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REGISTRATION NO. 1998/031976/23

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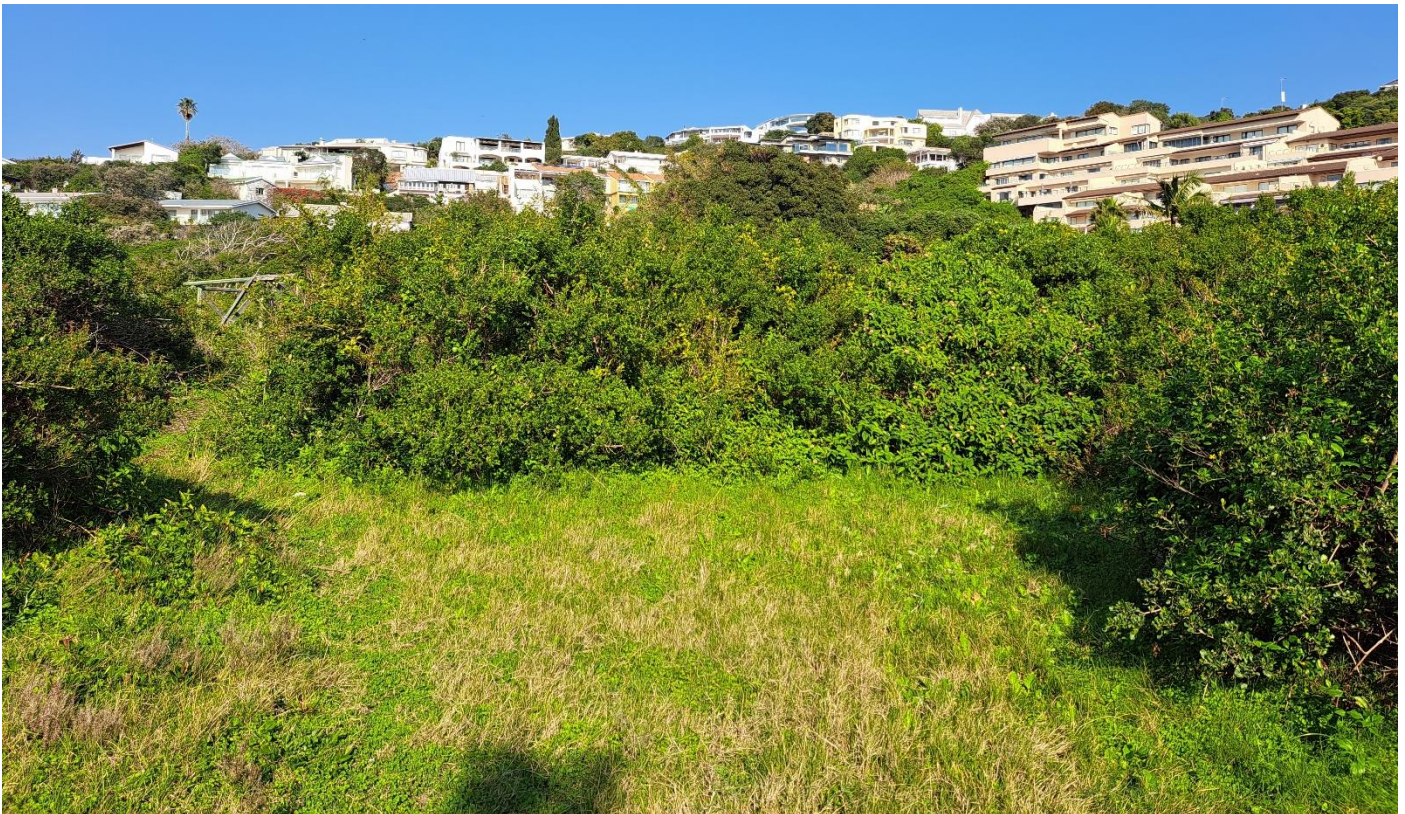
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DRAFT CHECKLIST FOR THE DEFINITION/ADOPTION OF AN AD HOC DEVELOPMENT SETBACK LINE FOR Erf 699 Plettenberg Bay in the Bitou Municipality & Division of Knysna, Western Cape

In terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and the Environmental Impact Assessment Regulations, 2014 (as amended).



PREPARED FOR: MICHAEL STUART ANDERSON
PREPARED BY: ECO ROUTE ENVIRONMENTAL CONSULTANCY
DEPARTMENT REF: 16/3/3/6/1/D1/13/0186/23
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DATE: 22/02/2024

ECO-ROUTE

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STATEMENT OF INDEPENDENCE

I, **Joclyn Marshall**, of Eco Route Environmental Consultancy, in terms of section 33 of the NEMA, 1998 (Act No. 107 of 1998), as amended, hereby declare that I provide services as an independent Environmental Assessment Practitioner (EAPASA Reg: **2022/5006**) and receive remuneration for services rendered for undertaking tasks required in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and the Environmental Impact Assessment Regulations, 2014 (as amended). I have no financial or other vested interest in the project.

EAP SIGNATURE: _____



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

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

NOVEMBER 2019

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

GENERAL PROJECT DESCRIPTION

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

The property is Erf 699 Plettenberg Bay in the Bitou Municipality & Division of Knysna, Western Cape, and is situated at Salmack Road which is accessed through Beacon Way or Solon Crescent. Erf 699 forms part of the Plettenberg Bay Extension 2 that was established in 1952. The property has never been used for any purpose and is currently vacant. When the property was created it was earmarked for a tearoom and shops as specified in Condition 5 (b) of the Title Deed. There were, however, never building improvements made to the property. The property has been recently zoned as 'Single Residential' from 'Minor Business', in terms of the new Bitou Zoning Scheme By-Law.

The slope of the land is gentle, allowing easy access and optimal use of land. The site does not have any adjacent private properties that could be directly affected by the proposed residence. The site is bordered by a public road to the east and a public open space to the west.

Municipal services for the site are available across Salmack road on the south side, in front of the existing apartments buildings south of Erf 699. Access to the site will be off Salmack road.

Due to the property having existing development rights, falling within an urban area, and being regarded as a coastal development island, an *ad hoc* development setback line in terms of the NEMA EIA Regulations should be regarded as appropriate for Erf 699.



DIAGRAM 2 : AERIAL PICTURE

0 37,5 75 150 Meters



ERF 699 PLETTENBERG BAY
BITOU MUNICIPAL AREA
PLAN NO: E699-2
DATE: 19 MAY 2022

Figure 1: Location of Erf 699.

IMPORTANT INFORMATION TO BE READ PRIOR TO COMPLETING THIS CHECKLIST

1. Purpose

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

2. General

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

3. Administrative requirements

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

4. Circulars, Guidelines and Tools

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

5. Setback Line Information

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

6. Minimum Public Participation Process Requirements

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

DEPARTMENTAL DETAILS

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

GENERAL REQUIREMENTS

1.1. Locality Map

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

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

APPENDICES

The following appendices must be attached to this Application Form:

APPENDIX	Confirm that Appendix is attached
Appendix A: Screening Tool Report	✓
Appendix B: Maps	✓
Appendix C: Existing Approvals	✓
Appendix D: Existing <i>ad hoc</i> setback lines	X
Appendix E: Existing Directives	X
Appendix G: Zoning of properties	✓
Appendix H: Site Development Plan	✓

SECTION A: ADMINISTRATIVE DETAILS

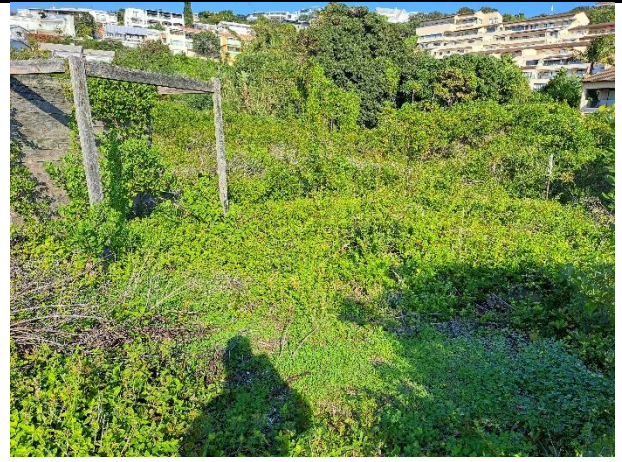
Highlight the Departmental Region in which the intended application will fall		CAPE TOWN OFFICE		GEORGE OFFICE
		REGION 1 (City of Cape Town, West Coast District)	REGION 2 (Cape Winelands District & Overberg District)	REGION 3 (Central Karoo District & Garden Route District)
1.	Name of proponent: RSA Identity/ Passport Number: Name of contact person for proponent (if other): RSA Identity/ Passport Number: Company/ Trading name/State Department/Organ of State : Company Registration Number: Postal address: Telephone: E-mail:	Michael Stuart Anderson 4603135040084 Postnet Suite 11, Private Bag X 81, Halfway House Postal code: 1685 Cell: 083 440 5640 Fax: () mikea@truco.co.za		
2.	Company of EAP: EAP name: Postal address: Telephone: E-mail: Qualifications: EAPASA registration no:	Eco Route Environmental Consultancy Joclyn Marshall P.O. Box 1252, Sedgefield Postal code: 6573 Cell: 072 126 6393 Fax: () joclyn@ecoroute.co.za MSc Environmental Science EAPASA: 2022/5006		
3.	Name of landowner: Name of contact person for landowner (if other): Postal address: Telephone: E-mail:	Michael Stuart Anderson Postnet Suite 11, Private Bag X 81, Halfway House Postal code: 1685 Cell: 083 440 5640 Fax: () mikea@truco.co.za		
4.	Name of Person in control of the land: Name of contact person for person in control of the land: Postal address: Telephone: E-mail:	Same as landowner Postal code: Cell: Fax: ()		
5.	Municipality in whose area of jurisdiction activity will fall: Contact person: Postal address: Telephone: E-mail:	Bitou Local Municipality Anje Taljaard Office No. 50, Second Floor, Melville's Corner, 3 Kloof Street, Plettenberg Bay Postal code: 6600 Cell: Fax: () (044) 501 3318 ataljaard@plett.gov.za		

SECTION B: DETAILS OF CURRENT ACTIVITIES/EXISTING DEVELOPMENT

1.	Do you have any approvals for the new development? If yes, explain and attach a copy/ies as Appendix C.	YES✓	NO
<p>Approved rezoning and removal of restrictive title deed conditions. The new zoning can only be confirmed with the submission of building plans (pending outcome of this application).</p> <p>Approval granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for (Appendix C):</p> <ul style="list-style-type: none"> a) The rezoning Erf 699 Plettenberg Bay from 'Minor Business' to 'Single Residential Zone' in terms of Section 15(2) (a) of the Bitou Municipality Bylaw on Land Use Planning (2015). b) The removal of Conditions IV 5 (b) contained in Title Deed T8265/1987 in terms of Section 15(2)(f) that restricts the use of the property to a tea tearoom and shops. c) The removal of Conditions IV 5 (c) contained in Title Deed T8265/1987 in terms of Section 15(2)(f) in order to remove the restrictive title deed building lines on Erf 699 Plettenberg Bay. 			
2.	Do you have any approvals for the existing development? If yes, provide details of all approvals and attach a copy/ies as Appendix C.	YES	NO✓
3.	Is the development part of a bigger lawfully approved and commenced with development? If yes, provide details of all approvals and attach a copy/ies as Appendix C.	YES	NO✓
4.	Have any activities physically commenced on the site/s?	YES	NO✓
5.	List the date of commencement of these activities (dd/mm/yy) below.		
N/A			
6.	Clearly describe the commencement of these activities.		
N/A			
7.	Clearly describe the current state of the site/s/route (This must be supported by recent colour photographs).		
<p>The property is Erf 699 Plettenberg Bay in the Bitou Municipality & Division of Knysna, Western Cape, and is situated at Salmack Road which is accessed through Beacon Way or Solon Crescent. Erf 699 forms part of the Plettenberg Bay Extension 2 that was established in 1952. The property has never been used for any purpose and is currently vacant. When the property was created it was earmarked for a tearoom and shops as specified in Condition 5 (b) of the Title Deed. There were, however, never building improvements made to the property. The property has been recently zoned as 'Single Residential' from 'Minor Business', in terms of the new Bitou Zoning Scheme By-Law.</p> <p>The property is situated within the Urban Edge of the Bitou Municipality.</p> <p>The vacant site is a security risk in the area. The dense bush provides shelter for vagrants and from the amount of litter on the site it is evident that people are sleeping there.</p> <p>The photographs (figure 1 -6) below show the current state of the property.</p>			



1. View of the site from the Public Open Space west of the property.



2. View south from the centre of the property.



3. View southwest from the centre of the property.



4. View southeast from the centre of the property.



5. East view from the property.



6. North view from the property

8. Describe the existing vegetation/ground cover.

The vegetation cover on Erf 699 is Goukamma Dune Thicket (AT 36), described as having a conservation status of Least Concern. There is indigenous vegetation within the proposed disturbance area, however some of the vegetation on site has been disturbed from previous clearing for surveying and could be considered as secondary growth. Goukamma Dune Thicket is described as occasionally supporting pockets of coastal forest. The vegetation to the north of the site that slopes down towards the estuary is more representative of coastal forest with well-

established milkwood trees. This area will not be disturbed and creates a buffered area between the property and the estuary below.

Distribution:

This vegetation type occurs in the Western Cape Province. In coastal stretches from Victoria Bay near Wilderness to the Knysna Heads, with smaller areas along the coast from Robberg Peninsula near Plettenberg Bay eastward to Keurboomstrand.

Vegetation & Landscape Features:

On flat to moderately undulating coastal dunes. A mosaic of low to tall (1 - 5 m), dense thicket, dominated by small trees and woody shrubs with lianas abundant, in a mosaic of low (1 - 2 m) asteraceous fynbos. Thicket clumps are best developed in fire-protected dune slacks, which occasionally also support pockets of coastal forest (*Celtis africana*, *Ekebergia capensis*, *Searsia chirindensis*). The fynbos shrubland occurs on upper dune slopes and crests where succulents may be common in more open areas.

Geology and Soils:

The area is dominated by Strandveld and Wankoe formations. Predominantly found on land type Hb.

Climate:

Non-seasonal rainfall dominates the region with MAP between 588 mm and 859 mm. Frost is present for approximately 3 days per year. The mean monthly maximum is 26.67 °C in February and the mean monthly minimum is 7.92 °C in July. Altitude ranges from 1 - 203 masl.

Important Taxa (d=dominant, e=South African endemic, et=possibly endemic to a vegetation type)

Growth form	Species
Small tree	<i>Pterocelastrus tricuspidatus</i> (d), <i>Schotia afra</i> , <i>Sideroxylon inerme</i> (d), <i>Tarchonanthus littoralis</i> (d)
Tall tree	<i>Afrocarpus falcatus</i> , <i>Calodendrum capense</i> , <i>Celtis africana</i> , <i>Ekebergia capensis</i> , <i>Olea capensis</i> , <i>Searsia chirendensis</i>
Succulent shrub	<i>Carpobrotus acinaciformis</i> (d), <i>Cotyledon orbiculata</i> (e), <i>Crassula nudicaulis</i> , <i>Euphorbia muirii</i> , <i>Gasteria acinacifolia</i> , <i>Zygophyllum morgsana</i>
Low shrub	<i>Eriocephalus paniculatus</i> (d), <i>Felicia echinata</i> (d), <i>Helichrysum patulum</i> (d), <i>Indigofera erect</i> (e)a, <i>Muraltia spinosa</i> (d), <i>Salvia africana-lutea</i> (d), <i>Muraltia knysnaensis</i> (e), <i>Selago burchellii</i> (e)
Graminoid	<i>Restio eleocharis</i> (d), <i>Stenotaphrum secundatum</i> (d), <i>Thamnochortus insignis</i> (e)
Tall Shrub	<i>Azima tetracantha</i> , <i>Carissa bispinosa</i> , <i>Mystroxyton aethiopicum</i> , <i>Cassine peragua</i> (d), <i>Cussonia thyrsoiflora</i> (e), <i>Erica glandulosa subsp. fourcadei</i> (e), <i>Euclea racemosa</i> (d), <i>Grewia occidentalis</i> , <i>Gymnosporia capitata</i> (e), <i>Lauridia tetragona</i> (d), <i>Maytenus procumbens</i> (d), <i>Metalasia muricata</i> (d), <i>Morella cordifolia</i> (e), <i>Mystroxyton aethiopicum subsp. aethiopicum</i> (d), <i>Olea exasperata</i> (d), <i>Osteospermum moniliferum</i> , <i>Ptaeroxylon obliquum</i> , <i>Passerina rigida</i> (e), <i>Putterlickia pyracantha</i> (e), <i>Robsonodendron maritimum</i> (e), <i>Scutia myrtina</i> , <i>Searsia crenata</i> (d), <i>Searsia glauca</i> (d), <i>Searsia lucida</i> , <i>Searsia pterota</i> (e), <i>Zanthoxylum capense</i>
Herb	<i>Indigofera erecta</i> (e)
Woody Succulent Climber	<i>Cynanchum viminale</i>
Herbaceous Climber	<i>Cynanchum ellipticum</i> , <i>Rhoicissus digitata</i> , <i>Solanum africanum</i>

Conservation (Status can be found on BGIS in September 2019):

Conservation Target	19 %
Conserved in	Garden Route National Park, Goukamma Provincial Nature Reserve, Knysna National Lake Area, Robberg Nature Reserve and Lake Pleasant Private Nature Reserve Section No.2
Area transformed	25.75 %
Threat activities	No data
Protection Level	Well protected



Figure 2: Vegetation Type according to SANBI VegMap 2018.



Figure 3: Ecosystem Threat Status.

9.	Have any <i>ad hoc</i> setback lines in terms of the NEMA EIA Regulations, been adopted by the Competent Authority for the subject site/s/route? (If yes, copies MUST be attached to this checklist as Appendix D).	YES	NO ✓
10.	Have any Directives under Section 28 of the NEMA (as amended) been issued by the Competent Authority for the subject site/s/route? (If yes, copies MUST be attached to this checklist as Appendix E).	YES	NO ✓
11.	Have any Directives under Section 30A of the NEMA (as amended) been issued by the Competent Authority for the subject site/s/route? (If yes, copies MUST be attached to this checklist as Appendix E).	YES	NO ✓
12.	Have any Directives under Section 24G of the NEMA (as amended) been issued by the Competent Authority for the subject site/s/route? (If yes, copies MUST be attached to this checklist as Appendix E).	YES	NO ✓
13.	Describe the current land use of the proposed site(s) for the proposed development.		
Please explain:			
<p>The property has never been used for any purpose and is currently vacant. When the property was created it was earmarked for a tearoom and shops as specified in Condition 5 (b) of the Title Deed. There were, however, never building improvements made to the property. The property has been recently zoned as 'Single Residential' from 'Minor Business', in terms of the new Bitou Zoning Scheme By-Law. The property is situated within the Urban Edge of the Bitou Municipality.</p> <p>The vacant site is a security risk in the area. The dense bush provides shelter for vagrants and from the amount of litter on the site it is evident that people are sleeping there.</p>			
14.	Describe all the surrounding and abutting land uses .		
Please explain:			
<p>As can be seen on the Zoning Map (Figure 4) the area is characterized by residential land uses. The proposed land use will fit in with the character of the area. The proposed rezoning is effectively downzoning that reduces the intensity and density of the land use. It goes without saying that one single dwelling will have less impact than a restaurant and shop.</p>			

My Bitou Map



Figure 4: Zoning Map.

15.	Is the current land use lawful?	YES ✓	NO
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If no, explain:

Approved rezoning and removal of restrictive title deed conditions.

Approval granted in terms of Section 60 of the Bitou Municipality: Land Use Planning Bylaw (2015) for (Appendix C):

- d) The rezoning Erf 699 Plettenberg Bay from 'Minor Business' to 'Single Residential Zone' in terms of Section 15(2) (a) of the Bitou Municipality Bylaw on Land Use Planning (2015).
- e) The removal of Conditions IV 5 (b) contained in Title Deed T8265/1987 in terms of Section 15(2)(f) that restricts the use of the property to a tea tearoom and shops.
- f) The removal of Conditions IV 5 (c) contained in Title Deed T8265/1987 in terms of Section 15(2)(f) in order to remove the restrictive title deed building lines on Erf 699 Plettenberg Bay.

SECTION C: PROJECT DETAILS

1.	Does the proposed development entail the expansion or changes to an existing lawful facility or the development of a new facility?		
If yes, please explain: NO			
2.	Does the proposed development entail the expansion of an existing lawful development footprint or the "like for like replacement" of anything existing?	YES	NO ✓
N/A			
3.	Provide a detailed description of the proposed development and its associated infrastructure. A clear, accurate and comprehensive description will obviate any requests for additional information by the Competent Authority.		
The proposed house will have a coverage of 596m ² (50% of the property) with a total footprint of 853m ² including the garden and paved areas (Appendix H). The access driveway will have a footprint of 102m ² and will be constructed within the servitude area of Salmack Drive.			
The proposed house will consist of three levels – the water tanks level, lower ground floor and ground floor level. The maximum height is within the 8.5 m height restriction as per the Municipality definition.			

The site will require cut and fill amounting to approximately 518m³ of excavation, with 441m³ of this used as fill. The remaining ±77m³ of excavated soil that is not reused for infilling, will be retained on site. This will mostly consist of topsoil to be reused for the garden and the balance for surface bed and foundation compaction. There will be no imported soil for filling and will only require the minimum of compost for landscaping purposes.

A single residence dwelling rather than a commercial building with minimal restrictions will have a smaller impact on the environment and is better suited to the area and surrounding land use. The owner of the land cannot identify a need for another restaurant or shop and believes the value of the property will be enhanced if it can be used for residential purposes.

4.	Is the proposed development:		
4.1	a linear activity?	YES	NO✓
4.2	an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource?	YES	NO✓
4.3	a strategic integrated project (SIP) as contemplated in the Infrastructure Development Act, 2014 (Act No. 23 of 2014)?	YES	NO✓
5.	Property location of all proposed sites:	Plettenberg Bay in the Bitou Municipality & Division of Knysna, Western Cape	
6.	Farm/Erf name(s) & number(s) (including portion) of all proposed sites:	Erf 699	
7.	Property size(s) (m ²) of all proposed sites:	1196.1 m ²	
8.	What is the existing lawful development footprint size in m ² ?	The property is undeveloped.	
9.	Development footprint size(s) in m ² (i.e. the total area of land to be physically cleared for the proposed development (including associated infrastructure). Provide clear details of the required footprint).	955 m ²	
10.	SG 21 Digit code(s) of all proposed property(ies):	C 0 3 9 0 0 0 8 0 0 0 0 0 0 6 9 9 0 0 0 0 0	
11.	Coordinates of all proposed sites: Latitude (S) Longitude (E)	34°	2'
		23°	22'
			59.54" S 27.09" E
Note: Coordinates must be provided in degrees, minutes and seconds using the Hartebeesthoek94 WGS84 co-ordinate system. Where numerous properties/sites are involved (e.g. linear activities), you may attach a list of property descriptions and street addresses to this form.			

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

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

Activity No(s):	Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 1	Describe the portion of the proposed project to which the applicable listed activity relates.
17	Development— (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) <u>if no development setback exists, within a distance of 100 metres inland of the high-water mark of</u>	The footprint of the dwelling is 569m ² and will require retaining walls. The property is within the urban edge, it is therefore excluded from this listed activity.

	<p><u>the sea or an estuary, whichever is the greater;</u></p> <p>in respect of—</p> <p>(a) fixed or floating jetties and slipways;</p> <p>(b) tidal pools;</p> <p>(c) embankments;</p> <p>(d) <u>rock revetments or stabilising structures including stabilising walls; or</u></p> <p>(e) <u>infrastructure or structures with a development footprint of 50 square metres or more —</u></p> <p>but excluding—</p> <p>(aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or</p> <p>(dd) <u>where such development occurs within an urban area.</u></p>	
19A	<p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <p>(i) the seashore;</p> <p>(ii) <u>the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or</u></p> <p>(iii) the sea; —</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) <u>will occur behind a development setback; _____</u></p>	<p>The property is within 100m of the high-water mark of an estuary. It is approximately 35m from the Keurbooms Estuary.</p> <p>The construction of the dwelling will require cut and fill for the foundations. This amounts to approximately 518m³ of excavation of which 441m³ will be used as fill. This amounts to approximately 77m³ of excess soil. This will consist mostly of topsoil that can be used on site for landscaping purposes.</p> <p>Although soil is being excavated and moved on the site, all soil will remain on site and no materials will be brought onto the site for fill.</p>

	<p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	
Activity No(s):	Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 3	Describe the portion of the proposed project to which the applicable listed activity relates.
12	<p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>a. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. <u>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas;</u></p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	<p>The clearance of vegetation required for the disturbance area is approximately 955m². The vegetation on site is Goukamma Dune Thicket (AT 36), described as having a conservation status of Least Concern.</p> <p>The site is within a Critical biodiversity Area - however the bioregional plans for the Western Cape have not yet been adopted and as such this activity is not applicable.</p> <p>The development will be within 100 meters of the high-water mark of the Keurbooms Estuary. The property is within the urban edge.</p>
Activity No(s):	Provide the relevant Scoping and EIA Activity(ies) as set out in Listing Notice 2	Describe the portion of the proposed project to which the applicable listed activity relates.

SECTION E: PLANNING CONTEXT

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

1.	What is the current zoning of the property?	Single Residential	
2.	Is a rezoning application required?	YES	NO✓
3.	Is any other land use approval(s) (e.g. consent) required?	YES	NO✓
If yes, provide details:			
See letter from Bitou Municipality attached as Appendix C.			
4.	Is the property in an urban area?	YES✓	NO
5.	Is the activity permitted in terms of the property's existing land use rights?	YES✓	NO
Please explain			
See letter from Bitou Municipality attached as Appendix C.			
6.	Are there any building restrictions in terms of the applicable Municipal By-laws?	YES✓	NO
Please explain:			
Building height restrictions of 8.5 m as per the Municipality definition.			
7.	Will the activity be aligned with the following:		
7.1	The Provincial Spatial Development Framework (PSDF)	YES✓	NO
Please explain:			
The sustainable use of the provincial assets is at the core of this framework document. The protection of biodiversity and ecosystems, coastal water resources, agricultural and mineral resources, and cultural and scenic assets is facilitated through municipal and district spatial development frameworks. Being situated within an urban area and within an established residential area, this application will not impact negatively on the provincial assets as mentioned above.			
7.2	The Spatial Development Framework of the Local Municipality	YES✓	NO
Please explain:			
The property is situated within the Urban Edge of the Bitou Municipality. In general, the SDF promotes efficient and integrated land development. It is submitted that the proposed dwelling house will not compromise the integrity of the municipal IDP & SDF and will promote the objectives contained therein.			
7.3	The urban edge as delineated in the Municipality's Spatial Development Framework	YES✓	NO
Please explain:			
The property is situated within the Urban Edge of the Bitou Municipality.			
7.4	An Environmental Management Framework (EMF)	YES✓	NO
Please explain:			
The proposed dwelling is situated within an urban area and within an established residential area. This application is not in conflict with existing frameworks for the Bitou area.			
7.5	Any other Policies, Plans, Guidelines, Spatial Tools, Development Planning Frameworks and instruments applicable to the development.	YES✓	NO
Please explain:			
<p>In considering the application, the decision-maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of Spatial Planning and Land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA). Section 7 of the Act describes a set of development principles that need to be considered when evaluating any development application. These principles include the following:</p> <ul style="list-style-type: none"> • Spatial Justice: The principle of spatial justice requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The location of this property and the type of land use envisaged cannot directly contribute to spatial reform. These matters are best addressed through spatial development frameworks and zoning schemes and other management systems. • Spatial Sustainability: The proposal supports this principle of spatial sustainability in the sense that it facilitates development within the urban area and thereby limiting urban sprawl and 			

encouraging the optimal use of existing urban land and services. This rezoning will allow the optimal use of urban land and infrastructure without impacting on natural resources.

- Spatial Efficiency: The proposal supports the efficient use of existing resources and infrastructure where decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts. The positive consideration of the application will contribute to the efficient use of serviced urban land with minimal negative impact.
- Spatial Resilience and Good Administration: These principles mostly relate to spatial plans, policies, land use schemes, and procedures, which, although important on a wider scale, do not have direct relevance to a proposal of this nature.

7.6	Are any Amendments of the above-mentioned required?	Yes	No✓
Please explain:			
N/A			

SECTION F: EXISTING BIOPHYSICAL CONTEXT

1.	What is the distance in metres from the closest property boundary to the high-water mark/watercourse and estuary?		35m
2.	Is there evidence of existing erosion?	Yes	No✓
If yes, explain (include pictorial evidence):			
3.	Has there been any previously implemented erosion protection measures?	Yes	No✓
If yes, please explain:			
4.	What is the existing height above sea level, or above the watercourse?		9m
5.	What is the distance in metres of the closest point of the proposed development to the known storm surge high-water mark or flood-lines?		340m
6.	Will the proposed development block public access to the coast?	Yes	No✓
If yes, explain:			
N/A			
7.	Are there any servitudes registered on the property?	Yes	No✓
Please explain:			
No servitudes registered over the property.			
8.	Is the site prone to flooding or inundation from the sea/watercourse? Explain including dates of most recent events?	Yes	No✓
Please explain:			
The property is elevated approximately 9.0 m above the estuary (figure 5) and is buffered by well-established thicket/forest vegetation (Goukamma Dune Thicket). It is not prone to flooding or inundations from the estuary or sea due to its position and elevation. It is not within the erosion risk line as per the DEA&DP Coastal Management Map.			



Figure 5: Elevation Profile.

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

Please explain:

The area depicts a mixed estuary shore with rocky and sandy features. Water enters the estuary north-west of where the property is located. Sea tides influence the rise or drop of water level and bring sandy material with the fluctuations.

Features of the estuary shore relate to:

- ❖ Rocky formations - Flat bedrock extending into the water, creating a natural pathway or platform.
- ❖ Sandy areas - Patches of sand nestle between the rocky areas.



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

Please explain:

From areal imagery the general estuary shore shape appears concave. The rocky formations create inward curves to add multiple sections of concave layouts. As this is an estuary shore, this concave shape allows for the accumulation of sediments and the growth of grassy patches.



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

Please explain:

The entire estuary area is characterised by shallow bedrock, often exposed as seen in the below images. Covered by predominantly coarse and fine sand substrate. As there have been ample human interventions along the estuary, silt (mud) particles will be present between the common sandy substrate.



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

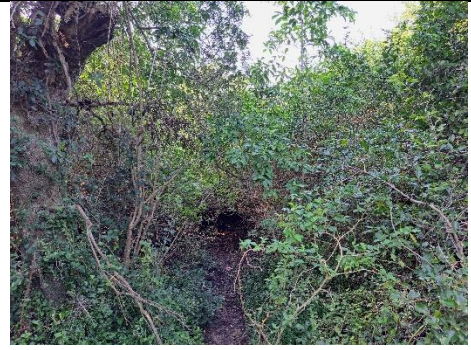
There are different features in the riparian zone, with rocky, grass, and sandy attributes.

The riparian zone attributes relate to:

- ❖ Rocky formations - Flat bedrock extending into the water, creating a natural pathway or platform.
- ❖ Grassy areas - Patches of grass grow on top of the sand between the rocky areas.



- ❖ Established vegetation on the shoreline representative of coastal thicket/forest with well-established milkwood trees.



13. Does the site form part of a Critical Biodiversity Area? Yes✓ No

Please explain:

The majority of the site is within a Terrestrial Critical Biodiversity Area (CBA) (figure 5). There is indigenous vegetation on site, some of which appears to be secondary growth.



Figure 6: Critical Biodiversity Area and Ecological support Area.

14. Does the proposed development lie within coastal public property, the coastal protection zone or coastal access land. Yes No✓

Please explain:

The property falls on the seawards side of the Coastal Management Line and is designated as a 'Development Island'. Where built-up or future development areas are fully enclosed by the CML, a separate line is drawn around existing development in order to protect the development rights within a 'development island'. The area within the development island is then treated as being outside the CML (Coastal Management Lines for Eden District: Project Report (March 2018)).



Figure 7: Coastal Management Lines.

SECTION G: ENVIRONMENTAL IMPACTS

1.	Describe any negative environmental impacts that may occur if the request is granted. Information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment such as pollution must be included.
Please explain:	
Negative impacts associated with the development of a single residential dwelling during construction and operational phases. These impacts will not directly impact the estuary with stormwater mitigations in place.	
Waste generation will be that of a single residential development. The quantity of household waste is expected to be low due to the development being a residential dwelling on undeveloped land. Services such as water and sewage will be tied into the municipal system. There will be no discharge to water.	
There may be visual impacts associated with the new dwelling given its proximity to Lookout Beach. However, the building height restrictions of 8.5 m as per the Municipality definition will reduce this impact. The coastal thicket/forest vegetation and well-established milkwood trees to the north of the property will also act as a screen for visual impacts.	
The construction of the dwelling requires excavation and fill. Erosion and encroachment of infill may impact on the vegetation to the estuary side of the development. However, with mitigations in place this impact will be low.	
2.	Describe any negative environmental impacts that may occur if the request is not granted (e.g. Continued erosion).
Please explain:	
No negative environmental impacts will occur if the request is not granted.	
There may be minor negative social impacts. Job opportunities and skills development will be lost if the dwelling is not constructed, as the construction phase provides opportunities for local construction companies and labor.	

The property owner will still have the right to develop a single residential dwelling if the request is not granted.			
3.	Describe any positive environmental impacts that may occur if the request is granted. Information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water, rehabilitation or coastal erosion protection measures must be included.		
Please explain:			
<p>No positive environmental impacts will occur if the request is granted.</p> <p>Positive social impacts may occur during the construction phase with employment opportunities and skills development.</p> <p>A single residence dwelling rather than a commercial building with minimal restrictions will have a smaller impact on the environment and is better suited to the area and surrounding land use.</p>			
4.	Describe what investigations or assessments have been undertaken (if any) to inform this request.		
Please explain:			
The proposed development was assessed by the appointed EAP and an Environmental Screening Tool Report was generated (Appendix A). An EIA Checklist was completed and submitted to DEA&DP on 29 June 2023 with letter received on 27 July 2023 (16/3/3/6/1/D1/13/0186/23).			
5.	Are there any existing local authority building setbacks lines, or other in place?	Yes	No ✓
If yes, explain:			
N/A			
6.	Clearly describe what line you propose for the Competent Authority to adopt as a setback line (This MUST be supported by a map, in both hard and soft copy (preferably 1:10 000 or larger) clearly showing the proposed line and proximity to the high-water mark of the sea/ watercourses as well as any lines in terms of f above. If a clear representation of this proposed line on a map is not provided, it will be requested as additional information.		
<p>The ad hoc setback line is proposed to follow the boundary of erf 699 from north to south, and runs along the boundary of the Public Open Space (RE/706) either side of Erf 699 to include the servitude area from Erf 694 to the point on Salmack Road close to the entrance to the parking at Milkwood Manor, as shown by the red line in Figure 8 (Appendix B).</p> <p>The boundary of the erf was used as a line, as this was also determined to be a development island as per the DEA&DP Coastal Management Lines. Where built-up or future development areas are fully enclosed by the CML, a separate line is drawn around existing development in order to protect the development rights within a 'development island' (Coastal Management Lines for Eden District: Project Report (March 2018).</p> <p>The use of the boundary of the Public Place (RE/706) was to include the servitude area where the access driveway is proposed.</p>			



Figure 8: Proposed Ad Hoc Development Setback Line (red line).

7.	Explain how climate change concerns have been considered in the development of the property/ies.
Please explain:	
The coastal thicket/forest area between the development and the estuary acts as a buffer against storm and tidal erosion. Due to the elevation of the property, it is not prone to flooding or risks associated with sea level rise. The erf also falls outside of the coastal erosion risk lines (20-, 50-, and 100-year erosion) as determined by the Western cape Government (DEA&DP Coastal Management App).	
8.	Explain what water-saving measures will be included in the development of the property/ies.
Please explain:	
Water tanks will be used to harvest rainwater and water-saving devices installed.	

SECTION H: DECLARATIONS

1. DECLARATION OF THE PROPONENT

I Michael Anderson.....ID number.....4603135040084....., in my personal capacity or duly authorised thereto hereby declare/affirm that:

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

Michael Anderson

Signature of the Proponent: 22/02/2024
Date:

Name of company (if applicable):

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

I **Joclyn Marshall** EAPASA registration no: **2022/5006**, as the appointed EAP hereby declare/affirm that:

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



22/02/2024

Signature of the EAP:

Date:

Eco Route Environmental Consultancy

Name of company (if applicable):