

REFERENCE: 16/3/3/1/D1/14/0037/24
NEAS REFERENCE: WCP/EIA/0001565/2024
DATE OF ISSUE: 28 May 2025

REFUSAL OF ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION (EA) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED RESIDENTIAL DEVELOPMENT ON REMAINDER OF ERF 2074, SOUTH OF MARINE WAY, BITOU MUNICIPALITY

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **refuses Environmental Authorisation** for the applicant to undertake the listed activities specified in section B below with respect to, described in the Final Basic Assessment Report ("FBAR"), 03 February 2025 as prepared and submitted by the appointed environmental assessment practitioner ("EAP"), Ms. Claire De Jongh (EAPASA No: 2021/3519), of Eco Route.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Managing Director
Duinesand (Pty) Ltd.
PO Box 74960
LYNWOOD RIDGE
Pretoria
Gauteng
0040

Attention: Mr. Gerhard de Vos
Email: gerhardjdevos@hotmail.com

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "**the Holder**").

B. LIST OF ACTIVITIES REFUSED

The table below contains the list of activities which the applicant applied for:

Listed Activities	Activity/Project Description
<p>Environmental Impact Assessment Regulations Listing Notice 1 (Government Notice No. 983 of 4 December 2014 (as amended))</p>	
<p>Activity Number: 27 Activity Description:</p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity; or (ii) purposes undertaken in accordance with a maintenance management plan. 	<p>The development footprint is approximately 6.25 hectares in extent which is more than 1 hectare, but less than 20 hectares.</p>
<p>Activity Number: 67 Activity Description:</p> <p>Phased activities for all activities –</p> <p>(i) list in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous extensions NEMA Notices;</p> <p>excluding the following activities list in this Notice –</p> <p>17(i)(a-d); 17(ii)(a-d); 17(iii)(a-d); 17(iv)(a-d); 17(v)(a-d); 20; 21; 22; 24(i); 29; 30; 31; 32; 34; 54(i)(a-d); 54(ii)(a-d); 54(iii)(a-d); 54(iv)(a-d); 54(v)(a-d); 55; 61; [62;] 64; and 65; or</p> <p>(ii) listed as activities 5, 7, 8(ii), 11 13, 16, 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices;</p> <p>where any phase of the activity was below a threshold but where a combination of the phase expansions or extensions, will exceed a specific threshold.</p>	<p>The proposed development of the residential units will be developed in 3 or 4 phases to allow the development to respond to changing market demands. The development proposal has been designed for maximum number of units.</p>
<p>Environmental Impact Assessment Regulations Listing Notice 3 (Government Notice No. 985 of 4 December 2014 (as amended))</p>	
<p>Activity Number: 12 Activity Description:</p> <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>i. Western Cape</p>	<p>The Western Cape Biodiversity Spatial Plan (WCBSP; 2017) excludes the majority of Erf 2074 from the conservation planning areas; the southernmost section of the site is mapped as a terrestrial Critical Biodiversity Area 1 (CBA1); Ecological Support Areas 1 and 2 (ESA1 and ESA2) are mapped along</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). 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 on erven in urban areas;</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>(v). 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 west-south-western boundary of Erf 2074.</p>
<p>Activity Number: 26 Activity Description:</p> <p>Phased activities for all activities—</p> <p>i. listed in this Notice and as it applies to a specific geographical area, which commenced on or after the effective date of this Notice; or</p> <p>ii. similarly listed in any of the previous NEMA notices, and as it applies to a specific geographical area, which commenced on or after the effective date of such previous NEMA Notices—</p> <p>where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold; —</p> <p>excluding the following activities listed in this Notice—</p> <p>7; 8; 11; 13; 20; 21; and 24.</p>	<p>The proposed development of the residential units will be developed in 3 or 4 phases to allow the development to respond to changing market demands. The development proposal has been designed for maximum number of units.</p>

The applicant is herein refused environmental authorisation to undertake the listed activities that relate to the development applied for on Erf 2074, Plettenberg Bay.

C. SITE DESCRIPTION AND LOCATION

The site is approximately 6.25 hectares in extent and located on the Remainder of Erf 2074, Marine Way, Plettenberg Bay, Western Cape Province. The site can be access via Marine Drive which is situated approximately 450 meters east from the N2.

Site Coordinates:

Position:	Latitude (South)	Longitude (East)
Proposed site (development area)	34° 3' 11.29"	23° 21' 37.63"

Surveyor General information:

Property description:	SG digit code:
Remainder Erf 2074	CO3900080000207400000

Refer to Annexure 1 of this Environmental Authorisation for the Locality Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

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E. LEGISLATIVE REQUIREMENTS

1. In accordance with regulation 46 of the NEMA EIA Regulations, 2014, an applicant may not submit an application which is substantially similar to a previous application that has been refused, unless any appeals on that refusal have been finalised or the time period for the submission of an appeal has lapsed.
2. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 2.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 2.1.1.the outcome of the application;
 - 2.1.2.the reasons for the decision as included in Annexure 2;
 - 2.1.3.the date of the decision; and
 - 2.1.4.the date when the decision was issued.
 - 2.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2025 detailed in Section F below;
 - 2.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 2.4. provide the registered I&APs with:
 - 2.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 2.4.2. name of the responsible person for this Environmental Authorisation,
 - 2.4.3. postal address of the holder,
 - 2.4.4. telephonic and fax details of the holder,
 - 2.4.5. e-mail address, if any, of the holder,

2.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.

F. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2025.

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2025 to the Appeal Administrator;
 - 1.2. Submit a copy of the appeal to any registered I&APs as well as any affected Organ of State; and
 - 1.3. Submit a copy of the appeal to the decision-maker that issued the decision at:
DEADPEIAadmin.George@westerncape.gov.za
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2025 to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the Holder of the decision.
3. The Holder of the decision (the applicant) must within 5-calendar days of the expiry of the 20- day period contemplated in section 2 above –
 - 3.1 notify and make a copy of the appeal(s) received in respect of section 2.2 above available to–
 - all registered interested and affected parties;
 - all affected organs of state; and
 - the decision-maker that issued the decision at:
DEADPEIAadmin.George@westerncape.gov.za
 - 3.2 submit proof of the notification contemplated in section 3.1 above to the appeal administrator within 5 calendar days of sending the last notification.
4. The appeal form/s must be submitted by means of one of the following methods:
 - By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000
 - By facsimile: (021) 483 4174; or
 - By hand: Attention: Mr M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN

8001

By e-mail: DEADP.Appeals@westerncape.gov.za

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

Your interest in the future of our environment is appreciated.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: **28 MAY 2025**

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/3/1/D1/14/0037/24

NEAS REFERENCE:

WCP/EIA/0001565/2024

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form received on 28 October 2024, the Final Basic Assessment Report (FBAR) and EMPr dated 03 February 2025;
- b) Relevant information contained in the Departmental information base, including relevant Guidelines;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 03 February 2025,
- e) The balancing of negative and positive impacts and proposed mitigation measures.

The Department had sufficient information at its disposal to understand the environmental and spatial context and the case officer is also familiar with the site and surrounding area. All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site on 04 July 2024;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 04 July 2024;
- the draft BAR was made available for comment from 01 November 2024 until 02 December 2024.
- the placing of a newspaper advertisement in the 'Knysna-Plet Herold' on 04 July 2024.

The following Organs of State provided comment on the proposal:

- a) *CapeNature ("CN")*
- b) *Department of Environmental Affairs and Development Planning: Coastal Management*
- c) *South African Civil Aviation Authority ("SACAA")*
- d) *Western Cape Department of Infrastructure*
- e) *Garden Route District Municipality*

CapeNature

CapeNature ("CN") indicated that the southern part of the site has a High Plant Species Rating and its therefore not favourable to develop as the site has the last remaining fynbos and this provides refuge for animal species depending on the fynbos. Furthermore, CN stated that a Housing development is not compatible within fynbos which is a fire driven ecosystem. In addition to the

previously mentioned, CN stated that the development footprint must be reduced to relieve pressure on the last remaining fynbos. This was not addressed as alternative. The FBAR has not adequately addressed the ecological fire management and fire risk protection measures.

Department of Environmental Affairs and Development Planning: Coastal Management ("CM")

CM does not object to the proposed development, provided that all relevant mitigation measures as stipulated in the Environmental Management Programme are adhered to.

South African Civil Aviation Authority ("SACAA")

The SACAA requested a formal obstacle assessment to be undertaken; however, there is no indication in the FBAR that a formal obstacle assessment was undertaken, nor was there a final comment/recommendation letter from SACAA provided with comments/recommendation measures. This was crucial due to the development of three and possibly four storey buildings.

Western Cape Department of Infrastructure

The Western Cape Department of Infrastructure indicated that from an environmental point of view the branch has no objection, however the Road Authority traffic related comments and recommendations to approve this development remains a requirement during the land use application.

Garden Route District Municipality

According to the information provided, the Garden Route District Municipality made several comments, inclusive of the requirement for the Bitou Municipality to provide confirmation of services. However, during the formal public participation process no indication was obtained from the Bitou Municipality that there are sufficient services for the development and this information is crucial for a medium – high density residential development in the Bitou Municipality.

Please note that written confirmation of certain services was obtained from Bitou Municipality after the FBAR had already been submitted to the competent authority for consideration.

General Public

Various objections to the proposed development were received from the I&APs listed above. A summary of the pertinent issues raised by the registered I&APs during the public participation process, to which the Applicant responded, was provided in the FBAR. The most pertinent issues raised by the I&APs, include inter alia:

(a) The availability and reliability of Municipal engineering services within Plettenberg Bay, including—

- potable water supply;
- storm water management;
- sewage and sewerage system upgrades;
- electricity supply.

Confirmation of the municipal engineering services (by the Bitou Municipality) and operational aspects related to these services, was also raised as a significant concern by members of the general public.

(b) Consistency with the Spatial Development Framework (SDF) and the sustainability of the proposed development was questioned, specifically in light of the problems experienced with the availability municipal engineering services.

(d) Expected impacts on traffic with the medium-high density development.

All the comments and issues raised by the respective *Organs of State and Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority has considered these responses but is not satisfied with all the responses provided by the EAP to those I&APs and certain of the other organs of state. The Competent Authority is of the view that legitimate issues/concerns have been raised during the public participation process, which have not been adequately addressed.

Furthermore, although key Organs of State were notified of the proposed development and availability of reports, certain Organs of State which have jurisdiction in respect of any aspect of the relevant activity or administer a law relating to a matter affecting the environment, have not been adequately consulted. The Breede Olifant Catchment Management Agency (BOCMA) is one example hereof, especially as it relates to the consideration of alternative technologies for the treatment and disposal of sewage/effluent from the proposed development.

2. Alternatives

2.1 Site Alternatives:

The Remainder of Erf 2074 is the only alternative property assessed.

The motivation provided why no property and site alternatives were considered was found to be adequate, and it was stated that the development proposal fits into the surrounding urban development with similar land uses and densities found immediately west on Erf 2073 (Thulana Hills) to the west and Santini Village on the Remainder 2317 to the North.

2.2 Design or Layout Alternatives (Concept Layouts)

● **Layout Alternative 1**

The Concept Layout – Alternative 1 was assessed and entails the development of 250 units with a density of 50 units per hectare. This alternative has residential units within a Critical Biodiversity Area ("CBA"). Within Concept Layout Alternative 1, bulk services will be used.

● **Layout Alternative 2 (applicant's preferred alternative)**

This Alternative 2 was assessed and entails the establishment of a residential development with 228 units with two- and three-bedroom units in three storey buildings. The proposed development footprint is approximately five (5) hectares in extent. This alternative is the preferred alternative as the development within the critical biodiversity area ('CBA') is avoided. Furthermore, services will be augmented with rainwater tanks, energy supply with solar panels. In addition, no new tracks will be developed, and the existing road will be converted to a footpath.

● **Access**

The primary access will be from Marine Drive directly from the existing circle which is situated approximately 450 meters east of the N2 National Road.

- Internal roads and parking
Internal roads will be private roads with a width of 5m to 5.5m.
- Bulk Engineering Services

The site development plan (SDP) Plan No. CDP 6/2023 appended to the FBAR as Appendix B depicts the spatial context of the alternatives separately.

2.3 Technology Alternatives

● Preferred Technology Alternative

The bulk services capacity report undertaken by Poise Consulting Engineers (1 July 2024) and the analysis report which was undertaken by GLS Consulting Engineers (10 September 2024), made recommendations for this alternative. Indicating that the site is close to existing service connections and the development is inside a sewer priority area. Furthermore, the report indicated that there is sufficient capacity in the existing Plettenberg Bay sewer reticulation system to accommodate the proposed development. In addition to the above the GSL report indicated that there is sufficient reservoir and tower storage capacity available in the existing "Close to Town" reservoir and "upper" tower to accommodate the proposal.

However, even though written confirmation was received from the Bitou Municipality on the availability of bulk engineering link services after the FBAR had already been submitted, none of the engineering reports or the letter of confirmation, have addressed the capacity of the Gansevlei wastewater treatment plant ("WWTP") and its ability to treat the expected effluent from the proposed development. It is understood that the Gansevlei WWTP is currently at capacity and at times overflows into the estuaries, furthermore that any available treatment capacity would be required to accommodate already approved developments. This issue was raised during the public participation process, but was not properly addressed.

● Package Plant for sewage treatment

This alternative was considered; however, the alternative was deemed too costly and there is also limited space on the site to accommodate a package plant to service the proposed development. Furthermore, minimal irrigation is deemed necessary on the residential development as rainwater will be harvested and all landscaping will be indigenous (fynbos, thicket) and therefore reduce watering needs.

This alternative technology was not properly assessed and can therefore not be approved.

2.4 "No-Go Alternative"

The BAR states that the no-go option is not feasible as this indicated that the growth rate in Bitou Municipality exceeds the national average and middle-income housing is urgently required in the area. Therefore the proposed land use fits in with surrounding land uses.

3. Key Factors affecting the decision:

A summary of the key issues, in the Department's view, which were the most significant is set out below:

- Non-compliance of the Final Basic Assessment Report ("FBAR") dated 03 February 2025 with the minimum information requirements for the BAR set out in Appendix 1 of the EIA Regulations, 2014 (GN R.982 of 4 December 2014, as amended).

- Non-compliance with Part 1 of Chapter 3 of the EIA Regulations, 2014 (GN R.982 of 4 December 2014, as amended) as it pertains to consultation with the organs of state administering a law relating to a matter affecting the environment and aligning the processes and information requirements of the respective processes.

In reaching its decision to refuse the proposed development, this Department also took *inter alia* the following into account:

3.1 *National Environmental Management Principles and other relevant legislative considerations:*

The National Environmental Management Principles, set out in section 2 of the National Environmental Management Act, Act 107 of 1998, as amended ("NEMA"), which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment must be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment. Whereas development must be socially, environmentally and economically sustainable;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures;
- the selection of the best practicable environmental option.

3.2 *Non-compliance with legislative prescripts, procedures and minimum information requirements:*

When considering the application for environmental authorisation as well as relevant legislative prescripts (refer to EIA Regulations, 2014 ; NEMA and the Promotion of Administrative Justice Act, 2000), the competent authority *inter alia* also has to —

- ensure that adequate consultation between the competent authority and organs of state administering a law relating to a matter affecting the environment, is undertaken. Please note that where an applicant submits an application for environmental authorisation in terms of the EIA Regulations, 2014 and an application for an authorisation, permit or licence in terms of a specific environmental management Act or any other legislation, the competent authority and the authority empowered under such specific environmental management Act or other legislation must manage the respective processes in a cooperative governance manner. However, in accordance with Sub-regulation 7(2) the appointed EAP is responsible to manage such consultation during the EIA application with such other organs of state;
- judge whether the development will be socially, environmentally and economically sustainable; and
- determine whether a procedurally fair decision could be made. Further hereto, this Department does not support the principle of incremental decision-making or administrative actions leading to incremental decision-making.

Notwithstanding the non-compliance with legislative requirements listed in the summary above, it must be highlighted that the competent authority continuously provided advice and guidance on matters which could prejudice the application. The Applicant / EAP has failed to demonstrate

that that the above key issues have been adequately addressed or complied with as well as the sustainability of the proposed development.

It is important to highlight that it is a standard practice during an EIA application for the competent authority to require that the EAP/Applicant to specifically consult the relevant local authority (i.e., Bitou Municipality) and obtain written comment/confirmation from the municipality regarding the municipal engineering services available for the proposed development. In this regard clarity was sought on the total existing capacity of the respective municipal engineering services; the unallocated capacity of the respective engineering service available to service both the phased and completed (total) demand of the proposed development; and any additional expansion of the municipal engineering services or associated facilities, required to service the proposed development.

Even though the applicant was specifically requested, no correspondence was received during the public participation phase of the application wherein the Bitou Municipality confirmed the availability of all municipal engineering services. However, only after the FBAR had been submitted to the Competent Authority for consideration, was correspondence received wherein the Bitou Municipality confirmed that it has bulk infrastructure services within proximity of the proposed development and the developer (the Applicant) must make payment of the prescribed Augmentation contributions in order for the municipality to implement the bulk upgrade of services as detailed and required in the GLS report, dated 10 September 2024. However, the information received failed to address amongst other the capacity of the municipal wastewater treatment works, and whether the Gansevlei WWTP has existing unallocated capacity available to service both the phased and completed (total) demand of the proposed development.

A related matter in this regard is to synchronise any application or procedure required in terms of the National Water Act, 1998 ("NWA") with the EIA process, and to ensure that the relevant information and technical reports are available for consideration in both application processes. There was no correspondence between the relevant authority and the applicant indicating the requirement of a Water Use License or a General Authorisation.

3.3 Activity Need and Desirability:

Need and desirability must be consistent with the principles of sustainability as contained in Section 2 of the NEMA. In this context, EIAs play an important role in evaluating the need and desirability of development proposals, appropriateness of alternatives and cumulative implications. These aspects are integrally linked and must be informed by the strategic context within which the site/development proposal is situated.

NEMA requires that decisions taken must take into account environmental, social and economic impacts of the activities applied for, including the benefits and disadvantages. The negative impacts are to be minimised, and the beneficial impacts are to be maximised. It is evident that a significant imbalance exists with regards to the benefits associated with the proposed development, and the weighing up of the benefits to the applicant versus the costs that would be incurred at the expense of the environment or society. The potential benefits are not justifiable and substantive enough when the potential costs/negative impacts to the receiving environment are considered and therefore the proposed development is deemed to be inappropriate based on the "Need and Desirability" aspect of the development.

The application has not demonstrated the need or desirability of developing any of the identified alternatives presented in the FBAR.

When considering the engineering services required for the proposed development, the greatest failure of the application is that appropriate sewage/effluent treatment facilities are not currently available, or cannot be readily provided, or have not been assessed. Considering the alternatives which were presented on this aspect, the timing of the proposed development is premature given the Gansevelei WWTP treatment capacity constraints.

3.4 Specialist Studies and Reports

The following specialist studies, input or reports that were submitted to address the themes/reports identified in the national web-based screening tool report ("STR") generated on 22 July 2022, namely:

- (a) *Animal species theme*
- (b) *Aquatic biodiversity theme*
- (c) *Archaeological & cultural heritage and palaeontological themes*
- (d) *Civil aviation theme*
- (e) *Plant species theme*
- (f) *Terrestrial biodiversity theme*
- (g) *Traffic impact assessment*

Notwithstanding the content of the STR, no *socio-economic assessment* or *visual impact assessment* was conducted. It was motivated that the rezoning motivation report will be used to describe the socio-economic impacts and needs for the development.

In this regard the EAP failed to demonstrate how this Department's guidelines relevant to these aspects, were considered, namely:

- Guideline for involving social assessment specialists in the EIA process, February 2007.
- Guideline for involving visual and aesthetic specialists in the EIA process, June 2005.

In addition to the above, a GSL Report was submitted in support of the proposed development. The content of these reports was considered, however, although correspondence was received from Bitou Municipality to support the statements received in the GSL report, the engineering reports submitted for consideration and the letter from the Bitou Municipality fail to address the crucial aspect of waste water treatment and disposal of treated effluent.

Furthermore, the screening tool required that an Agriculture Compliance Statement to be undertaken and submitted in the Final Basic Assessment Report. This requirement was not adhered to.

4. Conclusion

In view of the above, the competent authority is of the opinion that the proposed development (in its current format) will conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA. The competent authority applied a risk-averse and cautious approach with respect to this development proposal and the foreseen impacts (including cumulative impacts) and sustainability of the proposal.

It is recommended that the applicant investigate alternatives which addresses the shortcomings.