



Eco Route

ENVIRONMENTAL CONSULTANCY

REGISTRATION NO. 1998/031976/23

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Appendix E: Draft BAR – Permit(s) / license(s) / exemption notice, agreements, comments from State Department/Organs of state and service letters from the municipality.

PROPOSED MEDIUM TO HIGH DENSITY RESIDENTIAL DEVELOPMENT ON RE / ERF 2074, MARINE WAY, BITOU LOCAL MUNICIPALITY, WESTERN CAPE

Appendix E2: Copy of comment from Cape Nature

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enquiries Megan Simons

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Reference LE14/2/6/1/6/1/RE/ERF 2074_Residential_
Plettenberg Bay

date 13 August 2024

Eco Route Environmental Consultancy,
P.O. Box 1252,
Sedgefield,
6573

Attention: Ms Claire De Jongh
By email: claire@ecoroute.co.za

Dear Ms Claire De Jongh

THE PROPOSED MEDIUM TO HIGH DENSITY RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF ERF 2074, BITOU LOCAL MUNICIPALITY, WESTERN CAPE.

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:

According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet *et.al.* 2017)¹ the property has Critical Biodiversity Areas (CBA 1: Terrestrial) to the south, a slither of Ecological Support Areas (ESA 1: Aquatic and ESA 2: Degraded) along the south- western boundary, and the remainder of the property has Other Natural Areas. The property does not have any freshwater features and is within a FEPA river corridor to the south.

According to Vlok and de Villiers (2007)² fine scale vegetation maps the area is described as Roodefontein Grassy Fynbos and Piesang River Fynbos-Forest. According to the National Biodiversity Assessment (Skowno *et al.* 2018)³ the vegetation unit is South Outeniqua Sandstone Fynbos which is Least Concerned (SANBI 2022)⁴.

Following a review of the Site Sensitivity Verification Reports, CapeNature wishes to make the following comments:

¹ Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. & Smart, R. 2017. The Western Cape Biodiversity Spatial Plan Handbook. Stellenbosch: CapeNature.

² Vlok JHJ, de Villiers R (2007) Vegetation Map for the Riversdale Domain. Unpublished 1:50 000 maps and report supported by CAPE FSP task team and CapeNature.

³ Skowno, A. L., Poole, C. J., Raimondo, D. C., Sink, K. J., Van Deventer, H., Van Niekerk, L., Harris, L. R., Smith-Adao, L. B., Tolley, K. A., Zengeya, T. A., Foden, W. B., Midgley, G. F. and Driver, A. 2019. National Biodiversity Assessment 2018: The status of South Africa's ecosystems and biodiversity. Synthesis Report. Pretoria, South Africa. 214 pp.

⁴ Government of South Africa (2022) South African Red List of Terrestrial Ecosystems: assessment details and ecosystem descriptions. Technical Report #7664, SANBI Pretoria, South Africa.

1. The development footprint is mostly within Other Natural Areas (ONA). Although ONAs are not prioritised, they are still an important part of the natural ecosystem. Thus, the objectives of ONA are to:” *Minimize habitat and species loss and ensure ecosystem functionality through strategic landscape planning. Offers flexibility in permissible land-uses, but some authorisation may still be required for high-impact land-uses.*” (Pool-Stanvliet et.al. 2017).
2. In terms of section 15(1) of the National Forests Act⁵, 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. Therefore, CapeNature recommend the department of Forestry, Fisheries, and Environment provide comments for this application.
3. CapeNature reminds the applicant that all endangered species or protected species listed in Schedules 3 and 4 respectively, in terms of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) may not be picked or removed without the relevant permit, which must be obtained from CapeNature.
4. The site verification for the Terrestrial Animal Species is High for the entire property and the southern part has a High Plant Species Rating. It is therefore unfortunate, that this property is the last remaining natural fynbos habitat which provides refuge for animal species.
5. Housing infrastructure is generally not compatible in conserving fynbos (Helme et al. 2006). CapeNature does not support any development to the south in the CBA which has pristine fynbos. Furthermore, we recommend reducing the development footprint to relieve pressure on natural habitat and ecological processes.
6. In the Terrestrial Biodiversity and Plant Species Site Sensitivity Verification report the specialist mentioned the fynbos to the south is unique, pristine and can be an important habitat for certain species thus this section must be buffered by an area of natural habitat.
7. CapeNature does not support development on steep slopes with a gradient that is greater than 1:4. The geology could become unstable during vegetation removal and heavy rainfall events may also exacerbate the soil condition.
8. The specialist mentioned in the Terrestrial Animal Site Sensitivity Verification report that the property contains suitable habitat for *Aloeides pallida littoralis* (**Near Threatened**) and *Aloeides thyra orientis* (**Endangered**). Therefore, we recommend that the EAP consult an entomologist with knowledge and experience of butterflies.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely,



Megan Simons
For: Manager (Conservation Intelligence)

⁵ National Forest Act, 1998 (Act No. 84 of 1998). 1998. Government Gazette No. 19408.

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Colin Johnson, Mr Paul Slack



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Appendix E6: Comment from WCG: Transport and Public Works



Ref: 16/9/6/1-22/74 (Application 2024-07-0096)

Eco Route Environmental Consultancy
PO Box 1252
SEDGEFIELD
6573

Attention: Ms C de Jongh

Dear Madam

REGISTRATION AS AN I&AP: BASIC ASSESSMENT PROCESS: PROPOSED MEDIUM TO HIGH RESIDENTIAL DEVELOPMENT ON REMAINDER ERF 2074, MARINE WAY, BITOU LOCAL MUNICIPALITY, WESTERN CAPE

1. Your unreferenced background information document dated 4 July 2024 refers.
2. Proclaimed Main Road 383 (MR00383; Marine Way), for which Bitou Municipality is the Road Authority and this Branch the Approving Authority in terms of Roads Ordinance 19 of 1976, is affected by this proposed development.
3. This Branch requests to be registered as an Interested and Affected Party.
4. From an environmental point of view this Branch offers no objection to this development. The compilation of a traffic impact assessment (in accordance with this Branch's Access Management Guidelines, 2020) by a reputable traffic engineer and the Road Authority's subsequent traffic related comments and recommendation to approve will be required by this Branch.

Yours Sincerely

SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH

DATE: 24 JULY 2024

ENDORSEMENTS

1. Eco Route Environmental Consultancy
Attention: Ms C de Jongh (e-mail: claire@ecoroute.co.za)
2. District Roads Engineer
Oudtshoorn
3. Mr E Burger (e-mail)
4. Mr SW Carstens (e-mail)
5. Mr M Steyn (e-mail)



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Appendix E14: Comment from DEA&DP: Coastal Management



The EAP
Eco-Route Environmental Consultancy
P.O. Box 1252
SEDGEFIELD
6573

Attention: Ms Claire De Jongh

Tel: 044 343 2232

Email: claire@ecoroute.co.za

RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION FOR THE PROPOSED MEDIUM TO HIGH DENSITY RESIDENTIAL DEVELOPMENT ON RE/ERF 2074, MARINE WAY, BITOU LOCAL MUNICIPALITY, WESTERN CAPE.

Good day Madam

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 04 July 2024, refers.

1. LEGISLATIVE CONTEXT

- 1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations".
- 1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The PCMP is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. The Department has developed the next generation PCMP that includes

priority objectives for the next 5 years. This PCMP was adopted on 19 May 2023 and may be viewed at [Western Cape PCMP 2022-2027](#).

- 1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans. Both draft and approved plans may be viewed at [DEA&DP: Coastal Management](#).
- 1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available on the Departmental website at [DEA&DP: Coastal Management](#).

2. COMMENT

- 2.1 The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:
 - 2.1.1. The applicant is proposing a medium to high density residential development on RE/Erf 2074 with an estimated 230 units with supporting services and infrastructure including access roads; internal roads, sewage, electric, water reticulation systems; storm water management structures as well as parking bays. The property is situated in an area that has been identified as a 'Strategic Development Area' in terms of the Bitou Strategic Development Framework (2022), with the potential for medium-density residential development.
 - 2.1.2. The applicant accurately identified the critical biodiversity and ecological support areas in the southernmost portion of the subject property in accordance to the Western Cape Biodiversity Spatial Plan (2017).
 - 2.1.3. The southern portion of Erf RE/2074 is located within the coastal protection zone ("CPZ") as such, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 of the NEM: ICMA should be considered by local authorities for land use decision making in order to comply with Section 63. The SD: CM notes from the layout designs of Appendix C that no development is proposed for this specific portion of the subject property.

- 2.1.4. The SD: CM confirms that the subject property appropriately falls landward of the Garden Route District coastal management line ("CML") and outside the estuarine functional zone ("EFZ") which equates to the 5m contour. The applicant also adequately considered the proposed development in relation to the Piesang River Estuary and the SD: CM is of the opinion that the proposed development will not comprise the ecological functioning of the estuary. Furthermore, the Aquatic Compliance Statement Report (2024) has recommended a 48m buffer for the adjacent drainage line which is aligned with the south-western boundary of Erf RE/2074.
- 2.1.5. The proposed development also aligns with Priority Area 1: Social & Economic Development, of the Western Cape Provincial Coastal Management Programme (2022-2027).
- 2.1.6. Based on the information provided and all the abovementioned items, the SD: CM does not object to the proposed development on Erf RE/2074, provided that all relevant mitigations measures as stipulated in the Environmental Management Programme are strictly adhered to.
3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: *"...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..."* together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.
4. The SD: CM reserves the right to revise its comments and request further information from you based on any information that may be received.

Yours faithfully

leptieshaam Bekko
CONTROL ENVIRONMENTAL OFFICER
SUB-DIRECTORATE: COASTAL MANAGEMENT
DATE: 06 August 2024