

APPEAL STATEMENT BY THE EAP AND THE APPLICANT/APPELLANT

PROJECT NAME/TITLE: PROPOSED RESIDENTIAL DEVELOPMENT ON REMAINDER OF ERF 2074, SOUTH OF MARINE WAY, BITOU MUNICIPALITY

PROJECT LOCATION:ERF 2074 PLETTENBERG BAY, WESTERN CAPE

PROJECT REFERENCE NUMBER: 16/3/3/1/D1/14/0037/24

DATE PROJECT/ACTIVITY AUTHORISED: 28 MAY 2025

DATE OF NOTIFICATION OF THE DEPARTMENTS DECISION: 28 MAY 2025

DETAILS OF THE APPELLANT	DETAILS OF THE APPLICANT
Name of appellant: Duinesand (pty) Ltd. Mr. Gerhard de Vos	Name of applicant: Duinesand (pty) Ltd. Mr. Gerhard de Vos
Appellant's representative (if applicable): Eco Route: Claire de jong & Janet Ebersohn	Applicant's representative (if applicable): Eco Route: Claire de jong & Janet Ebersohn
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Grounds of Appeal	Response from responsible EAP
<p>Refusal of decision received 28 May 2025</p>	<p>In terms of Regulation 24(1), the competent authority must make a decision within 107 days of submission of the Final BAR and notify the applicant within 5 days of the decision being reached. The FBAR was submitted on 3 February 2025 and the 107-day period ended on 21 May 2025.</p> <ul style="list-style-type: none"> • Submission Date: 3 February 2025 (Day 1) • Count 107 calendar days (including weekends and public holidays — only excluding the year-end closure if it applied, which it doesn't here) • The 107th day lands on: 21 May 2025 • Decision to be issued within 5 days of decision: 26 May 2025 <p>No written agreement to extend this timeframe under Regulation 3(7) was provided. No request for clarification, additional information, or a site visit was made during this period. This omission is concerning, particularly if the Department intended to raise unresolved concerns on matters such as visual or spatial impacts.</p>
<p>ANNEXURE 2: REASONS FOR THE DECISION</p> <p>In reaching its decision, the Competent Authority considered, inter alia, the following:</p> <ol style="list-style-type: none"> 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 	<p>The following should be considered in reaching decision making:</p> <p>In making its decision, the competent authority is legally required to consider the provisions of the Environmental Impact Assessment Regulations, 2014 (as amended), particularly GNR 326, which prescribes the content of Basic Assessment Reports (Appendix 1), Environmental Management Programmes (Appendix 4), public participation procedures, comment integration, timeframes (Regulations 19–24), and the process for requesting additional information or clarification (Regulation 23), all of which are critical to lawful and procedurally fair decision-making under Chapter 5 of NEMA.</p>

Grounds of Appeal	Response from responsible EAP
<p>Management Act, 1998 (Act No. 107 of 1998);</p> <p>d) The comments received from I&APs and responses to these, included in the FBAR dated 03 February 2025,</p> <p>e) The balancing of negative and positive impacts and proposed mitigation measures.</p>	
<p>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.</p>	
<p>1. Public Participation</p> <p>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:</p> <p>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;</p> <p>fixing a notice board at the site on 04 July 2024;</p> <p>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</p>	<p>DBAR was made available for comment from November 2024 until 02 December 2024. Comments from DEADP on DBAR were received on 3 February 2024.</p>

Grounds of Appeal	Response from responsible EAP
<p>the listed activities on 04 July 2024; the draft BAR was made available for comment from 01 November 2024 until 02 December 2024.</p> <p>the placing of a newspaper advertisement in the 'Knysna-Plet Herald' on 04 July 2024.</p> <p>The following Organs of State provided comment on the proposal: CapeNature ("CN") <i>Department of Environmental Affairs and Development Planning: Coastal Management</i> South African Civil Aviation Authority ("SACAA") Western Cape Department of Infrastructure <i>Garden Route District Municipality</i></p>	
<p>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.</p>	<p>The FBAR does adequately address the ecological fire management and fire risk protection measures. The development footprint was reduced by approximately 22 units, following receipt of these comments. All comments received from Cape Nature on the BID which included the initial SDP, town planning report and verification studies, are addressed by specialists, EAP and town planner in the draft BAR. No further comments were received from Cape Nature on the draft BAR and therefore it can be assumed that the draft BAR and EMPr are acceptable. Relevant extracts are provided below:</p>
<p>Extract from FBAR – reduction of density (note – concept was provided with the BID and NOI)</p>	

Grounds of Appeal	Response from responsible EAP
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SECTION H: ALTERNATIVES, METHODOLOGY AND ASSESSMENT OF ALTERNATIVES

1. Details of the alternatives identified and considered

1.1.	Property and site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts.
Provide a description of the preferred property and site alternative.	
Erf RE 2074 is the only site alternative assessed for the development of residential units.	
Provide a description of any other property and site alternatives investigated.	
Erf RE 2074 is the only site alternative assessed for the development of residential units.	
Provide a motivation for the preferred property and site alternative including the outcome of the site selectin matrix.	
Erf RE 2074 is the only site alternative assessed for the development of residential units.	
Provide a full description of the process followed to reach the preferred alternative within the site.	
Concept layout alternative 1 was 250 units; Following the verification studies, concept layout alternative 2 was developed with a density of 228 units.	

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Alterative layout 1 is deemed to be too dense and is not considered further. Alternative layout 2 is assessed; changes to this layout are recommended based on comments and specialists to inform final SDP/s.

Extract from Appendix J – Impact Assessment, submitted with FBAR, February 2025:

This section presents a description of baseline conditions and the direct, indirect and cumulative impacts that have been identified including impacts relating to the choice of site/activity/technology alternatives.

Grounds of Appeal	Response from responsible EAP
<p>This section verifies site sensitivities identified in the DFFE screening tool report generated for the site.</p> <p>Mitigation measures that may eliminate or reduce the identified impacts are recommended.</p> <p>The Impact Identification and Assessment Methodology is provided in Section B.</p> <p>The main impacts associated with the proposed activity includes the following:</p> <ul style="list-style-type: none"> Loss of indigenous vegetation Loss of habitats and disturbance to fauna <i>Alien invasive vegetation</i> Fire Risk Susceptibility of some areas to erosion Increased runoff from increased hard surfaces Impacts on social environment - traffic, noise, bulk services, <i>Impacts on social environment - change in land use to medium / high density residential</i> Positive impact on socio-economic conditions as a result of employment opportunities Positive impact on socio-economic conditions as a result of housing provisions <p>Fire Risk – Appendix J</p>	

Grounds of Appeal	Response from responsible EAP
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FIRE RISK

With the occurrence of the high number of alien vegetation on the site and natural fynbos in the south, the site is considered to have a high fire risk; measures must be put in place to prevent unplanned fires and control planned fires (fynbos requires burning every 7 to 15 years). With no management of the South Outeniqua Sandstone Fynbos in the south, it will start to present a fire risk, and will result in long-term biodiversity loss. Due to fire boosting requirements, it is proposed that a separate fire water reticulation be provided.

Activity	Medium to high residential development				
Layout	<i>Concept Layouts 1 and 2 and final SDP (developed based on recommendations)</i>				
Phase	Planning, Construction and Operational Phase				
Aspect	Fire Risk - Effect of Management on Habitats & Plant Species				
Nature of impact:	Direct				
Description of impact	Damage to surrounding vegetation and fauna and infrastructure due to fires				
Impact Rating	Impact Status	Negative		Negative	
		Without mitigation		With mitigation	
	Spatial	Local	3	Site	2
	Duration	Very short	1	Very Short	1
	Frequency	Rarely	1	Rarely	1
	Intensity	Very High	6	Medium	3
	Severity	Medium	8	Medium	5
	Consequence	Medium	11	Medium	7
	Probability	Probable	4	Plausible	3
	Impact Significance	Medium	15	Low	10
	Mitigation	Possible			
	Confidence	High			
Reversibility	Possible				

Grounds of Appeal		Response from responsible EAP
Mitigation Measures	<p>Planning, Construction and Operations – Planning, Construction and Operational Team</p> <ul style="list-style-type: none"> • Due to the fire risk inherent for any fire driven ecosystem (fynbos), it is important that this application be reviewed by the Southern Cape Fire Protection Association (SCFPA) so they can provide comments on the development layout, and management recommendations from a fire risk reduction perspective. • It is recommended that the landowner/ s of Erf 2074 become a member of the Southern Cape Fire Protection Association (SCFPA). The SCFPA provides a number of services including, wildfire risk assessments, wildfire prevention and response plans, alien invasive clearing teams, conduct prescribed or ecological burns on behalf of the landowner(s). • The current gravel road on Erf 2074 may be utilised as a fire access road in the event of a wildfire. Fire breaks may not be necessary along fence-lines that are not directly adjacent to dwellings - Consult with the SCFPA for recommendations relating to the necessity of fire breaks. • A fire prevention, response and management plan must be designed for the site for both construction and operational phase. • Fire-proof hedges (Esler et al., 2014) can be made with indigenous species to reduce fire risk around the built environment. Some of the species that could be planted for this purpose include <i>Osteospermum moniliferum</i> (Bietou), <i>Diospyros dichrophylla</i>, <i>Searsia glauca</i>, <i>Pterocelastrus tricuspidatus</i> (Candlewood), <i>Ekebergia capensis</i> (Cape Ash), <i>Grewia occidentalis</i> (Crossberry), <i>Carissa bispinosa</i>, and <i>Euclea racemosa</i> (Gwarrie). • The proposed development will be situated within Fynbos vegetation which is fire prone and could experience burning in the largely open green space in the south. Measures must be taken to secure infrastructure such as the maintenance of fire breaks around houses forming part of the development that share a boundary with the fynbos area as well as the gazebo/ function venue in the south of the site in the green space. • Fire Management plan recommendations: <ul style="list-style-type: none"> ○ Mechanical clearing ○ Selectively thin areas where the veld is old, or where invasive species are becoming more dominant. ○ The thinning and cutting of vegetation will mimic an aspect of the effect of fire. ○ Utilisation of biomass cleared (excluding that of cleared invasive or alien plants): ○ Shred or chip cut fynbos. This can be used for paths, or as mulch in areas where aliens have been cleared. Distribute chipped material evenly and thinly to avoid fire hazards. ○ Use small-scale biochar kilns to convert biomass into biochar (these kilns can easily be made at a low cost should these not be available ready-made). ○ The ash and carbon can be spread back over the fynbos of Erf 2074 to improve soil health, and hopefully mimic the effect of fire. ○ Biochar production can be done with minimal smoke and emissions. ○ The burning of biomass does not always need to be complete, as fynbos fires are often cooler, and therefore not all biomass should be converted to ash. • Fire preparedness and response <ul style="list-style-type: none"> ○ Job specific training to be provided to individuals responsible for dealing with fire management. 	

Grounds of Appeal		Response from responsible EAP	
	<ul style="list-style-type: none"> ○ If a fire is detected it must be attended to immediately; ○ Adequate fire-fighting measures must be available and readily accessible on site. ○ No open fires permitted on construction site. <ul style="list-style-type: none"> ● During operational phase fires may only be permitted in designated areas equipped with fire safety features; no designated fire areas permitted in southern fynbos area. ● No cigarette butts or burning substances are permitted to be released into the environment. All cigarette butts to be extinguished first and then disposed of in a waste receptacle (sand buckets) provided. ● Implement alien invasive vegetation mitigation measures and fire management plan. ● Separate fire water reticulation to be provided. ● Health and safety obligations as required by applicable National regulations and municipal bylaws to be implemented ● Ensure all emergency numbers are in place and visible at all times ● Ensure security guard and key personnel has all emergency numbers on hand at all times 		
Activity	No go alternative		
Nature of impact:	Direct		
Description of impact	Baseline conditions will likely remain the same – alien invasive trees on site; fynbos in the south – high risk fire area		
Impact Rating	Impact Status	Negative	
	Spatial	Local	3
	Duration	Very short	1
	Frequency	Rarely	1
	Intensity	High	5
	Severity	Low	7
	Consequence	Medium	10
	Probability	Plausible	3
	Impact Significance	Medium	
Alien Vegetation – Appendix J			

Grounds of Appeal	Response from responsible EAP
ALIEN INVASIVE SPECIES	
<p>Some sections of the site (central section) are heavily invaded with alien tress. Some of the fynbos on the site contains thicket elements and is invaded by wattles (<i>Acacia cyclops</i>, <i>A. mearnsii</i>, <i>A. melanoxylon</i>, <i>A. saligna</i>), pines (<i>Pinus radiata</i>), cotoneaster (<i>Cotoneaster glaucophyllus</i>), and purpletop vervains (<i>Verbena bonariensis</i>). The most serious invasion on the site is Blackwood wattles (<i>A. melanoxylon</i>).</p>	
<p>Some alien species not occurring on the site may be introduced during construction phase.</p>	
<p>Invasive alien plants have a significant negative impact on the environment by causing direct habitat destruction, increasing the risk and intensity of wildfires, and reducing surface and sub-surface water. Landowners are under legal obligation to control alien plants occurring on their properties. Alien Invasive Plants require removal according to the Conservation of Agricultural Resources Act 43 of 1983 (CARA) and the National Environmental Management: Biodiversity Act (10 of 2004; NEMBA): Alien and Invasive Species Lists (GN R598 and GN R599 of 2014). The property should implement the removal of alien plants in accordance with an alien management plan, best practices guidelines and legal requirements. Particular attention should be given to the dense stands of Blackwood (<i>A. melanoxylon</i>) in the middle of the property, in addition to the Pine and Black Wattle (<i>A. mearnsii</i>) observed throughout the site. This will prevent the loss/transformation of natural fynbos habitat, greatly reduce the risk of fires (frequency and intensity) causing damage to infrastructure and changing habitat structure and promote indigenous biodiversity of the area. These benefits extend beyond the property boundaries and can have cumulative benefits for the surrounding area (reduced fire risks, reduced spreading of alien plants) and biodiversity in general that benefit from indigenous habitat. Large tracts of alien invasive trees will be cleared; Correct AIS management can result in a decrease in alien invasives on the site</p>	
Activity	Medium to high residential development
Layout	<i>Concept Layouts 1 and 2 and final SDP (developed based on recommendations)</i>
Phase	Planning and Construction Phase
Aspect	Site clearing; construction activities
Nature of impact:	Direct
Description of impact	Increase in alien invasive vegetation can displace indigenous vegetation and increase fire risk. Decrease in alien vegetation can increase indigenous vegetation and reduce the fire risk.

Grounds of Appeal		Response from responsible EAP			
Impact Rating	Impact Status	Negative		Positive	
		Without mitigation		With mitigation	
	Spatial	Activity	1	Activity	1
	Duration	Short to medium	3	Short to medium	2
	Frequency	Seldom	3	Infrequent	2
	Intensity	Low	1	Low	1
	Severity	Low	7	Low	5
	Consequence	Low	8	Low	6
	Probability	Probable	4	Probable	4
	Impact Significance	Medium	12	Low	10
	Mitigation	Possible – impacts can be managed with mitigation during construction phase.			
	Confidence	High			
	Reversibility	Possible - Impact is reversible with interventions			

Grounds of Appeal		Response from responsible EAP			
Mitigation Measures	<ul style="list-style-type: none"> • ESO must be familiar with AIS currently on site and potential AIS that could be introduced • ESO to oversee: <ul style="list-style-type: none"> ○ Area on site to be designated for storage of removed alien trees ○ All removed alien trees must either be removed from site and disposed of at a registered waste disposal facility. Alternatively, the plant material can be mulched using a woodchipper on site. Any seed-bearing material is to be disposed of at a registered landfill. • Materials used during construction must be sourced and transported responsibly to minimise the risk new invasive plants • Ongoing hand removal of alien invasive plants must be done throughout construction phase as soon as the plant is detected.- Alien plant removal must not take place September / October since the SCC may rely on these for nesting. A walk through and search should be conducted to ensure that any birds are not nesting in vegetation prior to clearing of aliens. is encountered, construction must be halted and a wildlife rehabilitation facility contacted. <ul style="list-style-type: none"> ○ During rehabilitation, ensure topsoil is weed free. ○ During construction and rehabilitation check for weed regrowth and manage timeously (before seed is set) ○ Keep records of removal and disposal method 				
Phase	Planning and Operational Phase				
Aspect	Operational activities; landscaping				
Nature of impact:	Direct				
Description of impact:	Increase / decrease alien invasive vegetation; poor planning for alien clearing (herbicide use / dumping slash material); disturbance of fauna SCC				
Impact Rating	Impact Status	Negative		Positive	
		Without mitigation		With mitigation	
	Spatial	Site	2	Site	2
	Duration	Medium to long	5	Medium to long	5
	Frequency	Infrequent	2	Infrequent	2
	Intensity	Low to medium	2	Low	1
	Severity	Medium	9	Low	4
	Consequence	Medium	11	Low	5
	Probability	Plausible	3	Plausible	3
	Impact Significance	Medium	14	Low	8
	Mitigation	Possible			
	Confidence	High			
	Reversibility	Possible			

Grounds of Appeal		Response from responsible EAP	
Mitigation Measures	<ul style="list-style-type: none"> An alien management and control plan needs to be in place for the remaining open space on Erf 2074. This is a requirement by law. Operational management to include ongoing removal of alien invasive trees from the property; fynbos in the south recommended to be managed naturally and kept free of alien trees and weeds. In areas in the fynbos where alien clearing results in bare patches that could use some aid to enhance their recovery. This will promote the regeneration of natural fynbos around the developments and reduce the possibility of negative edge effects on the site. Landscaping with indigenous vegetation only Duties of operational landscaping to include ensuring the ongoing removal of alien invasive trees and weeds on the property - Alien plant removal must not take place September / October since the fauna SCC may rely on these for nesting. A walk through and search should be conducted to ensure that any birds are not nesting in vegetation prior to clearing of aliens When chemical treatments are necessary, use targeted applications that minimize exposure to non-target species. Where alien invasive plants are removed at the root; suitable indigenous vegetation recommended to be planted to hold the soil. 		
Activity	No go alternative		
Nature of impact:	Direct		
Description of impact:	Baseline conditions will likely remain the same – modified ecosystems in the north, medium to high invasion of alien trees in some sections, and intact fynbos in the south.		
Impact rating	Impact Status	Negative	
	Spatial	Site	2
	Duration	Medium to long	5
	Frequency	Infrequent	2
	Intensity	Low to medium	2
	Severity	Medium	9
	Consequence	Medium	11
	Probability	Plausible	3
	Impact Significance	Low	8
Housing developments – habitat degradation			

Grounds of Appeal		Response from responsible EAP	
Housing developments – habitat degradation			
<p>With the occurrence of the high number of alien vegetation on the site and natural fynbos in the south, the site is considered to have a high fire risk; measures must be put in place to prevent unplanned fires and control planned fires (fynbos requires burning every 7 to 15 years). With no management of the South Outeniqua Sandstone Fynbos in the south, it will start to present a fire risk, and will result in long-term biodiversity loss. Due to fire boosting requirements, it is proposed that a separate fire water reticulation be provided.</p>			
Activity	Medium to high residential developments		
Phase	Planning		
Aspect	<i>Concept Layouts 1 and 2 and final SDP (developed based on recommendations)</i>		
Nature of impact:	Cumulative		
Description of impact	<p>The surrounding environment around Erf 2074 is already very developed, and cumulative impacts are already significant in this area. Multiple housing developments have led to an incremental loss and degradation of habitats, which could over time lead to a negative shift in the conservation status of South Outeniqua Sandstone Fynbos.</p> <p>Habitat degradation also leads to a loss of biodiversity in the long term. Where some species are lost from the landscape, while other populations of plants could face reduced genetic diversity, making them more susceptible to pests etc. Edge effects with minimal control means that more areas become invaded, and permanently altered so that pollination networks and edaphic modification become permanent features of the landscape. Cumulative impacts can push ecosystems beyond ecological thresholds, leading to sudden and irreversible changes in plant communities. These sudden irreversible changes can be very difficult to predict, especially when an assessment is localised, being focussed on a single development alone.</p>		
Impact Rating	Impact Status	Negative	Negative
		Without mitigation	
	Spatial	Local	3
	Duration	Permanent	6
	Frequency	Infrequent	2
	Intensity	Very High	6
	Severity	High	14
	Consequence	High	17
	Probability	Probable	4
	Impact Significance	High	22
	Mitigation	Difficult – this cumulative impact and management of edge effects, biodiversity and AIS clearing would need to be addressed jointly by the local municipality and various landowners along the southern CBA / Piesang river Valley area	
Confidence	High		
Reversibility	Difficult		
Activity	No go alternative -		

Grounds of Appeal		Response from responsible EAP	
Nature of impact:	Cumulative		
Description of impact:	The surrounding environment around Erf 2074 is already very developed; high cumulative impact has already occurred on the biodiversity in this area.		
Impact rating	Impact Status	Negative	
	Spatial	Local	3
	Duration	Permanent	6
	Frequency	Infrequent	2
	Intensity	Very High	6
	Severity	High	14
	Consequence	High	17
	Probability	Probable	4
	Impact Significance	High	22
Edge effects – Terrestrial biodiversity – fauna and fauna habitats			

Grounds of Appeal		Response from responsible EAP			
Phase	Planning and Operational Phase				
Aspect	Operational and maintenance activities;				
Nature of impact:	Direct – Loss of fynbos habitat for fauna during maintenance activities.				
Description of impact	<p>The development on the site will alter the disturbance regime through changes in fire regimes and vegetation clearing associated with the maintenance and operation of housing and road infrastructure. For the most part, disturbances and habitat loss/alterations will be restricted to the immediate surroundings of the roads and dwellings but some largescale disturbances may alter the property's habitat as a whole. If the management adopts ecologically friendly approaches in the long-term, the development can have many positive (rather than only negative) outcomes for the environment. For example, the removal of the alien plants on site and the active control thereof reduces a significant existing threat to the fynbos habitat on site and in the surrounding environment i.e. increase in natural habitat, reducing the risk of fires (reduced frequency and intensity). The owner of the property will need to develop an alien invasive management and eradication plan, as well as a fire management plan.</p> <p>Consequences of impact:</p> <ol style="list-style-type: none"> 1. A general loss of habitat for plants and fauna by vegetation clearing around dwellings and roads. The mismanagement of materials during routine maintenance of infrastructure can also cause habitat loss (i.e. stockpiling/long term storage of materials on site rather than removing from site). 2. Changes in habitat structure through changes in fire regimes on the property i.e. suppressing fire over a prolonged period can lead to species poor senescent fynbos habitat in the green space in the south of the property. 3. Uncontrolled alien plants can completely invade and transform natural habitats leading to a loss in associated biodiversity. Alien plants also increase fire frequency and intensity, which negatively impacts biodiversity either directly through hotter more frequent fires, or indirectly through changes in habitat (vegetation) structure. 				
Impact Rating	Impact Status	Negative			
		Without mitigation	With mitigation		
	Spatial	Site	2	Activity	1
	Duration	Very short	1	Very short	1
	Frequency	Seldom	2	Infrequent	2
	Intensity	Low to medium	2	Low	1
	Severity	Low	5	Low	4
	Consequence	Low	7	Low	5
	Probability	Probable	4	Plausible	3
	Impact Significance	Medium	11	Low	8
	Mitigation	Likely			
Confidence	High				
Reversibility	Possible				

Grounds of Appeal		Response from responsible EAP							
<table border="1"> <tr> <td>Mitigation Measures</td> <td> <p>Planning – Planning Team</p> <ul style="list-style-type: none"> • Only minimal development should take place in southern section where intact habitats and refuge for fauna occurs. • Approximately 1200m2 NE section of CBA recommended due to flatter gradient • Existing road recommended to be used as a footpath only for residents; no other footpaths / roads permitted to be created in southern section. • The existing development footprint of unfinished building recommend to be converted to a lookout point for residents. <p>Operations– Operational Team</p> <ul style="list-style-type: none"> • Put in place waste management, fire management, landscaping and AIS mitigation measures </td> </tr> <tr> <td>Aspect</td> <td>Operational activities – visual and noise</td> </tr> <tr> <td>Nature of impact:</td> <td>Direct</td> </tr> <tr> <td>Description of impact</td> <td>The development on the site will alter the disturbance regime of the largely undeveloped area on the property through changes in noise and artificial lighting levels. For the most part, these disturbances will be restricted to the immediate surroundings of the road (i.e. traffic noise) and residential units (i.e. people talking/shouting, music). However, this can</td> </tr> </table>	Mitigation Measures	<p>Planning – Planning Team</p> <ul style="list-style-type: none"> • Only minimal development should take place in southern section where intact habitats and refuge for fauna occurs. • Approximately 1200m2 NE section of CBA recommended due to flatter gradient • Existing road recommended to be used as a footpath only for residents; no other footpaths / roads permitted to be created in southern section. • The existing development footprint of unfinished building recommend to be converted to a lookout point for residents. <p>Operations– Operational Team</p> <ul style="list-style-type: none"> • Put in place waste management, fire management, landscaping and AIS mitigation measures 	Aspect	Operational activities – visual and noise	Nature of impact:	Direct	Description of impact	The development on the site will alter the disturbance regime of the largely undeveloped area on the property through changes in noise and artificial lighting levels. For the most part, these disturbances will be restricted to the immediate surroundings of the road (i.e. traffic noise) and residential units (i.e. people talking/shouting, music). However, this can	
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<p>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.</p>	<p>The decision states that the Department is satisfied that the public participation process carried out which therefore confirms that all required steps were carried out by the EAP n terms of regulation 41:</p> <ul style="list-style-type: none"> - Notified all required stakeholders and provided 30-day registration and submission of initial comments to be addressed in the DBAR - Sent out the Draft BAR for 30-day comment, - Included all responses in the CRR <p>Authorities notified include, inter alia, Bitou LM, CapeNature, DFFE Oceans and Coast, SACAA, BOCMA etc.</p>								
<p>South African Civil Aviation Authority</p>	<p>There is indication that information requested from SACAA and the obstacle assessment crowd was timeously</p>								

Grounds of Appeal	Response from responsible EAP
<p style="text-align: center;">(“SACAA”)</p> <p>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.</p>	<p>submitted; the relevant quote was requested by the relevant body as requested by SACAA and the process circled back.</p> <p>It is also motivated that it is a narrow strip of land between existing housing developments, and the height will be as per land planning requirements.</p> <p>Relevant communication is provided below with emails from the EAP dating to 15 July 2024 in attempt to carry out what was required.</p> <p>Please note that there is also a 50 meter high water tower in close proximity to the proposed development, which would have required aviation obstacle measures already in place.</p> <p>The EA could have been issued on condition that this obstacle assessment be completed and the height of the buildings restricted accordingly as required.</p>

Grounds of Appeal

Response from responsible EAP

SOUTH AFRICAN



**CIVIL AVIATION
AUTHORITY**

Physical Address:

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Aviation Environmental Compliance
Tel No: +27 11 545 1199
Email: environment@caa.co.za
Enquiries: Ms. Pamela Madondo

11 July 2024

ECO Route Environmental Consultancy
P.O. Box 1252
Sedgefield
6573

Attention: Carina Leslie

Dear Sir/ Madam

RE:COMMENT ON THE FOR PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 2074, BITOU LOCAL MUNICIPALITY, WESTERN CAPE.

We acknowledge receipt of email dated 04 July 2024. The South African Civil Aviation Authority (CAA) is an agency of the Department of Transport (DoT). The Civil Aviation Act 13 of 2009 provides for the establishment of the CAA as a stand-alone authority mandated with controlling, promoting, regulating, supporting, developing, enforcing and continuously improving levels of safety and security throughout the civil aviation industry. The CAA exercises this mandate through the Civil Aviation Regulations (CARs).

Please see our comments below:

A formal obstacle assessment must be conducted to determine if the proposed residential development will impact flight safety due to its close proximity to Plettenburg Bay Airport. Kindly note that the SACAA has transferred all obstacle assessments and applications responsibilities to Air Traffic and Navigation Services (ATNS) as published on the SACAA website: www.caa.co.za/industryinformation/obstacles/. The list and contact details of the approved obstacles assessment services providers can be obtained from the CAA website: www.caa.co.za. You are recommended to notify the Plettenburg Bay Airport for their comments and inputs.

Yours sincerely,

Aviation Environmental Compliance Department

Grounds of Appeal	Response from responsible EAP
<p>RE: attention - Laila - Erf 2074, Marine Way Plett</p> <p>  obstacles <obstacles@atns> To: claire@ecoroute.co.za; obstacles Cc: 'Admin'; 'Janet Ebersohn' 2024/11/14 </p> <p>Thank you.</p> <p>Customer Solutions will be in touch.</p> <p>Regards</p> <p>Laila</p> <p>Obstacles Obstacles Evaluation Team COO - Air Traffic Services ATNS Head Office, Bruma, Johannesburg, South Africa</p> <p>T: +27 11 607 1000 E: obstacles@atns.co.za • W: www.atns.com</p> <div style="display: flex; align-items: center;">   </div>	

Grounds of Appeal	Response from responsible EAP
<p>RE: attention - Laila - Erf 2074, Marine Way Plett</p> <p> obstacles <obstacles@atns.co.za> To claire@ecoroute.co.za</p> <p>2024/11/14</p> <p>Good day,</p> <p>Thank you for contacting the Obstacle Evaluations Team. This is an auto reply to let you know that we have received your email, and we will respond to it as soon as possible.</p> <p>If you have a general query with regards to obstacles please visit Aeronautical Information Management(Obstacle Evaluations) – ATNS Website</p> <p>kind regards,</p> <div data-bbox="197 742 427 1007">  </div> <div data-bbox="459 715 907 1007"> <p>Obstacles Obstacles Evaluation Team COO - Air Traffic S ATNS Head Office, Bruma, Johannesburg, South A</p> <p>T: +27 11 607 1000 E: obstacles@atns.co.za • W: www.atns.com</p> <div data-bbox="459 919 875 1007">   </div> </div>	

Grounds of Appeal	Response from responsible EAP
<p data-bbox="241 279 1077 316">Automatic reply: attention - Laila - Erf 2074, Marine Way Plett</p> <div data-bbox="241 327 1108 422"><p data-bbox="342 352 707 411">obstacles <obstacles@atns.co.za> To claire@ecoroute.co.za</p><p data-bbox="875 327 1099 379">   </p><p data-bbox="994 384 1099 411">2024/11/14</p></div> <p data-bbox="241 448 353 480">Good day,</p> <p data-bbox="241 552 745 584">Thank you for contacting Obstacle Evaluations.</p> <p data-bbox="241 603 1093 667">This is an acknowledgement of your enquiry. The team will revert as soon as possible.</p> <p data-bbox="241 738 387 770">Kind regards,</p> <p data-bbox="241 790 533 821">Obstacle Evaluations Team</p> <p data-bbox="241 871 1093 1070">ATNS respects personal information and adheres to the provisions of POPIA. The information contained in this email from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited.</p>	

Grounds of Appeal

Response from responsible EAP

attention - Laila - Erf 2074, Marine Way Plett



claire@ecoroute.co.za
To 'obstacles'
Cc 'Admin'; 'Janet Ebersohn'



2024/11/14



Obstacle assessment info.kml
19 MB



Obstacle assessment info.kmz
1000 KB

Hi Laila

As per our telephonic conversation, please find the kml of the site attached.
The DRAFT Basic Assessment Report and supporting appendices has been compiled as part of the EA process and is available at www.ecoroute.co.za/node/100

Please confirm receipt.
Please let me know if you require additional information.

Thank you

Kind Regards
Claire



Claire De Jongh
Eco Route Environmental Consultancy
0846074743
EAPASA registration: 2021/3519

Grounds of Appeal	Response from responsible EAP
<p>From: claire@ecoroute.co.za Sent: Monday, 05 August 2024 18:59 To: 'obstacles' Cc: 'Winnie Lekabe'; 'Janet Ebersohn' Subject: RE: Obstacle assessment - Erf 2074 Plettenberg Bay</p> <p>Good day</p> <p>We have still not received a proposal to carry out the obstacle assessment for development of residential houses on Erf 2074.</p> <p>Kind regards Claire 0846074743</p> <hr/> <p>From: claire@ecoroute.co.za <claire@ecoroute.co.za> Sent: Tuesday, July 23, 2024 4:34 PM To: 'obstacles' <obstacles@atns.co.za> Cc: 'Winnie Lekabe' <WinnieL@atns.co.za>; 'Janet Ebersohn' <janet@ecoroute.co.za> Subject: RE: Obstacle assessment - Erf 2074 Plettenberg Bay</p> <p>Good day</p> <p>Please could you advise further on the detailed Obstacle Assessment application required and provide associated fees.</p> <p>Thank you</p> <p>Kind Regards Claire</p> <hr/> <p>From: obstacles <obstacles@atns.co.za> Sent: Wednesday, July 17, 2024 3:24 PM To: claire@ecoroute.co.za</p>	

Grounds of Appeal	Response from responsible EAP
	<p>Cc: Winnie Lekabe <Winniel@atns.co.za> Subject: RE: Obstacle assessment - Erf 2074 Plettenberg Bay</p> <p>Good day Claire,</p> <p>RE: ERF 2074 PLETTENBERG BAY</p> <p>The proposed Erf 2074 Plettenberg Bay is in close proximity to Plettenberg Airfield.</p> <p>ATNS does not oppose the establishment of the proposed Erf 2074 Plettenberg Bay development, however this does not serve as an approval/no objection letter, the applicant still needs to apply for a detailed obstacle assessment in order to obtain a letter of objection /no objection from ATNS and a conditional Approval from the South African Civil Aviation Authority.</p> <p>Please contact obstacles@atns.co.za for a detailed Obstacle Assessment application.</p> <p>Kind Regards,</p> <p>Obstacles Evaluation Team COO - Air Traffic Services BRUMA E: obstacles@atns.co.za • W: www.atns.com</p> <hr/> <p>From: claire@ecoroute.co.za <claire@ecoroute.co.za> Sent: Tuesday, July 16, 2024 3:34 PM To: obstacles <obstacles@atns.co.za> Cc: 'Janet Ebersohn' <janet@ecoroute.co.za>; joclyn@ecoroute.co.za; Winnie Lekabe <Winniel@atns.co.za> Subject: RE: Obstacle assessment - Erf 2074 Plettenberg Bay</p> <p>Good day</p> <p>Please find information attached as requested.</p> <p>I note the information relates to wind turbines, so I have adapted for the 2 – 3 storey residential development proposed with a maximum height of 10.67. Site ranges from 114 to 138 MASL.</p> <p>I am also attaching the kml file of the proposed development.</p>

Grounds of Appeal	Response from responsible EAP
	<p>Please also note that this site is located between two existing residential developments.</p> <p>Based on this information could you please advise if a risk assessment will still be necessary.</p> <p>Thank you</p> <p>Kind Regards Claire</p> <hr/> <p>From: obstacles <obstacles@atns.co.za> Sent: Monday, July 15, 2024 12:44 PM To: claire@ecoroute.co.za Subject: RE: Obstacle assessment - Erf 2074 Plettenberg Bay</p> <p>Good day Claire,</p> <p><u>RE: Proposed Structure</u></p> <p>This is to acknowledge that ATNS has received your query.</p> <p>We would have to conduct relevant assessments to evaluate whether the proposed Structure will affect the safety of flight for aerodromes in close vicinity as well as communication, navigation, and surveillance (CNS) equipment.</p> <p>Kindly note that there is an application fee as well as assessment fee attached to the assessments.</p> <p>Before the assessments commence, our Business Development department will forward a proposal to the client.</p> <p>The proposal and payment process are as follows if applicable:</p> <ul style="list-style-type: none"> You will receive the proposal from our Business Development department, it will contain the work that will be done as well as what it will cost. They will provide you with all the information needed to make payment. <u>For this reason, please provide a billing address and the details of the person to whom the proposal should be addressed.</u> <p>Please <u>complete the .XLSX file attached for each structure</u>, with required information below before we can proceed with our assessment:</p>
Aviation in Appendix J – Impact Assessment	

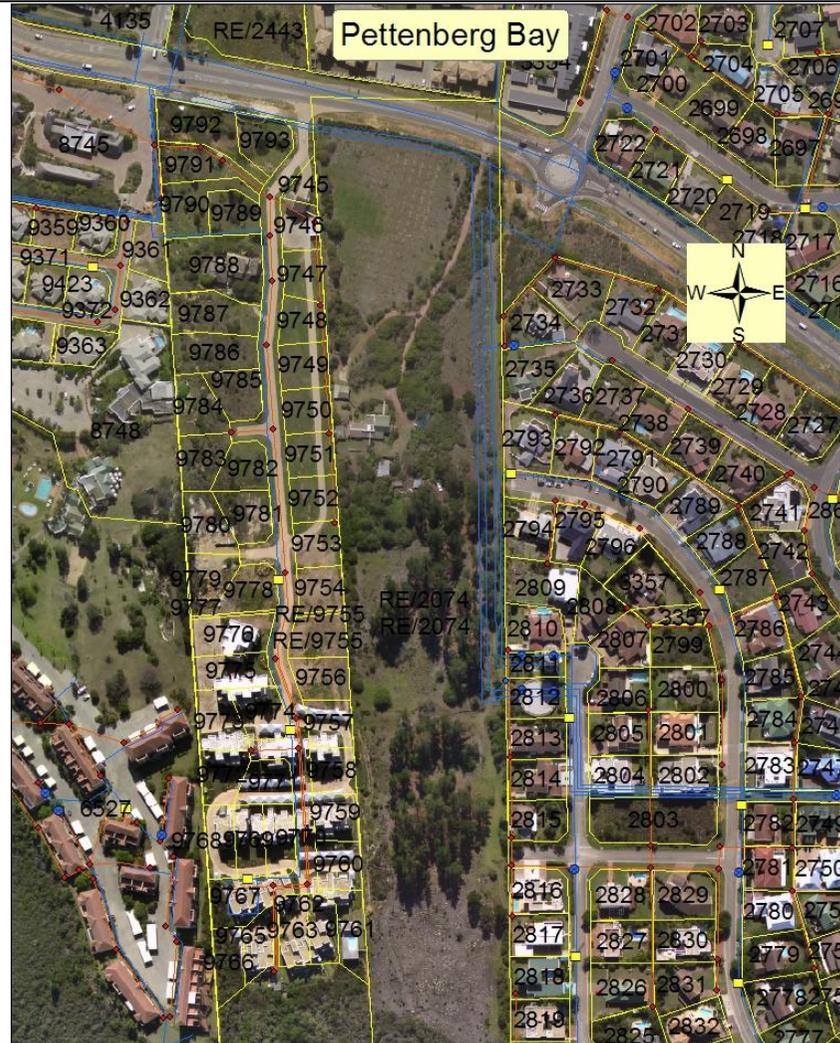
Grounds of Appeal	Response from responsible EAP							
<p>AVIATION</p> <p>It seems unlikely that the proposed residential development entailing 3 storey blocks (maximum 10.67-meter height) will impact the flight path, considering existing residential developments are already in place to the north, west and east of Erf 2074.</p> <p>However, the South African Civil Aviation Authority (SACAA) has requested that a formal obstacle assessment be conducted to determine if the proposed residential development will impact flight safety due to its close proximity to Plettenburg Bay Airport. The assessment is required to be conducted by Air Traffic and Navigation Services (ATNS) and is an independent process in line with obtaining final approval from the South African Civil Aviation Authority (SACAA). The ATNS has been contacted to determine relevant assessments required to evaluate whether the proposed development will affect the safety of flight for aerodromes in close vicinity as well as communication, navigation, and surveillance (CNS) equipment however no formal proposal has yet been received to carry out the required assessment.</p> <p>No impact on aviation is expected during construction or operational phase. The authority has been requested to comment on the draft BAR and EMP, no official response has yet been received. Comment from SACAA recommended prior to start of construction.</p> <table border="1" data-bbox="212 624 1451 703"> <tr> <td>Activity</td> <td>No go alternative</td> </tr> <tr> <td>Nature of impact:</td> <td>Baseline conditions will likely remain the same – no impacts on aviation.</td> </tr> </table> <p style="text-align: center;">APPENDIX J: IMPACT ASSESSMENT – Proposed medium / high residential development on Erf 2074, Plettenburg Bay</p> <p style="text-align: center;">(52)</p> <hr/> <table border="1" data-bbox="212 946 1451 999"> <tr> <td>Impact Rating</td> <td>Impact Status</td> <td>Negligible</td> </tr> </table>		Activity	No go alternative	Nature of impact:	Baseline conditions will likely remain the same – no impacts on aviation.	Impact Rating	Impact Status	Negligible
Activity	No go alternative							
Nature of impact:	Baseline conditions will likely remain the same – no impacts on aviation.							
Impact Rating	Impact Status	Negligible						
<p>Western Cape Department of Infrastructure</p> <p>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</p>	<p>The decision states that the Department is satisfied that the public participation process carried out which therefore confirms that all required steps were carried out by the EAP in terms of regulation 41:</p> <ul style="list-style-type: none"> - Notified all required stakeholders and provided 30-day registration and submission of initial comments to be addressed in the DBAR - Sent out the Draft BAR for 30-day comment, - Included all responses in the CRR 							

Grounds of Appeal	Response from responsible EAP
	<p>Authorities notified include, inter alia, Bitou LM, CapeNature, DFFE Oceans and Coast, SACAA, BOCMA etc.</p> <p>The traffic impact assessment was carried out as requested by this Department in response to the BID. The relevant approvals will be followed during the land planning process.</p>
<p>Garden Route District Municipality</p> <p>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.</p> <p style="text-align: right;">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.</p>	<p>The decision states that the Department is satisfied that the public participation process carried out which therefore confirms that all required steps were carried out by the EAP in terms of regulation 41:</p> <ul style="list-style-type: none"> - Notified all required stakeholders and provided 30-day registration and submission of initial comments to be addressed in the DBAR - Sent out the Draft BAR for 30-day comment, - Included all responses in the CRR <p>Authorities notified include, inter alia, Bitou LM, CapeNature, DFFE Oceans and Coast, SACAA, BOCMA etc.</p> <p>Notices were sent to BLM and comment requested on BID (4 July – 4 August 2024) and DBAR (3 November to 3 December 2024), as done for all the other stakeholders, organs of state and adjacent landowners. No comment was received. I did have a conversation with Anja Minnie enquiring whether comment would be made on the BID and she indicated comment would be provided on the draft Bar. The EAP carried out public participation as required in regulation 41 and completed the prescribed WC application form and included all the required information. Bilateral meetings are held where Departments should be discussing strategic planning. Furthermore, no comment was received from DEADP on the NOI submitted in June 2024. The DEADP has more knowledge of housing development applications within this municipality and should indicate potential red flags to additional proposals on the notice of intent – not on the decision.</p>
<p>General Public</p> <p>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</p>	

Grounds of Appeal	Response from responsible EAP
<p>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:</p> <p>(a) The availability and reliability of Municipal engineering services within Plettenberg Bay, including—</p> <ul style="list-style-type: none"> • potable water supply; • storm water management; • sewage and sewerage system upgrades; • electricity supply. <p>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.</p>	<p>Furthermore, internal correspondences between the engineers and the EAP was not seen until 17 February (note that Ecoroute is not copied in), after the FBAR was already submitted.</p> <p>The available information - GLS Report Engineering, available public resources (Water Plan, 2020), IDP, comments from IAPs, were included in the report and used to describe baseline conditions and direct / indirect / cumulative impacts.</p> <p>Of importance to note is that a Plettenberg's Bay main water supply pipes are situated on Erf 2074</p>

Grounds of Appeal

Response from responsible EAP



Grounds of Appeal	Response from responsible EAP
	<p>Furthermore, impacts on water use, waste generation, energy use and sewage management are addressed and recommendation provided for mitigation. Cumulative impacts on the municipal bulk services are addressed and are rated. All information provided to the EAP was provided with the FBAR.</p> <p>The EAP recommends a number of mitigations measures to be incorporated into the final SDPs to reduce demand on fossil fuels and water. All impacts are rated with and without these mitigation measures in place.</p>
<p>claire@ecoroute.co.za</p> <hr/> <p>From: admin@ecoroute.co.za Sent: Thursday, 04 July 2024 13:07 To: 'Chris Schliemann'; mrhode@plett.gov.za; 'Anje Minne'; mmemani@plett.gov.za; DSwart@plett.gov.za; info@gardenroute.gov.za; nina@gardenroute.gov.za Cc: claire@ecoroute.co.za; janet@ecoroute.co.za Subject: NOTIFICATION OF PUBLIC PARTICIPATION FOR ERF 2074, PLETTENBERG BAY</p> <p>Dear Municipalities,</p> <p>Please visit our website to view all documents: www.ecoroute.co.za</p>	

Grounds of Appeal	Response from responsible EAP
<p>claire@ecoroute.co.za</p> <hr/> <p>From: admin@ecoroute.co.za Sent: Friday, 01 November 2024 10:21 To: 'Chris Schliemann'; mrhode@plett.gov.za; 'Anje Minne'; mmemani@plett.gov.za; DSwart@plett.gov.za; info@gardenroute.gov.za; nina@gardenroute.gov.za Cc: claire@ecoroute.co.za; 'Janet Ebersohn' Subject: NOTIFICATION OF PUBLIC PARTICIPATION - DRAFT Basic Assessment Report - The Proposed Medium to High Density Residential Development on RE/Erf 2074, Marine Way, Bitou Local Municipality, Western Cape Attachments: Erf 2074 - Draft BAR_For 30 day review and comment_1 Nov - 2 Dec 2024_organized.pdf</p> <p>Application for Environmental Authorisation: DRAFT Basic Assessment Report PROPOSED MEDIUM TO HIGH DENSITY RESIDENTIAL DEVELOPMENT ON RE / ERF 2074, MARINE WAY, BITOU LOCAL MUNICIPALITY, WESTERN CAPE DEADP reference: Waiting reference number</p> <p>Dear Municipality,</p> <p>Please find attached a DRAFT Basic Assessment Report which has been compiled as part of the application process for Environmental Authorisation for activities listed in Listing Notice 1 and Listing Notice 3 of the 2014 Environmental Impact Assessment Regulations (as amended, 2017) published in terms of the National Environmental Management Act (Act 107 of 1998). The proposed development requires an Environmental Authorisation from the Western Cape Department of Environmental Affairs and Development Planning before construction may commence.</p> <p>The DRAFT Basic Assessment Report and supporting appendices has been compiled as part of the EA process and is available at www.ecoroute.co.za/node/100</p> <p>The DRAFT Basic Assessment Report is hereby made available for a 30-day review and comment period. Review and comment period: 1 November to 2 December 2024</p> <p>Kindly submit comments to: Email: admin@ecoroute.co.za / claire@ecoroute.co.za Post: Postal Address: P.O. Box 1252, Sedgefield, 6573 Phone: 044 343 2232 / 0846074743</p> <p>The DRAFT Basic Assessment Report will be updated to incorporate comments received; the Final Basic Assessment Report will then be submitted to the DEADP for decision making.</p>	
<p>Email thread received with confirmation of services</p> <p>Good day</p>	

Grounds of Appeal	Response from responsible EAP
<p>Kindly find the confirmation of capacity of bulk services from the Bitou Municipality for the proposed residential development on Erf 2074. DEA&DP Ref: 16/3/3/1/D1/14/0037/24</p> <p>Thank you</p> <p>Kind regards Claire</p> <p> Claire De Jongh Eco Route Environmental Consultancy 0846074743 EAPASA registration: 2021/3519</p> <p>From: lizemarie@planningspace.co.za <lizemarie@planningspace.co.za> Sent: Tuesday, 18 February 2025 08:34 To: claire@ecoroute.co.za Subject: FW: Erf 2074 Plettenberg Bay Civil Engineering Services Report</p>	
<p>Lizemarie Botha B.TRP - Pr. Pln 1234</p> <p>C 082 855 1125 E lizemarie@planningspace.co.za W www.planningspace.co.za</p>	 <p>Planning Space Town and Regional Planners</p>

Grounds of Appeal	Response from responsible EAP
<p>From: peterb@poisedesign.co.za <peterb@poisedesign.co.za> Sent: Monday, February 17, 2025 5:45 PM To: 'Lizemarie' <lizemarie@planningspace.co.za> Cc: deon@poise.co.za Subject: FW: Erf 2074 Plettenberg Bay Civil Engineering Services Report</p> <p>From: Marinus Meiring Pr Tech Eng <mmeiring@plett.gov.za> Sent: Monday, 17 February 2025 17:42 To: peterb@poisedesign.co.za Cc: Edward Charles Oosthuizen <eoosthuizen@plett.gov.za>; Asiphe Masivuye Mgoqi <amgoqi@plett.gov.za> Subject: RE: Erf 2074 Plettenberg Bay Civil Engineering Services Report</p> <p>Peter</p> <p>Our discussion on Friday the 14th refer.</p> <p>Please find attached the conformation of services.</p> <p>Let me know if this is what you require. Regards,</p> <p>Marinus Meiring Pr Tech Eng</p> <p>Manager Project Management Unit Engineering Services Bitou Municipality Mobile: 082 898 3935 Work: 044 501 3264 Email: mmeiring@plett.gov.za Website: www.bitou.gov.za</p> <p>The content of this email transmission contains confidential information, which is the property of Bitou Municipality. The information is intended only for the use of the person/s to whom it is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution of the contents of this email transmission, or the taking of any action in reliance thereon or pursuant thereto, is strictly prohibited. Therefore, Bitou Municipality will not be held liable for any damage caused by this message.</p> <p>From: peterb@poisedesign.co.za <peterb@poisedesign.co.za></p>	

Grounds of Appeal	Response from responsible EAP
	<p>Sent: Wednesday, 12 February 2025 12:18 To: Marinus Meiring Pr Tech Eng <mmeiring@plett.gov.za> Cc: 'Deon Botes' <deon@poise.co.za>; lizemarie@planningspace.co.za; 'Gerhard De Vos' <gerhardjdevos@hotmail.com>; Zola Mputa <zmputa@plett.gov.za>; Edward Charles Oosthuizen <eoosthuizen@plett.gov.za>; Mr.VW. Felton <vfelton@plett.gov.za>; Asiphe Masivuye Mgoqi <amgoqi@plett.gov.za> Subject: RE: Erf 2074 Plettenberg Bay Civil Engineering Services Report</p> <p>Good Morning Marinus I confirm our telephone conversation this morning. As discussed we have submitted our engineering services report on 26 September 2024, but approval thereof is currently withheld due to water availability as per the trailing emails below. We understand and acknowledge the current water availability issue, however to move forward with the Town Planning and Environmental applications we require in principal approvals of the engineering report.</p> <p>Thank you for offering to set up a meeting for Lizemarie(Town Planner)and myself to attend with other necessary relevant Bitou officials, in order to discuss the way forward and understand the future planning.</p> <p>Thanks Peter Becker 083 310 4429 From: Asiphe Masivuye Mgoqi <amgoqi@plett.gov.za> Sent: Wednesday, 20 November 2024 08:30 To: peterb@poisedesign.co.za Cc: Marinus Meiring Pr Tech Eng <mmeiring@plett.gov.za>; 'Deon Botes' <deon@poise.co.za>; lizemarie@planningspace.co.za; 'Gerhard De Vos' <gerhardjdevos@hotmail.com>; 'Flip du Plessis' <flip@gls.co.za>; Zola Mputa <zmputa@plett.gov.za>; Edward Charles Oosthuizen <eoosthuizen@plett.gov.za>; Mr.VW. Felton <vfelton@plett.gov.za> Subject: RE: Erf 2074 Plettenberg Bay Civil Engineering Services Report</p> <p>Good morning, Mr Becker</p> <p>Bitou Municipality is currently experiencing challenges with regards to bulk water supply/ sources as well as potable water storage. The municipality is struggling to fill the three reservoirs in town (Brackenridge, Archiewood and Close to Town , also known as Cutty Sark reservoirs) to meet the existing demand. Your proposed development will have a massive impact on the existing infrastructure, including water and sanitation. Gansevallei Wastewater Treatment Plant has exceeded the capacity.</p> <p>We are in the process of installing reservoir level loggers to monitor and confirm available storage capacity. Unfortunately we cannot conclude on the application at this</p>

Grounds of Appeal	Response from responsible EAP
<p>stage until we have sufficient data to make an informed decision.</p> <p>Regards,</p> <p>Asiphe Masivuye Mgoqi</p> <p>Project Technician Project Management Unit Engineering Services Bitou Municipality Mobile: 083 591 7300 Work: 044 501 3207 Email: amgoqi@plett.gov.za Website: www.bitou.gov.za</p> <p>The content of this email transmission contains confidential information, which is the property of Bitou Municipality. The information is intended only for the use of the person/s to whom it is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution of the contents of this email transmission, or the taking of any action in reliance thereon or pursuant thereto, is strictly prohibited. Therefore, Bitou Municipality will not be held liable for any damage caused by this message.</p> <p>From: peterb@poisedesign.co.za <peterb@poisedesign.co.za> Sent: Thursday, 26 September 2024 07:28 To: Mr.VW. Felton <vfelton@plett.gov.za>; Edward Charles Oosthuizen <eoosthuizen@plett.gov.za>; Zola Mputa <zmputa@plett.gov.za> Cc: Marinus Meiring Pr Tech Eng <mmeiring@plett.gov.za>; Asiphe Masivuye Mgoqi <amgoqi@plett.gov.za>; 'Deon Botes' <deon@poise.co.za>; lizemarie@planningspace.co.za; 'Gerhard De Vos' <gerhardjdevos@hotmail.com> Subject: Erf 2074 Plettenberg Bay Civil Engineering Services Report</p> <p>Good Morning Victor, Zola, Eddie Please see attached covering letter and services report, including the GLS report for Erf 2074 Plettenberg Bay. To smooth the Environmental and Application processes, currently underway, your urgent In Principal approvals, subject of course to any necessary conditions, would be most appreciated. Thanks Peter Becker On behalf of Deon Botes</p>	
<p>Bulk service impacts and recommendations – incorporating IDP, GLS bulk services (as referenced to Master Plan), public comments, comments from GRDM</p> <p>From: peterb@poisedesign.co.za <peterb@poisedesign.co.za> Sent: Wednesday, 19 February 2025 09:55 To: 'Marinus Meiring Pr Tech Eng' <mmeiring@plett.gov.za> Cc: 'Deon Botes' <deon@poise.co.za>; lizemarie@planningspace.co.za; 'Gerhard De Vos' <gerhardjdevos@hotmail.com>; 'Zola Mputa' <zmputa@plett.gov.za>; 'Edward</p>	

Grounds of Appeal	Response from responsible EAP
	<p>Charles Oosthuizen' <eoosthuizen@plett.gov.za>; 'Mr.VW. Felton' <vfelton@plett.gov.za>; 'Marius Buskes' <mbuskes@plett.gov.za>; 'Mzwanele Saphuka' <msaphuka@plett.gov.za>; 'Asiphe Masivuye Mgoqi' <amgoqi@plett.gov.za> Subject: RE: Erf 2074 Plettenberg Bay Civil Engineering Services Report</p> <p>Hi Marinus Thanks for the confirmation Regards Peter</p> <p>From: Marinus Meiring Pr Tech Eng <mmeiring@plett.gov.za> Sent: Wednesday, 19 February 2025 08:14 To: peterb@poisedesign.co.za Cc: 'Deon Botes' <deon@poise.co.za>; lizemarie@planningspace.co.za; 'Gerhard De Vos' <gerhardjdevos@hotmail.com>; Zola Mputa <zmputa@plett.gov.za>; Edward Charles Oosthuizen <eoosthuizen@plett.gov.za>; Mr.VW. Felton <vfelton@plett.gov.za>; Marius Buskes <mbuskes@plett.gov.za>; Mzwanele Saphuka <msaphuka@plett.gov.za>; Asiphe Masivuye Mgoqi <amgoqi@plett.gov.za> Subject: RE: Erf 2074 Plettenberg Bay Civil Engineering Services Report</p> <p>Morning Peter</p> <p>As discussed, please note the following:</p> <p>The developer will be responsible for a portion of the bulk upgrades based on the actual demand of the development. For example, if the capacity of the upgraded service is 100L/S, and the development use 10L/s, the contribution will be 10% of the cost.</p> <p>This cost, for the bulk services, is separate from the augmentation levies and will not be off-set against the augmentation levies.</p> <p>We could estimate the bulk services contrition for you if required. Please let me or Asiphe now. Regards,</p> <p>Marinus Meiring Pr Tech Eng</p> <p>Manager Project Management Unit Engineering Services Bitou Municipality Mobile: 082 898 3935 Work: 044 501 3264 Email: mmeiring@plett.gov.za Website: www.bitou.gov.za The content of this email transmission contains confidential information, which is the property of Bitou Municipality. The information is intended only for the use of the</p>

Grounds of Appeal	Response from responsible EAP
<p>person/s to whom it is addressed. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution of the contents of this email transmission, or the taking of any action in reliance thereon or pursuant thereto, is strictly prohibited. Therefore, Bitou Municipality will not be held liable for any damage caused by this message.</p> <p>From: peterb@poisedesign.co.za <peterb@poisedesign.co.za> Sent: Wednesday, 19 February 2025 06:28 To: Asiphe Masivuye Mgoqi <amgoqi@plett.gov.za>; Marinus Meiring Pr Tech Eng <mmeiring@plett.gov.za> Cc: 'Deon Botes' <deon@poise.co.za>; lizemarie@planningspace.co.za; 'Gerhard De Vos' <gerhardjdevos@hotmail.com>; Zola Mputa <zmputa@plett.gov.za>; Edward Charles Oosthuizen <eoosthuizen@plett.gov.za>; Mr.VW. Felton <vfelton@plett.gov.za>; Marius Buskes <mbuskes@plett.gov.za>; Mzwanele Saphuka <msaphuka@plett.gov.za> Subject: RE: Erf 2074 Plettenberg Bay Civil Engineering Services Report</p> <p>Good Morning Ashipe Thank you very much for your mail below. I hereby confirm that the bulk water upgrades listed are Bulk Service items which are not for the developer's cost. Any costs paid by the Developer in respect of Bulk Services items shall be deductible from the augmentation levies. Please confirm correct. Regards Peter Becker</p> <p>From: Asiphe Masivuye Mgoqi <amgoqi@plett.gov.za> Sent: Tuesday, 18 February 2025 08:46 To: peterb@poisedesign.co.za; Marinus Meiring Pr Tech Eng <mmeiring@plett.gov.za> Cc: 'Deon Botes' <deon@poise.co.za>; lizemarie@planningspace.co.za; 'Gerhard De Vos' <gerhardjdevos@hotmail.com>; Zola Mputa <zmputa@plett.gov.za>; Edward Charles Oosthuizen <eoosthuizen@plett.gov.za>; Mr.VW. Felton <vfelton@plett.gov.za>; Marius Buskes <mbuskes@plett.gov.za>; Mzwanele Saphuka <msaphuka@plett.gov.za> Subject: RE: Erf 2074 Plettenberg Bay Civil Engineering Services Report</p> <p>Good morning, Mr Becker</p> <p>Please see below comments with regards to the proposed Development Erf 2074:</p> <ol style="list-style-type: none"> 1. Water Bulk upgrades listed below is required: 	

Grounds of Appeal	Response from responsible EAP
<p>• BPW.B1 : 815 m x 315 mm Ø upgrade existing 200 mm Ø bulk pipeline between the WTP and the “Close to Town Tower” reservoirs. R 3 334 000.00</p> <p>• Item 2 : 875 m x 315 mm Ø upgrade existing 250 mm Ø bulk pipeline between the “Close to Town Tower” reservoirs and the Archiewood/Brackenridge reservoirs R 3 568 000.00</p> <p>• BPW.B21.1 : Pipework required at Archiewood/Brackenridge reservoirs R 195 000.00</p> <p>• The estimated water augmentation levies for 228 units shall amount to R10 745 238.00 Excl VAT (Subject to the confirmation of the unit sizes – the Developer to provide us with the unit sizes)</p> <p>Water availability Cognisance must be taken of the fact that raw water supply to the Greater Plettenberg Bay Town is subject to abstraction volumes under normal flow from the Keurbooms river.</p> <p>2. Sanitation</p> <ul style="list-style-type: none"> • The Developer shall construct an manhole before the connection point on the existing 160mm diameter in Marine Way on condition that, the capacity of the line to PS1 Beacon Way be confirmed by the Developer and approved by the Municipality. • Gansevallei Sewer Treatment Work does not have capacity to accommodate the proposed development, upgrades will be required. • The estimated sanitation augmentation levies for 228 units shall amount to R2 406 312.00 Excl VAT • The phases of the Development shall be confirmed in the SLA <p>3. Roads & Stormwater</p> <p>Proposed access to development is going through open space and tie to Bowtie Drive extension. The Developer is advised to consider the following:</p> <ul style="list-style-type: none"> • Re-zone the open space for roads use • The Thulana access road shall have a minimum width of 5m. • Developer shall submit stormwater management plan to the Municipality for approval by the Roads and Stormwater Division. <p>All the costs for the necessary upgrades will be for the account of the Developer.</p> <p>4. Electricity</p> <ul style="list-style-type: none"> • The Developer shall submit a services report from GLS, specifying the demand and capacity on the existing network. <p>Regards,</p>	

Grounds of Appeal	Response from responsible EAP
<p>Asiphe Masivuye Mgoqi</p> <p>Project Technician Project Management Unit Engineering Services Bitou Municipality Mobile: 083 591 7300 Work: 044 501 3207 Email: amgoqi@plett.gov.za Website: www.bitou.gov.za</p>	

Grounds of Appeal	Response from responsible EAP
<div data-bbox="226 296 1563 357" style="background-color: #d9ead3; padding: 5px;">WATER USE</div> <p data-bbox="226 357 1563 638">The following is extracted from Bitou LM IDP 2023 – 2024: <i>According to the CSIR Green Book, Bitou has a High potential exposure to an increase in drought. Currently 1.9 years per decade are at risk of drought, and this will increase to 3.1 out of every 10 years by 2050. Water, and related sanitation services, is a key ingredient for socioeconomic development, food security and healthy ecosystems, and is vital for reducing the burden of disease and improving the health, welfare and productivity of populations. A deteriorating water catchment system, through ecosystem loss (transformation or land use change) and alien infestation, or watercourse and wetland modification, will lead to lower inputs into the water supply systems, and a lower overall water security due to lower natural retention and lower quality of water. During extended drought periods, even end users far from major source areas are likely to experience shortages as the overall system runs low. Assurance of Water Supply: - Review water tariff to include capital replacement cost. - Implement WC/DM programmes to ensure a reliable water supply. - Use boreholes, rainwater harvesting, treated wastewater to save water resources. - Reduce water leakage and non-revenue water to make sure that your citizens have enough water to meet their needs.</i></p> <p data-bbox="226 667 1563 750">Investigations on water catchment and water reuse options for the development are recommended. Stormwater management includes the installation of rainwater tanks to allow catchment of stormwater from roof structures; It is recommended that reuse of water be considered in the planning stages.</p> <p data-bbox="226 778 1563 890">Water will be required during the construction phase; the amount of water required will need to be determined by the resident engineer. The majority of the water required for the operational phase of the development is proposed to be sourced from the Bitou LM. A Civil Engineering Report, Version 1, July 2024, was prepared by Poise Consulting Engineers and contained concept water designs. GLS prepared a bulk services report and provided a revised analysis</p> <p data-bbox="226 919 1563 1145">The following is extracted from GLS: The proposed development on Erf 2074 should be accommodated in the existing Upper Tower water distribution zone. The connection to the existing system should be done to the existing 100 mm Ø pipeline from the Upper Tower water distribution zone, The development is situated inside the water priority area. Re-analysis, the total annual average daily demand (AADD) and fire flow for the proposed development were calculated and classified as follows:</p> <ul data-bbox="280 1088 801 1145" style="list-style-type: none"> • 228 Residential units @ 0,5 kL/d/unit = 114,0 kL/d • Fire flow criteria (Moderate risk 2) = 25 L/s @ 10 m <p data-bbox="226 1174 1563 1369">Reticulation The existing water system has sufficient capacity to accommodate the proposed development in the present Upper Tower water distribution zone to comply with the pressure and fire flow criteria as set out in the master plan. It is recommended that the diameter of the pipeline connecting to the existing system is 160 mm diameter, in order to prevent energy losses during peak demand conditions. All internal pipes within the development area can be 110 mm diameter pipes if a ring main is formed (to prevent energy losses during fire flow conditions). If a separate fire flow system is however implemented, then the internal pipes can be smaller than 110 mm diameter as per the design of the Civil Engineer for the development.</p>	

Grounds of Appeal	Response from responsible EAP				
<p>If a separate fire flow system is however implemented, then the internal pipes can be smaller than 110 mm diameter as per the design of the Civil Engineer for the development</p> <p>Reservoir and tower capacities</p>					
<p>APPENDIX J: IMPACT ASSESSMENT – Proposed medium / high residential development on Erf 2074, Plettenberg Bay</p> <hr style="width: 50%; margin: auto;"/> <p style="font-size: 24px; font-weight: bold;">{ 54 }</p> <hr style="width: 50%; margin: auto;"/>					
<p>The criteria for total reservoir volume used in the Bitou Municipality Water Master Plan is 48 hours of the AADD (of the reservoir supply zone). The “Upper” and “Lower” towers are supplied with water from the 1 200 kL “Close to Town” reservoir. The existing reservoir volume available at the “Close to Town” reservoir is 151 hours of the total AADD.</p> <p>The criteria for total volume used for towers in the Bitou Municipality Water Master Plan is 6 hours of the AADD (of the tower supply zone). It is proposed that the development is supplied with water from the “Upper” tower. The existing volume available at the “Upper” tower is 130 hours of the total AADD supplied. This will reduce to 37 hours of the total AADD supplied when the development is fully developed.</p> <p>There is therefore sufficient reservoir and tower storage capacity available in the existing “Close to Town” reservoir and “Upper” tower to accommodate the proposed development.</p>					
Activity	Medium to high residential development				
Layout	<i>Concept Layout 2 and final SDP (developed based on recommendations)</i>				
Phase	Planning, Construction Phase				
Aspect	Water requirements				
Nature of impact	Direct				
Description of impact:	Water uses during construction phase include, for example, drinking water, wash water, dust control water, mixing water.				
Impact Rating	Impact Status	Negative		Negative	
		Without mitigation		With mitigation	
	Spatial	Activity	1	Activity Specific	1
	Duration	Very short	1	Very Short	1
	Frequency	Regular	4	Seldom	3
	Intensity	Low	1	Low	1

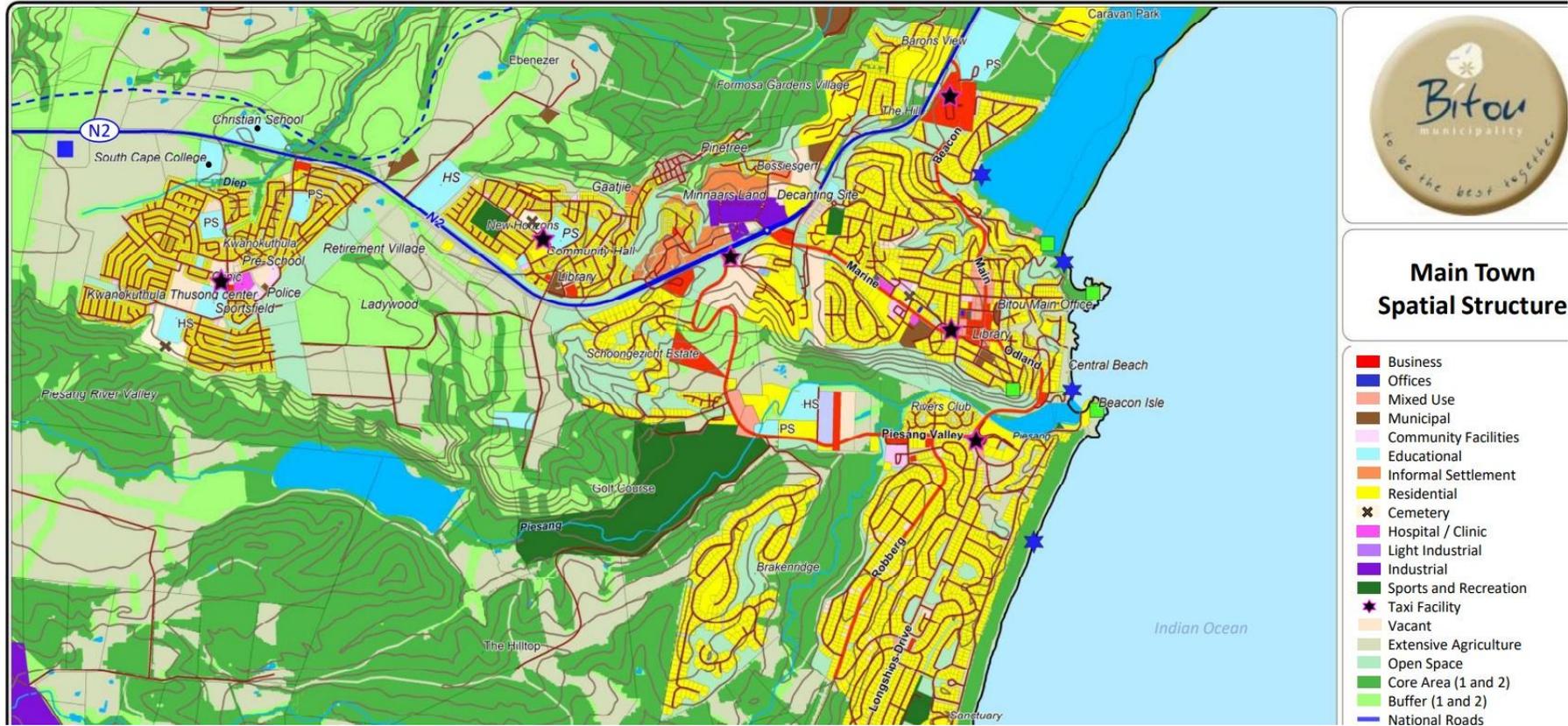
Grounds of Appeal		Response from responsible EAP				
		Intensity	Low	1	Low	1
		Severity	Low	6	Low	5
		Consequence	Low	7	Low	6
		Probability	Plausible	3	Slight	2
		Impact Significance	Low	10	Low	8
		Mitigation	Possible			
		Confidence	High			
		Reversibility	Possible			
Mitigation Measures	Construction Team: <ul style="list-style-type: none"> Water requirements to be calculated by resident engineer and sources of water to be confirmed prior to the start of construction. Avoid leaking taps and pipes / unnecessary water waste. Put in place rainwater tanks to harvest water off site offices etc. 					
Phase	Planning, Operational Phase					
Aspect	Water requirements					
Nature of impact:	Direct impact on available water resources					
Description of impact	There is sufficient reservoir and tower storage capacity available to accommodate the proposed development. The direct impact from the development on water demand is low however water harvesting measures should be put in place The cumulative impact of increasing developments on LM water supply capacity is considered high however it is beyond the scope of this assessment.					
Impact Rating	Impact Status	Negative			Negative	
		Without mitigation			With mitigation	
	Spatial	Activity	1	Activity Specific	1	
	Duration	Very short	1	Very Short	1	
	Frequency	Regular	4	Seldom	3	
	Intensity	Low	1	Low	1	
	Severity	Low	6	Low	5	
	Consequence	Low	7	Low	6	
	Probability	Plausible	3	Plausible	3	
	Impact Significance	Low	10	Low	9	
	Mitigation	Possible				
	Confidence	High				
• Reversibility	Possible					

Grounds of Appeal		Response from responsible EAP	
Mitigation Measures	Operational Team: <ul style="list-style-type: none"> Avoid leaking taps and pipes / unnecessary water waste. It is recommended that rainwater collection is incorporated into the development for re-use (i.e washing / irrigation) to reduce the water demand. 		
Activity	No go alternative		
Nature of impact:	Baseline conditions will likely remain the same – negligible impacts on water use		
	Impact Status	Negligible	
APPENDIX J: IMPACT ASSESSMENT – Proposed medium / high residential development on Erf 2074, Plettenberg Bay			
Impact – Energy			
Impact – Sewage			
Impact – Stormwater management			
(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.		The SDF denotes the area in which the development is proposed as a Strategic Development area. The FBAR is consistent with the SDP as it identifies the site as a suitable infill development to slow down urban sprawling. The GLS engineering report provided addresses bulk services.	
Extract from FBAR			

Grounds of Appeal		Response from responsible EAP
4.	Explain how the proposed development will be in line with the following?	
4.1	The Provincial Spatial Development Framework.	
<p>The proposed development aligns to the following plans and development planning frameworks:</p> <ul style="list-style-type: none"> • National Development Plan (NDP 2030) – In terms of this plan, South Africa is mandated to be a developmental state. • Western Cape Provincial Spatial Development Framework 2014 - sustainable use of provincial assets is one of the main aims of the policy; The urban fringe must ensure that urban expansion is structured and directed away from environmentally sensitive land and farming land. • Bitou Spatial Development Framework 2022 - objective of this development framework is to achieve a balance between development and the environment to ensure that growth is spatially just, financially viable and environmentally sustainable. Erf 2074 is located in an identified Strategic Development Area and can contribute to spatial reform and integration as it will allow ±228 households to own a home in an established urban area that is near jobs, schools, and other urban amenities. The northern section of the site also forms part of the Restructuring Zones of the Bitou Local Municipality. • The proposed site is located within the urban edge between existing residential developments. 		
4.2	The Integrated Development Plan of the local municipality.	
<p>The Garden Route SDF aims to promote balanced development that supports the integration and densification of settlements within the district. The report states that the “financial and economic viability of towns in the District should be improved by promoting the intensification of existing urban areas. This can be achieved through infill, densification, and redevelopment, which in turn makes the use of existing infrastructure capacity and services more efficient.</p>		
4.3.	The Spatial Development Framework of the local municipality.	
<p>The proposed site is located within the urban edge between existing residential developments, and it is in an area identified as a “Strategic Development Area”. The northern section of the site forms part of the Restructuring Zones of the Bitou Local Municipality.</p>		
<p>Extracted from SDF – site is vacant</p>		

Grounds of Appeal

Response from responsible EAP



No capacity problems indicated (is indicated for other WWTW in BLM in the SDF)

Grounds of Appeal	Response from responsible EAP
<p>c) Nature's Valley</p> <p>The existing Nature's Valley water distribution system has sufficient capacity to supply the future water demands for the fully occupied scenario. Two reinforcement pipelines are however proposed to improve the conveyance in the network. The proposed master plan items are presented in Figure 31.</p> <p>BULK SYSTEM</p> <p>The existing bulk water supply system has sufficient capacity to supply the future water demands for the fully occupied scenario.</p> <p>Reservoirs</p> <p><input checked="" type="checkbox"/> No new reservoirs are required in future.</p>	<p>a) Plettenberg Bay System (Gansevlei WWTW)</p> <p>The existing Plettenberg Bay sewer drainage system is represented on Figures 32, 33, 34 and 35.</p> <p>Plettenberg Bay is fully serviced with a formal sewer reticulation system. The Bossiesgif informal area is supplied with communal ablution facilities. The sewer drainage system consists of 58.4 km of rising mains and 221.7 km of gravity pipelines. There are seventy (70) sewer pump stations operated by Bitou LM with capacities between 3 l/s and 110 l/s. The capacity of the Gansevlei WWTW is 9.000 Ml/day.</p> <p>b) Kurland System</p> <p>Kurland is partly serviced with a formal sewer reticulation system. The informal area is supplied with communal ablution facilities. The sewer drainage system consists of 0.7 km of rising mains and 5.3 km of gravity</p>
<p>(d) Expected impacts on traffic with the medium-high density development.</p>	<p>TIA was carried out and provided as Appendix G5 of the FBAR</p>
<p>All the comments and issues raised by the respective <i>Organs of State and Interested and Affected Parties (I&APs)</i> 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</p>	<p>All responses are included in the CRR and addressed in the FBAR and considered in the impact assessment provided in Appendix M.</p> <p>The EAP is responsible for carrying out the required application and accompanying public participation as required in the NEMA EIA regulations. The EAP is not responsible for ensuring responsible authorities issue comments on time.</p>

Grounds of Appeal	Response from responsible EAP
<p>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.</p> <p>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.</p>	<p>In terms of Regulation 41(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998): Environmental Impact Assessment Regulations, 2014 (Government Notice R982), as amended by Government Notices R326 and R346 of 2017.:</p> <p><i>"If such State department fails to submit comments within such 30 days, it will be regarded that such State department has no comments."</i></p>
<p>Notice of NOI and BID sent to BOCMA officials</p>	

Grounds of Appeal	Response from responsible EAP
<p>claire@ecoroute.co.za</p> <hr/> <p>From: admin@ecoroute.co.za Sent: Thursday, 04 July 2024 13:04 To: asam@bocma.co.za; rmphahlele@bocma.co.za; pntanzi@bocma.co.za; 'Megan Simons'; cfordham@capenature.co.za; managerfpa@gmail.com; Vanessa.Weyer@sanparks.org Cc: claire@ecoroute.co.za; janet@ecoroute.co.za Subject: NOTIFICATION OF PUBLIC PARTICIPATION FOR ERF 2074, PLETTENBERG BAY</p> <p>Dear State Department,</p> <p>Please visit our website to view all documents: www.ecoroute.co.za</p> <p>Notice of commenting period sent to BOCMA officials</p>	

Grounds of Appeal	Response from responsible EAP
<p>claire@ecoroute.co.za</p> <hr/> <p>From: admin@ecoroute.co.za Sent: Friday, 01 November 2024 10:20 To: asam@bocma.co.za; rmpahlele@bocma.co.za; pntanzi@bocma.co.za; 'Megan Simons'; kspencer@capenature.co.za; cfordham@capenature.co.za; managerfpa@gmail.com; Vanessa.Weyer@sanparks.org; MadondoP@caa.co.za; 'Nrateng Mashiloane'; obstacles@atns.co.za; Winniel@atns.co.za; environment@caa.co.za Cc: claire@ecoroute.co.za; 'Janet Ebersohn' Subject: NOTIFICATION OF PUBLIC PARTICIPATION - DRAFT Basic Assessment Report - The Proposed Medium to High Density Residential Development on RE/Erf 2074, Marine Way, Bitou Local Municipality, Western Cape Attachments: Erf 2074 - Draft BAR_For 30 day review and comment_1 Nov - 2 Dec 2024_organized.pdf</p> <p>Application for Environmental Authorisation: DRAFT Basic Assessment Report PROPOSED MEDIUM TO HIGH DENSITY RESIDENTIAL DEVELOPMENT ON RE / ERF 2074, MARINE WAY, BITOU LOCAL MUNICIPALITY, WESTERN CAPE DEADP reference: Waiting reference number</p> <p>Dear State Department,</p> <p>Please find attached a DRAFT Basic Assessment Report which has been compiled as part of the application process for Environmental Authorisation for activities listed in Listing Notice 1 and Listing Notice 3 of the 2014 Environmental Impact Assessment Regulations (as amended, 2017) published in terms of the National Environmental Management Act (Act 107 of 1998). The proposed development requires an Environmental Authorisation from the Western Cape Department of Environmental Affairs and Development Planning before construction may commence.</p> <p>The DRAFT Basic Assessment Report and supporting appendices has been compiled as part of the EA process and is available at www.ecoroute.co.za/node/100</p> <p>The DRAFT Basic Assessment Report is hereby made available for a 30-day review and comment period. Review and comment period: 1 November to 2 December 2024</p> <p>Kindly submit comments to: Email: admin@ecoroute.co.za / claire@ecoroute.co.za Post: Postal Address: P.O. Box 1252, Sedgefield, 6573 Phone: 044 343 2232 / 0846074743</p>	
<p>2. Alternatives</p> <p>2.1 Site Alternatives:</p> <p>The Remainder of Erf 2074 is the only alternative property assessed.</p> <p>The motivation provided why no property and site</p>	<p>The landowner of erf 2074 is the landowner and the only site available for this proposed development.</p>

Grounds of Appeal	Response from responsible EAP
<p>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.</p>	
<p>2.2 Design or Layout Alternatives (Concept Layouts)</p> <p>Layout Alternative 1</p> <p>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.</p> <p>Layout Alternative 2 (applicant’s preferred alternative)</p> <p>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</p>	<p>Layout 2 is preferred as the density is reduced by 22 units. However several mitigation measures are included to reduce economic, social and environmental impacts and all impacts are rated before and after mitigation. A number of measures were recommended to be included in the final sdp:</p> <ul style="list-style-type: none"> - Grading of density from Cutty Sark to Thulana Hill - Keeping road in middle and buffer the edge with suitable thicket vegetation to enhance fire protection - Density of adjacent resident areas are provided as well as scale of economies - Incorporation of solar power - Incorporation of rainwater tanks

Grounds of Appeal	Response from responsible EAP
<p>footpath.</p> <ul style="list-style-type: none"> • Access <p>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.</p> <ul style="list-style-type: none"> • Internal roads and parking <p>Internal roads will be private roads with a width of 5m to 5.5m.</p> <ul style="list-style-type: none"> • Bulk Engineering Services <p>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.</p>	
<p>2.3 Technology Alternatives</p> <ul style="list-style-type: none"> • Preferred Technology Alternative <p>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</p>	<p>An on-site package plant was recommended during the early planning stages to the applicant however the EAP was informed it would not be financially feasible and there is limited space on the site.</p> <p>The draft engineering report prepared by Poise, April 2024 states that the GLS report be referred to regarding impact on capacity. The GLS report, November 2024, revises the information prepared by Poise based on 228 units and takes into account the BLM Master Water Plan and Master Sewage Plan, 2020. Note – GLS are the authors of both Master Plans on behalf of the BLM. This recommendation was not investigated further due to confirmation of services per below.</p> <p>The 2024 engineering capacity report compiled by GLS, confirmed that both the existing ‘Close to Town’ reservoir and the Upper Tower have sufficient capacity to accommodate the development. Likewise, the sewer reticulation system—specifically PS 1a and the rising main to the Gansevelei WWTW—was confirmed to have spare capacity for the expected peak flow of 91.2 kL/day. Erf 2074 was already designated for development in the Master Plan (P51), and the development falls within the Municipality’s designated water and sewer priority areas.</p>

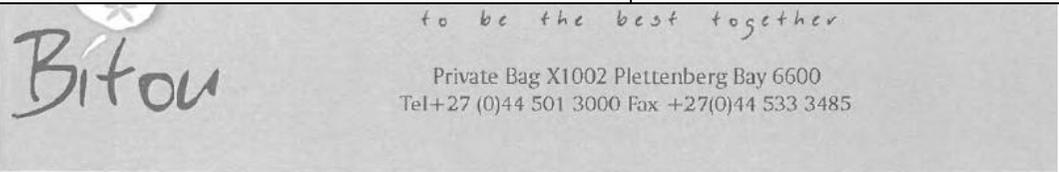
Grounds of Appeal	Response from responsible EAP
<p>proposal.</p> <p>However, even though written confirmation was received from the Bitou Municipality on the availability of bulk engineering link services after the FBAR had already been submitted, none of the engineering reports or the letter of confirmation, have addressed the capacity of the Gansevelei wastewater treatment plant (“WWTP”) and its ability to treat the expected effluent from the proposed development. It is understood that the Gansevelei 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.</p>	<p>Water supply</p> <p>The revised water demand (114 kL/day) was updated for 228 units (originally modelled as 48 kL/day in the Water Master Plan, 2020).</p> <ul style="list-style-type: none"> - The proposed development (228 units) is located in the Upper Tower water distribution zone. - The “Close to Town” reservoir and Upper Tower were found to have existing sufficient storage capacity, even after the additional demand from the development. Specifically, the “Upper” tower has 130 hours of AADD capacity, which would reduce to 37 hours post-development – still well above the 6-hour design criterion and meets master plan standards. <p>Sewage capacity</p> <ul style="list-style-type: none"> - In the original sewer master plan, the peak day dry weather flow (PDDWF) for the proposed development area (future development area P51 in the June 2020 sewer master plan) was calculated at 40,0 kL/d. For this re-analysis, the PDDWF for the proposed development was calculated as 91,2 kL/d. - Sewer flow (91.2 kL/day) for 228 units was used - The development falls within Plettenberg Bay Pump Station 1a's drainage area. - Both the PS 1a and its rising main to Gansevelei WWTP have sufficient spare capacity. - GLS verified that the gravity system up to PS 1a can accommodate the additional load. <p>It must be noted that notes from the municipality are appended to the GLS Report and there is no mention of insufficient capacity. The Bitou Municipality confirmation letter provided on 17 February confirms the same information included in these notes, and provided with the FBAR.</p> <p>The EAP does not have access to municipal-level infrastructure allocations or records of all other approved developments within the Upper Tower or PS 1a sewer zone. The responsibility for maintaining and disclosing this data lies with the Bitou Municipality, GLS as engineering consultants, and DEADP as competent authority. If cumulative infrastructure pressure is now considered a refusal ground, it is respectfully submitted that the</p>

Grounds of Appeal	Response from responsible EAP
	<p>Department should provide supporting figures from its own planning and permitting records, rather than placing the burden on the EAP to anticipate network-wide service planning at municipal level.</p> <p>This development, within the priority area and where existing capacity is confirmed, is deemed to be in line with the Bitou Municipality's water and sanitation master plans, as it falls within designated future development areas and will contribute directly to augmentation and bulk upgrade costs through prescribed municipal levies.</p>
<i>Extracted from Master Plan, 2020</i>	

Grounds of Appeal	Response from responsible EAP
<p>6.3. MASTER PLAN - PLETTENBERG BAY</p> <p>6.3.1. Proposed distribution zones</p> <p>The proposed distribution zones are indicated on Figure BMW6.4a.</p> <p>The changes to the existing distribution zones are the following:</p> <ul style="list-style-type: none"> • The boundaries between the existing Brakkloof reservoir zone and the Town PRV 4 zone are adjusted in order to improve network conveyance and redundancy. • The Town PRV 4 zone, supplied with water from the Town Reservoirs, is increased to include future development areas P18 to P24. • The boundaries between the existing Brakkloof reservoir zone and the Whale Rock reservoir zone are adjusted. It is proposed that the existing Whale Rock reservoir zone is augmented with water from the Quarry reservoir zone through a PRV (at the position of the old decommissioned Quarry BPT). Future development areas P16 & P17 are accommodated within the existing Whale Rock reservoir zone. • The Brakkloof reservoir zone is increased to include the lower lying areas of future development area P14. • The Quarry reservoir zone is increased to include future development areas P13 & P15 as well as the higher lying areas of future area P14. • Two new zones are proposed for the future development areas between Kranshoek and the Quarry reservoir, viz. the new Roodefontein Upper and Lower reservoir zones. It is proposed that the Roodefontein Upper reservoir zone supplies the future development areas P4 - P6, P97, P98 and the higher lying areas of future area P7, while the Roodefontein Lower reservoir zone supplies the lower lying areas of future development area P7 as well as future areas P8, P10 and P12. • The boundary of the Kranshoek tower zone is adjusted so that the higher lying area to the north of the zone is incorporated in the proposed Roodefontein Upper reservoir zone. • The boundary of the Town Upper tower zone is increased to accommodate future development area P51. 	
<p>The official Letter from BLM on bulk services dated 14 February and submitted to EAP on 17 February 2024</p>	

Grounds of Appeal

Response from responsible EAP



Our Ref. Erf 2074	Enquiries A. Mgoqi	Tel 044- 501 3207	email address amgoqi@plett.gov.za
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14 February 2025

POISE CONSULTING ENGINEERS
Plettenberg Bay
6600

Attention: Peter Becker
E-mail: peterb@poisedesign.co.za

Dear Sir

CONFIRMATION OF BULK SERVICES: ERF 2074

We confirm that Bitou Municipality has bulk infrastructure services within proximity of the proposed development, subject to the following conditions.

1. That the developer enters and sign a Service Level Agreement with Bitou Municipality,
2. That the developer makes 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.

Please contact the official dealing with this project for any further information in this regard.

Yours faithfully

MR. Y.W. FELTON
HEAD OF DEPARTMENT: ENGINEERING SERVICES

Grounds of Appeal	Response from responsible EAP
<p>Package Plant for sewage treatment</p> <p>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.</p> <p>This alternative technology was not properly assessed and can therefore not be approved.</p>	<p>NEMA:</p> <p>24O 1b (iv) <i>where appropriate, any feasible and reasonable alternatives to the activity which is the subject of the application and any feasible and reasonable modifications or changes to the activity that may minimise harm to the environment;</i></p> <p>Given the spatial and financial constraints, and the municipal context (being in a sewer priority area already planned for urban densification), the use of a private package plant is not justifiable as a feasible alternative.</p> <p>Minimal irrigation will be required as it is a residential housing complex and that is why water collected in rainwater tanks is strongly encouraged to be reused by the residents for all purposes (cleaning, washing, drinking) throughout the BAR and accompanying specialist studies. This is a mitigation measure and development was recommended to be approved on condition the EMPr is implemented.</p>
<p>2.4 “No-Go Alternative”</p> <p>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.</p>	<p>Descriptions of baseline components were described in full and the option of not implementing the activity was assessed for each anticipated impact.</p> <p>The full impact assessment was provided in Appendix J. A summary is provided in the standardised WC FBAR form, but this cannot be the only information used to base the decision on.</p>
<p>3. Key Factors affecting the decision:</p> <p>A summary of the key issues, in the Department’s view, which were the most significant is set out below:</p> <ul style="list-style-type: none"> • Non-compliance of the Final Basic Assessment Report (“FBAR”) dated 03 February 2025 with the minimum information requirements for the 	<p>The Final Basic Assessment Report (FBAR) submitted on 3 February 2025 fully addresses the minimum information requirements listed in Appendix 1 of the EIA Regulations, 2014 (as amended). The report includes a comprehensive description of the activity and environment, alternatives, need and desirability, cumulative impacts, mitigation measures, public participation records, and the Environmental Management Programme (EMPr). Specialist studies and EAP-led assessments cover all themes identified by the Screening</p>

Grounds of Appeal	Response from responsible EAP
<p>BAR set out in Appendix 1 of the EIA Regulations, 2014 (GN R.982 of 4 December 2014, as amended).</p>	<p>Tool and provide sufficient detail for informed decision-making.</p>
<ul style="list-style-type: none"> 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. 	
<p>In reaching its decision to refuse the proposed development, this Department also took <i>inter alia</i> the following into account:</p>	
<p>3.1 <i>National Environmental Management Principles and other relevant legislative considerations:</i></p> <p>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), <i>inter alia</i>, provides for:</p> <ul style="list-style-type: none"> the effects of decisions on all aspects of the environment must be taken into account; the consideration, assessment and evaluation of 	<p>Regulation 7(2) Environmental Impact Assessment (EIA) Regulations, 2014, as amended:</p> <p>(2)</p> <p>If an applicant submits an application for environmental authorisation in terms of these Regulations and an application for an authorisation, permit or licence in terms of a specific environmental management Act or any other legislation, <i>the competent authority and the authority empowered under such specific environmental management Act or other legislation must manage the respective processes in a manner that ensures:</i>\</p> <p>(a) co-operative governance between the authorities;\</p> <p>(b) the alignment of the respective processes;\</p> <p>(c) the co-ordination of the respective processes;\</p> <p>(d) the avoidance of duplication of procedures; and\</p>

Grounds of Appeal	Response from responsible EAP
<p>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;</p> <ul style="list-style-type: none"> 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. 	<p>(e) that the respective processes are collectively managed in a manner that enables integrated decision-making with respect to the activity or activities to which such applications relate.</p> <p>My role as EAP, as carried out, is to:</p> <ul style="list-style-type: none"> Notify and consult organs of state Share reports Record and respond to their comments Note if they fail to comment within the statutory period (Reg 41(4)).
<p>3.2 Non-compliance with legislative prescripts, procedures and minimum information requirements:</p> <p>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 <i>inter alia also</i> has to —</p> <ul style="list-style-type: none"> 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 	<p>It is not my responsibility to provide evidence of alignment with a process that is not triggered by the development I am assessing. The proposed development does not trigger a water use license or a general authorisation in terms of the National Water Act. This is confirmed by the aquatic specialist.</p> <p>It's Bitou Municipality's legal responsibility to upgrade, maintain, and operate their works in line with DWS requirements and national standards.</p> <p>DEADP cannot lawfully reject a private development because the municipality's broader master planning is not yet finalised or budgeted—this exceeds your scope as CA under NEMA.</p> <p>The EAP did request and submit municipal input:</p> <ul style="list-style-type: none"> GLS and Poise engineering reports, Assessed cumulative infrastructure impacts under the EIA.

Grounds of Appeal	Response from responsible EAP
<p>responsible to manage such consultation during the EIA application with such other organs of state;</p> <ul style="list-style-type: none"> • 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. 	<p>Confirmation of services was submitted after formal follow-up, within the overall EIA timeframes;</p> <p>The listed activities applicable to this application relate solely to land use change and vegetation clearance on Erf 2074, in terms of Listing Notice 1 of the EIA Regulations. No listed activity under the National Water Act is triggered by the development itself, and therefore no authorisation from DWS is required. Comments from Bitou Municipality were obtained and submitted, and relevant infrastructure planning was addressed in the FBAR. The EAP cannot be held responsible for alignment with municipal or provincial infrastructure master plans outside the site or unrelated to the triggered activities. The attempt to impose such responsibility via Regulation 7(2) is a misapplication of that clause, which binds the competent authority and the responsible state agency—not the EAP.</p> <p>Furthermore, the principle of incremental decision-making cannot reasonably be applied to withhold environmental authorisation where conditions of approval (e.g., confirming service connections before construction) could address the concerns. This approach is consistent with the precautionary principle and sustainable development goals of NEMA.</p>
<p>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 the above key issues have been adequately addressed or complied with as well as the sustainability of the proposed development.</p>	<p>The NOI was not acknowledged by the DEADP at all – and this resulted in no preapplication meeting and the DEADP cites the incorrect reference number when referring to a preapplication meeting held, no area-application meeting was held as there was no response on the NOI.</p> <p>The acknowledgment letter received from DEADP on the application and relevant guidance was followed in the FBAR.</p> <p>The comments on the DBAR from DEADP were received 60 days after the closing date of requested comments from IAPs and organs of state.</p>

Grounds of Appeal	Response from responsible EAP
<p>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.</p> <p>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.</p> <p>However, only after the FBAR had been submitted to the Competent Authority for consideration, was correspondence received wherein the Bitou Municipality</p>	<p>Regulation 7: Consideration of applications</p> <p>(2)</p> <p>If an applicant submits an application for environmental authorisation in terms of these Regulations 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 manner that ensures:</p> <ul style="list-style-type: none"> (a) co-operative governance between the authorities; (b) the alignment of the respective processes; (c) the co-ordination of the respective processes; (d) the avoidance of duplication of procedures; and (e) that the respective processes are collectively managed in a manner that enables integrated decision-making with respect to the activity or activities to which such applications relate. <p>It is my understanding that the EAP facilitates consultation and alignment where applicable, not to control or manage other organs of state's responses or permissions.</p> <p>The draft engineering report prepared by Poise, April 2024 states that the GLS report be referred to regarding impact on capacity. The GLS report, November 2024, revises the information prepared by Poise based on 228 units and takes into account the BLM Master Water Plan and Master Sewage Plan, 2020. Note – GLS are the authors of both Master Plans on behalf of the BLM.</p> <p>The 2024 engineering capacity report compiled by GLS, confirmed that both the existing 'Close to Town' reservoir and the Upper Tower have sufficient capacity to accommodate the development. Likewise, the sewer reticulation system—specifically PS 1a and the rising main to the Gansevlei WWTW—was confirmed to have spare capacity for the expected peak flow of 91.2 kL/day. Erf 2074 was already designated for</p>

Grounds of Appeal	Response from responsible EAP
<p>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.</p> <p>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.</p>	<p>development in the Master Plan (P51), and the development falls within the Municipality’s designated water and sewer priority areas.</p> <p>Water supply</p> <p>It must be noted that notes from the municipality are appended to the GLS Report (included in DBAR and FBAR) and there is no mention of insufficient capacity. The confirmation letter provided on 17 February confirms the same information included in these notes.</p> <p>The acknowledgement letter received from DEADP on the application states the following:</p> <p><i>In accordance with Regulation 19 of GN No R.326 as amended 7 April 2017, (as amended) the Department hereby stipulates that the BAR must be submitted to this Directorate for decision within 90 days from the date of receipt of the application by the Department (i.e., 17 February 2025).</i></p> <p>Even though the FBAR was submitted early by the EAP, the confirmation of services letter was still provided within the regulated timeframe provided by DEADP.</p> <p>In this case, no authorisation is required from the Department of Water and Sanitation under the National Water Act; Gansevlei WWTW is municipal infrastructure, not part of the applicant's development site</p> <p>The acknowledgement letter received from DEADP on the application states the following:</p> <ul style="list-style-type: none"> • National Water Act (Act No. 36 of 1998)

Grounds of Appeal	Response from responsible EAP
	<p><i>Based on the information submitted to this Directorate in the application form it is noted that a Water Use License is not applicable to this proposal, however please obtain comments from Breede-Olifants Catchment Management Agency to confirm this statement and provide these comments in the Basic Assessment Report.</i></p> <p>The EAP does not have access to municipal-level infrastructure allocations or records of all other approved developments within the Upper Tower or PS 1a sewer zone. The responsibility for maintaining and disclosing this data lies with the Bitou Municipality, GLS as engineering consultants, and DEADP as competent authority. If cumulative infrastructure pressure is now considered a refusal ground, it is respectfully submitted that the Department should provide supporting figures from its own planning and permitting records, rather than placing the burden on the EAP to anticipate network-wide service planning at municipal level.</p> <p>This development, within the priority area and where existing capacity is confirmed, is deemed to be in line with the Bitou Municipality's water and sanitation master plans, as it falls within designated future development areas and will contribute directly to augmentation and bulk upgrade costs through prescribed municipal levies.</p>
<p>3.3 Activity Need and Desirability:</p> <p>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</p>	<p>The Final BAR fully engages with the relevant environmental principles in Section 2 of NEMA, including sustainability, integrated decision-making, and the best practicable environmental option. The development avoids sensitive biodiversity areas (CBA), incorporates green infrastructure (solar, rainwater harvesting, indigenous landscaping), and is situated within the urban edge—precisely the kind of sustainable densification supported by SPLUMA and SDF policy.</p>

Grounds of Appeal	Response from responsible EAP
<p>implications. These aspects are integrally linked and must be informed by the strategic context within which the site/development proposal is situated.</p> <p>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 “<i>Need and Desirability</i>” aspect of the development.</p> <p>The application has not demonstrated the need or desirability of developing any of the identified alternatives presented in the FBAR.</p>	<p>The FBAR and Appendix J fully address the need and desirability of the proposed development in accordance with the 2017 DEA Guideline on Need and Desirability, as well as Appendix 1(1)(h) of the EIA Regulations, 2014 (as amended). The development responds to a critical local housing shortage, provides for medium-density infill within the urban edge, and supports the municipality’s goals for spatial transformation, densification, and efficient use of land and infrastructure.</p> <p>The social and economic benefits identified include:</p> <ul style="list-style-type: none"> • Provision of 228 residential units aimed at the middle-income market; • Employment and construction-related economic activity; • Improved municipal revenue via rates and services; • Reinforcement of surrounding land use compatibility (adjacent to Santini Village and Thulana Hills); • Supporting the Bitou SDF’s goals for compact settlement and inclusive development. <p>Environmental costs have been minimised through:</p> <ul style="list-style-type: none"> • Avoidance of Critical Biodiversity Areas (CBA); • Use of green technologies (solar panels, rainwater harvesting, indigenous planting); • Incorporation of sustainable urban design elements; • Mitigation of construction and visual impacts in the EMPr. <p>All impacts are assessed before and after implementation of the mitigation measures and mitigation measures include a number of measures to enhance sustainability of the development. The final SDPs were recommended to include relevant planning mitigation measures and any other conditions included in the EA, which the FBAR provided sufficient information to include relevant conditions.</p> <p>The Department’s conclusion that benefits are not “justifiable or substantive” disregards the actual contents</p>

Grounds of Appeal	Response from responsible EAP
	<p>of Appendix J and contradicts the spatial and infrastructure planning context provided in the FBAR. The development's timing and location are aligned with municipal priorities, and its scale is appropriate given the site's zoning, proximity to services, and historical planning approvals.</p> <p>It is therefore respectfully submitted that the application does meet the requirements for demonstrating both need and desirability, and that this issue has been fully addressed in the submitted reports.</p> <p>Note the DBAR form states the following:</p> <p><i>In addition to the above, explain the need and desirability of the proposed activity or development in terms of this Department's guideline on Need and Desirability (March 2013) or the DEA's Integrated Environmental Management Guideline on Need and Desirability. This may be attached to this BAR as Appendix K.</i></p> <p>Note – this section was adequately addressed in the form and need and desirability included in the town planning report was submitted as supplementary information.</p>
Need and desirability extracted from FBAR form	

Grounds of Appeal	Response from responsible EAP
SECTION E: PLANNING CONTEXT AND NEED AND DESIRABILITY	
1.	Provide a description of the preferred alternative.
An estimated 228 units are proposed to be developed on the site; the units are proposed to be two- and three-bedroom units in three-storey buildings; each unit will be approximately 100m ² to 130m ² in extent. Each unit is proposed to have a lock up garage. Internal roads, parking bays, and required services infrastructure (sewage, water, electricity) will be developed. 1.5 bays per unit in PTA1 areas are proposed.	
2.	Explain how the proposed development is in line with the existing land use rights of the property as you have indicated in the NOI and application form? Include the proof of the existing land use rights granted in Appendix E21.
<p>The property was originally earmarked in the Knysna Wilderness Plettenberg Bay Guide plan for “Township” purposes and does not have a farm number and therefore does not form part of the agriculture register. This means that although the property is zoned for agricultural purposes, it is not subject to the provisions of the Subdivision of Agricultural Land Act (Act 70 of 70).</p> <p>A rezoning application was submitted in 2006 to rezone Erf 2074 from Agriculture to a subdivisinal area; the application was not completed.</p> <p>The property is currently zoned “Agricultural I” in terms of the Bitou Zoning Scheme By-Law applicable to the area. To facilitate the development of the land the property will have to be rezoned to a “General Residential II”. The landowner intends to rezone the property to the required “General Residential II”, to facilitate the development proposal.</p> <p>The development proposal fits into the surrounding urban environment with similar land uses found immediately west on Erf 2073 (Thulana Hills) to the north on RE/2317 (Santini Village).</p>	
3.	Explain how potential conflict with respect to existing approvals for the proposed site (as indicated in the NOI/and or application form) and the proposed development have been resolved.
To facilitate the development of the land the property will have to be rezoned to a “General Residential II”	
4.	Explain how the proposed development will be in line with the following?
4.1	The Provincial Spatial Development Framework.
<p>The proposed development aligns to the following plans and development planning frameworks:</p> <ul style="list-style-type: none"> • National Development Plan (NDP 2030) – In terms of this plan, South Africa is mandated to be a developmental state. • Western Cape Provincial Spatial Development Framework 2014 - sustainable use of provincial 	

Grounds of Appeal	Response from responsible EAP
<ul style="list-style-type: none"> • National Development Plan (NDP 2030) – In terms of this plan, South Africa is mandated to be a developmental state. • Western Cape Provincial Spatial Development Framework 2014 - sustainable use of provincial assets is one of the main aims of the policy; The urban fringe must ensure that urban expansion is structured and directed away from environmentally sensitive land and farming land. • Bitou Spatial Development Framework 2022 - objective of this development framework is to achieve a balance between development and the environment to ensure that growth is spatially just, financially viable and environmentally sustainable. Erf 2074 is located in an identified Strategic Development Area and can contribute to spatial reform and integration as it will allow ±228 households to own a home in an established urban area that is near jobs, schools, and other urban amenities. The northern section of the site also forms part of the Restructuring Zones of the Bitou Local Municipality. • The proposed site is located within the urban edge between existing residential developments. 	
<p>4.2. The Integrated Development Plan of the local municipality.</p>	
<p>The Garden Route SDF aims to promote balanced development that supports the integration and densification of settlements within the district. The report states that the “financial and economic viability of towns in the District should be improved by promoting the intensification of existing urban areas. This can be achieved through infill, densification, and redevelopment, which in turn makes the use of existing infrastructure capacity and services more efficient.</p>	
<p>4.3. The Spatial Development Framework of the local municipality.</p>	
<p>The proposed site is located within the urban edge between existing residential developments, and it is in an area identified as a “Strategic Development Area”. The northern section of the site forms part of the Restructuring Zones of the Bitou Local Municipality.</p>	
<p>4.4. The Environmental Management Framework applicable to the area.</p>	
<p>BASIC ASSESSMENT REPORT: APRIL 2024</p>	<p>Page 28 of 71</p>

Grounds of Appeal	Response from responsible EAP
<p>Areas mapped in terms of WC BSCP have been considered. Coastal Protection Zones have been considered. Indigenous vegetation and watercourses have been considered. The EMF will overlap and include all mitigatory measures as highlighted in the Environmental Management Programme (EMPr) and any other pertinent conditions sated in the Environmental Authorisation.</p>	
<p>5. Explain how comments from the relevant authorities and/or specialist(s) with respect to biodiversity have influenced the proposed development.</p>	
<p>The Western Cape Biodiversity Spatial Plan (WCBSBP) was developed by Cape Nature, in collaboration with the Department of Environmental Affairs and Development Planning and is a spatial tool that comprises the Biodiversity Spatial Plan Map (BSP Map) of biodiversity priority areas and land-use guidelines. The southern section of the site falls within a critical biodiversity area (CBA) and some of the development (approximately 2500m² buildings and parking; 250m² road) is planned in this area.</p> <p>Aquatic, terrestrial biodiversity, fauna and flora compliance reports were prepared by the specialists. The initial studies were based on a concept layout 1 and density (250 units). The vreports showed that the central and northern areas of the site have a low sensitivity, with the southern section being of high sensitivity.</p> <p>The town planner and engineers considered the outcomes of the verification report; concept layout alternative 2 (228 units) was developed; stormwater calculations were updated from the 1: 50 year flood line to the 1: 100 year flood line and shows the expected stormwater flows before and after construction and have put in measures to ensure that predevelopment stormwater flows are maintained and excessive flows are catered for using swales and dispersion in the south and directed to the existing stormwater system in the north.</p> <p>The aquatic specialist has reviewed the alternative layout 2 and the updated stormwater information and has confirmed that no further aquatic assessment will be necessary with the proposed measures in place. Terrestrial biodiversity and flora and fauna imapct assessments were carried out; comment has been received from Cape Nature.</p> <p>Based on comments, studies and biodiversity planning information, development is recommended to be concentrated in the more central and northern areas of the site with minimal development in the southern areas where habitats and ecosystems are more sensitive.</p> <p>The South African Civils Aviation Association has provided comment and requested an obstacle assessment to be carried out. This is not deemed necessary based on proposed height of the development and the proposed site is situated within a dense urban area where multiple storey buildings are already in place. The draft BAR will be sent to the SACAA for further comment and to the local airport.</p>	

Grounds of Appeal	Response from responsible EAP
<p>The final SDP/s developed for the site must conform to the planning mitigation measures included in the draft EMPr (Appendix H – Draft EMPr)</p>	
<p>6. Explain how the Western Cape Biodiversity Spatial Plan (including the guidelines in the handbook) has influenced the proposed development.</p>	
<p>Development is recommended to be concentrated in the more central and northern areas of the site with minimal development in the southern areas where habitats and ecosystems are more sensitive. The final site development plans must remain within the recommended go-areas and remain out of the no-go area (Appendix 2B) Additional stormwater management measures will be put in place in the more sensitive southern section of the site. The final SDP/s developed for the site must conform to the planning mitigation measures included in the draft EMPr (Appendix H – Draft EMPr)</p>	
<p>7. Explain how the proposed development is in line with the intention/purpose of the relevant zones as defined in the ICMA.</p>	
<p>The development does not fall within the Coastal Management Line. The very southern section of the area falls within the high erosion line in the Piesang River Estuary Management Plan; however, this is beyond the boundary of the erf; no development will take place here.</p>	
<p>8. Explain whether the screening report has changed from the one submitted together with the application form. The screening report must be attached as Appendix I.</p>	
<p>There have been no changes to the screening report. Refer to Appendix I.</p>	
<p>9. Explain how the proposed development will optimise vacant land available within an urban area. A medium to high residential units will be provided on approximately 5 hectares of the site; the site is situated between two existing housing developments.</p>	

Grounds of Appeal	Response from responsible EAP
<p>10. Explain how the proposed development will optimise the use of existing resources and infrastructure.</p> <p>The stone building on site is proposed to be incorporated into residential development.</p> <p>The development footprint of a house that was never completed is proposed to be incorporated into the proposed residential development as a gazebo area for residents.</p> <p>Stormwater management will be via existing municipal network in the north and stormwater management measures implemented on the south.</p> <p>Main access will be from an existing main road (Marine Way).</p> <p>Rainwater tanks and solar panels will be incorporated into the development to reduce operational water and energy demand from municipal services.</p> <p>11. Explain whether the necessary services are available and whether the local authority has confirmed sufficient, spare, unallocated service capacity. (Confirmation of all services must be included in Appendix E16).</p> <p>A bulk services report has been carried out for water and sewage treatment demand; the report confirms that Bitou Municipality has capacity. Confirmation from Bitou Local Municipality has not yet been received.</p> <p>An electrical report has been carried out by GLS for the proposed residential development.</p> <p>12. In addition to the above, explain the need and desirability of the proposed activity or development in terms of this Department's guideline on Need and Desirability (March 2013) or the DEA's Integrated Environmental Management Guideline on Need and Desirability. This may be attached to this BAR as Appendix K.</p> <p>Plettenberg Bay is a coastal resort town with a fairly small economy. The town has approximately 60 000 residents and continues to grow at a rate considerably above the national average.</p> <p>Demand for property and associated property prices are well above national averages. The property aims to provide residential accommodation for the middle-income earners.</p> <p>The planned residential development will create temporary construction jobs for local contractors and labourers. The employment opportunities associated with the construction phase are frequently regarded as temporary employment.</p> <p>The planned residential development will generate local income in terms of rates and taxes.</p> <p>A bulk services report has been carried out for water and sewage treatment demand; the report confirms that Bitou Municipality has capacity for the proposed residential development.</p> <p>Erf 2074 is located in an identified Strategic Development Area and can contribute to spatial reform and integration as it will allow ±228 households to own a home in an established urban area that is near jobs, schools, and other urban amenities. In addition, the northern section of the site forms part of the Restructuring Zones of the Bitou Local Municipality.</p> <p>Restructuring Zones of the Bitou Local Municipality.</p> <p>The proposed site is located within the urban edge between existing residential developments.</p> <p>Refer to Needs and Desirability included in the Town Planning Report – Appendix K.</p>	
<p>When considering the engineering services required for the proposed development, the greatest failure of the</p>	<p>The draft engineering report prepared by Poise, April 2024 states that the GLS report be referred to regarding impact on capacity. The GLS report, November 2024, revises the information prepared by Poise based on 228</p>

Grounds of Appeal	Response from responsible EAP
<p>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 Gansevlei WWTP treatment capacity constraints.</p>	<p>units and takes into account the BLM Master Water Plan and Master Sewage Plan, 2020. Note – GLS are the authors of both Master Plans on behalf of the BLM.</p> <p>The 2024 engineering capacity report compiled by GLS, confirmed that both the existing ‘Close to Town’ reservoir and the Upper Tower have sufficient capacity to accommodate the development. Likewise, the sewer reticulation system—specifically PS 1a and the rising main to the Gansevlei WWTP—was confirmed to have spare capacity for the expected peak flow of 91.2 kL/day. Erf 2074 was already designated for development in the Master Plan (P51), and the development falls within the Municipality’s designated water and sewer priority areas.</p> <p>Water supply</p> <p>The revised water demand (114 kL/day) was updated for 228 units (originally modelled as 48 kL/day in the Water Master Plan, 2020).</p> <ul style="list-style-type: none"> - The proposed development (228 units) is located in the Upper Tower water distribution zone. - The “Close to Town” reservoir and Upper Tower were found to have existing sufficient storage capacity, even after the additional demand from the development. Specifically, the “Upper” tower has 130 hours of AADD capacity, which would reduce to 37 hours post-development – still well above the 6-hour design criterion and meets master plan standards. <p>Sewage capacity</p> <ul style="list-style-type: none"> - In the original sewer master plan, the peak day dry weather flow (PDDWF) for the proposed development area (future development area P51 in the June 2020 sewer master plan) was calculated at 40,0 kL/d. For this re-analysis, the PDDWF for the proposed development was calculated as 91,2 kL/d. - Sewer flow (91.2 kL/day) for 228 units was used - The development falls within Plettenberg Bay Pump Station 1a's drainage area. - Both the PS 1a and its rising main to Gansevlei WWTP have sufficient spare capacity. - GLS verified that the gravity system up to PS 1a can accommodate the additional load.

Grounds of Appeal	Response from responsible EAP
	<p>It must be noted that notes from the municipality are appended to the GLS Report and there is no mention of insufficient capacity (this was included with the DBAR and FBAR). The confirmation letter provided on 17 February confirms the same information included in these notes.</p> <p>The EAP does not have access to municipal-level infrastructure allocations or records of all other approved developments within the Upper Tower or PS 1a sewer zone. The responsibility for maintaining and disclosing this data lies with the Bitou Municipality, GLS as engineering consultants, and DEADP as competent authority. If cumulative infrastructure pressure is now considered a refusal ground, it is respectfully submitted that the Department should provide supporting figures from its own planning and permitting records, rather than placing the burden on the EAP to anticipate network-wide service planning at municipal level.</p> <p>This development, within the priority area and where existing capacity is confirmed, is deemed to be in line with the Bitou Municipality's water and sanitation master plans, as it falls within designated future development areas and will contribute directly to augmentation and bulk upgrade costs through prescribed municipal levies.</p>
<p>3.4 Specialist Studies and Reports</p> <p>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:</p> <ul style="list-style-type: none"> • Animal species theme • Aquatic biodiversity theme • Archaeological & cultural heritage and palaeontological themes • Civil aviation theme • Plant species theme 	<p>Visual and socioeconomics is not an independent theme in the Screening Tool Report and is addressed under the general assessment protocols. In the Verification Report submitted with the NOI, the socio-economic section states that "aspects related to socio-economic impacts will be addressed in the basic assessment, however no specific specialist study is deemed to be required.</p> <p>A number of resources were used to describe the baseline conditions, and these are referenced in the impact assessment report (Appendix M)</p> <ul style="list-style-type: none"> - Bitou LM IDP 2024 – 2025 - Bitou SDF, 2022 - Garden Route SDF

Grounds of Appeal	Response from responsible EAP
<ul style="list-style-type: none"> • Terrestrial biodiversity theme • Traffic impact assessment <p>Notwithstanding the content of the STR, no <i>socio-economic assessment</i> or <i>visual impact assessment</i> was conducted. It was motivated that the rezoning motivation report will be used to describe the socio-economic impacts and needs for the development.</p> <p>In this regard the EAP failed to demonstrate how this Department's guidelines relevant to these aspects, were considered, namely:</p> <ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> - Census data - Comments from the public - Density of immediate adjacent residential developments - Town planning report, GLS Report, traffic impact assessment report and relevant specialist studies (e.g visual on fauna) - Review of online information sources regarding the local area (including g property websites which shows the scarcity of rental accommodation and affordable property to purchase in the area. - Review of other studies carried out in the area (residential Market Assessment done in 2019 by Urban-Econ, proposed development on Erf 4367) - <p>Social and economic impacts were assessed in detail in Appendix J of the FBAR. Impacts addressed include:</p> <ul style="list-style-type: none"> • Provision of affordable housing; • Local employment opportunities during construction and operation; • Municipal revenue and infrastructure investment; • Spatial integration and alignment with planning policy. • Visual Impacts • Traffic Impacts • Noise impacts • Waste, water, sewage management <p>In addition, the fauna specialist specifically considered visual disturbance in terms of its effects on fauna. Measures are included in the EMPr to enhance / mitigate social impacts, including visual.</p>
<p>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</p>	<p>The draft engineering report prepared by Poise, April 2024 states that the GLS report be referred to regarding impact on capacity. The GLS report, November 2024, revises the information prepared by Poise based on 228 units and takes into account the BLM Master Water Plan and Master Sewage Plan, 2020. Note – GLS are the authors of both Master Plans on behalf of the BLM.</p> <p>The 2024 engineering capacity report compiled by GLS, confirmed that both the existing 'Close to Town'</p>

Grounds of Appeal	Response from responsible EAP
<p>letter from the Bitou Municipality fail to address the crucial aspect of waste water treatment and disposal of treated effluent.</p>	<p>reservoir and the Upper Tower have sufficient capacity to accommodate the development. Likewise, the sewer reticulation system—specifically PS 1a and the rising main to the Gansevlei WWTW—was confirmed to have spare capacity for the expected peak flow of 91.2 kL/day. Erf 2074 was already designated for development in the Master Plan (P51), and the development falls within the Municipality’s designated water and sewer priority areas.</p> <p>Water supply</p> <p>The revised water demand (114 kL/day) was updated for 228 units (originally modelled as 48 kL/day in the Water Master Plan, 2020).</p> <ul style="list-style-type: none"> - The proposed development (228 units) is located in the Upper Tower water distribution zone. - The “Close to Town” reservoir and Upper Tower were found to have existing sufficient storage capacity, even after the additional demand from the development. Specifically, the “Upper” tower has 130 hours of AADD capacity, which would reduce to 37 hours post-development – still well above the 6-hour design criterion and meets master plan standards. <p>Sewage capacity</p> <ul style="list-style-type: none"> - In the original sewer master plan, the peak day dry weather flow (PDDWF) for the proposed development area (future development area P51 in the June 2020 sewer master plan) was calculated at 40,0 kL/d. For this re-analysis, the PDDWF for the proposed development was calculated as 91,2 kL/d. - Sewer flow (91.2 kL/day) for 228 units was used - The development falls within Plettenberg Bay Pump Station 1a's drainage area. - Both the PS 1a and its rising main to Gansevlei WWTP have sufficient spare capacity. - GLS verified that the gravity system up to PS 1a can accommodate the additional load. <p>It must be noted that notes from the municipality are appended to the GLS Report and there is no mention of insufficient capacity (this was included with the DBAR and FBAR). The Bitou Municipality official confirmation letter provided on 17 February confirms the same information included in these notes.</p>

Grounds of Appeal	Response from responsible EAP
	<p>The EAP does not have access to municipal-level infrastructure allocations or records of all other approved developments within the Upper Tower or PS 1a sewer zone. The responsibility for maintaining and disclosing this data lies with the Bitou Municipality, GLS as engineering consultants, and DEADP as competent authority. If cumulative infrastructure pressure is now considered a refusal ground, it is respectfully submitted that the Department should provide supporting figures from its own planning and permitting records, rather than placing the burden on the EAP to anticipate network-wide service planning at municipal level.</p> <p>This development, within the priority area and where existing capacity is confirmed, is deemed to be in line with the Bitou Municipality's water and sanitation master plans, as it falls within designated future development areas and will contribute directly to augmentation and bulk upgrade costs through prescribed municipal levies.</p>
<p>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.</p>	<p>As per the Screening Tool Report, the Agriculture Theme was flagged for medium sensitivity.</p> <p>With regard to the agriculture theme, the relevant NEMA EIA triggers relate to:</p> <ul style="list-style-type: none"> • The change in land use from agricultural to residential (Listing Notice 1, Activity 24), and • The clearing of vegetation (Listing Notice 1, Activity 27). <p>Both of these have been fully assessed by the EAP in the FBAR.</p> <p>Requiring a specialist agricultural assessment to confirm soil capability or potential for agricultural production is not meaningful in a context where the land is being lawfully transitioned to housing.</p> <p>No request for separate specialist studies on visual or agriculture was made during DEADP's comment on the DBAR.</p> <p>This approach is deemed to be consistent with the national protocols, which allow EAPs to assess impacts and</p>

Grounds of Appeal	Response from responsible EAP
	motivate exclusions where reasonable.
<p>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.</p> <p>It is recommended that the applicant investigate alternatives which address the shortcomings.</p>	<p>In view of the above the following is deemed appropriate:</p> <p>Approval of appeal against decision</p> <p>DEADP review information for 30 days</p> <p>EA be issued with conditions as required based on the information provided in the FBAR</p>

ARR comments by Case Officer

Name & Surname:

Date:

Signature:

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Approved by Superior

Name & Surname:

Date:

Signature:

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