



Minister Environmental Affairs and Development Planning

16/06/2025

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

Refusal of decision: 16/3/3/1/D1/14/0037/24:

The Appeal is for the refusal of environmental authorization for a proposed medium- to high-density residential development on Erf 2074, Marine Way, Bitou Municipality, Western Cape.

Project Overview:

Proposed development: 228 residential units on a 5-hectare site.

Location: Erf 2074, Plettenberg Bay, Western Cape.

Applicant: Duinesand (Pty) Ltd, represented by Eco Route Environmental Consultancy.

DEA&DP Grounds for Refusal:

Non-compliance: The Final Basic Assessment Report (FBAR) did not meet minimum information requirements under EIA Regulations.

Consultation Issues: Inadequate engagement with organs of state, including Bitou Municipality and Breede-Olifants Catchment Management Agency (BOCMA).

Infrastructure Concerns: Uncertainty about the capacity of the Gansevlei Wastewater Treatment Plant (WWTP) to handle effluent from the development.

Specialist Studies: Missing socio-economic and visual impact assessments, as well as an agricultural compliance statement.

Need and Desirability: The development's benefits were deemed insufficient compared to its environmental and social costs.

Key Appeal Responses from the Environmental Assessment Practitioner (EAP):

- The FBAR addressed all required aspects, including mitigation measures, public participation, and compliance with NEMA principles.
- GLS reports for services were required by Bitou municipality, as they are appointed as the consultants to their engineering department. Therefore, all the inputs provided by GLS were on behalf of the municipality in relation to the planned development. Subsequently Bitou Municipality officially confirmed availability of services with future SLAs to be finalised.
- Infrastructure capacity was confirmed by GLS Consulting Engineers, and the development aligns with municipal spatial planning priorities.
- the development avoids sensitive biodiversity areas and incorporates sustainable design elements (e.g., solar panels, rainwater harvesting).

- A Notice of Intent (NOI) was submitted but not acknowledged by the Department of Environmental Affairs and Development Planning (DEADP), which impacted pre-application consultations.
- Department of Environmental Affairs and Development Planning provided comments on the Draft Basic Assessment Report (DBAR) 60 days after the closing date for comments from Interested and Affected Parties (I&APs) and organs of state. This delay in providing comments impacted the environmental authorization process.

Specialist Studies and Reports:

- Studies on animal species, aquatic biodiversity, and traffic impacts were conducted.
- Socio-economic and visual impacts were addressed through existing reports and public comments, but no standalone assessments were provided.

Recommendations:

- The competent authority recommended investigating alternatives to address shortcomings.
- The EAP proposed issuing environmental authorization with conditions based on the FBAR.

Conclusion:

The appeal against the refusal is recommended for review to incorporate conditions in the environmental authorisation that need to be adhered too prior to construction commencing. Bitou Municipality and DEA&DP are encouraged to work together to address how Bitou Municipal infrastructure can be upgraded to accommodate new proposed developments within the Bitou Area using augmentation funds from developers to assist.

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

The Eaps that compiled this document declares that the information is true and correct.

Kind Regards



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EAPASA Reg: 2019/1286