with Regulation 41 of the EIA Regulations 2014.

Please be advised that the person conducting the public participation process shall be required to comply with Regulation 41(2)(a)(b)(c) and where applicable (e), once the formal application is submitted to ensure the public participation complies with Regulation 41.

#### 2.11. Environmental Management Programme ("EMPr")

An EMPr has not been submitted with the Pre-Application Basic Assessment Report. Kindly ensure that an EMPr is submitted with the BAR which complies with Annexure 4 of the EIA Regulations 2014. It is suggested that a table be included in the EMPr that references the various sections of the EMPr to the content requirements of Annexure 4.

3. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.

<p>4. No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:</p> <ul style="list-style-type: none"> <li>• that additional information or documents will not be requested</li> <li>• of the outcome of the application</li> </ul> <p>The EAP may contact the EIMS (Region 3) case officer to arrange for an additional pre-application consultation / meeting to discuss the content of this letter as well as the nature and extent of any of the processes that may or must be followed or decision support tools that must be used in order to comply with the NEMA and the EIA Regulations, 2014.</p> <p>5. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p> <p>6. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p>	
<p><b>Department of Environmental Affairs and Development Planning (DEA&amp;DP) – 24/10/2022</b></p>	
<p>COMMENT ON THE REVISED SITE SENSITIVITY VERIFICATION REPORT (SSVR) FOR THE PROPOSED 9 RESIDENTIAL I UNITS, WITH SOME DESIGNATED OPEN SPACE ON THE PROPERTY KNOWN AS PORTION 66 &amp; 67 OF FARM 443, PLETTENBERG BAY</p> <p>1. The abovementioned report received by this Directorate on 18 October 2022, refers.</p> <p>2. This Directorate has reviewed the Revised SSVR and have the following comment:</p> <p style="padding-left: 40px;">2.1. Specialist Studies</p>	<p>The comments provided by DEA&amp;DP are understood and all points have been considered and addressed where applicable.</p> <p>2.1. The specialist studies listed have been completed and have been included with the BAR.</p>

It is noted that the following studies have been commissioned and will comply with the relevant minimum information requirements (where applicable): (a) Visual Impact Assessment (b) Archaeological Impact Assessment (c) Palaeontological Impact Assessment (d) Animal Species and Terrestrial Biodiversity Assessment (e) Terrestrial Plant Species Compliance Statement

2.2. Comment on other theme sensitivities / identified specialist studies:

(a) Agriculture – even though the sensitivity of the Screening Tool reports it as having a high sensitivity, the WCG: Department of Agriculture has no objection to the proposed development and does not require any studies to be undertaken in terms of the agricultural sensitivity. This Directorate takes note.

(a) Avian Impact Assessment – it is understood that the need for this assessment is disputed and that avian species have been addressed within the Animal Species and Terrestrial Biodiversity Assessment report.

(b) Civil Aviation – the Screening Tool Report indicates a High sensitivity, however, the EAP refutes this, and it is noted that the recommendation is to lower the sensitivity to Low and this will not require a study to be commissioned. Notwithstanding the above, the EAP must consult the South African Civil Aviation Authority (% Ms. Lizell Stroh) at E-mail: Strohl@caa.co.za and / or Tel: (011) 545 1232 regarding the process to obtain comment from the aviation authority.

(c) Defence – the Screening Tool Report indicates a low sensitivity for this theme and this Directorate notes that no further assessment will be undertaken. (d) Geotechnical – it is understood that the engineering report will address geotechnical aspects. (e) Socio-Economic – it is noted that the impacts associated with this theme will be described and reported on in the Draft Basic Assessment Report.

2.3. Combining specialist studies / reports: Where an specialist assessment is combined in a single report, it must be ensured that the report addresses all the minimum information requirements of all the relevant themes as specified in the respective protocols. Furthermore, the specialist must provide the necessary proof that he/she is appropriately registered with SACNASP for the respective Protocols. For example, it may be possible to combine an

2.2. Comments regarding these specialist studies have been considered, and the required reports/information included in the BAR.

(b) The South African Civil Aviation Authority have been sent notification of the 30-day commenting period, and request for their comments has been sent to Ms Lizell Stroh.



<p>assessment report for the Terrestrial Biodiversity and Plant Species themes or Terrestrial Biodiversity / Terrestrial Animal Species / Avian Species, if the person undertaking the respective assessments can demonstrate that she/he complies with all the requirements for the respective Protocols.</p> <p>3. The Department notes your "Request for a specific fee reference number". The following specific fee reference number G-BA-EIA-i23 must be inserted into the Application Form and proof of payment of the applicable fee attached when the Application Form is submitted to the Department.</p> <p>4. This Department awaits the submission of the application form and the Draft Basic Assessment Report.</p> <p>5. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p> <p>6. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. granted an environmental authorisation for the undertaking of the activity. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.</p>	<p>3. The fee reference number has been inserted into the Application Form.</p> <p>4. The Application and Draft BAR was submitted on 03/11/2022 and acknowledgment received on 07/11/2022 from the Department.</p>
<p><b>Breeder-Gouritz Catchment Management Agency (BGCMA) – 15/08/2022</b></p>	
<p>The proposed development does not trigger any requirements for a water use authorization in terms of section 21 and 22 of the National Water Act, 1988 (Act 36 of 1998)</p> <p>It is noted that the developer will be connected to existing municipal sewer and water infrastructure. Prior to said connection being made, a municipal letter confirming that the existing services infrastructure have the capacity to service the development should be provided to this office for review.</p>	<p>Noted.</p> <p>A letter from the Bitou Municipality was received confirming the availability of services and is attached to the BAR as appendix E16.</p>
<p><b>PUBLIC</b></p>	
<p><b>A.P. van der Merwe (Portion 65)– 23/07/2022</b></p>	
<p>The effort made to reduce the initial density of stands in the development is appreciated.</p>	<p>Noted.</p>

<p>However, I am amazed and disappointed that the environmentalists avoid or try to scale down the negative effect on the visual impact from the beach and sea. The 5 double story properties with seafronts of less than 20 meters is ridiculous. This will create an appearance from the beach as if it is an apartment block. Tourists and visitors to Plett, especially the weekly intake at the Beacon Island walk along the beach in numbers daily. It is important to protect the pristine coastline along the bay that contributes to make Plett a popular holiday destination with the benefits associated with it.</p> <p>Secondly, nowhere in the reports are there any reference to what the legal status is of the access road, i.e. Robbeberg Bay road (Minor road \$(a)K) The condition of the road is also not mentioned. The traffic impact study concludes that there will not be an affect on the current level of service! The maintenance and upkeep of the road has been left to the property owners along the road as no authority is taking the responsibility. Development and construction vehicles together with the higher volume of traffic in the future will take its toll. As these properties will most probably be utilized as holiday destinations it will generate much higher vehicle activity than the study indicates. With the projection of increased taxes from the additional properties to Bitou, surely, there must be an commit to maintain this access road rather than as with the present situation to leave it to the taxpayers.</p> <p>The removal of the "illegal" house is welcomed but it is short sighted to remove one mistake and create other.</p>	<p>The Visual Impact Assessment (VIA) confirms that there is little to no negative visual impact on the cultural landscape, it is recommended that the application is to proceed accordingly. It is recommended that the Architectural Design Guidelines for the development must assure that the proposed development is sensitively co-ordinated into the urban landscape. The VIA is included in the Draft BAR as Appendix G.</p> <p>The status of the access road is a MINOR ROAD (7209) under the jurisdiction of the Provincial Roads Authority. Public road maintenance is not a function of individual landowners, but that of the provincial government. The TIA recommend that the existing access track from Robbeberg Bay Road to the proposed site access be upgraded to a hard surface with the cost of the access point being met by the developer. The maintenance of the road will remain to be a Provincial Roads responsibility.</p> <p>Your concern is noted.</p>
<p><b>Peter Gain (Portion 87/443) – 14/09/2022</b></p>	
<p>It would appear that the planning application itself is premature as the NEMA EIA process which is required to inform the planning application is only in the Pre-application stage and the Pre-application BAR produced by Andrew West Consulting is incomplete and to a large extent has left aspects as "pending the public participation process" .</p> <p>Based on the comments below on both the planning and NEMA applications, there are no fatal flaws that stand out which would preclude the development of the site, however there are aspects which need to be considered and assessed further to inform the proposal and ensure that the correct mitigation measures and conditions of approval are attached to both the NEMA EA and the planning approval.</p>	<p>The application is in the Draft BAR phase, the pre-application BAR has been updated.</p> <p>The specialist reports and engineering reports have been completed and included in the BAR.</p>

The Botanical sensitivity report referred to in the Planning motivation and in the NEMA Pre-Application BAR refers specifically to a "Future more comprehensive assessment" p 8 which has not yet been done.

As such, this more comprehensive assessment should be undertaken prior to finalising the layout, planning and environmental applications and should provide details of the following:

- identify the locations of protected trees (in order to avoid damage to such trees)
- inform the layout of the properties, access driveways and indicate the specific footprint restrictions for future homes
- indicate how the surrounding dune vegetation will be rehabilitated
- highlight if there will be a need for NFA licences to prune, disturb or damage any protected trees.

The whole property is located on a coastal dune system so it would be recommended that a dune specialist assessment is undertaken to ensure that the dune is adequately protected and not just the primary dune seawards of the CML. The vegetation assessment undertaken has not covered the dune specialist aspects of the site. Reference is made to "boardwalk access to the beach" in order to protect the dune environment, but no such information is included in the NEMA application, nor details of the location of such an access across Coastal Public Property in the Planning application. Such an activity will require specific NEMA approval which has not been assessed or included in the NEMA application to date. This will have implications in terms of NEMA and ICMA due to the Coastal Public Property and will need to be authorised accordingly.

Based on similar developments along this same section of the coast, very strict conditions were attached in relation to footprints for homes, sizes and heights of homes and disturbance envelopes which protected surrounding vegetation and similar information for this application is lacking in both the NEMA pre-app BAR and the Planning application.

Road access to the development appears to be planned from the Robberg side and not from the linking road that can enter the site from the north. Access alternatives should be considered in the planning and NEMA applications.

Pre-app BAR – The document itself appears to be largely incomplete, with many sections either incomplete or indicated that the outcome is

The Botanical Sensitivity Report has been updated to a Terrestrial Plant Species Compliance Statement, which assesses all the Sensitive Species of Conservation Concern and their likeliness of occurring on site. No SCC or protected species were found on site or determined to be likely to occur there. The study recommended that further an NFL be obtained if small Milkwoods are identified at a later stage.

Both specialist studies have recommended mitigation measures for protecting the primary dune system. The dune system is also considered as a "no go" area.

A boardwalk system was recommended in the Terrestrial Plant Species Study for access to the beach as it will minimize disturbance of the sensitive dune area. The SDP includes a footpath leading to the north-eastern corner of the property. A boardwalk does not form part of the EIA application.

A Visual Impact Assessment was completed and an Architectural design guideline, responding to the visual assessment has been formulated. These documents are attached as Appendix G.

Access alternatives are limited as the Duin en See development to the north is refusing access over their land.

The application is in the Draft BAR phase, the pre-application BAR has been updated.

dependent on the public participation process – again indicating that the planning application is running ahead of the NEMA application which should be informing the planning application and its required layout etc.

The value of a pre-application BAR process is that items that require assessment and alternatives that should be considered can be highlighted and can then be reported on and included in the Draft BAR which has to be referred for public and authority comment for a further 30 days. All the information omitted from the Pre-application BAR will have to be made available for public comment in the Draft BAR phase after the submission of a formal application to DEADP in terms of NEMA. The information from the Pre-application BAR and Draft BAR commenting periods can then be used to inform the planning application and the layout etc.

There is no indication of the status of this pre-application BAR which is attached to the planning application. It is unclear if it has already been out for public comment, if I&APs have been notified, if it has been advertised, and if any comments have informed the application. The appendices of the pre-app BAR are not included nor is the Screening tool report, or the Site Sensitivity Verification required in terms of the Screening tool report. These reports need to be included and circulated for public comment.

No access indicated - Alternative access is mentioned in the pre-app BAR but has not been considered and investigated. This is essential as all the connecting municipal infrastructure lies within the access road coming from the north while the driving access and implication of driving all the way around past Robberg Beach End in order for the residents to get to and from the site and local amenities has not been addressed. Nor has the impact on the other road users been considered in either the construction or operational phases.

An OSCAE in terms of ECA will be required for all vegetation clearing, earthworks and dune stabilization (replanting), however this has not been mentioned in the pre app BAR or the planning application.

An NFA licence in terms of the protected trees present on site is highlighted by the specialist as requiring more detailed assessment. The specialist did

Noted, the DBAR is available for a 30-day commenting period from 3 November to 5 December 2022.

Noted, the application is in the Draft BAR phase, the pre-application BAR has been updated and includes all relevant appendices.

Access alternatives are limited as the Duin en See development to the north is refusing access over their land. A traffic Impact Statement for the proposed Consolidation, Rezoning and Subdivision application was completed, and included in the Draft BAR as Appendix G.

A permit in terms of the Outeniqua Sensitive Coastal Area Extension Regulations will be applied for when the final site plans for each residential dwelling is submitted to Bitou Municipality, as telephonically discussed with Anjé Taljaard (Environmental Manager at the Bitou Municipality) on 19/01/2023. This has been included in the BAR.

The Botanical Sensitivity Report has been updated to a Terrestrial Plant Species Compliance Statement, which assesses all the Sensitive Species of



not infer that it would simply require licence to remove protected trees but for a more detailed assessment. This is mentioned in the pre-app BAR and by default has not informed the layout of the proposed subdivision and footprints for potential future dwellings, while the planning report simply assumes that licences to remove any protected trees will be issued. It would be preferable to undertake the detailed assessment indicated by the specialist now in order to inform the layout for planning purposes so that protected trees can be avoided and included in the open space or rehabilitation areas of the properties.

There is no indication as to how the various policy documents and guidelines and protocols have been incorporated into the pre-app BAR.

Not clear as to which listed activities are being applied for – 100m from the HWM and 1ha clearing of indigenous vegetation. The areas affected within 100m of the HWM are not indicated nor assessed.

Sensitivity – protected trees – the specialist botanist recommends a “more detailed assessment” - this needs to be done at this stage in order to inform the proposed layout and to ensure that the necessary mitigation measures that will be required to ensure protection of vegetation are included. At this stage the pre-app BAR does not recommend any mitigation measures in relation to the coastal dune vegetation of the site and protected trees. A detailed dune specialist report is required to ensure that the house footprints are identified and comply with the sensitivity of the site. The vegetation specialist confirmed no rare species, but the area still supports an intact ecosystem (with the exception of the area around the existing illegal dwelling) which needs to be taken into account in the development of the sites proposed. The fact that the area burnt and that alien vegetation has not been controlled post fire, does not reduce the need to take the restoration of the site into consideration.

Coastal environment – has not been considered in the pre-app BAR at all despite the whole site being indicated as a coastal dune system.

Pg 24 of the Pre-app BAR – talks about a business centre – although it is not mentioned in any of the planning documents.

Conservation Concern and their likeliness of occurring on site. No SCC or protected species were found on site or determined to be likely to occur there. The study recommended that further an NFL be obtained if small Milkwoods are identified at a later stage.

This has been addressed in Section E of the BAR.

The following EIA Listed Activities are applicable and are being applied for through the Basic Assessment process:  
Government Notice No. R327 (Listing Notice 1): Activity 17(v)(e), 19A(ii), & 27  
Government Notice No. R324 (Listing Notice 3): Activity 4(i)(ii)(aa)

Both specialist studies have recommended mitigation measures for protecting the primary dune system, which have been included in the BAR and EMPr. The dune system is also considered as a “no go” area. The site will be cleared of alien plants and rehabilitated with indigenous vegetation in a systematic approach.

This has been addressed in the Draft BAR and EMPr, where mitigation measures in the dune system are recommended. An Engineering report was compiled to address construction and stormwater in the dune system, attached as Appendix G – Engineering Report.

A business centre was not considered in this application.

<p>Terrestrial biodiversity – the pre-app BAR indicates that Conservation Management Services are still doing a study. This needs to be reviewed and considered and must inform the development layout proposed – again indicating that the planning application is premature and the environmental aspects need to inform the planning.</p> <p>Visual assessment – has not been circulated or commented on nor have any aesthetic guidelines or architectural guidelines been included – they are therefore not informing the application in any meaningful way.</p> <p>Alternatives that need to be considered – footprints for future homes should be informed by the site. There is no indication of the size and scale of new dwellings, Footprint sizes or location of footprint on each property, what will happen to the remaining natural vegetation? One can assume based on the application that the properties are high valued coastal beachfront properties and as such the future owners are going to want to maximise their investments. Therefore there needs to be clarity around footprint sizes and coverage to ensure that the owners will be able to achieve their desired goals and that the remaining dune area can still be sufficiently protected to ensure that there is something still left. Both the NEMA pre-app BAR and the Planning motivation report mention the need for architectural guidelines and aesthetically sympathetic design to ensure sense of place and limit the visual impact, but neither report includes such guidelines or any indication as to size, coverage, height limitations and area of each erf that needs to be retained as natural vegetation and be rehabilitated.</p> <p>It would be advisable to request that the applications be updated to include the information highlighted which is needed to inform the layout and design of the application prior to it being considered for approval. The application must include the detail of the recommended single beach access boardwalk in both the NEMA and Planning application as this cannot be constructed without NEMA and ICMA approval.</p>	<p>The Animal Species and Terrestrial Biodiversity Assessment was completed by Conservation Management Services, and included in the BAR in Appendix G. The assessment did not find any SCC as per the Screening Tool, however, recommends mitigation measures that have been included in the Draft EMPr.</p> <p>The VIA and Architectural Design Manual have been included in Appendix G.</p> <p>The Architectural Design Manual sets the requirements and conditions as well as design parameters of each dwelling. Each house must be positioned within the pre-defined disturbance area, as per the SDP. The maximum bulk of the homes will be restricted to 850m<sup>2</sup> per stand. All houses are limited to two storeys, up to a maximum height of 8m for the five front (sea row) and 8,5m for the other four units, above natural ground level (NGL)</p> <p>The project architect (still to be appointed) will be responsible to scrutinize the plan submissions together with the HOA's Architectural Committee and to assure compliance to the Architectural Design Guidelines.</p> <p>The five units along the sea front will require a setback of 2m at the first floor level along the East side of the disturbance area.</p> <p>Noted, the application has been updated. The boardwalk does not form part of this application. It is noted that construction of a boardwalk will require further approval in terms of NEMA and ICMA.</p>
<p><b>Ivor Karan (Portion 88/443) – 11/07/2022</b></p>	
<p>Please see herewith attached a copy of a letter of objection which I submitted to Mr Schliemann on the 20th of November 2021 for this same proposed development..</p> <p>The substance of my objection remains the same.</p> <p>Please acknowledge receipt hereof.</p>	<p>Comments made by Mr Karan have been addressed by Planning Space Town and Regional Planners responsible for the Town Planning process. The responses are as follows:</p> <ol style="list-style-type: none"> <li>1. A portion of the road is in a poor condition and deteriorating. Ideally, access to the proposed development should have been from the north where Gris Nez Avenue ends via the Duin &amp; See development. This is</li> </ol>

	<p>logically the closest and quickest access to the rest of the town and all its amenities.</p> <p>Response: Agreed, negotiations with Duin and See have been unsuccessful and they have refused access over their land.</p> <p>2. If the proposed development (and the future ones on the other vacant properties) access from the south, it will require a huge detour to get to town. It would also cause us great discomfort as well as for the other owners along Robbeberg Bay Road.</p> <p>Response: Noted, the developer would prefer to have the road open from both ways.</p> <p>3. Construction vehicle traffic during the initial development, as well as during house construction, will contribute to the faster deterioration of the road.</p> <p>Response: The developer will have a responsibility to upgrade the road. This will be beneficial to all the road users.</p> <p>4. The increased traffic will exacerbate the already unfair burden of road maintenance on property owners along the road and is objected to. The terrain and design of the road are not suitable for high traffic volumes. Road safety is a concern as this road hosts a high prevalence of cyclists, joggers, and walkers.</p> <p>Response: See Traffic Impact Assessment.</p>
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**COMMENTS RECEIVED IN RESPONSE TO DRAFT BASIC ASSESSMENT REPORT DATED 03 NOVEMBER 2022**

**STATE DEPARTMENTS**

**Department of Environmental Affairs and Development Planning (DEA&DP) – 05/12/2022**

<p>1. The abovementioned report received by this Directorate on 3 November 2022 and comment issued by this Directorate on the Pre-Application Basic Assessment Report ("Pre-App BAR") on 24 August 2022, refers.</p> <p>2. This Directorate has reviewed the Draft Basic Assessment Report (BAR) and have the following comment:</p> <p>2.1. Pre-application consultation: The comment provided by the competent authority on any reports or plans during the preapplication consultation process must be considered and addressed in the BAR. Please be reminded that specific information that</p>	<p>Aquatic Biodiversity:</p> <p>A Freshwater Assessment Report by Dr J.M. Dabrowski (Ph.D., Pr.Sci.Nat. Water Resources; SACNASP Reg. No: 114084) of Confluent Aquatic Consulting &amp; Research dated December 2022 was completed for the development and included in the BAR for Public Participation. The final PPP will run between 19/01/2023 and 17/02/2023. The report addresses uncertainties and aspects as listed in the comments. The stormwater management included in the Engineers Report (Appendix G), addresses stormwater infrastructure and provides diagrams of the use of grass blocks, silt traps and soak away and their positions. The Freshwater Assessment states the following: "The development</p>
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may be required by the competent authority must be included in the BAR. This Directorate's comment on the Pre-Application BAR is not reflected in the 'comment and responses report' appended to the BAR. This must be corrected in the BAR and if any comments from any I&AP or organ of state have also been omitted, this must be corrected.

## 2.2. Specialist Assessments:

### Aquatic Biodiversity

Notwithstanding the requirements of the Screening Tool Report and comment provided during the pre-application consultation process, (inter alia this Directorate's letter of 9 September 2021), an Aquatic Biodiversity specialist assessment has not been undertaken or appended to the report. It is noted that the Breede Gouritz Catchment Management Agency (BGCMA) has provided comment during the pre-application phase on the applicability of the National Water Act, 1998. Even though the proposed development lies within less than 500 metres from the wetland, the BGCMA has indicated that the proposed development does not trigger section 21 and 22 of said Act. It is advised that the BGCMA be consulted again to confirm their interpretation.

Even though said organ of state does not appear to require any further assessment in terms of the law they are administering relating to a matter affecting the environment, the competent authority (this Department) maintains that an assessment of the impacts on the aquatic biodiversity/ecosystem is still required. This view is further substantiated by the information in the BAR as well as the findings of the Plant Species specialist report wherein it is stated that there are no known ecological processes acting between the wetland west of the properties and the beach east of the properties. The aquatic biodiversity and hydrological processes do not appear to fall within the ambit of this study.

It is important to understand the following uncertainties and aspects:

- (a) the hydrological functioning of the wetland at a landscape level and the impacts of the proposed development and the infrastructure and upgraded road situated on the edge of the wetland;
- (b) the ecological connectivity of the wetland to the surrounding land and other ecological processes (dune system); as well as the site;
- (c) how the proposed development will impact on the functioning of the aquatic feature;
- (d) insufficient detail has been provided on the development of road and stormwater infrastructure on the edge of the wetland. The impact of such

will occur well outside of the delineated area of the wetland which is also buffered by a well-vegetated buffer zone that ranges between 20 and 40 m in width, that is expected to provide adequate protection from surface runoff impacts (e.g. sediment inputs)." The vegetated buffer will remain in place therefore the proposed stormwater mitigations should be sufficient in preventing impacts to the wetland system.

### Terrestrial Biodiversity and Animal Species Themes:

The updated report provides a table addressing the protocols for Animal Species & Terrestrial Biodiversity Assessments (Appendix 5A and 5B of the Animal Species & Terrestrial Biodiversity Assessment by Ken Coetzee). All points as required in the protocol regulations have been addressed.

The report addresses accidental wildfires in the Environmental Impacts section, and proposes that a strategy for the management of wildfires in undeveloped areas of the site be considered.

The response on fire risk by Jan Vlok (Plant Species Assessment) is below, and has been incorporated into the BAR.

### Animal Species Report:

The updated Animal Species and Terrestrial Biodiversity Assessment addresses alternative options in Section 9 of the report. The need for connectivity has been covered by the specialist in Section 3.2.4. of the report, and further discussed in Section 6. The 6-meter servitude has been recommended as a minor corridor for connectivity, and together with the gardens associated with each residence, and the undeveloped areas in between the residences, should provide adequate refuge and movement opportunity for the small wildlife populations of the area. Wherever fences are needed in the development area and on its boundary, it will be necessary to ensure that wildlife can move through the fences to enable their movement across the landscape.

CapeNature have been consulted and provide comment in Appendix E2. In their comments they note the following: "CapeNature is satisfied that the WC BSP (Pool-Stanvliet et.al. 2017) reasons layer and land use guideline handbook were considered and included in the proposed development considering the entire site is mapped as natural ESA."



infrastructure and functioning thereof (inter alia stormwater outlets) requires clarity;

(e) whether the proposed development is consistent with maintaining the priority aquatic ecosystem in its current state and according to the stated goal.

Such study must be undertaken by a suitably qualified specialist registered with the SACNASP, with expertise in the field of aquatic sciences.

Terrestrial Biodiversity and Animal Species Themes:

It is noted that the Animal Species Report and Terrestrial Biodiversity Report, have been combined in a single report. Based on previous correspondence issued by this Directorate, these reports must comply with the minimum information requirements set out in the Protocol for a:

Terrestrial Animal Species Specialist Assessment; and

Terrestrial Biodiversity Specialist Assessment.

The Animal Species & Terrestrial Biodiversity Assessment report does not clearly demonstrate how the minimum information requirements of the respective protocols have been addressed. It is noted that a separate report has been compiled for Terrestrial Plant Species theme and that the combined reported cross references the Plant Species report. The combined Animal Species & Terrestrial Biodiversity Assessment report does not conform to all the requirements of the respective Protocols. The report must be revised to demonstrate how the legislative requirements have been complied with.

In comments on the Pre-App BAR, the fire risk was highlighted as issue that required further assessment. This is not clearly addressed in the Terrestrial Biodiversity Assessment' however, it is noted that in the Plant Species the botanical specialist has failed to consider this aspect and is of the view that it is not of importance. This Directorate disagrees with this view and is concerned that when considering the fire risk and uncontrolled fire that swept through the area in 2017, it appears that it is an issue which must be addressed.

The BAR must demonstrate how this aspect has been assessed and incorporated into the design, layout and EMPr for the activity.

Animal Species Report:

In the consultation on the Pre-App BAR this Directorate commented on the connectivity in the landscape. The Ecologist however indicated that the 6-metre servitude will serve as a minor corridor for connectivity. The response to this issue is inadequate. The specialist report must address the need for

Terrestrial Plant Species Theme:

As per the protocols - An applicant intending to undertake an activity identified in the scope of this protocol, on a site identified by the screening tool as being of "medium sensitivity" for terrestrial plant species, must submit either a Terrestrial Plant Species Specialist Assessment Report or a Terrestrial Plant Species Compliance Statement, depending on the outcome of a site inspection undertaken in accordance with paragraph 4. The Screening Tool Report identified the theme as "Medium" sensitivity, however it was found to be of a "low" sensitivity based on the site inspection, therefore a Terrestrial Plant Species Compliance Statement was submitted.

The specialist, Jan Vlok, has addressed further points regarding the Animal Species Report, attached to the Terrestrial Plant Species Compliance Statement (Appendix G). the response is as follows:

Three issues must be addressed:

1. More information regarding the return of natural vegetation is required.
2. Reasons for the identification of small portions of CBA and ESA' must be provided.
3. The identification of relevant vegetation type must be verified by CapeNature

On point One. I made it clear in my report that the pre-fire high levels of infestation by alien vegetation and the post-fire high recruitment of the alien vegetation, despite a serious attempt to eradicate the post-fire alien plant recruitment, the altered ecology of the proposed development area did not allow for the natural re-establishment of the vegetation. There is also no point in attempting to re-establish the natural vegetation artificially (even if it was possible) as the proposed development area is an isolated area that has little biodiversity value or ecological function.

On point One. I made it clear in my report that the pre-fire high levels of infestation by alien vegetation and the post-fire high recruitment of the alien vegetation, despite a serious attempt to eradicate the post-fire alien plant recruitment, the altered ecology of the proposed development area did not allow for the natural re-establishment of the vegetation. There is also no point in attempting to re-establish the natural vegetation artificially (even if it was

connectivity and alternative layout options must be described to demonstrate how the connectivity can be maintained or improved. The specialist or EAP is also required to demonstrate in the BAR how CapeNature has been consulted on this specific aspect..

### 2.3. Terrestrial Plant Species Theme

It is noted that the report that has been submitted for this theme is referred to as a Compliance Statement; however, the report states that it complies with Appendix 6 of the 2014 National Environmental Management Act, 1998 (No. 107 of 1998) (NEMA) Environmental Impact Assessment (EIA) Regulations (and as amended), detailing the requirements for specialist's reports. This should be clarified.

With regard to the conclusions made in this report regarding the ESA and infestation of *Acacia cyclops*, it is noted that the lack of alien clearing appears to serve as the motivation for the reduced biodiversity. The view is also held that, besides the physical infestation, the presence of *Acacia cyclops* increase the nutrients within the dune which is also not conducive for many indigenous plant species that should occur on the site. The effect of this process and the period to eradicate the infestation and measures to return the site to near natural has not been described to understand the reversibility of this impact on the habitat. The reasons for the objectives described in the Western Cape Biodiversity Spatial Plan 2017 have not been clearly addressed. It is understood that the CapeNature has identified various issues with the VegMap, 2018 data. It is unclear whether this includes the information for this site. Furthermore, the statement regarding the mapped ecosystem Garden Route Shale Fynbos (Endangered) (referenced as and vegetation type identified by the specialist, namely Goukamma Dune Thicket (Least Concerned), is noted, the ground-truthing must be confirmed by CapeNature though.

The specialist or EAP is also required to demonstrate in the BAR how CapeNature has been consulted on these specific aspects.

2.4. Alternatives: In comment on the Pre-App BAR it was stated that: "the No-Go alternative as presented in the report was deemed unacceptable. The reasoning that if the property remains undeveloped and the site is not maintained; that this will place the landowner in contravention with other national legislation (i.e. removal of listed alien and invasive plant species), is irrational." This aspect has

possible) as the proposed development area is an isolated area that has little biodiversity value or ecological function.

On point Three. The plant species list provided from my field investigation clearly indicates that the crude SAVEG map is wrong for the affected area (note that you can use the latter resource at a scale of 1: 500 000 only). In their response CapeNature did not indicate that they differ from my conclusion regarding the affected vegetation type.

2.4. Alternatives:

The no-go alternative has been readdressed in the BAR.

not been reassessed or addressed in the DBAR. This matter must be addressed and detailed in the BAR.

Also, in previous comment, an alternative must be considered and reported on which describes how the current dwelling can be utilised on the property (albeit that the expansion of the existing dwelling is required). There are many alternatives that could be investigated, including the layout and density of the proposed development.

Please be reminded that the competent authority can authorise or refuse any alternative (in full or in part).

2.5. Public participation Notwithstanding the public participation process undertaken thus far, it is important that relevant organs of state administering a law relating to a matter affecting the environment, must be consulted to ensure that their written comment is obtained.

2.6. Assumptions, uncertainties, and gaps in knowledge: The description of the assumptions, uncertainties and gaps in knowledge refer to the development being in close proximity to the R102. This appears to be incorrect and must be reviewed again and the assessment completed.

2.7. List of other legislation that is applicable to the proposed activity or development It is noted that the Outeniqua Sensitive Coastal Area Extension Regulations promulgated under Environmental Conservation Act (Act No. 73 of 1989) has not been identified as a relevant consideration. It is strongly advised that the application in terms of those regulations be synchronised with its application. Further, it is a requirement of the OSCAE application to provide detailed information on the volume of sand to be moved or removed and the area where vegetation will be disturbed. The manner in how the OSCAE Regulations have been considered and the aforementioned detail of the activities must be provided in the BAR.

3. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

4. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence

The current dwelling has been considered in the BAR. The illegal structure on portion 66 of 443 could be utilised as a home or guesthouse but will require a departure from building lines and height restrictions and coastal setbacks to which it currently encroaches. The building was constructed illegally therefore the municipality did not have an opportunity to certify foundations or roof structures. It is uncertain whether the structure complies with the national building regulations, and if the structure will be approved by the municipality and an occupational certificate issued. Presently there are no approved building plans and no occupation certificates, and the structure may not be used. This has been the status quo for many years. This alternative poses risks to the developers.

2.5. Written comment from CapeNature, Department of Forestry, BGCMA, and Department of Agriculture has been received to date.

2.6. There is no reference made to the R102 in the BAR.

2.7. A permit in terms of the Outeniqua Sensitive Coastal Area Extension Regulations will be applied for when the final site plans for each residential dwelling is submitted to Bitou Municipality, as telephonically discussed with Anjé Taljaard (Environmental Manager at the Bitou Municipality) on 19/01/2023.

The volume of sand to be excavated and the area where vegetation will be disturbed will be determined per dwelling, with conditions as per the Architectural Design Manual. The Engineers Report details the installation of pipes for water and sewage.

Water pipeline placing - Trenching to be done in accordance with SANS 1200. In addition to this all topsoil along the route to be removed to 150 mm deep, maintained and replaced as the final compacted layer in the road reserves.

Sewer line placing – all sewer lines are to be placed at a minimum of 1m below final road surface level and 650mm deep in erven and open spaces (minimum).

with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity.	
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<b>Western Cape Department of Health, Mr GJ Vos – 21/11/2022</b>	
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<p>The above-mentioned application was received on 03 November 2022 from Ms. Janet Ebersohn. This office has no objections to the proposed activity, subject to the conditions as stipulated by the Garden Route District Municipality, Municipal Health Services as attached.</p> <p>This office subjected to the following condition has no objection to the proposed activity:</p> <ul style="list-style-type: none"> <li>- Bitou Municipality must provide all potable water to the development.</li> <li>- Bitou Municipality must have enough space capacity to render this service.</li> <li>- All upgrading to the bulk water supply lines must be completed before commencement of the development.</li> <li>- All sewage is to be connected to the Bitou Municipality sewer system.</li> <li>- The Bitou Municipal Waste Water Treatment Plant must have the capacity to handle the additional load without any negative effect.</li> <li>- All necessary upgrades to the bulk sewer lines must be completed before commencement of the development.</li> <li>- If sewer pumps are to be installed, these sewer pumps must have standby non electronical pumps available in case of power outages, failures or mechanical malfunction of the existing pumps.</li> <li>- All refuse is to be incorporated into the Bitou Municipal solid waste stream.</li> <li>- All service agreements between developer and municipality must be in place</li> </ul>	<p>The Engineering Report (Appendix G) address these points. The Bitou Municipality has confirmed the availability of bulk sanitation and water capacity for the development (Appendix E16).</p>
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<b>CapeNature, Ms Megan Simons – dated 12/12/2022 and received 11/01/2023</b>	
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<p>CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature wishes to make the following comments:</p> <p>According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet et.al. 2017)<sup>1</sup> the property has Ecological Support Areas (ESA 1: Terrestrial).</p>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. The development will allow for as much intact indigenous vegetation to remain as possible. The foredune was identified as a sensitive area and has been designated as a “no-go” area. Wherever there are sections of undisturbed natural habitat within the development area, they should not be impacted by the building activities and should be conserved as small islands of natural resources for the small wildlife of the area. These animals include skinks, rodents, birds and invertebrates. Any area of natural habitat</li> </ol>
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The property does not have any freshwater features, but a depression wetland is mapped to the west according to the National Wetland Map 5. The Vlok and de Villiers (2007) fine scale vegetation map describes the area as Groenvlei Coastal Forest and Wilderness Forest-Thicket. According to Mucina and Rutherford (2006)<sup>3</sup> and the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet et.al. 2017) the vegetation is Endangered Garden Route Shale Fynbos.

Following a review of the dBAR and specialist studies, CapeNature wishes to make the following comments:

1. CapeNature is satisfied that the WCBSF (Pool-Stanvliet et.al. 2017) reasons layer and land use guideline handbook were considered and included in the proposed development considering the entire site is mapped as natural ESA.
2. The development must remain within the existing development footprint, as far possible. Erecting infrastructure near sensitive habitats must be prohibited.
3. The property has protected tree species and in terms of section 15(1) of the National Forests Act, no person may cut, disturb, damage, or destroy any protected tree or possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree except under a license granted by the Minister.
4. The botanical specialist mentioned the vegetation resembles Goukamma Dune Thicket which is Least Concerned.
5. The proposed site is surrounded by residential development, does not have a high density of plant species, and has been disturbed. The botanical specialist did not find any sensitive areas other than the primary dune. It is also stated that the dune system east of the wetland has lost its ecological value. Is there any potential to rehabilitate the dune?
6. Both specialists have alluded to the importance of conserving the foredune. Coastal ecosystems are ecological infrastructures that provides a range of regulatory services to coastal communities. The foredunes play an essential role in providing physical buffering against sea storm surges and other potential climate change related impacts. Gardening and landscaping should not result in removal or destruction of vegetation which will either destabilize a primary or significant dune or cause a significant adverse effect on the dune system due to increased erosion by natural coastal processes or human movement, or detrimentally affect the ecology or habitat. CapeNature supports

that is not required for the approved development should not be disturbed during construction and should be conserved for small wildlife.

3. A permit will be applied for with the Department of Forestry for any disturbance, removal or relocation of protected trees.
4. Agreed.
5. The specialist studies identified the foredune as being undisturbed, and that the natural fauna in these foredune may be intact. The terrestrial vegetation along the dune system is highly fragmented due to high density development on most of the properties. This dune system can hence now longer act as an important ecological corridor. Removal of invasive alien plants may benefit the restoration of the dune system, however, impacts of existing developments have already compromised connectivity in the landscape.
6. The mitigation measures for foredune conservation will be strictly adhered to, as per the EMP.
7. All invasive alien plants will be cleared from the property, and where a tree or bush cover is desired, replaced with suitable indigenous species. A 6-meter servitude has been recommended as a minor corridor for connectivity, and together with the gardens associated with each residence, and the undeveloped areas in between the residences, should provide adequate refuge and movement opportunity for the small wildlife populations of the area. Wherever fences are needed in the development area and on its boundary, it will be necessary to ensure that wildlife can move through the fences to enable their movement across the landscape.
8. Invasive alien plants will be removed and controlled on the property by the developer and landowners, as per the CARA. Mitigation measures regarding IAP removal are included due to their impacts on the development.
9. As determined in the Terrestrial Plant Species study, there is clear evidence that a major effort was made to combat alien plant species (mostly *Acacia cyclops*), but these plants returned in very dense stands over most of the property after the recent fire.
10. Wherever fences are needed in the development area and on its boundary, it will be necessary to ensure that wildlife can move through the fences to enable their movement across the landscape. The methods that can be used to do so are provided in the EMP, with details about construction, materials and frequency of implementation (spacing of permeability). The use of colourful weather-resistant flags on the wire can also be considered.
11. As recommended in the Animal Species and Terrestrial Biodiversity Assessment, a strategy for the management of wildfires must be clearly

<p>the mitigation measures that the foredunes must not be impacted and should be in a functional near-natural state.</p> <ol style="list-style-type: none"> <li>7. The property forms part of a coastal corridor, which is an important ecological infrastructure. These areas are important corridors to maintain landscape connectivity, it is crucial that no further disturbances occur, and that the area must be restored, if possible, to improve connectivity and reduce landscape fragmentation.</li> <li>8. Eradication of invasive alien plant species are of high priority and CapeNature agrees. In terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) (CARA) the level of alien infestation must not be seen as reducing the site sensitivity, nor is the subsequent removal of alien vegetation from a property regarded as a mitigation measure as this is a legal requirement. Infestation by alien plants does not necessarily mean that an area is not important for biodiversity as some vegetation types are particularly prone to invasive alien infestation but may recover when cleared of alien vegetation and rehabilitated.</li> <li>9. If the alien invasive vegetation was managed at the property, the vegetation may have recovered with indigenous vegetation.</li> <li>10. While the terrestrial fauna reported concluded that the site is not sensitive for animals, fencing around the property must be visible to wildlife, including birds, by fitting reflective or colorful weather-resistant flags (e.g., aluminum, or plastic strips) to the wire.</li> <li>11. The botanical specialist concluded the proposed development will not negatively impact the spread of fire and once the alien vegetation are removed the property will not have any flammable vegetation. CapeNature reminds the applicant that section 12 (1) and 2 (a) of National Veld and Forest Act states that an adequate firebreak must be prepared and maintained around the property to reasonably prevent the spread of unwanted fires in the area.</li> <li>12. A suitably qualified Environmental Control Officer (ECO) must be appointed to ensure the mitigation measures are implement and to mitigate for any negative impacts during construction.</li> </ol> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>outlined in the EMP. Of importance in the fire management guidelines will be the control of alien invasive plants which can result in more intense and damaging fires. A practical fire management strategy will also help to prevent catastrophic fires that will destroy the natural habitat of smaller wildlife, such as the undeveloped areas in between the units and in the proposed corridor area.</p> <ol style="list-style-type: none"> <li>12. A fire management strategy can be discussed with the SCFPA, which will address strategy for combat of wildfire and potential firebreaks.</li> <li>13. An ECO will be appointed for the duration of the construction phase.</li> </ol>
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<p><b>Department of Forestry (DFFE), Ms Melanie Koen – dated 07/11/2022 and received 11/01/2023</b></p>	
<ol style="list-style-type: none"> <li>1. The Department of Forestry Fisheries and Environment (DFFE) is responsible for the implementation and the enforcement of the National Forest Act (NFA), Act 84 of 1998 as amended and the National</li> </ol>	<ol style="list-style-type: none"> <li>a. The Botanical Assessment conducted on the site identify coastal thicket as being Goukamma Dune Thicket. Protected Milkwood trees</li> </ol>

Veld and Forest Fire Act, Act 101 of 1998 as amended (NVFFA). Thank you for giving Forestry this opportunity to comment on above application.

2. Forestry studied the supporting documents for the above mentioned application and the following points related to Forestry's mandate i.e. the implementation of the NFA are applicable

a. According to the document provided: "Portion 66 was rezoned in 1989 from "Agriculture" to "Subdivisional Area" and subdivided into 11 "Single Residential" erven with average erf sizes of approximately ±1020m<sup>2</sup> and 2 open space erven. These development rights were never implemented and have lapsed. Presently, the site contains a dwelling house that does not have approved building plans. The house has never been occupied and will be demolished. Portion 67 of 433 is vacant and undeveloped. The proposal is to consolidate the two land portions and to create a small exclusive beachfront security estate. The present zoning of the property is zoned "Agriculture" in terms of the Plettenberg Bay zoning Scheme and the intention is to apply for the rezoning of the land to "Sub-divisional Area" in the Planning Process which would allow for the further subdivision of the land into 9 "Single Residential" erven and 1 communal "Private Open Space" erf"; the report indicated that the entire property has been burnt in the 2018 fires- the vegetation is disturbed with invader Acacia cyclops – with patches of coastal thicket with protected Milkwood trees.

b. Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license.

c. Forestry has the following comments:

i. Forestry request that the number of units/ plots in above proposal be significantly reduced; removal of units/ plots especially encroaching into coastal forest/ thicket with protected Milkwood trees/ shrubs

ii. Forestry request that a buffer of 10-20m be maintained between the ecotone of the indigenous coastal forest forest as well as protected trees and above development proposal


(*Sideroxylon inerme*) that still occur on the properties are described as small due to the recent fire.

b. Permission must be attained from the relevant authority (DFFE) to remove any of the specially protected Milkwood trees (*Sideroxylon inerme*) that still occur on the properties – this condition has been included in the BAR under Section J (2.2).

i. It is assumed that DFFE is referring to the thicket area indicated in red below:



**Figure 3: Approximate delineation of the identified habitat types on the study area. The roadway habitat is not mapped, it lies between the two red units.**

 Indigenous thicket invaded by Acacia cyclops/

As per Mr Ken Coetzee report please take note of the following photo below:



iii. Forestry request that the development proposal only remain within the disturbed areas of above property- and not encroach on the areas containing protected Milkwood trees as well as Coastal forest  
iv. Forestry request that protected Milkwood trees/ indigenous coastal forest be GPS'd with their exact position and be indicated as no-go areas and be incorporated within the development proposal as no-go areas- in order to ensure the protection of the Milkwood trees/ shrubs as well as indigenous Coastal Forest/ thicket.

3. Forestry reserves the right to revise initial comment based on any additional information that may be received



**Plate 2: The area of dense Thicket, completely dominated by the alien invasive *Acacia cyclops*.**

As per Mr Jan Vloks report:

None of the species that are present on the properties are typical of Garden Route Shale Fynbos and the entire property consists of Goukamma Dune Thicket.

The vegetation on the property is not in a healthy ecological condition and the field study (complete species inventory) showed that the plant species richness is poor. The construction of the current infrastructure disturbed a major part of the affected area (See Photo 1). There is clear evidence that a major effort was made to combat alien plant species (mostly *Acacia cyclops*), but these plants returned in very dense stands over most of the property after the recent fire (See Photo 2).





**Photo 1:** Disturbed vegetation in the vicinity of the existing infrastructure on the eastern side of the properties.



**Photo 2:** Dense regrowth of alien vegetation (*Acacia cyclops*) on the western part of the properties. Very few indigenous species were found in this dense stand of alien plants as it is the second rotation of dense infestation.

The affected area is not very rich in indigenous plant species (only 52 species were found in a careful field survey of the entire affected area), as most of the vegetation has either been disturbed with the construction of previous infrastructure and/or dense invasion by alien plants (mostly *Acacia cyclops*) that is in their second rotation of invasion despite a concerted effort to eradicate these plants.

According to the Botanical Assessment done by Vlok (2020) the vegetation on the study site is in an ecologically degraded condition with a consequently poor plant diversity. The residential development of the surrounding area has transformed most of the area. Alien *Acacia cyclops* was cleared away on the study site in the past, but the plants returned in great density after a recent fire. Protected Milkwood trees (*Sideroxynon inerme*) that still occur on the properties are described as small due to the recent fire. The study also did not find any sensitive area to be mapped as 'No Go' areas on the properties, but the narrow strip of vegetation abutting the beach consists of a sensitive primary dune system.

As per Cape Nature correspondence received 12/12/2022:

The botanical specialist mentioned the vegetation resembles Goukamma Dune Thicket which is Least Concerned.

The proposed site is surrounded by residential development, does not have a high density of plant species, and has been disturbed. The botanical specialist did not find any sensitive areas other than the primary dune. It is also stated that the dune system east of the wetland has lost its ecological value.

Alternative 1 is the construction of 15 residential stands

Alternative 2 is the construction of 9 residential stands

This development density has been reduced and is now compatible with surrounding development densities. This is almost the exact density that was approved for Duin and See, the Eco Estate Next door. Therefore the above number of stands have already been reduced.

The small milkwoods found on site will be transplanted back on site with a permit obtained from DFFE should this fall within the footprint.

The primary dune system will not be disturbed by the development, and mitigations measures will be implemented to ensure that it is not impacted. There are no findings indicating that the development will encroach into any coastal forest.

- ii. No indigenous coastal forest was identified on site by either:
  - Cape Nature, Letter dated 12/12/2022.
  - Ken Coetzee – Animal Species and Terrestrial Biodiversity Report
  - Jan Vlok - Terrestrial Plant Species Compliance Statement

The foredune will not be developed and the erven has been setback from the fore dune thicket, as per Mr Vlok.

Setback from the foredune to the erven is between 16.17 - 22.25 meter. The dark green represents the house plate.



iii. As per Mr Volk's report: The vegetation on the property is not in a healthy ecological condition and the field study (complete species inventory) showed that the plant species richness is poor. The construction of the current infrastructure disturbed a major part of the affected area (See Photo 1). There is clear evidence that a major effort was made to combat alien plant species (mostly *Acacia cyclops*), but these plants returned in very dense stands over most of the property after the recent fire (See Photo 2).

The two mitigation actions that are proposed are;

1. Permission must be attained from the relevant authority (DEFF) to remove any of the specially protected Milkwood trees (*Sideroxylon inerme*) that still occur on the properties, even though they are small due to the recent fire.
2. The primary dune system at the beach front (mostly outside the properties) should not be disturbed during the construction or operational phases of the development. If access will be allowed to the beach, then a board walk system will have to be constructed to minimize disturbance of this sensitive area.

iv. As per Mr Vloks report: The vegetation on the property is not in a healthy ecological condition and the field study (complete species inventory) showed that the plant species richness is poor. The construction of the current infrastructure disturbed a major part of the affected area (See Photo 1). There is clear evidence that a major effort was made to combat alien plant species (mostly *Acacia cyclops*), but these plants returned in very dense stands over most of the property after the recent fire (See Photo 2).

The two mitigation actions that are proposed are;

1. Permission must be attained from the relevant authority (DEFF) to remove any of the specially protected Milkwood trees (*Sideroxylon inerme*) that still occur on the properties, even though they are small due to the recent fire.
2. The primary dune system at the beach front (mostly outside the properties) should not be disturbed during the construction or operational phases of the development.

	<p>Further to this is the email received from Mr Vlok on 24 January 2023 where he responds to the comments received from DFFE as follows:</p> <p><i>The Department seems to have misread my report. There are only very small patches of Thicket on the proposed development area. There is definitely no extensive Coastal Forest/Thicket within the proposed development area.</i></p> <p><i>The few Milkwood (Sideroxylon inerme) trees that does occur within the proposed development area established in the alien infested area, at the time of the survey none of them were more than 2 m tall, with a d.b.h. of &lt;50 mm.</i></p> <p><i>The comments of the Department are thus to my opinion not valid.</i></p>
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**PUBLIC**

**A.P. van der Merwe (Portion 65)– 09/11/2022**

<p>I again confirm that we want to be registered and receive all the relevant information on the proposed development. Being aware of the tremendous contribution this area has on Plett as a special tourist destination as well as a preferential town to settle in, the maintaining of the pristine stretch along the beach is important. Any new development must be sensitive to the area and blend in as much as possible. Unfortunately, this is not the case with the proposed development and the cost to the tourist industry and property owners will be substantial. I assume you are still in possession of our specific complaints. Thanks.</p>	<p>We have received your comments and confirm that you are registered as an I&amp;AP. The comments received on 23/07/2022 have been addressed above.</p>
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**Plettenberg Bay Community Environment Forum – 08/11/2022**

<p>Many thanks for the opportunity to comment on the above application. While the Enviro Forum does not object to this application, we do have some queries and concerns as follows:</p> <p>We acknowledge and appreciate the reduced density of the development so that it is in keeping with surrounding densities and is area appropriate.</p> <p>a) While we understand the need for security measures (the application states the property will be fenced with Clearview fencing and gated), we</p>	<p>a) Wherever fences are needed in the development area and on its boundary, it will be necessary to ensure that wildlife can move through the fences to enable their movement across the landscape. CapeNature will be consulted in this regard to advise on the best methods to use for a wildlife friendly fence.</p> <p>b) Rainwater storage tanks will be used to reduce demand on municipal water requirements for the development. It is stated in the Architectural Design Manual that all downpipes must be connected to a rainwater collection system with underground rain water tanks, pumps and overflows to a soak-</p>
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are concerned about such measures impacting the movement of wildlife through the area. Fencing methods and applications should be researched to allow for wildlife movement between the beach and the Robberg Vlei.

b) While it may well be true that there is currently capacity to provide bulk services to this particular application, we are concerned about the cumulative impacts on services, particularly water, by all the pending development applications. The Master Plan for services for Bitou has given consideration to infrastructure but does not consider resource limitations of water and availability for future cumulative needs. Rainwater harvesting, as recommended to reduce run-off of storm water, must be included in the development design to mitigate against potential future water shortages.

c) We welcome the removal of alien vegetation. We would like to see a management plan for vegetation going forward .... many beachfront properties illegally cut down vegetation in order to ensure a view. Consideration should be given to the species of plants that are planted to avoid visual impact in the future and the need to "trim" indigenous vegetation.

d) Alternative energy should be applied wherever possible.

e) Beach pathways must be designed to reduce dune erosion.

f) If the Milkwood trees are still small, as per the application, a plant rescue should be considered.

g) Please can you advise why Appendices E2, E4, E5, E8, E9, E10, E11, E12, E13, E14, E18, E19, E20 and E22 are not available.

h) The report states that ICMA and NEMBA are not applicable to this application and that the site has "no sensitivity or conservation value". We would query this, particularly considering that, while the proposed development is within the urban edge, it is situated on/in a frontal dune system, is within 100m of the high-water mark and Coastal Protection Zone,

away system. Each house is required by local law to provide at least one 5000L rainwater collection tank.

c) A plant list of indigenous species that can be planted is be provided in the EMPr.

d) The developer will endeavour to utilise solar power.

e) Mitigations for the use of the dune for footpaths is included in the EMPr. The use of structures such as boardwalks will require further environmental authorisation. Multiple access will be restricted and will be limited to a single access.

f) Milkwood trees within the development footprint that will need to be removed or relocated will be identified before works commence. A permit will be required before any removal can take place.

g) These appendices have been made available.

h) ICMA and NEMBA are applicable to the development. Comment has been requested from the Western Cape Coastal Management Unit. It is noted that the property falls outside of the Coastal Management Line (Appendix A2) and is within the urban edge.

The foredune will not be developed and the erven has been setback from the fore dune thicket. The ecological integrity of the foredune will be protected with a buffer of between 16.17 - 22.25 meter (diagram below). The dark green represents the house plate.

The Animal Species and Terrestrial Biodiversity Assessment addresses landscape connectivity (Appendix G).

with biodiversity and coastal habitat sensitivities. Furthermore, the site lies directly between the Robberg Vlei and the coastal system, thus potentially block movement of species.

i) The report includes the following: “Explain how the relevant considerations of the Section 63 of the ICMA were taken into account and explain how this influenced your proposed development.” Response: The property falls within 100m of the highwater mark of the sea, which falls within the Coastal Protection Zone. The properties have been identified as development islands which falls in line with the purpose of developing the properties.” We would query what criteria were used to identify the development islands. Is it height above msl, setback distances?

j) The Animal Species Assessment Report states, “The study site thus represents a very narrow and relatively natural link between the natural habitats between the foredune area and the wetland. This link is however not considered to be a suitable link or important corridor due to its narrow width and its generally poor condition. The 6m servitude along the northern boundary can however serve as a minor corridor for some of the smaller mammals and birds, linking the wetland to the coastal dunes, if kept clear of alien plants (see Figure 4).” This seems to be a contradictory statement: the site is too narrow to form a suitable habitat link and yet the reduced 6m servitude will suffice as a minor corridor? Again, we urge that appropriate fencing methods are used to enable species movements.

The Plettenberg Bay Community Environment Forum thanks you for the opportunity to comment and we look forward to your response and confirmation of receipt of our comments.



i) The Coastal Management Lines were developed by the Western Cape Government DEA&DP. Coastal management (set-back) lines, as detailed in the Integrated Coastal Management Act (Act No. 24 of 2008), are prescribed boundaries that indicate the limit of development along ecologically sensitive or vulnerable areas, or an area that poses a hazard or risk to humans. These lines referred to by the ICM Act are different both in origin and application to development set-back lines used within the EIA regulatory scheme but could in future potentially be used as such.

j) Although the site was determined to be fragmented and no longer serves as a suitable corridor, the 6-meter servitude is a recommended mitigation measure that can provide for some movement of small animals, along with permeable fencing that will be done under the guidance of CapeNature.

<b>Hilland Environmental Consultancy (Cathy Avierninos) and Associates obo Peter Gain (Portion 87/443) – 01/12/2022</b>	
Can you confirm if the comment previously submitted (11/22/2021) on the pre-app BAR through the planning application has been considered in this pre-application second revision of the pre-app BAR?	Yes, please see comments addressed in section above for Mr Peter Gains.
<b>K. Otto RE/1627 – 01/12/2022</b>	
I find it horrific how much is being transformed now into building land. Plettenberg Bay doesn't really need another up-market project. Soon we will run out of water... there is nothing being done to clear the waterways of the Keurbooms river and the other rivers. Are you serious about this happening ???? NO !	We have received your comments and confirm that you are registered as an I&AP.
<b>COMMENTS RECEIVED IN RESPONSE TO AMENDED DRAFT BASIC ASSESSMENT REPORT DATED 19 JANUARY 2023</b>	
<b>STATE DEPARTMENTS</b>	
<b>Department of Environmental Affairs and Development Planning (DEA&amp;DP) – 17/02/2023</b>	
<p>COMMENT ON THE REVISED BASIC ASSESSMENT REPORT FOR THE PROPOSED 9 RESIDENTIAL I UNITS, WITH SOME DESIGNATED OPEN SPACE ON THE PROPERTY KNOWN AS PORTION 66 &amp; 67 OF THE FARM 443, PLETTENBERG BAY</p> <p>1. The abovementioned report received by this Directorate on 23 January 2023, refers.</p> <p>2. This Directorate has reviewed the Revised Basic Assessment Report (RBAR) and have the following comment:</p> <p><b>2.1. Fire Management:</b> In comments on the DBAR, the fire risk was highlighted. It is noted in the specialist report as well as in the Environmental Management Programme (EMPr) that the recommendation is that the Southern Cape Fire Protection Association (SCFPA) should be consulted regarding firebreaks and fire management for the property in the case of a wildfire. This is not acceptable. This must have been done. Comment on the abovementioned must be obtained from the SCFPA must be obtained and the inputs must be incorporated in the EMPr.</p> <p><b>2.2. Access Road</b> It is understood that the access to the property is proposed to be via MR7209 which is a provincial road and that the road maintenance is the responsibility of the provincial authority. It is not evident that the Department of Transport and Public Works (DTPW) has provided comment. This is important and must be obtained even though the Traffic Impact</p>	<p><b>2.1. Fire Management:</b> The estate has become a member of the SCFPA and requested recommendations for the property. Recommendations regarding firebreaks and fire management for the property in the case of a wildfire are included in the EMPr.</p> <p><b>2.2. Access Road</b> Comments were received from Department of Transport and Public Works on 02/12/2021 in response to the Town Planning application for consolidation, rezoning and subdivision. The department offered no objection to the proposal in terms of the Land Use Planning Act 3 of 2014 (Appendix E6). Comments regarding the DBAR have been requested from DTPW to be included in the Final BAR.</p> <p><b>2.3. Site Development Plan (SDP)</b> The landscaped areas within each portion (excluding build plate) and in the open space, as per the SDP (Appendix 1), will consist of indigenous vegetation as far as possible taking into consideration fire management requirement. Indigenous vegetation will not be disturbed outside of the disturbance area for each house and access roads and will be rehabilitated after construction. This will be of particular importance on the sea facing erven where the indigenous vegetation within the plots next to the foredune will remain undisturbed. Homeowners will be encouraged not to fence the private landscaped areas in order to support wildlife connectivity. All alien plant species will be removed, and the areas managed for wildfire, as per SCFPA recommendations.</p>

Assessment has suggested that the existing track be upgraded to a hardened surface.

### 2.3. Site Development Plan (SDP)

It is noted on the SDP that beyond the sea facing erven is demarcated as being a landscaped area. It is not clear what landscaping is proposed on this area as it is understood that this area would not be disturbed. Clarity is required.

Also, 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:

- 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.
- The property boundaries and numbers of all the properties within 50m of the site must be indicated on the site plan.
- 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.
- 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.
- 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.
- 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 must be clearly indicated on the site plan.
- Servitudes and an indication of the purpose of each servitude must be indicated on the site plan.
- Sensitive environmental elements within 100m of the site must be included on the site plan, including (but not limited to):
  - Watercourses / Rivers / Wetlands
  - Flood lines (i.e., 1:100 year, 1:50 year and 1:10 year where applicable);
  - Coastal Risk Zones as delineated for the Western Cape by the Department of Environmental Affairs and Development Planning ("DEA&DP");
  - Ridges;
  - Cultural and historical features/landscapes;

A Landscape consultant must be appointed to recommend and implement the introduction of an indigenous landscape plan to protect the existing indigenous vegetation and to prepare a landscape plan for implementation in the private and common areas.

An updated SDP incorporating the requested details is attached as Appendix B1. This includes overlays with environmentally sensitive features for preferred and alternative layouts.

### 2.4. Public Participation:

The WCG: DEA&DP: Coastal Management Unit (Ms Joy Ruiters) has been included in the Public Participation Processes to date. We have requested comment from this department, to be included in the Final DBAR.

### 2.5. Aquatic Biodiversity Assessment

The Aquatic Specialists, Confluent Aquatic Consulting and Research, are undertaking the WULA process in terms of the National Water Act (NWA), 1998 (Act No. 36 of 1998, as amended) and the Regulations regarding Procedural Requirements for the Water Use License Applications and Appeals, 2017. The WULA will be lodged with the Department of Water and Sanitation (DWS). The following water uses are triggered for the construction of a housing development and associated infrastructure and the connection to the main sewer line within the regulated area of a watercourse (i.e. within 500 m of a wetland):

- Section 21 (c): Impeding or diverting the flow of water in a watercourse.
- Section 21 (i): Altering the bed, banks, course or characteristics of a watercourse.

The WULA has been synchronized with the EIA Application and commenced with PPP on 27 February for a 60-day period ending on 27 April 2023.

The Freshwater Assessment has been updated to address these aspects.

### 2.6. Synchronisation of the WULA – EIA processes / applications

Please see above.

- Areas with indigenous vegetation (even if degraded or infested with alien species).

- Whenever the slope of the site exceeds 1:10, a contour map of the site must be submitted.
- North arrow

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.

#### **2.4. Public Participation:**

It is noted that many Organs of State have been notified and approached to provide comment on the DBAR and RBAR. Kindly ensure that comment is obtained from the WCG: DEA&DP: Coastal Management, specifically in relation to the aspects related to Section 63 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) is included in the BAR.

#### **2.5. Aquatic Biodiversity Assessment**

It is noted in this report that according to the DWS Risk Assessment that the development would have a low risk to the wetland and that the development can take place under a General Authorisation. However, e-mail correspondence received from your EAP on 14 February 2023, it was confirmed that a Water Use Licence (WUL) is indeed applicable to the development. The assessment and reporting on these aquatic biodiversity aspects must be undertaken and the application processes synchronised to ensure that the competent authority receives all relevant information for decision making purposes.

#### **2.6. Synchronisation of the WULA – EIA processes / applications**

The synchronisation between the EIA process and the Water Use License Application ("WULA") process must be evident in the report. It is further noted that an application has not yet been submitted to the Breede Gouritz Catchment Management Agency (BGCMA) for the WULA. Based on recent correspondence, it is understood that a WULA will as a minimum be required for the proposed sewer infrastructure. You are reminded that if these processes are not properly aligned, the lack of synchronisation; omission of any reports/information; or delay as a result thereof, may

An application has been submitted to the Breede Gouritz Catchment Management Agency (BGCMA) for the WULA. The WULA technical report as well as the updated Freshwater Assessment have been included in the DBAR as Appendix G.

#### **2.7. Alternatives With the input of the South Cape Fire Protection Association (SCFPA)**

Comments were received from SCFPA dated 1 March 2023, recommendations as follows:

According to the development plan, it seems that there are well-placed/planned defensible spaces (landscaped area within portion) around the structures/houses which will offer additional structural protection against possible wildfires moving into the development. These defensible spaces should be properly maintained. Highly burnable vegetation or flammable material should not be present within these defensible spaces.

The road network within the development will also limit any spread of fires within the proposed development. The main road to the west of the property will also add additional protection and should offer reasonable protection. It cannot be expected landowners/homeowners to make provision for extreme wildfire events.

Recommendations:

- Implementing regulations/rules around "braai" fires /open flame fires should be considered especially when high fire danger weather conditions are predicted.
- ensuring that access roads are kept clear in order for firefighting vehicles to have unobstructed access to the structures/houses
- work collaboratively with local authorities - develop an emergency preparedness plan that outlines the steps to take in the event of a fire. The plan should include protocols for notification, evacuation, and communication with local authorities
- overall, the goal of the management plan should be to prevent wildfires from starting and spreading within the development and to minimize the impact of any fires that do occur.



<p>prejudice the success of this application for environmental authorisation. Please be reminded of the “One Environmental System” principle that must be applied to applications of this nature. Please refer to this Department's circular: EADP 0028/2014 in this regard. Please be reminded that all specialist reports submitted as part of the BAR (including those submitted for consideration and which also may form part of the WULA) must be appended to the BAR and must comply with the minimum information requirements of the relevant Protocol or Appendix 6 of the Environmental Impact Assessment Regulations 2014.</p> <p>2.7. Alternatives With the input of the South Cape Fire Protection Association (SCFPA) and possible firebreaks that will be required, an alternative layout must be considered that incorporates firebreaks. This directly implies that the size of the erven be reduced, and the developable footprint be reduced to make provision for such protection measures.</p> <p>Again, please be reminded that the competent authority can authorise or refuse any alternative (in full or in part).</p> <p>3. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p> <p>4. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution.</p>	<p>Based on the comments received, there is no alternative layout proposed that incorporates firebreaks. As stated in the comments, there is adequate defensible spaces within the proposed layout.</p>
<p><b>Breeder-Gouritz Catchment Management Agency (BGCMA) – 15/08/2022</b></p>	
	<p>Following the meeting held with BGCMA on 20 January 2023 with the EAP, Applicant, and Aquatic Specialists (Confluent Aquatic Consulting and Research), it was determined that there was an oversight regarding the determination of no WULA being required in the first comments received from BGCMA on 15/08/2022. The applicant has applied for a WULA in response to BGCMA's recent request. It was agreed that the Department will work with the Aquatic Specialists to ensure that the WULA process runs smoothly, as the Applicant has suffered major unforeseen costs and time as a result.</p>



**BREED-GOURITZ**  
CATCHMENT MANAGEMENT AGENCY

101 York Street 3rd Floor Rm 302 George 6530, P.O. Box 1205 George 6530

Enquiries: R Mphahlele Tel: 023 346 8000 Fax: 044 873 2199 E-mail: [rmphahlele@bgcma.co.za](mailto:rmphahlele@bgcma.co.za)

REFERENCE: 4/10/2/K70A/66 & 67, PLETTENBERG BAY

Date: 23/02/2023

Eco Route Environmental Consultancy  
PO Box 1252  
SEDFIELD  
6573

Good day

**RE: PUBLIC PARTICIPATION FOR THE RESIDENTIAL DEVELOPMENT PROPOSED ON PORTIONS 66 & 67 OF FARM 443, PLETTENBERG BAY**

Reference is made to the Freshwater Assessment undertaken for the above-referenced development by Dr. J.M Dabrowski of Confluent Aquatic Consulting and Research:

1. The above is because the freshwater determined the following:
  - 1.1. The proposed development is located within the regulated area of the wetland located west of the proposed development site. The regulated area of a wetland refers to the 500-meter radius from the delineated boundary (extent) of any wetland.
  - 1.2. The proposed development and associated infrastructure have the potential to impact the wetland negatively.
2. In light of the above, this office confirms that the proposed development triggers a requirement for a water use authorization as it constitutes water use(s) in terms of sections 21 (c) & (i) of the National Water Act, 1998 ( Act 36 of 1998) (hereinafter NWA). Sections 21 (c) & (i) water use activities refer to the impeding or diverting of the flow of water in a watercourse or altering the bed, banks, course, or characteristics of a watercourse respectively.
3. As stipulated in section 22 of NWA, a water use authorization is required prior commencement of any water use activity listed in section 21 of NWA.
4. A water use authorization for the development was lodged as required and its assessment and/or processing is underway.
5. No water use activities associated with this development shall commence without an approved water use authorization, or a written approval granted by this office.
6. These comments replace all previous comments made by this office on this development.

[www.bgcma.co.za](http://www.bgcma.co.za)

**RE: PUBLIC PARTICIPATION FOR THE RESIDENTIAL DEVELOPMENT PROPOSED ON PORTIONS 66 & 67 OF FARM 443, PLETTENBERG BAY**

7. The onus remains with the property owner to adhere to the above-mentioned relevant NWA provisions.
8. This office reserves the right to amend and revise its comments as well as to request any further information should it be necessary to do so.

Yours faithfully,

pp MR. JAN VAN STADEN  
CHIEF EXECUTIVE OFFICER (ACTING)

**Southern Cape Fire Protection Association (Dirk Smit) – 20/01/2023**

See the attached document (National Veld and Forest Fire Act 101 of 1998) applicable to people in control of land.

The responsibilities of people in control of land  
All owners on whose land a veldfire may start or burn or from whose land it may spread must:  
prepare firebreaks on their side of the boundary if there is a reasonable risk of veldfire  
have such equipment, protective clothing and trained personnel for extinguishing fires as are: prescribed (in the regulations)  
If there are no regulations, reasonably required in the circumstances take all reasonable steps to notify the FPO of the local FPA (if there is one) when a fire breaks out do everything in their power to stop the spread of the fire.

The Act also requires that if the owner is absent, he or she must have a responsible person present on or nearby his or her land to:  
extinguish a fire if one broke out, or assist others to do so.  
take all reasonable steps to alert the neighbours and the FPA (if there is one).  
The owner may appoint an agent to act on his or her behalf to perform these duties.

This has been incorporated into the EMPr under Fire Management during the Operational Phase.

The estate has become a member of the SCFPA and has requested further recommendations from the SCFPA for the property regarding firebreaks and fire management. This will be included in the Final EMPr.

**Southern Cape Fire Protection Association (Dirk Smit) – 01/03/2023**

BASIC WILDFIRE RISK ASSESSMENT – PROPOSED DEVELOPMENT PLAN – PORTIONS 66 & 76 OF FARM 443 BRAKKLOOF - STRUCTURAL PROTECTION

According to the development plan, it seems that there are well-placed/planned defensible spaces (landscaped area within portion) around the structures/houses which will offer additional structural protection against possible wildfires moving into the development. These defensible spaces should be properly maintained. Highly burnable vegetation or flammable material should not be present within these defensible spaces.

The road network within the development will also limit any spread of fires within the proposed development. The main road to the west of the property will also add additional protection and should offer reasonable protection. It cannot be expected landowners/homeowners to make provision for extreme wildfire events.

All recommendations have been incorporated into the EMPr under the Operational Phase.

Recommendations:

- Implementing regulations/rules around “braai” fires /open flame fires should be considered especially when high fire danger weather conditions are predicted.
- ensuring that access roads are kept clear in order for firefighting vehicles to have unobstructed access to the structures/houses
- work collaboratively with local authorities - develop an emergency preparedness plan that outlines the steps to take in the event of a fire. The plan should include protocols for notification, evacuation, and communication with local authorities
- overall, the goal of the management plan should be to prevent wildfires from starting and spreading within the development and to minimize the impact of any fires that do occur.

**PUBLIC**

**Hilland Environmental Consultancy (Cathy Avierninos) – 01/12/2022**

**1. Layout alternative –**

The layout has been scaled down to 9 from the original proposal of 15 units – although the disturbance footprint looks very similar – please confirm that the protected Milkwood trees have been surveyed and accommodated in this layout plan so that no NFA licence applications are required by land owners for home building or for the installation of services later on.

Based on the road use for access proposed your applicant will be responsible for the required upgrades while maintenance will remain a Provincial roads item. We would like clarity as to why the Public Right of Way servitude to the north cannot be also used for access? Can the development to the north simply refuse access? Surely this is a right of way and it cannot be refused? It would make far more sense for the road to be a linking road through to the suburb and municipal road to the north and then possibly the whole road become a municipal road?

**2. Storm water –**

Your report mentions driveways “can be” grass block – this should be a “must” and not an option, the driveways are either permeable and contribute to stormwater infiltration or they don't.

**1. Layout alternative –**

The layout of 9 units is at a lower density which is compatible with the development densities of the area. The larger stands allow for additional landscaped area within each stand as well as an additional 350m<sup>2</sup> of open space. Indigenous species will be encouraged to grow and thrive in the landscaped areas. The alternative layout of 15 units does not allow for the 6m small wildlife corridor along the northern boundary of the property.

The landscaped areas within each portion (excluding build plate) and in the open space areas, as per the SDP (Appendix 1), will consist of indigenous vegetation as far as possible taking into consideration fire management requirement. Indigenous vegetation will not be disturbed outside of the disturbance area for each house and access roads and will be rehabilitated after construction. Homeowners will be encouraged not to fence the private landscaped areas within each plot in order to support wildlife connectivity. All alien plant species will be removed, and the areas managed for wildfire, as per SCFPA recommendations.

A Landscape consultant must be appointed to recommend and implement the introduction of an indigenous landscape plan to protect the existing indigenous vegetation and to prepare a landscape plan for implementation in the private and common areas.

### 3. Listed activities –

Activity 12 LN 3 – clearance of more than 300m<sup>2</sup> within 100m of the high-water mark – this activity should be applied for as your report clearly indicates that there will be clearance within 100m from the high water mark. In addition, your report mentions that allowance for access to the beach for home owners is provided for on the SDP. However, there appears to be contradictory remarks made in relation to what this pathway that gives access to the residents over the Coastal Public Property and sensitive dune area to the beach will be or needs to be. In one area it is stated that a boardwalk will be necessary (and that would require approval in terms of NEMA as it triggers its own listed activities), and then further on in the report it specifically says that there is no application for a boardwalk.

As the properties are coastal and a footpath is indicated and it is a reasonable assumption that owners will access the beach through the sensitive dune area, the recommendations of the terrestrial specialist MUST be included and assessed and the associated listed activities and work in the CPP must be included.

This issue was previously raised and in the public participation report response the response clearly indicates that a boardwalk has not been included or assessed and as such it can safely be assumed that the impact by residents on the dune system will take place and will not be mitigated and has not been addressed.

In terms of NEMA and ICMA and coastal public access this is a critical impact and issue that must be addressed in the BAR process. Failing that there must be a fence with no gate access to the beach from this development (which would be extremely unrealistic) and residents must be forced to make use of alternative public beach access routes.

Is access to the beach proposed or not? If it is, then is the boardwalk included and as it is over CPP that must be included in the application, assessed and will need to be authorised.

This statement contradicts the access pathway and or board walk through the primary dune system – the sensitive primary dune system will be impacted on if there is access provided through the dunes for the residents and this has not been assessed, applied for or mitigated.

The email received from Mr Vlok on 24 January 2023 where he responds to the comments received from DFFE Forestry is as follows:

*The Department seems to have misread my report. There are only very small patches of Thicket on the proposed development area. There is definitely no extensive Coastal Forest/Thicket within the proposed development area.*

*The few Milkwood (*Sideroxylon inerme*) trees that does occur within the proposed development area established in the alien infested area, at the time of the survey none of them were more than 2 m tall, with a d.b.h. of <50 mm.*

*The comments of the Department are thus to my opinion not valid.*

An OSCAER Application will be applied for with the Bitou Municipality for each new dwelling, whereby each plot will be assessed for milkwood trees. The small milkwood trees found on site will be transplanted back on site with a permit obtained from DFFE should this fall within the footprint.

As stated in Jan Vlok's email and in his report, there are only a few small Milkwood trees. It is therefore unreasonable to base the SDP on their locations and would make sense to apply for such permission through the OSCAER and NFA. This is the process that the Duin en See Eco Estate next to the proposed development follows.

It should be noted that the Applicant intends on preserving as much of the natural indigenous vegetation as possible and will ensure all permit/licenses are in place prior to clearing stands. An OSCAER Application will be submitted if EA is granted for the initial installation of service.

Response from Town Planner (Planning Space) regarding the road - Getting access over the property to the north will be ideal and more cost effective to the developer. Our client has extensively negotiated with the Dune and See Development, but they are refusing access. The opening up of this road is recommended in the Municipal SDF as this will create an important alternative access to the area, essential in emergency situations like a fire. However, to date we have not been able to secure this access, not because of a lack of trying.



### **Economics –**

the extract below is incomplete.

There is no “table below” included in the report.

### **Ecological corridors –**

The minor ecological corridor proposed on the northern boundary - is fencing inside or outside this corridor? In the report it indicates that the whole site will be fenced in with clear vu fencing – how will the ecological corridor be maintained with fencing cutting off any movement? In the terrestrial biodiversity report the fencing is required to be “permeable” to allow for animal movement, but there is no indication as to how the proposed ClearVu fence will be made permeable. In addition the footpath access for residents to the beach is located within this corridor – again is the footpath inside or outside the fence and how with the impact on the primary dune be prevented from this footpath leading residents to the dunes but not through the dunes.

### **Protected trees –**

In relation to protected trees – the application and specialists have referred to the fact that there are protected trees on the property but these have not been surveyed so that the layout plan can be adapted to avoid the protected trees. The report simply indicates that they will need a NFA licence to remove or prune such protected trees at a later stage. As the application is for new rights, the protected trees should be incorporated into the design now so that they are avoided and there is no necessity for a licence in future to remove them. It would be contrary to the DFFE Forestry mandate to allow a new development that is known to have an impact on protected trees and where a licence will be required to remove them, where there has been no effort to avoid the impact in the first instance.

### **The following additional Listed activities appear to be applicable to the proposal:**

LN3 – 12

There is no development setback line in this area and the boardwalk or coastal beach access is likely to result in the clearance of 300m<sup>2</sup> of vegetation within 100m of the high water mark of the sea. As such this activity is applicable and should have been included in the assessment which it has not to date.

You will note on the attached GP that Minor road 4(a)k over Duin and See to the north does not link up with municipal road further north and this is why we cannot claim a right to access over this road. There is another servitude registered over the property which is described as 20m access and municipal services road. There has apparently been a legal opinion that this access is only for the municipality and not for the public. We will in peruse this option in the future, but for the sake of moving forward, the alternative access from the south is the only option available.

### **2. Storm water –**

This was a typographical error and has been corrected. The driveways will be permeable as per the stormwater plan in the Engineers report. It has not been seen as an option, but rather a requirement.

### **3. Listed activities –**

Agreed, activity 12 of LN 3 has been included in the amended application.

There are two existing footpaths from the two properties, shown below. Due to the consolidation of the two properties, the one footpath on portion 66 will be closed and rehabilitated, and only the footpath from portion 67 which will connect with the proposed footpath within the development will remain. The botanical specialist recommended the following, “if access will be allowed to the beach, then a board walk system will have to be constructed to minimize disturbance of this sensitive area.” As there is an existing footpath with an already disturbed footprint, it would make sense to continue to use this footpath while implementing the mitigation measures as per the EMPr. The recommendation made by the specialist is for a new access across the dune system.

LN1 – 17

The beach access which the specialist indicates should be on a raised boardwalk would trigger this activity as the area is not yet developed and as such is not considered under the urban area "exclusion", despite being in the urban edge. The beach area is also not included in the urban edge so would also be excluded from an urban area in any event.

LN1 – 15

The boardwalk will clearly be required and will be in excess of 50m2 within the CPP.



Footpath from Portion 67 to remain in use.



Footpath from Portion 66 to be closed and rehabilitated.

**Economics –**

The table has been included in the report.

**Ecological corridors –**

Wherever fences are needed in the development area and on its boundary, it will be necessary to ensure that wildlife can move through the fences to enable their movement across the landscape. CapeNature will be consulted with regards to the methods that can be used to do so, which will include details about construction, materials and frequency of implementation (spacing of permeability).

The corridor will not be fenced in on the east and west boundaries allowing for movement of small wildlife between the dune and wetland area. This corridor will be managed for alien invasive species and rehabilitated with indigenous vegetation. The footpath from the development that connects with the existing footpath to the beach will make use of a section of this corridor.

**Protected trees –**

Same as first point.

The email received from Mr Vlok on 24 January 2023 where he responds to the comments received from DFFE Forestry is as follows:

*The Department seems to have misread my report. There are only very small patches of Thicket on the proposed development area. There is*

*definitely no extensive Coastal Forest/Thicket within the proposed development area.*

*The few Milkwood (Sideroxylon inerme) trees that does occur within the proposed development area established in the alien infested area, at the time of the survey none of them were more than 2 m tall, with a d.b.h. of <50 mm.*

*The comments of the Department are thus to my opinion not valid.*

An OSCAER Application will be applied for with the Bitou Municipality for each new dwelling, whereby each plot will be assessed for milkwood trees. The small milkwood trees found on site will be transplanted back on site with a permit obtained from DFFE should this fall within the footprint.

As stated in Jan Vlok's email and in his report, there are only a few small Milkwood trees. It is therefore unreasonable to base the SDP on their locations and would make sense to apply for such permission through the OSCAER and NFA. This is the process that the Duin en See Eco Estate next to the proposed development follows.

It should be noted that the Applicant intends on preserving as much of the natural indigenous vegetation as possible and will ensure all permit/licenses are in place prior to clearing stands. An OSCAER Application will be submitted if EA is granted for the initial installation of service.

**The following additional Listed activities appear to be applicable to the proposal:**

LN3 – 12

Agreed, The Application has been amended to include this activity.

LN1 – 17

The estate will make use of the one existing footpath on portion 67. As this is not a new access, a raised boardwalk in not envisaged to be a requirement.

LN1 – 15

Same as above.



## Annexure 5: DWS Consultation for eWULA Application

**From:** Kyle p <kylepowter1@gmail.com>  
**Sent:** Friday, 13 January 2023 13:27  
**To:** Janet Ebersohn; Jody Marshall  
**Subject:** Fwd: FW: e-WULAAS : Request to be Linked to a Client (CT23686)

----- Forwarded message -----

**From:** <[sonia@confluent.co.za](mailto:sonia@confluent.co.za)>  
**Date:** Fri, 13 Jan 2023 at 11:45  
**Subject:** FW: e-WULAAS : Request to be Linked to a Client (CT23686)  
**To:** Kyle p <[kylepowter1@gmail.com](mailto:kylepowter1@gmail.com)>

Good Morning Kyle,

Please see below confirmation for the link made on your behalf on eWULA for your application.

After a few days we should be able to progress to the next step in the application process, namely the pre-application. I will keep you informed as we receive feedback from the BGCMA.

Kind regards,

Sonia

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**From:** [Ewulaas Do Not Reply@dws.gov.za](mailto:Ewulaas_Do_Not_Reply@dws.gov.za) <[Ewulaas Do Not Reply@dws.gov.za](mailto:Ewulaas_Do_Not_Reply@dws.gov.za)>  
**Sent:** Friday, January 13, 2023 9:50 AM  
**To:** [james@confluent.co.za](mailto:james@confluent.co.za)  
**Subject:** e-WULAAS : Request to be Linked to a Client (CT23686)

Dear Dr James Dabrowski (Environmental Consultant),

You have requested to be link to the client : Athina Development (Pty) Ltd.

Your reference number for the request is : CT23686

Your request will be attended to by the Regional Office Water Use Licence manager in Breede Gouritz - Worcester. You will receive confirmation of your request via e-Mail.

1

Kind Regards,  
e-WULAAS on Behalf of **Department of Water and Sanitation**

Private Bag X313, Pretoria, 0001  
Sedibeng Building, [185 Francis Baard Street, Pretoria](#), 0001  
Tel: (012) 336 7500  
Fax: (012) 323-4472  
Website: [www.dws.gov.za](http://www.dws.gov.za)  
Email: [E-WULAASCalls@dws.gov.za](mailto:E-WULAASCalls@dws.gov.za)



**water & sanitation**

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA



e-WULAAS



**From:** sonia@confluent.co.za  
**Sent:** Monday, 27 February 2023 13:24  
**To:** sonia@confluent.co.za  
**Subject:** Notification of Public Participation Process for: The construction of a housing development, on rezoned portions 66 and 67 of Farm 443, to be known as Athina Development, near Plettenberg Bay  
**Attachments:** WULA Technical Report Athina\_Reviewed JD.pdf; Appendix 1 Engineering Report.pdf; Appendix 2 AthinaEstate\_FreshwaterAssessment\_DraftFinal\_Feb2023.pdf

Good day,

Notice is hereby given that a **Water Use License Application (WULA)** in terms of the National Water Act (NWA), 1998 (Act No. 36 of 1998, as amended) and the Regulations regarding Procedural Requirements for the Water Use License Applications and Appeals, 2017, will be lodged with the Department of Water and Sanitation (DWS). The following water uses are triggered for the construction of a housing development and associated infrastructure and the connection to the main sewer line within the regulated area of a watercourse (i.e. within 500 m of a wetland):

- Section 21 (c): Impeding or diverting the flow of water in a watercourse,
- Section 21 (i): Altering the bed, banks, course or characteristics of a watercourse

**Applicant:** Athina Development (Pty) Ltd

**Project and Property Descriptions:** The applicant proposes to develop a small housing estate across the two rezoned farm portions, consisting of nine residential erven ranging in size from  $\pm 1\,319\text{ m}^2$  to  $1\,987\text{ m}^2$ .

Specialist reports pertaining to the application for the WULA of Athina Development are available for consideration. Please see attached. We have also attached a draft WULA summary report for easy reference.

Please provide written comments with your name, contact details and an indication of any direct business, financial, personal, or other interest which you may have in the development.

**Protection of Personal Information:** We assume that you consent to the processing of your personal information, as contemplated in the Protection of Personal Information Act 4 of 2013 (POPIA), by Confluent Environmental (Pty) Ltd. as the appointed Aquatic Consultants for this project if you participate in the Public Participation Process for the abovementioned project. Please notify us if you are not in agreement.

A 60-day review and commenting period is applicable, extending from **27 February to 27 April 2023**.

**Any comments on the Water Use License Application must please be submitted to:**

Confluent Environmental,  
Aquatic Consulting and Research  
Sonia Jordaan ([sonia@confluent.co.za](mailto:sonia@confluent.co.za))  
Tel: 062 743 2416

Kind Regards,

Sonia Jordaan (MSc: Water & Environmental Management)  
Water Assessment Practitioner  
Mobile: 062 743 2416  
[www.confluent.co.za](http://www.confluent.co.za)