

**REFERENCE:** 16/3/3/1/D1/13/0001/25

**DATE OF ISSUE:** 22 April 2025

The Managing Director  
FAMILY ROUX EIENDOMME (PTY) LTD  
PO Box 12670  
**QUEENSWOOD**  
0121

Attention: Mr. Stephanus Roux

E-mail: [sroux@worldonline.co.za](mailto:sroux@worldonline.co.za)

Dear Sir,

**COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 91 OF THE FARM MATJES FONTEIN NO. 304, KEURBOOMSTRAND**

1. The Draft Basic Assessment Report dated 20 March 2025 as received by the Department on 20 March 2025, refers.
2. This Directorate: Development Management (Region 3) ("this Directorate") has reviewed the Draft Basic Assessment Report ("DBAR") and provides the following comment:

*2.1. Requirements of the Basic Assessment Report*

It is noted that the Applicant has not signed the Declaration on page 98 of the DBAR. Therefore, it is understood that the applicant does not take responsibility for the information contained in the DBAR and supporting documentation. This was an issue that raised during the pre-application phase as well.

Furthermore, this Department has determined the format for the declaration to be signed by specialist(s). As such, it must be ensured that the various specialists sign the declaration template which can be found in the Basic Assessment Report template (April 2024) and include such in the BAR to be submitted to this Department.

*2.2. Conservation of the natural forest vegetation on the property*

This Directorate understands that an area of approximately 8.3ha is too steep to be developed and also contains intact forest vegetation. It is understood that this portion of the property will be zoned to Open Space Zone III and managed for a conservation purpose in accordance with a Conservation Management Plan ("CMP"). This Directorate notes the CMP which has been included as Appendix L of the DBAR.

It is understood that consideration is being given to entering into a Biodiversity Stewardship Agreement with CapeNature. As such, you are required to consult with CapeNature with regard to the requirements of such an agreement and obtain their written comment in respect of the CMP.

Furthermore, it is understood that it is recommended fencing be placed tight around the development footprint and that no fencing be permitted along the boundary either side of the corridor. This management measure is supported by this Directorate. However, it must be stated that no fencing be permitted along the eastern and western boundaries of the conservation area (including the 20m corridor) to form a continuous corridor with neighbouring properties. This measure must be adopted by the Applicant and it must be demonstrated how it will be practically and contractually implemented during the operational phase of the proposed development..

### 2.3. *Development within the estuarine functional zone*

It is understood that the entire development footprint is below the 5m contour above mean sea level which is considered as the estuarine functional zone ("EFZ"). The EFZ is defined in the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") (Government Notice No. R. 982 of 4 December 2014, as amended) as *"the area in and around an estuary which includes the open water area, estuarine habitat (such as sand and mudflats, rock and plant communities) and the surrounding floodplain area, as defined by the area below the 5 m topographical contour (referenced from the indicative mean sea level)"*.

The findings of the Aquatic Biodiversity Assessment in this regard are noted *inter alia* that no estuarine species from any of the tidal habitats including saltmarsh or supra-tidal vegetation were identified. However, according to the assessment one of the risks of development within the EFZ relates to flooding which can be exacerbated by climate change and associated sea level rise. It has been found that the property is located on the edge of the 1:100 year floodline. According to the assessment the frequency of 100-year flood events is increasing due to climate change, and when coincident with sea-level rise and high tide events, it is not impossible that minor flooding could affect the low-lying area of the property in future.

Considering the above, the EAP is required to consult this Department's Sub-Directorate: Coastal Management as well as the Branch Oceans & Coasts (Estuary Management) within the National Department Fisheries Forestry and the Environment, as well as the Bitou Municipality. Written comment must be obtained from said organs of state in respect of the impact of the proposed development on the EFZ and vice versa.

### 2.4. *Proposed upgrades to the existing bulk water supply network*

#### 2.4.1. *Disposal and treatment of sewage*

It is understood that the Ganse Valley Wastewater Treatment Works ("WWTW") currently does not have capacity for any new developments within its catchment. Furthermore, according to the Bulk Services and Civil Engineering Infrastructure Report (Project No: 23G210; Date: June 2024; Version 5) compiled by Poise Consulting Engineers certain rising main upgrades are required to the bulk sewerage system, which is dependent on municipal funding for implementation. It is understood that no timeframe can be guaranteed for the implementation.

In light of the above, it is understood that a 30kl per day sewage package plant will be developed as part of the proposed development in order to treat the sewage to special limits and that the effluent will be used to irrigate within the development footprint. Furthermore, it is understood that the Bitou Municipality has agreed to this proposal but that the temporary WWTW must be decommissioned once the upgrades to the Ganse Valley WWTW have been completed.



In light of the above, you are required to provide this Directorate with the description of the process to decommission the sewage package plant and assess the impact of the decommissioning of the package plant in the BAR.

#### 2.4.2. Potable water supply

It has been reported that the proposed development falls within the Matjiesfontein Reservoir Distribution Zone. According to the Engineering Report there is sufficient capacity in the existing reticulation system and reservoir. However, it has been reported that there is insufficient capacity in the bulk water mains to service the proposed development during peak seasonal periods. It is understood that water alternative water sources have been considered such as rainwater harvesting for domestic use and the use of treated greywater for irrigation purposes. Written comment on these alternatives must be obtained from the Bitou Municipality and the Department of Health.

According to the report compiled by GLS Consulting (Pty) Ltd. dated 27 February 2023 accommodation of the proposed development in the present reticulation system will require no upgrading of the existing reticulation system to comply with pressure and fire flow criteria. However, it has been reported that the bulk water system to Matjiesfontein reservoir is at capacity and should be upgraded before additional developments within the reservoir supply area can be accommodated. It is reported that the following items are the minimum upgrades required to accommodate the proposed development in the existing system.

- 3.6km long, 400mm diameter pipeline to replace the abandoned 300mm diameter asbestos cement pipeline;
- 0.9km long, 400mm diameter pipeline to replace the existing 150mm diameter bulk pipeline
- 1km long; 355mm diameter pipeline to replace the existing 150mm diameter bulk pipeline.

The above upgrades have not been reported on in the DBAR and it is unclear what the timeframe is for such upgrades given the municipal funding uncertainty and / or implementation timeframes. Furthermore, it is unclear whether the prerequisite authorisations (if any) have been obtained for the implementation of such upgrades. In this regard, please be advised that this Department does not support incremental decision-making, and it is strongly advised to incorporate the upgrading within this environmental impact assessment process.

#### 2.5. National Water Act, Act No. 36 of 1998:

This Directorate is aware that a Water Use License Application ("WULA") for the relevant water use activities in terms of Section 21 of the National Water Act, Act 36 of 1998, has been commissioned by the applicant. However, the information in respect of the WULA has not been included in the DBAR. Notwithstanding that the WULA has preceded the application for environmental authorisation, the information in respect of the two applications must be synchronised. As such, you are required to include the information and / or any formal correspondence from the Breede-Olifants Catchment Management Agency ("BOCMA") in respect of the WULA in the BAR.

Please be advised that the omission of any reports/information may prejudice the success of the application for environmental authorisation.

## 2.6. Environmental Management Programme

The contents of the Environmental Management Programme ("EMPr") must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of the EIA Regulations, 2014. The EMPr must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing).

This Department has reviewed the EMPr as included and received as part of the pre-app BAR. The following aspects must be addressed:

### 2.6.1. Monitoring / Reporting

According to Section 7.1 of the EMPr an Environmental Control Officer ("ECO") must audit the site and compile an audit report on a monthly basis until rehabilitation is successful. In this regard, a clear distinction must be made between the environmental monitoring reports and post-construction rehabilitation reports by the ECO and the environmental audit report to be compiled by an independent person with the relevant environmental auditing expertise. In this regard, please note that the environmental auditor cannot be the EAP or the ECO.

Furthermore, take note of the auditing requirements with regard to environmental authorisations and EMPr's under Regulation 34 of the EIA Regulations, 2014 (as amended). In this regard, the EMPr must be amended to ensure compliance with the requirements. The contents of the environmental audit report must comply with Appendix 7 of the EIA Regulations.

### 2.6.2. Monitoring / Reporting:

According to Section 7.1 of the EMPr an Environmental Control Officer ("ECO") must audit the site and compile an audit report on a monthly basis until rehabilitation is successful. In this regard, a clear distinction must be made between the environmental monitoring reports and post-construction rehabilitation reports by the ECO and the environmental audit report to be compiled by an independent person with the relevant environmental auditing expertise. In this regard, please note that the environmental auditor cannot be the EAP or the ECO.

### 2.6.3. Map with environmental sensitivities:

The EMPr must include a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.

### 2.6.4. Monitoring / Reporting:

The EMPr does not include a copy of the curriculum vitae of the author of the document. In accordance with Appendix 4 of the EIA Regulations, 2014 a copy of the EAP who compiled the EMPr must be included in the EMPr.

### 2.6.5. Frequency of ECO site inspections:

The frequency of site inspection by the ECO during the non-operational (construction) phase is unclear. This Directorate recommends that site visits are conducted once a week during the initial development period, especially the demarcation of the buffer area and the initial clearance of the proposed site. Visits by the ECO may taper, at the discretion of the ECO thereafter. The frequency of site visits by the ECO must be properly described in the EMPr to address the aforementioned.

#### 2.6.6. Demarcation / fencing of the development footprint

With reference to the demarcation of the conservation area prior to the construction on the proposed development, the EMPr must stipulate that the site preparation must include the development of the site boundary fence. The area outside the boundary fence must be regarded as no-go area and no persons may be allowed enter such area prior to obtaining permission from the ECO.

#### 3. Submission of Basic Assessment Report

The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations, 2014 and must also include and address any information requested in any previous correspondence in respect of this matter. Case 16/3/3/6/7/1/D1/13/0268/22 refers in this regard

Please be reminded that in accordance with Regulation 19 of the EIA Regulations, 2014, the Department hereby stipulates that the BAR (which has been subjected to public participation) must be submitted to this Department for decision within **90 days** from the date of receipt of the application by the Department. However, if significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.


If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of Government Notice Regulation No. 982 of 4 December 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted.

**NOTE:** Furthermore, in accordance with Environmental Impact Assessment best-practice, you are kindly requested to notify all registered Interested and Affected Parties including the authorities identified in the Public Participation Plan of the submission of the FBAR and to make the document available to them. This will provide such parties an opportunity to review the document and how their issues were addressed.

4. Please note that a listed activity may not commence prior to an environmental authorisation being granted by the Department. It is an offence in terms of Section 49A of the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("NEMA") for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
5. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

pp **Francois Naudé**

 Digitally signed by Francois Naudé  
Date: 2025.04.22 16:31:05 +02'00'

**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to:

(1) **Bitou Municipality:** Ms. Anjé Minne

E-mail: [aminne@plett.gov.za](mailto:aminne@plett.gov.za)

(2) **Eco Route Environmental Consultancy:** EAP: Ms. Joclyn Marshall

E-mail: [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za)

**REFERENCE:** 16/3/3/1/D1/13/0001/25

**DATE OF ISSUE:** 24 March 2025

The Managing Director  
FAMILY ROUX EIENDOMME (PTY) LTD  
PO Box 12670  
**QUEENSWOOD**  
0121

Attention: Mr. Stephanus Roux

E-mail: [sroux@worldonline.co.za](mailto:sroux@worldonline.co.za)

Dear Sir

**ACKNOWLEDGMENT OF RECEIPT OF THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 91 OF THE FARM MATJES FONTEIN NO. 304, KEURBOOMSTRAND**

1. The Draft Basic Assessment Report dated 20 March 2025 as received by the Department on 20 March 2025, refers.
2. This letter serves as an acknowledgment of receipt of the aforementioned document by the Directorate: Development Management (Region 3) ("this Directorate") on **20 March 2025**.
3. This Directorate will consider the DBAR and provide comment on the document in accordance with the legislated timeframes.
4. Please note that the proposed development may not commence prior to an environmental authorisation being granted by the Department.
5. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

**Danie**

**Swanepoel**

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Swanepoel  
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**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to:

(1) **Bitou Municipality:** Ms. Anjé Minne

E-mail: [ataljaard@plett.gov.za](mailto:ataljaard@plett.gov.za)

(2) **Eco Route Environmental Consultancy:** EAP: Ms. Joclyn Marshall

E-mail: [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za)

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

**Attention: Ms Joclyn Marshall**

Tel: 082 557 7122

Email: [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za)

**RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE DRAFT BASIC ASSESSMENT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 91 OF FARM MATJIESFONTEIN 304, KEURBOOMSTRAND, PLETTENBERG BAY, WESTERN CAPE.**

Good Day Madam,

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned draft basic assessment report ("DBAR") received on 20 March 2025, refers.

## **1. CONTEXT**

- 1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations".
- 1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The Western Cape Provincial Coastal Management Programme ("WC: PCMP 2022-2027) is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated,

coordinated and uniform approach to coastal management in the Province. This WC: PCMP 2022-2027 was adopted by the Provincial MEC for Local Government, Environmental Affairs and Development Planning on 19 May 2023 and available upon request.

- 1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans.
- 1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC: PCMP 2022-2027. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available upon request.

## **2. COMMENT**

- 2.1 The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:
  - 2.1.1. The development concept entails 60 group housing stands with average erf sizes of approximately 500m<sup>2</sup> each within a gated security complex. Farm 91/304 is currently unutilised vacant land that is currently being used as a horse-riding centre, falls within the urban edge and is in alignment with the relevant guidelines as stipulated in the MSDF. No alternatives were identified.
  - 2.1.2. The applicant has considered all critical biodiversity and ecological support areas in accordance with the to the Western Cape Biodiversity Spatial Plan (2023). It is stated in the DBAR that the southern portion of Farm 91/304 where the proposed development is said to occur, forms part of a transformed area that is less sensitive to disturbance and there is no remaining natural habitat. Furthermore, the proposed open space systems correspond to the position of indigenous vegetation.
  - 2.1.3. The applicant adequately considered Farm 91/304 in relation to the Coastal Protection Zone ("CPZ") and its purpose as defined in Section 16 of the NEM: ICMA, however on page 20 of the DBAR it should be corrected that the NEM: ICMA is indeed relevant legislation for the subject property as it is located within the CPZ.



- 2.1.4. The applicant adequately noted that Farm 91/304 is located seaward of the Garden Route District's Coastal Management Line ("CML"). The technical delineation of the CML was to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The CML was informed by various layers of information including biodiversity, estuarine functionality, risk flooding, wave run-up modelling, *inter alia* and was delineated in conjunction with and supported by organs of state. The principal purpose of the CML is to protect coastal public property, private property, and public safety; to protect the coastal protection zone; and to preserve the aesthetic value of the coastal zone. The use of CMLs is of particular importance in response to the effects of climate change, as it involves both the quantification of risks and pro-active planning for future development.
- 2.1.5. Although Farm 91/304 is located seaward of the CML, the SD: CM notes that the subject property is unlikely to be impacted by coastal processes due to its proximity to the highwater mark; the subject property is not located within the 1:100-year floodline; nor is it located in close proximity to the Departmental coastal risk zones or erosion projections. The SD: CM also notes that the applicant has done their due diligence to consider the Departmental coastal risk information in relation to the subject property. However, it is recommended that new development seaward of the CML should be limited.
- 2.1.6. The proposed development area of Farm 91/304 occurs within the estuarine functional zone ('EFZ') however the applicant indicated that according to the freshwater specialist, there are no aquatic features present on the site and no hydrodynamic indicators in the soil. Furthermore, the Keurbooms-Bitou Estuarine Management Plan also indicated that Farm 91/304 is located above the 1:100-year floodline with no flood risks associated with the subject property.
- 2.1.7. The SD: CM can confirm that the proposed development will not affect public coastal access or public coastal property due to Farm 91/304's proximity to the coast.
- 2.1.8. The SD: CM notes the proposed mitigation measures as stipulated in the draft EMPr to address environmental concerns, are both appropriate and practical and should be strictly adhered to should the application be successful.
- 2.1.9. Although the applicant seems to have conducted due diligence, the SD: CM is concerned with the volume of structures proposed within the EFZ and seaward of the CML. It is therefore advised that the applicant proposes alternatives that comprises lower density development as well as considers more suitable design for structures proposed within the EFZ, as the DBAR illustrates in Figure 12 on page 46, that the development area forms part of a wetland. Although the freshwater specialists indicated that there are no tidal influence on site, considering the location of the development area within the EFZ, the competent authority must consider a precautionary approach for Farm 91/304.

3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: *"...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..."* together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.
4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.

Yours faithfully

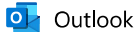
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Bekko**



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**leptieshaam Bekko**  
**CONTROL ENVIRONMENTAL OFFICER**  
**SUB-DIRECTORATE: COASTAL MANAGEMENT**  
**DATE: 23 April 2025**



**Fw: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape**

**From** admin@ecoroute.co.za <admin@ecoroute.co.za>

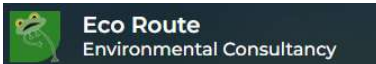
**Date** Thu 17 Apr 2025 12:55

**To** joclyn@ecoroute.co.za <joclyn@ecoroute.co.za>

1 attachment (2 MB)

Farm Matjes Rivier.png;

Carina Leslie  
Personal Assistant/Admin  
Office: 064 691 4394  
www.ecoroute.co.za



**From:** Mashudu Mudau <MaMudau@dffe.gov.za>

**Sent:** Tuesday, 15 April 2025 16:08

**To:** admin@ecoroute.co.za <admin@ecoroute.co.za>

**Cc:** Thivhulawi Nethononda <TNETHONONDA@dffe.gov.za>; Nompumelelo EN. Mtshali <NMTshali@dffe.gov.za>

**Subject:** RE: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Dear: Joclyn

The Directorate: Protected Areas Planning and Management Effectiveness would like to thank you for the opportunity to review the proposed Residential Development on Portion 91 of Farm Matjes Fontein 304, Keurboomstrand, Plettenberg Bay, Western Cape Province.

Portions 91 of the Farm Matjes Fontein 304 is situated in the Keurboom area in the Bitou Municipal Area to the northeast of Plettenberg Bay. This site was used for a horse-riding centre which was relocated in 2024, and is directly opposite the Milkwood Glen Residential Complex, which consists of about 50 Group Housing erven and communal open space.

The architecture will be based on green principles which will include smaller but well-designed houses, which are more cost-efficient, energy-efficient and healthy. The proposed development includes 60 single residential house stands with average erf sizes of  $\pm 500\text{m}^2$ . The houses will vary in size but will be built in a similar style that will create a harmonious development. Ample open spaces and landscaped streets are incorporated into the design to enhance the quality of the neighbourhood.

After conducting the review of the submitted documents, we have noted that the proposed developments will not take place within a protected area in terms of Section 9 of the National Environmental Management: Protected Areas Act (NEMPAA), Act No. 57 of 2003. However, the proposed development is located within the buffer zone of a protected area. Farm Matjes Rivier 304 is located within 0.6km Cape Floral Region Protected Areas and 3,37km Garden Route National Park as identified in terms of NEMPAA. The proposed development further falls within the Garden Route Biosphere Reserve.

The land is currently zoned as Agriculture 1 in terms of the Section 8 Zoning Scheme and is used for equestrian purposes (riding school). The property will be rezoned to Subdivisional Area to allow for the residential development.

As per the Garden Route National Park Management Plan, the proposed area falls within an area zoned as priority natural areas. These areas are important for ecological connectiveness of protected areas with their surrounding environment. It is therefore important that the proposed development must limit developmental area as much as possible. The layout plan must leave natural vegetation surrounding the houses, this will also reduce the visual impacts.

The EAP must consult the DFFE Directorate: Protected Areas Multilateral Programmes for the attention of Mr. Vongani Maringa @ VMaringa@dffe.gov.za.

The EAP must further consult the management authority of the protected areas within 5km of the developmental area, including SANParks.

*Regards,  
Mashudu Mudau*

Protected Areas Planning and Management Effectiveness  
Department of Forestry, Fisheries and the Environment  
Environment House  
473 Steve Biko and Soutpansberg Streets  
PRETORIA  
Tel: (012) 399 9945  
E-mail: [mamudau@dffe.gov.za](mailto:mamudau@dffe.gov.za)

**From:** Francois Naude <[Francois.Naude@westerncape.gov.za](mailto:Francois.Naude@westerncape.gov.za)>

**Sent:** Thursday, 20 March 2025 13:14

**To:** [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za); [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za); [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)

**Cc:** Danie Swanepoel <[Danie.Swanepoel@westerncape.gov.za](mailto:Danie.Swanepoel@westerncape.gov.za)>; Steve Kleinhans <[Steve.Kleinhans@westerncape.gov.za](mailto:Steve.Kleinhans@westerncape.gov.za)>; Rueben Molale <[RMolale@dfpe.gov.za](mailto:RMolale@dfpe.gov.za)>; OCEIA <[OCEIA@dfpe.gov.za](mailto:OCEIA@dfpe.gov.za)>; BC Admin <[bcadmin@dfpe.gov.za](mailto:bcadmin@dfpe.gov.za)>; Thivhulawi Nethononda <[TNETHONONDA@dfpe.gov.za](mailto:TNETHONONDA@dfpe.gov.za)>; Nathan Jacobs <[Nathan.Jacobs@westerncape.gov.za](mailto:Nathan.Jacobs@westerncape.gov.za)>; Noluvo Toto <[Noluvo.Toto@westerncape.gov.za](mailto:Noluvo.Toto@westerncape.gov.za)>; Stephanie Barnardt <[Stephanie.Barnardt@westerncape.gov.za](mailto:Stephanie.Barnardt@westerncape.gov.za)>; Azni K November <[Azni.November@westerncape.gov.za](mailto:Azni.November@westerncape.gov.za)>; Vanessa Stoffels <[Vanessa.Stoffels@westerncape.gov.za](mailto:Vanessa.Stoffels@westerncape.gov.za)>; [RobertsJ@dwa.gov.za](mailto:RobertsJ@dwa.gov.za); Cor Van der Walt <[Cor.VanderWalt@westerncape.gov.za](mailto:Cor.VanderWalt@westerncape.gov.za)>; Brandon Layman <[Brandon.Layman@westerncape.gov.za](mailto:Brandon.Layman@westerncape.gov.za)>; leptieshaam Bekko <[leptieshaam.Bekko@westerncape.gov.za](mailto:leptieshaam.Bekko@westerncape.gov.za)>; Ryan Apolles <[Ryan.Apolles@westerncape.gov.za](mailto:Ryan.Apolles@westerncape.gov.za)>; Hilda Hayward <[Hilda.Hayward@westerncape.gov.za](mailto:Hilda.Hayward@westerncape.gov.za)>; Mercia J Liddle <[Mercia.Liddle@westerncape.gov.za](mailto:Mercia.Liddle@westerncape.gov.za)>; Melanie Koen <[Mkoen@dfpe.gov.za](mailto:Mkoen@dfpe.gov.za)>

**Subject:** RE: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Good day Ms Marshall (EAP)

With reference to the notice received below, kindly note that the period between **24/03/2025 – 25/04/2025**, which you have provided for the Public Participation Process (PPP), does not comply with the requirements set out in Regulation 3 of the EIA Regulations, 2014.

You are advised to correct all your notices and the PPP to ensure that a minimum of 30-days is provided for comment. In accordance with Regulation 8(b), this is a matter that will prejudice the outcome of the application.

The Department reserves the right to revise initial comments and request further information based on the information received.

*Kind regards*

Francois Naudé

Registered EAP (2019/1696)

**Control Environmental Officer: Environmental Impact Management Services (Region 3)**

Department of Environmental Affairs and Development Planning

Western Cape Government

4<sup>th</sup> Floor, York Park Building, 93 York Street, George, 6529

Tel: +27 (0)44 814 2011

Email: [Francois.Naude@westerncape.gov.za](mailto:Francois.Naude@westerncape.gov.za)

Website: [www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)



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Should you not be able to contact the numbers above, please call +27 (0)21 483 4091 between 07:30-16:00.

**From:** [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za) <[admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)>

**Sent:** Thursday, 20 March 2025 13:00

**To:** Danie Swanepoel <[Danie.Swanepoel@westerncape.gov.za](mailto:Danie.Swanepoel@westerncape.gov.za)>; Steve Kleinhans <[Steve.Kleinhans@westerncape.gov.za](mailto:Steve.Kleinhans@westerncape.gov.za)>; Francois Naude <[Francois.Naude@westerncape.gov.za](mailto:Francois.Naude@westerncape.gov.za)>; [RMolale@dfpe.gov.za](mailto:RMolale@dfpe.gov.za); [oceia@environment.gov.za](mailto:oceia@environment.gov.za); [BCAdmin@environment.gov.za](mailto:BCAdmin@environment.gov.za); [tnethononda@dfpe.gov.za](mailto:tnethononda@dfpe.gov.za); Nathan Jacobs <[Nathan.Jacobs@westerncape.gov.za](mailto:Nathan.Jacobs@westerncape.gov.za)>; Noluvo Toto <[Noluvo.Toto@westerncape.gov.za](mailto:Noluvo.Toto@westerncape.gov.za)>; Stephanie Barnardt <[Stephanie.Barnardt@westerncape.gov.za](mailto:Stephanie.Barnardt@westerncape.gov.za)>; Azni K November <[Azni.November@westerncape.gov.za](mailto:Azni.November@westerncape.gov.za)>; Vanessa Stoffels <[Vanessa.Stoffels@westerncape.gov.za](mailto:Vanessa.Stoffels@westerncape.gov.za)>; [RobertsJ@dwa.gov.za](mailto:RobertsJ@dwa.gov.za); Cor Van der Walt <[Cor.VanderWalt@westerncape.gov.za](mailto:Cor.VanderWalt@westerncape.gov.za)>; Brandon Layman <[Brandon.Layman@westerncape.gov.za](mailto:Brandon.Layman@westerncape.gov.za)>; leptieshaam Bekko <[leptieshaam.Bekko@westerncape.gov.za](mailto:leptieshaam.Bekko@westerncape.gov.za)>; Ryan Apolles <[Ryan.Apolles@westerncape.gov.za](mailto:Ryan.Apolles@westerncape.gov.za)>; Hilda Hayward <[Hilda.Hayward@westerncape.gov.za](mailto:Hilda.Hayward@westerncape.gov.za)>; Mercia J Liddle <[Mercia.Liddle@westerncape.gov.za](mailto:Mercia.Liddle@westerncape.gov.za)>; 'Melanie Koen' <[Mkoen@dfpe.gov.za](mailto:Mkoen@dfpe.gov.za)>

**Cc:** [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za); [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)

**Subject:** Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Good day,

Kindly find below link to the Draft BAR and relevant appendices.

<https://we.tl/t-UF0e3y3nqc>

A 30-day public participation for the Draft BAR will be held from **24/03/2025 – 25/04/2025**.

Please submit your comments to the EAP undersigned in this time.

Should you have an issue accessing the link above, please visit our website to view all documents: <https://www.ecoroute.co.za/node/67>



## ENVIRONMENTAL ASSESSMENT PROCESS

### Notification of Public Participation:

#### **The Proposed Residential Development on Portion 91 of Farm Matjes Fontein 304, Keurboomstrand, Plettenberg Bay, Western Cape.**

Notice is hereby provided in terms of the National Environmental Management Act (Act 107 of 1998), the National Environmental Management Act: Environmental Impact Assessment Regulations 2014, as amended, of a 30-day Public Participation Process to be undertaken under the authority of the Department of Environmental Affairs and Development Planning (DEA&DP). The Public Participation Process will run from **24/03/2025 – 25/04/2025**.

**DEADP Ref: 16/3/3/1/D1/13/0001/25**

#### Activity:

The Basic Assessment Application is for the proposed development of a sustainable middle income residential development on Portion 91 of Farm Matjesfontein 304, Plettenberg Bay. The development concept includes 60 group housing stands with average erf sizes of  $\pm 500\text{m}^2$ . The houses will vary in size but will be built in a similar style that will create a harmonious development. Ample open spaces and landscaped streets are incorporated into the design to enhance the quality of the neighbourhood.

#### The following EIA Listed Activities are applicable:

**Government Notice No. R327 (Listing Notice 1):** Activity 12(ii)(c), 27 & 28

**Government Notice No. R324 (Listing Notice 3):** Activity 4(i)(iii)(aa)&(bb), 12(i)(i)&(iii), & 14(ii)(c)(i)(hh)

A Draft Basic Assessment Report and relevant appendices will be made available to all registered Interested and Affected Parties (I&APs) for public review and comment. All relevant documents may be accessed via our website during the public participation period.

Should you wish to gain further information regarding the project or wish to register as an Interested and Affected Party please contact the Environmental Assessment Practitioner (details below).

Please provide written comments with your name, contact details and an indication of any direct business, financial, personal, or other interest which you may have in the development. Please note that information submitted by I&AP's becomes public information. In terms of the Protection of Personal Information Act 4 of 2013 (POPIA), no personal information will be made available to the public.

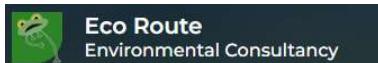
**Environmental Assessment Practitioner:** Joclyn Marshall (EAPASA Reg 2022/5006)

www.ecoroute.co.za  
P.O. Box 1252, Sedgefield, 6573  
Email: admin@ecoroute.co.za  
Cell: 082 55 77 122



Kind Regards,

**Joclyn Marshall**  
MSc Environmental Science  
EAPASA 2022/5006  
072 126 6393



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## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X447, Pretoria, 0001, Environment House, 473 Steve Biko Road, Pretoria, 0002 Tel: +27 12 399 9000, Fax: +27 86 625 1042

**Reference:** 16/3/3/6/7/1/D1/13/0268/22

**Enquiries:** Portia Makitla

**Telephone:** 012 399 9411 **E-mail:** [pmakitla@dfpe.gov.za](mailto:pmakitla@dfpe.gov.za)

Attn: Joclyn Marshall  
Ecoroute

Email Address: [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)

### PER EMAIL

Dear Joclyn

### **COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 91 OF FARM MATJES FONTEIN 304, KEURBOOMSTRAND, PLETTENBERG BAY, WESTERN CAPE PROVINCE**

The Directorate: Biodiversity Conservation has reviewed and evaluated the reports.

The Western Cape Biodiversity Spatial Plan (WCBSP) shows that the entire northern area (60%) of the site (except the road) is within a Critical Biodiversity Areas (CBA1) area for terrestrial and forest, while the remaining area is transformed.

On the basis of the presence of natural habitat within a CBA1 area and within a listed ecosystem, it is verified that the site occurs partially within an area of VERY HIGH sensitivity with respect to the Terrestrial Biodiversity Theme. Development within these areas is not permitted. CBAs areas must be maintained in a natural or near-natural state, with no further loss of natural habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.

Following the procedures within the Species Environmental Assessment Guidelines, the forests on site have been assessed as having Very High sensitivity / Ecological Importance, secondary vegetation as having Medium sensitivity / Ecological Importance, and remaining areas Low or Very Low sensitivity. According to the Species Impact Assessment Protocols (2020, as amended), residual impacts on threatened biodiversity which remain MODERATE or HIGH, must investigate offset mitigation.

Large milkwood trees (*Sideroxylon inerme*) were found on site that are protected under the National Forests Act, comments from Directorate Forestry must be obtained should there be any need to disturb or remove it.

The property is located within the Coastal Protection Zone, add Branch: Ocean & Coast to the list of relevant stakeholders and obtain comments.



**Batho pele-** putting people first



The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.



**COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT  
ON PORTION 91 OF FARM MATJES FONTEIN 304, KEURBOOMSTRAND, PLETTENBERG BAY, WESTERN CAPE  
PROVINCE**

To ensure the continued persistence of ecosystems and that national conservation targets are achieved, it is essential that impacts on sensitive and highly localised habitats are minimized or avoided altogether.

The Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email; [BCAdmin@dfre.gov.za](mailto:BCAdmin@dfre.gov.za) for the attention of Mr. Seoka Lekota.

The Directorate reserves the right to revise initial comments presented here if additional information becomes available.

Yours faithfully



**Mr Seoka Lekota**  
**Control Biodiversity Officer Grade B: Biodiversity Conservation**  
**Department of Forestry, Fisheries & the Environment**  
**Date: 23/04/2025**

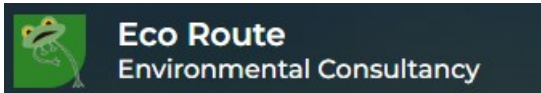
**joclyn@ecoroute.co.za**

---

**From:** admin@ecoroute.co.za  
**Sent:** Thursday, 17 April 2025 13:23  
**To:** joclyn@ecoroute.co.za  
**Subject:** Fw: Confirmation of Correspondence Received

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Carina Leslie  
Personal Assistant/Admin  
Office: 064 691 4394  
www.ecoroute.co.za



---

**From:** rekords@gardenroute.gov.za <rekords@gardenroute.gov.za>  
**Sent:** Tuesday, 15 April 2025 16:25  
**To:** admin@ecoroute.co.za <admin@ecoroute.co.za>  
**Subject:** Confirmation of Correspondence Received

Dear JOCLYN MARSHALL,

With reference to your request titled -  
NOTIFICATION OF PUBLIC PARTICIPATION : DEADP REF: 16/3/3/1/D1/13/0001/25 - DRAFT BASIC  
ASSESSMENT REPORT - PORTION 91 OF FARM MATJIESFONTEIN 304, KEURBOOMSTRAND, PLETTENBERG  
BAY, WESTERN CAPE dated 2025-03-20.

Your request was distributed.  
File Reference 18/3/4/4  
Record Reference 41861892  
To follow-up this request please contact us on 044 8031300.

Kind Regards

GARDEN ROUTE DISTRICT MUNICIPALITY

[Garden Route District Municipality Logo] admin

Admin2@edendm.co.za  
Tel: |

, , , ,

Emergency Communications: 044 805 5071

Ethics and Fraud Hotline: 0800 116 616

[www.gardenroute.gov.za](http://www.gardenroute.gov.za)<<https://www.gardenroute.gov.za>>

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**From:** joclyn@ecoroute.co.za  
**Sent:** Thursday, 03 April 2025 11:25  
**To:** 'RobertsJ@dws.gov.za'  
**Cc:** 'admin@ecoroute.co.za'  
**Subject:** RE: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Dear Mr. Roberts

Thank you for your email.

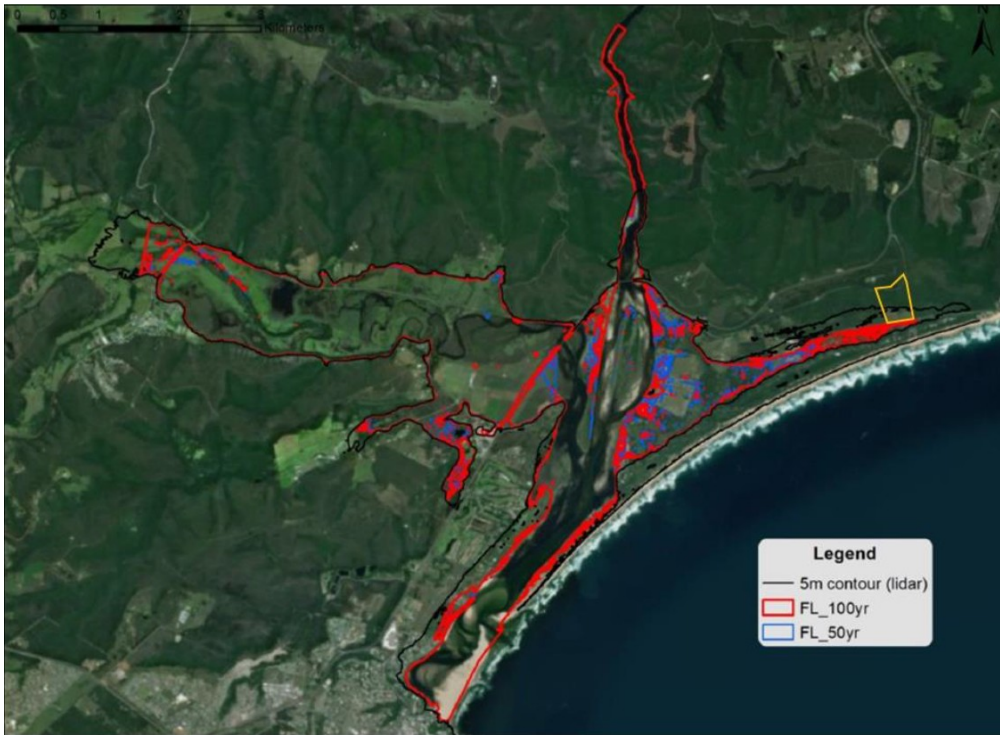
The Aquatic Impact Assessment and the Geohydrological Report have proposed mitigations measures regarding potentially flooding of the site, which will be incorporated into the stormwater management design and EMPr in order to reduce flooding risks to negligible levels.

These mitigations include

1. Sustainable Drainage Systems (SuDS).
2. Permeable pavement and green infrastructure (limit coverage of surface area by infrastructure as far as possible).
3. Rainwater Harvesting.
4. Retention and Detention Basins.
5. Design stormwater drainage systems to handle increased rainfall events by incorporating overflow pathways, sump pumps, and flow control structures.
6. Installation of piezometers to track groundwater level.
7. Inspect and maintain drainage systems, stormwater infrastructure, and mitigation features.

It should be noted, as per the Geohydrological Report, that *the sandy subsurface has high permeability, reducing the likelihood of groundwater mounding and flooding*. The Geotechnical Report did note that *the fine sandy soil conditions generally had moderate permeability and drainage characteristics, but surface water was expected to accumulate temporarily after heavy rainfall events*. This however can be dealt with in the Stormwater Management Plan and implementation of the mitigation measures.

As per the Aquatic Impact Assessment, *one of the development risks within the EFZ relates to flooding which can be exacerbated by climate change and associated sea level rise. The K-BEMP (2018) includes mapped 1:50 and 1:100 year floodlines which are shown in Figure below. The property is located on the edge of the 1:100 year floodline, which is not mapped to extend beyond the boundary of the property. In reality, the frequency of 100-year flood events is increasing due to climate change, and when coincident with sea-level rise and high tide events, it is not impossible that minor flooding could affect the low-lying area of the property in future. This should be considered in the design and layout of the property, and stormwater management should not further exacerbate the flood risk. To this end, Sustainable Drainage Systems (SuDS) should be fully implemented should the development proceed.*



The stormwater management system for the development address water infiltration and discharge. The stormwater will be managed such that developed erven will generally discharge to the road surfaces which in turn will discharge through permeable paving to one of three retention ponds which will be provided. Stormwater runoff from the steep vegetated slopes is expected to infiltrate at high rates due to the sandy soil and high permeability of the site. The state of the slopes is not proposed to change, and the dense vegetation will further reduce the velocity of runoff reaching the development area.

Please let me know if you have any further concerns or input.

Kind Regards,

**Joclyn Marshall**

MSc Environmental Science  
EAPASA 2022/5006  
072 126 6393



**From:** admin@ecoroute.co.za <admin@ecoroute.co.za>

**Sent:** Thursday, 20 March 2025 14:36

**To:** joclyn@ecoroute.co.za

**Subject:** FW: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Hi Joclyn,

Please see below.

Kind regards

**Carina Leslie**

Personal Assistant/Admin



---

**From:** Roberts John (BVL) <[RobertsJ@dws.gov.za](mailto:RobertsJ@dws.gov.za)>

**Sent:** Thursday, 20 March 2025 14:02

**To:** [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)

**Cc:** Gerhard Otto <[GOtto@gardenroute.gov.za](mailto:GOtto@gardenroute.gov.za)>; [eoosthuizen@plett.gov.za](mailto:eoosthuizen@plett.gov.za)

**Subject:** RE: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Dear Eco Route

Although you may take me off your dissemination list for any projects in Gouritz surrounds, I wish to question if the current proposal has fully addressed the flood and storm water management that occasionally floods this residential area when the Keurbooms River and Estuary is flooded?

Regards

**John Roberts**

**Deputy-Director: Proto CMA: Planning and Project Support**

National Department of Water and Sanitation

Western Cape Region

52 Voortrekker Road, Spectrum Building

BELLVILLE

7352

Tel: +27 21 9416179 | Cell: +27 62 694 0295 | Email:[robertsj@dws.gov.za](mailto:robertsj@dws.gov.za)

---

**From:** [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za) <[admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)>

**Sent:** Thursday, 20 March 2025 13:00

**To:** [Danie.Swanepoel@westerncape.gov.za](mailto:Danie.Swanepoel@westerncape.gov.za); [Steve.Kleinhans@westerncape.gov.za](mailto:Steve.Kleinhans@westerncape.gov.za);

[Francois.Naude@westerncape.gov.za](mailto:Francois.Naude@westerncape.gov.za); [RMolale@dfre.gov.za](mailto:RMolale@dfre.gov.za); [oceia@environment.gov.za](mailto:oceia@environment.gov.za);

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'Vanessa Stoffels' <[Vanessa.Stoffels@westerncape.gov.za](mailto:Vanessa.Stoffels@westerncape.gov.za)>; Roberts John (BVL) <[RobertsJ@dws.gov.za](mailto:RobertsJ@dws.gov.za)>; 'Cor Van

der Walt' <[Cor.VanderWalt@westerncape.gov.za](mailto:Cor.VanderWalt@westerncape.gov.za)>; 'Brandon Layman' <[Brandon.Layman@westerncape.gov.za](mailto:Brandon.Layman@westerncape.gov.za)>;

[leptieshaam.Bekko@westerncape.gov.za](mailto:leptieshaam.Bekko@westerncape.gov.za); [Ryan.Apolles@westerncape.gov.za](mailto:Ryan.Apolles@westerncape.gov.za); [Hilda.Hayward@westerncape.gov.za](mailto:Hilda.Hayward@westerncape.gov.za);

[Mercia.Liddle@westerncape.gov.za](mailto:Mercia.Liddle@westerncape.gov.za); 'Melanie Koen' <[Mkoen@dfre.gov.za](mailto:Mkoen@dfre.gov.za)>

**Cc:** [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za); [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)

**Subject:** Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Good day,

Kindly find below link to the Draft BAR and relevant appendices.

<https://we.tl/t-UF0e3y3nqc>



A 30-day public participation for the Draft BAR will be held from **24/03/2025 – 25/04/2025**.

Please submit your comments to the EAP undersigned in this time.

Should you have an issue accessing the link above, please visit our website to view all documents:  
<https://www.ecoroute.co.za/node/67>

# ENVIRONMENTAL ASSESSMENT PRO

## Notification of Public Participation:

### **The Proposed Residential Development on Portion 91 of Farm 304, Keurboomstrand, Plettenberg Bay, Western**

Notice is hereby provided in terms of the National Environmental Management Act of 1998, the National Environmental Management Act: Environmental Regulations 2014, as amended, of a 30-day Public Participation Process under the authority of the Department of Environmental Affairs and Climate Change (DEA&DP). The Public Participation Process will run from **24/03/2025 – 25/04/2025**.

**DEADP Ref: 16/3/3/1/D1/13/0001/25**

#### **Activity:**

The Basic Assessment Application is for the proposed development of income residential development on Portion 91 of Farm Matjesfontein 304. The development concept includes 60 group housing stands with average 30 houses will vary in size but will be built in a similar style that will enhance the quality of the neighbourhood. Ample open spaces and landscaped streets are incorporated into the development.

#### **The following EIA Listed Activities are applicable:**

**Government Notice No. R327 (Listing Notice 1):** Activity 12(ii)(c), 27 & 28

**Government Notice No. R324 (Listing Notice 3):** Activity 4(i) (ii) (aa) & (bb) 14(ii) (c) (i) (hh)

A Draft Basic Assessment Report and relevant appendices will be registered and available for public review and comment. Interested and Affected Parties (I&APs) for public review and comment documents may be accessed via our website during the public participation period.

Should you wish to gain further information regarding the project or register as an Interested and Affected Party please contact the Environmental Assessment Practitioner (details below).

Please provide written comments with your name, contact details and direct business, financial, personal, or other interest which you may have in the project. Please note that information submitted by I&AP's becomes public information. In terms of the Protection of Personal Information Act 4 of 2013 (POPIA), no personal information will be made available to the public.

**Environmental Assessment Practitioner:** Joclyn Marshall (EAPASA Reg 21)

www.ecoroute.co.za  
P.O. Box 1252, Sedgefield, 6573  
Email: admin@ecoroute.co.za  
Cell: 082 55 77 122



Kind Regards,

**Joclyn Marshall**

MSc Environmental Science

EAPASA 2022/5006

072 126 6393



**Eco Route**  
Environmental Consultancy



**Enquiries**

A Minne

**Contact Details**

044 501 3318

**E-Mail**

[aminne@plett.gov.za](mailto:aminne@plett.gov.za)

**File Ref: 18/91/304/KB**

12 May 2025

**Attention: Ms Joclyn Marshall**

Tel:

072 126 6393

E-Mail:

[joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za)

Dear Sir / Madam

**COMMENT ON DRAFT BASIC ASSESSMENT REPORT IN TERMS OF THE NEMA ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS FOR THE PROPOSED DEEVELOPMENT ON PORTION 91 OF THE FARM MATJESFONTEIN NO. 304, KEURBOOMSTRAND, BITOU MUNICIPALITY**

**DEAD&P Reference Number: 16/3/3/6/7/1/D1/13/0268/22**

Bitou Local Municipality would like to thank you for the opportunity to review and comment on the Draft BAR for the proposed development on Portion 91 of Farm 304, Keurboomstrand, within the Bitou Municipal area. Please note that these comments have been drafted by the Land Use and Environmental Management department within the Planning and Development directorate. Additional comments may be required from other relevant departments within the Bitou Local Municipality.

The following information was taken from the supplied report and summarise the proposed activities.

**DESCRIPTION OF ACTIVITY**

The proposed development involves establishing a residential estate consisting of 60 group housing stands, each with an average erf size of approximately 500m<sup>2</sup>, on Portion 91 of Farm 304, Keurboomstrand. The total area allocated to the 60 residential erven is approximately 29,471m<sup>2</sup>, with an internal road network covering around 12,013m<sup>2</sup>, resulting in a total permanent disturbance footprint of 41,484m<sup>2</sup>. Additionally, the development will include a communal Open Space II area of roughly 9,642m<sup>2</sup>, featuring landscaped gardens and stormwater infiltration pond systems. The remaining 83,512m<sup>2</sup> of undeveloped land will be designated as Open Space III and managed as a conservation area under a Conservation Management Plan. This conservation area will also include an ecological corridor to facilitate wildlife movement.

**LOCATION**

The proposed development is located on Portion 91 of Farm Matjesfontein 304 in Keurboomstrand, within the Bitou Local Municipality of the Garden Route District. The site lies northeast of Plettenberg Bay, accessible via Keurboom Road (MR00394/PO394), about 1.8 km west of Keurboomstrand and 7 km from Plettenberg Bay's centre. The property is bordered by environmentally sensitive forest to the north, vacant land to the east and west, and partially developed residential areas to the south. It lies opposite the Milkwood Glen Residential Complex and approximately 5.8 km along the coast from the Keurbooms Estuary mouth. Topographically, it features a steep forested north and a flatter southern portion, where the development is planned between 3–6m above sea level. The development footprint is mostly below the 5 m contour and falls within the Estuarine

Functional Zone (EFZ) and a wetland corridor defined by KELASP. The site also falls within the Outeniqua Sensitive Coastal Area (OSCA) and the Coastal Protection Zone (CPZ).

Following a review of the documentation and appendices the following comments are made:

1. The Municipality acknowledges the designation of approximately 83,512 m<sup>2</sup> of land within the proposed development as Open Space III, which will serve as a conservation area and ecological corridor. To ensure the long-term protection and legal recognition of this sensitive area, it is strongly recommended that the landowner pursue the formal declaration of the Open Space III areas as a Protected Environment under Section 28 of the National Environmental Management: Protected Areas Act (Act 57 of 2003). Declaring the area as a Protected Environment will:

- Provide statutory protection for ecological corridors, forested slopes, and habitat for priority species.
- Strengthen the enforceability of the associated Conservation Management Plan.
- Ensure land use compatibility is maintained in perpetuity, even in the case of future ownership changes.

The Municipality may support this declaration process in coordination with the relevant provincial conservation authority (e.g., CapeNature). This declaration is aligned with the municipality's broader biodiversity conservation and climate resilience objectives and should be considered a condition for final development approval.

2. While the ecological surveys may indicate a lack of current estuarine habitat on the specific development footprint, the property's location within the mapped EFZ below the 5m contour and on the edge of the 1:100 year flood line presents a demonstrable risk of flooding, particularly in the context of climate change and sea-level rise. As such, flood resilience must be rigorously demonstrated prior to construction. It is therefore required that a registered geohydrological or hydrological engineer certify that:

- 2.1. All residential and service infrastructure (including the temporary wastewater treatment works, stormwater attenuation ponds, and access roads) are located above the 1:100-year flood line.
- 2.2. The design levels of the development are based on accurate flood modelling that accounts for both historic flood data and projected climate change impacts, including sea-level rise and increased storm intensity.
- 2.3. This certification must be submitted to the Municipality prior to final building plan approval and must form part of the approved Stormwater Management Plan.
- 2.4. Where portions of the development fall within flood-prone areas, appropriate engineering mitigation or exclusion from development must be demonstrated.

This requirement is essential to ensure the safety of future residents and infrastructure and to prevent the displacement of floodwaters onto neighbouring properties or public roads.

3. The Municipality notes the presence of *Brunsvigia* species on the site, a geophyte known for its seasonal emergence and ecological sensitivity. These plants typically flower in late summer to early autumn, often triggered by environmental cues such as rainfall or temperature changes. Given their cryptic lifecycle, it is essential that a seasonally timed botanical survey be conducted to accurately map and quantify individuals prior to any site clearance or earthworks. The following must be included in the development's Environmental Management Programme (EMPr):

- 3.1. A plant rescue and rehabilitation plan for *Brunsvigia* spp, compiled by a suitably qualified botanist.
- 3.2. Rescue operations must be timed to coincide with the visible phase of the plants' lifecycle, typically when leaves or flowers are present.
- 3.3. Translocated individuals should be moved to appropriate habitat within the designated conservation area (Open Space III) or Open Space II, ensuring similar soil, aspect, and drainage conditions.
- 3.4. A monitoring programme of at least three years must be implemented to assess the survival and re-establishment success of translocated plants.

The Bitou Municipality reserves the right to revise initial comments and request further information based on any additional information that might be received. The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorisation for.

Should you require any additional information please do not hesitate to contact this office.

Yours faithfully,

A handwritten signature in dark ink, appearing to be 'Anjé Minne', written over a horizontal line.

Anjé Minne

**Environmental Management Officer**

**Planning and Development: Land Use and Environmental Management**

**Bitou Municipality**



**From:** OCEIA <OCEIA@dffe.gov.za>  
**Sent:** Thursday, 22 May 2025 16:38  
**To:** joclyn@ecoroute.co.za; OCEIA  
**Cc:** admin@ecoroute.co.za; Janet@ecoroute.co.za; Yolokazi Galada; Yvonne Mokadi; Sibusiso Mbethe; Tabisile Mhlana  
**Subject:** DFFE comments on DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Good day Ms Marshal,

Apologies for the delayed response.

The Department of Forestry, Fisheries, and the Environment (DFFE); Branch Oceans & Coasts (O&C) appreciates the opportunity granted to provide comments and recommendations on the Draft Basic Assessment Report for the proposed residential development on portion 91 of Farm Matjes Fontein 304, Keurboomstrand, Plettenberg Bay, Western Cape province. This Branch provides comments based on the provisions of the National Environmental Management Act 107 of 1998 ("NEMA") and the National Environmental Management: Integrated Coastal Management Act 24 of 2008 ("ICM Act").

The Branch O&C has the mandate to ensure the holistic management of the coast, estuarine areas and maintenance of the seascapes to realise that the development and use of natural resources are sustainable. The Branch further ensures that the ecological integrity, natural character, and economic, social, and aesthetic value of the coastal zone are maintained to protect people, properties, and economic activities against the impacts of dynamic coastal processes. Please note the following comments;

1. The proposed development falls within the Coastal Protection Zone as defined in the ICM Act. It is observed that the area seaward of the proposed development has already been modified with residential development.
2. The proposed development will not affect the risk zones as delineated by the Western Cape Department of Environmental Affairs and Development Planning. However, it seems it could be affected by the Coastal Climate Change Vulnerability Assessment (CoVu) Coastal Flood Risk, please see the coastal viewer developed by DFFE at <https://ocims.environment.gov.za/coastal%20viewer/>. Section 3.5. page 51-52 of the BAR also to some extent confirms some coastal flooding in 1:100-year floodlines exacerbated by Climate Change and this may indeed be something to look at in the alternative designs.
3. It is noted that the Forestry Branch of DFFE was notified but could not provide comments. The recommendation by the EAP that if any protected tree is observed on the site, the Forestry Branch of DFFE in Knysna must be contacted is supported. The Knysna office can also be reached through Innocent Mapokgole at [imapokgole@dffe.gov.za](mailto:imapokgole@dffe.gov.za) or Melanie Koen at [mkoen@dffegov.za](mailto:mkoen@dffegov.za).
4. The Conservation Plan is supported but relevant authorities such as Forestry Branch of this Department need to be involved.
5. There seems to have been a lot of objections from the local community as per the previous PP. Meaningful consultation with the local community is important, where meetings are held and more information is presented for an informed consultation. In the *Sustaining the Wild Coast NPC and Others v Minister of Mineral Resources and Energy and Others (3491/2021) [2022] ZAECKMHC 55; 2022 (6) SA 589 (ECMK) (1 September 2022)*, the meaningful consultation was discussed at length, even

though that case dealt with mining matters but it brought sharply the meaning consultation involved in EIA applications.

6. According to the report on pg. 46 *“No freshwater features such as drainage lines, rivers or wetlands are indicated to occur within the footprint of the property or within proximity to the property”* The absence of mapped freshwater features such as drainage lines, rivers, or wetlands within or near the development footprint reduces the risk of direct impacts on freshwater ecosystems. However, it is recommended that indirect impacts on the estuary via altered hydrology, sedimentation, or pollution must still be carefully managed.
7. Despite the positive measures, the development footprint of approximately 4.15 hectares and associated infrastructure may still pose risks such as increased sedimentation, nutrient runoff, and habitat disturbance if not carefully managed. It is recommended that strict erosion and sediment control measures be implemented during construction to prevent sediment runoff from entering nearby watercourses and ultimately the estuary. The contractor/consultant is encouraged to provide training on best practices for erosion control, sediment management, and spill prevention to all site personnel.
8. It is indicated in the report that *“the development will be focused on the southern, flatter portion of the property where historical clearing of vegetation has taken place. This area is also aligned with the lower-lying contours of the site mapped as the EFZ”*. This necessitates precautionary measures to avoid degradation of estuarine water quality and habitat.
9. The report states that *“the northern portion of the property is steep and forested, while the southern portion is very flat with pasture currently grazed by horses. The development will be focused on the southern, flatter portion of the property where historical clearing of vegetation has taken place. This area is also aligned with the lower-lying contours of the site mapped as the EFZ”*. It is recommended that the northern steep and forested portion of the property likely provides important ecological functions such as habitat connectivity, erosion control, and groundwater recharge, which benefit the estuarine system downstream. These areas should be conserved and protected from disturbance.
10. The southern flat pasture area, currently grazed by horses and targeted for development, may be suitable for construction; however, it still requires measures to prevent runoff, sedimentation, and nutrient loading into the estuary.
11. The Branch O&C, however, does not object to the proposed development.

If further comments or engagement are required with regards to estuarine functional areas, correspondence must be addressed to [@OCEIA](#) and further engagement with Estuary team will be coordinated. Kindly note that the Branch Oceans and Coasts reserves the right to revise its comments and request further information based on any additional information received.

Enkosi  
Sibusiso Mbethe  
Specialised Environmental Officer & PSA Secretary  
Directorate: Coastal Development & Coordination  
Chief Directorate: Integrated Coastal Management  
Branch: Oceans and Coasts  
V&A Waterfront,  
Cape Town,  
8001

Tel: 021 493 7043  
Cell: 073 804 5281  
Email: [smbethe@dffe.gov.za](mailto:smbethe@dffe.gov.za)  
Website: [www.dffe.gov.za](http://www.dffe.gov.za)

**“A genuine leader is not a searcher for consensus, but a molder of consensus” Martin Luther King, JR.**

---

**From:** jocllyn@ecoroute.co.za <jocllyn@ecoroute.co.za>

**Sent:** Wednesday, 21 May 2025 15:23

**To:** Yolokazi Galada <YGalada@dfpe.gov.za>; OCEIA <OCEIA@dfpe.gov.za>; Rueben Molale <RMolale@dfpe.gov.za>

**Cc:** admin@ecoroute.co.za; janet@ecoroute.co.za

**Subject:** RE: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Good Day All

I trust you are well.

I am following up on the email below. Please can you kindly provide your comments.

Much appreciated.

Kind Regards,

**Joclyn Marshall**

MSc Environmental Science

EAPASA 2022/5006

072 126 6393



**Eco Route**  
Environmental Consultancy

---

**From:** jocllyn@ecoroute.co.za <jocllyn@ecoroute.co.za>

**Sent:** Monday, 05 May 2025 13:24

**To:** 'Yolokazi Galada' <YGalada@dfpe.gov.za>; 'OCEIA' <OCEIA@dfpe.gov.za>; 'Rueben Molale' <RMolale@dfpe.gov.za>

**Cc:** 'admin@ecoroute.co.za' <admin@ecoroute.co.za>; 'janet@ecoroute.co.za' <janet@ecoroute.co.za>; 'Steve Kleinhans' <Steve.Kleinhans@westerncape.gov.za>; 'Francois Naude' <Francois.Naude@westerncape.gov.za>

**Subject:** RE: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Good Day All

Thank you for your response.

The public participation period for the Draft BAR was between 24 March – 25 April 2025. The deadline for submission of the Final BAR is 9 June 2025.

Please may I kindly ask that you provide comment by 16 May 2025 to provide sufficient time to response accordingly.

I hope you will find this acceptable.

Kind Regards,

**Joclyn Marshall**

MSc Environmental Science

EAPASA 2022/5006

072 126 6393



---

**From:** Yolokazi Galada <[YGalada@dfpe.gov.za](mailto:YGalada@dfpe.gov.za)>

**Sent:** Wednesday, 30 April 2025 10:38

**To:** OCEIA <[OCEIA@dfpe.gov.za](mailto:OCEIA@dfpe.gov.za)>; [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za); Rueben Molale <[RMolale@dfpe.gov.za](mailto:RMolale@dfpe.gov.za)>

**Cc:** [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za); [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za); 'Steve Kleinhans' <[Steve.Kleinhans@westerncape.gov.za](mailto:Steve.Kleinhans@westerncape.gov.za)>; Francois Naude <[Francois.Naude@westerncape.gov.za](mailto:Francois.Naude@westerncape.gov.za)>

**Subject:** RE: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Dear Colleagues

The below communication is noted and well received. We are just awaiting confirmation of timeframe to provide comments. Many Thanks

Regards  
Yolo

---

**From:** OCEIA <[OCEIA@dfpe.gov.za](mailto:OCEIA@dfpe.gov.za)>

**Sent:** Friday, 25 April 2025 15:06

**To:** [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za); Rueben Molale <[RMolale@dfpe.gov.za](mailto:RMolale@dfpe.gov.za)>; OCEIA <[OCEIA@dfpe.gov.za](mailto:OCEIA@dfpe.gov.za)>; Yolokazi Galada <[YGalada@dfpe.gov.za](mailto:YGalada@dfpe.gov.za)>

**Cc:** [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za); [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za); 'Steve Kleinhans' <[Steve.Kleinhans@westerncape.gov.za](mailto:Steve.Kleinhans@westerncape.gov.za)>; Francois Naude <[Francois.Naude@westerncape.gov.za](mailto:Francois.Naude@westerncape.gov.za)>

**Subject:** RE: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Good day Joclyn,

Can you please indicate the timeframe?

[@Yolokazi Galada](#), we will facilitate- please receive the request below.

Enkosi  
Sibusiso Mbethe  
Specialised Environmental Officer & PSA Secretary  
Directorate: Coastal Development & Coordination  
Chief Directorate: Integrated Coastal Management  
Branch: Oceans and Coasts  
V&A Waterfront,  
Cape Town,  
8001

Tel: 021 493 7043  
Cell: 073 804 5281  
Email: [smbethe@dfpe.gov.za](mailto:smbethe@dfpe.gov.za)  
Website: [www.dfpe.gov.za](http://www.dfpe.gov.za)

**“A genuine leader is not a searcher for consensus, but a molder of consensus” Martin Luther King, JR.**

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**From:** [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za) <[joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za)>

**Sent:** Friday, 25 April 2025 10:00

**To:** Rueben Molale <[RMolale@dfpe.gov.za](mailto:RMolale@dfpe.gov.za)>; OCEIA <[OCEIA@dfpe.gov.za](mailto:OCEIA@dfpe.gov.za)>

**Cc:** [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za); [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za); 'Steve Kleinhans' <[Steve.Kleinhans@westerncape.gov.za](mailto:Steve.Kleinhans@westerncape.gov.za)>;

Francois Naude <[Francois.Naude@westerncape.gov.za](mailto:Francois.Naude@westerncape.gov.za)>

**Subject:** FW: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Dear Mr Molale

We are in the application phase for the proposed Residential Development on Portion 91 of the Farm 304 Matjies Fontein in the Keurbooms area, Plettenberg Bay.

We have been requested by DEA&DP to obtain comments from Branch Oceans & Coasts (Estuary Management) within the National Department Fisheries Forestry and the Environment. Written comment is required in respect of the impact of the proposed development on the EFZ and *vice versa*.

Please can you assist in providing comment. All documents can be downloaded from our website on the link below. Otherwise, I can send documents you may require.

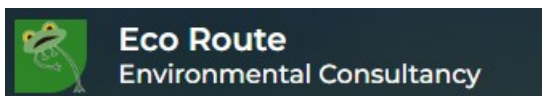
[Draft Basic Assessment Report : Proposed Residential Development on Portion 91 of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape | Eco Route](#)

I look forward to your response.

Kind Regards,

**Joclyn Marshall**

MSc Environmental Science  
EAPASA 2022/5006  
072 126 6393



---

**From:** [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za) <[admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)>

**Sent:** Thursday, 20 March 2025 13:57

**To:** [Danie.Swanepoel@westerncape.gov.za](mailto:Danie.Swanepoel@westerncape.gov.za); [Steve.Kleinhans@westerncape.gov.za](mailto:Steve.Kleinhans@westerncape.gov.za); [Francois.Naude@westerncape.gov.za](mailto:Francois.Naude@westerncape.gov.za); [RMolale@dffe.gov.za](mailto:RMolale@dffe.gov.za); [oceia@environment.gov.za](mailto:oceia@environment.gov.za); [BCAdmin@environment.gov.za](mailto:BCAdmin@environment.gov.za); [tnethononda@dffe.gov.za](mailto:tnethononda@dffe.gov.za); [Nathan.Jacobs@westerncape.gov.za](mailto:Nathan.Jacobs@westerncape.gov.za); [Noluvo.Toto@westerncape.gov.za](mailto:Noluvo.Toto@westerncape.gov.za); [Stephanie.barnardt@westerncape.gov.za](mailto:Stephanie.barnardt@westerncape.gov.za); [Azni.November@westerncape.gov.za](mailto:Azni.November@westerncape.gov.za); 'Vanessa Stoffels' <[Vanessa.Stoffels@westerncape.gov.za](mailto:Vanessa.Stoffels@westerncape.gov.za)>; [RobertsJ@dwa.gov.za](mailto:RobertsJ@dwa.gov.za); 'Cor Van der Walt' <[Cor.VanderWalt@westerncape.gov.za](mailto:Cor.VanderWalt@westerncape.gov.za)>; 'Brandon Layman' <[Brandon.Layman@westerncape.gov.za](mailto:Brandon.Layman@westerncape.gov.za)>; [leptieshaam.Bekko@westerncape.gov.za](mailto:leptieshaam.Bekko@westerncape.gov.za); [Mercia.Liddle@westerncape.gov.za](mailto:Mercia.Liddle@westerncape.gov.za); [Hilda.Hayward@westerncape.gov.za](mailto:Hilda.Hayward@westerncape.gov.za); [Ryan.Apolles@westerncape.gov.za](mailto:Ryan.Apolles@westerncape.gov.za); 'Melanie Koen' <[Mkoen@dffe.gov.za](mailto:Mkoen@dffe.gov.za)>

**Cc:** [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za); [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za)

**Subject:** Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Good day,

Kindly find below link to the Draft BAR and relevant appendices.

<https://we.tl/t-UF0e3y3nqc>

A 30-day public participation for the Draft BAR will be held from **24/03/2025 – 25/04/2025**.

Please submit your comments to the EAP undersigned in this time.

Should you have an issue accessing the link above, please visit our website to view all documents:  
<https://www.ecoroute.co.za/node/67>



# ENVIRONMENTAL ASSESSMENT PRO

## Notification of Public Participation:

### **The Proposed Residential Development on Portion 91 of Farm 304, Keurboomstrand, Plettenberg Bay, Western**

Notice is hereby provided in terms of the National Environmental Management Act of 1998, the National Environmental Management Act: Environmental Regulations 2014, as amended, of a 30-day Public Participation Process under the authority of the Department of Environmental Affairs and Climate Change (DEA&DP). The Public Participation Process will run from **24/03/2025 – 25**

**DEADP Ref: 16/3/3/1/D1/13/0001/25**

#### **Activity:**

The Basic Assessment Application is for the proposed development of income residential development on Portion 91 of Farm Matjesfontein 304. The development concept includes 60 group housing stands with average 4 houses will vary in size but will be built in a similar style that will enhance the quality of the neighbourhood. Ample open spaces and landscaped streets are incorporated into the development.

#### **The following EIA Listed Activities are applicable:**

**Government Notice No. R327 (Listing Notice 1):** Activity 12(ii)(c), 27 & 28

**Government Notice No. R324 (Listing Notice 3):** Activity 4(i) (ii) (aa) & (bb) 14(ii) (c) (i) (hh)

A Draft Basic Assessment Report and relevant appendices will be registered and available for public review and comment. Interested and Affected Parties (I&APs) for public review and comment documents may be accessed via our website during the public participation period.

Should you wish to gain further information regarding the project or register as an Interested and Affected Party please contact the Environmental Assessment Practitioner (details below).

Please provide written comments with your name, contact details and whether you have a direct business, financial, personal, or other interest which you may have in the project. Please note that information submitted by I&AP's becomes public information. In terms of the Protection of Personal Information Act 4 of 2013 (POPIA), no personal information will be made available to the public.

**Environmental Assessment Practitioner:** Joclyn Marshall (EAPASA Reg 21)

www.ecoroute.co.za  
P.O. Box 1252, Sedgefield, 6573  
Email: admin@ecoroute.co.za  
Cell: 082 55 77 122



Kind Regards,

**Joclyn Marshall**

MSc Environmental Science

EAPASA 2022/5006

072 126 6393



**Eco Route**  
Environmental Consultancy

**joclyn@ecoroute.co.za**

---

**From:** Sonia Jordaan <sonia@confluent.co.za>  
**Sent:** Friday, 25 April 2025 11:22  
**To:** joclyn@ecoroute.co.za  
**Cc:** Nicola Fede  
**Subject:** FW: EIA: PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 91 OF FARM MATJESFONTEIN 304, KEURBOOMSTRAND, PLETTENBERG BAY, WESTERN CAPE

Hi Joclyn,

See below from Rabokale from BOCMA w.r.t. land use application – I think this should have gone to you for the EA application?

Not sure why Rabokale sent it to Nicola, but think might have been a mistake and was meant for EcoRoute.

Thanks,  
Sonia

---

**Sonia Jordaan**  
Water Use Assessment Practitioner

7 St. Johns Street  
Dormehls Drift,  
George, 6529

+27 62 743 2416  
[sonia@confluent.co.za](mailto:sonia@confluent.co.za)  
[www.confluent.co.za](http://www.confluent.co.za)

---

**From:** Nicola Fede <nicola@confluent.co.za>  
**Sent:** Thursday, 24 April, 2025 1:50 PM  
**To:** Sonia Jordaan <sonia@confluent.co.za>  
**Subject:** FW: EIA: PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 91 OF FARM MATJESFONTEIN 304, KEURBOOMSTRAND, PLETTENBERG BAY, WESTERN CAPE

Is this for you?



**Thank you,  
Kind Regards  
Nicola Fede**  
Administrator

7 St. Johns Street  
Dormehls Drift,  
George, 6529

[nicola@confluent.co.za](mailto:nicola@confluent.co.za)  
[www.confluent.co.za](http://www.confluent.co.za)

---

**From:** Rabokale Mphahlele <[rmphahlele@bocma.co.za](mailto:rmphahlele@bocma.co.za)>  
**Sent:** Wednesday, 23 April 2025 00:48  
**To:** Nicola Fede <[nicola@confluent.co.za](mailto:nicola@confluent.co.za)>  
**Cc:** Andiswa Sam <[asam@bocma.co.za](mailto:asam@bocma.co.za)>  
**Subject:** EIA: PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 91 OF FARM MATJESFONTEIN 304, KEURBOOMSTRAND, PLETTENBERG BAY, WESTERN CAPE

Good day,

This office acknowledges receipt of the above-referenced land use application for comment.

The development triggered water use activities as defined under Section 21 of the National Water Act, 1998 (Act No. 36 of 1998). A Water Use Licence Application (WULA) has been lodged in this regard and is currently being processed.

In accordance with Section 22 of the National Water Act, no activity related to the proposed development that constitutes a water use may commence without an approved Water Use Licence (WUL). Commencing with such activities without authorisation constitutes an offence in terms of Section 151(1)(a) of the Act. Any person found guilty of such an offence, in terms of Section 151(2), is liable on first conviction to a fine, imprisonment for a period not exceeding five years, or both.

The onus remains with the property owner to ensure full compliance with the provisions of the Act.

Kind regards,  
Rabo

**physical** 4<sup>th</sup> Floor, York Park Building,  
York Street, George, 6530  
**website** [www.capenature.co.za](http://www.capenature.co.za)  
**enquiries** Megan Simons  
**telephone** 087 087 3060  
**email** [msimons@capenature.co.za](mailto:msimons@capenature.co.za)  
**Reference** LE14/2/6/1/6/1/304/91\_Residential\_Plettenberg Bay  
**date** 09 May 2025

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

Attention: Ms Joclyn Marshall  
By email: [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za)

Dear Ms Joclyn Marshall

**THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL  
DEVELOPMENT ON PORTION 91 OF FARM 304, KEURBOOMSTRAND,  
PLETTENBERG BAY, BITOU LOCAL MUNICIPALITY, WESTERN CAPE.**

**DEA&DP Reference: 16/3/3/6/7/1/D1/13/0268/22**

CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature wishes to make the following comments:

According to the Western Cape Biodiversity Spatial Plan (CapeNature 2024)<sup>1</sup> the site has Critical Biodiversity Areas (CBA 1: Terrestrial, Aquatic, and CBA 2: Terrestrial).

The development footprint is within the 100m buffer for the Keurbooms Estuarine Functional Zone (Nel *et al.* 2011)<sup>2</sup>, which is poorly protected (Van Deventer *et al.* 2019)<sup>3</sup>. Furthermore, the property is within the National Strategic Water Source Area for surface water for the Tsitikamma region and serves as a water source protection for the South Eastern Coastal Belt. The SWSA for the Tsitsikamma region is of national importance and their ecological functioning must be protected and maintained (Le Maitre *et al.* 2018)<sup>4</sup>. Approximately 34.4% of the Tsitsikamma SWSA is conserved within protected areas. Therefore, conserving the remaining areas and rehabilitating degraded areas are vital South Africa's water resources.

<sup>1</sup> CapeNature. 2024. 2023 Western Cape Biodiversity Spatial Plan and Guidelines. Unpublished Report

<sup>2</sup> Nel, J.L., Murray, K.M., Maherry, A.M., Petersen, C.P., Roux, D.J., Driver, A., Hill, L., Van Deventer, H., Funke, N., Swartz, E.R., Smith-Adao, L.B., Mbona, N., Downsborough, L. & Nienaber, S. (2011). Technical Report for the National Freshwater Ecosystem Priority Areas project. WRC Report No. K5/1801.

<sup>3</sup> Van Deventer, H., van Niekerk, L., Adams, J., Dinala, M.K./ Gangat, R., Lamberth, S.J., Lötter, M., MacKay, F., Nel, J.L., Ramjukadh, C.J., Skowno, A., Weerts, S. 2019. National Wetland Map 5-An Improved Spatial Extent and representation of inland aquatic and estuarine ecosystems in South Africa.

<sup>4</sup> Le Maitre, D.C., Walsdorff, A., Cape, L., Seyaler, H., Audouin, M., Smith-Adao, L., Nel, J.A., Holland, M. and Witthüser, K. 2018. Strategic Water Source Areas: Management Framework and Implementation Guidelines for Planners and Managers. WRC Report No. TT 754/2/18. Pretoria: Water Research Commission.

The fine-scale vegetation map describes the vegetation as Sedgefield Coastal Grassland to the north and Keurbooms Thicket-Forest to the south (Vlok *et al.* 2008)<sup>5</sup>. According to the National Biodiversity Assessment (Skowno *et al.* 2018)<sup>6</sup> the vegetation units are **Endangered** Garden Route Shale Fynbos (NEM:BA, 2022)<sup>7</sup>. Following a review of the dBAR and specialist study, CapeNature has the following comments:

1. The dBAR refers to the 2017 Western Cape Biodiversity Spatial Plan (hereafter WC BSP) as a Biodiversity Sector Plan, which it is not. The 2017 WC BSP is a comprehensive spatial tool that identifies biodiversity priority areas (i.e., CBA and ESA) and support sustainable development by ensuring that biodiversity considerations are integrated into decision-making processes. The 2017 WC BSP has been replaced by the 2023 WC BSP which was developed in accordance with the Western Cape Biodiversity Act (Act 6 of 2021)<sup>8</sup>.
2. It is understood that milkwood trees will be retained. As they are protected trees<sup>9</sup> CapeNature recommend the department of Forestry, Fisheries, and Environment provide comments for this application. Furthermore, it is noted that the indigenous forest vegetation to the north, which has a Very High Site Ecological Importance (SEI) will therefore be excluded from the proposed development.
3. The proposed development is primarily located within pasture/lawn areas, which have a very low Site Ecological Importance (SEI). However, a portion extends into secondary vegetation with a medium SEI. In line with the mitigation hierarchy, avoidance—or at minimum, a reduction in housing units—should be applied in this area. We do not support development within the secondary vegetation, as the specialist’s report confirms that vegetation in this band is in a state of recovery. Additionally, this area is mapped as a CBA, where rehabilitation is the recommended management objective.
4. Most of the existing development is situated to the south of the site, while the surrounding area of the site has not been developed and is mapped as CBA forming a continuous ecological corridor. Although most the proposed development footprint is transformed, no attempt has been made to restore the vegetation. We therefore do not support the current preferred alternative. The specialist has indicated a preference for Alternative 1, which includes 73 housing units of 375 m<sup>2</sup> each; however, from a biodiversity perspective, Alternative 2 is more appropriate, as it allows for the rehabilitation of the remaining secondary vegetation habitat, which could then be incorporated into the broader CBA corridor. It is also important to note that the current layout may set a precedent for future development in adjacent, currently undeveloped areas.
5. How will potential human-wildlife interactions and conflicts be managed as part of this development?
6. The consultancy has approached CapeNature for inputs into the Conservation Management Plan, however the site has not been assigned a status yet and will only be presented at CapeNature’s Stewardship review committee meeting in June 2025. Once a

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<sup>5</sup> Vlok JHJ, Euston-Brown DIW, Wolf T. 2008. A vegetation map for the Garden Route Initiative. Unpublished 1: 50 000 maps and report for C.A.P.E. FSP Task Team, Oudtshoorn.

<sup>6</sup> Skowno, A. L., Poole, C. J., Raimondo, D. C., Sink, K. J., Van Deventer, H., Van Niekerk, L., Harris, L. R., Smith-Adao, L. B., Tolley, K. A., Zengeya, T. A., Foden, W. B., Midgley, G. F. and Driver, A. 2019. National Biodiversity Assessment 2018: The status of South Africa’s ecosystems and biodiversity. Synthesis Report. Pretoria, South Africa. 214 pp.

<sup>7</sup> National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). The Revised National List of Ecosystems that are Threatened and in need of protection. 2022. Government Gazette No. 47526

<sup>8</sup> Western Cape Biodiversity Act, 2021 (Act No. 6 of 2021). Western Cape Provincial Gazette No. 8529.

<sup>9</sup> National Forest Act, 1998 (Act No.84 of 1988). The publication of the annual list of all tree species which are protected under Section 12 of the National Forest Act, 1998 (Act No. 84 of 1998). 2024. Government Gazette No. 50291

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

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Mr Mervyn Burton, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Mr Paul Slack



status has been assigned, CapeNature will provide input. The objective of natural CBA is to remain in a natural condition and therefore we support that the northern section be formally protected into the Western Cape Protected Areas Expansion Strategy.

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

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Megan Simons', written in a cursive style.

**Megan Simons**  
**For: Manager (Conservation Intelligence)**

RE: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

From Stephanie Barnardt <Stephanie.Barnardt@westerncape.gov.za>

Date Thu 20 Mar 2025 13:09

To admin@ecoroute.co.za <admin@ecoroute.co.za>

Good day

Thank you for giving HWC the opportunity to comment.

Please included HWC reference number in the initial email to prevent delay in responding to your emails.

Please note that our previous comment still stands, no further action is required from heritage.

Please let me know if you need a digital copy of the record of the decision.

Kind regards,

**Stephanie-Anne Barnardt-Delport**  
**Heritage Officer (Archaeologist)**  
**Heritage Western Cape**

Heritage Resource Management Services  
Protea Assurance Building Greenmarket Square, Cape Town  
(Currently working remotely)

Website: [www.hwc.org.za](http://www.hwc.org.za) / [www.westerncape.gov.za](http://www.westerncape.gov.za)



From: admin@ecoroute.co.za <admin@ecoroute.co.za>

Sent: Thursday, March 20, 2025 1:00 PM

To: Danie Swanepoel <Danie.Swanepoel@westerncape.gov.za>; Steve Kleinhans <Steve.Kleinhans@westerncape.gov.za>; Francois Naude <Francois.Naude@westerncape.gov.za>; RMolale@dffe.gov.za; oceia@environment.gov.za; BCAdmin@environment.gov.za; tnethononda@dffe.gov.za; Nathan Jacobs <Nathan.Jacobs@westerncape.gov.za>; Noluvo Toto <Noluvo.Toto@westerncape.gov.za>; Stephanie Barnardt <Stephanie.Barnardt@westerncape.gov.za>; Azni K November <Azni.November@westerncape.gov.za>; Vanessa Stoffels <Vanessa.Stoffels@westerncape.gov.za>; RobertsJ@dwa.gov.za; Cor Van der Walt <Cor.VanderWalt@westerncape.gov.za>; Brandon Layman <Brandon.Layman@westerncape.gov.za>; leptieshaam Bekko <leptieshaam.Bekko@westerncape.gov.za>; Ryan Apolles <Ryan.Apolles@westerncape.gov.za>; Hilda Hayward <Hilda.Hayward@westerncape.gov.za>; Mercia J Liddle <Mercia.Liddle@westerncape.gov.za>; 'Melanie Koen' <Mkoen@dffe.gov.za>

Cc: joclyn@ecoroute.co.za; janet@ecoroute.co.za

Subject: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Good day,

Kindly find below link to the Draft BAR and relevant appendices.

<https://we.tl/t-UF0e3y3nqc>

A 30-day public participation for the Draft BAR will be held from **24/03/2025 – 25/04/2025**.

Please submit your comments to the EAP undersigned in this time.

Should you have an issue accessing the link above, please visit our website to view all documents: <https://www.ecoroute.co.za/node/67>

*19(1) Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority—*

- a. a basic assessment report, inclusive of specialist reports, an EMPr and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority.

The prescribed 90 days allows for a 30-day public review period after which the EAP must address all comments received. This is a very limited timeframe. We understand your concern and will extend the commenting period by 10 days. I hope you will find this to be sufficient time.

Please communicate any concerns or queries you may have so that we may assist you. We are also happy to meet via Teams should you wish to discuss anything.

Kind Regards,

**Joclyn Marshall**

MSc Environmental Science

EAPASA 2022/5006

072 126 6393



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**From:** Sam Duncan [REDACTED]

**Sent:** Monday, 24 March 2025 07:33

**To:** [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za); [DEADPEIAAdmin.George@westerncape.gov.za](mailto:DEADPEIAAdmin.George@westerncape.gov.za)

**Cc:** [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za); [janet@ecoroute.co.za](mailto:janet@ecoroute.co.za); Nickyfrootko [REDACTED]; Teddy Mudge [REDACTED]

**Subject:** Request for Extension of Public Participation Period: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report - Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Dear Sir/Madam,

**Re: Request for Extension of Public Participation Period**

**Proposed Residential Development on Portion 91 of Farm 304 Matjes Fontein, Keurboomstrand, Plettenberg Bay**

I am writing as an adjacent landowner to the above-mentioned proposed development, currently under review as part of the Basic Assessment Report process prepared by Eco Route Environmental Consultancy.

I respectfully request an **extension of at least 30 days** to the current public participation period. The existing 30-day comment period is unreasonably short considering the volume and technical nature of the documentation (including specialist reports and appendices), and the significant potential environmental and land use implications of the proposed development.

Furthermore, it is apparent that the proponent and consultants have had **many months** to prepare the application, while the public has been afforded only a limited window to properly consider, review, and respond—potentially with input from planning and environmental professionals.

This extension is critical to ensure meaningful public participation, as envisioned in the **National Environmental Management Act (Act 107 of 1998)** and supporting **EIA Regulations (2014, as amended)**. I believe that this request is both reasonable and in the public interest.

Please confirm whether this extension can be granted and whether a revised timeline for comments will be communicated to registered Interested and Affected Parties.

Kind regards

Sam Duncan

On Thu, 20 Mar 2025 at 14:09, <[admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)> wrote:

Good day,

Kindly find below link to the Draft BAR and relevant appendices.

<https://we.tl/t-UF0e3y3nqc>

A 30-day public participation for the Draft BAR will be held from **24/03/2025 – 25/04/2025**.

Please submit your comments to the EAP undersigned in this time.

Should you have an issue accessing the link above, please visit our website to view all documents:

<https://www.ecoroute.co.za/node/67>

## ENVIRONMENTAL ASSESSMENT PROCESS

### Notification of Public Participation:

#### **The Proposed Residential Development on Portion 91 of Farm Matjes Fontein 304, Keurboomstrand, Plettenberg Bay, Western Cape.**

Notice is hereby provided in terms of the National Environmental Management Act (Act 107 of 1998), the National Environmental Management Act: Environmental Impact Assessment Regulations 2014, as amended, of a 30-day Public Participation Process to be undertaken under the authority of the Department of Environmental Affairs and Development Planning (DEA&DP). The Public Participation Process will run from **24/03/2025 – 25/04/2025**.

**DEADP Ref: 16/3/3/1/D1/13/0001/25**

#### **Activity:**

The Basic Assessment Application is for the proposed development of a sustainable middle income residential development on Portion 91 of Farm Matjesfontein 304, Plettenberg Bay. The development concept includes 60 group housing stands with average erf sizes of  $\pm 500\text{m}^2$ . The houses will vary in size but will be built in a similar style that will create a harmonious development. Ample open spaces and landscaped streets are incorporated into the design to enhance the quality of the neighbourhood.

#### **The following EIA Listed Activities are applicable:**

**Government Notice No. R327 (Listing Notice 1):** Activity 12(ii)(c), 27 & 28

**Government Notice No. R324 (Listing Notice 3):** Activity 4(i)(ii)(aa) & (bb), 12(i)(i) & (iii), & 14(ii)(c)(i)(hh)

A Draft Basic Assessment Report and relevant appendices will be made available to all registered Interested and Affected Parties (I&APs) for public review and comment. All relevant documents may be accessed via our website during the public participation period.

Should you wish to gain further information regarding the project or wish to register as an Interested and Affected Party please contact the Environmental Assessment Practitioner (details below).

Please provide written comments with your name, contact details and an indication of any direct business, financial, personal, or other interest which you may have in the development. Please note that information submitted by I&AP's becomes public information. In terms of the Protection of Personal Information Act 4 of 2013 (POPIA), no personal information will be made available to the public.

**Environmental Assessment Practitioner:** Joclyn Marshall (EAPASA Reg 2022/5006)

www.ecoroute.co.za  
P.O. Box 1252, Sedgefield, 6573  
Email: admin@ecoroute.co.za  
Cell: 082 55 77 122



Kind Regards,

**Joclyn Marshall**  
MSc Environmental Science

EAPASA 2022/5006  
072 126 6393

# 1 Introduction

This submission addresses the Draft Basic Assessment Report (BAR) for the proposed residential development on Portion 91 of Farm Matjes Fontein 304, Keurboomstrand. The purpose of this objection is to highlight significant concerns regarding environmental sustainability, infrastructure reliability, adherence to local spatial planning policies, and the socio-economic feasibility of the development as proposed.

Upon reviewing the Draft BAR, numerous inconsistencies and risks have been identified, particularly around the proposed sewage management infrastructure, compliance with local and regional planning frameworks, the potential impact on local tourism, and the affordability for the purported target demographic. These concerns are elaborated upon below.

## 2 Sewage Plant Reliability and Risk Management

- The proposed on-site bio sewage plant presents substantial risks of odour nuisance and contamination, as evidenced by issues at comparable local facilities (e.g. the Keurbooms Angling Club pump station).
- The draft BAR recognizes that the proposed area is classified as "high risk" as per Figure 1- Section G of "DRAFT BAR Portion 91 of Farm 304 Matjes Fontein 20.03.2025.pdf" below, yet fails to outline adequate contingency plans or clearly demonstrate preparedness for scenarios in which skilled technicians might be unavailable to address operational failures.

## SECTION G: DESCRIPTION OF THE RECEIVING ENVIRONMENT

All specialist studies must be attached as Appendix G.

### 1. Groundwater

1.1.	Was a specialist study conducted?	YES	NO
1.2.	Provide the name and or company who conducted the specialist study.	<p>OUTENIQUA GEOTECHNICAL SERVICES Geotechnical Report dated 8 March 2023 and Addendum dated 10 January 2024.</p> <p>DHS GROUNDWATER CONSULTING SERVICES Groundwater Impact Assessment dated 12 February 2025</p>	
1.3.	Indicate above which aquifer your proposed development will be located and explain how this has influenced your proposed development.	<ul style="list-style-type: none"><li>❖ The site is underlain by a low-yielding, intergranular aquifer consisting of shallow, unconsolidated formations, making it highly vulnerable to contamination.</li><li>❖ Groundwater was encountered at shallow depths (1.95m and 2.3m below ground level) in geotechnical test pits, confirming the need for careful contamination management.</li><li>❖ A hydrocensus identified three boreholes, a spring, and a groundwater spike within a 3 km radius, with groundwater users present at MG01 and MF01.</li><li>❖ Groundwater quality is moderate, with electrical conductivity (EC) values ranging from 150 to 370 mS/m; however, samples from MG01 and MF01 exceed drinking water standards due to elevated chloride (Cl), sodium (Na), manganese (Mn), iron (Fe), and turbidity levels.</li><li>❖ Based on national-scale DRASTIC data, the aquifer vulnerability is classified as "moderate," but localized conditions (high permeability and proximity to contamination sources) increase the rating to "high."</li><li>❖ The Aquifer System Management Index and Groundwater Quality Management Index confirm a high-risk classification for the site.</li></ul>	

Figure 1- Section G of "DRAFT BAR Portion 91 of Farm 304 Matjes Fontein 20.03.2025.pdf"

- Based on the calculations provided by the developer, the proposed plant has a capacity to handle 2 days of effluent (a total of 60 kl) when each dwelling has 3 residents. I would submit that during the peak holiday season in December, it's highly likely that the actual number of residents per erf will be significantly higher. Should any issues occur during December peak season (with public holidays and annual leave), it is unlikely that highly skilled technicians will be able to attend on site within 2 days. The consequences of the on site sewage plant being unable to process more than 30kl / day of sewage for more than 2 days are not addressed anywhere within the proposed plan. In this scenario, the plant would be producing more than 30kl/day of raw sewage that would presumably be flowing onto the land or into the aquifer in an area identified as "high risk".

## 3 Non-Compliance with Spatial Planning Frameworks

- The Western Cape Provincial Spatial Development Framework of 2014 makes important points as below that Plettenberg Bay is a "tourism route with leisure activities of provincial significance". The Keurboomstrand area in general is very much part of the tourism sector in terms of attracting foreign visitors and homeowners who contribute significantly to Plettenberg Bay's finances. The SDF goes on to state that the purpose of the SDF is to maintain "clear settlement edges" and that "the urban fringe must ensure that urban expansion is structured and directed away from environmentally sensitive land and farming land; agricultural resources are reserved; environmental resources are protected; appropriate levels of services are feasible to support urban fringe land uses, and land use allocations within the urban fringe are compatible and sustainable". I would submit that a high



development middle income housing development within this fringe area does not meet this requirement in any way.

#### 4.2.3.2 Western Cape Provincial Spatial Development Framework 2014

The PSDF 2014 has been approved by the Executive Authority, Minister Anton Bredell, Minister of Local Government, Environmental Affairs and Development Planning, and endorsed by the Provincial Cabinet. The Western Cape PSDF sets out to put in place a coherent framework for the Province's urban and rural areas.

The Provincial SDF indicates George as the regional center for the eastern part of the province, with Knysna and Plettenberg Bay being smaller centres along the Regional Connector Route (N2). It earmarks the area along the Garden Route as a tourism route with leisure activities of provincial significance.

The sustainable use of provincial assets is one of the main aims of the policy. The protection of the non-renewable natural and agricultural resources is achieved through clear settlement edges for towns by defining limits to settlements and through establishing buffers/transitions between urban

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and rural areas. The urban fringe must ensure that urban expansion is structured and directed away from environmentally sensitive land and farming land; agricultural resources are reserved; environmental resources are protected; appropriate levels of services are feasible to support urban fringe land uses, and land use allocations within the urban fringe are compatible and sustainable.

- As per "TOWN PLANNING REPORT Rev 2", the detailed Local Area Spatial Plan compiled for the Keurbooms area in 2013 identifies the following as "no go" zones:
  - o below the 1:50 and 100: year flood lines;
  - o on any slopes with a gradient steeper than 1:4;
  - o below the 4,5m coastal setback line;
  - o within the 100m high water mark setback; and
  - o within the Tshokwane Wetland system.
- The town planning report then proceeds as below to show that 4.5m coastal setback line restriction would result in a development of 19 units. As previously indicated, the developer is more motivated by financial gain than delivering genuine middle income housing, hence they immediately discard this option and state glibly that the

4.5m setback line is “less relevant” to this property. I would submit that the 4.5m setback is a restriction that must be applied - it is not a recommendation that can be ignored based on the developer’s financial motives and “scientific” reports submitted by experts who are on the developer’s payroll.

- In the same vein, the developer disregards the “Bitou Spatial Development Framework 2021” which as below states that the proposed area is outside the urban edge, beyond which “development should not occur” (see Figure 2 - Bitou SDF below). The developer’s application states glibly that the urban edge as defined by the SDF should be “viewed as a conceptual, indicative measure”. I would submit this as another example where the developer is choosing to view the requirements articulated in planning documents as mere recommendations to be ignored/discarded in the pursuit of financial profit and is inappropriate and counterproductive to sustainable spatial planning.

The SDF states that the urban edge is to be viewed as a conceptual, indicative measure (growth management tool) aimed at illustrating a concept, rather than being an exact line with statutory status. The urban edge essentially makes provision for limited urban extension on this property. The SDF also explains that the urban edge is a proposed limit for expansion of any urban node beyond which development should not occur unless the land is already provided with or can connect directly to existing municipal services infrastructure. In this case available municipal water and sewer pipelines traverse the south boundary of the property so the development can connect directly to the network (chapter 4.3 action 2.2).



Figure 14: Extract from the Bitou SDF 2021

Figure 2 - Bitou SDF

## 4 Impact on Regional Tourism and Environmental Integrity

- The Western Cape Provincial Spatial Development Framework (2014) emphasizes maintaining clear settlement edges and preserving environmentally sensitive areas

due to their significant tourism value. Introducing a dense residential development directly contradicts these objectives, potentially jeopardizing regional tourism appeal and ecological stability.

## 5 Affordability and Socio-economic Realism

- The developer states the housing will be for middle income owners. Taking an upper limit of R29 000 / month as a “middle class” salary (<https://businesstech.co.za/news/lifestyle/794239/what-you-need-to-earn-to-be-considered-middle-class-in-south-africa-2/>) as per Figure 3 - Middle Income Salary below,

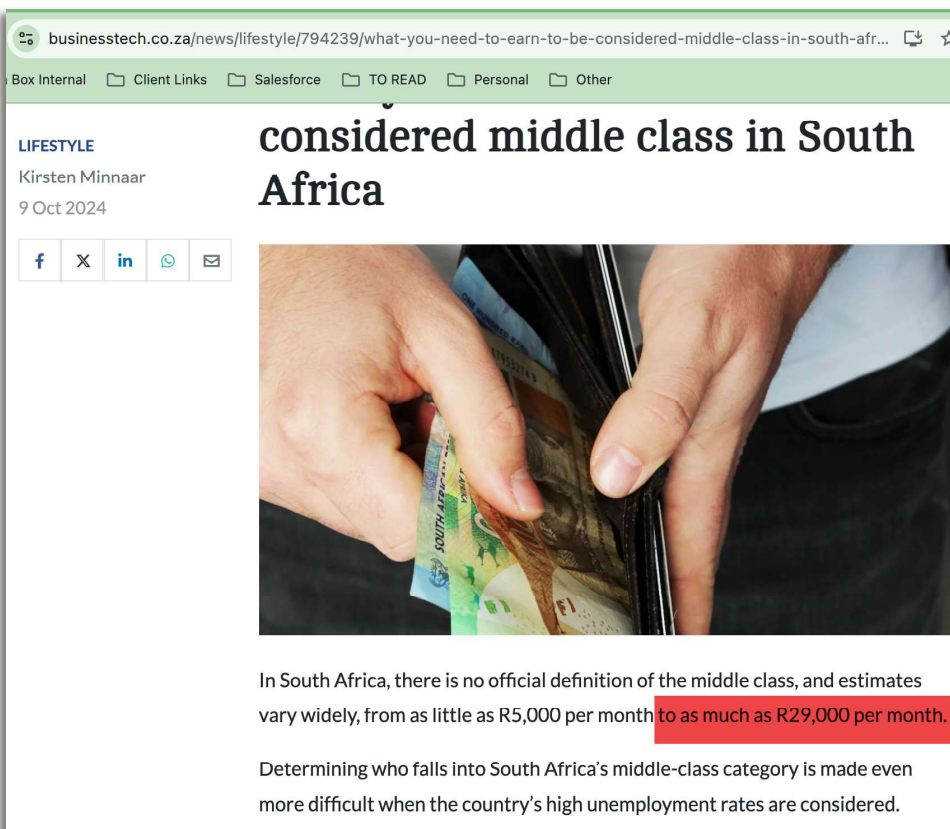


Figure 3 - Middle Income Salary

- This results in an after tax income of R24 476 (<https://www.oldmutual.co.za/personal/tools-and-calculators/income-tax-calculator/>)

BASIC

ADVANCED

How old are you?

☒ Under 65
 ☐ Between 65 and 75
 ☐ Over 75

How often do you get paid? \*

Monthly

How much do you earn before tax? \*

R 29 000

CALCULATE

Note: Results do not cater for all scenarios and should be used as an indicator only.

RESULT SUMMARY

Monthly income tax

R4 523.08

Your net salary

R24 476.92

RECALCULATE

Great news!

You can still invest in a **Tax Free Savings Plan** Although this product is not meant to help you save on income tax, there's a lot to gain because you will pay no tax on the growth of your investment.

INVEST NOW

Figure 4 - Middle Income After Tax Salary

- Bearing in mind that anyone living in the proposed development would need their own car due to there being no public transport, a conservative view of monthly expenses (transport, food, health etc.) would be R10 000 month. Using these rudimentary figures to calculate bond affordability provides a purchase price of R842 000 (<https://www.property24.com/calculators/affordability>), stretching to R1.6m for a couple where both partners are working full time.

Calculate how much you can afford to borrow

**Gross Monthly Income**

R 29 000

**Net Monthly Income**

R 24 476

**Monthly Expenses**

R 10 000

**Interest Rate**

11.00 %

**Loan Term**

20 Years

**Amount you qualify for**

**R 842 869**

**Monthly Bond Repayment**

**R 8 700**

**property24 Home Loans** Receive up to **R10 000 cash back** on your home loan! **Get Pre-Approved**

**How are home loans calculated?**

When it comes to applying for a home loan, South African banks will, typically, allow you to qualify for a home loan repayment of up to 30% of your joint, gross, monthly income i.e. your total joint income before tax and expenses have been deducted. This rule ensures that banks adhere to responsible credit lending as mandated by the National Credit Act of South Africa.

The next item that banks will look at is your net monthly income minus your total monthly expenses. The banks want to see that your disposable income will cover the monthly repayments of the home loan.

Make use of our affordability calculator above to find out what your estimated home loan amount will be. We have set the default interest rate to the current prime lending rate. Based on your credit profile, South African banks may choose to give you an interest rate either higher or lower than the prime lending rate. A small change in your interest rate can have a significant impact on your final home loan amount. It is very important to keep this in mind when estimating the amount for which you qualify.

Figure 5 - Middle Income Bond Affordability

- Page 78 of Appendix F of the Draft BAR states that "The developer's intention is to offer houses and properties at an approximate price range of R2 500 000 to R3,000,000". The lower limit of this range (R2.5m) is already three times the R800 000 affordability threshold calculated above, showing clearly that the developer's claim to be addressing a shortage of middle-income housing is not grounded in reality.
- Further, the proposed development will be responsible for maintaining (and subsequently decommissioning) an on-site sewage processing plant - which will require expert maintenance and engineering support. As a member of the Milkwood Glen HOA board of directors I am intimately acquainted with the monthly costs of running and maintaining an estate and have serious concerns around the financial capability of "middle income" homeowners to be able to bear these monthly costs.

## 6 Conclusion

In conclusion, the proposed development, as currently presented in the Draft BAR, fails to adequately address critical environmental, infrastructural, and socio-economic risks. It contravenes established planning frameworks, threatens the sustainability of local ecosystems and regional tourism, and does not fulfill the purported goal of providing genuinely affordable housing for middle-income residents.

In light of the approval and 2023 implementation of the Keurbooms Estuary Estuarine Management Plan (2022) by the Province, it is critical to realign the proposed development with this authoritative spatial and environmental directive. The Management Plan explicitly prohibits any new developments on land that lies either:

- within the 1 in 100-year flood line, or

- below 5 metres above mean sea level,

whichever is the greater. These restrictions are non-negotiable planning directives aimed at mitigating flood risk, protecting sensitive ecosystems, and ensuring sustainable development in the estuarine zone.

The current proposal for a high-density, middle-income residential development fails to respect these foundational constraints and significantly compromises the environmental integrity and long-term resilience of the Keurbooms region.

Therefore, the recommended alternative is a low-density, high-value development strictly limited to portions of land that are:

- entirely above 5 metres mean sea level, and
- entirely outside the 1:100 flood risk area.

This adjusted approach will:

- Ensure full compliance with the Keurbooms Estuary Estuarine Management Plan;
- Protect the estuarine environment from excessive anthropogenic pressure and infrastructure failure (e.g. sewage leakage);
- Preserve the tourism and ecological value of the region by maintaining its low-impact character;
- Remove the need for an on-site sewage processing plant, thus avoiding major risks related to odour, contamination, and maintenance challenges;
- Align with local and provincial spatial development frameworks, which discourage sprawling urban expansion into sensitive fringe areas.

In sum, this alternative balances ecological preservation with responsible development and is the only viable path forward that aligns with approved policy, topographical constraints, and long-term sustainability.





**Attention:** Joclyn Marshall

**ECO-ROUTE** Environmental Consultancy

**Email:** [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za) ; [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za)

**Date:** 22 April 2025

**COMMENT ON THE PROPOSED BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT: MATJESFONTEIN 304, PORTION 91(PORCION OF PORTION 14), DIVISION PLETTENBERG BAY**

**1. Introduction**

We, Jeanne Muller Town Planning, represent a number of concerned residents of Milkwood Glen and surrounding properties, hereby lodge formal comments and objections against the Draft Basic Assessment Report (Draft BAR) for the Rezoning and Subdivision of Portion 91(Portion of Portion 14) of the Farm Matjesfontein No. 304 as submitted by Eco Route Environmental Consultancy (Eco-Route), dated 20 March 2025. A list of all the interested residents with their contact information is attached as *Annexure A* to this report.

**2. Proposed Middle-income development**

The applicant, Eco-Route, and various specialist studies attached to the Draft BAR refer to the proposed housing development on Portion 91 of the Farm Matjesfontein No. 304 to be a middle-income development.

Eco-Route made the following statement on page 11, continuing page 12 of the Draft BAR:

*“The Plettenberg Bay area historically has very little housing opportunities for middle-income earners. The recent influx of higher-income families moving to the area has led to a sharp increase in housing prices which has further exacerbated the lack of affordable housing. Many residents are displaced as property values rise to the point of unaffordability. This displacement of the middle class and lack of affordable houses has a tremendous effect on the economy of the town, as the middle-class workforce actively contributing to these economies can no longer afford to live here.”*

*“The vision of this development is to create an affordable and sustainable housing product specifically targeting the middle-income group (own emphasis). The aim is to create a pleasant yet affordable residential neighbourhood (own emphasis) where the average person can own a home and live with dignity. The architecture will be based on green principles which will include smaller but well-designed houses, which are more cost-efficient, energy-efficient and healthy.”*

The statement above is a misrepresentation of the proposed development as being an opportunity for middle-income earners to purchase a house. The average income for middle-income households is estimated at R100 000 to R350 000 per annum. This translates to a monthly income of between R8000.00 and R29 000.00 per month which is in line with the South African Reserve Bank's (SARB) estimated range of the South African middle class. The average middle-income household can afford a house between R700 000.00 and R1400 000.00. (Business Tech, 2024). The proposed development will not be in reach for the average middle-income family.

Planning Space Town and Regional Planners responded to various comments during the first round of public participation of the Environmental Assessment Process, specifically on page 78 of Appendix F of the Draft BAR as follows:

*“It is possible that there exists a misunderstanding regarding the nature of the affordability level of the housing being proposed. The developer's intention is to offer houses and properties at an approximate price range of R2 500 000 to R3,000,000. While this may still be beyond the means of many, it does present an opportunity for certain families to attain homeownership. Currently, there are no houses available in this price range, as confirmed by a brief search on Property 24.”*

The statement above is another misrepresentation of information, misleading the public that the proposed development is for the middle-income earners. A simple house search in Keurboomstrand on Property24, on 5 April 2025, had 5 houses for sale between the price range of R2 500 000 and R3 000 000. This search excluded flats that were also available in this price range. We understand that this information will vary constantly, however there are properties available in Keurboomstrand in the price range the developer proposed to sell these houses.

Furthermore, middle-income earners may find it difficult to maintain the Homeowners Association levies for this type of development, as the Homeowners Association (meaning all the property owners) will become liable for the upkeep and maintenance of the protected area (Open Space Zone III) as well as the private open space (Open Space Zone II) between the erven. The protected area is approximately 8,3ha in size and comes with its own responsibilities to maintain and protect the environment. This will include alien eradication, which is in itself a very costly exercise. In the event that the proposed development does materialize, the Homeowners would require an environmental assessment practitioner to guide and manage the maintenance of the protected environment, which is another costly expenditure for a middle-income earner.

### **3. Density**

The Keurbooms and Environs Local Area Spatial Plan (KELASP) indicates the development potential in Node 11 (Node 11 also known as Portion 91 of Farm Matjesfontein No 304) for 19 units. This means that in terms of KELASP the prospects for Portion 91 of the Farm Matjesfontein No 304 was (extremely) low density residential development. The proposed development of 60 units as opposed to the 19 units as per the KELASP is thus an exuberant density increase of **216%**.

Milkwood Glen Residential development has the development potential of 50 dwelling units on 6,5ha thus a density of 7,7 dwelling units per hectare. The proposed development on Portion 91 of the Farm Matjesfontein No 304 has a proposed amount of 60 dwelling units on approximately 6ha thus a density of approximately 10 dwelling units per hectare. (An observation, that Planning Space Town and Regional Planners stated in the land use planning application that the density for the proposed development is 12 dwelling units per hectare.)

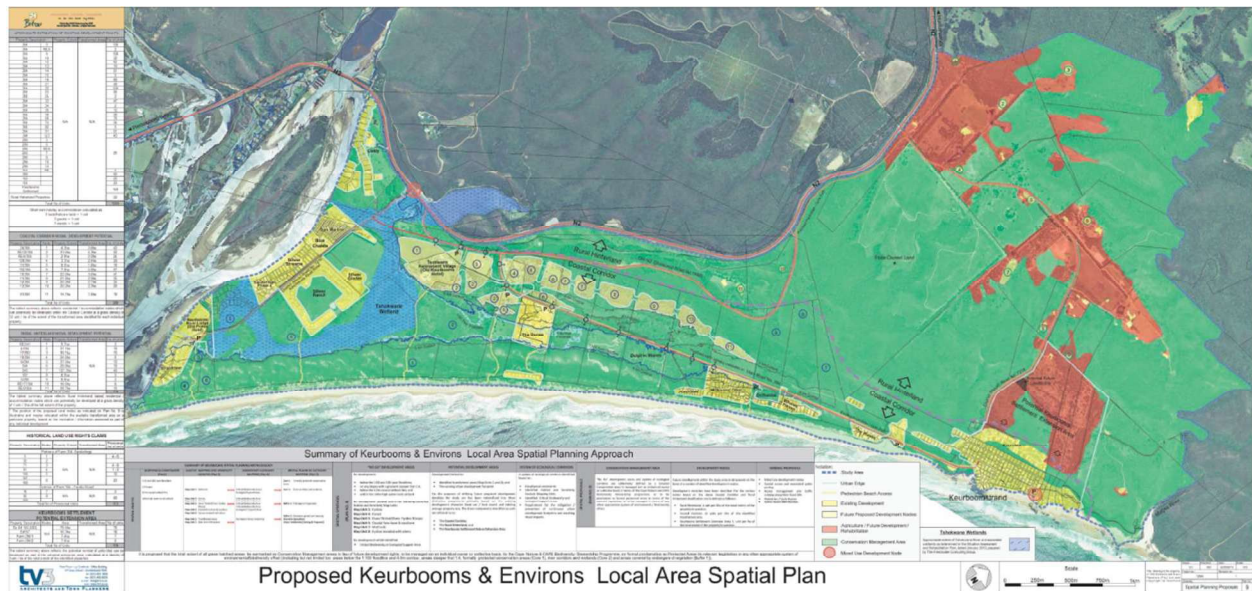


Figure 1: Keurbooms & Environs Local Area Spatial Plan

With the information provided in the Draft BAR, a density comparison was made between the existing Milkwood Glen development and the proposed development of Portion 91 of the Farm Matjesfontein No 304 was investigated to provide clarity on the impact of the proposed higher density development. The proposed new development density will be 30% more than the existing Milkwood Glen.

The question arises; Why was Alternative 2 in the Draft BAR not further investigated? The only reason provided is that the low density was not financially viable. Alternative 2 (Figure 2 below) with the proposed 19 erven is in line with the KELASP, as per Figure 1. Alternative 2 can be a much better alternative to reinstate the natural environment and not only complement the sense of place but also create a development where humans, fauna and flora co-exist.

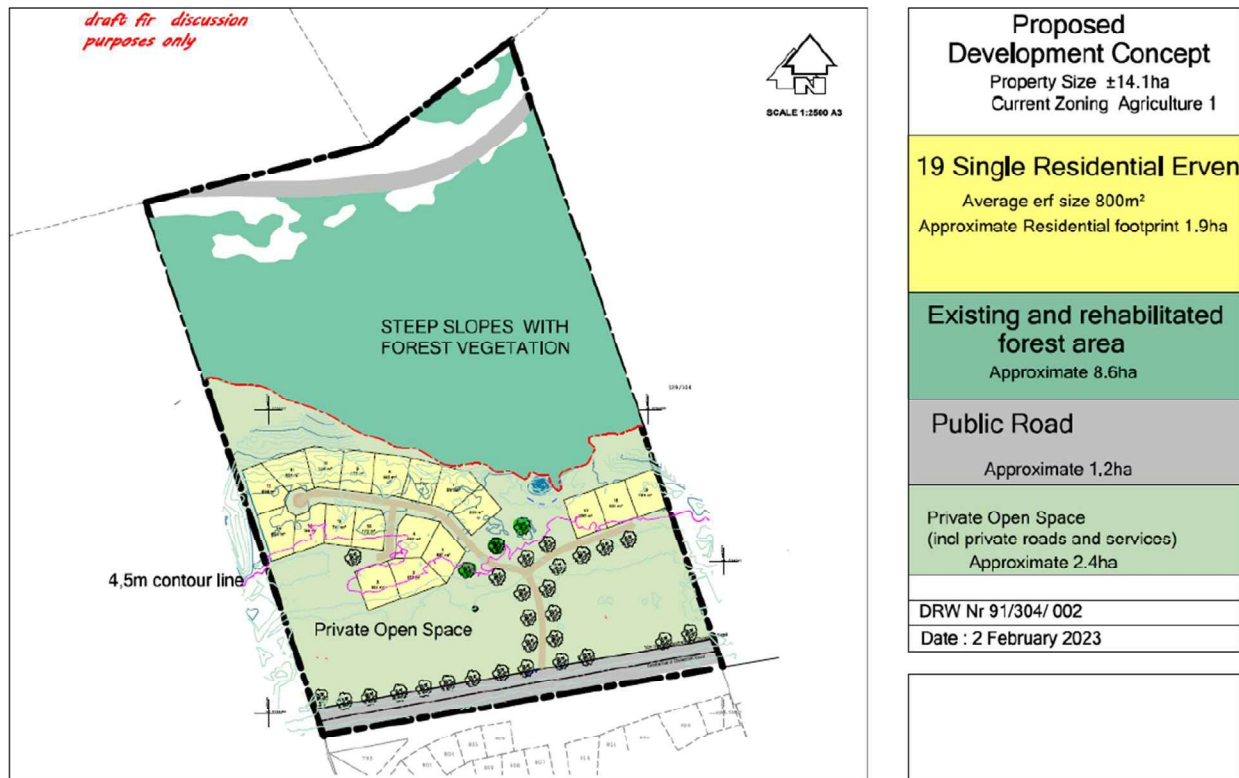
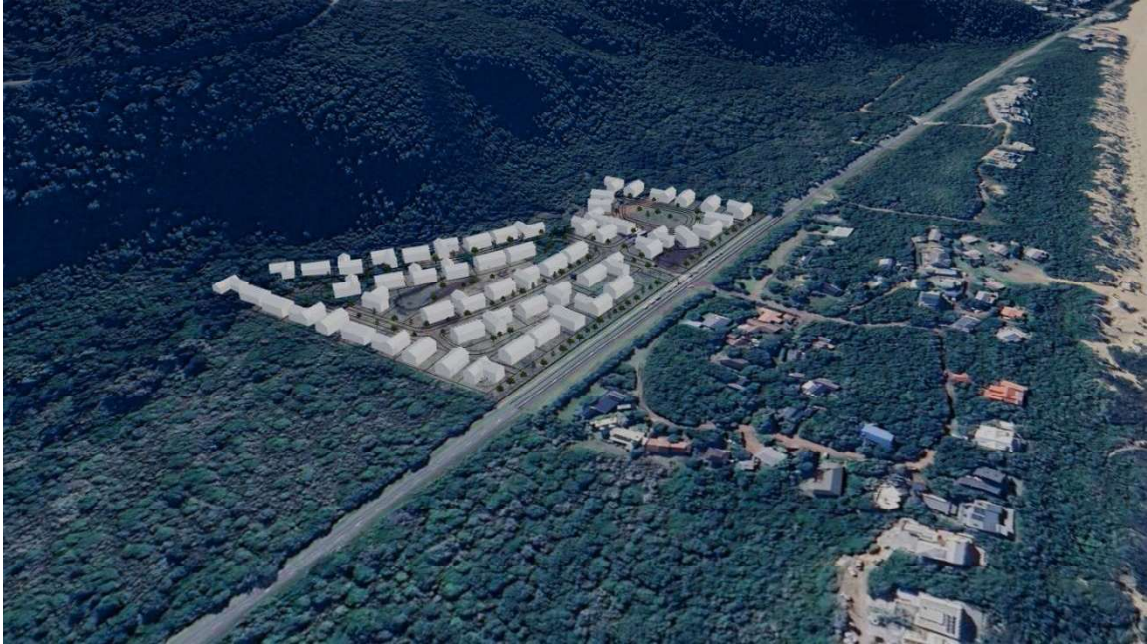


Figure 2: Alternative 2 indication 19 erven in line with KELASP

#### 4. Visual Impact Assessment (VIA)

The VIA attached as Appendix G7 of the Draft BAR was investigated and we identified several concerns that were not addressed in the report. The VIA indicated viewpoints and the varying amount of visual impact from the respective viewpoints, however the VIA did not include any 3D rendering to indicate the actual impact the proposed development will have on the surrounding environment and sense of place. Dr. N. Frootko obtained an artist impression on his own expense to obtain a clearer indication of the proposed visual impact of the proposed development. We suggest that the VIA be updated to include 3D-renderings from the various viewpoints/visual impact to give the correct interpretation of the extent of the visual impact. Figure 3 below is the artist impression as a visual interpretation of the proposed development with double storey units.





*Figure 3: Artist impression of the proposed development*

The existing development known as Milkwood Glen has a restrictive development footprint of  $200\text{m}^2$  which includes all roofed and open construction (i.e. decks, patios) with a maximum bulk of  $350\text{m}^2$  and a maximum height of 8,5m, as per their Architectural guidelines. The proposed development on Portion 91 of the Farm Matjesfontein 304, has likely a similar size dwelling unit, if one uses the ground floor plan provided in the VIA, indicated in *Figure 4* below.

The proposed dwelling unit as indicated in *Figure 4* will have a footprint of  $122,8\text{m}^2$  ( $17,960 \times 6,840$ ). Multiply by 2 for a double storey unit (the stairs in the drawing indicated that there is another floor) thus a total floor area of  $245,6\text{m}^2$ . The braai-area is another  $37\text{m}^2$  which brings the approximate unit size to  $282,5\text{m}^2$  - this excludes the patio and walkway from the lounge to the braai-area. The floor plan provided does not indicate any provision for parking by means of a carport or motor vehicle garage. The style and size of the proposed unit one could assume that a double motor vehicle garage (2 vehicles) will be provided (visible on *Figure 5* below), with a standard size of  $36\text{m}^2$ . If the dwelling units will include a motor vehicle garage, the total size would be approximately  $320\text{m}^2$ . Although the dwelling unit size of the proposed development and the existing Milkwood Glen is similar, the amount of greenspace and mature trees in Milkwood Glen provide a serene environment with the sense of place where humans and nature co-exist.



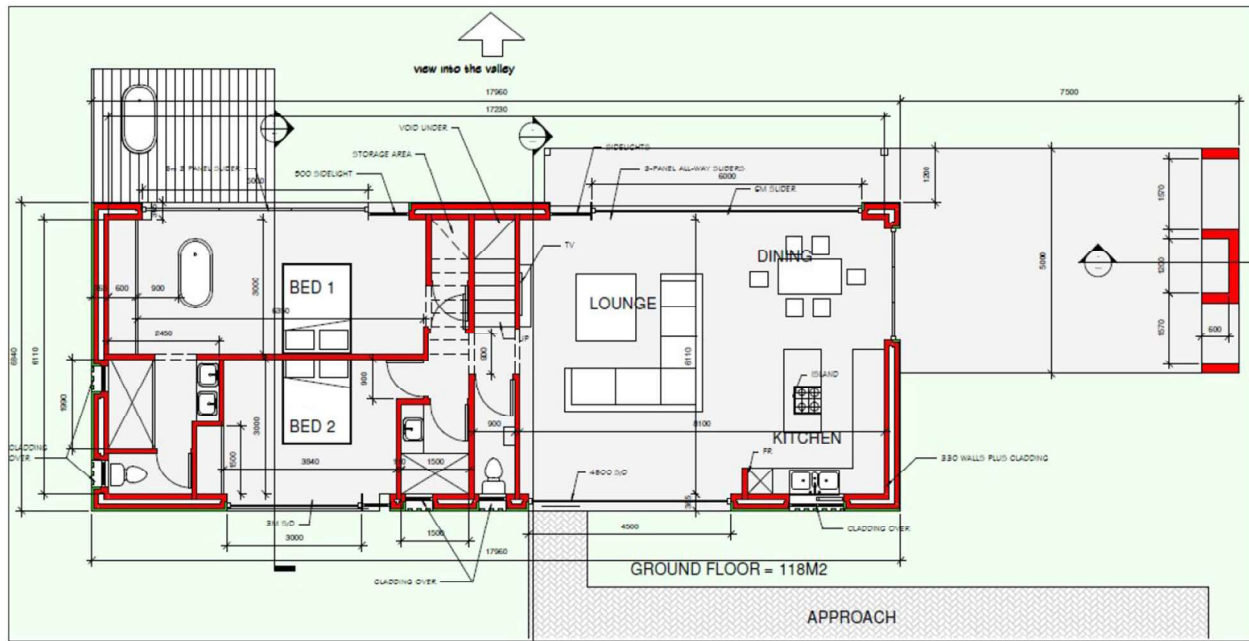


Figure 4: Ground floor plan of a proposed dwelling unit

In stark contrast to the proposed development, the existing Milkwood Glen, does not allow any fences or walls in between the dwelling units and no domestic animals are allowed, because the focus is to protect and enhance the environment and movement of animals. The proposed development on Portion 91 of the Farm Matjesfontein No. 304 made mention of keeping domestic animals throughout the Draft BAR. They even propose clearvu fencing to separate the corridor from the development area, specifically to keep domestic animals out of the wildlife corridor. This statement is further elaborated on in point 5 below. It seems that the proposed development does not concentrate on the protection of the environment in this environmentally sensitive area but rather on the maximum number of units with little regard for the natural fauna and flora.

## 5. Aquatic Biodiversity Impact Assessment

The aquatic biodiversity impact assessment by Confluent Aquatic Consulting & Research recommended that:

“**fencing** does not intersect the corridor between properties. Security is unlikely to be a concern along the base of the slope and it is therefore not necessary to fence off the area. If considered absolutely necessary however, it is feasible to fence the development off from the 20m corridor, while keeping the corridor as a continuous habitat between

adjacent properties. Preferable fencing would be palisade because it allows the movement of small mammals between bars whereas clearvu type fencing prohibits (own emphasis) all movement barring very small animals like frogs.”

In contrast, the Draft BAR’s recommendations for the wildlife corridor would be to:

*“Use clearVu fencing to separate the corridor from the development area. The spring must be incorporated into the corridor. The fence is to keep domestic animals (cats and dogs, etc) out of the wildlife corridor.”*

It is our assumption that the recommendations from the Aquatic Specialist was not fully implemented, as the Draft BAR states that Clearvu fencing will be implemented to separate the wildlife corridor to keep domestic animals out of the wildlife corridor, but this also means that the Clearvu fence will not allow movement of wildlife through and that the purpose of the wildlife corridor will be lost as the restriction of small fauna will be restricted. This is another clear indication that the proposed development on Portion 91 of the Farm Matjesfontein No. 304 does not have due consideration for the protection of the environment and sense of place.



Figure 5: Preferred Site Plan indicating structures and vegetation

Furthermore, the Aquatic Specialist also recommends that Erf 50 as per the preferred alternative be removed as this specific erf hinders the connectivity along the green corridor as this unit blocks the area with the adjacent property to the east. Erf 50 was not removed from the preferred alternative as is evident in the figure below.

In terms of stormwater, the Aquatic Specialist also states on page 5 of the report (Confluent) that the development should direct stormwater to three retention ponds to be located within the development area. No retention ponds are visible on the preferred alternative (*Figure 5* above) and concerns are raised that the stormwater management of the proposed development of Portion 91 of the Farm Matjesfontein No 304 is not adequately addressed.

## **6. Sewer**

Currently the Granzevallei Wastewater Treatment Works does not have adequate capacity and can only accommodate the proposed development on Portion 91 of the Farm Matjesfontein No 304, when the upgrades have been completed. There is no timeline for the required upgrades and therefore until such time the required upgrades have been completed, the proposed development should maintain their own temporary wastewater treatment plant on site (*meaning a wastewater treatment plant must be located on Portion 91 of the Farm Matjesfontein No 304*). The temporary wastewater treatment plant is also not indicated on the preferred alternative and the question arises whether the developer did plan for the required temporary wastewater treatment plant.

Bitou Municipality also states in the Appendix E16 of the Draft BAR that:

*“A bulk connection to the Bitou sewer network must be commissioned once the Ganzevallei WWTW has been upgraded and the temporary WWTP must be decommissioned and removed from site. All costs for construction, operation, maintenance and decommission will be for the account of the developer.”*

Following the statement above from the Bitou Municipality, the municipality further states that it is the developer's duty to communicate the above statement to all future owners/homeowners Associations and/or Body Corporate. The fact that the proposed development is aimed at the middle-income earners, the lack in municipal sewer services is of great concern as the bulk service contributions to connect to the municipal sewer system

in the future will be a costly exercise that will be out of reach of middle-income earners. Another concern is that the temporary wastewater treatment plant must be maintained and in future decommissioned by the homeowners. This is another costly exercise that is not in the normal budget for middle-income families.

## 7. Urban Edge

In terms of the Western Cape Land Use Planning Act (Act 3 of 2014) the minimum requirements for a Municipal Spatial Development Framework are explained in Part 3, Section 10. More specifically, Section 10(2)(e) of LUPA, 2014 states that the MSDF should consist of a report and maps covering the whole municipal area, reflecting municipal planning including (iv) outer limits or lateral expansion; and (v) densification of urban areas.

An urban edge should be an exact area determined for potential future development. SPLUMA states that the outer limits of developable areas are determined in the Municipal Spatial Development Framework. The Bitou MSDF, Figure 60 (*Figure 6* in this report) gives a clear indication on existing urban areas, strategic development areas and a solid urban edge around the existing and future urban areas. Portion 91 of the Farm Matjesfontein No. 304 only have a small area indicated as “strategic development area” with a solid urban edge drawn around the strategic development area. The applicant focused the reader on a statement in the MSDF that mentioned the Bitou Urban Edge is a growth management instrument. Bitou MSDF states on page 97, under Action 2.2 that: *settlement sprawl is contained by means of an urban edge as growth management instrument*. The statement that the urban edge is a growth management instrument is questioned, because if the urban edge is a pliable matter, it is in direct contradiction with Section 22 of SPLUMA.

The Bitou MSDF furthermore states on page 97 that:

*“All land development applications for the use of land abutting an urban edge should be considered consistent with the SDF if the land has at any time in the past been used or designated for any urban development, which includes all development of land where the primary use of the land is for the erection of structures.”*

Although Portion 14 of the Farm Matjesfontein No. 304 obtained approval for a “holiday resort” by means of a subdivision in 1978, it cannot be assumed that the land is consistent

with the SDF. The type of development that was proposed in 1978 was specifically for holiday units with recreational areas, situated in the holiday town Keurboomstand. The previous land use approval for a holiday resort and the current rezoning and subdivision proposed on Portion 91 (portion of portion 14) of the Farm Matjesfontein No. 304 for a Group Housing development is in stark contrast to each other.

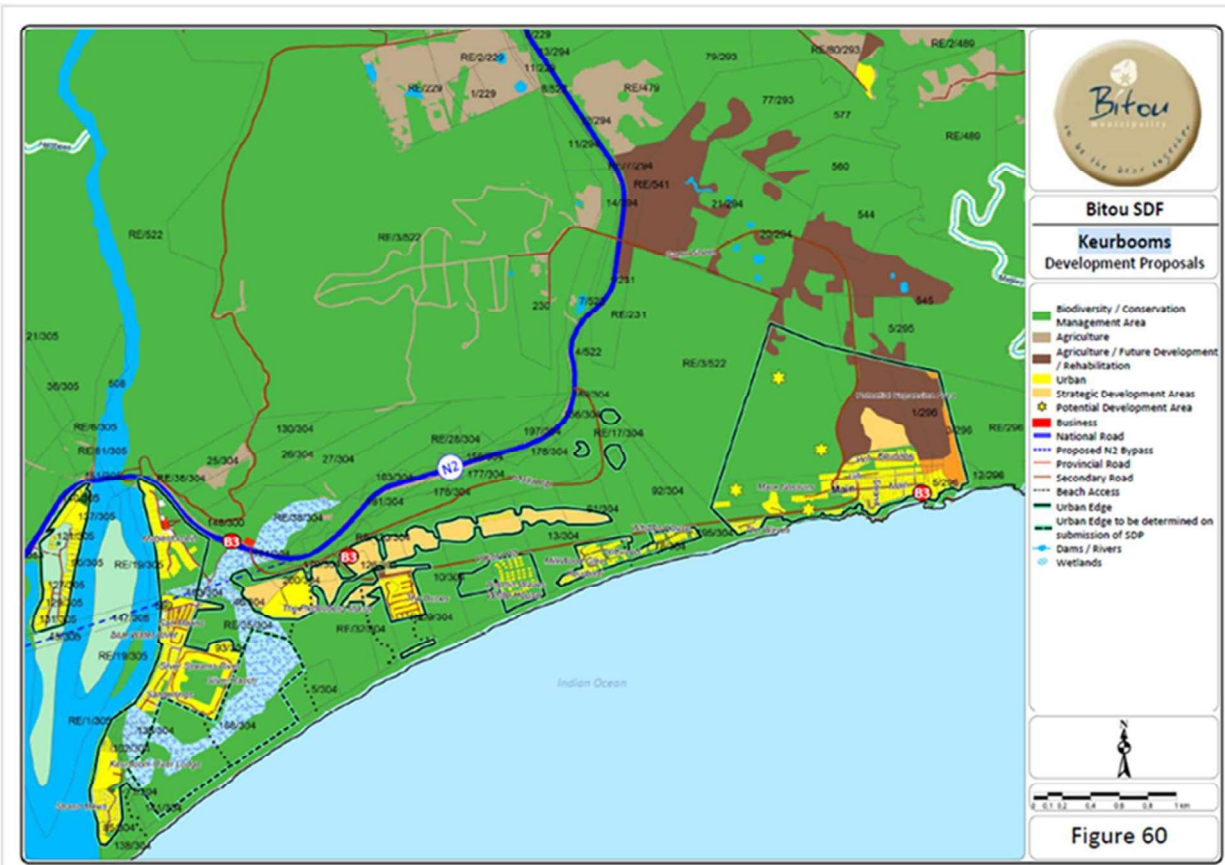


Figure 6: Keurbooms Development Proposals (MSDF)

The Bitou Municipal Spatial Development Framework, 2022 has delineated the urban edge for Keurboomstrand and all areas are excluded from proposed development that are encumbered by the 1:50 and 1:100-year floodline, 100m coastal setback line, any area below the 5m MSL (mean sea level), estuaries and flood plains. Figure 6 above indicates the Keurbooms Development Proposals. As can be seen from the Figure 6, Portion 91 of the Farm Matjesfontein No. 304 has a limited area identified as “strategic development areas” with the urban edge (black line) tightly around the strategic development areas. For this reason, we strongly object to any development proposal that falls outside the urban edge as drawn in Figure 60 of the MSDF (Figure 6 of this report).

## **8. Environmental concerns in terms of planning legislation and policies**

In a changing environment with climate change being at the forefront of sustainable development, it is with great concern that a portion of the development is proposed to be located below the 5m Mean Sea Level (MSL) and within (mapped at the edge of) the 1:100-year floodline. With the rapid climate change the Western Cape has experienced in the last couple of years, including flooding, severity of storms and sea-level rise it is of utmost importance to only consider development proposals that are sustainable, environmentally cautious and responsible. We herewith object to the proposed development that is below the 5m MSL in a mapped estuarine floodplain and would encourage the Bitou Municipality to follow the Garden Route District Climate Change Adaptation Response Implementation Plan (2024) and not allow any development on land less than 5,5m above MSL.

Keurbooms is not a core area (economic hub) and is identified as a tourism area which is limited to holiday accommodation and recreation as its primary function. The proposal as submitted is not in line with the MSDP vision for Keurboomstrand and environs and should be reconsidered in line with environmental considerations. It is worthy to note that the Keurbooms estuarine system was determined as the 17<sup>th</sup> most important estuary in South Africa in terms of its conservation value (National Biodiversity Assessment commissioned by the South African Biodiversity Institute, 2017). Keurbooms is a unique area with environmental importance and due to environmental constraints, the area will never develop into one consolidated settlement area and the resident population should remain seasonal in nature.

## **7. Conclusion**

Keurbooms also have a special character and sense of place that should be maintained and protected. Keurbooms is known for recreational purposes for seasonal residents and tourists to enjoy and appreciate the true value of nature. It is believed that the proposed development in its current form will negatively impact the sense of place of Keurboomstrand.

Yours faithfully



Jeanne Muller Pr. Pln. A/1429/2011



**ANNEXURE A**

	<b>Name (s)</b>	<b>Property details</b>
1	Dr NJ Frootko	26 Milkwood Glen (Erf 925)  Keurbooms Road  Erfs 830,831,832 and 833 - vacant plots plus Erf 824
2	Helen Mudge	26 Milkwood Glen (Erf 925) Keurbooms Rd
3	Edward Mudge	Erf 824, Milkwood Glen, Keurbooms Rd
4	Emma Reid	Erf 824, Milkwood Glen, Keurbooms Rd
5	James & Maria Mudge	47 Milkwood Glen, Keurbooms Rd
6	Lucinda Duncan	38 Milkwood Glen, Keurbooms Rd
7	Sam Duncan	38 Milkwood Glen, Keurbooms Rd
8	Professor Dr. Hartwig Euler & Berna Euler	Abalone Beach House Erf 835 and Erf 817,821 and 823  Milkwood Glen, Keurbooms Rd
11	Milkwood Glen Home Owners Association: Chairman Sam Duncan	Milkwood Glen
12	Drifwood 780 (Pty)Ltd (Director: Mr Wessel Hamman)	Erf 780 Driftwood Private Estate, Keurbooms Road
13.	Professor Dr. Hartwig Euler & Berna Euler	8 Keurbaai Estate, Keurbooms Road

14.	Freud Oberholzer [REDACTED] [REDACTED]	35 Milkwood Glen
15.	Karin Ireton [REDACTED] [REDACTED]	37 Milkwood Glen, Keurboomstrand
16.	Robert Butler [REDACTED] [REDACTED]	Milkwoodglen 12. Keurbooms beach
17.	Ann Le Roux [REDACTED] [REDACTED] 081 871 1111	8 Milkwood Glen
18.	Lolita Bruwer [REDACTED] [REDACTED]	30 Milkwood Glen Keurboomstrand
19.	Robert Ryan [REDACTED] [REDACTED]	30 Milkwood Glen Keurboomstrand
20.	Carol Surya [REDACTED] [REDACTED]	10 Milkwood Glen Estate
21.	Edmund Van Rooyen [REDACTED] [REDACTED]	42 Ringwood Rd, Pretoria
22.	Elske Van Rooyen [REDACTED] [REDACTED]	42 Ringwood Rd, Lynnwood Manor, Pretoria
23.	Josephine Balzer [REDACTED] [REDACTED]	27 Milkwood Glen
24.	Gustav Kemp [REDACTED] [REDACTED]	20 De Villiers Avenue, Kenridge, Cape Town, 7550
25.	Masha Roginsky [REDACTED] [REDACTED]	19 Belvedere Ave, Oranjezicht, Cape Town

26.	Edward Mudge [REDACTED] [REDACTED]	49 Milkwood Glen, Keurbooms strand
27.	Berna Euler [REDACTED] [REDACTED]	8 Keurbaai Estate, Keurboomstrand
28.	Tracy Van der Byl [REDACTED] [REDACTED]	48 Milkwood Glen Keurboomstrand Plettenberg bay
29.	Carolyn Raphaely [REDACTED] [REDACTED]	14 Greenhill Rd, Emmarentia, Jhbg 2195/ 5 Keurbaai, Keurboomstrand Rd, Keurboomstrand.
30.	Lisa Murray [REDACTED] [REDACTED]	Twee Jackals Farm N2 Harkerville 6600
31.	David Netherway [REDACTED] [REDACTED]	28 Milkwood Glen, Keurboomstrand
32.	Dee Rissik [REDACTED] [REDACTED]	28 Milkwood Glen, Keurboomstrand, Plettenberg Bay
33.	Amy Van Zyl [REDACTED] [REDACTED]	1 Compass Close, Marina Da Gama, Cape Town, 7945
34.	Marty Reddering [REDACTED] [REDACTED]	10 Milkwood Glen Estate
35.	Margie Ford [REDACTED] [REDACTED]	36 Milkwood Glen
36.	Neil Murray [REDACTED] [REDACTED] [REDACTED]	Ptn 13 Jakkalskraal 433 Harkerville 6600
37.	Marley Ford [REDACTED] [REDACTED]	36 Milkwood Glen Keurbooms

38.	Leah Murray [REDACTED] [REDACTED]	14 Glen ave Constantia
39.	Wessel Hamman [REDACTED] [REDACTED]	Erf 780, Driftwood Private Estate, Keurboomstrand
40.	Lance Faure [REDACTED] [REDACTED]	15 Milkwood Glenn, Keurboomsstrand
41.	Lucinda Mudge [REDACTED] [REDACTED]	38 Milkwood glen, Keurboomstrand Keurboomstrand
42.	Kelly De Rosner [REDACTED] [REDACTED]	12 Milkwood Glen
43.	Retha Moussa [REDACTED] [REDACTED]	No 14 milkwood Glen Keurboomstrand
44.	Nabil Moussa [REDACTED] [REDACTED]	14 milkwood glen
45.	Dennis Cogzell [REDACTED] [REDACTED]	17 Milkwood Glen, Keurbooms
46.	Chantal Young [REDACTED] [REDACTED]	48 Milkwood Glen Keurboomstrand Plettenberg bay
47.	Hillard-lomas [REDACTED] [REDACTED]	31 Milkwood Glen , Keurboomstrand
48.	Alison Foure [REDACTED] [REDACTED]	15 milkwood glen . Keurboomstrand
49.	Emma Reid [REDACTED] [REDACTED]	49 Milkwood glen Keurboomstrand

50.	Martélie Slabber [REDACTED] [REDACTED]	PO394 Rd No 16 Milkwood Glen Complex
51.	Robert Loubser [REDACTED] [REDACTED]	PO394 Rd No 16 Milkwood Glen Complex

**From:** admin@ecoroute.co.za  
**Sent:** Thursday, 03 April 2025 14:34  
**To:** joclyn@ecoroute.co.za  
**Subject:** FW: Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Joclyn,

Please see below.

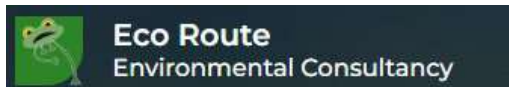
Thanks,

**Carina Leslie**

Personal Assistant/Admin

Office: 064 691 4394

[www.ecoroute.co.za](http://www.ecoroute.co.za)



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**From:** janine kleinschmidt [REDACTED]  
**Sent:** Thursday, 03 April 2025 13:24  
**To:** admin@ecoroute.co.za  
**Subject:** Notification of Public Participation: DEADP Ref: 16/3/3/1/D1/13/0001/25 - Draft Basic Assessment Report Portion 91 Of Farm Matjiesfontein 304, Keurboomstrand, Plettenberg Bay, Western Cape

Good Day

I currently own a property in the Matjiesfontein Estate on Keurbooms River Road.

I have no financial or business interest in this development, but as a resident of Keurbooms I have a concern/interest in the development of this area.

I do not believe that the Keurbooms area should become a place for high density housing.

I have no problem with middle income properties as there is a need for this.

60 units crammed into this small space is ridiculous, this is not Johannesburg or Cape Town.

30 to 40 units maybe a better idea, and a bigger recreational area, for the people who live there.

Just because one is a middle income earner, one does not have to live on top of their neighbour.

If this property becomes subject to high density housing, the other stands will do the same, then the landscape will be changed forever. There will be no turning back.

Thank you

Janine Kleinschmidt



--

**Janine Kleinschmidt**

HEMISPHERE FOOD AND FINE ART

T/A LE FOURNIL DE PLETT BAKERY AND CAFE



Attention: Joclyn Marshall

21st April 2025

ECO-ROUTE Environmental Consultancy

Email: [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za) and [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za)

Please acknowledge receipt of this email.

Re: The Proposed Basic Assessment Report for the Proposed Residential Development Matjiesfontein 304, Portion 91 (Portion of Portion 14), Division Plettenberg Bay.

Herewith are my comments and objections to the Draft Basic Assessment Report (Draft Bar) for the Rezoning and Subdivision of Portion 91 (Portion of Portion 14), of the Farm Matjiesfontein No. 304, as submitted by Eco Route Environmental Consultancy, dated 20th March 2025.

I am an interested and affected party being the owner of Erven 925,824,833,832,831 and 830 at Milkwood Glen, situated to the south of, and immediately opposite portion 91/304 Matjiesfontein, Keurboomstrand.

I am a retired Consultant Surgeon and I have lived in Keurboomstrand for 20 years.

Dr. Nicholas Frootko MB. BCh., (Wits), M.Sc., (Oxon), F.R.C.S. (Eng).

26 Milkwood Glen

Keurbooms Road

Keurboomstrand 6600

Email: [REDACTED]

I have reviewed the following documents:

- 1) The draft BAR from Eco Route Environmental Consultancy.
- 2) Comments relating to the draft BAR from Cullinan & Associates.
- 3) Water Use Licence Application (WULA) from Confluent Environmental.
- 4) Comments relating to the WULA from Cullinan & Associates.
- 5) Expert report from Professor Denis Hughes.( Institute of Water Research. Rhodes University), relating to the WULA.
- 6) Expert engineering report from Hugo Ras. Pr. Eng. (ZS2 Consult), relating to the WULA.
- 7) Comments relating to the WULA from the Plettenberg Bay Ratepayers Association.
- 8) Motivation for Rezoning and Subdivision. Portion 91/304 of the Farm Matjies Fontein. Keurboomstrand. Bitou Municipality from. Open Space Town and Regional Planners.
- 9) Comments relating to the Application for Rezoning and Subdivision from Cullinan & Associates.
- 10) Numerous peer reviewed articles on the hydrology of the Coastal Zone. Present and Future.

## **I AM OF THE OPINION THAT THE PRIMARY RISK TO THE PROPOSED DEVELOPMENT IS FLOODING**

Portion 91/304 is a 14.7 hectare, undeveloped coastal property in the Keurbooms valley, classified Agriculture Zone 1 in 1997. The southern boundary is the PO394 road reserve, +/-300metres inland from the high water mark, on a sandy, wave dominated tidal coast, protected by a barrier dune system.

The entire property lies within the Coastal Protection Zone and the Outeniqua Sensitive Coastal Area Extension (OSCAE).



*Fig. 1: Drone photograph looking east over the Keurbooms- Bitou Estuarine Functional Zone. Portion 91/304 (arrow) is situated to the left of the PO394 road and directly opposite Portion 14/304 - Milkwood Glen. April 2024*



*Fig. 2: Aerial photograph showing the location of Portion 91/304 in the Keurbooms-Bitou Estuarine Functional Zone flood plain.*



*Fig. 3: Satellite photograph of Portion 91/304 (seaward is Portion 14/304 which is Milkwood Glen). The PO394 road running between both properties.*

For practical purposes, Portion 91/304, can be divided into a steep indigenous forested northern portion, and a flat southern portion. The flat southern portion lies within:

- 1) the Coastal Groundwater Zone, where the ocean and ground water are an interconnected water body.
- 2) The Keurbooms / Bitou Estuarine Functional Zone, less than 5m above



mean sea level..

3) The National Freshwater Ecosystem Priority Area.

4) Below the current high water mark.

This flat southern portion is currently classified in the Keurbooms & Environs Local Area Spatial Plan (KELASP) as “Transformed”. This is because human activity over many years (continued bush-cutting, live-stock farming, horse stabling), has transformed the land from having “very high” aquatic biodiversity (so classified by The Department of the Environment, Forestry and Fisheries DFFE) to pasture, recently grazed by stable-yard horses. There has been no activity on the site for the past year and already one can observe regeneration of flora.

The soils on the southern portion, are permeable estuarine sandy soils, typically found in estuarine zones.



*Fig. 4: Photograph showing the PO394 road in the foreground, the flat southern portion and steep northern forested area of Portion 91/304 (April 2025).*

The northern portion is a steep hill slope (slope 47%.,25.5 degrees.,1 in 2.1), extending to +/-140m above mean sea-level.

The slope is vegetated by indigenous Afromontane Forest, overlying mainly unstable sandstone and conglomerate of the Enon Formation. These overlie shale of the Gyro Formation and sandstone and shale of the Baviaanskloof Formation, which outcrop above the DR 1888 road to the west of portion 91/304. The DR1888 road runs through Portion 91/304 close to the northern boundary.





*Fig. 5: Photograph showing exposed unstable sandstone conglomerate above the DR1888 road, immediately to the west of portion 91/304*

The entire flat southern portion lies within The Keurbooms-Bitou Estuarine Functional Zone (mapped in 2018 to be less than 5m above mean sea-level, with the lateral boundary contour drawn at 5m above mean sea-level. It is an integral part of the flood plain of the Keurbooms-Bitou River estuary.



*Fig. 6: Map of The Keurbooms-Bitou Estuarine Functional Zone (less than 5m above mean sea level and coloured in blue), showing the site of Portion 91/304.*

This Estuarine Functional Zone, also overlies a National Freshwater Ecosystem Priority Area (NFEPA), mapped as part of the Keurbooms system and the Coastal Groundwater System, where salty waters of marine origin and fresh groundwater of meteoric origin interact.





*Fig. 7: Map of the National Freshwater Ecosystem Priority Area underlying the Keurbooms Estuary functional Zone and showing the site of Portion 91/304*

The PO394 road (asphalt), including the road reserves on either side of it, and parts of Portion 14/304, are less than 4m above mean sea-level. Almost all of the southern portion of Portion 91/304, is also less than 4m above mean sea-level, with small areas above 4m, and a few islands of land close to the forested portion that are 5m above mean sea-level, as per the detailed survey of VPM Surveys 2023.



*Fig. 8: Detailed Aerial Contour Plan of the the southern portion of Portion 91/304, the PO394 road, and the road reserves. VPM Surveys. 2023). The original detailed survey that can be magnified, showing precise contour levels at each point on 91/304, is available in the draft BAR 2023. For reference, the little red islands are the only areas on the southern portion that are 5m above mean sea-level.*



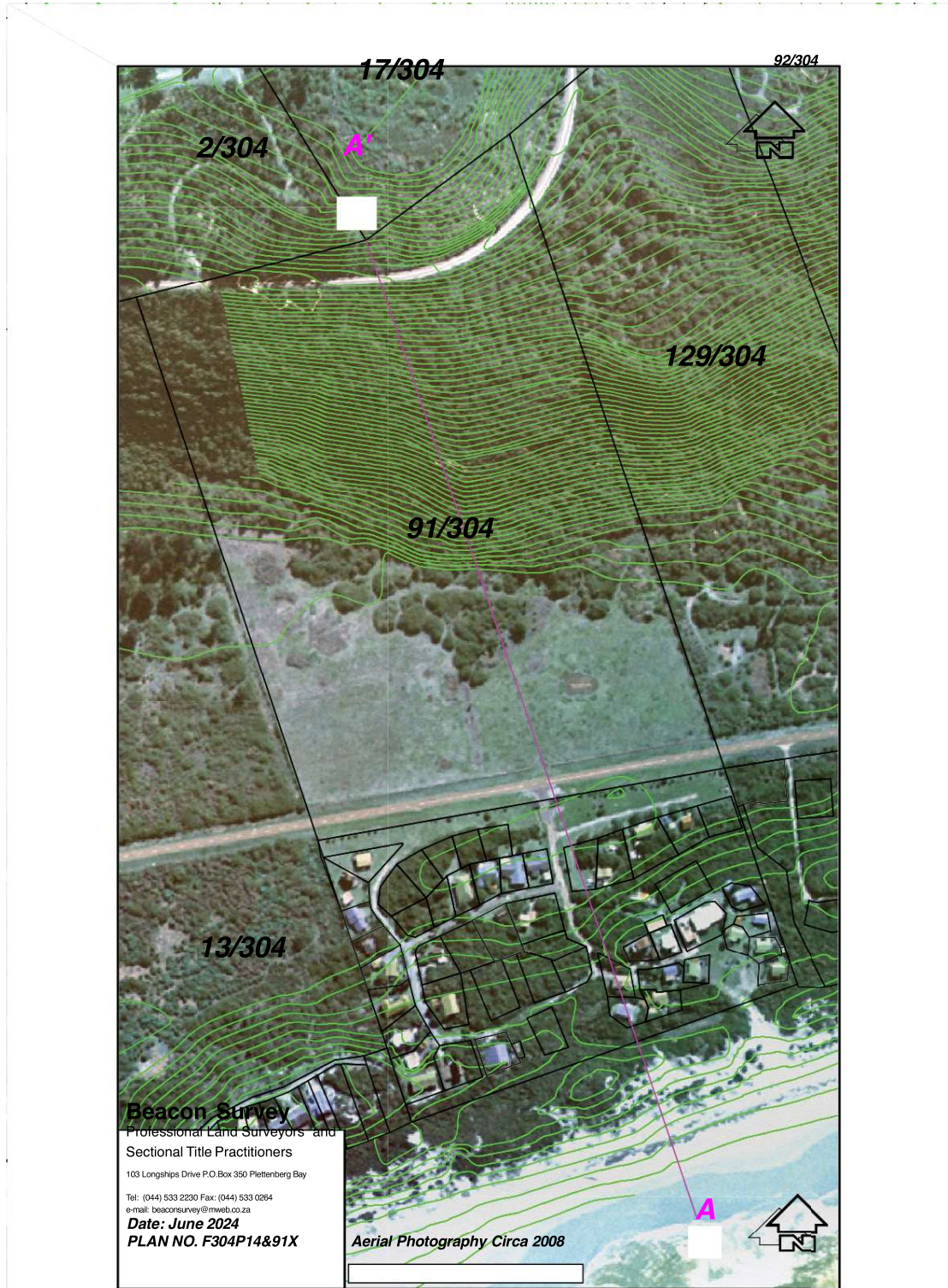


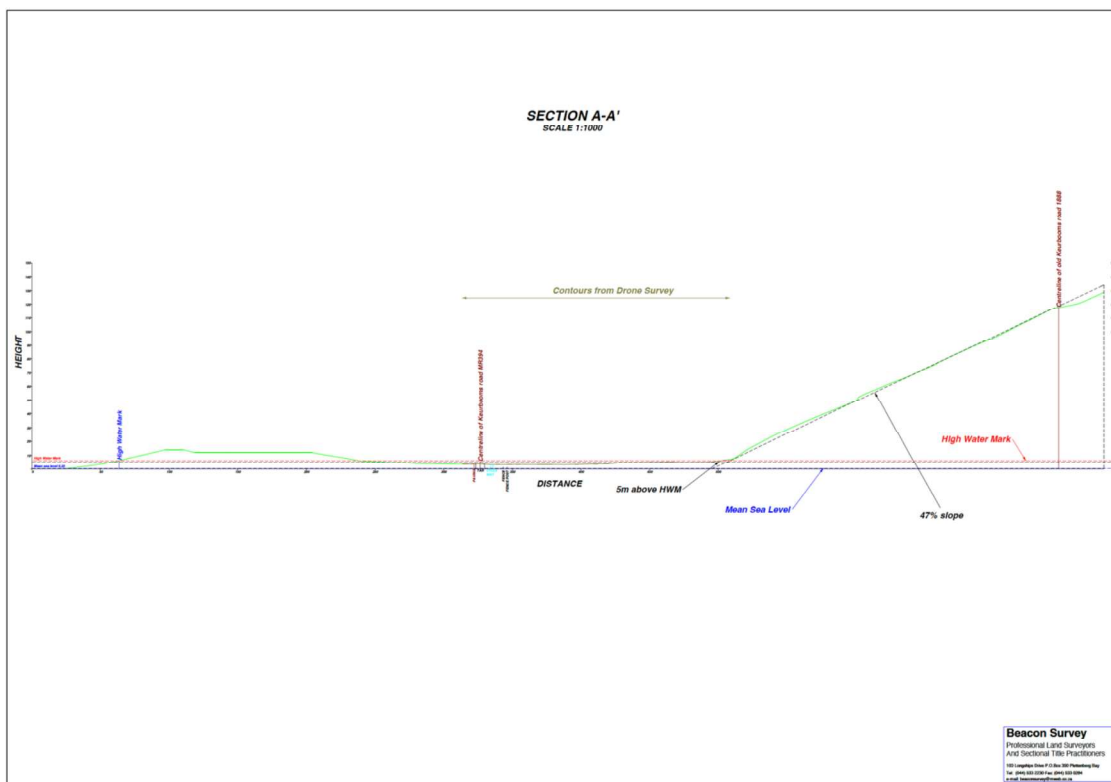
Fig. 9: Aerial Contour Plan of Portion 14/304 and Portion 91/304. (Beacon Surveys. June 2024) showing the line A to A' for the mapped cross section contour (see fig.10).

The aerial contour plan of Portion 14/304 and Portion 91/304, together with the detailed Aerial Contour Plan of the southern portion of Portion 91/304,VPM

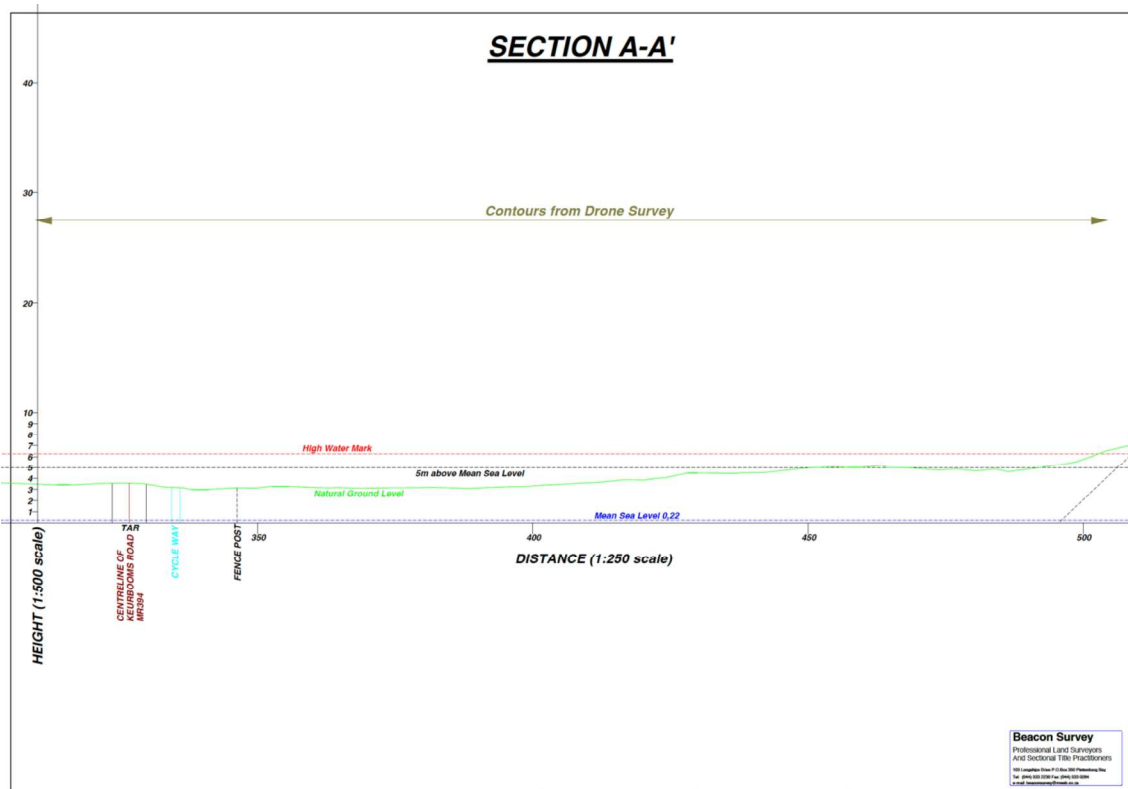
From these contour plans it can be seen that:

- 1) Part of the developed Portion 14/304, Milkwood Glen site (seaward of Portion 91/304), is less than 5m above mean sea-level.
- 2) All of the PO394 road and the road reserves either side, are less than 4m above mean sea-level.
- 3) Almost all of the southern flat portion of Portion 91/304, is less than 4m above mean sea-level.

All of the above mentioned sites ie 1), 2) and 3), are situated in the Keurbooms-Bitou Estuarine Functional Zone, a flood plain, which is less than 5m above mean sea-level.







*Fig.10: Topographical cross-sectional plans A to A' as per Fig.9 . Beacon Survey June 2024 and VPM Survey 2023.*

The 1 in 50 and 1 in 100 year flood lines are mapped in the Keurbooms Estuary: Estuary Management Plan (2022). This shows that the 1 in 100 year flood line extends to the southern side of the PO394 road. ie the road is regarded and mapped as the flood barrier. This is questionable because the road, the road reserves and most of Portion 91/304 are NOT above the 1 in 100 year flood line. They are below the mapped flood line.

The Keurbooms Estuary floods frequently (fluvial flooding). (E H Schumann, 2015). In the compound floods of 2007 (fluvial and heavy rainfall), the PO394 road was flooded and the undeveloped vacant land to the north of the road flooded and acted as a flood water “soak away”.

In the November 2007 floods the water level measured at the Angling Club on the Keurbooms River was 4.23m above mean sea level, based on benchmark 36H59A. (Personal communication with S.J. McMillan Surveys, Plettenberg Bay).

In addition to this flooding we can often observe surface water on the southern portion of Portion 91 of 304, that remains there for days and sometimes weeks. This happens more frequently in the winter months following heavy prolonged rains accompanied by rain water “run-off” from the steep forested northern slopes and the spring water.

The surface soils become super-saturated and when this flooding accompanies high tides, the surface soils become super saturated, and this resembles groundwater shoaling.



*Fig. 11 Southern area of Portion 91 of 304, showing surface water in winter months 2023*

(Please also refer to the photographs in the appendix (attached) taken the day after the floods of 2007 in the Keurbooms Estuarine Zone. Ref Cullinan & Associates comments.)

I would strongly agree that the 1 in 100 year flood line, should therefore be reviewed, as per the recommendations of the Garden Route District Climate Change Adaptation Response Implementation Plan (2024).

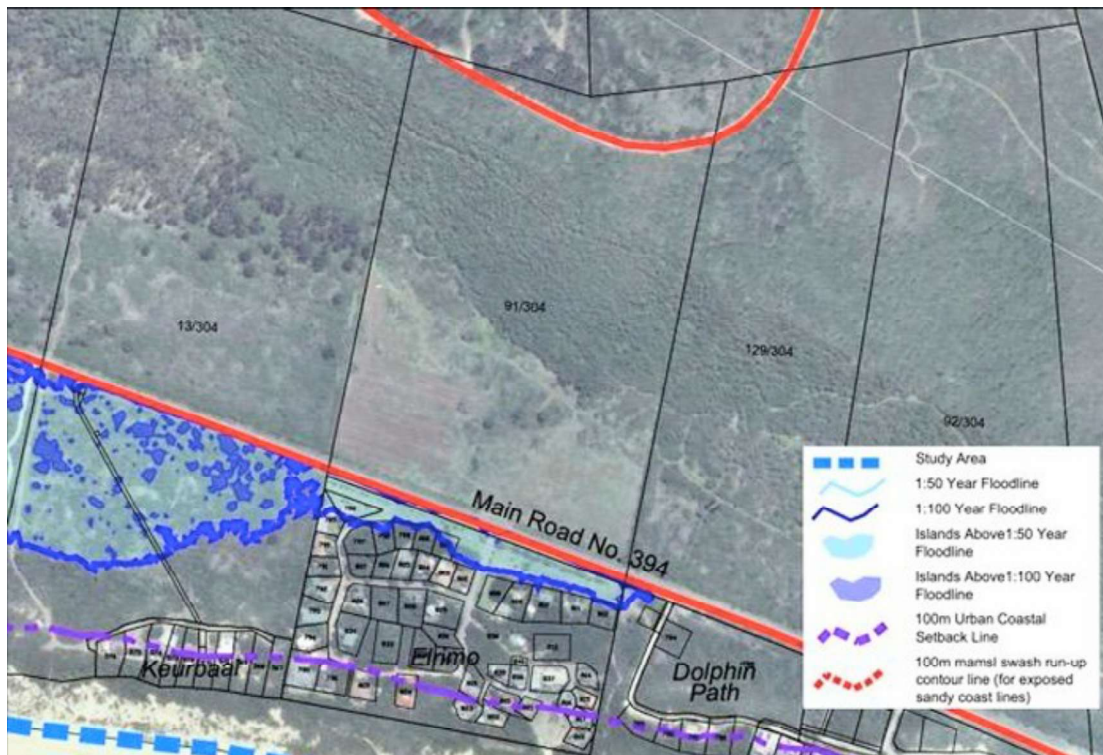


Fig.12: Keurbooms Estuary: Estuarine Management Plan showing 1 in 50 and 1 in 100 flood lines.

As mentioned previously, the predominantly open tidal Keurbooms- Bitou estuary and its Functional Zone, are prone to episodic flooding (freshwater floods and marine (storm) floods), and this flooding has had catastrophic consequences for landowners and infrastructure and posed a risk to human safety.

In response to this flooding, together with climate change weather predictions, and rising sea-levels, the Keurbooms Estuary Estuarine Management Plan (2022) was approved by Province and implemented in 2023.

This plan recommends NO NEW DEVELOPMENTS on land within the risk area, defined as within the 1 in 100 year flood line, or less than 5m above mean sea-level. ie NO NEW DEVELOPMENTS ON LAND LESS THAN 5 METRES ABOVE MEAN SEA LEVEL OR WITHIN THE 1 IN 100 YEAR FLOOD LINE, WHICH EVER IS THE GREATEST.

The Bitou Municipal Spatial Development Framework (MSDF) (2022) recommends similar setback lines, within the urban edge for Keurboomstrand, and includes estuaries and flood plains.

It is therefore my logical interpretation that the recommended 5m above mean sea-level set back line should be adopted, when considering new coastal developments in the Keurbooms-Bitou Estuary Functional Zone at the present time. I also

understand that the Keurbooms Estuary Estuarine Management Plan, and the Garden Route District Climate Change Adaptation Response Implementation Plan (2024), will be subject to change based on new data published from time to time. It is probable that flood lines and new development set back lines will continue to be raised in the coastal areas of South Africa in the future.

The developer refers only to the former 4.5m setback line as per KELASP ( 2013).

My interpretation is that the KELASP(2013) set back line of 4.5m above mean sea level, has been superseded by the Keurbooms Estuary Estuarine Management Plan (2022) and the Bitou MSDP (2022), which recommends a 5m above mean sea level set back and no development in flood plains. Even this may already be superseded by the Garden Route District Climate Change Adaptation Response Implementation Plan (2024), which recommends a 5.5m above mean sea level set back.

## WHY FLOODING OF THE PROPOSED DEVELOPMENT ON THE SOUTHERN PORTION OF 91/304 IS INEVITABLE

### *SEA LEVEL RISE AND COASTAL GROUND WATER*

*Portion 91/304 Matjes Föntein is in the Coastal Zone, where by definition, salty waters of marine origin and fresh groundwater of meteoric origin interact. (Jiao and Post. 2019).*

Policy makers and town planners have concentrated on sea-level rise, coastal erosion, excessive rainfall events, higher tides, higher wave action and storm surges, affecting coastal developments. Rising coastal groundwater has been largely ignored, either because they have been unaware of this or because the bias has been towards addressing problems that can easily be seen. (K Pierre-Louis, 2021).

The ocean and coastal groundwater systems are an interconnected water-body, and coastal ground-water levels are influenced not only by sea-level rise, but also by the action of ocean tides and waves. The action of ocean tides and waves tends to cause cyclic and irregular flows of water through the groundwater system and other connected inland water bodies. Tides and waves also act like a pump to elevate the water table in the coastal groundwater system, above the mean water- level of the ocean or estuary. (D H Anderson. 2017). The obscured realm of marine influenced groundwater is such that rising groundwater levels, can occur decades before sea level rise-induced surface inundation. (S Habel et al.2024.Simon C. Cox et al. 2025.).

At Milkwood Glen (Portion14/304), immediately seaward of the proposed development site, we are able to observe this when we measure the height of the shallow ( less than 2m) ground water table in the open water-abstraction pit, close to the PO394 road. The ground water table rises and falls with the tides and with drought and rainfall events . Sometimes the water is more salty. This can also be observed on the large man-made lake seaward of the PO394 road on Portion 11/304 (Keurbooms Cottage), to the west of Portion 91/304. (Ref Fig. 1: The lake at the bottom right hand corner of the photograph).





*Fig.13: The open water abstraction pit on Milkwood Glen-Portion 14/304.*

As a result of planetary heating, global mean sea-level has increased since the end of the nineteenth century. Sea-level rise is now accelerating and will continue to rise over the 21st century and beyond. (L C Allison et al, 2022). Sea-level rise will also continue to influence coastal groundwater by elevating the water table and shifting salinity profiles landward, making the subsurface increasingly corrosive. (R Rahimi et al. 2020, K Pierre-Louis. 2021, S Habel et al 2024).

This can be explained as follows:

The water beneath our feet, nestled in sediments underground, started as rain, that seeped down to form a layer of saturated soil, that rests below a layer of unsaturated soil. The boundary between the two is known as the water table. In the Keurbooms Estuarine Zone, this layer of saturated soil, which is probably many meters thick, rests on top of salt water from the ocean and the tidal Keurbooms Estuary. As sea-levels rise, the fresh coastal groundwater gets pushed up, because salt water is denser than fresh water.

Low lying coastal areas are susceptible to multiple types of flooding from marine, subsurface and surface sources. (Y Sangsefidi et al. 2023). Coastal groundwater levels have been rising and will continue to rise in concert with sea-level rise. This together with predicted more frequent and severe storm surges, higher tides, higher wave action and more frequent and severe rainfall events, will result in flooding of ground infrastructure and surface structures. Ground water will also become more saline, causing untold damage to ground infrastructure, that is not salt resistant. (R Rahimi et al 2020, K Pierre- Louis. 2021, Y Sangsefidi et al. 2023, S Habel et al 2024).

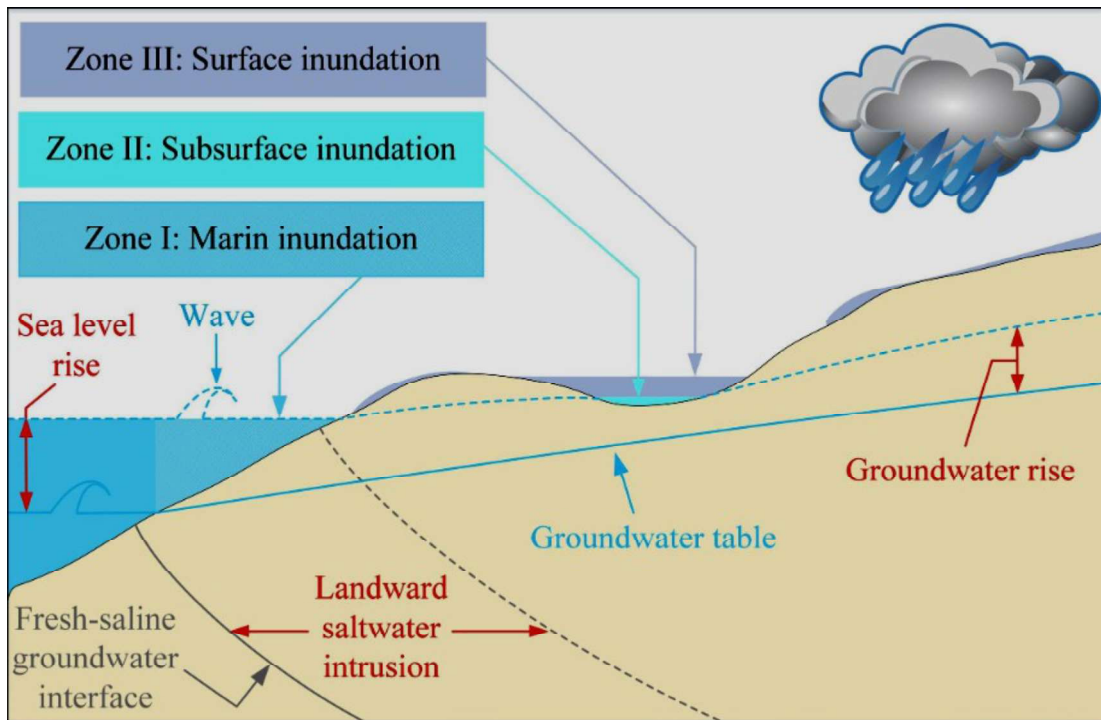


Fig.14: Schematic diagram of different sources of flooding in coastal areas along with sea-level, groundwater table, and fresh-saline groundwater interface levels, for current (solid line) and future (dashed line) conditions. (Y Sangsefidi et al. 2023).

The southern portion of Portion 91/304, the PO394 road and its road reserves, together with some northern parts of Milkwood Glen (Portion14/304) are less than 4m above mean sea level. All these areas are already below the high water mark and ground water levels have been measured at approx 2m below natural ground level on Portion 91/304 (February 2023 and 2025), and at 1.5m-1.8m (April 2024 and April 2025 ), below ground level on Portion 14/304.

The expert for the developer, Dr Jackie Dadrovski Pr.Sci.Nat., of Confluent Environmental, (Ref: draft BAR June 2023), does not mention rising coastal groundwater in her report. Nonetheless she does report as follows: “The property is located on the edge of the 1 in 100 year flood line, which is not mapped to extend beyond the boundary of the property. In reality, the frequency of 100-year flood events is increasing due to climate change, and when co-incident with sea-level rise and high tide events, it is not impossible that minor flooding could affect low-lying area of the property in future”.

It is apparent that climate change will continue to increase sea-levels, cause more frequent severe weather events associated with higher tides and wave action, more frequent and severe rainfall events and more frequent and severe storm surges. Compound storms involving two or all three of these events will also occur. As a result, flooding of Portion 91/304 and the surrounding low-lying areas will come from marine inundation, groundwater inundation and surface inundation



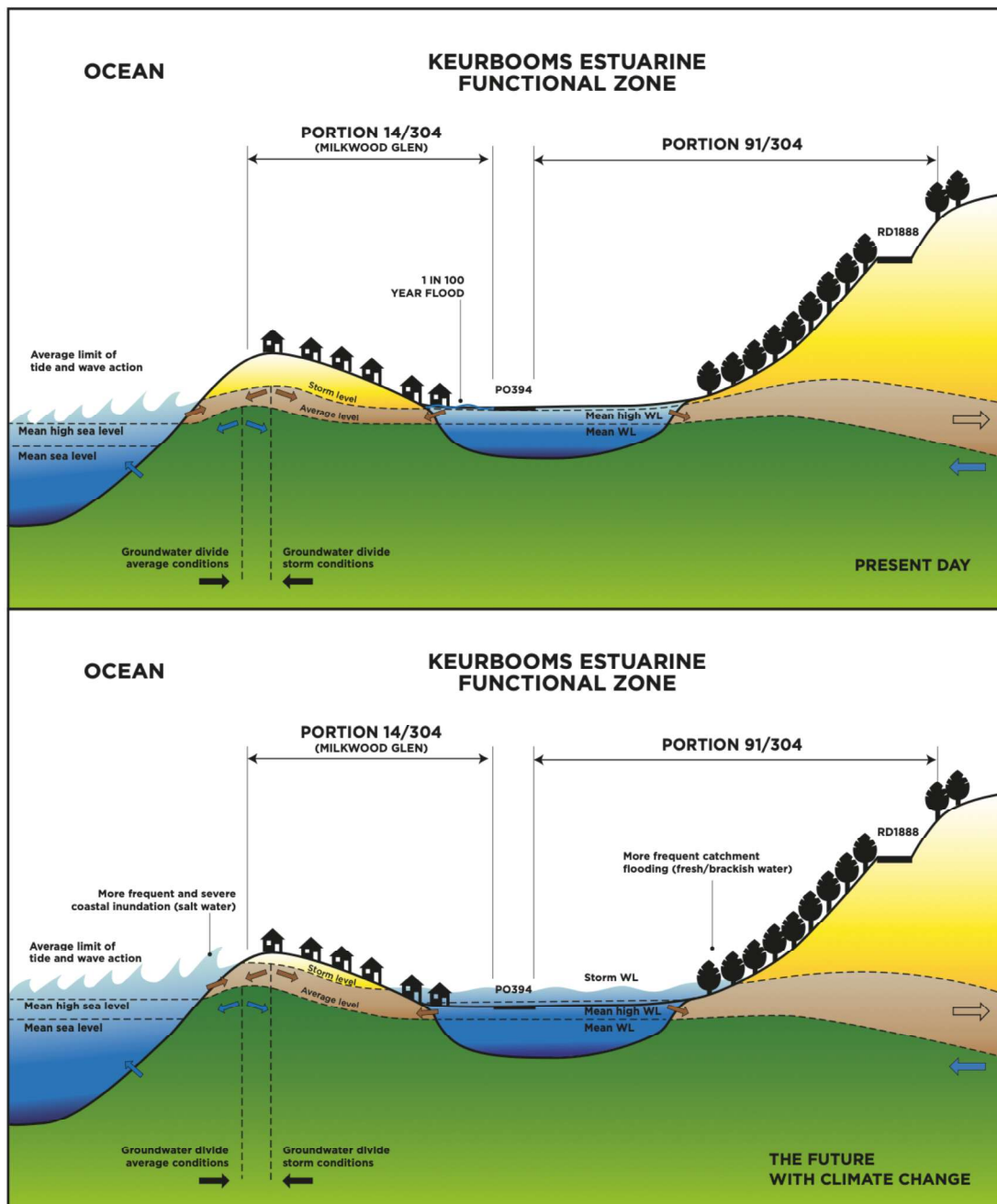


Fig. 15: Schematic diagrams: "The Present Day" and "The Future with Climate Change" on Portion 14/304 and Portion 91/304 in the Keurbooms Estuarine Functional Zone. Ground water levels will continue to rise in concert with sea level rise, increased frequency of extreme rainfall events, higher tides, higher wave action and more frequent and severe storm surges, with resultant flooding of underground infrastructure and surface structures. Adapted from D H Anderson, 2017. "Ground Water and Climate Change". Water Research Laboratory. School of Civil and Environmental Engineering. University of New South Wales, Sydney, Australia.)

## CONCLUSION

Given our present knowledge about the predicted effects of climate change on the Garden Route Coastal Region, it is inevitable that a development on the southern portion of Portion 91/304, almost all of which is less than 5m above mean sea-level, will flood repeatedly over the foreseeable future and will eventually be permanently flooded.

It is the responsibility of the Western Cape Government to ensure that Spatial Planning and Development Planning, reduces risks to people, infrastructure and assets (Western Cape Climate Change Response Strategy (Vision 2050) Nov.2021. Draft for public discussion.).

My view is that it would not only be irresponsible to allow this development to proceed, it would be a dereliction of the Bitou Municipality's duty to protect society and preserve the inherent value of the ever changing and dynamic Western Cape coastal zone, at a time of rapid climate change.

## RECOMMENDATION

Because of my concern about flooding, I would recommend that Portion 91/304 remains Agricultural zone1. It lies within the most easterly of the proposed Keurboomstrand Spatial Development nodes, most of which is less than 5m above mean sea level and therefore inappropriate for mass housing development.

I recommend therefore, that only one farmhouse dwelling, and necessary ancillary farm buildings, be allowed to be built on the site, on ground 5m above mean sea level, and with floor levels at least 5.5m above mean sea level.

That much of the southern part be allowed to rehabilitate, with restoration of endemic flora.

The spring should be allowed to continue to function naturally and without hinderance, contributing as it has done for centuries to the hydrology of the area and as a fresh water source for flora and fauna.

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- 1) L C Allison et al. 2022. "Projections of 21st century sea level rise for the coast of South Africa" *Environ. Res. Commun.* 4 025001.
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- 3) Simon C. Cox et al. 2025. "Empirical Models of Shallow Groundwater and Multi-

*Hazard Flood Forecasts as Sea-Levels Rise". Earths Future: Volume 13, Issue 2*

4) S Habel et al. 2024. "Hidden Threat: The Influence of Sea-Level Rise on Coastal Groundwater and the Convergence of Impacts on Municipal Infrastructure. *Annual Review of Marine Science*. Vol 16: 81-103.

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6) K Pierre-Louis. 2021. "How Rising Groundwater Caused by Climate Change Could Devastate Coastal Communities". *M I T Technology Review. Climate change and Energy*. 13/12/2021.

7) R Rahimi et al. 2020 "Compound Inundation Impacts of Coastal Climate Change: Sea-Level Rise, Groundwater Rise, and Coastal Precipitation". *Water*. 2020,12 (10). 2776.

8) Y Sangsefidi et al, 2023. "Data Analysis and Integrated Modeling of Compound Flooding Impacts on Coastal Drainage Infrastructure under a Changing Climate". *Journal of Hydrology*, (616), 128823

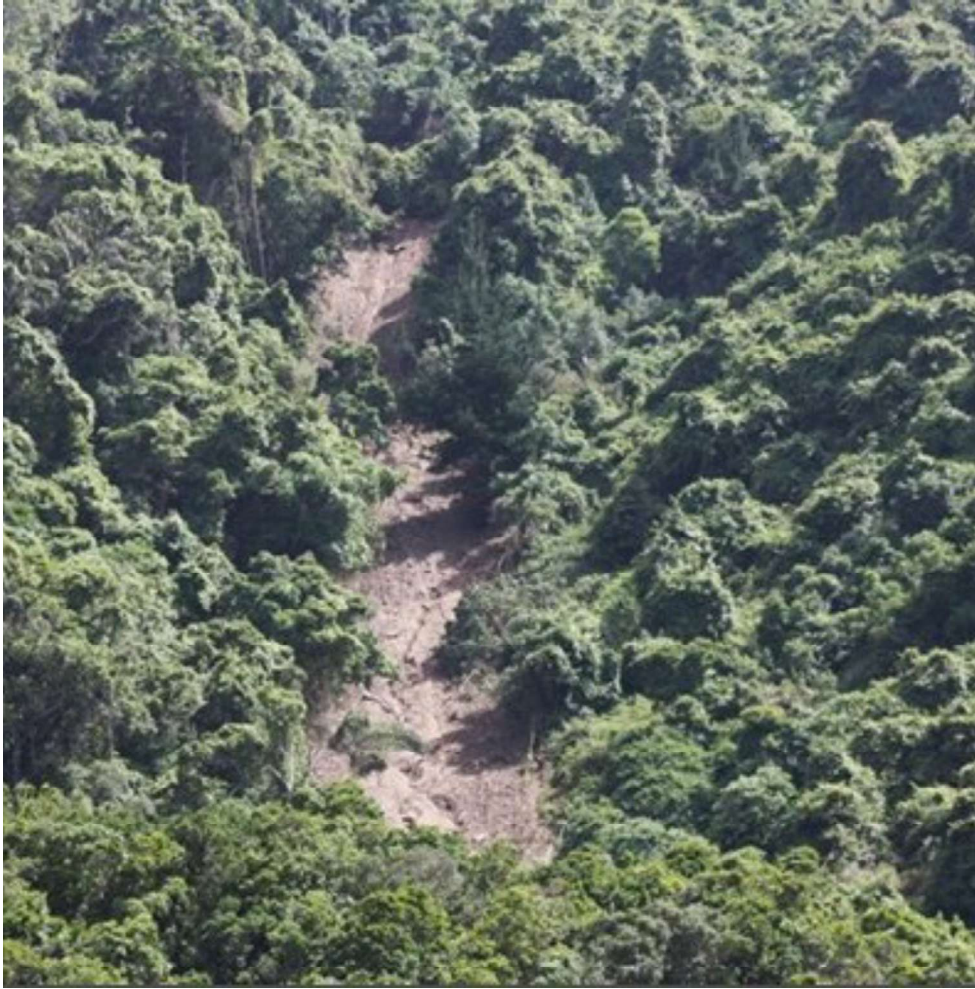
9) E H Schumann. 2015. "Keurbooms Estuary, Floods and Sedimentation". *S Afr J Sci.*, 111(11/12).

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## **ANOTHER RISK TO THE PROPOSED DEVELOPMENT IS LANDSLIDE**

The northern portion of Portion 91/304 is a forested hill with a slope of 47%, 25.5 degrees, 1 in 2.1, approx. 270 m wide and approx. 140 m high. The Afro-Montaine forest grows on an unstable sandstone and conglomerate substrate. We believe that there is a potential for a heavy rainfall induced landslide to occur, with catastrophic consequences to people and housing in the vicinity of the northern slope on Portion 91/304. This is apparently what happened in the severe "cut-off low" weather and heavy rains in October 2023, when a landslide occurred onto the the Kaaimaans Pass N2 road at Wilderness.

Landslides and mudslides also occurred in the Franschoek and other areas in September 2023, following heavy rainfall. More recently there were similar events in the heavy rainfall "cut-off low's" in the Western Cape between the 6-9 June 2024.



*Fig. 1: Photograph of the Kaaimaans Pass landslide. Wilderness, Western Cape. October 2023.*



*Fig. 2: Photograph of the Kaaimaans Pass landslide onto the N2 road, Wilderness, Western Cape. October 2023.*





*Fig 3: Photograph showing exposed unstable sandstone conglomerate above the DR1888 road to the west of portion 91/304, similar to the sandstone conglomerate on the Kaaimans Pass*



*Fig. 4 : Photo showing how steep and high the northern forested hill is, ie. slope 47%, 25.5 degrees, 1 in 2.1, and 140m high. The people on horseback are dwarfed by the hill.*

Dr. Nicholas Frootko

21st April 2025



## APPENDIX PHOTOS 2007 FLOOD KEURBOOMS ESTURINE ZONE



Photos showing flood levels the day after the 2007 floods in the Keurbooms flood plain of the Keurbooms-Bitou Estuarine Zone.



ATT: Joclyn Marshall  
Eco Route Environmental Consultancy  
Via e-mail: [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za)

21st April 2025

Dear Ms Marshall

**RE: DRAFT BASIC ASSESSMENT REPORT –  
PORTION 91 MATJESFONTEIN 304, KEURBOOMSTRAND**

Thank you for the opportunity to comment on the above application. We have reviewed the documents and submit our strong objection to this application:

**1. Non-Compliance with Spatial Planning Guidelines**

The application does not align with the Keurboomstrand Local Area Spatial Plan (KELASP) and the Bitou Spatial Development Framework (BSDF), which specifically identify limited areas of the site suitable for development based on the 4.5m and 5m contours.

- **Urban Edge Encroachment:** The proposed development encroaches on areas beyond the delineated urban edge, contributing to urban sprawl and undermining the growth management strategy set by the BSDF (2022). The BSDF aims to preserve the area's character, and the proposed density threatens to erode these efforts. The DBAR refers to the Draft Bitou SDF of 2013. This is no longer valid and has been updated (2022).
- **Potential for Overdevelopment:** Allowing this proposal would set a negative precedent for future developments, encouraging applications that disregard established guidelines, which could lead to irreversible changes to the area's character and identity.
- **Cumulative Impact on Coastal Corridor Development:** The development, if approved, risks damaging the very environmental assets that attract tourism and investment into the region, which have been carefully managed in the BSDF and KELASP.

**2. Inadequate Justification for Density and Layout Decisions**

The proposed density of 60 units far exceeds the proposed density in the KELASP for development above the 4.5m contour.

- **Financial Viability vs. Environmental Considerations:** The argument that higher density is required for financial viability overlooks the environmental and planning constraints. Economic factors should not override sustainable development goals.

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- **Environmental Constraints:** The planning frameworks, based on extensive research, are designed to preserve the region's natural resources and rural character. The proposed density exacerbates risks to local infrastructure, environmental systems, and community character.
- **Impact on Keurbooms' Character:** Introducing urban intensity into an area known for its tranquil, low-density environment would significantly alter the area's character. This proposal undermines long-term sustainable planning and risks setting a precedent for overdevelopment in other sensitive areas.
- **Incompatible Layout:** The small erven sizes with insufficient space for natural areas will lead to visual and environmental impacts that do not align with the area's natural or rural character. Furthermore, the claim that there will be "ample open spaces" contradicts the proposed density and site limitations.

### 3. Social Considerations and Sense of Place

The development fails to address concerns about preserving the unique sense of place in Keurboomstrand. This type and density of development is not in keeping with the sense of place for Keurbooms Village which is a valuable tourism asset to the economy of Plettenberg Bay.

- **Mismatch with Community Needs:** The site is not suited for middle-income housing, as it is located far from employment opportunities and essential services in Plettenberg Bay. This development would be impractical for potential residents.
- **Visual Sensitivity:** The proposed density and visual impact of the development would significantly detract from the area's aesthetic value. The idea of using vegetation to "hide" the development is insufficient and unlikely to mitigate the long-term impact on the sense of place.
- **Cumulative Development Impacts:** The cumulative development impacts along the 'coastal corridor' on Main Road has been explicitly considered in the Bitou SDF and KELASP. This application fails to address this.

### 4. Groundwater and Geotechnical Concerns

The application overlooks critical aspects of groundwater and flood risks:

- **Groundwater Levels:** The geotechnical assessments raise concerns about the site's groundwater levels. The absence of data on the seasonality of groundwater levels undermines the reliability of the findings.
- **Flood Risk:** The site, historically a floodplain, remains prone to high water levels during heavy rainfall, with flooding risks exacerbated by development in the area. Concerns about groundwater table levels need to be addressed, particularly given the region's history of flooding.
- The **soil profile**, according to the Geotechnical report, states that the "soil profile is dominated by estuarine sandy soil". This seems contrary to the aquatic report but supports other reports where it has been shown that the area forms part of the Tshokwane Wetland.
- The Geotechnical report also highlights that "**surface water** was expected to accumulate temporarily after heavy rainfall events". This would imply that there should be concerns around flooding during such heavy rainfall events.
- Despite comments in the application, we do not believe that one or two site visits are adequate to determine potential flooding. The **National Freshwater Ecosystem Priority Areas** (NFEPA) includes this portion as being part of the Keurbooms system.

- It is interesting that there is debate regarding the various established **set back lines** (1:50 and 100 year flood lines, 4,5m coastal setback line [the coastal management line], 100m high water mark, Tshokwane Wetland system). Eden District Municipality, Bitou Municipality, the KELASP, CapeNature, SANBI, CSIR, Water Affairs, Environmental Affairs (and others) have identified these bio-physical constraints. Are these documents incorrect?
- **Photographs, maps, guideline documents and local knowledge** (below) all demonstrate the potential for flooding on Portion 91. Historic knowledge, experience and scientific expertise all show the site to be unsuitable for development as proposed.
- Furthermore, the Town Planning Report for the BAR clearing shows that the proposed development site falls within the **Estuarine Functional Zone (EFZ)**.
- The **Keurbooms Local Area Spatial Plan** recommends that future development below the 6.5mamsl swash contour and 4.5m coastal management contour line should be monitored, and preferably prevented.
- The **Bitou SDF** refers to the 1:100 flood line and states that no development should occur in these areas and that the precautionary principle should apply.
- Aside from past experience and flooding events, the application has failed to consider the increased risks of flooding as a result of the development (hard surfaces, removed vegetation, etc).

Fig A: Cape Farm Mapper showing EFZ of the Keurbooms system:

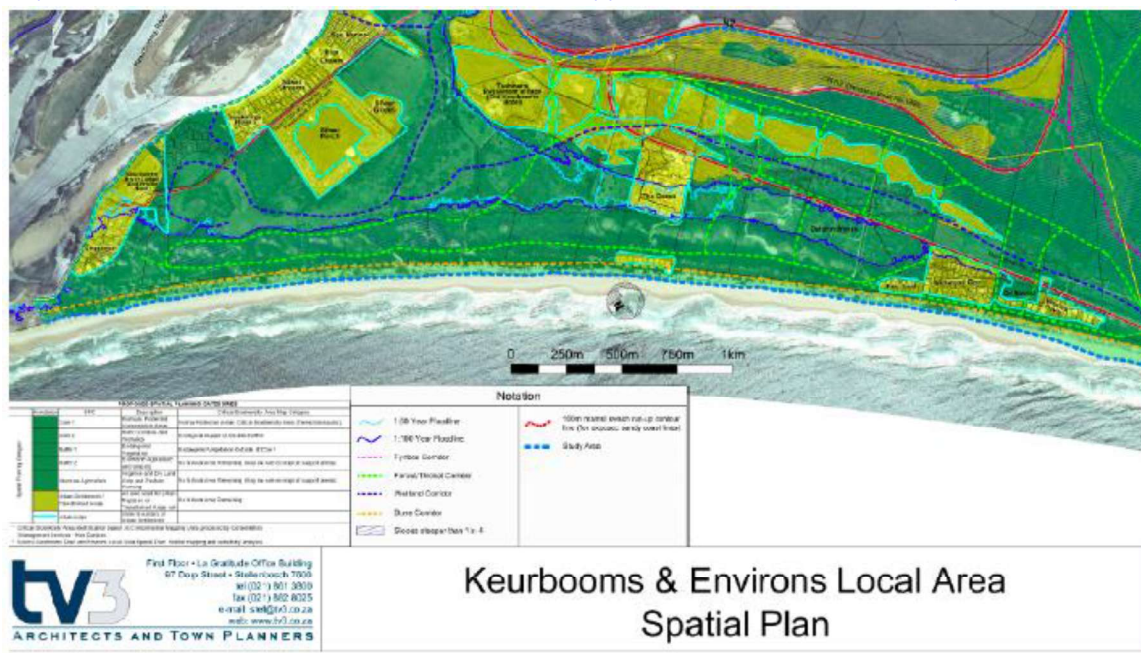




Fig B: 2007 Flooding close to Portion 91



Fig D: KELASP Plan Demonstrates including flood risk areas. A detailed map is available: <https://ecoroute.co.za/sites/default/files/2025-03/Appendix%20B2%20-%20KELASP.pdf>



## 5. Rehabilitation of Pastures

The claim that historically cultivated pastures cannot recover to a natural state is questionable. With time, effort, and proper rehabilitation practices, such lands can indeed be restored. Dismissing this possibility undermines sustainable land management principles.

## 6. Traffic Flow and Controlled Access

The addition of 60 units will exacerbate traffic challenges on local roads. The proposed single entrance with a minimum 15m setback raises concerns about its adequacy to handle traffic, especially during peak tourist seasons when traffic is already a concern. Additionally, the assertion that roads will function as “open spaces” is ambiguous and lacks practicality.

## 7. Architectural and Landscaping Standards

We strongly support the recommendation to appoint a qualified Landscape Architect and emphasise that the Landscape Plan should prioritise locally indigenous, non-invasive vegetation to ensure ecological integrity. However, the lack of detail on architectural style and green principles weakens the case for sustainable development.

## 8. Environmental Concerns

The development includes areas below the 5m Mean Sea Level (MSL) and within the Estuarine Functional Zone (EFZ), which exposes the area to flooding and sea-level rise risks:

- **Flood Risk:** The site’s location near the 1:100-year flood line raises concerns, especially as climate change threatens to intensify flooding risks. Flood management strategies need to be detailed and evaluated through flood modelling and simulations.



- **Coastal Management Lines:** The proposed site falls within the identified Coastal Management Lines which are the recommended set back lines to address coastal flooding. In the event of a disaster, who will be the responsible agent should coastal/estuarine/wetland flooding occur up this valley?
- **Environmental Management Plan (EMP):** The lack of a comprehensive EMP for post-construction monitoring and mitigation is concerning. A long-term environmental management plan that includes required roles and responsibilities is essential to mitigate the ongoing environmental impacts of the development.
- **Sewage and Wastewater Treatment Plants:** The application states that if necessary, “excess effluent will be discharged to the stormwater infiltration ponds system”. However, it is concerning that the Breede Olifants Catchment Management Agency’s comments require confirmations from the appropriate government agencies and Municipal departments regarding wastewater treatment capacity, the dam, etc. These are not attached under Appendix E3.
- **Wastewater:** The Municipal wastewater system lacks capacity to manage additional wastewater loads. Until this has been addressed and the Municipal infrastructure upgraded we believe it to be irresponsible to rely on a privately managed Bio Sewage System Treatment Plant as, should issues be encountered that impact the environment in the vicinity of this development, the question of the responsible body to rectify/rehabilitate will become a contested point.
- **Sewage Plant:** Similarly, a privately installed and managed sewage plant that is required to manage a capacity of 60 residential units is, in our opinion, highly risky considering the management and risk responsibilities and we object to this. Excess effluent being discharged into the stormwater infiltration ponds system is not acceptable.
- **Light Pollution:** Given the sensitivity of the environment, any proposed lighting should be designed to minimise light pollution, ensuring the protection of the local wildlife and scenic value. We note that this has been given consideration. However, it seems logical that the proposed density will inevitably result in light pollution.
- **Water:** The application address “bulk infrastructure capacity” but does not address the availability of raw water. Is there confirmation from the Municipality and/or Department of Water Affairs that there is an adequate supply of raw water to provide for the cumulative water needs of this and other pending development applications?
- **Aquatic Report:** This report includes assumptions and limitations and it is notable that the site assessments are “undertaken on a once-off basis” but that two site assessments were conducted. How reliable are these assessments if the information is only based on two visits? Can two visits be sufficient to determine the EFZ?
- **Wildlife Corridor:** We support the inclusion of the wildlife corridor. However, we note that the development will be a “gated security complex” and will be fenced. What type of fencing will be used to enable animal movement?

In conclusion, the Plettenberg Bay Community Environment Forum strongly objects to the proposed development for the following reasons:

- Inappropriate density proposed, detrimental to the character of the area
- Proposed development in “no-go” areas of site in the 4,5m flood contour/coastal setback lines
- Extremely sensitive environment

- High groundwater tables around the site
- The precedent that this type of development in this area will set in terms of density
- Lack of consideration of cumulative impacts of this and similar developments on Sense of Place and biodiversity should such a precedent for dense, middle-income housing be established
- Damage to environmental assets that draw tourism and investment into the area
- Lack of reference to the capacity of raw water sources and availability

The Plettenberg Bay Community Environment Forum thanks you for the opportunity to comment and we look forward to your response to our queries and concerns. We reserve the right to submit further comments should additional information become available.

Yours sincerely

A handwritten signature in grey ink, appearing to read "T. Cavel". The signature is written in a cursive style with a horizontal line above the first part of the name.

OBO Plettenberg Bay Community Environment Forum



PLETTENBERG BAY RATEPAYERS AND RESIDENTS ASSOCIATION

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Chairman: Steve Pattinson

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Sedgefield  
Western Cape  
Via Email: [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za) ; [joclyn@ecoroute.co.za](mailto:joclyn@ecoroute.co.za)

24 April 2025

Dear Sirs,

**MATJESFONTEIN 304, PORTION 91 (PORTION OF PORTION 14), KEURBOOMSTRAND  
COMMENT ON THE PROPOSED BASIC ASSESSMENT REPORT FOR THE PROPOSED  
RESIDENTIAL DEVELOPMENT**

We refer to your email of 20 March 2025 inviting comment on the Proposed Basic Assessment Report ("BAR") in respect of Matjesfontein 304 Portion 91 ("Site"), to build a residential development in Keurboomstrand, Plettenberg Bay, Western Cape ("Proposed Development"), which is open for public comment until 25 April 2025.

The Plettenberg Bay Ratepayers and Residents Association ("Association") represents its members who are residents and ratepayers within Bitou Municipality and is concerned with orderly and sustainable urban development within Bitou Municipality.

This Association is opposed to the Proposed Development on the Site and submits the following comments having studied the set of reports, as made available on your website <https://www.ecoroute.co.za/node/67>;

**1 BAR P13 AND ELSEWHERE - SERVICES -WATER**

1.1 The BAR addresses the water supply and it states that "*The water connection for the development will be off the existing 200mm water main in Keurboomstrand road*" and indicates that water supply this will be adequate.

1.1.1 In the Water Licence Application report, (previously reviewed), it indicates that the water supply will not be adequate during peak demand periods.

1.1.2 The BAR documents superficially addresses the critical aspect of the source of bulk water and that Bitou Municipal area has serious bulk water storage capacity restrictions. The town's current water storage capacity is limited to the equivalent of a few weeks of consumption and there are also further restrictions on the town's water treatment plant capacity. In common with applications for other proposed developments in Bitou, there is an assumption that water will magically be available out of a nearby municipal pipe, without any regard for the town's limited water storage capacity or infrastructure limitations from source. Despite the fact that plans have been in place for many years to augment the town's water storage capacity, there is no concrete development plan being implemented or funded or committed for future development. Any prolonged drought or breakdown in the Keurbooms river pumping system would have an immediate and massive negative impact Bitou's water supply.

These aspects are critical failures of the BAR

## **2 BAR P 13 - SERVICES – SEWER**

2.1 The statements in this section are contradictory, opportunistic and irresponsible.

It states *"The sewer connection for the Development will be to the existing 160mm reticulation pipe situated immediately opposite the site on the southern side of Keurboomstrand Road"*.

And then

*Currently, there is no municipal wastewater system with capacity to accommodate the wastewater generated from the proposed development, until upgrades to the rising mains and the wastewater treatment plant at Gansevallei WWTW have been completed by Bitou Municipality. Wastewater from the development will be pumped to a proposed temporary new Bio Sewage System Treatment Plant*

2.2 The plans to implement an interim on-site "Bio sewage package" are not acceptable. If there is no capacity available to link it to the Municipal sewage plant then, the development should not be approved to proceed. There is inadequate assurance provided as to the reliability and efficiency of such "packaged" systems, which although possibly effective, depend on the quality and consistency of the ongoing management. However in this environment, with a relatively high water table, the potential for ponding, in a paleo- estuarine, active, river floodplain, between only 3 and 6 m above mean sea level (BAR P. 62), there is an unacceptably high risk to the environment and to the health and safety of any future residents of this and neighbouring properties.

- 2.3 Further, there is no indication as to when the development on this Site would be connected to the municipal waste water system. This eventuality would rely on the Ganse Vlei Waste Water facility being expanded, for which there is no certainty provided as to when, or if, this will happen (Page 39 of the BAR). The BAR further states on P39 that the expansion of the waste water plant is on the Bitou Master plan, but there is no guarantee of the date of completion. In reality, many infrastructure items have been on the Municipal Master plan for years and commonly are deferred, year after year. Also the expansion is dependent on available finance (from Central Government) which is becoming increasingly constrained.
- 2.4 The Proposed Development should not be allowed to rely on a “Packaged Sewerage Plant” and should not be approved until the Municipal wastewater plant has been expanded to sufficient capacity.

### **3 GEOMORPHIC, PHYSICAL AND AQUATIC PROPERTIES OF THE SITE.**

#### **BAR Pages 28, 44, 45, 46 and 62**

- 3.1 The various sections of the BAR and other appended reports set out the argument that the site is only marginally close to the 100 year flood line,
- 3.2 The same reports however state that the site is within an “Estuarine Functional Zone”, and also that the sediments excavated in the test pits are of an estuarine origin. Thus it is established that in the recent past this area was under water in an estuary. This is supported by an 18<sup>th</sup> century map of the Bitou area which shows a lake in the area, some distance east of the current course of the Keurbooms river, towards the area of the Site. Furthermore, Figure 12 on P 46 of the BAR confirms that this area is within the Keurbooms river flood plain. (Daily news of flooding and attendant damage in South Africa are instructive in this regard).
- 3.3 Although regulations refer to the 100 year flood line, such a definition is at best based on historical estimated data, to the extent that for most parts of the country scientifically reliable data does not extend back 100 years, let alone further. What is more relevant now is to factor in, and project to the future, recent changes in weather and climate patterns, which are likely to persist. As is apparent, extreme weather conditions of increased frequency and intensity, be they droughts or floods, are becoming more common, both globally and particularly in South Africa. As a result, the unprecedented record rainfalls in many areas are now causing widespread flooding, with attendant loss of property and life. Similarly, in living memory, there have been significant changes in the position of the outflow channel of the Keurbooms river at the river mouth and have caused flooding of the Keurbooms flood plain even in recent years. This flooding extended along the valley towards the Site. Accordingly,

it is not prudent to support a housing development in this potentially high risk environment.

- 3.4 Given that the Proposed Development is situated within 4 to 6 metres of mean sea level and in the Keurbooms river flood plain, and is underlain by estuarine sediments and the above mentioned factors, coupled with the factors relating to the proposed package sewage plant in 2.2 above, render this Proposed Development extremely high risk, and even reckless.

#### **4 IMPACT ON ECONOMIC DEVELOPMENT IN BITOU MUNICIPALITY AND THE NEED FOR AFFORDABLE HOUSING**

##### **BAR Pages 11, 32, 39**

- 4.1 Much is made in the BAR of the need for affordable middle income housing. This is indeed correct, however Bitou Municipality have strenuously supported such schemes in recent years and a number of projects are now planned, including one with over 300 housing units and a second one in application for some 220 units. Both of these are far closer to the centre of Plettenberg Bay, which is arguably where the greatest demand for such housing exists. In addition, the Municipal Human Settlement Department has plans for in excess of some 4000 new dwellings in medium to high density suburbs.
- 4.2 In addition to the above, there are approximately 10 housing estates, of all categories, some with affordable housing that are in various stages, between application and construction, within Bitou. Furthermore in 2022/2023, Bitou Municipality in the annual report reported over 900 applications for new build or alterations to standalone houses.
- 4.3 Thus the Proposed Development is by no means unique or the only planned development, and its merits must be judged against other comparable proposed developments.
- 4.4 All of the above developments will require services and resources, and particularly water, from the Bitou municipal infrastructure. Quite simply, adequate infrastructure and long term water storage capacity for all of these developments does not exist. Furthermore, the increasing constraints on government expenditure are likely to delay any of the required capital infrastructure projects, on which this Proposed Development and other housing projects rely.
- 4.5 On page 64, the BAR emphasises the benefit of providing employment, particularly temporary employment, during construction of the proposed development. As can be noted from the numerous other developments set out above, additional temporary

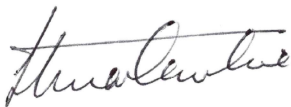


construction employment is not what is required, but rather an increase in permanent skilled and semi- skilled opportunities.

## **5 CONCLUSION**

- 5.1 This Association considers the Proposed Development to be a high risk proposal which should not be approved on account of the fact that it is situated in an area that could be prone to flooding, with the attendant possibility of loss of property and/or life.
- 5.2 It is also considered that the environmental, health and financial risks outweigh any economic or residential development benefit.
- 5.3 It simply does not make sense to destroy the current pastoral greenbelt area for the development of a high risk urban development, when there are many other existing and planned housing developments, with less risk, in the Bitou area.
- 5.4 The Proposed Development does not take into account the severe restrictions that are imposed on the Bitou municipal resources and infrastructure with the expanding developments in the area.
- 5.5 In particular, the Proposed Development does not present any realistic plans or timetable as to how it will ever be connected to the reliable municipal water supply, matching peak period consumption, and waste water systems and thus reliance on an interim packaged sewage system is unacceptable.

Regards



Stuart Comline

For Plettenberg Bay Ratepayers Association

0836545449



**TRANSMITTED BY EMAIL**

	Date:	24 April 2025
To:	Eco Route Environmental Consultancy	Your ref.: DEADP Ref: 16/3/3/6/7/1/D1/13/0268/22
Att:	Joclyn Marshall	joclyn@ecoroute.co.za
From:	Phillipa King & Sarah Kvalsvig	phillipa@greencounsel.co.za; sarah@greencounsel.co.za
Total pages:	17 (excluding annexures)	Our ref: M73-01

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Dear Ms Marshall

**COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF A SUSTAINABLE MIDDLE INCOME RESIDENTIAL DEVELOPMENT ON *PORTION 91 OF FARM MATJESFONTEIN 304, PLETTENBERG BAY***

**INTRODUCTION**

1. We act for the individuals listed in Annexure 'A' hereto (our "clients"), all of whom own, or reside on, properties located close by to *Portion 91 of Farm Matjesfontein 304, Plettenberg Bay* (the "Property").
2. Eco Route Environmental Consultancy advertised that the draft basic assessment report ("draft BAR") for the proposed development of a sustainable middle income residential development on *Portion 91 of Farm Matjesfontein 304, Plettenberg Bay* (the "proposed development") would be available for public comment from 24 March until 25 April 2025.

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Cullinan & Associates Incorporated (2001/001024/21)

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3. We hereby submit comments on behalf of our clients.

**GENERAL COMMENTS BY MORRIS ENVIRONMENTAL AND GROUNDWATER ALLIANCE CONCERNING FLAWS IN THE BASIC ASSESSMENT PROCESS**

4. Morris Environmental and Groundwater alliance (MEGA) was appointed by our clients to undertake a review of the draft BAR. As is evident from the attached report (annexed as 'B'), MEGA has identified a number of issues with the draft BAR.

**The Public Participation Process**

- 4.1. MEGA identifies a number of short comings in the public participation process conducted by the EAP. In particular:

- 4.1.1. responses contained in the comments and Responses Report ("C&R Report") are not aligned, making it difficult to review;
- 4.1.2. relevant comments submitted by CapeNature in the WULA process have not been addressed in the C&R report;
- 4.1.3. comments submitted by I&APs have not been meaningfully addressed in the C&R report (particularly insofar as flooding risks and availability of services are concerned);
- 4.1.4. comment has not been obtained from authorities concerned with coastal management (i.e. DFFE Oceans and Coasts Directorate) or other relevant authorities (such as Cape Nature and SANParks) and included in the C&R Report notwithstanding the fact that the Property is located within the coastal protection zone;
- 4.1.5. Comment provided on Pre Application BAR by DEADP is inadequately addressed in the C&R Report:
  - 4.1.5.1. Inadequate consideration of the relationship of the Property with the Tshokwane wetlands.
  - 4.1.5.2. Assessment of Need and Desirability focussed on town-planning considerations (which were indicated for consideration by DEADP), without giving due consideration to environmental and/or socio-economic impacts.
  - 4.1.5.3. No socio-economic impact assessment undertaken.
- 4.1.6. Inadequate identification and notifications of I&APs.

**The approach to need and desirability**

- 4.2. The MEGA report identifies a number of shortcomings in the motivation provided for the Need and Desirability of the proposed development. In particular:
- 4.2.1. In motivating for the desirability of the proposed development on the property, the draft BAR refers to the Western Cape Biodiversity Spatial Plan (WCBSP) categorisation of the southern portion of the Property as "transformed"<sup>1</sup>. On this basis the draft BAR argues that the site is suitable for development. Such categorisation is however incorrect as the

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<sup>1</sup> Page 37 of the draft BAR.



most recent version of the WCBSP, which was published in 2023 and gazetted in December 2024, in fact categorises the southern part of the site as CBA2. These are areas in a degraded or secondary condition that are important for purposes of meeting biodiversity targets, for species, ecosystems or ecological processes and infrastructure. Such areas are earmarked for restoration / rehabilitation and are consequently not suitable for development. Both the Terrestrial Biodiversity Assessment and the relevant section of the draft BAR (Section E) have failed to take account of the updated categorisation of the site in terms of the 2023 WCBSP, resulting in a skewed representation of the desirability of the proposed development.

- 4.2.2. The need for the development has also been misconstrued and misrepresented on the basis that it will meet an affordable housing for middle income households, when in fact, each is intended to be marketed for R2.5 million – R3 million. It is entirely disingenuous to suggest that the development of residential units in this price range (which is essentially high end residential accommodation) meets an affordable housing need.
- 4.3. The Need and Desirability analysis contained in the draft BAR does not provide sufficient justification for the impacts associated with the proposed development, particularly insofar as it seeks to motivate for development with reference to relevant policy, without taking account of relevant policy guidance aimed at discouraging inappropriate development within the Estuarine Management Zone and areas designated as CBAs.
- 4.4. The responses provided to the Need and Desirability questions (contained in Annexure K of the draft BAR) have failed to provide relevant information required for a competent authority to reach an informed decision. For example responses regarding impacts on the coastal environment have entirely failed to address potential flooding risks associated with the proposed development.

#### **The consideration of alternatives**

- 4.5. The draft BAR has failed to propose and meaningfully assess alternative which enable the selection of the best practicable environmental option. Alternative 1 and the Preferred Alternative essentially present similar options in that both proposals extend well beyond the developable area delineated in relevant policy. Alternative 2 (which aligns with relevant policy parameters) is however dismissed on the basis of solely financial feasibility considerations without any further consideration. The no-go option is also rejected on tenuous grounds. This means that the alternatives presented do not provide real options for choice by the competent authority.

#### **Identification and assessment of impacts**

- 4.6. The MEGA report also identifies a number of issues with the identification and assessment of impacts in the draft BAR. While the draft BAR has failed to identify many potential impacts, it also contains insufficient baseline information regarding relevant environmental considerations. In particular it has wholly failed to provide a specialist assessment of potential flooding risks. Furthermore the assessment has failed to consider fine scale vegetation maps which show that Sedgfield Coastal Grassland and Keurbooms Thicket-Forest (the former



being considered to be critically endangered)<sup>2</sup> is present on the property. In this regard it is also significant to note the oversight mentioned above regarding the classification of the property as CBA 2, indicating the imperative to restore/ rehabilitate the property.

- 4.7. The presence of Sedgefield Coastal Grassland, together with other factors discussed in the MEGA report, also indicate that the Property (and the surrounding area) may in fact be hydrologically connected to the Keurbooms estuary, which has been entirely overlooked in the aquatic assessment and draft BAR.
- 4.8. Aside from the failure to identify potential flooding risks, the MEGA report notes that the draft BAR has also failed to comprehensively identify and consider potential impacts on the Estuarine Functional Zone (EFZ), groundwater and terrestrial biodiversity.
- 4.9. The MEGA report also indicates substantial concerns around the methodology used for rating the significance of impacts, meaning that the conclusions reached by the draft BAR regarding the impacts associated with the proposed development are questionable and do not accurately represent the true nature and extent of impacts associated with the proposed development.
5. The MEGA Report should be read with these comments, and is referenced to the extent relevant in the comments which follow below.

## **FAILURE TO PROPERLY IDENTIFY AND ASSESS RELEVANT ENVIRONMENTAL AND SOCIO-ECONOMIC IMPACTS**

### **Failure to consider and assess flooding risks associated with proposed development**

#### ***Relevant policy considerations***

6. The Property is located within the EFZ which is mapped in terms of the Keurbooms – Bitou Estuary Management Plan (2018) (KBEMP) as being the area below the 5m contour line. Significantly the KBEMP states that the EFZ *“provides a useful guideline for a coastal management line, as much of the land below this mark is currently subject to flooding or may be in the future due to climate change (sea-level rise and increased flooding).”*
7. The KBEMP goes on to state that *“the 5 m contour ... must be included in all planning documents”*. While the coastal protection zone is intended to inform land use planning schemes, a coastal management line (“CML”) is intended to limited development in ecologically sensitive areas. In this regard the KBEMP notes that *“for estuaries, the CML is delineated by the 5 m above msl contour or 1:100yr floodline, whichever is wider, to differentiate a zone where formal development should be discouraged.”*<sup>3</sup>
8. From the above, it is clear that development below the 5m contour line should, as far as possible, be avoided as this area is already subjected to flooding and/or or is vulnerable to future

<sup>2</sup> Designated as Sedgefield Coastal Grassland (Vlok Variant CR)

<sup>3</sup> 6.1 of the KBEMP.





flooding events owing to the impacts of climate change and sea level rise. The location of the proposed development within the EFZ therefore requires careful consideration from both a town planning and environmental authorisation perspective.

9. Taking account of the implications of development within the EFZ, the Keurbooms and Environs Local Area Spatial Plan (2013) (“KELASP”) *identifies areas that are most vulnerable to coastal, estuarine and fluvial erosion and inundation based on three swash run-up contour lines, including the 4.5 mamsl swash (for exposed or sandy coastlines) which is relevant to the Property. In this regard the KELASP goes on to recommend that authorities should “strictly monitor (and preferably prevent) future development below the 6.5 mamsl swash contour and 4.5 m estuary/river flood contour, ...”*<sup>4</sup>. From the extract from the KELASP annexed as ‘C’, it is significant to note that:
  - 9.1. the lower reaches of the Property (where the proposed development will be situated) are largely located within the wetland corridor delineated in terms of the KELASP; and
  - 9.2. only a narrow area falling between the forested slope and the wetland corridor area on the Property are identified for residential development.
10. The Property is also located only just outside of the 1:100 floodline (as is evidenced by the KELASP floodline map annexed as “D”).
11. Significantly, the KELASP also indicates that the development potential of the Property (which is based on a gross density of 12 units per ha) is 19 units on the 1.6ha portion of the site which is identified as suitable for development as it falls above the 4.5m contour.<sup>5</sup> The development proposal however seeks to develop 60 residential units on 6ha of the Property, meaning that a substantial portion of the development will be located below the 4.5m contour.
12. The footprint of the proposed development also extends well beyond the area designated on the Property for residential development in terms of the Bitou Spatial Development Framework (“SDF”). The Bitou SDF also specifically states that no development may occur within 1:100 floodline<sup>6</sup> surrounding rivers and delineates a limited area within the urban edge (which falls above the 5m contour) for residential development on the Property, with the remainder of the Property being designated for “Biodiversity/ Conservation” (as reflected in the map from the SDF Annexed as ‘E’).
13. Significantly the SDF also points out that *“decisions and actions related to the coastal zone must take a risk averse and cautious approach, which takes into account the limits of current knowledge about the consequences of decisions and actions, and which promotes the integrity*

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<sup>4</sup> Page 13 and 14 of the KELASP.

<sup>5</sup> Page 21-22 of the KELASP

<sup>6</sup> Page 17 of the SDF.



*of coastal ecological systems and functions.”<sup>7</sup> This is particularly relevant in the context of risks posed to coastal areas by climate change and sea-level rise.*

14. The importance of restricting development which is vulnerable to flooding as a result of coastal climate change impacts is echoed in the Garden Route District Climate Change Response Implementation Plan which specifically considers Long-Term Adaptation Scenarios concerning all land below the 5.5 metre contour (which is considered to be the coastal zone) on the basis that *“this is the maximum estimated height of land that could be affected by the predicted increases in storm surges, sea level rise and tidal fluctuations by the year 2100”*.

***Site features and historical flooding of the surrounding area***

15. The attached cross-section survey diagram (annexed as “F1”) was developed by Beacon Survey based on the Contour Plan Slope Analysis which was included in the BAR (annexed as “F2”) and the drone survey undertaken by Beacon Survey (annexed as “F3”). The survey diagram clearly shows that the natural ground level of the proposed development site (surveyed between the two points A-A) is less than 5m above mean sea level.
16. The 1:100 floodline mapped in terms of the KELASP tracks Keurboom Road, which is at much the same height above mean sea level as the Property. The road is therefore unlikely to act as a barrier to flooding of the Property, meaning that it may well be vulnerable to flooding in the context of a 1:100 flood.
17. The need to preserve the Keurbooms valley on the north side of Keurbooms Road as a flood plain was confirmed during November 2007 when the Bitou area experienced high rainfall, resulting in the Keurbooms River bursting its banks and flooding surrounding areas (including resorts and individual houses). During that time, Keurbooms Road was impassable, and the Dunes resort was 1.5 metres under water. From here, water spilled into vacant ground on both sides of Keurbooms Road including the entire Keurbooms valley to the south of the road. The flood attenuation role of this property has also been evident during significant storm events (such as those experienced as recently as May 2023).
18. The very real flooding risks for the Property (and the surrounding area) are borne out by the photographs (annexed as ‘G’) which show high ground water levels on an adjacent property, as well as the flooding of properties in close proximity to the proposed development site.
19. While the Aquatic Specialist Report (prepared by Dr Jackie Dabrovsky of Confluent) finds that the Property does not appear to support wetland or estuarine habitat, it nonetheless notes that:
 

*“One of the development risks within the EFZ relates to flooding which can be exacerbated by climate change and associated sea level rise. ... The property is located on the edge of the 1:100 year floodline, which is not mapped to extend beyond the boundary of the property. In reality, the frequency of 100-year flood events is increasing due to climate change, and when coincident*

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<sup>7</sup> Page 35 of the SDF.



*with sea-level rise and high tide events, it is not impossible that minor flooding could affect the low-lying area of the property in future.*<sup>8</sup>

20. The draft BAR furthermore accepts that “surface water was expected to accumulate temporarily after heavy rainfall events”.
21. Despite this, and notwithstanding the clear policy guidance discouraging development within the EFZ, the draft BAR largely dismisses potential flooding risks associated with the proposed development on the superficial basis that:
  - 21.1. the Aquatic Assessment finds that the soil and plants present on the site is not indicative of a wetland or estuarine environment; and
  - 21.2. the Geohydrological Assessment indicates that sandy soils with high permeability and implementation of stormwater water management measures (including infiltration ponds) should be implemented manage flood risks.
22. While the draft BAR fails to consider flooding risks posed by the Keurbooms River Estuary generally, it also entirely fails to identify and assess potential flooding impacts on the Property itself and surrounding properties, particularly given that such risks will be exacerbated by the creation of additional hard surfaces associated with the development of 60 residential units and related infrastructure. The draft BAR furthermore does not consider stormwater impacts which may arise should the capacity of the infiltration ponds be exceeded and stormwater is discharged into the road reserve and surrounding properties. No provision has however been made for stormwater management along Keurbooms Road, (notwithstanding the increasing likelihood of flooding events).

#### **Hughes Report**

23. Given the flooding risks associated with the proposed development (both for the development itself and surrounding properties), our client appointed Prof Denis Hughes from Rhodes University (an expert in the field of hydrology) to prepare a review of the water use licence application submitted for the proposed development (the “Hughes Review”) which is annexed as “H”. The Hughes Review makes the following significant observations regarding the potential flooding risks associated with the site:
  - 23.1. *“... the topography to the east of the Keurbooms Estuary indicates that there are low-lying areas on the inland side of the coastal dunes (Figure 1). Although quite detailed 2m contour maps were provided, they do not extend all the way to the estuary and it is difficult to definitively conclude that the development site is directly hydraulically connected to the estuary during high floods. However, all the evidence points to the fact that it is connected and will form an inundated backwater area when the estuary is subjected to flooding. This is supported by the cross-section data (approximately north-south through the proposed development property) that indicates that most of the area to be developed is below 5m above mean sea level.*<sup>9</sup>

<sup>8</sup> 3.2 of the Aquatic Specialist Report.

<sup>9</sup> 2 of the Hughes Review.



- 23.2. *The cross-section data suggests that almost all parts of the development will be below 5m above mean sea level (the black dashed line in Figure 2). There seems to be little doubt that the site does play a role in providing some flood storage, as well as the fact that the site is highly likely to be flooded during heavy and prolonged rainfall events.*<sup>10</sup>
24. The Hughes Review furthermore observes that:
- 24.1. *“the potential benefits of the proposed stormwater retention ponds for reducing the flooding impacts of surface water runoff during high rainfalls have been quite substantially over-estimated”. The underlying rationale for this observation is (in summary) that:*
- 24.1.1. the duration of flooding events in the region generally exceed 24 hours;
  - 24.1.2. the effects of antecedent wetness conditions have been entirely overlooked;
  - 24.1.3. possibility of runoff and near surface drainage from the forested slopes to the North of the site.
  - 24.1.4. the likelihood of low draining gradients (given that the site is relatively flat); and
  - 24.1.5. limited storage capacity for draining of water into soils (as evidenced by the findings of the Geotechnical Report).
- 24.2. While the Geotechnical Report suggests that ‘Stormwater from roofs can generally be handled in gutters, downpipes and open channels or underground pipes, with suitable discharge locations on the southern side of the site’ the cross-section and contour data suggests that there is no drainage route to the south due to the existence of the coastal dune.
25. Prof Hughes’ report concludes as follows regarding the assessment of flood risks posed to the site:
- “The development plans and proposals generally fail to give due consideration to potential future flooding risks associated with development. My evaluation of the available information suggests that the risks to flooding on the development site itself have been quite seriously under-estimated. This includes the risks associated with large scale flooding from the Keurbooms Estuary, as well as those associated with more localised flooding. The extent to which these flood risks are likely to be extended to adjacent properties is somewhat more difficult to be sure about, but there seems to be little doubt that the development will remove at least some existing flood retention storage and could therefore impact on existing developments, notably those in the relatively low lying areas to the south of the road.*<sup>11</sup>

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<sup>10</sup> 4 of the Hughes Review.

<sup>11</sup> 5 of the Hughes Review.



***Failure to properly consider and assess flood risks associated with the proposed development in the draft BAR***

26. Despite the concerns raised above (which have also been raised in our comments on the pre application draft BAR) the draft BAR does not include any specialist surface hydrological insight which specifically considers flooding risks associated with the proposed development.
27. It is clear that development within the EFZ is strongly discouraged by relevant policy instruments given the associated flood risks. While a hydrological assessment is clearly warranted in the current circumstances, where such an assessment has not been carried out, it follows that departure from such policy guidance is entirely unjustified and in stark contrast with the precautionary principle (as is addressed in more detail below).
28. The draft BAR consequently does not include substantively relevant information concerning potential flood risks which ought properly to be placed before the competent authority for consideration in its decision regarding the application for environmental authorisation. Any decision made by the competent authority on the basis of the information contained in draft BAR would therefore be fatally flawed as relevant considerations would not have been taken into account by the competent authority.

**Failure to identify and consider relevant biodiversity impacts**

- 28.1. As explained above, the MEGA Report notes that the southern portion of the property (where the development is to be located) has incorrectly been classified in the draft BAR and Terrestrial Biodiversity Report as “transformed”, rather than as CBA2. This is due to referring to the previous 2017 WCBSP, instead of the updated 2023 WCBSP. It follows that the assessment of biodiversity impacts undertaken in the draft BAR will have been premised on the assumption that the site is transformed, without giving any consideration to the policy imperatives associated with CBA2 designation (i.e that such areas are considered important for purposes of meeting biodiversity targets and are consequently earmarked for restoration/rehabilitation and essentially not suitable for development). The draft BAR also fails to take account of the fact that fine scale mapping indicates that Sedgfield Coastal Grassland and Keurbooms Thicket-Forest is present on the property. This is particularly relevant in the context of the restoration and rehabilitation imperative associated with the sites CBA2 classification.
- 28.2. It follows that the Terrestrial Biodiversity Assessment and the draft BAR are flawed insofar as the assessment of biodiversity impacts are concerned. By failing to take account of the designation of the southern portion of the property as CBA2 and the fine scale mapping indicating the presence of Sedgfield Coastal Grassland and Keurbooms Thicket-Forest, the draft BAR has failed to present a comprehensive assessment of biodiversity impacts which takes account of relevant policy considerations.

**Misrepresentation of Purported Socio-Economic Impacts**

19. The draft BAR states that the proposed development will have various positive socio-economic benefits, including creation of affordable residential opportunities for middle income





households. The assertion that the development will provide middle income residential opportunities is entirely disingenuous given that the average selling price for the 60 residential units will be between R2.5 and R3 million. The residential opportunities that will be made available in the proposed development will be well beyond reach for most middle income households.

20. The draft BAR has also overlooked potential negative socio-economic impacts related to tourism impacts as well as potential implications for property values in the local area. In particular, the visual impacts associated with the proposed development and related exacerbation of flooding risks will have an inevitable impact on property values of surrounding properties. While this has not been given any consideration in the draft BAR, the report prepared by Jerry L Margolius and Associates (annexed as "I") shows that the proposed development is likely to have significant negative impacts on the property values of surrounding properties. Such impacts must be properly assessed and addressed in the BAR such that they may be taken into account by the competent authority when considering the application for environmental authorisation.

#### **Cumulative impacts**

21. The inadequacies in the assessment of impacts identified above mean that the assessment of cumulative impacts is also compromised. In particular, the wholesale failure to provide a comprehensive assessment of flooding risks associated with the development also means that cumulative flooding impacts associated with the proliferation of development in the local area have not been considered. Similarly, the shortcomings in the biodiversity assessment also mean that cumulative impacts on biodiversity resources will not have been adequately considered, particularly as the site is designated a CBA2 area and fine scale mapping indicates the presence of Sedgfield Coastal Grassland and Keurbooms Thicket-Forest.

#### **MISREPRESENTATION OF AVAILABILITY AND ADEQUACY OF WATER AND SANITATION SERVICES FOR THE PROPOSED DEVELOPMENT**

29. The draft BAR indicates that:
  - 29.1. The existing reticulation system and reservoir has sufficient capacity to service the proposed development. However, there is insufficient capacity in the bulk water mains serving the reservoir to maintain the peak seasonal demand. Although a masterplan is in place to upgrade the bulk supply system, it is dependent on the availability of municipal finances. Consequently the timeframes for such upgrades cannot be guaranteed. Alternative water sourcing is therefore proposed in terms of rainwater harvesting for domestic use and to treated greywater for irrigation purposes.<sup>12</sup>
  - 29.2. There is not sufficient capacity in the existing Bitou Bulk Sewage system to accommodate the proposed development until such time as proposed upgrades are completed by the Municipality. A temporary wastewater treatment plant is therefore planned to be installed to treat the development's wastewater pending the planned municipal upgrades.<sup>13</sup>

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<sup>12</sup> Page 88 of the BAR.

<sup>13</sup> Page 13 of the BAR.



30. GLS Consulting's Infrastructure Planning Report (GLS Report), which concerns the provision of bulk water and sewerage services, identifies at least 8 other developments which are intended to be undertaken which would need to be supplied with potable water by the Goose Valley/Matjiesfontein/Wittedrift bulk supply system.<sup>14</sup> This means that while municipal upgrades are likely to be held up due to financial constraints, any additional bulk water and sewage capacity which is ultimately made available might still not be sufficient to cater for the proposed development together with the numerous other intended developments.
31. In the circumstances, the temporary waste water treatment works may be required to be in place for an extended period of time, with associated deterioration concerns. Furthermore, no consideration has been given to how treated effluent will be disposed of during wet periods where there is no irrigation requirement (or where irrigation may in fact contribute to flood risks).
32. While the development application proposes to address bulk water supply requirements with rainwater harvesting and greywater irrigation, it does not provide any detail regarding the volumes of water that will be made available through such methods. It is therefore not possible to establish whether such measures will in fact be sufficient to supplement the water requirements for the development, particularly during peak season.
33. Given the significant concerns around the availability of municipal services, our client appointed ZS2 Consult to comment on the civil engineering aspects of the proposed development. The ZS2 Report (which is annexed as 'J') confirms that there are significant concerns around the availability of water and sanitation services for the proposed development:
  - 33.1. While the existing Keurbooms bulk water line will not have capacity to provide potable water to the proposed development, rainwater harvesting is unlikely to serve to address the shortfall in this regard.
  - 33.2. There is no sewerage reticulation currently available at the Property. The proposed disposal of treated wastewater on site by irrigation however poses significant flooding risks (given the significant volume that will be produced and the limited area which will be irrigated).
  - 33.3. The ZS2 report also raises concerns around the effectiveness of the proposed stormwater management infrastructure, and particularly the retention ponds given the high water table on the site.

## ASSESSMENT OF ALTERNATIVES

22. In terms of the NEMA 2014 EIA Regulations (the "EIA Regulations") all Basic Assessment Reports, must contain a description of any feasible and reasonable alternatives that have been identified, including a description and comparative assessment of the advantages and disadvantages that

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<sup>14</sup> 1.6 of the GLS Report.



the proposed activity and alternatives will have on the environment and on the community that may be affected by the activity.<sup>15</sup>

23. “Alternatives” are defined in the EIA Regulations as *“different means of meeting the general purpose and requirements of the activity, which may include alternatives to: (a) the property on which or location where it is proposed to undertake the activity; (b) the type of activity to be undertaken; (c) the design or layout of the activity; (d) the technology to be used in the activity or process alternatives; (e) the operational aspects of the activity; and includes the option of not implementing the activity.”*
24. The National Environmental Management Principles contained in section 2 of NEMA (which must be applied in the context of decision-making affecting the environment) require that *“Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option”*. “Best practicable environmental option” is defined in section 1 of NEMA as *“the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term”*. In other words, the alternatives assessed during an environmental assessment process must provide options for choice to enable the competent authority to select the *“best practicable environmental option”*.
25. The assessment of alternatives in the draft BAR has however failed to enable the selection of the best practicable environmental option.
26. Alternative 1 and the Preferred alternative are essentially similar in that they are both high density developments which extend well beyond the developable envelope recommended in terms of relevant land use planning policies. As such Alternative 1 does not present a real option for choice when considered against the Preferred Alternative. As is addressed in the MEGA Report, the No-Go alternative has also been dismissed on tenuous grounds.
27. While layout alternative 2 (which entails the development of 19 residential units) fits within the parameters of the developable area delineated in terms of the SDF and the KELASP, it has been dismissed on the basis of financial viability constraints which are linked to the target market for the proposed development. In this regard the draft BAR states that:
 

*“It has been scientifically proven through specialist studies that the area below the 4,5m contour line is not subject to flooding and plays no role in the functionality of the wetland. There is thus no sound reason why this area should be excluded from the development. This layout has not been further considered as it is not a feasible alternative.”*
28. As has been addressed above, the draft BAR has failed to provide a comprehensive hydrological assessment to inform a defensible decision regarding the application for environmental authorisation. It follows that the above justification for excluding alternative 2 in favour of the

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<sup>15</sup> Appendix 1-3 of the EIA Regulations.



preferred alternative is entirely unfounded, and that a comprehensive assessment of alternative 2 (taking account of input from a specialist hydrologist) must be included in the draft BAR in order to provide meaningful options for choice.

29. Furthermore, given that no property alternative has been considered, it would have been appropriate for the draft BAR to present an assessment of a lower density residential development which meets the feasibility criteria (i.e. residential development that is not aimed at the middle income housing market), as well as a different type of development (such as, for example an eco-tourism development). Instead, the only feasible alternatives presented in the draft BAR (i.e alternative 1 (73 units) and the preferred alternative (60 units) are both entirely incongruent with relevant policy, and fail to take account of potential flooding risks and biodiversity sensitivities.
30. In order to provide the competent authority with proper options for choice in order to enable the selection of the best practicable environmental option, the revised BAR must include a proper assessment of available alternatives.

## **FLAWED ASSESSMENT OF NEED AND DESIRABILITY**

### **Application of environmental management principles**

31. The environmental management principles set out in section 2 of NEMA “apply throughout the Republic to the actions of all organs of state that may significantly affect the environment” and include the following:
  - that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions (Section 24(4)(a)(vii))
  - that negative impacts on the environment and on people’s environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied. (Section 24(4)(a)(viii));
  - that the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied (Section 24(4)(a)(ii)); and
  - that sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure. Section 24(4)(r)).
32. The proposed development (which entails a residential development within the EFZ of the Keurbooms River) is precisely the kind of situation in which the section 2 principles of NEMA must be given careful attention. This is particularly so given the immense development pressure already being experienced in the Plettenberg Bay area, particularly along the coast.
33. Despite this, the draft BAR has sought to disregard substantively relevant policy guidance relating to development outside of the urban edge and below the 5m contour based on tenuous historic development rights and questionable availability of municipal services, and without providing any expert surface hydrological insight.



34. While such approach is in stark contrast with the section 2 NEMA principles highlighted above, it also demonstrates that the motivation provided in the draft BAR for the desirability of the proposed development is questionable and does not provide a sound basis for the competent authority to make a decision.

#### **Flawed Justification for Development Outside of the Urban Edge**

35. The draft BAR relies heavily on purported alignment with relevant policy to motivate for the need and desirability of the proposed development. In particular, and despite relevant policy instruments clearly discouraging development below 5m contour lines and/or outside of the urban edge, the draft BAR seeks to justify its non-compliance with the urban edge delineated in terms of the SDF on the basis that:

35.1. the Aquatic Assessment confirmed that the area contains no estuarine habitats and is below the 1:100-year flood line of the estuary;

35.2. the SDF states that:

*“the urban edge is to be viewed as a conceptual, indicative measure (growth management tool) aimed at illustrating a concept, rather than being an exact line with statutory status (and therefore makes provision for limited urban extension on this property);*

*The urban edge is a proposed limit for expansion of any urban node beyond which development should not occur unless the land is already provided with, or can connect directly to existing municipal services infrastructure; and*

*All land development applications for the use of land abutting an urban edge should be considered consistent with the SDF if the land has at any time in the past been used or designated for any urban development, which includes all development of land where the primary use of the land is for the erection of structures”; and*

35.3. the Property is traversed by water and sewerage pipelines (meaning that municipal services are available) and was previously approved for a resort development with 50 units (i.e it was previously designated for urban development), meaning that development outside of the urban edge would be considered to be consistent with the SDF in this case.

36. The justification provided in the respect of the development application’s non-compliance with relevant policy considerations is however flawed in the following respects:

36.1. While the SDF states that the urban edge should be regarded as an indicative measure rather than an exact line, it is clear that it is intended to serve as a limitation to inappropriate sprawling urban development, with limited cases (where properties are already serviced by or can connect directly to municipal services, or have historically been granted development rights) being viewed as consistent with the SDF.

36.2. Even if water and sewerage pipes do traverse the property, the availability of those services has not been established in the draft BAR. In fact, as has been explained above, the availability of municipal services is questionable.

36.3. While development rights may well have been granted for the property in 1978, those rights were for a holiday resort (and not group housing as is sought in terms of the development



application), and have now lapsed. In fact, previous development rights are of no relevance and cannot in all reasonableness be used as a basis for motivating inappropriate development on the site when there is clear policy guidance to the contrary. The draft BAR also contains no information relating to the layout, scale and precise location of the purported resort development which may be very different to the current proposal. In this regard it is particularly significant to note that the draft BAR states that *"In 1997, the remainder of Portion 14 was subdivided to separate the undeveloped portion above the road from the resort. At the time it was recommended that the zoning of Portion 91 reverts to Agriculture 1 and that a new application be submitted for development on the northern portion in the event of the owner deciding to develop it in the future"*. In other words any development rights associated with the property have been surpassed by the reversion of the zoning back to Agriculture 1, with the specific intention of the site specific circumstances being considered in the context of a new application should development of the site be reconsidered.

- 36.4. While development decisions have been made in respect of surrounding properties taking account of the fact that those development rights were never exercised, climate change now also presents new risks which must be taken into account in respect of land use decisions concerning properties below the 5m contour. Current land use policy has been developed to take account of risks such as climate change and sea-level rise. In particular the coastal setback line and urban edge have been delineated in the KELASP and SDF, respectively, to guard against the flood risks associated with properties within the EFZ. In other words the site specific considerations relating to the property are very different from those which applied in 1978 when development rights were historically granted for the property.
37. Section 22 of SPLUMA makes it clear that any land development decision must be consistent with the SDF unless site-specific circumstances warrant a departure. Such a departure necessarily requires a motivation which takes account of site-specific circumstances. In the current application, that would require specialist consideration of flood risks and municipal services in particular. LUPA also specifically requires that the a municipal SDF defines the outer limits or lateral extension (which has been done in terms of the Bitou SDF).
38. While it is clear that historical development rights and availability of municipal services should not justify development outside of the urban edge in this case, relevant site specific motivation has not been provided in the draft BAR or the land use planning application which would justify such a departure given the significant flooding risks associated with development below the 5 meter contour.

#### **Misrepresentation of Need and Desirability**

39. The motivation behind the development is premised on the purported need for affordable housing in the Plettenberg Bay area. However, as has been addressed above, the draft BAR has misrepresented the target market as being the affordable/ middle income housing market, when unit prices will far exceed the budget of most middle income buyers. The desirability of developing a high density residential development on the Property in order to meet a purported affordable housing need is furthermore questionable for the following reasons:





- 39.1. While the KELASP and SDF both identify a narrow area on the Property for residential development, it is clear from the maps provided in those documents (annexed to these comments) that the location of the developable area is informed by relevant site considerations (i.e it is located between the wetland corridor (being the 4.5m contour) and the and the sloped forest area). Given that limited delineation of the developable area on the Property, there does not appear to be a need for a development of the scale and density proposed in the draft BAR on this particular property.
- 39.2. The footprint of the proposed development however extends beyond the defined urban edge to well below the 4.5m contour (which presents significant flood risks for the proposed development itself and exacerbates flood risks for surrounding properties). While the draft BAR attempts to justify this by downplaying the potential flood risks, it is clear from the above consideration of the draft BAR's assessment of impacts on the estuarine environment that such justification is misplaced. This is particularly so given the wholesale failure to obtain specialist input regarding surface hydrological impacts associated with the proposed development.
- 39.3. The high-density nature of the development on a scenic route also make it undesirable given the potential implications for tourism (and related socio-economic implications). These impacts coupled with the potential flooding risks will also have significant repercussions for surrounding property values (which impacts have been entirely overlooked).
40. In the circumstances the draft BAR does not provide an accurate representation of the need for and desirability of a high-density housing development on the Property. The above considerations must therefore be addressed in the revised BAR in order to accurately reflect the need and desirability of the proposed development.

## CONCLUSION

41. In summary, the proposed development will be situated in an area that is a highly sensitive coastal and wetland environment. The draft BAR:
  - 41.1. fails to give due consideration to potential future flooding risks associated with development below the 4.5m/ 5m contour and outside of the urban edge (particularly given concerns around climate change and sea level rise).
  - 41.2. underestimates the biodiversity-related impacts on the lower reaches of the site while failing to include specialist and socio-economic assessments (despite being required to do so by DEADP) or any assessment of cumulative impacts associated with the development;
  - 41.3. fails to provide a comprehensive assessment of alternatives to enable the competent authority to select the best practicable option; and
  - 41.4. overstates the purported need for the proposed development while failing to give adequate consideration to the desirability of a high density residential development on the Property (particularly given the issues described above).

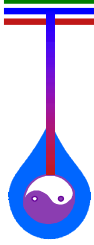


42. The above-mentioned issues mean that any decision based on the BAR as it currently stands will be fatally flawed as the competent authority will not have been presented with a comprehensive and accurate assessment of the potential impacts associated with the proposed development on which to base its decision
43. Our clients request that they be informed of, and invited to comment on, any and all other applications for permissions that may be required for this development.

Yours sincerely

**CULLINAN & ASSOCIATES INCORPORATED**

Per Phillipa King & Sarah Kvalsvig



## Comments on the Basic Assessment Process for the Proposed Development on Portion 91 of Farm Matjiesfontein 304, Keurboomstrand.

**EA Register number: 14/12/16/3/3/2/2611**

Date: 23 April 2025

### 1 Introduction

Morris Environmental & Groundwater Alliances (MEGA) was requested by Cullinan & Associates to comment on the Draft Basic Assessment Report (BAR) for the proposed residential development on Ptn 91 of Farm Matjiesfontein 304 located in Keurboomstrand, Plettenberg Bay. Eco Route Environmental Consultancy was appointed as the EAP (Environmental Assessment Practitioner) to undertake the Basic Assessment (BA) process for the proposed project. Throughout this report, any reference to the EAP is also to be read as meaning Eco Route Environmental Consultancy.

This review is limited to specific key aspects of a BA process that can be regarded as indicators of whether the legal requirements and intended objectives of the process have been met and whether a comprehensive, independent and scientifically solid process has been followed. The methodology that has been adopted in this review is based on a sampling approach. This means that factual evidence for a comment / finding about the Draft BAR is given, based on particular examples or instances where these are evident. The examples or instances described in this report are not to be taken as being the only evidence of a particular shortcoming. This means that where a shortcoming, inadequacy or gap is noted, it is seen as a symptom of an inadequacy in the BA process in an area that is critically important for achieving the purpose of an environmental impact assessment; they are thus symptomatic of a wider or more prevalent shortcoming, gap or inadequacy.

The approach as described herein, can be seen as similar to that applied in environmental auditing, where a sampling approach is commonly applied to test performance against requirements. The audit process involves tracking information, actions, and procedures, on a sampled basis, to establish whether requirements have been met in the correct manner.<sup>1</sup> No site inspections or interviews were undertaken in the course of this review.

<sup>1</sup> See for example DEAT (2004) Environmental Auditing, Integrated Environmental Management, Information Series 14, Department of Environmental Affairs and Tourism (DEAT), Pretoria.

In order to assess the adequacy of the EIA process, the key indicators that have been selected as the basis for assessing the adequacy of the EIA process in this review are those regarded as being central to the to the EIA process:

- The Public Participation Process (PPP).
- The approach to need and desirability.
- The consideration of alternatives.
- The methodology applied to the rating of impact significance.

It must, therefore, be noted, based on the review methodology described in this report, that we do not claim to have identified every instance where a particular shortcoming / finding may be present in the Draft BAR and related documentation.

## 2 Public Participation Process (PPP)

Public Participation activities are recorded in Appendix F of the Draft BAR, the Comments and Response Report dated 20 March 2025. The Issues and Response Register (Annexure 4) comprises comments received from Interested and Affected Parties (I&APs) on the Notice of Intent (NOI) and the Pre-Application Basic Assessment Report. These comments are categorised into those from State Departments and those from the public.

### 2.1 Issues and Response Register difficult to follow

1. As a general comment, the Issues and Response Register (Appendix 4) in the Comments and Response Report is difficult to follow. This is due to repetition of both comments and the response. In addition, there are numerous instances where the response does not line up with the comment in the table. This makes it difficult to correlate the comment to the response and also to ascertain if all comments from a particular I&AP have been addressed. Thus, the presentation of comments and responses is somewhat disorderly. It is strongly suggested that the readability and user-friendliness of this document is improved to support an effective PPP.

### 2.2 Comments from I&APs not adequately addressed

2. The Draft BAR indicates that comments have not been received from CapeNature. Whilst CapeNature may not have commented on the Pre-Application Basic Assessment Report, the organisation did submit comments on the Water Use License (WUL) application. These comments are not acknowledged or included in the Comments and Responses Report (C&R Report) even though they are of relevance from an environmental perspective.
3. Questions were raised in relation to consideration of the Section 63 of the National Environmental Management Integrated Coastal Management Act 24 (Act 24 of 2008) – ICMA. In this comment it is noted that the Pre-Application Basic Assessment Report states the following about section 63 of the ICMA: “The development does not affect Coastal Public Property, or coastal access land. The property is located within the Coastal Protection Zone. Comment from the Coastal Management Department (DEA&DP) will be requested, and their inputs incorporated into the assessment.” Exactly the same

- information appears in the Draft BAR dated April 2024<sup>2</sup>, which means that no attempt has been made to obtain comment from any of the authorities responsible or involved in coastal management.
4. Various water-related issues have been raised<sup>3</sup>: (i) water scarcity / adequacy of water supply; (ii) potential flooding; and (iii) location of much of the proposed development within a demarcated watercourse zone. Of these three issues, the EAP has responded by pointing to the Engineering Report.
    - (a) The EAP has responded to the concern about water availability and the capacity of the water supply system by merely referencing the Engineering Report and a letter from the municipality. In addition, I&APs are not even provided with the relevant section of the Engineering Report to which reference should be made. This is wholly inadequate. The EAP is placing the burden on I&APs to determine, from a highly technical report, whether and in what manner their concern has been addressed. It is the responsibility of the EAP to provide information in a clear and easy-to-understand manner, failing which, the effectiveness of the PPP will be adversely affected. Put differently, the EAP ought to translate relevant technical information in a manner that is accurate and accessible to I&APs.
    - (b) More importantly, the EAP has failed to substantively address the concern raised about flooding potential. Although the Engineering Report deals with stormwater infrastructure, it does not specifically address flooding potential, flood lines, flood risk scenarios and flood records. This means that the Engineering Report cannot be offered as an adequate response to the concern about potential flooding.
    - (c) Similarly, there is no response to the concern about the project location in relation to a watercourse zone. The Engineering Report does not deal with water courses and therefore does not address the issues / concern that has been raised.
  5. The nett result of the above situation, is that despite concerns being raised during the Pre-Application BAR, these have not been effectively addressed in the Draft BAR, despite the fact that it is almost 2 years since the Pre-Application BAR was released for comment. If this were not the case, these concerns would have been taken into account in the scope of the Basic Assessment process and a hydrological specialist study would have been commissioned.

### 2.3 Inadequate interaction with relevant authorities

6. There is no evidence or record in the Draft BAR of any efforts to proactively engage with relevant authorities such as SANParks and CapeNature.
7. Similarly, there is no evidence or record in the Draft BAR of any efforts to proactively engage with Directorates or Branches within relevant authorities, including the competent authority, namely the Department of Environmental Affairs & Development Planning (DEA&DP). These include Oceans and Coasts within DFFE, Biodiversity and Coastal Management (DEA&DP), CapeNature (the custodian of the Western Cape Biodiversity Spatial Plan -WCBSP), the Keurboom Nature Reserve (CapeNature), the custodian of the National Biodiversity Assessment (SANBI), and SANParks<sup>4</sup>.

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<sup>2</sup> Page 48 – Section 3: Coastal Environment, Draft BAR dated April 2024

<sup>3</sup> See for example pg. 27, pg. 39, pg. 36, pg. 44, pg. 56 and pg. 60

<sup>4</sup> SANParks has been involved in research that has resulted in the report entitled: “Mainstreaming Freshwater and Estuarine Ecosystem Conservation into South African National Parks: Contribution of National Parks to Freshwater and Estuarine Conservation Targets and Strategic Options for Enhancing this Contribution, Scientific Report 01/ 2023, South African National Parks

## 2.4 Inadequate consideration of comments from the competent authority

8. There are various comments from the competent authority that appear to have only been partially addressed. Some examples are:
  - (a) The DEA&DP noted the consideration must be given to the Tshokwane River and associated wetlands, as well as the EFZ.<sup>5</sup> In response it is noted that, based on the Aquatic Biodiversity Impact Assessment, the proposed development is located outside of any ecologically sensitive areas associated with the estuary or Tshokwane wetlands. There is extremely limited discussion on the Tshokwane wetlands in the applicable specialist report. For example, the distance from the proposed site to these wetlands is not mentioned and details of the functioning of these wetlands and the extent of their influence is not mentioned. It is, therefore, probable that the issue raised by DEA&DP has not been fully addressed.
  - (b) With regard to Need and Desirability the DEA&DP have made the point that the planning context must be considered among other factors. It is noted in the response that the Town Planning Report by Planning Space addresses the need for and desirability of the proposed activity and that this information has been incorporated into the Draft BAR (Section E). Need and desirability insofar as this applies to planning applications has a different focus to that of environmental impact assessment processes. By way of one example, the provisions of the Keurbooms & Environs Local Area Spatial Plan (KELASP) of 2013 is one plan to which DEA&DP make reference. The response in the C&R Report points solely to the Town Planning report, and the information in the Draft BAR relies heavily on this report. Environmental constraints and how these have been addressed are not mentioned in the response.
  - (c) No socio-economic specialist study has been undertaken and the Town Planning Report is insufficient in this regard.

## 2.5 Inadequate identification of I&APs and I&AP database incomplete

9. Inadequacies in the identification of I&APs, especially among commenting or affected authorities is evident. Examination of the I&AP database in the C&R Report (Annexure 3 in Appendix F) shows that SANBI, the custodian of the National Biodiversity Assessment is not listed. Inclusion of the Ocean and Coasts Branch of the Department of Forestry, Fisheries and the Environment (DFFE) would also be expected given that the Integrated Coastal Management Act is integral to their role.
10. Given the location of the site of the proposed development, it would be expected that the Eden to Addo Corridor Initiative, would have been identified as an I&AP.
11. There is no indication that adjacent landowners / neighbours were identified as I&APs (e.g. to the east, west and north of the proposed site), as is required in terms of regulation 41(2)(b)(ii).
12. The I&AP database is incomplete as comments were received on the Pre-Application Draft BAR, but the persons / organisations are not listed (e.g. The Waves Homeowners Association).
13. The exclusion of emails sent to individuals due to the POPI Act can be overcome by blacking out the contact details (including email addresses) of these persons. It is important that all evidence of the persons with whom there has been communication is on record.

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<sup>5</sup> Page 11 – Appendix F: Comments and Responses Report.



14. There is a list of interest groups in the 2022 Bitou SDF<sup>6</sup>. It is unclear as to whether the EAP consulted this list, since key interest groups from the Keurboomstrand area do not appear in the I&AP database.<sup>7</sup> These include the Keurbooms Estuary Forum and the Keurbooms Ratepayers. It is possible that the existence of these groups was investigated and found to have disbanded; however, no information to this effect is given in the Draft BAR.

### 3 Need and Desirability

Section E of the Draft BAR is concerned with the planning context, need and desirability and additional detail is provided in Appendix K. The Appendix covers the questions set out in DEA&DP's 2013 Guideline on Need and Desirability, EIA Guideline and Information Document Series (March 2013). These are the same as those in the 2017 DFFE (formerly DEA) guideline<sup>8</sup> on need and desirability.

#### 3.1 Misconception about the meaning and intention of "Need and Desirability"

According to both the DEA&DP 2013 guideline and the 2017 DFFE guideline, "Need and desirability is based on the principle of sustainability, set out in the Constitution and in NEMA, and provided for in various policies and plans, including the National Development Plan 2030 (NDP). Addressing the need and desirability of a development is a way of ensuring sustainable development – in other words, that a development is ecologically sustainable and socially and economically justifiable." Furthermore, consideration of "need and desirability" relates to aspects such as the nature, scale and location of a proposed and whether this amounts to a "wise use" of land.

Another important point to note is that the guideline differentiates between the focus of "need" and that of "desirability". Whereas "need" primarily refers to time (i.e. is this the right time to undertake the development?), "desirability" relates to place (i.e. is it the right place for locating the type of land-use/activity being proposed?). When considering need and desirability, cognisance must be taken of the strategic context relevant to the proposed development and its location.

A list of questions which are divided into those that are concerned with ecological sustainability and those that relate to justifiable economic and social development are provided in both guidelines. The guidelines are clear that answering these questions "will ensure that all the relevant considerations have been taken into account." The questions must be used to identify key issues to be addressed in the impact assessment process, as well as to identify alternatives that will better respond to the need to avoid negative impacts or better mitigate negative impacts, or that will better enhance positive impacts.

15. The responses in the Draft BAR and Appendix K do not meet the requirements of the aforementioned guidelines. In most cases, the responses do not clearly explain how the project responds (or not) or aligns (or not) to the context provided by applicable sustainability plans, policies and objectives.
16. Important environmental planning tools, such as the Western Cape Biodiversity Spatial Plan (WCBSP), which are central to the question of ecological sustainability, are dealt with in a somewhat cursory manner. Such plans ought to serve as key informants, since they are central to the question of ecological sustainability. They are also central to the question of desirability (i.e. is it the right place for locating the type of land-use/activity being proposed?). Rather, their importance is not fully recognised or is downplayed through comments such as: "The Biodiversity Sector Plan simply provides information

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<sup>6</sup> Page 5 – Section 1.4: Consultation Process, Bitou LM Spatial Development Framework.

<https://www.bitou.gov.za/sites/default/files/2024-06/Bitou%20SDF%202022%20%28approved%29%20%281%29.pdf>

<sup>7</sup> Pages 6 – 9 – Annexure 3: Interested and Affected Parties Database, Appendix F of the Comments and Responses Report

<sup>8</sup> DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa

on biodiversity (i.e., provides only one information layer of the many layers required in land-use planning), and must be used in conjunction with other land-use or town and regional planning application procedures”<sup>9</sup> (emphasis added). A Basic Assessment (BA) is, however, not a town and regional planning process. It is an environmental impact assessment process and therefore biodiversity ought to be treated as a critical and priority informant.

17. Furthermore, it is inaccurate to state that biodiversity is “one layer”. It is made up of many layers representing biological capital that sustains life on Earth. It is inconceivable that biodiversity could be described as “one information layer of the many layers required in land-use planning”. This demonstrates what is deemed a dismissive approach to an extremely important environmental informant.
18. It is stated that “In terms of these maps, the northern section of the property is a Critical Biodiversity Area (CBA), while the southern section is a completely transformed area. Development is not permitted in the CBA area but is generally permitted in transformed areas.” Besides being an inadequate and extremely simplistic explanation, this information is factually incorrect. The most recent WCBSP (2023)<sup>10</sup> categorises the southern part of the proposed site as CBA2, which are areas in a degraded or secondary condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. Accordingly, these areas have been earmarked for restoration / rehabilitation. Whilst this plan is noted in Appendix K – Need and Desirability, the relevant information has not been pulled through into the applicable section (Section E) in the Draft BAR. In addition, the Terrestrial Biodiversity Assessment has not been updated in light of the 2023 WCBSP.
19. The DFFE and DEA&DP Need and Desirability Guidelines make the point that in collectively considering ecological, social and economic impacts, there may be some trade-offs. In considering trade-offs, it must be borne in mind that in terms of Section 24 of the Constitution, all development must be ecologically sustainable, while economic and social development must be justifiable. “There are therefore specific “trade-off rules” that apply – this specifically refers to the constitutional imperative that ecological integrity may not be compromised and the social and economic development must take a certain form and meet certain specific objectives in order for it to be considered justifiable.” Based on the analysis of the information provided in the Draft BAR, it cannot be stated that the proposed development is ecologically sustainable or socially or economically justifiable. In fact, quite the opposite – there is a potentially significant ecological cost and a limited socio-economic benefit.
20. The information presented in Section E<sup>11</sup> on the need for affordable housing and the socio-economic need of the broader community serves to motivate or ‘market’ the project. Emphasis is placed on the stated aim of the proposed development “to provide affordable housing for middle income families”. Neither of these terms is defined. Suffice to say that housing that will be priced between R2,5 million and R3 million does not constitute “affordable housing” as defined in the South African context.
21. Accordingly, the motivation for 60 units on the property is based on an argument that is neither ‘fish nor fowl’. On the one hand it is intimated that some sort of social need is being met through the proposed project by providing ‘an affordable housing product’ specifically targeting the middle-income group. On the other hand, the proposed selling price of the individual units is stated as being R2,5 million – R3 million, which is substantially above the bracket of “middle income” and “affordable”. There is little doubt that housing in this price range is not classed as “affordable” or a middle income housing product. Rather it is mid-luxury or high-end housing.<sup>12 13</sup>

<sup>9</sup> Page 36 – Section E: Planning Context and Need and Desirability Draft BAR

<sup>10</sup> Gazetted on 13 December 2024 in Provincial Gazette Extraordinary 9017

<sup>11</sup> Page 39 -40 - Section E: Planning Context and Need and Desirability

<sup>12</sup> <https://housingfinanceafrica.org/app/uploads/2024/07/V8-National-Property-Market-Report-2024-Final-b.pdf>

<sup>13</sup> <https://businesstech.co.za/news/property/809620/8-areas-where-south-africas-middle-class-want-to-live-and-what-theyre-paying>

22. For 2022 the Affordable Housing market as calculated by The Banking Association comprises households earning a gross income of up to R27 200 per month. For 2024 the Affordable Housing market as calculated by The Banking Association comprises households earning a gross income of up to R32 000 per month. The banks follow a policy of only granting a mortgage bond whereby repayments may not exceed 30% of the applicant's income. Using the upper limit of R32 000 applicable to the 2024 gross income figure, this equates to a property value of around R1,000,000.<sup>14</sup>
23. Inasmuch as affordable housing is needed and there is a focus on both gap housing and affordable housing needs at a policy level, it is doubtful that the proposed site is a suitable location for such housing (e.g. not in close proximity to employment opportunities). Based on the South African context as described in the foregoing points, the need for the proposed project cannot be rationalised on the basis of provision of affordable housing, thereby justifying it on socio-economic grounds.
24. As noted in both the 2013 DEA&DP and DFFE 2017 guidelines "desirability" relates to place (i.e. is it the right place for locating the type of land-use/activity being proposed?). This question is not afforded the level of attention given to "need"<sup>15</sup> – there is no equivalent discussion to Section E on the desirability of the proposed project.
25. The need and desirability section of the Draft BAR and the associated Appendix K fails to recognise that policies, spatial plans and the like, whilst being concerned with facilitating development, are also aimed at preventing inappropriate development. Instruments or tools such as setback lines, identification of sensitive areas, guidelines for the type of development (if any) to be considered or not considered in particular locations or settings are there for a reason. One of these reasons is the precautionary principle. These tools are based on the best available scientific information at the time. Thus, they ought to be treated as key informants in determining need and desirability and not be discounted through misplaced use of policy / spatial planning information (see Section 3.2 below).

### 3.2 Inadequate and / or incomplete and / or inaccurate information on need and desirability

26. The need and desirability information does not adequately address the proposed project in the local context. Keurbooms<sup>16</sup> (in relation to CBA aquatic) and Keurboomstrand (in relation to the coastal corridor)<sup>17</sup> are each mentioned once. Discussion on how the project aligns with the CBA Aquatic objective is absent. There is information on the coastal corridor, which is focused on the development nodes identified and the applicable density in local plans (Bitou SDF and KELASP – Keurbooms and Environs Area Spatial Plan). It is stated: "The approval of this application would not compromise the integrity of the applicable policy documents agreed to by the relevant authorities."<sup>18</sup>
27. What is notable by its absence in the above statement, is the fact that whilst the density of the proposed development may comply with that set out in local planning instruments, the footprint does not. The footprint extends far beyond the identified developable area in the KELASP, being around 6.4ha (including about 1 ha of open space comprising landscaped common garden areas), as opposed to the 1.6 ha of developable space identified in the plan. That is, the footprint of the proposed development is 4 times larger than the developable area shown in the KELASP for the site. The omission

<sup>14</sup> <https://www.banking.org.za/wp-content/uploads/2024/04/FSC-Affordable-Housing-Standards-2022.pdf>

<sup>15</sup> Page 39-40 – Section E: Planning Context and Need and Desirability

<sup>16</sup> Page 5 - Appendix K: Need and desirability

<sup>17</sup> Page 7 - Appendix K: Need and desirability

<sup>18</sup> Page 8 - Appendix K: Need and desirability

and lack of recognition of the misalignment between the KELASP and the proposed development is material in the context of need and desirability.

28. Furthermore, it needs to be borne in mind that the KELASP (2013)<sup>19</sup> pre-dates the 2017 WCBSP and more importantly, the 2023 update of this plan. It also predates the 2018 National Biodiversity Assessment, in which the Aquatic CBA and the EFZ is shown on the site. This means that the KELASP must be read with the most recent WCBSP and NBA and take these into account in the discussion on need and desirability.
29. The descriptions provided to items 4.2 and 4.3 in the Draft BAR are non-responsive:
- (a) In the case of item 4.2, instead of discussing the Integrated Development Plan (IDP) of the local municipality, the Garden Route SDF is discussed, focussing on what the plan advocates in urban areas (intensification through infill and redevelopment). This information is then used to support the notion that the proposed development is aligned to this plan as “This vacant site presents an ideal opportunity for densification and urban infill.” There is no evidence in the KELASP that densification is a desirable outcome. Quite the contrary in fact. In accordance with the KELASP for the proposed site, the following applies: “No new developments (involving the construction of multiple buildings on single erven, or the sub-division of existing erven) should be permitted below the 5 m AMSL”<sup>20</sup>. Furthermore, it is debatable whether Keurboomstrand in general and more specifically, the area surrounding the site can be regarded as urban (in the commonly understood sense) and as requiring densification and infill, even though a small section of the site is located within the urban edge. The 2022 Bitou SDF does not mention densification or infill in association with the Keurboomstrand area and states: “Due to environmental constraints the Keurbooms area will never develop into one consolidated settlement area”<sup>21</sup>. Objective 2 in the 2022 Bitou SDF states: “Direct and align growth to capacity, resources and opportunity in relation to a regional settlement hierarchy.” In terms of this hierarchy, the SDF states: “.....areas like Keurbooms and Nature s Valley are limited to holiday accommodation and recreation as primary functions.”<sup>22</sup>
  - (b) In the case of item 4.3, instead of considering the SDF of the local municipality (i.e. Bitou), the EAP deals with an old version (i.e. 2017) of the WCBSP. The most recent Bitou SDF was approved in 2022. It incorporates the KELASP and therefore shows the same developable area for the proposed site as the KELASP. As previously noted, in relation to the 2017 WCBSP maps, the following is stated in item 4.3: “In terms of these maps, the northern section of the property is a CBA area, while the southern section is a completely transformed area. Development is not permitted in the CBA area but is generally permitted in transformed area.” In fact, no specific categorisation is given to the southern part of the proposed site in the 2017 WCBSP. This has changed in the 2024 plan, as noted elsewhere. In any event, whether the southern section of the proposed site is completely transformed is not considered an accurate description, since it comprises old pastures and indigenous species were recorded there by the Terrestrial Biodiversity Specialist. This means this area is probably not completely and / or irreversibly transformed, which would correlate with the change in designation in the 2024 WCBSP to CBA 2 (degraded and earmarked for restoration and the purpose of achieving conservation targets). As shown in the following maps.

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<sup>19</sup> <https://www.bitou.gov.za/sites/default/files/2024-09/Keurbooms%20%26%20Environs%20LASP.pdf>

<sup>20</sup> Page 40 – Section 5.3.5: Guide future development, KELASP.

<sup>21</sup> Page 82 – Section 3.5.5 Key Issues per Settlement, 2022 Bitou LM SDF

<sup>22</sup> Page 96 – Section 4.3.2 Settlement Hierarchy, 2022 Bitou LM SDF



## 2017 WCBSP CBA and ESA







# CBA Map



- Legend**
- Farm Portions
  - Erf
- Ecological Support Areas**
- ESA 1: Aquatic
  - ESA 1: Terrestrial
- Critical Biodiversity Areas (Degraded)**
- CBA2: Aquatic
  - CBA2: Terrestrial
- Critical Biodiversity Areas**
- CBA: Estuary
  - CBA: Forest
  - CBA: Terrestrial

Map Center: Lon: 23°26'23.6"E  
Lat: 34°0'25.3"S

Scale: 1:9,028

Date created: 2025/19/04



30. Turning to Appendix K, responses to many of the questions are either incomplete, do not answer the substance of the question, provide a misdirected answer or irrelevant information. Some examples are given below.

- (a) Question: *How will this development (and its separate elements/aspects) impact on the ecological integrity of the area?*<sup>23</sup> The answer focuses solely on the proposed site and does not consider the broader area. This means that the impact of the proposed project on ecological integrity of the area is not adequately addressed. There is no discussion on biodiversity pattern and process. Ecological integrity relates to the ability of an ecosystem to support and maintain ecological processes and a diverse community of organisms. It is conceivable that the proposed development could affect ecological corridors, for example. Whilst a 20m corridor is proposed along the forest edge (i.e. east-west), this self-same corridor may interrupt the link between the forest area and the low-lying portion of the site. Basically, the response to this question is largely a restatement of information on the project proposal and its layout / design as provided elsewhere in the Draft BAR. The information has therefore not been considered in a strategic way and is therefore largely non-responsive to the substance of the question.
- (b) Question: *How were the following ecological integrity considerations taken into account? Threatened ecosystems?* The answer given is that the appointed specialist did not find any threatened or near threatened species that would be directly impacted by the development. Again, this answer does not respond to the question, which is concerned with threatened ecosystems. The proposed development, as noted elsewhere in this report, is located in an endangered ecosystem, namely the Garden Route Shale Fynbos. This is not mentioned. Furthermore, as noted elsewhere, the site falls within the Sedgefield Coastal Grassland vegetation unit (Vlok Variant – CR) – this fact is not mentioned at all anywhere in the Draft BAR documentation. Neither is the fact that the most recent WCBSP has designated the location of the proposed development as being CBA 2 and as requiring restoration / rehabilitation. This has not been addressed in the specialist report on Terrestrial Biodiversity. In fact, the specialist seems to have refuted restoration as a possibility (see points 74 and 75 in this report). Finally, it is unlikely that the conclusion that “no listed threatened or near threatened species would be directly impacted by the project” can be sustained. Only one site visit was conducted and it is improbable that every single species on the site would have been observed, especially as there are geophytes associated with the Garden Route Shale Fynbos. According to Musina and Rutherford (2006)<sup>24</sup>, there are 3 endemic species associated with the Garden Route Shale Fynbos, none of which are mentioned in the Draft BAR or the Terrestrial Biodiversity Assessment. Furthermore, it is understood that the specialist did not survey the forest area. Whilst this area appears to be largely outside the proposed development footprint, this does not necessarily mean that there will be absolutely no impact on it.
- (c) *How were the following ecological integrity considerations taken into account? Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure?* The answer given is that the development is not located close to coastal shores, estuaries, wetlands or similar systems. The proposed development is located within a designated (in the National Biodiversity Assessment) Estuarine Functional Zone (EFZ). The limitations in relation to how the question of the EFZ has been addressed in the Draft BAR is dealt with elsewhere in this report. Furthermore, whilst the site is not located within the 1:100

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<sup>23</sup> Pages 2-5 – Appendix K: Need and desirability

<sup>24</sup> Musina, L and Rutherford, M.C. (2006) Vegetation of South Africa, Lesotho and Swaziland, *Strelitzia* 19.

year floodline as determined in 2018 and which is located on the seaward side of the road, the site is mere metres away from this floodline. The impact of the proposed development on the flooding regime in the area is not addressed.

- (d) Question: *How were the following ecological integrity considerations taken into account? Conservation targets?* The answer does not respond to the question. A list of conservation targets for CBAs (Critical Biodiversity Areas) is given but there is no commentary on whether the proposed development will affect these or compromise their achievement. It is self-evident that as the footprint of the proposed development coincides Garden Route Shale Fynbos CBA 2 (Degraded but earmarked to meet biodiversity targets), that the associated conservation target will almost certainly be compromised, if not impossible to achieve.
- (e) Question: *In terms of location, describe how the placement of the proposed development will result in investment in the settlement or area in question that will generate the highest socioeconomic returns (i.e. an area with high economic potential)?* The response references the need for middle-income housing in Plettenberg Bay. Housing prices of between R2,5 million and R3 million are proposed. Such pricing is outside that generally acknowledged as being middle income.<sup>25</sup> Affordability remains a key characteristic in the housing market. A recent housing market report<sup>26</sup> places housing priced at between R1,5 and R 3 million as the mid-luxury market. Similarly, Lightstone define properties between R1,5 and R 3 million as high value and those above R3 million as luxury value.<sup>27</sup> Based on the accepted understanding and thresholds applied to affordable housing and middle income households, the proposed project cannot in all reasonableness, be put forward as addressing a socially justifiable need in the form of provision of affordable housing.
- (f) Question: *In terms of location, describe how the placement of the proposed development will take into account special locational factors that might favour the specific location (e.g. the location of a strategic mineral resource, access to the port, access to rail etc.).* The information provided does not address this question. There are no specific locational factors related to strategic resources such as water or minerals, or infrastructure such as rail. It is, therefore, debatable as to whether this question is relevant. The response again raises the point that “an affordable and sustainable housing product” will be provided, which has no bearing on specific locational factors as indicated by the manner in which the question has been framed.
- (g) Question: *How was a risk-averse and cautious approach applied in terms of ecological impacts?* In response it is stated that the “EAP, Town Planner and Specialists conducted site visits and completed reports to prevent negative ecological impacts....”. This statement cannot be taken as factually correct. By way of one example, the layout protrudes into indigenous vegetation (described as secondary vegetation), which is rated as being of “medium sensitivity” by the Terrestrial Biodiversity specialist and is in an area categorised as CBA 2, as mentioned elsewhere in this report. Site layouts show it also protrudes into the forest (CBA) on the western side of the proposed site (Figure 8 in Draft BAR).
- (h) Question: *In terms of location, describe how the placement of the proposed development will result in the creation of residential and employment opportunities in close proximity to or integrated with each other?* The answer provided does not address the creation of residential and employment opportunities that are integrated with each other or in close proximity to each other. It is stated that “several communities reside in the area that will be able to benefit from

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<sup>25</sup> <https://businesstech.co.za/news/property/809620/8-areas-where-south-africas-middle-class-want-to-live-and-what-theyre-paying//>

<sup>26</sup> <https://housingfinanceafrica.org/app/uploads/2024/07/V8-National-Property-Market-Report-2024-Final-b.pdf>

<sup>27</sup> <https://propertyprofessional.co.za/2024/05/06/the-not-so-affordable-affordable-property-market/>

employments opportunities”. The location of these communities is not described; nor is it given on a map showing where they are situated relative to the proposed development. It is, therefore, considered unlikely that this claim can be sustained. A more probable scenario is that it would be unlikely that construction employees, unskilled and semi-skilled labour or domestic workers would come from close by to the proposed development. There is no indication that informal housing, low-income housing or social housing settlements are located in close proximity to the proposed site.

- (i) Question: *Describe how the development will impact on job creation in terms of, amongst other aspects, the number of temporary versus permanent jobs that will be created?* The question is not answered – the number of jobs that will be created, whether temporary or permanent is not provided.
  - (j) Question: *Describe how the development will impact on job creation in terms of, amongst other aspects, whether the labour available in the area will be able to take up the job opportunities (i.e. do the required skills match the skills available in the area)?* Again, the question is not answered, with the response given as: “Yes. Only local labour will be used.”
  - (k) Question: *Describe how the development will impact on job creation in terms of, amongst other aspects, the distance from where labourers will have to travel?* It is reported that workers will need to travel about 10 kilometres to get to work. Thus, it is clear that the proposed project does not offer any particularly notable or unique contributions from an employment opportunity perspective. It is also not at a particularly accessible location for job seekers.
31. The physical opportunities and constraints presented in Section E of the Draft BAR are not legible because of the dark shading used against black text.<sup>28</sup>

## 4 Consideration of Alternatives

The identification and assessment of alternatives is provided in Section H of the Draft BAR. Alternatives are primarily focused on the layout of the project.

### 4.1 Rationale for rejecting alternatives is flawed

32. One of the key objectives for considering alternatives, is to assess the relative significance of impacts across alternatives as a means of identifying the most appropriate alternative (which may be the “no go” option) from an environmental perspective. Reasonable and feasible alternatives, from an environmental perspective, need to be considered.
33. The assessment of layout alternatives as presented in the Draft BAR is not balanced as it is skewed by financial feasibility / viability insofar as the developer (landowner) is concerned. This serves to favour a layout that covers the entire southern area between the steep forested slope and the road. Two similar alternatives were considered, the first comprising 73 erven / residential stands and the second with 60 units / stands. The latter is put forward as the ‘preferred layout’. Scant attention has been paid to options that involve a less intense development with fewer erven / units and more undeveloped space in areas where indigenous vegetation is present, and where the 2024 WCBSP shows CBA 2 and where restoration of indigenous vegetation is desirable.
34. A single layout alternative of a lower density has been considered as this was required by the DEA&DP. This alternative arises from the developable area identified in the Spatial Development Plan for the area

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<sup>28</sup> Page 40-41 – Section E: Planning Context and Need and Desirability Draft BAR

- KELASP (Keurbooms and Environs Local Area Spatial Plan). It comprises 19 erven in order to comply with the specified density for developable areas in the KELASP. This developable area is also shown in the Bitou SDF.<sup>29</sup> This alternative has been rejected, even though it is more closely aligned to the relevant spatial plans (KELASP (2013), WCBSP (2024) and the Bitou LM SDF (2022)). The reason given is that this option is not feasible as follows<sup>30</sup>: “This option is not financially viable for the landowner and will not reach the affordability levels for the intended target market.”

- (a) The financial feasibility of an alternative is not the primary concern of an environmental impact assessment process. It also ought not to be the primary reason for rejecting an alternative. Alternatives are to be assessed in terms of environmental feasibility, which in turn is linked to environmental sensitivities and constraints that exist at the proposed location.
- (b) The quest to “reach affordability levels for the intended target market” is also not an environmentally-based reason to reject this alternative. Framing this development proposal in terms of an “affordable housing” product is misplaced, because the term “affordable” insofar as housing goes has a very particular meaning in the South African context. The proposed development cannot be ‘shoe-horned’ into a being a project that provides affordable housing for the middle-income market so as to create the impression that it is addressing a socio-economic need. The notion of “affordable housing product” is deemed to be misleading and is therefore irrelevant in the context of socio-economic justifiability criteria.
- (c) The following comment is regarded as fatally flawed and stands to be rejected: “It has been scientifically proven through specialist studies that the area below the 4,5m contour line is not subject to flooding and plays no role in the functionality of the wetland. There is thus no sound reason why this area should be excluded from the development. This layout has not been further considered as it is not a feasible alternative.” The EAP does not clarify to which scientific studies reference is being made. No such definitive conclusion could be found in either the Aquatic Biodiversity or the Hydrogeological specialist reports.

## 4.2 Assessment of alternatives inadequate

- 35. A comparative assessment of the alternatives is not provided. This may assist in clarifying why a layout of 73 units was rejected and that of 60 units considered preferred, when there appears to be a very limited difference in the footprint of these options.
- 36. A comparative assessment of the 60-unit option and the lower density 19-unit option is not provided. Instead, the 19-unit option was rejected on financial feasibility ground, thereby circumventing the need to undertake such a comparative assessment, based on environmental grounds.
- 37. The fact that no comparative assessment based on environmental criteria has been undertaken means that the requirements of the EIA Regulations have not been met and due cognisance of the feedback from the DEA&DP has not been taken.<sup>31</sup> The ‘positives’ and ‘negatives’ are listed for each alternative in isolation in Section H of the Draft BAR. Similarly, the impacts associated with the construction and operational phases are presented for each individual alternative (73, 60 and 19 residential stands). This does not constitute a comparative assessment as it does not show the ‘positives’ and ‘negatives’ of the alternatives relative to each other. There is no discussion or interpretation relating to the impacts associated with each alternative, relative to each other or in comparison to each other. This is critically

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<sup>29</sup> Page 95 – Figure 55.2 of the 2022 Bitou LM SDF

<sup>30</sup> Page 70 – Section H: Alternatives, Methodology and Assessment of Alternatives, Draft BAR

<sup>31</sup> Page 11 and pages 21-22 – Appendix F: Comments and Responses Report.



important information so as to clearly show how the benefits / advantages and disadvantages of each alternative compare and thus which alternative offers the best environmental option.<sup>32</sup>

### 4.3 Rationale for rejection of ‘no development’ option is weak

38. The description of the “no go” alternative as “No-go Alternative: Undeveloped urban land”<sup>33</sup> is inaccurate. This land is not zoned as urban and only a small section of the property is located in an area identified for development in the applicable KELASP and Bitou SDF. What is the intention of describing the property in this manner?
39. The reasoning for rejection of the “No Development” option includes reasons unsupported by facts. For example, it is stated that “Management of alien invasive plants may not be implemented or monitored effectively.” That this is even considered a factor is inexplicable, since this would suggest non-compliance with legislation requiring alien vegetation control is an option for the landowner. Similarly, the point that rehabilitation of forest margins will not take place suggests that no responsible stewardship of the land will be undertaken by the landowner.
40. The points made elsewhere in this report about ‘middle income, and ‘affordable housing’ is of relevance to the statement about “Much needed housing opportunity for middle-income earners will be lost.” It is highly debatable about whether such a need exists and this statement does not align with what is in the Bitou SDF or the KELASP.

### 4.4 Key objective for consideration of alternatives not met

41. A key objective for the consideration of alternatives has not been achieved, which is to identify a location / footprint for the activity within the site based on the lowest level of environmental sensitivity (item 2(e) of Appendix 3 of the 2014 NEM EIA Regulations).

## 5 Identification and assessment of impacts

The findings, impact management and mitigation measures are presented in Section I of the Draft BAR and the Impact Assessment table is provided in Appendix J. Criteria for determining significance are described in item 3 of Section H - Methodology to determine the significance ratings of the potential environmental impacts and risks associated with the alternatives.

### 5.1 Insufficient baseline information on environmental resources

42. Comprehensive flood risk analysis information is lacking. This issue ought to be assessed by an expert in the field of hydrology and more specifically flood risk, including the potential impact of climate change. This has not been done. Such information is of critical importance for obvious reasons. One only needs to consider the experience in KZN of flooding in coastal areas and also the Eastern Cape (e.g. Gqeberha in 2024) to understand why a thorough investigation of the issue is required by a relevant expert.
43. The Engineering Report only makes mention of the 50-year return storm event. This suggests that other extreme events such as the 1:100 flood have not been considered. This despite the fact that it is noted in the Draft BAR that flooding can be “exacerbated by climate change and associated sea level rise.”<sup>34</sup>

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<sup>32</sup> Pages 71 – 74 - Section H: Alternatives, Methodology and Assessment of Alternatives, Draft BAR

<sup>33</sup> Page 70 – Section H: Alternatives, Methodology and Assessment of Alternatives, Draft BAR

<sup>34</sup> Page 51 - Section G: Description of Receiving Environment, Draft BAR.



44. An inadequate level of detail is evident in the way baseline information has been recorded. For instance in the Terrestrial Biodiversity Assessment states: “The time spent on site was adequate for understanding general patterns across affected areas.” A single site visit was undertaken on 9 September 2022. It is noted that this is the most suitable time to undertake field work in the fynbos biome. The time period spent on site is not specified. It is also not stated whether one visit is sufficient in the circumstances – it may be adequate to understand “general patterns” but whether one visit is sufficient to gain a comprehensive understanding of aspects such as ecological infrastructure, biodiversity pattern and process, identify or check for all potential Species of Concern (SCC) and consider edge effects (especially given the proximity of the forest area to the proposed development) is questionable. Given that the environmental assessment process commenced in 2022, there has been more than sufficient opportunity for a more detailed field investigation across more than one season.
45. Another shortcoming is that it does not appear that any conservation authorities were consulted and the comments provided by CapeNature on the Water Use License Application (WULA) have not been considered, even though they are relevant to biodiversity.
46. It is stated that the species composition of the secondary vegetation found on the site is not representative of Garden Route Shale Fynbos, without providing the scientific rationale that underpins this conclusion. What species composition would be regarded as representative of this vegetation type? What is it about the species composition that enables the specialist to make such a definitive conclusion? If the species composition within the secondary vegetation is not representative of Garden Route Shale Fynbos, then what vegetation type / unit does it represent?
47. CapeNature commented on the Water Use License Application (WULA) in a letter addressed to the EAP dated 15 November 2024. These comments do not appear to have been considered, as the Terrestrial Biodiversity Assessment predates this letter. CapeNature note that the fine scale vegetation maps prepared by Vlok and de Villiers (2007) show the presence of Sedgfield Coastal Grassland and Keurbooms Thicket-Forest on Portion 91 of Farm Matjiesfontein 304, Keurboomstrand. This has been confirmed on Cape Farm Mapper where information from the fine-scale mapping of the Garden Route vegetation undertaken in 2008<sup>35</sup> is available.
48. There is no discussion or reference to Sedgfield Coastal Grassland and Keurbooms Thicket-Forest in the Terrestrial Biodiversity Assessment and thus information that is critical to providing insight into the sensitivity of the site is missing. This information is readily to hand (refer to map on next page). Various biodiversity specialist reports<sup>36</sup> have referenced the work undertaken by Vlok et. al. (2008), including reports prepared under the auspices of the EAP undertaking the environmental application for Portion 91 of Farm Matjiesfontein 304, Keurboomstrand. Similarly, the terrestrial biodiversity specialist involved in this same application, has referenced the work undertaken by Vlok et. al. (2008) in work undertaken for other projects. Sedgfield Coastal Grassland is described as Vlok Variant- CR, which is understood to mean this grassland is Critically Endangered.

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<sup>35</sup> Vlok JHJ, Euston-Brown DIW and Wolf T (2008) Vegetation Map for the Garden Route Initiative. Unpublished 1:50 000 maps and reports supported by CAPE FSP task team.

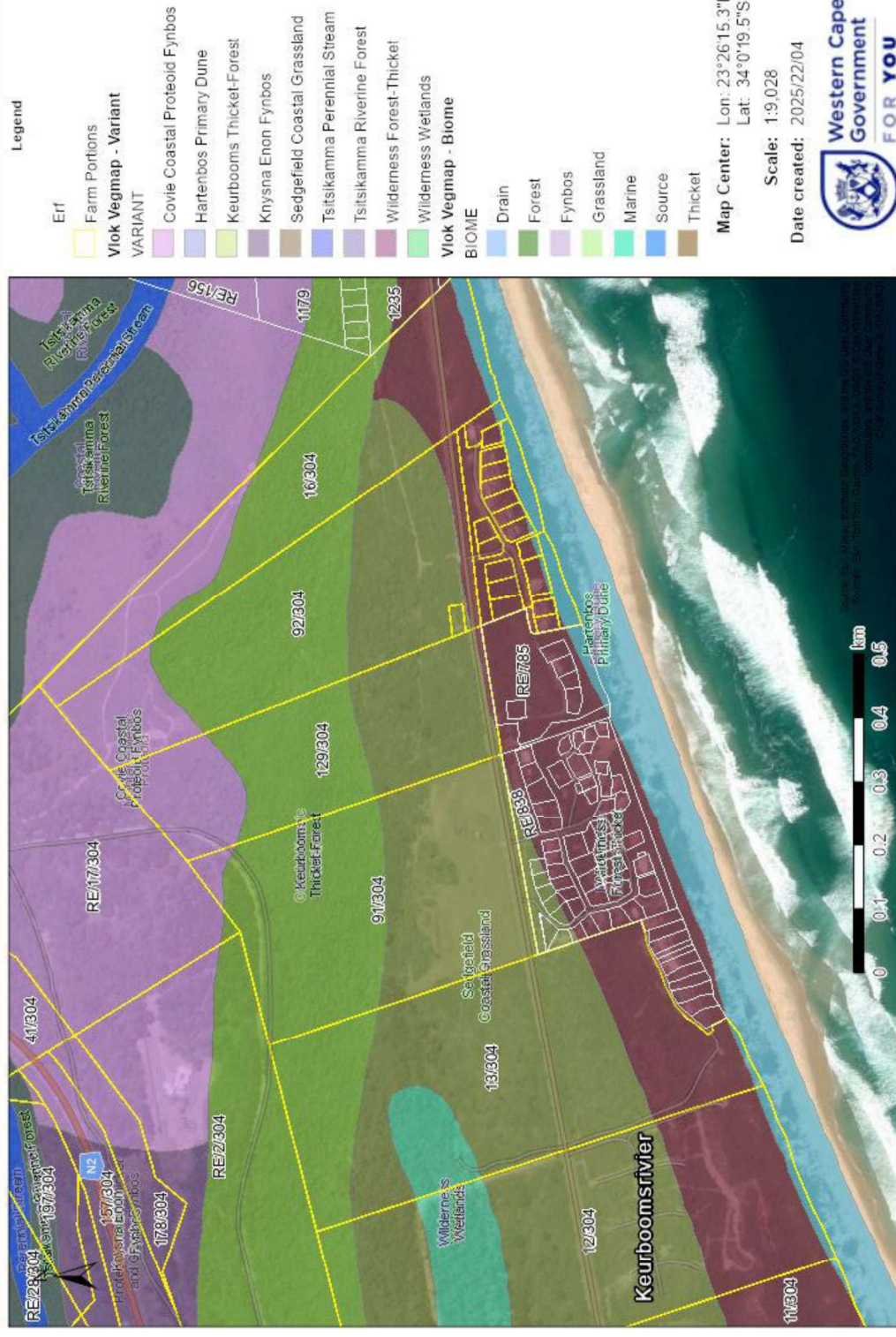
<sup>36</sup> See for example the reports accessible via these links:

[https://ecoroute.co.za/sites/default/files/2022-11/Remainder%20Erf%201627%20Sedgfield%20Terrestrial%20Biodiversity%20Sensitivity%20Report%20\\_0.pdf](https://ecoroute.co.za/sites/default/files/2022-11/Remainder%20Erf%201627%20Sedgfield%20Terrestrial%20Biodiversity%20Sensitivity%20Report%20_0.pdf)

[https://cape-eaprac.co.za/projects/BIT729%20Ptn%2038%20Farm%20444%20Keurbooms/Draft%20BAR/27.%20App%20G3\\_Terrestrial%20Biodiversity%20and%20Botanical%20Compliance%20Statement%20%28Benjamin%20Walton%29.pdf](https://cape-eaprac.co.za/projects/BIT729%20Ptn%2038%20Farm%20444%20Keurbooms/Draft%20BAR/27.%20App%20G3_Terrestrial%20Biodiversity%20and%20Botanical%20Compliance%20Statement%20%28Benjamin%20Walton%29.pdf)

<https://ecoroute.co.za/sites/default/files/2024-05/Appendix%20G1%20-%20Erf2003%20Wilderness%20vegetation%20Sep2021%20Draft2.pdf>

## Vlok Variant Veg Map



49. The site falls within an Estuarine Functional Zone (EFZ), as noted elsewhere and is also located within a National Strategic Water Source Area (NSWSA) for surface water for the Tsitikamma (this is pointed out in the aforementioned CapeNature letter). The NSWSA is not discussed at all and although the EFZ has been considered, additional detail is required. This is because various pieces of information point to the possibility of a hydraulic connection to the Keurbooms Estuary and marine environment:
- (d) Soils at the site are described as being dominated by “estuarine sandy soil” and that with “scattered marine shell fragments” are present in the layer beneath the topsoil.”<sup>37</sup>
  - (e) Furthermore, Vlok et. al (2008) identify the Sedgefield Coastal Grassland as the single vegetation unit within the Coastal Grassland habitat.<sup>38</sup> This habitat is described as occurring “on deep sandy soils that are periodically inundated. They are mostly associated with the outer perimeters of the Wetlands habitat (local lakes and estuaries). The vegetation is dominated by sprawling grasses such as *Cynodon dactylon* and *Stenotaphrum secundatum*. In the past they were probably the “grazing lawns” of Hippo and largely maintained by them, but in the absence of these animals they are now largely overgrown by herbs (especially *Geranium incanum*) and shrubs (especially *Passerina vulgaris*). Few fires occur here, but when they do, a few geophyte species such as *Ixia orientalis* and *Romulea* species can be locally abundant. Fire independent geophytes such as *Brunsvigia orientalis*, is also plentiful.
  - (f) In the Terrestrial Biodiversity Assessment, it is stated (based on information gathered during the site visit) that the pasture areas were found to be dominated *Stenotaphrum secundatum*, that is the same species that Vlok et.al (2008) describe as dominating coastal grassland habitat in which there is one vegetation unit, namely. This means that a dominant species found in the pasture areas is characteristic of Sedgefield Coastal Grassland, a factor that has not been considered in the baseline biodiversity information. Another species associated with coastal grassland habitat, *Brunsvigia orientalis* was also found during the site survey by the biodiversity specialist.
50. It is unclear as to how the various statements from the Aquatic Biodiversity Impact Assessment relating to the aquatic / wetland / estuarine environment correlate.<sup>39</sup>
- (a) No typical wetness/wetland indicators (dark areas and more dense vegetation in wet areas) are evident on the southern portion of the site in any of the aerial photos. As the dominant vegetation cover was historically forest / thicket this also suggests that there was no estuarine or wetland habitat on the site either, as this typically presents as open vegetation. *It is unclear as to how this conclusion was reached if no imagery pre-1960 was considered.*
  - (b) The 1960 image indicates that clearing was widespread across the original Matjesfontein Farm, and the present vegetation cover has recovered substantially on adjacent farm portions, but Portion 91 was never allowed to revegetate and was maintained in an open condition. *Given the description of the Coastal Grassland habitat by Vlok et. al (2008), might this be explained by the fact that the adjacent sites have been largely overgrown by herbs due to the absence of grazing, whereas this is not true of Ptn 91 because of the presence of horses? And might the predominance of herbaceous species on adjacent sites have affected the evidence of wetland characteristics?*
51. The following additional difficulties exist in respect of the baseline information provided in the Aquatic Biodiversity Impact Assessment. It is stated that the site assessment served to confirm that the

<sup>37</sup> Page 5 – Appendix G4: Geotechnical Report

<sup>38</sup> Page 72 Vlok JHJ, Euston-Brown DIW and Wolf T (2008) Vegetation Map for the Garden Route Initiative. Unpublished 1:50 000 maps and reports supported by CAPE FSP task team

<sup>39</sup> Page 9 – Appendix G2: Aquatic Biodiversity Impact Assessment

proposed project site falls outside of any ecologically sensitive areas associated with the estuary or Tshokwane wetlands. It is understood that the site assessment consisted of a desk top study and two site visits.<sup>40</sup>

- (a) The site was visited on two occasions 28 June 2022 (mid-winter) and March 2024 (late summer). “Good rainfall” is reported to have occurred in the 2022 winter period. There are no details about when the rainfall occurred relative to the date of the visit and the amount of rainfall received. What does “good Rainfall” mean?
- (b) It is also not clear as to whether two site visits undertaken almost 2 years apart is adequate.
- (c) Furthermore, it is not known if the site visit took place after an extended dry period or within a period of extended rainfall. For example, was it specifically scheduled to coincide with a time when there would be a strong possibility of observing conditions of waterlogging / puddles / areas of standing water on the property? In the absence of more detailed information on weather conditions, it is impossible to judge the context within which of the site visit took place.
- (d) It may also have been useful to obtain information from the occupants of the site (i.e. horse owners) so as to get additional insight into site conditions and also to follow-up with I&APs that raised anecdotal evidence of flooding in comments on the Pre-Application BAR?<sup>41</sup>

## 5.2 Identification of impacts inadequate

- 52. Concerns have been raised in the PPP and these have not been addressed. The associated impacts are not identified and therefore not assessed. Key amongst these is the impact on the flooding regime. This has not been addressed from the perspective of the potential role the proposed site plays in flood attenuation. The potential increase in flooding risk for surrounding areas has also not been considered.
- 53. Whilst it is noted in the Draft BAR<sup>42</sup> that severe flooding events could increase due to climate change, this has not been investigated (e.g. through a specialist study) and the impacts assessed. It is stated that: “It is not impossible that minor flooding could affect the low-lying area of the property in future.”
- 54. It is clear from the KELASP that development below the 5m contour line should be avoided as this area is either already subjected to flooding or is vulnerable to future flooding events. This is in accordance with the precautionary principle, which is encompassed in the principles in section 2 of the National Environmental Management Act – NEMA. The implications of not adhering to this principle and the guidance provided in the KELASP has not been identified as an impact and is therefore not assessed.
- 55. The impacts from the Hydrogeological Impact Assessment are not included in the Draft BAR or in the relevant Appendix J. These include potential pollution impacts on groundwater and impacts on groundwater recharge / flooding risk. The former relates in particular to hazardous substances that may be used during the construction phase (e.g. fuels), to the proposed sewage treatment facility and the proposal to use treated sewage effluent for irrigation purposes.
- 56. The hydrogeologist has effectively concluded that the flooding risk is low and the impact negligible<sup>43</sup> This conclusion appears to be based on consideration of groundwater recharge<sup>44</sup> which in turn is

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<sup>40</sup> Page 19 - Appendix G2: Aquatic Biodiversity Impact Assessment

<sup>41</sup> Page 88 -Appendix F: Comments and responses Report

<sup>42</sup> See for example Page 61-62 – Section G: Description of the Receiving Environment

<sup>43</sup> Page 31 – Appendix G9: Groundwater Impact Assessment

<sup>44</sup> Page 28 – Appendix G9: Groundwater Impact Assessment

linked to the permeability of the soil. However, this is a one-dimensional approach, since flooding is influenced by many factors. Baseline information on flooding risk is materially inadequate.

57. Based on the information provided about the hydrogeologist's experience<sup>45</sup>, it is clear that this does not include the conducting of flood risk analyses. The specialist has not examined rainfall patterns, flood records, surface water systems in the broader area etc. No hydrological or flood modelling was conducted, which is typical in flood risk studies. In fact, a wholly inadequate information base has been used to draw the conclusion that the flooding risk is low and the potential impact negligible. This conclusion cannot be relied upon as it is unproven.
58. Impacts on the Estuarine Functional Zone have not been addressed. This may well be due to the fact that aquatic specialist noted no evidence of wetland conditions (refer also to point 50 in this report) and more importantly that the EAP has concluded that "It has been scientifically proven through specialist studies that the area below the 4,5m contour line is not subject to flooding and plays no role in the functionality of the estuarine functional zone."<sup>46</sup> This fact cannot be accepted as scientifically correct, since no hydrological specialist study has been conducted. Furthermore, to claim in such a definitive manner that the area below the 4,5m contour is not subject to flooding is a flawed approach because a hydrological specialist study has not been conducted. There is a reason that the KESLAP identifies this area as a "no go" zone for development, and that is a precautionary approach.
59. None of the impacts identified in the Aquatic Biodiversity Impact Assessment consider the EFZ or flooding potential, even though the EFZ is defined on a precautionary basis.
60. The identification of impacts in the Terrestrial Biodiversity Assessment is inadequate. Three impacts are noted: (i) Loss of natural vegetation (ii) Loss of individuals of protected tree species (iii) Loss of habitat for threatened animal species. There is no evidence that the impacts on biodiversity pattern and process have been considered, although there is reference to these in the significance criteria described by the specialist.<sup>47</sup> Notwithstanding, it would be expected that, among others, impacts in relation to loss of the opportunity for restoration of indigenous vegetation (within the development footprint), potential loss of plant SCC (Species of Conservation Concern) as well as potential loss of ecological connectivity / corridor (e.g. from forest to lowland area), loss of CBA2 area earmarked for the purpose of achieving conservation targets. This may be a result of the specialist report not having been updated in light of the 2024 WCBSP, which was formally gazetted in December 2024.
61. There is confusion about the difference between a project activity that causes an impact and the impact itself. Project activities are listed as impacts. Examples are Clearance of vegetation (construction phase); Earthworks and vegetation clearing for construction activities (construction phase); Stormwater runoff (operational phase) and Formal gardens (operational phase), among others. These are not impacts – they are the cause of the impact. The relationship between what takes place in the form of actions, activities and operations on the site is the cause of an impact – the impact is the consequence or the effect. It is critically important to present this relationship between cause and effect clearly, because without this, the identification of comprehensive and effective mitigation measures will be compromised.
62. Several impacts are rolled into one in the impact description. This means that the differences in impacts and more importantly the significance of the impacts is unclear. Furthermore, the nuances of how individual environmental resources or attributes might be impacted is lost. For example, the very first impact description in Appendix J is given as "Loss of sensitive vegetation, habitat loss for terrestrial wildlife, mortalities to various species unable to evade the disturbance, loss of vi viable

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<sup>45</sup> Page I – Appendix G9: Groundwater Impact Assessment

<sup>46</sup> Page 70 – Section H: Alternatives, Methodology and Assessment of Alternatives, Draft BAR.

<sup>47</sup> Page 17 – Appendix G5 – Terrestrial Biodiversity Assessment



propagules, fragmentation of ecological infrastructure.” As a result of all of these impacts being considered as one entity, they are also rated as one entity. Hence any differences between them in terms of how they may be affected as represented by the rating criteria are lost (duration, intensity, extent, reversibility etc.). For instance, the extent of the impact on vegetation loss may differ to that of mortalities of various species, or fragmentation of ecological infrastructure, and so on.

### 5.3 Significance rating methodology is flawed

63. It is unclear as to whether a consistent significance rating methodology has been applied between those shown in Appendix J of the Draft BAR and the specialist studies. The ratings provided by specialists have been downgraded by the EAP. For example, in the Aquatic Biodiversity Impact Assessment, all the identified impacts are rated as LOW. It is not clear what criteria have been applied and whether this refers to the pre-mitigation or post-mitigation situation. Notwithstanding, the EAP has rated these impacts as MINOR (-ve) without mitigation and NEGLIGIBLE (-ve) after mitigation.
64. In the Terrestrial Biodiversity Assessment “Loss of habitat on site (within the proposed development footprint) is considered to be ‘probably fully REVERSIBLE - secondary vegetation can easily be restored to its current state through active rehabilitation in combination with natural succession.”<sup>48</sup> If the loss of habitat is considered PERMANENT, then the impact cannot also be REVERSIBLE. This does not follow logic. These criteria are surely mutually exclusive. Furthermore, no mitigation measures are offered in relation to restoration. This is one example where little reliance and confidence can be placed on the completeness of the identification of terrestrial biodiversity impacts and on the significance rating of those impacts
65. The criteria used to assess significance are Listed in Appendix J and in Section H of the Draft BAR. It is stated that the significance of impacts is determined through a synthesis of the assessment criteria. No information on the methodology for this synthesis is provided. Moreover, the weight or priority applied to each criterion is not explained.
66. It is therefore not known whether a low rating in one criterion is offset against a high rating in another criterion in a manner that serves to make the impact appear less significant than it really is. Given the pre-and-post mitigation significance ratings, it can only be concluded that criteria that carry a LOW rating are being offset against those that have a HIGH rating. This is clear from the following points.
67. Almost every single adverse impact listed for the construction phase and the operational phase is rated either MINOR (-ve) and NEGLIGIBLE (-ve) after mitigation. There are a few that are rated with a few rated as NEGLIGIBLE (-ve) prior to and after mitigation. This is highly improbable, particularly for biodiversity impacts in a sensitive environment. There can be no other conclusion than that there is a fatal flaw in the significance rating methodology.
68. An example of the shortcomings of the rating system that is being applied and the interpretation of criteria used to rate significance is given in the diagram overleaf. It is inconceivable that the impact can be MINOR (-ve) prior to mitigation when it is permanent and definite, of high intensity, of low reversibility and irreplaceability is high. It is also implausible that this impact can be reduced to NEGLIGIBLE (-ve) post mitigation, when the development takes up virtually the entire lower portion of the site. The ~1 ha of open space, which would be situated between the residential stands hardly offers any mitigation opportunities.

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<sup>48</sup> Page 49 - Appendix G5 – Terrestrial Biodiversity Assessment

This is not an impact – it is a project activity

Construction			
Project Phase	Clearance of vegetation for the construction of the dwelling and associated infrastructure		
Impact	Loss of sensitive vegetation, habitat loss for terrestrial wildlife, mortalities to various species unable to evade the disturbance, loss of viable propagules, fragmentation of ecological infrastructure		
Mitigable	Medium	Mitigation exists and will notably reduce significance of impacts	
Assessment		Without mitigation	With mitigation
Nature	Negative	Permanent	Low negative
Duration	Permanent	Impact may be permanent, or in excess of 20 years	Impact may be permanent, or in excess of 20 years
Extent	Limited	Limited to the site and its immediate surroundings	Very limited
Intensity	High	Natural and/ or social functions and/ or processes are significantly altered	Low
Probability	Certain / Definite	There are sound scientific reasons to expect that the impact will definitely occur	Probable
Confidence	High	Substantive supportive data exists to verify the assessment	Medium
Reversibility	Low	The affected environment will not be able to recover from the impact - permanently modified	Medium
Resource irreplaceability	High	The resource is damaged irreparably but is represented elsewhere	Low
Significance	Minor - negative		Negligible - negative
Comment on significance	The forested area to the north of the development is excluded from the proposed development and will not be directly affected.		
Cumulative impacts	The impact would result in insignificant cumulative effects		

The impact will (not may) be permanent because clearing of the development footprint would occur to make way for the development.

This is incorrect as the site is located in CBA2 which is required to meet conservation targets. Loss of CBA2 areas impacts beyond the site boundaries.

Irreplaceability is not being applied in the correct context. Reference must be made to the definition of irreplaceable as applied in biodiversity planning.

It is inconceivable that the impact can be Minor (-ve) prior to mitigation when it is permanent and definite, of high intensity, of low reversibility and irreplaceability is high.

A mitigation measure is given as only clearing areas necessary for the development footprint. In practical terms this means the entire lower part of the site. It is therefore not practically possible to state that intensity is reduced from High to Low.

This should High as for pre-mitigation, since it is stated in the without mitigation column that the affected environment will be permanently modified – therefore not reversible.

69. For the operational phase, the potential for alien species invasion is rated as HIGH (-ve)<sup>49</sup> in the pre-mitigation situation. It is implausible that this impact is allocated a more significant adverse rating than the loss of sensitive vegetation (construction phase impact) which is permanent. It should be noted that alien vegetation control is obligatory in terms of the law and therefore alien vegetation control is not dependent on the implementation of the proposed project.
70. It is also implausible that the only adverse impact that is rated as High (-ve) is that of the potential for invasion by alien invasive species. Given the biodiversity sensitivities (e.g. CBA2), this is scientifically illogical, especially since alien vegetation control is legally required. Disturbance caused by the development could increase the potential for alien invasive species to establish, but this cannot be regarded as being more of a risk or a greater negative impact than the permanent loss of sensitive vegetation, disruption to connectivity or disturbance of faunal habitats that are currently intact.
71. The significance rating system is ineffective and scientifically illogical. The significance rating for every single impact is the same for all 3 alternatives (i.e. 73 residential stands; 60 residential stands; 19 residential stands). This makes no sense given the relative difference in the development footprint between 19 residential stands and either 73 or 60 residential stands. In particular, it is implausible that impacts such as loss of sensitive vegetation can be the same across all 3 alternatives pre- and post-mitigation. In all cases, this impact is rated as minor (-ve) without mitigation and negligible (-ve) with mitigation. This is scientifically illogical.

#### 5.4 Inadequate mitigation measures and application of mitigation hierarchy

72. The mitigation measures are framed in non-definitive language through the use of the term 'should' instead of 'must' and 'possible mitigation measures' (e.g. Terrestrial Biodiversity Assessment).
73. The recommendation from the Aquatic Biodiversity Impact Assessment that "Unit 50 be removed to improve connectivity along the green corridor as this unit currently blocks the area with the adjacent property to the east"<sup>50</sup> has not been carried through into the Draft BAR - Section I: Findings, Impact Management and Mitigation Measures.
74. The lack of consideration of the potential loss of CBA2 must be emphasised, because this would be a permanent impact. An associated issue is the opportunity cost related to restoration – the loss of this opportunity would be in perpetuity. These issues are not confined to the proposed site – they have implications for the meeting of conservation targets and for the broader ecological landscape. In fact, when viewed against criteria such as the desired future state of the landscape, thresholds and limits of acceptable change, there is only one conclusion that can be drawn, and that is that these impacts must be avoided.
75. In response to a comment from DEA&DP about secondary vegetation, the Terrestrial Biodiversity specialist stated that secondary vegetation can only be restored to secondary vegetation and not back to the original vegetation.<sup>51</sup> No scientific research references are provided. It is a well-known fact that SANParks have been monitoring restoration in areas that were under commercial forestry and have now been incorporated into the Garden Route National Park<sup>52</sup>: Their research indicates that the regeneration of indigenous vegetation in previously disturbed areas depends on past activities and ecosystem dynamics. This indicates that there is not a blanket answer to the question about the feasibility of restoration. SANParks have found that the recovery of fynbos through natural

<sup>49</sup> Page 19 – Appendix J: Impact and Risk Assessment

<sup>50</sup> Page 23 - Appendix G2: Aquatic Biodiversity Impact Assessment

<sup>51</sup> Page 21 – Appendix F: Comments and Responses Report

<sup>52</sup> <https://www.sanparks.org/wp-content/uploads/2023/11/ls-passive-rehabilitation-enough-to-restore-fynbos-in-the-Garden-Route-p76-77.pdf>

regeneration has occurred. There is other research in the fynbos biome<sup>53</sup> on restoration approaches, strategies and lessons learnt. This information shows that it cannot be definitively stated that restoration of Garden Route Shale Fynbos is not possible. Factors such as the presence of indigenous vegetation on the forest fringe and the pasture areas and the fact that the site is not heavily invaded with alien species must surely all have an influence on the potential for restoration.

76. Given the above, the question remains as to the evidence for the definitive statement that the site could only be restored to secondary vegetation because: “....it has not been shown in any ecosystem in South Africa that secondary vegetation can ever be restored to a state that resembles the original natural vegetation that would have occurred there. So, to reiterate, loss of secondary vegetation is fully reversible through active rehabilitation back to secondary vegetation, NOT to the original natural state.”<sup>54</sup>
77. From the list of species noted on the site, many are indigenous and at least two are associated with the Garden Route Shale Fynbos (i.e. *Passerina corymbosa* and *Helichrysum cymosum*). The specialist has not explained the role of the secondary vegetation on the site in terms of succession processes, the vegetation unit / ecosystem this secondary vegetation represents and how it relates to the Garden Route Shale Fynbos, the Sedgfield Coastal Grassland and the forest.

## 6 Concluding remarks

78. The United Nations Environment Programme (UNEP) definition of EIA as “a tool used to identify the environmental, social and economic impacts of a project prior to decision-making. It aims to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options to decision-makers.”<sup>55</sup> This BAR process has not met the intention of an EIA process as expressed in this definition.
79. Over time, the role of EIA has broadened to include consideration of sustainability principles and policy frameworks – known as sustainability-led EIA. This is true internationally and is also clearly evident in the legislation that governs EIA in South Africa. Thus, EIA is not just concerned with providing project-level environmental impact information for decision-making purposes. It also requires consideration of the nature of the environmental impacts and their significance within the context of sustainability principles, policies, strategies and plans since these reflect the desired state of the environment. This has not been achieved in the BA process.
80. A sustainability-led EIA approach is required in order to align with the objectives and principles of the National Environmental Management Act (Act 107 of 1998) – NEMA. The preamble of NEMA states that “*sustainable development requires the integration of social, economic and environmental factors in the planning, implementation and evaluation of decisions to ensure that development serves present and future generations.*” Furthermore, sustainability principles are included in the Act (section 2) and encompassed into the objectives of Integrated Environmental Management in Chapter 5, under which the EIA Regulations are promulgated.
81. A comprehensive, scientifically rigorous, participative process must be followed, which is undertaken in an independent manner. A process that is independent envisages one that is impartial and is neutral insofar as the interests of the developer are concerned. The EIA has a particularly important

<sup>53</sup> See for example Biological Invasions and Ecological Restoration in South Africa.  
[https://link.springer.com/chapter/10.1007/978-3-030-32394-3\\_23](https://link.springer.com/chapter/10.1007/978-3-030-32394-3_23)


<sup>54</sup> Page 21 – Appendix F: Comments and Responses Report

<sup>55</sup> <https://www.cbd.int/impact/whatis.shtml>

role to play because it is the vehicle through which the sensitivity of the environment is expressed. If this is not done with due care, there is a risk of irreversible loss of precious resources and irreversible damage to life-support systems, among others, with severe consequences for human communities. The EIA also serves as a means for interested parties, local communities, non-profit organisations, research organisations, relevant authorities etc. to express their concerns, and very importantly share their local knowledge. The value of this should never be discounted and in fact, it is to the advantage of the EIA process to actively seek these inputs. In addition, the EIA process must show awareness of and sensitivity to social conditions and needs.

82. There is a wide array of issues that need to be considered, evaluated and accurately recorded in order for the decision-maker to be provided with adequate information for decision-making purposes. This means that a significant responsibility falls on the shoulders of the professionals involved in conducting EIAs to ensure that sufficient accurate and scientifically sound information is provided and is assessed on the basis of a precautionary approach, especially where information is limited. EIA is not intended to be a mechanistic and tick-box exercise or to involve providing information that is not relevant to the issue at hand, as has been pointed out in several instances in the case of the Draft BAR.
83. A key question to be answered is whether the project is aligned with the 'desired future state' of the area. Another key question to be answered is what trade-offs does the proposed project involve – who / what stands to gain and who / what stands to lose. The BA process for the proposed development of Portion 91 of Farm Matjiesfontein 304, Keurboomstrand has not addressed this question at all.
84. The proposed development as envisaged by the 'preferred alternative' is not aligned with various policies, plans and / or strategies. As a result, the BA process has been focused on finding a rationale for not meeting the applicable policy objectives. This runs counter to the objectives and purpose of environmental impact assessment, particularly in the context of the shift in focus from merely assessing impacts to a sustainability led impact assessment approach. It also runs counter to the NEMA principles (section 2) and the objectives of Integrated Environmental Management (section 23).
85. In addition, principles related to mainstreaming biodiversity into the EIA process do not appear to have informed the approach to the BA process. Similarly, sustainability-led EIA principles are also not seen to be embedded in the BA process.
86. The foregoing discourse means that the adequacy of an EIA process is not only to be judged on whether all of the legally required steps in the process have been fulfilled. It is also to be judged on whether it has addressed the question of the sustainable development context, as reflected in policies, plans and strategies. There are numerous weaknesses and shortcomings in the Draft BAR including information gaps, incomplete / missing information, gaps in the identification of impacts, inaccurate and cursory treatment of environmental sensitivities, poor application of the mitigation hierarchy, to mention a few. Suffice to say that the Draft BAR has been found wanting as detailed in this report.

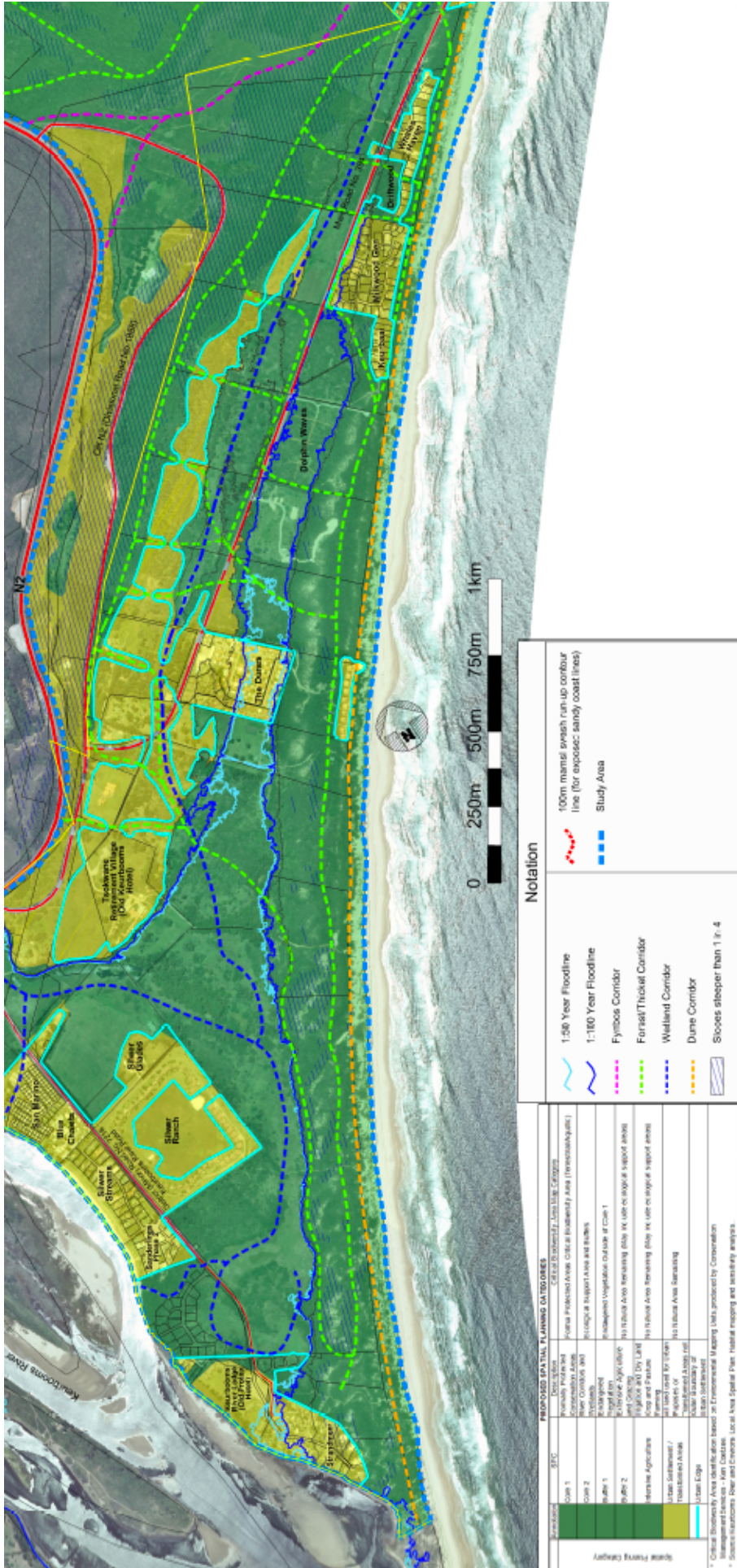
Prepared by:



Mary-Jane Morris (Pr. Sci Nat (Environmental Science) Reg No. 400165/06).

Morris Environmental & Groundwater Alliances  
23 April 2025





# Keurbooms & Environs Local Area Spatial Plan

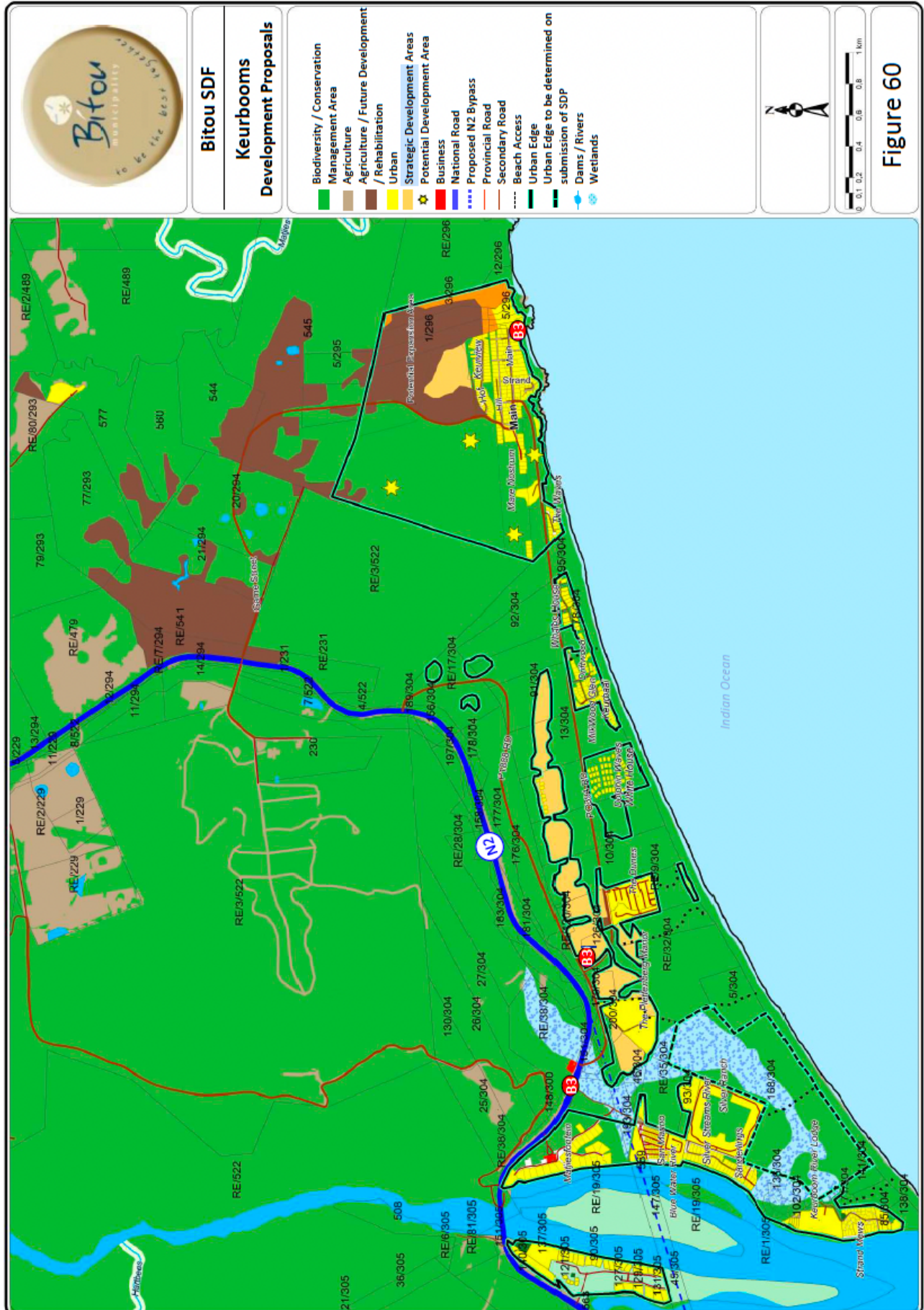
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ARCHITECTS AND TOWN PLANNERS

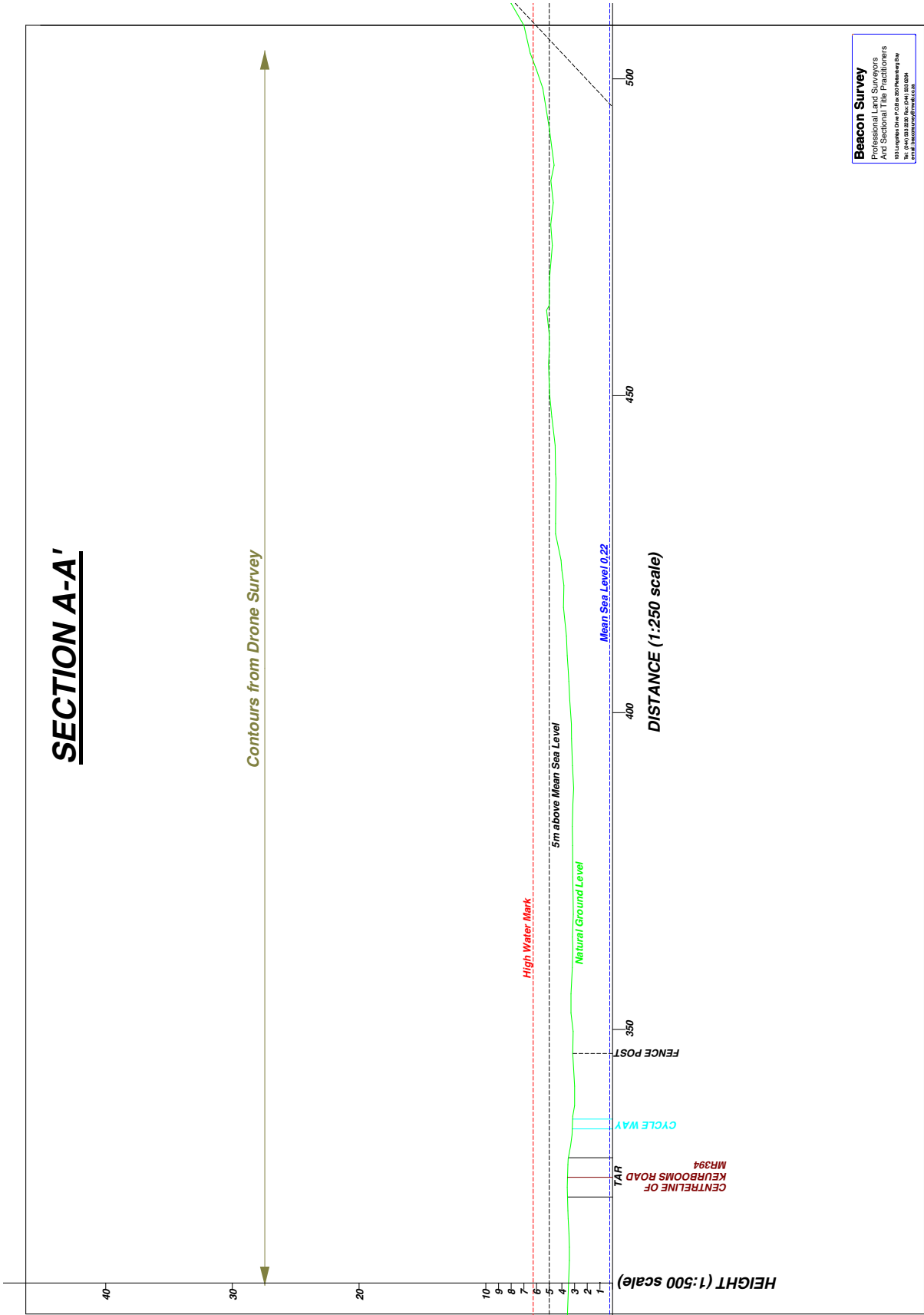
First Floor • La Gratitude Office Building  
97 Dop Street • Stellenbosch 7600  
tel (021) 861 3800  
fax (021) 862 8025  
e-mail: [ste@tv3.co.za](mailto:ste@tv3.co.za)  
web: [www.tv3.co.za](http://www.tv3.co.za)









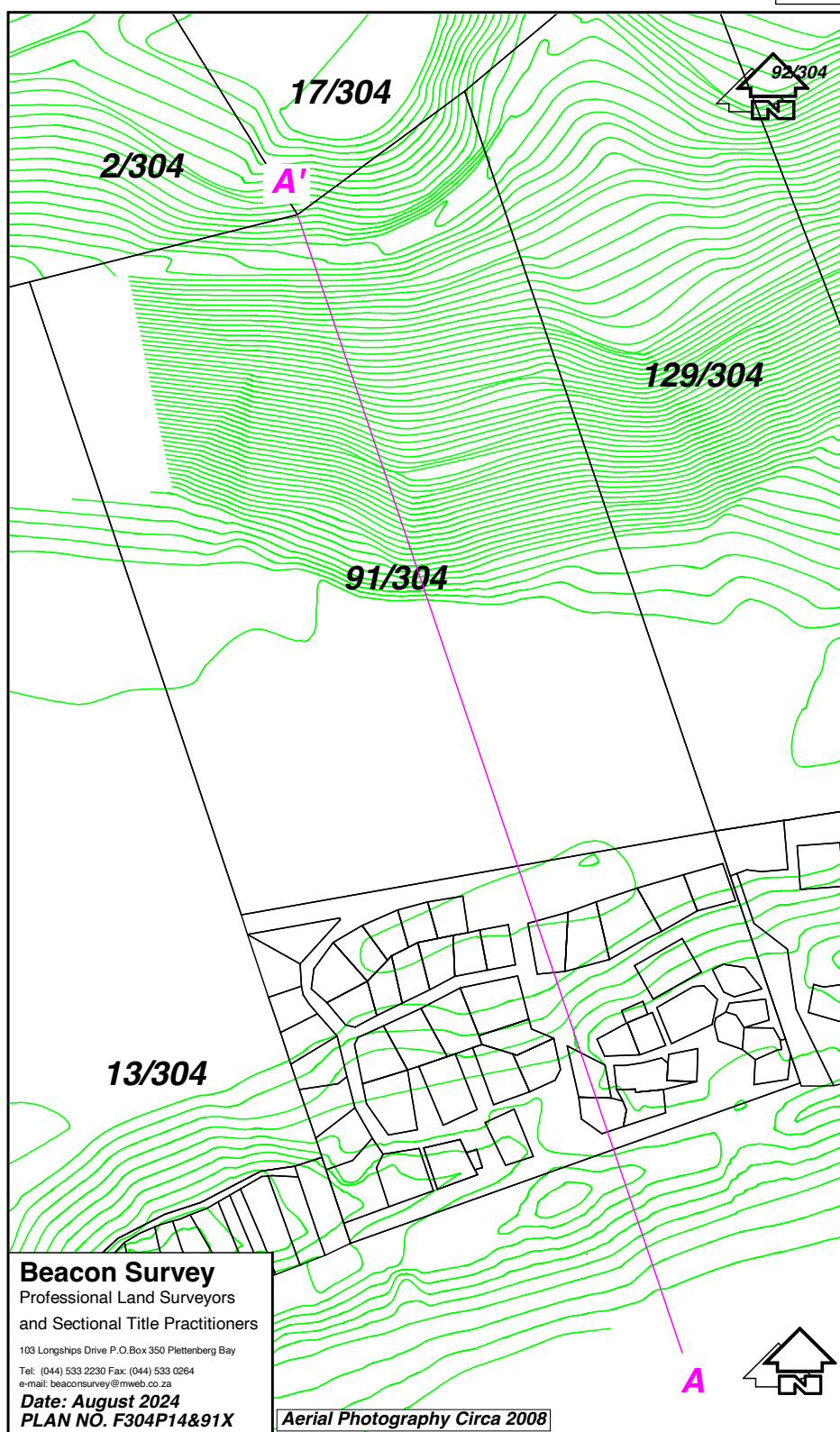


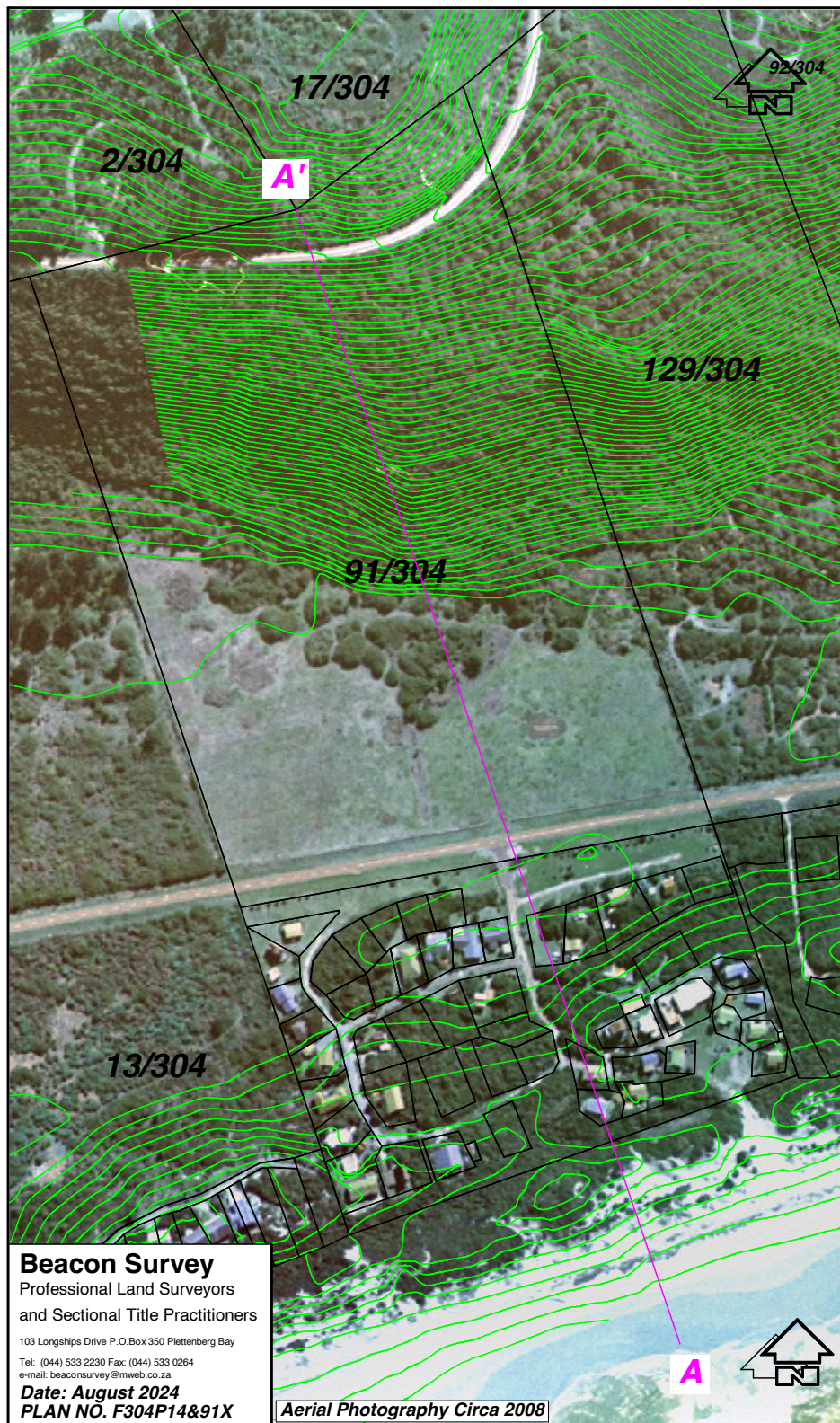






## ANNEXURE F3









## ANNEXURE G



These three pictures above were taken on Portion 9 of Matjesfontein 304, November 2007, known as The Dunes Resort. These photos were taken a day after the flood and show the high-water mark on the buildings above the level of the ground floor windowsills.



The Dunes Resort is on the south side of the PO394 Road, Keurboomstrand, and is 1 km from Erf 91 of 304 and part of the same water-course.

In the flood, the fields opposite The Dunes, on the north side of the PO394, were also flooded (the entire Keurbooms Valley Water Course also became a swamp, including the proposed development site).







Flood damage to a house in the Silver Stream Resort on the Keurboomsrivier Road. Most of the houses in the estates along this road were flooded, November 2007.



November 2007, Twin Rivers Lodge between the Keurbooms and the Bitou Rivers.





This shows the estate known as Matjesfontein - it's also in the old Keurbooms River flood plain and water course



Ground-water measurements on Portion 14/91 directly opposite the proposed development site, were taken at low-tide during a dry rainfall period and measured between 1.5m and 1.8m below ground level.



Ideally ground-water levels should be measured over a period of a year, under all weather and tide conditions, because the ground-water and the sea are connected at sites such as these in the Coastal Zone, causing levels fluctuate significantly .

**REVIEW OF THE WATER USE LICENSING APPLICATION for a RESIDENTIAL DEVELOPMENT IN  
KEURBOOMSTRAND, PLETTENBERG BAY. Dated September 2024**

**This Review has been Prepared by:**

**Dr D A Hughes, PrSciNat  
Emeritus Professor  
Rhodes University  
Grahamstown / Makanda**

**For:**

**Cullinan and Associates Incorporated (2001/001024/21)  
Cape Town**

**Date of Review: 5 November 2024**

## **1. INTRODUCTION**

The main objective of this review is to comment on the contents of the Water Use Licence Application (WULA: including the supporting information contained within the 10 Appendices) for the proposed housing development on Portion 91 of the farm Matjesfontein 304, in Keurboomstrand, Plettenberg Bay.

Additional information that was provide to the reviewer included documentation of a number of comments on the draft basic assessment report for the proposed development, as well as several maps and diagrams that highlight the topographic characteristics of the area.

The objectives of this review are:

- To review the main contents of the WULA.
- To comment on the key conclusions of the WULA.
- To review any additional evidence provided that pertain to water resources, flooding or other issues that fall within this reviewer's area of expertise (i.e. hydrology).
- To assess the impact of the proposed development on other existing residential properties in the area with respect to flooding or other issues relating to water resources, water supply and wastewater disposal.
- To make any additional comments that might be relevant to the feasibility of the development.

This review will not address any issues pertaining to socio-economic or non-water related infrastructure (e.g. roads and traffic) impacts of the development, nor is the reviewer qualified to address issues related to biodiversity or other ecological impacts.



## 2. GENERAL OBSERVATIONS ABOUT THE DEVELOPMENT SITE

The proposed development is situated some 5.8km along the shoreline from the main part of the Keurbooms Estuary mouth. It is therefore initially surprising that part of the area is included in the Estuarine Functional Zone (EFZ) of the Keurbooms Estuary. However, a more detailed examination of the topography to the east of the Keurbooms Estuary indicates that there are low-lying areas on the inland side of the coastal dunes (Figure 1). Although quite detailed 2m contour maps were provided, they do not extend all the way to the estuary and it is difficult to definitively conclude that the development site is directly hydraulically connected to the estuary during high floods. However, all the evidence points to the fact that it is connected and will form an inundated backwater area when the estuary is subjected to flooding. This is supported by the cross-section data (approximately north-south through the proposed development property) that indicates that most of the area to be developed is below 5m above mean sea level.



Figure 1 Location map showing the mapped extent of the Keurbooms EFZ.

A further characteristic of the site is the existence of a spring (reportedly perennial) and a pond situated at the base of the steep inland slopes to the north. The protection of this spring appears to be a major component of the WULA.

### **3. OBSERVATIONS ABOUT THE KEY COMPONENTS OF THE WULA**

There is a great deal of discussion in the WULA about the likely impacts of the development on the spring and all the regulations pertaining to developments close to a watercourse. However, these seem to be largely irrelevant because there is no drainage line away from the pond that is supplied by the spring and I am doubtful if this spring would be classified as a significant water resource.

A further key component of the report relates to the proposed waste-water disposal system which consists of an underground anaerobic storage tank, a containerised bioreactor plant and an elevated storage tank located in the northwest of the property. Some of the treated waste-water will be used for irrigation of the property but the area close to the spring will not be irrigated. The proposals for the waste-water treatment system seem to be appropriate. However, this also seems to be a temporary measure as the report suggests that the waste-water will eventually be directed to the municipal sewer system when the existing capacity has been increased.

The WULA report includes a stormwater management plan that includes the construction of three stormwater retention ponds and concludes that the total volume of 2 840 m<sup>3</sup> is sufficient to store the runoff that might occur during a 1:50 year rainfall. The 24 hour rainfall depth used in the calculations is about 77mm, and the report appears to assume that a large proportion of the runoff will infiltrate during the 24 hours such that the available storage will be sufficient. However, my experience suggests that flooding events in this region of the Southern Cape coast are typically a result of rainfalls with a longer duration than 24 hours and therefore only focussing on the rainfall depth in a 24 hour period is unlikely to provide an accurate value for the storage required. The effects of antecedent wetness conditions have been ignored and could be very significant. The report also assumes a quite high rate of natural drainage from the ponds. However, the ground is very flat and sea level is not far below, suggesting that drainage gradients will be very low and that the capacity of the soil material immediately beneath the ponds will also be very low. The stormwater management plan also appears to ignore the possibility of runoff and near surface drainage from the forested slopes to the north of the property. The Geotechnical Report (compiled by Outeniqua Geotechnical Services, Knysna) noted that groundwater was identified in test pits at an average depth of 2 m (see also the photographs in Annexure C of this report), supporting the suggestion that there is limited storage capacity for drainage into the soils underlying the property, although this will clearly vary over time depending on the antecedent rainfall conditions. My conclusion is that the potential benefits of the proposed stormwater retention ponds for reducing the flooding impacts of surface water runoff during high rainfalls have been quite substantially over-estimated.

The WULA report does not make any mention of the flooding risk from the Keurbooms River estuary and only focuses on the risks of localised flooding from stormwater.

The Geotechnical Report also suggests that 'Stormwater from roofs can generally be handled in gutters, downpipes and open channels or underground pipes, with suitable discharge locations on the southern side of the site'. However, the cross-section and contour data suggests that there is no drainage route to the south due to the existence of the coastal dune.



It is noted that upgrades to the existing bulk water supply system will be required to accommodate the potable water supplies to the new development. It was not clear to me what the time frame of these planned upgrades is and therefore it is difficult to comment on the likely impact of the proposed development on the assurance of water supply to existing users.

#### **4. REVIEW OF PHOTOGRAPHIC EVIDENCE AND CROSS-SECTIONAL DATA PROVIDED**

A number of maps, topographic cross-sections and photographs of inundation during the November 2007 floods were also provided to the reviewer and these are added as annexures at the end of this report. Annexures A and B show that the 1:100 year flood line (based on the Keurbooms and Environs Local Area Spatial Plan) reaches almost to the development site but is confined to the south of the road. At Portion 91/304 the 394 road itself does not appear to be elevated above the surrounding ground (see the cross-section in Figure 2) and therefore does not act as a barrier to flooding. It is therefore possible that the actual extent of a 1:100 year flood could continue to the north of the road. The extent to which the property currently plays a role in flood attenuation, would also depend on whether or not the property would be locally saturated from local runoff from the slopes to the north.

Annexure C shows some photographs taken during the November 2007 flood when the Keurbooms Road (394) was reported to be impassable and the Dunes Resort (about 1 400 m to the west of the proposed development) was 1.5 m under water. Fortunately, vacant land on both sides of the road were not saturated before the heavy rainfall and floods of 2007 and acted as important areas for floodwater drainage. I assume that this also means that the existing properties to the south of the road, adjacent to the development site and constructed below the slopes of the coastal dune, were also under water.

The cross-section data suggests that almost all parts of the development will be below 5m above mean sea level (the black dashed line in Figure 2). There seems to be little doubt that the site does play a role in providing some flood storage, as well as the fact that the site is highly likely to be flooded during heavy and prolonged rainfall events.

While there is little real evidence to suggest that the frequency of high, flood producing, rainfalls are increasing in this part of South Africa due to climate change, there remains a great deal of uncertainty surrounding the likely effects of climate change. However, there does seem to be some evidence that sea tidal/storm surges are becoming more frequent (note the flooding of the N2 entering Port Elizabeth due to several storm surges during 2024). To suggest that storm surges are likely to impact on flooding in the Keurbooms Estuary EFZ would be very speculative in the absence of further information, however, the possibility should not be entirely discounted.

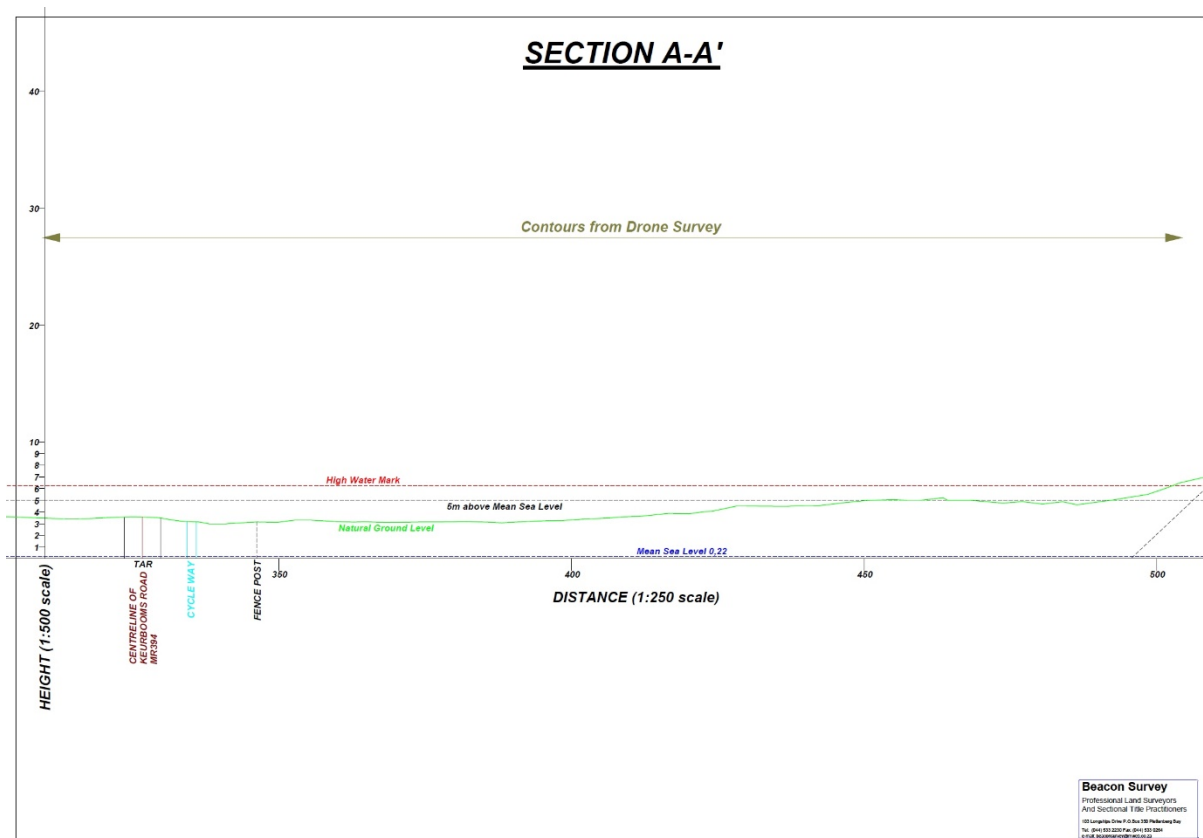


Figure 2 Cross-section through part of the proposed development site (south is on the left, north on the right).

Although the WULA does consider cumulative impacts related to bulk water infrastructure, the resolution of those concerns appears to depend upon upgrades to these services and it seems as if no timeframe can be guaranteed for the implementation of these upgrades. It is noted that the development plans do include an interim solution for waste-water treatment that appears to be appropriate.

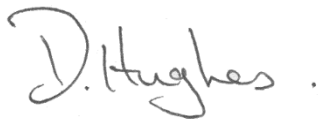
## 5. OVERALL CONCLUSIONS ABOUT THE IMPACT OF THE PROPOSED DEVELOPMENT

The main conclusion relates to the impacts of flooding on the development itself, as well as on adjacent existing property developments. I reached the conclusion that the development plans and proposals generally fail to give due consideration to potential future flooding risks associated with development. My evaluation of the available information suggests that the risks to flooding on the development site itself have been quite seriously under-estimated. This includes the risks associated with large scale flooding from the Keurbooms Estuary, as well as those associated with more localised flooding. The extent to which these flood risks are likely to be extended to adjacent properties is somewhat more difficult to be sure about, but there seems to be little doubt that the development will remove at least some existing flood retention storage and could therefore impact on existing developments, notably those in the relatively low lying areas to the south of the road.

It is assumed that under existing conditions any flood waters that inundate the property will gradually decrease through either evaporation or drainage through the soils towards the south (underneath the coastal dune and eventually seeping out through the beach sands). This drainage is expected to be relatively slow due to the low gradients involved. Apart from the potential for increased localised flooding due to the increase in impervious areas (roofs, roads, pathways, etc.) there is also the potential for the compacted foundations to restrict the rate of sub-surface drainage after flooding and therefore prolong the period of inundation. This is based on the assumption that the compacted foundations (which will reduce the permeability of the soils underneath each building) will reduce the area of the seepage face along the southern boundary of the property. Whether or not this would constitute a significant impact is difficult to say in the absence of more quantitative data, but if there are doubts about the validity of this assumption, it would be appropriate to set up a groundwater flow model to assess the impacts of the reduced permeability on the duration of inundation. This was beyond the scope of this short review. Many of the issues discussed above are also raised in an untitled report by Nick Frootko that was made available to this reviewer.

The impacts on bulk water and sewerage services will be largely determined by the timeframes of proposed upgrades to these services by the relevant local authorities. It is therefore difficult to make any definitive comments about such impacts without further information about the implementation of the upgrades. It is clear, however, that without the upgrades the impacts (particularly on bulk water supplies) will be significant.

D A Hughes

A handwritten signature in dark ink, reading "D. Hughes" followed by a period. The signature is written in a cursive, flowing style.

5 November 2024



# **JERRY L MARGOLIUS & ASSOCIATES**

Property Valuers, Appraisers, Chartered Surveyors, Sectional Title Consultants & Arbitrators

## **REPORT**

**LAND USE APPLICATION AND DEVELOPMENT:  
PROPOSED RE-ZONING AND SUB-DIVISION OF  
PORTION 91 OF FARM MATJES FONTEIN NO. 304  
(BITOU MUNICIPALITY)**

**APPLICATION NO: BITOU MUNICIPALITY 18/91/304**

**REGISTERED OWNER/APPLICANT: FAMILIE ROUX EIENDOMME (PTY) LTD**

**OBJECTORS: DR N. FROOTKO & OTHERS –  
MILKWOOD GLEN**

**PREPARED BY: JERRY MARGOLIUS**

**DATE: 29 JANUARY 2025**

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# JERRY L MARGOLIUS & ASSOCIATES

Property Valuers, Appraisers, Sectional Title Consultants, Mediators & Arbitrators, Chartered Valuation Surveyors

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7708 ATTENTION: MS PHILLIPA KING  
E-MAIL [phillipa@greencounsel.co.za](mailto:phillipa@greencounsel.co.za)

29 January 2025

Our ref: JM/TS

Your ref: M72-001D6

Dear Sirs

**OBJECTION TO LAND USE APPLICATION AND DEVELOPMENT:  
PROPOSED RE-ZONING AND SUB-DIVISION OF PORTION 91 OF FARM MATJES FONTEIN  
NO. 304 (BITOU MUNICIPALITY)  
REGISTERED OWNER/APPLICANT: FAMILIE ROUX EIENDOMME (PTY) LTD  
PROPERTY: PORTION 91 OF THE FARM MATJES FONTEIN,  
PLETTENBERG BAY - BITOU MUNICIPALITY  
APPLICATION NO: BITOU MUNICIPALITY 18/91/304  
OBJECTORS: VARIOUS OWNERS MILKWOOD GLEN**

---

We thank you for your instructions to attend to the preparation of a valuation report as it relates to addressing a negative impact on the respective property values as identified by yourselves in Milkwood Glen as a result of the proposed re-zoning and sub-division of Portion 91 of Farm Matjes Fontein, Plettenberg Bay, Bitou Municipality being Agricultural land located immediately north of Milkwood Glen.

Accordingly, we report as follows:

## 1. INSTRUCTION

- 1.1 Instructions were received from Dr Nicholas Frootko to ascertain if there is a likelihood of a derogation<sup>1</sup> (diminution) in value suffered in respect of the properties located at

---

<sup>1</sup> section 7(1)(b)(ii)(aa)(ccc) of the Building Act.

Milkwood Glen caused by the proposed re-zoning and development of Ptn 91 of the farm 304, Matjes Fontein.

- 1.2 Should it be found that there is a probable diminution in value, then we are to ascertain a likely reduction in value of the property at Milkwood Glen, as noted above.
- 1.3 No internal inspection of the property is to be undertaken, unless the valuer is of the opinion that this is necessary.
- 1.4 The municipal valuations will form the basis of the opinion merely to demonstrate any reduction in value, i.e. each owner must not expect to receive an independent or otherwise valuation for their property.
- 1.5 It is on record that Dr Frootko represents only the following owners at Milkwood Glen in which respect this report only applies:

	Owner	Erf	Title Deed No.
1	Nicholas John Frootko	Erf 925 Milkwood Glen	T7113/2019
2	Lance Klerck Faure	Erf 837 Milkwood Glen	T48904/2011
3	Hans-Hartwig Euler (50%) Berna Maria Euler (50%)	Erf 835 Milkwood Glen	T7204/2022
4	Samuel George Duncan (50%) Lucinda Loralie Duncan (50%)	Erf 827 Milkwood Glen	T24650/2011
5	James Treguire Mudge	Erf 813 Milkwood Glen	T25347/1974

- 1.6 Our procedure will be, in the first instance, to determine whether the application, when reviewed, will meet the requirements of Section 7(ii)(ccc) of the National Building Regulations and Building Standards Act 103 of 1977 ("the Building Act") after the relevant consideration has been given herein.
- 1.7 Thereafter, **should it be found** that the application for the proposed re-zoning and sub-division of Matjes Fontein Portion 91 (portion of Portion 14) when read in conjunction with the Building Act, the probability of a diminution is found to exist, then the valuation of the property/ies that need to be conducted to ascertain the extent of the diminution will be carried out.
- 1.8 If it is found that there is no diminution proven arising from the said application for the proposed re-zoning and sub-division, then it will be noted as such and no valuations will be conducted.



## **2 DOCUMENTATION**

We have been provided with the following documentation:

- 2.1 Planning & Space Town Planner's report;
- 2.2 report from Jeanne Muller;
- 2.3 report from Cullinan & Associates;
- 2.4 report from PHS Consulting dated February 2014;
- 2.5 source social media;
- 2.6 report from Poise Structural and Civil Engineering Design Consultants dated April 2023;
- 2.7 source social media; and
- 2.8 copies of various deeds.

## **3. DATE OF VALUATION (REPORT)**

The effective date of valuation is 1 January 2025.

## **4. VALUER'S NOTES IN PREPARING VALUATION**

In preparing this report, the valuer records the following:

### **4.1 Full disclosure**

Where a valuation has been prepared on the basis of full disclosure of all information and factors that may affect the valuation undertaken has been provided to us and we cannot accept any liability or responsibility whatsoever for the valuation unless full disclosure has been made.

### **4.2 Mortgage Bonds, Loans and other Charges**

The property has been valued as if wholly owned with no account being taken of any outstanding monies due in respect of mortgage bonds, loans or any other third-party claims. No deductions have been made in our valuation for the costs of acquisition or disposal of the property.

### **4.3 Structural, Soil contamination etc.**

We have had regard to the current state and condition of the land, but have not carried out any surveys, nor inspected areas which are covered, unexposed or inaccessible, nor have we arranged for testing of asbestos, electrical, heating or other services, nor conducted any soil tests.

#### 4.4 Town Planning

4.4.1 It should be noted that all enquiries relating to town planning and other municipal information have been extracted from the reports identified in 2 above.

4.4.2 It is specifically recorded that we are not to address the merits of the application that has been made, as this will be attended to by Cullinan & Associates.

#### 4.5 Confidentiality

In line with normal practice, we must stress that this report (valuation) has been carried out for and on behalf of the client, Cullinan & Associates, and for the specific purpose to which it refers. It may be disclosed to your other professional advisers assisting for that purpose, but not to any other person or company.

### 5. DEEDS OFFICE INFORMATION

According to the Deeds Office (Annexure 1.1), the subject property, being that property on which the application for sub-division for re-zoning and subdivision is proposed, is held by Deed of Transfer T73549/2000. The following is of note:

- |     |                        |  |
|-----|------------------------|--|
| 5.1 | Registered owner:      | Familie Roux Eiendomme (Pty) Ltd (Reg. no. 1997/000233/07)   |
| 5.2 | Description:           | Portion 91 (a portion of portion 14) of the Farm Matjes <sup>2</sup> Fontein No. 304, in the area of the Greater Plettenberg Bay Transitional Local Council, Division of Knysna, Western Cape Province |
| 5.3 | In extent:             | 14,7251 (Fourteen comma Seven Two Five One) Hectares   |
| 5.4 | First transferred by:  | Deed of Transfer No. T55855/98 with Diagram LG No. 6050/1997 relating thereto and held by Deed of Transfer T5125/2000  |
| 5.5 | Nature of acquisition: | Purchase   |
| 5.6 | Date of acquisition:   | 22 May 2000  |
| 5.7 | Purchase price:        | R660,000 (Six Hundred and Sixty Thousand)  |
| 5.8 | Mortgage bonds:        | B17660/2003 – ABSA – R750,000.00; and B8542/2007 – ABSA – R500,000.00.   |

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<sup>2</sup> Interchangeably Spelt as Matjes Fontein or Matjesfontein

- 5.9 Conditions: No Conveyancer's Certificate. The historical Title Deeds must be well inspected, as well as that relating to the right of way in favour of the general public (T5731/1926).
- 5.10 Conveyancer's Certificate: We have not been provided with a Conveyancer's Certificate but note that there are several conditions that would need to be investigated and addressed by a Conveyancer. The provision of a Conveyancer's Certificate is a pre-requisite for the submission of the application for the Bitou Municipality.<sup>3</sup>
- 5.11 According to Planning and Space<sup>4</sup> application dated January 2024 as incorporated in the Bitou Municipality (WC047) Notice Number 432/2024 the following Title Deed conditions were noted:-

#### ***"2.4.6 SERVITUDES AND OTHER RESTRICTIONS***

*The property is not encumbered by any servitudes, but 2 public roads traverse the property and that must be accommodated in the layout as per requirement from the Provincial Roads Authority.*

*There are also Conditions in the Title Deed That prevent the subdivision of the property without the consent of the controlling authority in terms of Act 21 of 1940. In terms of Section 45 (6) of SPLUMA and Section 39 (4) of LUPA, where a condition of Title provides for a purpose with the consent of approval by the administrator, premier, townships board, or any controlling authority, such consent can be granted by the municipality. It is therefore not necessary to remove the condition if the municipality provides written approval for a different use.*

*The controlling authority in terms of Act 21 of 1940 is the Western Cape Government: Transport and Public Works. Despite the above provision in SPLUMA and LUPA, this authority has been requested to comment on the Traffic Management Plan and to provide consent for the planned development.*

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<sup>3</sup> See Section 38 (1) (n) of the Bitou Municipality Land Use Planning Bylaw (Also See Muller 24 @ Page 3 Ad Para 3.1)

<sup>4</sup> Motivation report for rezoning and Sub Division (See Notice Annexure A1)

5.12 The following conditions are noted:

“The within described land is subject to a servitude in terms of an Order of the Water Court (Water Court District No. 4) dated 13<sup>th</sup> December 1954, as will more fully appear on reference to the copy of said Order annexed hereto, No. 177/55.”

- “1. The land may not be subdivided without the written approval of the Controlling Authority as defined in Act No. 21 of 1940, read in conjunction with Act No. 44 f 1948.
- 1.2 Not more than one dwelling house, together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on the land except with the written approval of the Controlling Authority as defined in Act No. 21 of 1940, read in conjunction with Act No. 44 of 1948.
- 1.3 The land shall be used for residential and agricultural purposes only and no store or place of business or industry whatsoever may be opened or conducted on the land without the written approval of the Controlling Authority as defined in Act No. 21 of 1940, read in conjunction with Act No. 44 of 1948.
2. No building or any structure whatsoever shall be erected within a distance of 94,46 metres from the centre line of the national road, without the written approval of the Controlling Authority as defined in Act No. 21 of 1940, read in conjunction with Act No. 44 f 1948.”

5.12.1 According to the information that we have extracted, the consent by the municipality for the cancellation of some of these title conditions, where the authority of the Controlling Officer is deemed to be the municipality.

5.12.2 In addition, to the above observations, we refer you to the Jean Muller Town Planner Report (Muller24) dated 6 December 2024 at page 3.

5.12.3 According to SPLUMA<sup>5</sup>, the controlling authority is the local authority, namely Bitou Municipality, which sets out the process the controlling authority is the local authority and Bitou Municipality, an application for administrative consent in terms of Section 39 of LUPA has to be submitted to the municipality (refer Muller 24).

## 6. SURVEYOR GENERAL INFORMATION

6.1 Farm 91 of Matjes Fontein is reflected in SG Diagram No. LG 6050/1997.

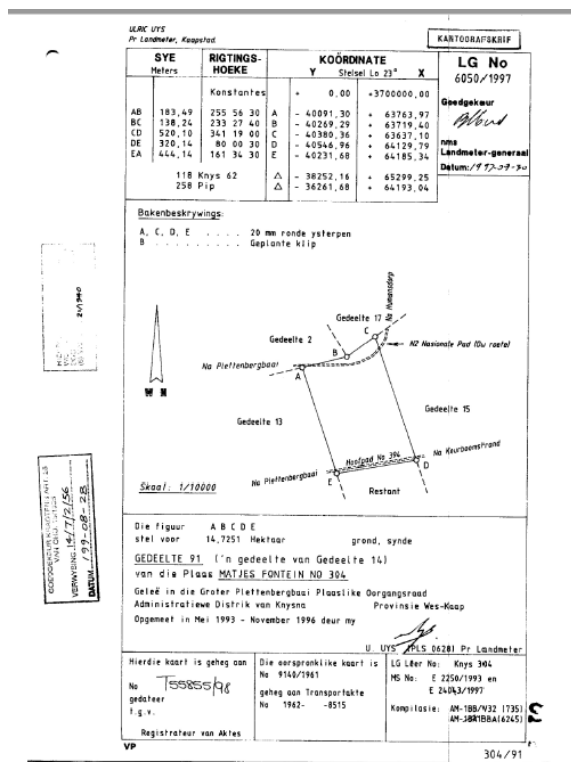


Fig 1 SG Diagram No 6050/1997

6.2 The property being Milkwood Glen is reflected in the SG Diagram Number General Plan 752/2009 (see Annexure 3.2). The numbering written in red that appears on the diagram below reflects the house numbers of the properties in Milkwood Glen. See physical description below.

<sup>5</sup> Spatial Planning and Land Use Management Act (SPLUMA) - The main function of the sub-programme: Land Use Management is to protect the agricultural land of the Western Cape with the aim of maintaining a sustainable agricultural sector.



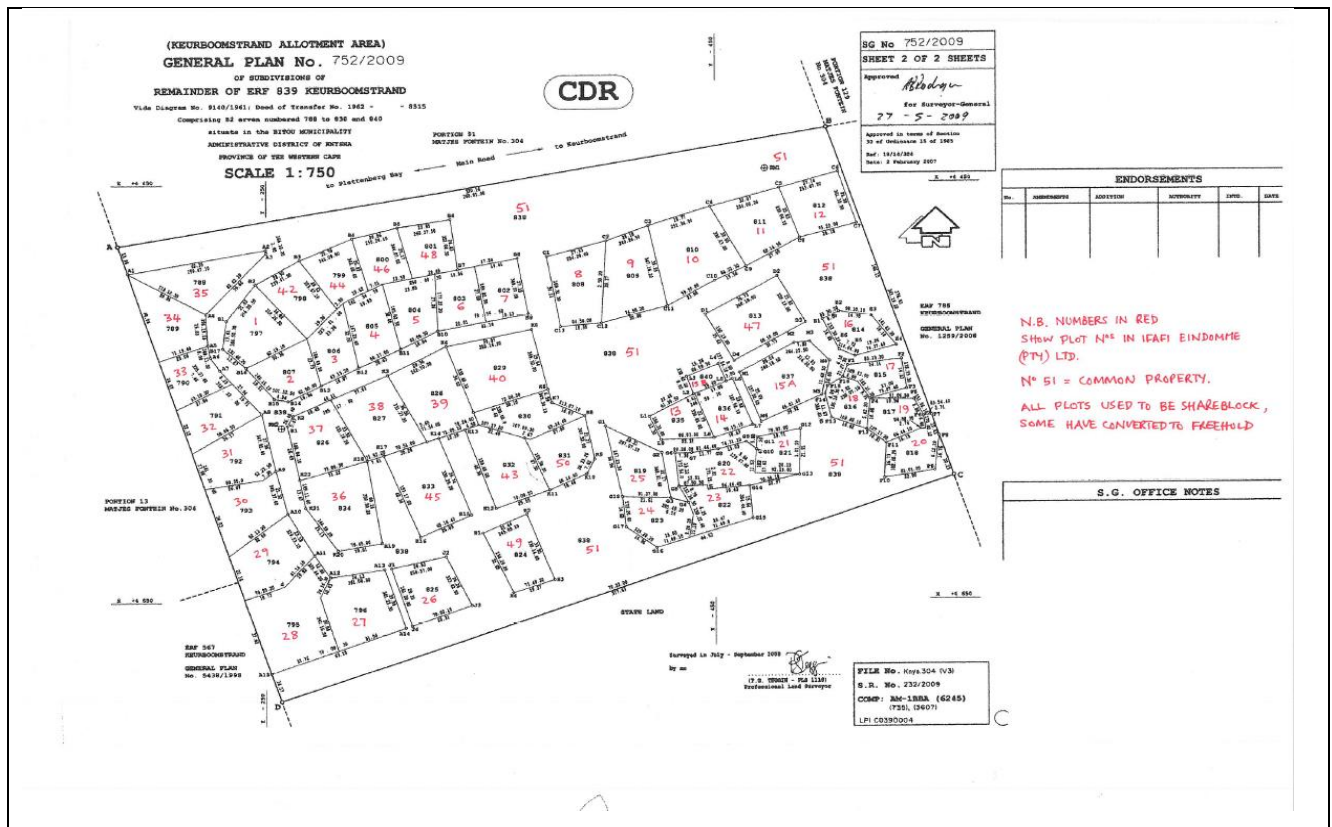


Fig. 2.1 General Plan No. 752/2009 .

6.3 The older General Plan was superseded by 2526/2013 registered (See Annexure 3.3).

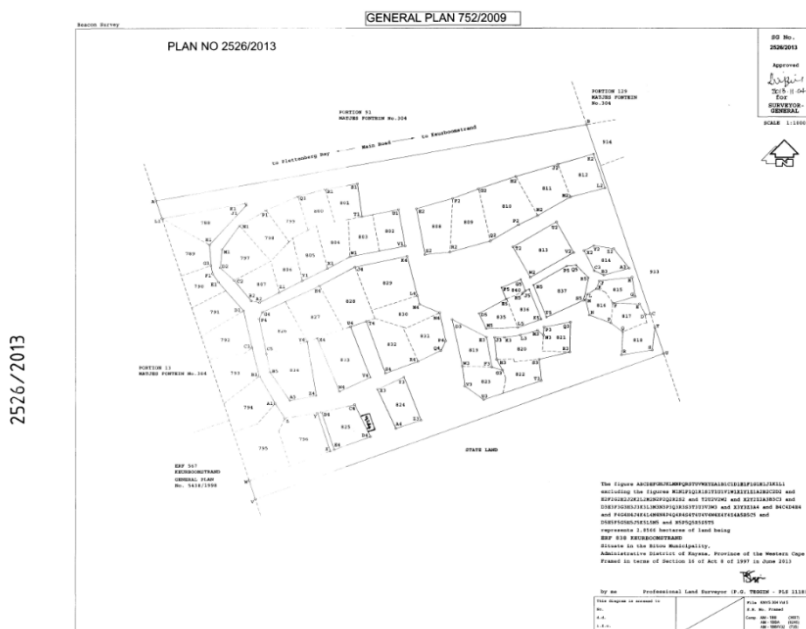


Fig. 2.2 General Plan 2526/2013

6.3 For ease of reference the cadastral map of Milkwood Glen (see Annexures 4.1 and 4.2).

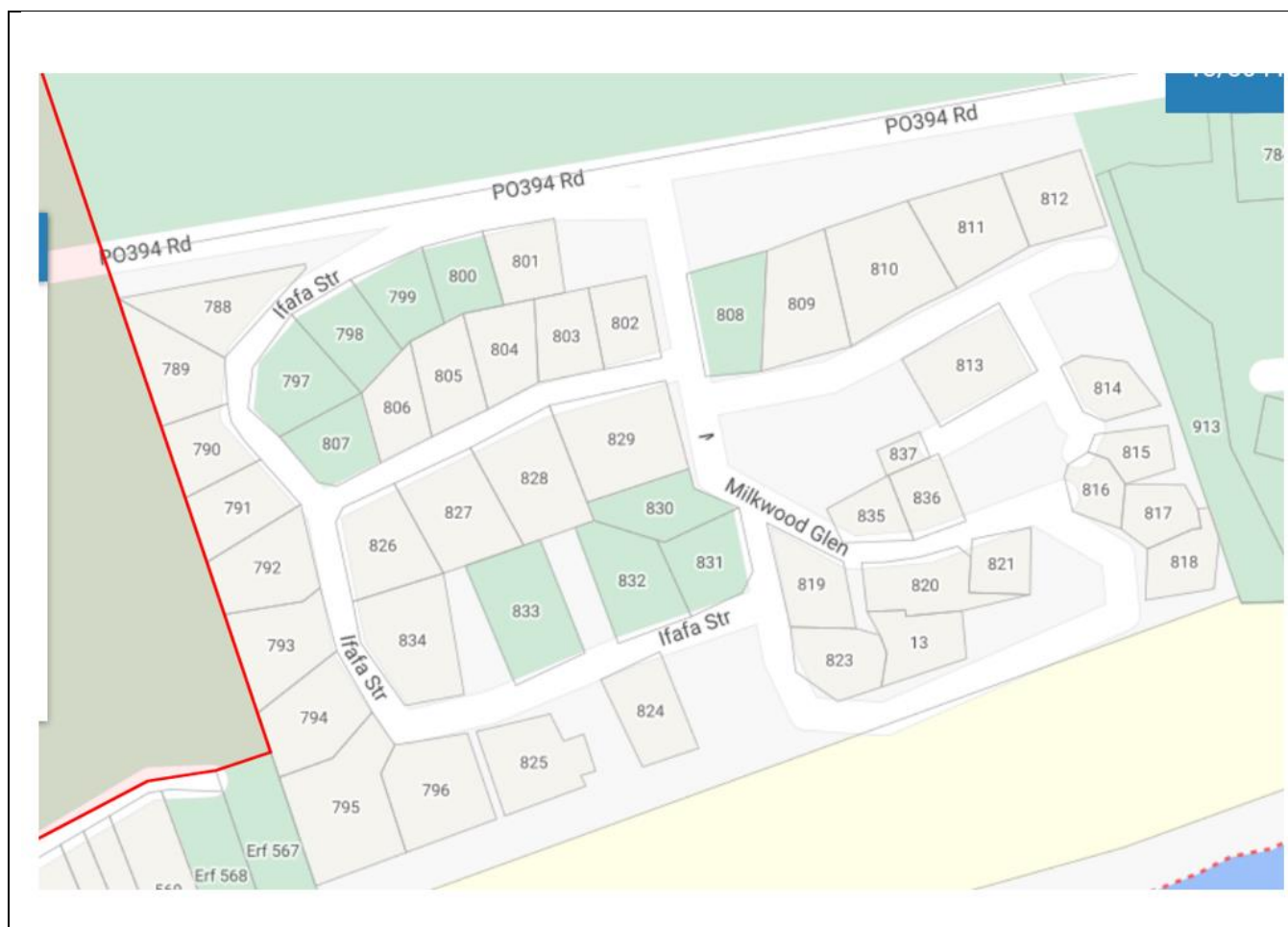


Fig. 3 Cadastral Map – Milkwood Glen

## 7. LOCAL GOVERNMENT INFORMATION

The subject property falls within the jurisdiction of the Hessequa Municipality.

### 7.1 Municipal Valuation

7.1.1 The municipal valuation for the entire property (including improvements thereon) carried out in accordance with the Local Government: Municipal Property Rates Act No. 6 of 2004 (MPRA) of Bitou Municipality, which provides for the market value as at 1 July 2021, which came into effect as at 1 July 2022.

7.1.2 The values and it's categories recorded in the GV2021 valuation roll as follows (see Fig. 4) and extract Annexure :

	Owner	Erf	Title Deed No.	Category	GV2021
1	Nicholas John Frootko	Erf 925 Milkwood Glen	T7113/2019	Residential	R4,950,000
2	Lance Klerck Faure	Erf 837 Milkwood Glen	T48904/2011	Residential	R3,630,000
3	Hans-Hartwig Euler (50%)	Erf 835 Milkwood Glen	T7204/2022	Residential	R1,800,000

	Berna Maria Euler (50%) (G A Nancarrow)				
4	Samuel George Duncan (50%) Lucinda Loralie Duncan (50%)	Erf 827 Milkwood Glen	T24650/2011	Residential	R1,120,000
5	James Treguire Mudge	Erf 813 Milkwood Glen	T25347/1974	Residential	R1,200,000
6	FAMILIE ROUX EINDOMME PTY LTD	FARM 91 OF 304		AGRICULTURAL PROPERTES	R 2,100,000 (14,7251HA)

Fig. 4 (Extract of GV2021 Bitou Municipality Valuation Roll)

It is noted above (no. 6) that the subject development site is categorised as Agricultural Properties whereas, the municipality and the applicant referred to this property as having been earmarked in the Knysna Plettenberg Bay Guide Plan for Recreational purposes and thus no exemption is required in terms of the Agricultural Land Act 70 of 70. One then questions the correctness of the categorisation and valuation of these and other properties in this node.

## 7.2 Zoning Information<sup>6</sup> (See Town Planner's Report)<sup>7</sup>

7.2.1 The Development property is zoned as "Agricultural Zone 1" in terms of Section 8 of the zoning scheme (See Figure 5).

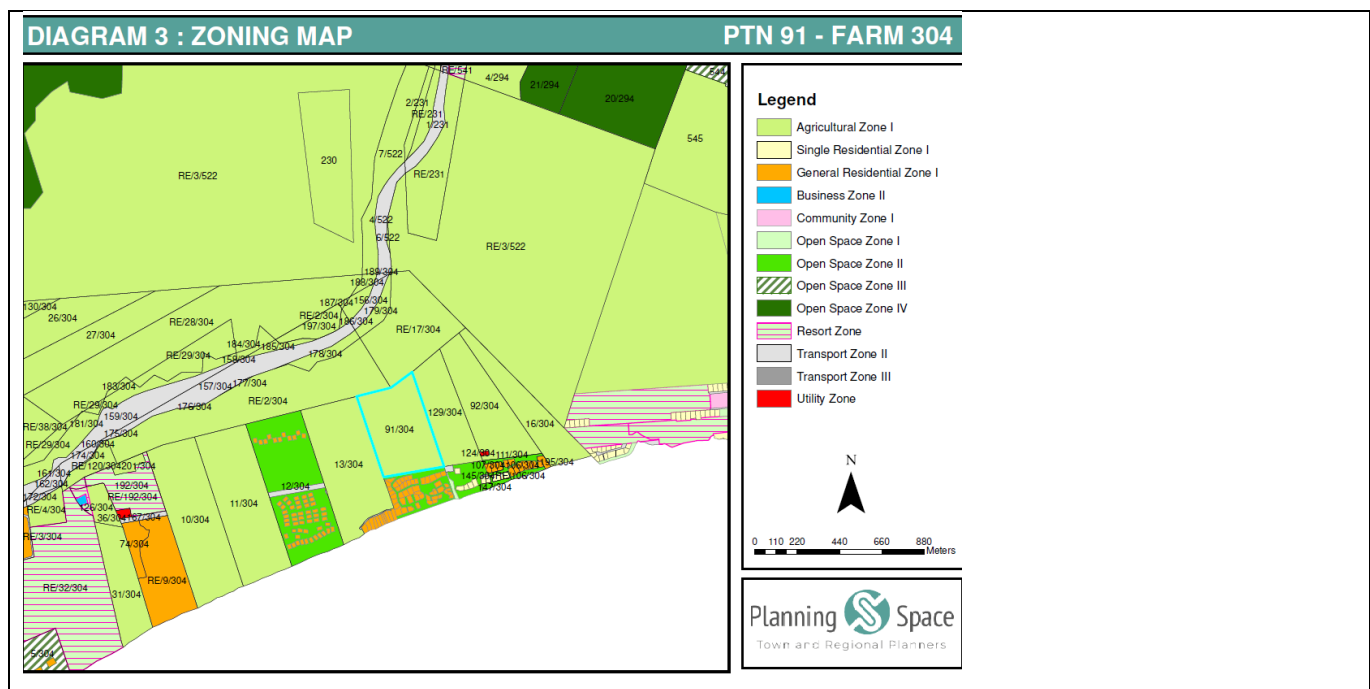


Fig. 5 Zoning Map Extract (Source: Planning Space)

<sup>6</sup> The Zoning scheme provides for the determining of building lines or setbacks from the boundary, bulk and permissible height, as well as the coverage of the land. A title deed restriction takes preference over the zoning scheme.

<sup>7</sup> Any zoning information will be superseded by the Town Planner's Report.

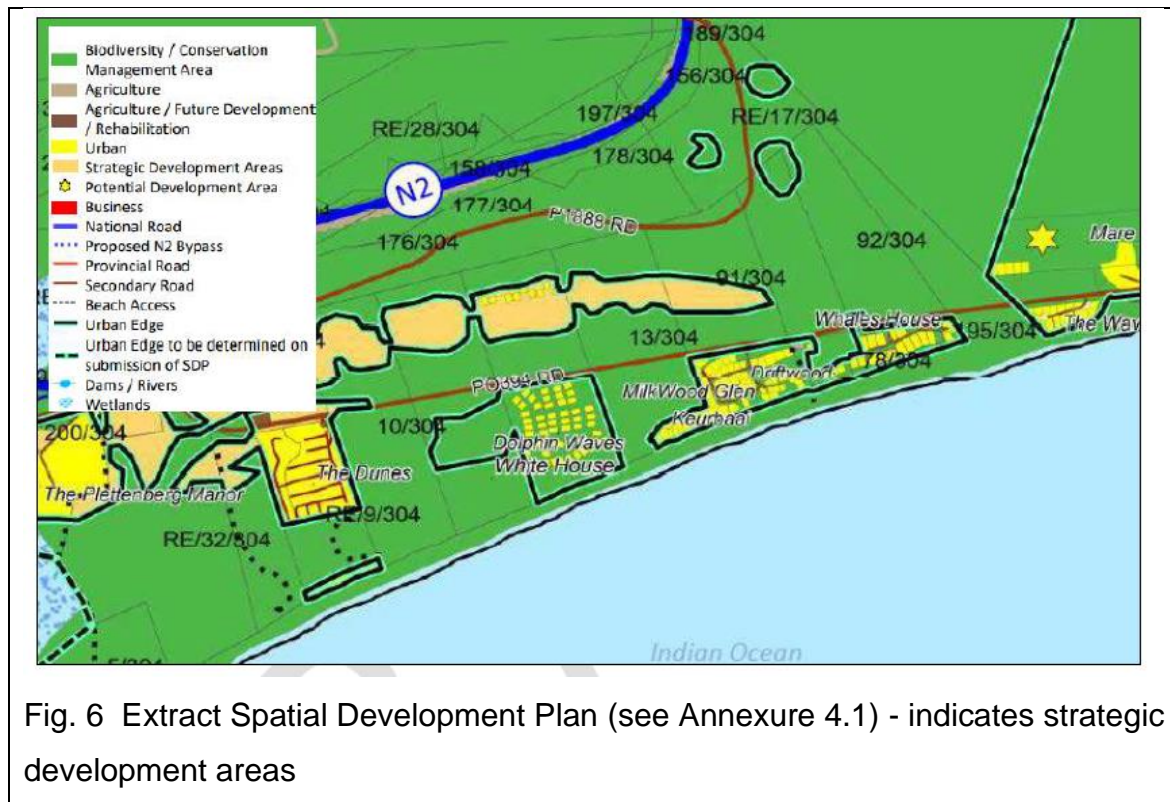
- 7.2.2 It is the intention of the developer to develop the property into a residential development comprising 73 (reduced to 60) group housing stands with an average size of approximately 375m<sup>2</sup>. The stand will be developed on the flat portion of the site, between the road edge and the forest slope.
- 7.2.3 The properties located at Milkwood Glen are zoned “General Residential” with the remaining land noted as being “Open space 2”.
- 7.2.3.1 According to the Bitou Spatial Development Framework 2021 approved in March 2022 by the said Council with “... *main 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 by working towards compact**, vibrant, liveable and efficient settlements serving all communities*<sup>8</sup>”
- 7.2.4 The subject property is located within the urban edge and within an **agricultural area**, but a portion thereof is noted as being defined as a strategic development area. This is the area located directly opposite Milkwood Glen (see Figure 6).
- 7.2.5 To accommodate the proposed development, it is proposed to:
- “3.2 Subdivision in terms of Section 15 (2) d of the said By-Law into:
- (a) 60 individual General Residential I (Group Housing) erven with average erf sizes of ±500m<sup>2</sup>.
  - (b) 1 Transport Zone III erf (Private Road).
  - (c) 2 Transport Zone II (Public Road)
  - (d) 2 Open Space III Zone (Nature Conservation)
  - (e) 4 Open Space II Zone (Private Open Space)
- \*\*As indicated in the attached Subdivision Plan Nr: SUB 91/304/005 dated 22 October 2024.*”<sup>9</sup>
- 7.2.6 A portion of the property is identified as being identified as that which is allocated to be a strategic development area (See Figure 6) being within in the urban edge. This is stated aligned with the Keurboom Local Area Structure Plan<sup>10</sup>.
- 7.2.7 It is recorded that the “urban edge has been roughly defined by the steep slopes to the north and the 5m contour line which defines the Estuarine Functional Zone

<sup>8</sup> Bitou Proposed Re-zoning Ptn 91 of the Farm 304

<sup>9</sup> Cullinan Attorneys’ Report dated 17 December 2024

<sup>10</sup> See Planning Space 11.1.24 Page 34

to the south". The Town Planner should perhaps explore the correctness of the fact stated that "The proposed development area extends beyond the identified urban edge as the aquatic assessment confirmed that the area contains no estuarine habitats and is below the 1:100-year flood line of the estuary"<sup>11</sup>.



- 7.2.8 Being part of the internationally acclaimed Garden Route the Bitou LM is one of the most popular tourism destinations in the Western Cape and South Africa. It offers a wide range of popular tourism facilities/services and activities within the municipality area..."<sup>12</sup>. (See Figure 7).
- 7.2.9 These area include renowned beaches, various historic sites, places of worship, hiking and cycling trails, hotels and conference facilities and sightseeing features. Several very popular and well frequented nature reserves, including Robberg Nature Reserve (a World Heritage Site) and the Garden Route National Park are also located within the region.

<sup>11</sup> See Planning Space Report 11/1/24 -Page 28

<sup>12</sup> See Garden Route District Municipality – Tourism Mai





Afrotemperate and these are joined by Western Cape Talus F and Western Cape Milkwood F. and all placed in Forest Group (FG) I (the Southern Cape Afrotemperate)<sup>15</sup> (See Figure. 8).

7.4.2 The "Western Cape Biodiversity Spatial Plan" ("WCBSP") map is a detailed spatial tool (See Annexure 6.3) that identifies and delineates critical biodiversity areas within the Western Cape province of South Africa, providing crucial information for land use planning and environmental management decisions to protect important ecosystems and species within the region.

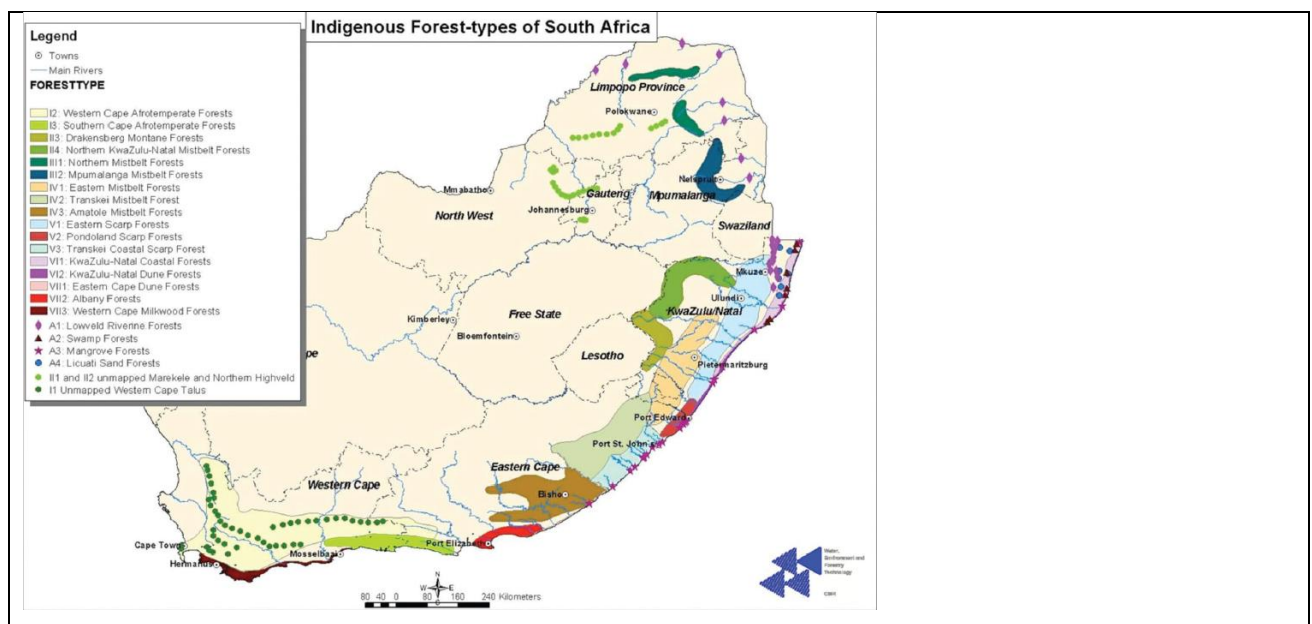


Fig.8 Indigenous Forest Types in South Africa

7.4.3 The pictures below reflect the various segments of Portion 91 of Farm 304.



Fig.9 Picture 91/304 – East to West

Pic 91/304 North View

Pic 91/304 West to East

<sup>15</sup> See Classification System For South African Indigenous Farms Department of Water and Forestry

- 7.4.4 The property or segments thereof are within the Garden Route Biosphere Reserve. A Reserve from the South African Protected Database (SAPAD) contains spatial data of the conservation estates of South Africa. It includes spatial and attributable information. It forms the basis of the National Environmental Protected Areas Act<sup>16</sup>.
- 7.4.5 The indigenous forest to the north of the site is steeply sloped (1:2,1) contains amongst others, the protracted trees viz Milkwood Tree (*Sideroxylon inerme*). The site is partially located within the Garden Route Biosphere Reserve is within the Cape Floristic Region along the southern coast of South Africa. The area includes the Tsitsikamma, Goukamma and Robberg Marine Protected Areas, Wilderness Lakes RAMSAR site, Garden Route National Park, the Nelson Bay Cave, the Langkloof Valley and St. Francis and Jeffreys Bays. The Garden Route National Park, primary core area of the Garden Route Biosphere Reserve, also forms part of the Cape Floral Region Protected Areas World Heritage Site.<sup>17</sup>



Veteran Milkwood Tree (Picture Mudge24)

- 7.4.6 According the objection filed by Mrs. Helen Mudge (“Mudge24”), a resident in the area for 50 years on Milkwood Glen (See Annexure 11). In this report, in addition to the concerns regarding the **site being located below the 5m above mean sea level** height and being prone to flooding as well as sea surges. The environmental aspects of this site being one within a Critical Biodiversity Area (CBA), which we have also confirmed as noted in Figure 8 above.

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<sup>16</sup> Department of Environmental Affairs. (Using Cape Farm Mapper)

<sup>17</sup> Source <https://gardenroutebiosphere.org.za/>



7.4.6.1 Mudge24 highlighted the indigenous forest area to be the home of various wild animals including:-

- Baboons
- Vervet monkeys
- Caracul
- Leopard
- Bushbuck, honey badgers and Genet Cats
- Various Bird life

7.4.6.2 Reference was made to the Freshwater Spring at the base of the “forested hillside”, which flows into a natural pond used by:-

- Wild animals
- Birds
- Frogs<sup>18</sup>
  - We are instructed that the Knysna Leaf Frog which is said to be indigenous to this area lives near the spring and adjacent pond<sup>19</sup>.
- The annual flowering of the Bringsvilla Lillies which flowers are an annual events and a floral show for all who pass by.



Fig 10 Note Garden Route Biosphere Reserve Source

<sup>18</sup> Mudge24: “Portion 91/304 is the home to many frogs, and probably many species of frog. Whenever we have rain in the area, there is frog song and this sometimes goes on for days on end, and usually for as long as the site is wet. Frog song is one of the wonderful features of the Keurbooms Valley whenever it rains and whenever the ground in the valley north of the PO394 becomes super-saturated, as it does after prolonged and heavy rains. To my knowledge, very little research has been done on the frogs that live on the site (as per the research on the frogs at The Craggs and at Nature’s Valley, ref. Tiaan Botha M.Sc.). It has also been suggested that some endangered frogs may live on the site such as the Knysna Leaf-Folding Frog.

<sup>19</sup> Mudge 24 The Knysna Leaf-Folding Frog could be identified by this machine. As the endangered Knysna Leaf-Folding frog is dormant for 9 months of the year, only coming out of the dormant state in August of each year, that is when the Frog-Song Identifying Meter should be used to identify this particular frog

7.4.6.3 The Milkwood trees are protected and located in the area where the housing development is proposed to take place. The Critical Biodiversity Areas (CBA 1) represents only 2,1% of land in the municipality.

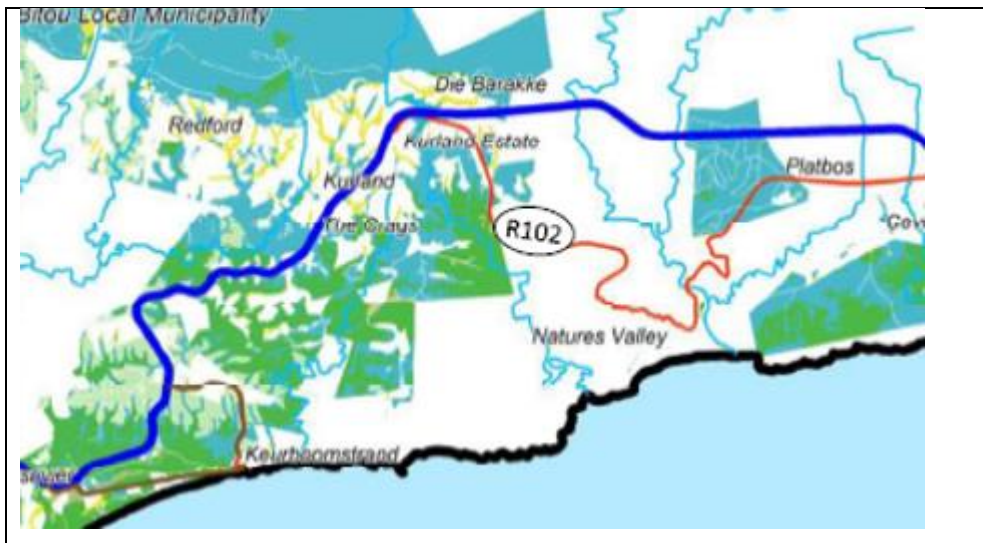


Fig. 11 Biodiversity Areas 2017<sup>20</sup> (See Annexure 6.3)

7.4.6.5. As noted in the Midge 24 report, the site also has:-

- Stone age instruments
- Matjes River Rock Shelter which is a Provincial Heritage Site east of Keurboomstrand used between 2,000 and 12,000 years ago, before European settlers came to South Africa as well as the Koi San People at various times.

7.4.7 The Garden Route National Park (GRNP) is mostly covered by fynbos, of which there are different varieties in the southern Cape and the Tsitsikamma. The GRNP, however, is generally known for its indigenous forest. Only 1% of South Africa is covered by indigenous forest. Of the 65,000 ha of forest in the southern Cape and Tsitsikamma, 40,000 ha are protected in the GRNP. More than 2000 plant species occur in and around the GRNP".<sup>21</sup>

7.4.8 Agricultural and Forestry abound the area, although Commercial farming does not contribute significantly as only a small area can be cultivated (See Annexure 6.2). However, the area down towards Keurboom around the N2 in the central parts of the

<sup>20</sup> See Bitou I M Spatial Development Framework Page 46

<sup>21</sup> <https://www.sanparks.org/conservation/scientific-services/data-information-resources/maps/garden-route-frontier-research-unit>



municipality are mainly clustered into one of the four main economic activities (See Figure 12).

7.4.9 Prior to the proposed development, the area was used for farming and subsequently a horse-riding school. In fact, we are instructed that on the pretext of the Agricultural zoning and ongoing farming together with the views of the valley, indigenous forests and general tranquillity of the area were predominant in the buyers minds, **protected all by registered title conditions confirming at Milkwood that the area was to remain agricultural**, despite the Bitou development and impairment caused to the surrounding properties. The development will negatively impact on the surrounding neighbourhood.



Fig. 12 Extract Municipality Agricultural & Forestry Map (See Annexure 6.4)

In the Garden Route Vegetation map below, the area with the Garden Route Shale, Fynbos and Southern Afrotemperate Forest Area of note (See Figure 13 ).

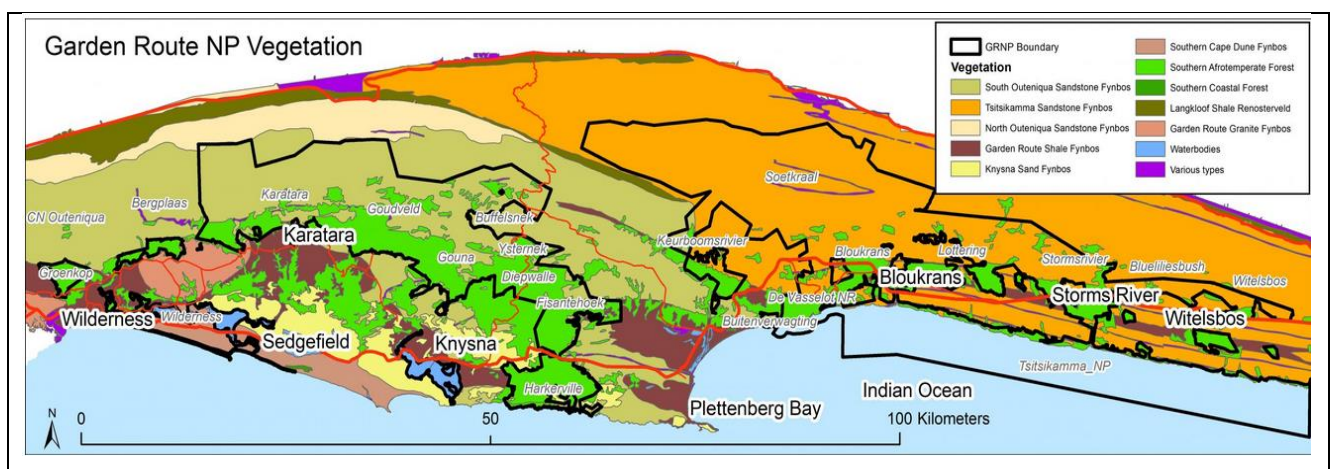


Fig. 13 Route NP Vegetation

7.4.7.1 The principles for sustainable forest management in the National Forests Act of 1998 (NFA) must be upheld, including:

- Natural forests must not be destroyed save in exceptional circumstances;
- Forests must be developed and managed so as to:
  - conserve biological diversity, ecosystems and habitats;
  - sustain the potential yield of their economic, social and environmental benefits;
  - promote their health and vitality;
  - conserve natural resources, especially soil and water;
  - conserve heritage resources and promote aesthetic, cultural and spiritual values;

7.4.8 Application of the NFA principle that natural forests may not be destroyed save in exceptional circumstances must be applied in a strict and conservative manner, aimed at protecting forests as a rare and sensitive biome.

## 7.5 Services

7.5.1 The applicant indicates that: “The site is physically suitable for development and can cost-effectively connect to the existing municipal services networks that are located along south boundary of the property.”.

7.5.2 However, this does not appear correct.<sup>22</sup>:-

7.5.2.1 Water was to be obtained from Matjiesfontein bulk water supply, but the applicant does not take into consideration that there is presently severe limitation on Bitou’s water source and on the town bulk water supply. There are no current plans committed to for future development and any failure of the Keurbooms river pumping station would negatively impact on the Bitou’s supply.

7.5.2.2 Sewerage in respect of the on-site Bio Sewer Package was questioned as regards to reliability and efficiency use of the system as well as no indication when the development would be connected to the waste water system. The Ganse Vlei waste water facility would need to be expanded.

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<sup>22</sup> See Plettenberg Rate Payers Correspondence dated 11 November 2024

7.5.3 The applicant noted that the Master planning upgrades to the bulk water supply system and that in a letter dated 23 July 2024 the Bitou municipality confirmed there was enough bulk infrastructure to accommodate the proposed development. One questions if this in isolation or whether other developments were considered in this communication.

**7.5.4 Any impact on existing services would in itself stand to result in various existing services being somewhat threatened and this is compounded by the fact that there are other developments to the west of the subject property being approved, increasing demand on the limited services which are already under pressure.**

## **8. DEVELOPMENT OF ERVEN**

8.1 The proposed development is set out in application prepared by Planning Space, Town and Regional Planners dated 1 August 2023.

8.2 For a development to be proceeded with, the City and the municipality's building control officer ("BCO") must, when approving plans, comply with Section 7(1)(a) of the National Building Regulations Act ("Building Act"), as well as any applicable law including land use legislation and the zoning scheme regulations.

8.3 The approval of plans takes place subsequent to the BCO making the necessary recommendations after then considering as a second phase, even though the plans are compliant with all applicable law, the proposed development will probably or in fact disfigure the area, being unsightly or objectionable and will derogate from the value of the adjoining or neighbouring properties as more fully set out in terms of section 7(1)(b)(ii)(aa)(ccc) of the Building Act.

*"7(1) If a local authority, having considered a recommendation referred to in section 6(1)(a) -*

*(a) is satisfied that the application in question complies with the requirements of this Act and any other applicable law, it shall grant its approval in respect thereof;*

*(b) (i) is not so satisfied; or*

*(ii) is satisfied that the building to which the application in question relates –*

*(aa) is to be erected in such manner or will be of such nature or appearance that –*

*(aaa) the area in which it is to be erected will probably or in fact be disfigured thereby;*

*(bbb) it will probably or in fact be unsightly or objectionable;*

*(ccc) it will probably or in fact derogate from the value of adjoining or neighbouring properties;*

*(bb) will probably or in fact be dangerous to life or property, such*

*local authority shall refuse to grant its approval in respect thereof and give written reasons for such refusal."*

*(The reference to “other applicable law” in section 7(1)(a) includes the provisions of the relevant land use planning laws which provide for the approval of zoning schemes in respect of land, and which provides mechanisms by which use rights and control over use rights are determined.)*

## **9. WESTERN CAPE LAND USE PLANNING ACT NO. 3 OF 2014**

The requirements in terms of Section 39(5) of the Western Cape Land Use Planning Act No. 3 of 2014 address the terms upon which removal of restrictions applications must, *inter alia*, be assessed. This will be addressed by the town planner. Is one now not expected to assume that the Spatial Development Plan or rezoning will irrespective of the title condition where a persons' rights to continued enjoyment for their view are secured can be ignored. It appears that while the authority to remove a restriction in a title deed is now in the hands of the municipality no due public participation is invited to address the removal of those title condition.

## **10. INSPECTION REPORT**

The property was identified and inspected externally on 14 January 2024.

### **10.1 Locality (“Development Property”)**

The development property is located about 9km outside of Plettenberg Bay in Keurboom Road, which leads off from the N1. Furthermore, the development site is located 300m from the high water mark and 1,8km from Kettle Beach.

To the south of Keurboom Road, a Minor Roadway, there are several housing developments with the Indian Ocean providing in some instances majestic and undisturbed views but it appears that this is not often on ground level as there is vegetation along the dunes (See Fig. 15).

To the north of the PO394 Road (Keurboom) is the predominately undeveloped farming area. A green carpet of trees camouflage most of the Agricultural Space located on the southern side of the Development Site located directly opposite Milkwood Glen on its Northern Border approximately 1,8km from Keurboom Beach.

Other than various restaurants, there was no commercial areas or public transport. The area has no public transport and is frequented by many tourists. In fact, there were no schools or sporting facilities located in the node. A short 10 minute drive will take you to



Plettenberg Bay with all modern conveniences and shopping centres for comfortable modern living, Keurboom is known for its surrounding nature as well as hiking trails and beaches.

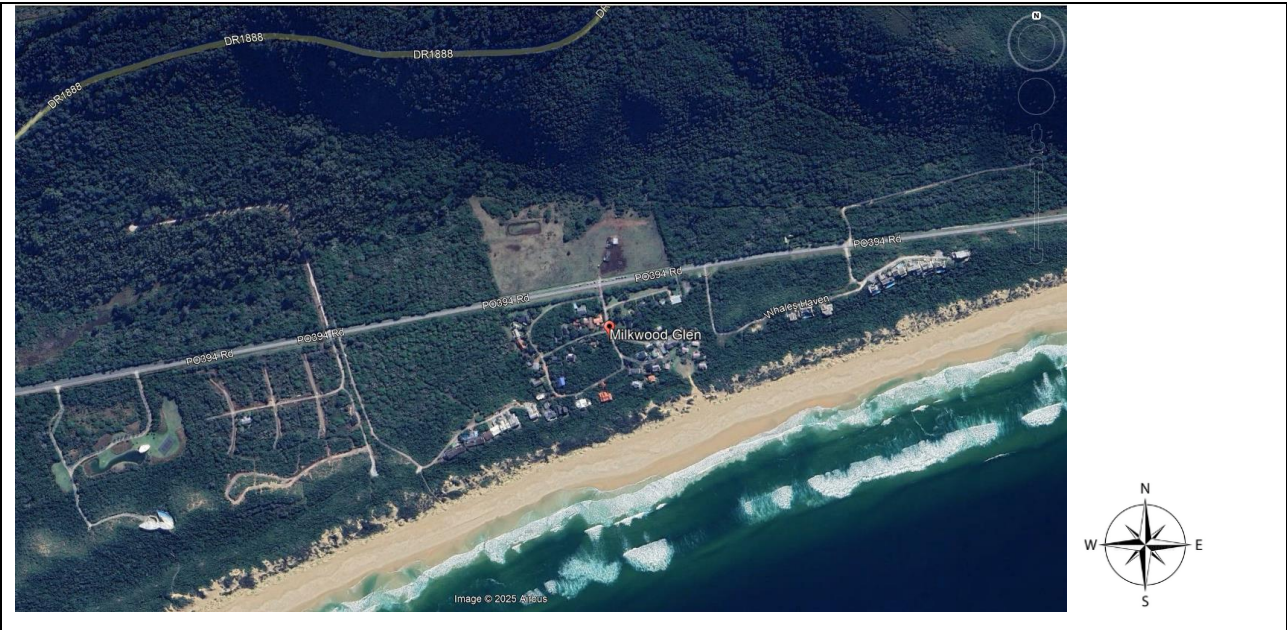


Fig. 14 South Coast (Keurboom Beaches)



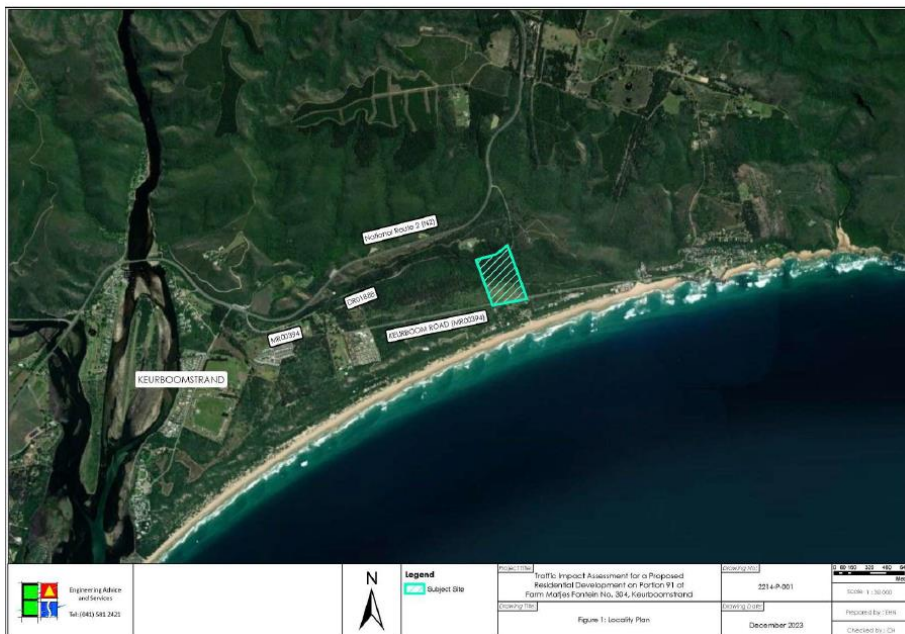
Figure 1: Location of Portion 91 of Farm 304 Matjesfontein.

Fig.15 Source Basic Assessment Report May 2023 Western Cape Government





**Fig. 16 View Keurboom Road West to East**



**Fig. 17 Area View of Location of Portion 91 Farm 304 Plettenberg Bay**



**Fig.18 Portion 91 of 304 Matjes Fontein (development property – west to east)**

*This site is presently used for a horse riding centre and is directly opposite the Milkwood Glen Residential Complex, which consists of about 50 Group Housing erven and communal open space.*

*The development concept includes  $\pm 73^{23}$  group housing stands with average erf sizes of  $\pm 375m^2$ . The houses will vary in size but will be built in a similar style that will create a harmonious development. Ample open spaces and landscaped streets are incorporated into the design to enhance the quality of the neighbourhood.”*

*The property is situated in the Coastal Corridor which is defined by a number of smaller properties located within an approximate 1km offset from the high watermark extending from the Bitou River in the direction of the Keurboomstrand settlement. The Keurboom and Environs Local Area Spatial Plan has identified development nodes for this area. For these nodes, a gross density profile of 12 units per ha of the identified transformed footprint area is proposed. The latter is based on the guideline of 15 units per hectare proposed for smaller rural settlements as contained in the Draft Bitou SDF (2013)<sup>24</sup>.*

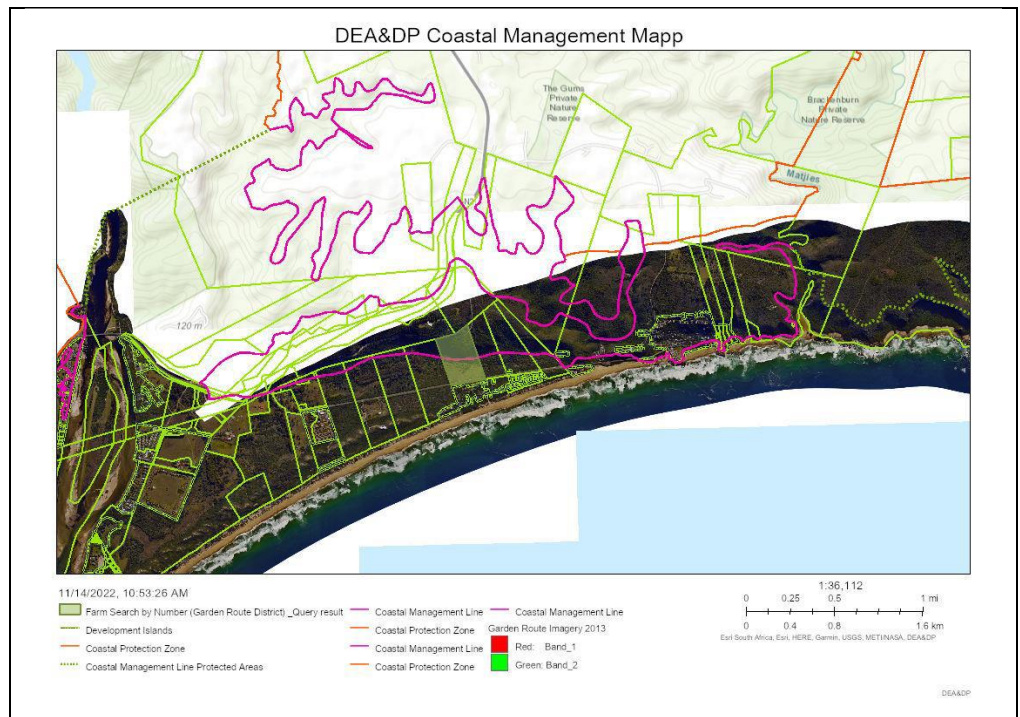
10.1.1 It is likely that, as a result of the development, it would not be unreasonable to anticipate an unneighborly element likely to arise from:

- the style of the dwellings being single or double storey which will most likely impact on the views and privacy currently enjoyed by Milkwood residents. This style of dwelling is yet to be indicated by the architect;
- the environmental impact of the nature of the development had in retaining the ambiance and tranquility of the area;
- The Homeowners' Association's constitution is unknown and one thus questions the following:
  - animal policy – dogs and other animals on site creating a disturbance;
  - social impact e.g., playing of music;
  - light pollution; and
  - impact on wildlife and vegetation.

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<sup>23</sup> This has been reduced to 60 houses

<sup>24</sup> WCG2023 Pg29



**Fig. 19: DEA&DP Coastal Management Lines for the Keurbooms area. Portion 91 of 304 Matjes Fontein is highlighted green. Also see Page 39.**

## 10.2 TRAFFIC AND SITE ACCESS



**Fig. 20 Keurboomstrand Road - No traffic control**



**Fig.21 Entrance to Matjes Fontein Farm 304**

10.2.1 It is noted that: "The site access will be off Keurboomstrand Road MR395. The development will include the following roads:

- Main Access Collector with a width of 5,5m
- Internal Access Roads with a width of 4,5 to 5.05m."



- 10.2.2 The minimum bellmouth radii will be 7.5m. The main access will have standard SABS pre-cast concrete semi mountable on both sides. The internal roads will have edgings on the high side and mountable kerbing on the low side of the crossfall.<sup>25</sup>
- 10.2.3 There is a concern that there may be lacking a thorough investigation into the road (PO395 – Keurboomstrand Road) which services Keurboomstrand Village Area. Being a single lane road, terminating at Keurboomstrand village where vehicle will turnaround in order return the N2 . The alternative exit is a steep and unfavourable gravel road. Hence, there is a there is the anticipated high volume, noise, pollution etc. The development and the existing roadway, not forgetting the additional housing already proposed and this new 60 unit development which is being aimed at the middle class resident (permanent) is going to create numerous problems when even entering and exiting the area. In fact, the entire area is clearly bordering on a change from one that supported tourism in the SPD to another City Residential area,
- 10.2.4 In the case of Milkwood Glen where the rights to a view are imposed and the tranquillity in an environmentally friendly neighbourhood is now resulting in this environmentally friendly and tourism precinct becoming another City Suburb

## 11. INSPECTION – MILKWOOD SECURITY ESTATES



Fig. 22 Milkwood entrance (note no traffic lights) and House Number Display Board

<sup>25</sup> Wcg2023 – page 12 Access

11.1 The property, Milkwood Glen, is located immediately to the south and directly opposite the subject property, which is bisected by the Keurboomstrand Road, off the N2 which passes through Plettenberg Bay.

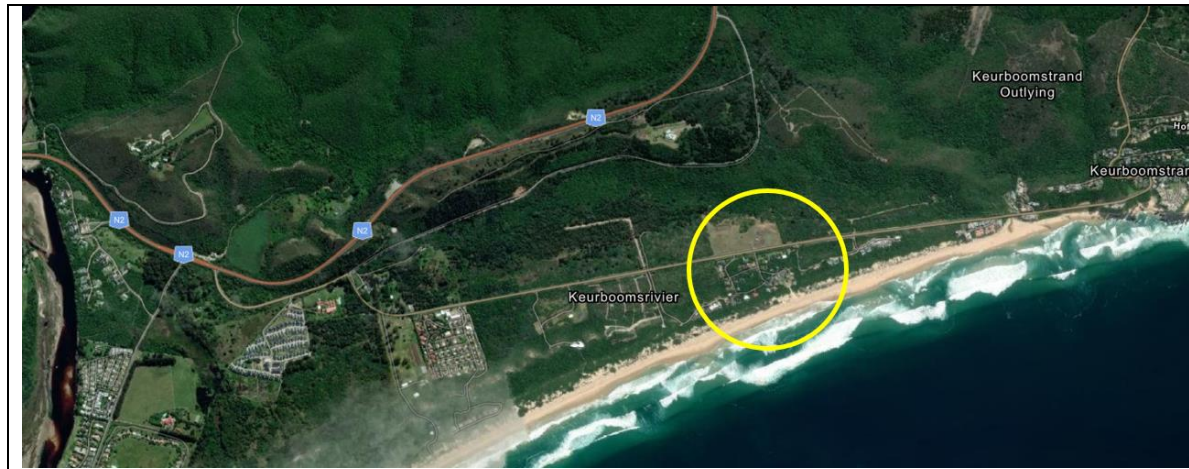


Fig. 23 Milkwood Glen, Keurboomstrand , Plettenberg Bay

11.2 Milkwood Glen is easily accessible off the N2 via Keurboomstrand Road, Keurboom approximately 9km east. No traffic lights control ingress and access (See Fig. 24).



Fig. 24. Milkwood Glen - Internal layout



11.3 The property is located off Keurbooms Road (PO394 Fig. 25) which is a single carriageway. The road is tarred and at times encounters large volumes of traffic. Currently, there is no traffic light serving entrance to either Milkwood Glen or the proposed development . Access to the Development Site has raised concerns in regard thereto.

#### 11.4 Salient Features

- Milkwood Glen is a friendly gated community of 50 erven with mostly rather low key housing nestled amongst mostly indigenous flora dominated by Milkwood, Coastal Guarri, Candlewood and Coastal Camphor trees, most of which grow to about 8 metres, because of wind, poor soils and salty atmosphere.
- An Active Homeowners' Association (HOA) and a constitution with controlled building design.
- Figure 4 shows the vegetated common land and plots that are not built on.
- The HOA encourages the planting of indigenous flora and promote wildlife by not allowing fencing of erven and not allowing domestic animals on the estate (no barking dogs issues). This is the environment portrayed throughout the valley and one can make the assumption that with all the development forecast and the proposed new development, this will change the environment in which they live.
- Lighting is also controlled to protect the night skies from light pollution. Without clearer architectural designs of the New Development being presented, one can gauge how this will influence the current and future lighting and the unwanted changes foreseen by Milkwood Glen
- Noisy activities and the playing of loud music is discouraged and we all are very considerate about this and our individual privacy.
- Most homeowners have bought into Milkwood Glen on the understanding that portion 91/304 opposite would always remain an Agricultural Zone 1.
- Owners have also purchased into the area because of its beauty and sense of peace and natural tranquillity and the recommendations and ethos of the Keurbooms and Environs Local Area Spatial Plan 2013.
- The trees at Milkwood Glen block the views for most of the proposed development site from the ground floor, but not the first floor (refer inspection reports below).
- Milkwood Glen is a small, private, gated community which operates extensively as a homeowners' association.

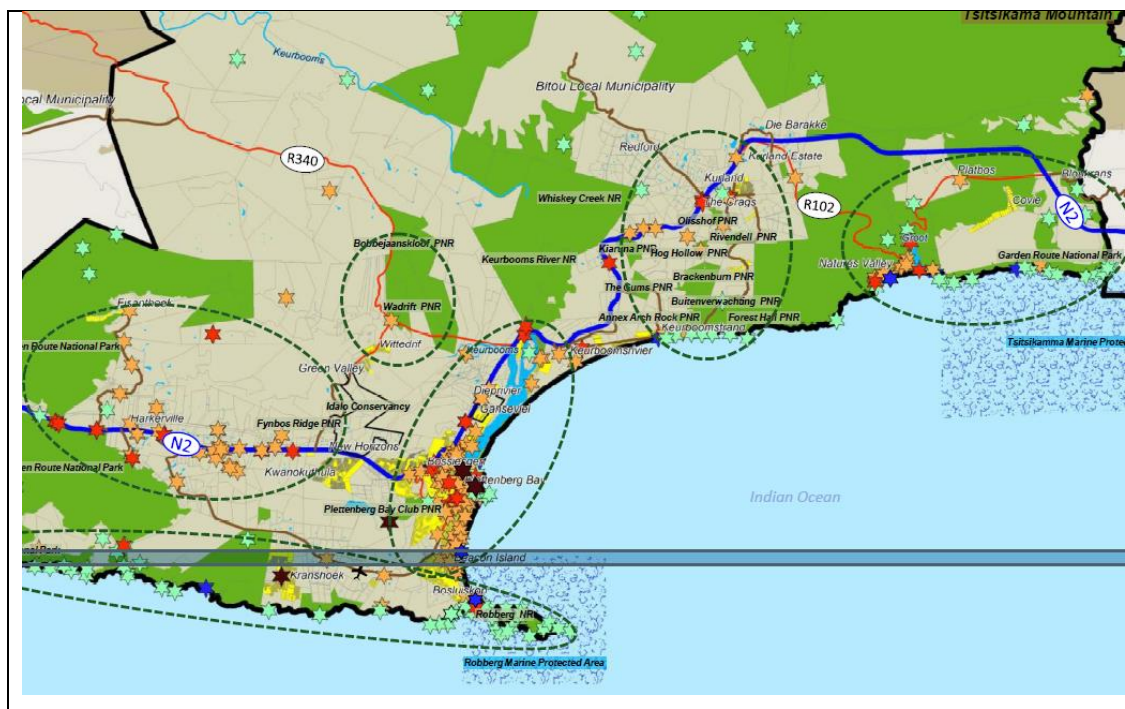


Fig. 25 Extract Bitou Tourism Map (Annexure 6.1)

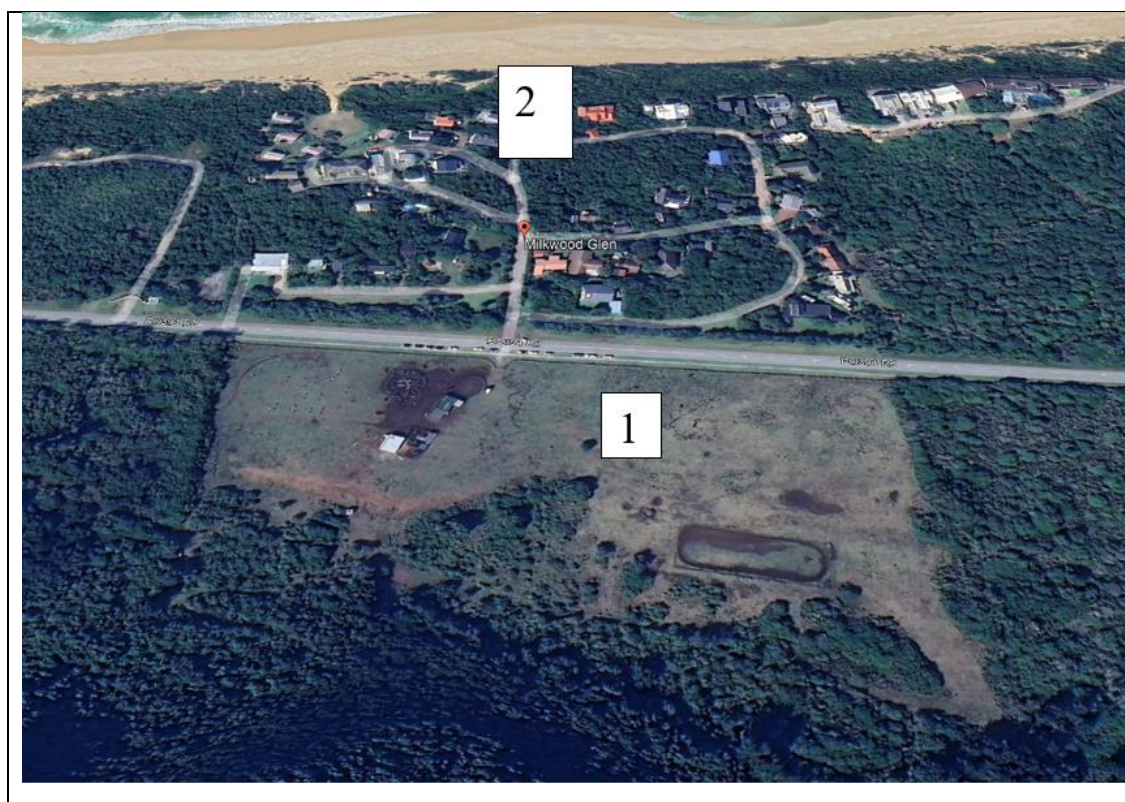


Fig. 26 Aerial view (South to North) with Development Site and Forest (1) Milkwood Glen (2)

## 12. MILKWOOD GLEN HOUSES (“PROPERTIES”)

- (i) Following the inspections carried out on 15 January 2025 of the various properties we were requested to attend on we will randomly refer to these as “Affected Properties”.
- (ii) This relates only to a few properties which we were requested to consider. The inspection conducted would only address the various views as well as possible environmental impact and consider any other factors which may further impact on the market values of Milkwood Glen, as a result of the development on Portion 91 of Farm 304.
- (iii) The inspection does not include addressing the various internal and external finishes.
- (iv) The weather at the time of inspection was overcast in the morning with light showers and began clearing in the early afternoon.

### 12.1 ERF 925 KEURBOOM – 26 MILKWOOD GLEN

**DR FROOTKO**

12.1.1. The subject property is an older residential dwelling which is elevated to the south of Milkwood Glen which is an Eco Village Security Estate (FP1 and FP2).



FP1 Garage located in front of property



FP2 North Façade entrance

- On the ground floor lounge level is a southern view to the (seafront)
- In front of the lounge is a terrace and there is an undisturbed sea view.





FP3 South-facing terrace – sea view

FP4 Front lounge Area opens onto Terrace

- The front section of the downstairs living area includes the kitchen (FP5) and an outside terrace area (FP4). There were no views noticeable in this position.
- Bedroom 1 downstairs predominantly has a southern view of the sea (FP7).
- Alongside bedroom 1 is an outside deck area with Sea View (FP8)



FP5 Kitchen Overlooking Patio

FP6 Patio – North Elevation



FP7 Bedroom 1 downstairs - north view

FP8 Deck area north view

29/01/2025 11:52

<https://d.docs.live.net/468a6468697a7b4c/Documents/Val25/Frootko Dr. Nicky/Report Objection to Land Use Planning 29Jan25.docx>



- There was no view, other than the ground-floor foliage and forest visible from the formal lounge located (FP10) on the ground level, which is north facing
- Downstairs bathroom had no views (FP11)
- No views from Pool and bathing area (FP12)



FP9 – Formal lounge no view



FP10 – View from Lounge Window



FP11 Bathroom east elevation - no views



FP12 Pool and outbuilding east of site

12.1.2 The following was noted from the upstairs living area and terraces:

- Bedroom 1 (FP13.1) had an obstructed, north view (FP13.2);
  - North elevation Wooden Deck there was a distinct view of:-
  - The new development site (FP16)
  - Site view in all directions (FP17/FB18)





P15 North Facing Deck View - Development Site



P16 Deck View of Development Site



FP13 Upstairs Bedroom 1



FP14 View from Bedroom



FP17 North-east view of development site



FP18 Bedroom 2 (Upstairs) has a North and South View



Bedroom 3 has both a south and north view of the development site (FP20), as well as a partial sea view (FP21). The bedroom also had a south view of the shoreline. There was a south sea view – not north sea view (FP24 and FP25).



FP19 View of ground floor from 1<sup>st</sup> floor



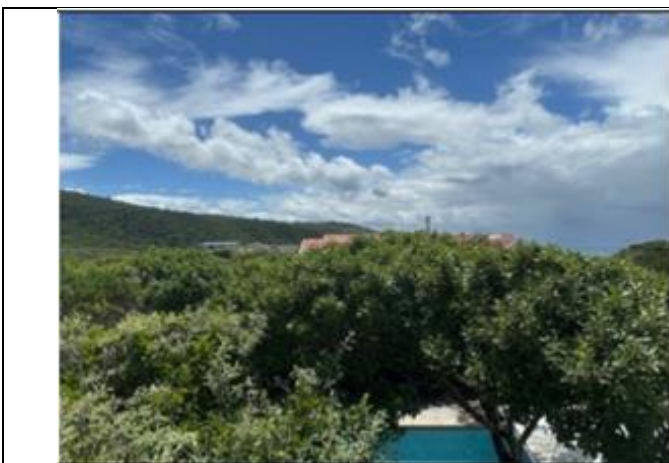
FP20 Bedroom 2 upstairs



FP21 Bedroom 2 North View



FP22 North view – development site Bedroom



FP22 – Easterly Views



FP23 North view - development site



FP25 Lounging area upstairs north sea view  
from Bedroom 3 window



FP26 North sea view from upstairs deck

- Bedroom 4 benefits from a north view (obstructed), as well as a sea view from the t\deck area.(FP25 and FP26)



FP27 Bedroom/workroom north view



FP28 Bedroom South Sea View

12.1.3 The following elevations are noted below (P27 and P28):



EP29 South elevation



EP30 East view





EP31 Pool and east elevation



EP32 North elevation

12.1.4 There was no view from the east elevation on the ground floor, but the hillside was visible from the area in the vicinity of the solar panels in the garden.

## 12.2 ERF 827 KEURBOOM – 38 MILKWOOD GLEN, KEURBOOM – LUCINDA & SAM DUNCAN

The garage is located in front of the raised property..

12.2.1 The following accommodation and views are noted:

12.2.2 On entering the house downstairs, there is a large front north facing porch (DP2,DP3.1 and DP3.2) from which access leads

- directly into the lounge area
- from this porch, the views to the north are obstructed by trees
- The lounge and dining room areas are open plan (DP4 and DP5)
- there are no prominent views located on this level,
- the dining room (P5) has a southern view with stairways leading to the garden.



DP1 Lounge



DP2 Dining room



DP3 Garage



DP4 Front entrance and porch

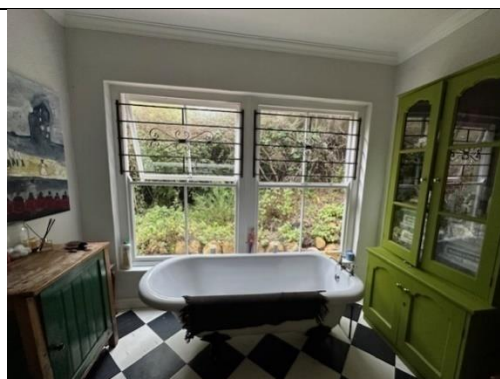


DP5 Front porch



DP6 Front porch

- The bathroom enjoys an easterly view (DP7) not impacted by any development.



DP7 Bathroom – east



DP8 – South View (Garden)



- Bedroom 1 has a north view, but it is not prominent in any way (DP8.1).
- Bedroom 2, which is located at the rear of the house, has a southern view of The garden and foliage (D8.2 and DP8.3).



DPP8.1 Bedroom 1 (North View)



DP8.2 Bedroom 1



DP9 Bedroom 2 rear of house



DP10 South View from Bedroom 2

12.2.3 Upstairs is located on the east elevation above bedrooms 1 and 2. The accommodation comprises of:-

- a playroom which also has access to a timber deck (north elevation), has a north view (DP11 and DP12) and is interleading with a third bedroom.
- a third bedroom. This is used as a children's bedroom (DP15) and has a restricted southern view, as well as an easterly view (DP16 and DP17)



DP11 Playroom and bathroom



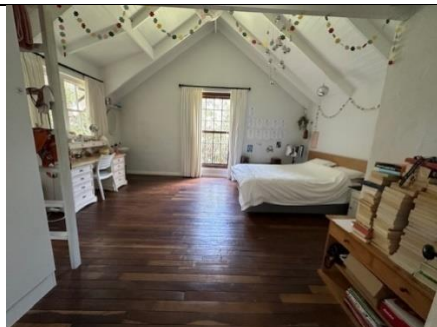
DP12 Playroom – north view



P13 Playroom South



P14 Southern View



DP15 Bedroom 3 – Upstairs  
East Elevation rear of house



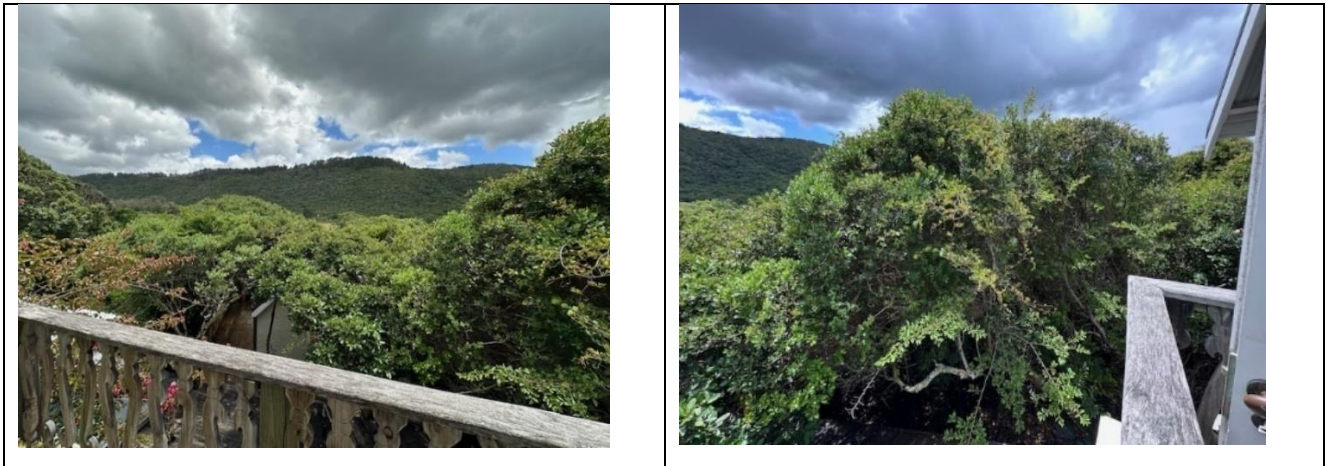
DP16 View bedroom 3 –  
south view restricted



DP17 Bedroom 3 east view  
– restricted

12.2.4 The following photographs were taken from the timber deck off the playroom.





DP14 Prominent North views from Timber Balcony

12.2.5 The following pictures are the elevation pictures of the dwelling.



DP 19 South Elevation



DP20 South elevation



DP21 East Elevation



DP22 North Façade with Terrace





DP 23 North Façade and Swimming pool



DP24 North Façade and Pool



DP 25 West Elevation



DP25 South Elevation

## 12.3 ERF NO 813 KEURBOOM – 47 MILKWOOD GLEN, KEURBOOM - JAMES MUDGE

12.3.1 The subject property comprises of a main dwelling house, as well as a double-storey annex located on the western façade (MP1).



MP 1.1- Milkwood Glen Annex



MP1.2 Main House



12.3.2 The annex comprises of a main bedroom en-suite (MP2.1 and MP2.2). The en-suite comprises a small shower room, basin and WC. The main bedroom commands a majestic view over the valley incorporating the view of the proposed new development (see MP2.2, MP2.3.MP2.4 and MP2.5).



MP2.1 Bedroom en-suite



MP2.2 Small en-suite shower room



MP 2.3 View from Bedroom Window

NO PHOTO



MP2.3 View of development site



MP2.5 North view development site



12.3.2 The main residential building is a single-storey residential building comprising of a large, open-plan area incorporating:

- a combined lounge and dining room;
- a kitchen; and
- the main bedroom 1 (MP8) with en-suite bathroom (MP9) comprising a shower only.



MP8 Main bedroom 1



MP 9 En-suite bathroom

- From the main bedroom to the north is an obstructed view (MP10)



MP10 .Main bedroom view north



MP11 Main bedroom view north

- Above the tree line, portions of the new development site can be noticed (MP9).
- Bedroom 2 has an obstructed southern view (MP12 and MP13).



MP12 Bedroom



MP13 South View

12.3.3 Off the central family area noted above is the main wooden deck which forms portion of the extended lounge area. This deck is the central feature of the house with predominant views of the new development site and the valley and hillside (MP14 & MP 15).



MP14 Front deck main focus area



MP15 View off main deck – north-east

12.3.4 The view is unobstructed and it is these views that add substantial value to the property (MP16).



MP16 Front Deck Main Focus Area  
(North)



MP17 View of Main Deck North East





MP18– View off Main Deck North East



MP19 Main House West Elevation



MP20 Northeast elevation

## 12.4 ERF 837 KEURBOOM – 13A MILKWOOD GLEN - LANCE FAURE

12.4.1 The premises were not accessible on date of inspection.



FP1 South Elevation



F P2 South elevation Wooden veranda





FP3 South Sea View from front elevation



FP4 South elevation sea view



FP5 West elevation, patio and entertainment deck



FP6 Sea view from west elevation (patio)



FP7 West entertainment deck and pool area



FP8 Section of covered area on deck





FP9 Covered Area View of Development Site



FP10 Development area - viewed north from deck



FP11 North elevation and extended deck area



FP12 North View of Development Site off Deck



FP13 View – North East from Entertainment Deck



FP14 North Building Elevation of Main Building





FP14/FP15 East view from Entertainment Deck and north elevation

P15



FP16 West Building Elevation Street Level



FP17 View to West – Obstructed by buildings etc

## 12.5 ERF 835, KUERBOOM (ABALONE HOUSE) 13 MILKWOOD GLEN (PROF & MRS. EULER)

12.5.1 This property is known as Abalone House and is situated approximately midway on the east quadrant of the Milkwood Glen estate.

12.5.2 The following general information is provided in respect of the accommodation and views from the various from the various elevations.



EP1 South elevation



EP2 Annexe – West elevation (no access)

### 12.5.3

The ground level of the property comprises of:

- the first-floor bedroom en-suite which has a north-east view, as well as a side and east side view, which is obstructed from the development site. Bedroom 1 also faces on to the east side wooden enclosure;
- bedroom 2, located on the ground floor, similarly, has views to the north and west of the subject property, but these views are obstructed;
- the entrance hall to the property is the staircase leading to the second and third levels, as well as the downstairs storeroom.



EP3 First-floor bedroom 1



EP3.1 North view facing development site



EP4 North East View Bedroom 2



EP5 Bedroom 1





EP6 Bedroom 1 - Side East View



EP7 Bedroom 1 East View



EP8 Bedroom 2



EP9 Bedroom 2



EP10 Bedroom 2 view to west



EP11 – View to north (obstructed)



EP12 Staircase in entrance hall



EP13 Storeroom - east facing

- Bedroom 3, which is located on the first level, has a virtually undisturbed view of the development site, both from inside the bedroom and the wooden balcony.



EP14 Bedroom 3



EP15 View from bedroom 3 – development site



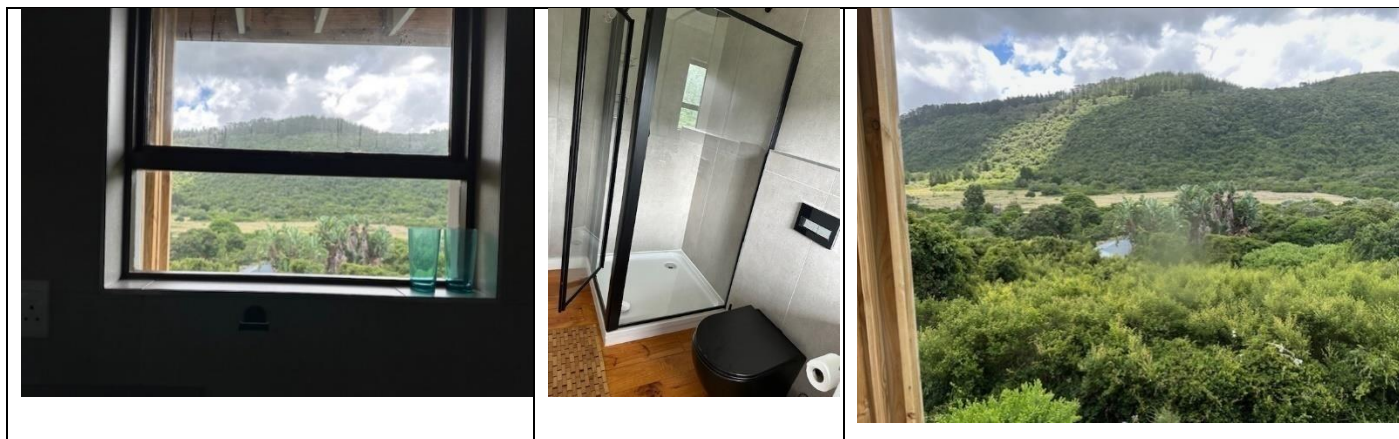
EP16 Bedroom 3 – View north off balcony



EP17 Bedroom 3 - east view



- The view to the east of bedroom 3 comprises mainly of buildings within the Milkwood Estate (EP17). The en-suite bathroom off bedroom 3 also has an undisturbed view of the development site to the north (EP18, EP19 and EP20).

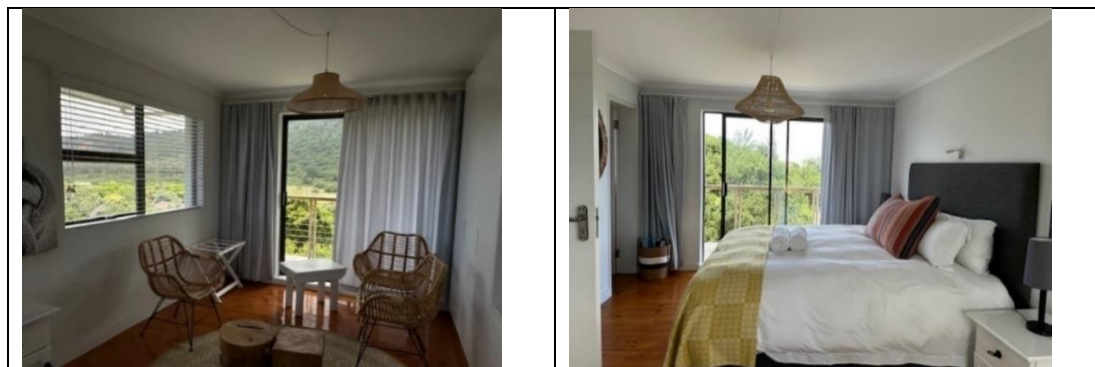


EP18 Bedroom 3 en-suite bathroom

EP19 Bathroom (North View)

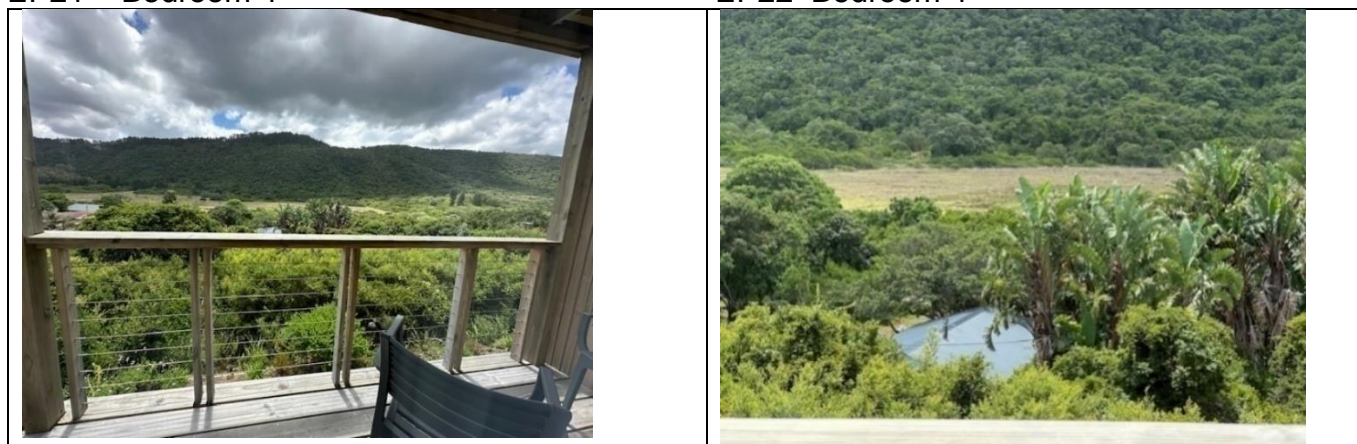
EP20 North views

- Bedroom 4 (EP21 and EP22) has a north view of the development sites (EP23 and EP25). In addition, there is a north-west view of the development site.



EP21 – Bedroom 4

EP22 Bedroom 4



EP23 North view bedroom 4 balcony

EP25 North view of development site

- The third-floor lounging area has panoramic views from most of the windows (EP 27 & EP 28), as well as from the extended wooden deck on the western elevation.



EP27 3<sup>rd</sup>-floor lounge



EP28 3<sup>rd</sup>-floor lounge

- From the balconies that are located in front of the north elevation, there is an undisturbed view of the new development site, as well as a north-east view that is obtained from this position (P29, P30 and P31).



EP29 North view development site off balcony



EP30 North-east view from north elevation





EP31 North view from balcony 3<sup>rd</sup> floor



32 Terrace off West Elevation 3<sup>rd</sup> floor

12.5.4 Off the terrace area, which is located west of the lounge, there are various views.



(EP33 and EP34), including the north view from the terrace area.

- the western view as well as views to the west and south from the covered terrace area, as noted in the photographs below (EP35 and EP36). the view positions, the road separating Milkwood Glen Estate, as well as the development site, are both visible



EP35 West View from Covered Section of Terrace



EP36 South West Section off Terrace Area



EP 37 View from South Terrace



EP38 View of South Terrace





EP37 Terrace north view development site



EP38 North view from terrace

- From the kitchen area (EP40), the views are obtained to both of the east and to the north and north-east, as shown in photographs EP42 and EP43.



EP40 Kitchen with east view (3<sup>rd</sup> floor)



P42 North view of development from kitchen window

12.5.5 The elevations from which the photographs have been taken are detailed below.



EP43 North-east view from kitchen



EP44 East Elevation



EP45 North Elevation

NO PHOTO



EP26 North-west with development site view



EP39 Roadway separating Milkwood and development site



- 12.5.6. Alongside the main building is a double-storey annexe with a garage. There is one bedroom which is south- and east-facing, but access could not be obtained to this section of the property (E P49).

We have not inspected the woodwork, asbestos, steel, cladding or other parts of the structure and we are therefore unable to report that the property is free of rot, rust, beetle, land contamination or other defects. Further reports may be obtained from independent consultants, if required in respect of the structure, electricity, plumbing works, etc.

### 13 FLOODING AND KEURBOOM ESTUARY

13.1 At the outset one should note that in the Western Cape Biodiversity Spatial plan, the Keurbooms and Bitou “Rivers are listed as Critical Biodiversity Areas (estuary and wetland with Keurbooms Estuary being classified as an estuary of high Importance. *Bitou’s wetlands and estuaries provide vital habitat for flora and fauna, as well as critical ecosystem services to the Municipality (and inhabitants of Bitou). Furthermore, their aesthetic and activity value associated with tourism and the tourism economy that drives Plettenberg Bay is extremely significant.*

13.2 The concerns raised regarding flooding are well noted and recorded. This was even acknowledged by the applicant that “minor flooding” could affect the underlying area”. As recorded in the reports on file and noted by the WCG<sup>26</sup> as a concern and acknowledgement of the risks. It was noted as being on the edge of the 1:100 year flood line and the impact that climate change would have.

13.3 It was also stated that “*In reality, the frequency of 100-year flood events is increasing due to climate change, and when coincident with sea-level rise and high tide events, it is not impossible that minor flooding could affect the low-lying area of the property in future. This should be considered in the design and layout of the property, and stormwater management should not further exacerbate the flood risk. To this end, Sustainable Drainage Systems (SuDS) should be fully implemented should the development proceed*<sup>27</sup>.”

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<sup>26</sup> See WCO Basic Assessment Report 2-24 Page 43 of 85

<sup>27</sup> See WCG Basic Assessment Report P43 of 85 –

13.4 Jeanne Muller (Muller24) noted that the concern as well in respect of a portion is proposed to be located below the 5m Mean Sea Level (MSL) and mapped on the edge of the 1:100 year flood line. She concurred that the climatic changes and severity of storms and rising of sea levels, that the development proposals "...are sustainable, environmentally cautious and responsible". Muller24 suggested "...the Bitou Municipality follow the Garden Route Climate Change Adaptation Response Implementation Plan (2024) and **not allow any development on land less than 5,5m above sea-level.**"<sup>28</sup>

13.5 *Estuaries and wetlands in the Bitou area fall within Protected Areas, Critical Biodiversity Areas or Ecological Support Areas. The Eden SDF (2017) states, "the economy is the environment". With this, these areas are considered to be of high value in terms of their ecological infrastructure and they are protected in terms of the following legislation<sup>29</sup> or structures<sup>30</sup>.*

13.6 We have been provided with the following reports:

- Report from Prof. Dennis Hughes -objectors expert on water and flooding;
- Civil Engineer's report from Hugo Ras, ZS2 Consult; and
- Report from The Plett Community Environment Forum. (This is the local NGO that addresses issues relating to non-sustainable development and the protection of Plett natural environment.)

13.7 As a result of the risk of flooding in the Keurbooms estuarine zone, the current setback line for development is 5m above mean sea level. However, the most recent recommendation due to climate change and sea level rise predictions is 5.5m above mean sea level in the coastal zone. Only a few small areas of land on the proposed development site are above 5m. (See detailed contour lines in the various reports objecting to the development.)

13.8 Eckart Schumann report which was referred to by Mudge 24 refers to the major floods of 2007, when there was major loss of property in the Keurbooms estuarine zone.  
(Ref:Mudge24 report)

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<sup>28</sup> See Muller 24 @ Page 7 – Item 2

<sup>29</sup> The National Water Act, 36 of 1998 (NWA); The National Environmental Management Act, 36 of 1998 (NEMA)

The National Environmental Management Act, 36 of 1998 Regulations; The National Environmental Management: Biodiversity Act, 10 of 2004 (NEM: BA)

<sup>30</sup> Bitou SPF Page 14 and 15



- 13.9 There is little doubt that flooding will continue to occur in the Keurbooms Estuarine zone and, with climate change and sea level rising, the flooding will be more frequent and severe.
- 13.10 The last floods were in 2023.
- 13.11 With reference to Prof. Hughes report, he confirms that the proposed development on portion 91/304 will remove much of the “flood retention storage capacity”, on the site and, as a result, this will increase or exacerbate the chance of the low-lying properties on Milkwood Glen to flood placing the properties in the surrounding areas at risk.
- 13.12 Hugo Ras of ZS2 Consult also suggests that the high risk of flooding of new homes on portion 91/304 will make these homes uninsurable. The same would apply to the homes in the low-lying areas of Milkwood Glen.
- 13.13 The Environment Forum report also addresses the flooding, but much emphasis is on the loss of a sense of place and the detrimental effect the development will have on the local environment.
- 13.14 We are instructed that Milkwood Glen property owners bought their properties here, to escape the suburban high-density urban environment and live in a place surrounded by nature and open space. It enhances our feeling of wellbeing.
- 13.15 The proposed development will not only diminish the value of Milkwood Glen properties, but also the residents desire to live there. It will also diminish the desire to visit the area as a guest or tourist.
- 13.16 Flooding risk and the non-insurability of the low-lying properties on Milkwood Glen posed by the development will also diminish their value.
- 13.17 Clear uncertainty remains in this domain but the Seller needs to disclose this to a prospective buyer. The costs of insurance and/or alternative building measures will have a negative impact on the market value and hence, the diminution in value is apparent.

#### 14. **CONSIDERATION AND FINDINGS**

- 14.1 Hence, in its consideration in approving the building plans and at first determining that the building complies with Section 7(1)(a), the local authority **will find disqualifying factors triggered in terms of Section 7(1)(b)(ii).**
- 14.2 In terms of the Constitution of South Africa (1996) it is noted that:-

##### 24. **Environment**

*Everyone has the right—*

*(a) to an environment that is not harmful to their health or wellbeing; and*

*(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that—*

*(i) prevent pollution and ecological degradation;*

*(ii) promote conservation; and*

*(iii) secure ecologically sustainable development and use of natural resources while*

*(iv) promoting justifiable economic and social development.*

14.3 As a broad concept it is generally understood to mean the surroundings within which we live, including the land, water and atmosphere of the earth; plants and animals; the relationships between these natural resources and animals, and the conditions that influence people's health and well-being<sup>31</sup>.

14.4 While the various professionals need to address the various reports tabled, there is underlying dissatisfaction for those property owners at Milkwood Glen.

14.5 The municipality has confidently supported numerous applications for development in this area while the same time, the Plettenberg Ratepayers Association raises the concern about the anticipated problems with the provision of certain sewerage once connected to the municipal water and wastage supply (See Figure 27).

#### **PROBABLE APPROVED DEVELOPMENTS BY BITOU MUNICIPALITY (Fig.27)**

Portion 111 of Farm 304 Matjiesfontein	Application for the construction of a primary dwelling, and associated infrastructure, on Portion 111 of Farm Matjes Fontein No.304, located within the Whales Haven Estate, Keurboomstrand, Plettenberg Bay	
Portion 10 and 192 of the Farm 304,	98 Residential Zone 1 ever (Dwelling-House) 1 Split Zone erf consisting of Residential Zone 1 (Dwelling House) and Open Space III (Private Nature Reserve) 8 Residential Zone 11 erven (Group Housing) 1 Special Zone Erf (Wellness Centre) 1 Business Zone IV erf (164 Storage Units) 10 Open Space Zone III erven ( Private Nature Reserve) 1 Open Space Zone II erf (Private street) 1 Transport Zone II erf (Public Road)	BITOU MUNICIPALITY (WC047) NOTICE NUMBER: 425/2024 Ref 18/10 &192/204 30 October 2024
Portion 9 of Farm 304	See Portion 10 above	

<sup>31</sup> See Introduction to Environmental Law

Portion 12 of the Farm 304	Proposed amended Subdivision Plan of Portion 12 of the Farm Matjiesfontein No.304  62 Residential Zone 3; 2 x Open Space;2 Transport Zones	30-Oct-24  BITOU MUNICIPALITY (WC047) NOTICE NUMBER: 421/2024  WC407 - Notice Number 42/4024
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14.6 Property owners purchased in Milkwood Glen not to live in a City but close to nature.

Whether this be any element :-

- Freedom of movement for “man and beast”;
- No light so as to ensure a night sky is visible
- Building controls regulations within Milkwood Glen
- The retaining life style away from City life
- Reduced traffic and pollution
- Escaping the development of larger residential apartment buildings all being developed within the zoning scheme.

14,7 We are instructed that the owners had always been told that no one could build anything more than one dwelling house, together without an outbuilding and used for residential and agricultural purposes only as noted in the extract below see Figure 28 (See Annexure 1.2):-

2. Not more than one dwelling house, together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on the land except with the written approval of the Controlling Authority as defined in Act No. 21 of 1940, read in conjunction with Act No. 44 of 1948.
3. The land shall be used for residential and agricultural purposes only and no store or place of business or industry whatsoever may be opened or conducted on the land without the written approval of the Controlling Authority as defined in Act No. 21 of 1940, read in conjunction with Act. No. 44 of 1948.
4. No building or any structure whatsoever shall be erected within a distance of 94,46 metres from the centre line of the national road, without the written approval of the Controlling Authority as defined in Act. No. 21 of 1940, read in conjunction with Act No. 44 of 1948.

Fig. 28 See extract from Deed of Transfer T37549/2000 (see Annexure 1.2).

- 14.8 The area in which this Agriculturally zoned property is located and many others that together form the township that has always been considered a tourist area. Its natural beauty, beaches, forest and all that the vegetation and biodiversity has to offer will be impacted on by this development and others.
- 14.9 Keurbooms Road is a fairly narrow road with its scenic view. Milkwood Glen and Keurboom River resort area is some 3,5km away from each other and the Keurbooms River Road is a mere 1,5km from the Dunes Hotel. Currently and even during the holiday period, the road is manageable with no high density compared to high levels of noisy traffic. Its mountain views are currently uninterrupted with a normal sight line.
- 14.10 Considering the above you cannot continue to ignore the impact of some 220 units in the pipeline to be built in this node. This will impact negatively on the entire node as congestion and traffic pollution increase.



- 14.11 There is no public transport or immediate industry/ retail offering in this node excluding the restaurants, there being the intention to provide affordable housing on what is intended to be the last remaining portion of vacant agricultural land.
- When considering all the other properties that are due to be developed including the proposed affordable housing on Portion 91/304, one can question the status of services but not in isolation. If all the developments proceeded simultaneously the municipality must ask themselves as to what the immediate impact would be on the living conditions in the node. This uncertainty will be seen as a negative valuation attribute.
- 14.12 On my inspection of the area, one would generally encounter houses seeking to take advantage of both a north view (Veld/agricultural land) and surrounding indigenous forests as well as south (sea views). Often a view is not visible at all because a house maybe low-lying but views across the green belt are value added attributes, especially those house that are more than a single storey high.
- 14.13 As Milkwood Glen itself has a natural forest growth, this adds to the understanding the importance of the natural views within the environment.
- 14.14 In the case of Milkwood Glen where the rights to a view are imposed and the tranquillity in an environmentally friendly neighbourhood is now resulting in a quiet area becoming another City Suburb. This will impact negatively on the market value of the property brought about by the increase in developments, associated with lack of services and infrastructure and the like e.g. congested roads and no or little communal facilities for residents.
- 14.15 A local authority is obliged by section 7(1)(b)(ii)(aa)(ccc) of the National Building Regulations and Building Standards Act 103 of 1977 ("National Building Act"), which prohibits a local authority to approve building plans if it is satisfied that the proposed building will, *inter alia*, "probably or in fact derogate from the value of adjoining or neighbouring properties"<sup>32</sup>, to refuse the approval of these building plans.<sup>33</sup>

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<sup>32</sup>Section 7(1)(b)(ii)(aa)(ccc) of the National Building Act.

<sup>33</sup> *Clark v Faraday and Another* 2004 (4) SA 564 (C) 572-573. The respondent's husband argued (see point 18 at 572) that since there was no servitude or title deed restriction that regulated the matter, and because any sensible person would have realised that a building (within the limits posed by building regulations) might be constructed in front of her property, the value of the applicants property would not be diminished should the respondent construct the building within the confines of the relevant building regulations. This point was picked up and later decided in *De Kock v Saldanhabaai Munisipaliteit en Andere* (7488/04) [2006] ZAWCHC 56 (28 November 2006) and *Searle v Mossel Bay Municipality and Others* (1237/09) [2009] ZAWCHC 10 (13 February 2009).

- 14.16 The owners in many instances indicated that the enjoyment of the northern views were an inherent element assigned to the uses and enjoyment of their property. Restrictive conditions as will be noted in the attached deed are repetitive and must be of some force and effect.
- 14.17 The restrictions in are generally placed on the use of the land and are separate from the town in planning or land use schemes. This can create a substantive right that would have the effect of retaining an existing view. This supports the anticipation of ongoing rights to use the developable land (See Figure28 above).
- 14.18 Thus, the negative attributes that will arise in terms of the current proposals for rezoning and subdivision will lead to a derogation in value, be a diminution in values found from our observation.

#### 14.19 Conclusion

**We can therefore conclude that the proposed development will probably or, in fact, certainly disfigure the area, will be unsightly and will impact on the environment a neighbourhood, with the affected owners duly raising their valid objections due to ndthe derogation in value of their properties adjoining or neighbouring property**

#### 14.20 Valuation modelling

In considering the impact of the value from land closest to the developable property there is an allocation of approximately 20% equating to the loss of view. In this case, it is noted that ,many houses will seek if available a sea view and/or a forest view. The predominant view can be either north or south (sea view) but could also be east and west views. However, Most houses inspected were all north facing.

Then based on the municipal valuations GV2021 as agreed, the properties are assessed against the value. This is only a temporary valuation to note a probable reduction in value. This can later be amended to a full indivial valuation should the need arise but all that needs to be shown is that there will be a diminution in value and overall derogation. The value will be allocated a percentage .

In a research conducted, the value of views are considered while with general knowledge, one does accept that a view will add value to the property. Each property has various attributes the basics are generally size and location. However, there could be other attributes e.g., the topography, soil quality, shape, ease of access and even vegetation. In residential property, valuing will include aspects such as closeness to shops and schools, transportation including public transport. A green lung or public open area will also be advantageous if the municipality has provided same. These areas will appear in the form of nature trails, wetlands, forests or merely undeveloped land (also known as "veld" khaki Space in Southern Africa). There is an expectation that urban residents do enjoy having views of nearby lakes, rivers, wetlands, mountains, valleys and veld.

Similarly, the research indicates that the value of ocean views have been found were found to increase value of a comparable home by 60% whereas the lowest quality house would be found to add at least 8%. For ocean view of quality levels, the views can vary inversely with distance from the water. A veld provides a green lung to that community. Overseas, our veld is often known as fields or meadows but fields but in contrast, they are usually brown windy and dry and home to indigenous flora and fauna such as proteas. The subject properties benefit all from the natural green valley.

## 15. MARKET VALUE DEFINITION

15.1 Market value as noted in the International Valuation Standards (\*IVS") is defined as<sup>34</sup>:

*"Market value is the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion".*

15.2 As noted by IVS, the definition of *market value must* be applied in accordance with the conceptual framework. We have limited our commentary to Market Value and the "estimated amount", viz. The International Valuation Standards Committee (IVSC) defines the Market Value as "The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and willing seller in an arm's-length transaction after

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<sup>34</sup> International Valuation Standards was published on 31 July 2021, with an effective date of **31 January 2022 (IVS21-22)**

proper marketing wherein the parties had acted knowledgeably, prudently and without compulsion." (Ref. IVSC Standards 20.)

This definition is based on the assumption that both the buyers and sellers (market participants) are fully informed about the property and the state of the market for the type of property and that the property has been exposed in the open market for a reasonable time.

The market value is the estimated exchange price of the asset without regard to the seller's cost of sale or the buyer's costs of purchase and without adjustment for any taxes payable by either party as a direct result of the transaction. The transaction costs would exclude VAT, transfer duty, outstanding taxes and capital gains tax.

## 16. MARKET VALUE - COMMENT

- 16.1 The concept of *market value* presumes a *price* negotiated in an open and competitive market where the *participants* are acting freely. The market for an *asset* could be an international market or a local market. The market could consist of numerous buyers and sellers or could be one characterised by a limited number of market *participants*. The market in which the *asset* is presumed exposed for sale is the one in which the *asset* notionally being exchanged is normally exchanged.
- 16.2 Market value is the estimated exchange price of the asset without regard to the seller's cost of sale or the buyer's costs of purchase and without adjustment for any taxes payable by either party as a direct result of the transaction. The transaction costs would exclude VAT, transfer duty, outstanding taxes and capital gains tax.
- 16.3 The nature and source of the valuation inputs *must* be consistent with the *basis of value*, which in turn *must* have regard to the valuation *purpose*. For example, various approaches and methods *may* be used to arrive at an opinion of *value* providing they use market-derived data. The market approach will, by definition, use market-derived inputs. To indicate *market value* using the income approach this when applied uses the inputs and assumptions that would be adopted by *participants*. To indicate *market value* using the cost approach, the *cost* of an *asset* of equal utility and the appropriate depreciation *should* be determined by analysis of market-based costs and depreciation<sup>35</sup>.

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<sup>35</sup> IVSC Highest and Best Use page 24



16.4. The data available and the circumstances relating to the market for the *asset* being valued *must* determine which valuation method or methods are most relevant and appropriate. If based on appropriately analysed market-derived data, each approach or method used *should* provide an indication of *market value*.

## 17. **ASSUMPTIONS AND SPECIAL ASSUMPTIONS**<sup>36</sup>

### **ASSUMPTION**

The following assumptions were made:

#### **17.1. General Assumptions:**

We assume that:

- 17.1.1 all information supplied by the client is correct;
- 17.1.2 the client will have or will obtain an Occupation Certificate and meets all or any requirements;
- 17.1.3 there are no conditions in the Title Deed that might negatively impact on the valuation; and
- 17.1.4 the zoning and town planning information obtained is correct.

#### **17.2 Special Assumptions:**

- 17.2.1 All building alterations are in accordance with approved building plans.

## 18. **HIGHEST AND BEST USE**

18.1 The *market value* of an *asset* will reflect its highest and best use.

18.2 Highest and best usage is defined as: "The highest and best use is the use of an *asset* that maximises its potential and that is possible, legally permissible and financially feasible. The highest and best use *may* be for continuation of an *asset's* existing use or for some alternative use. This is determined by the use that a market *participant* would have in mind for the *asset* when formulating the *price* that it would be willing to bid".<sup>37</sup>

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<sup>36</sup> Aspects of a valuation (including inputs, assumptions, special assumptions and methods and approaches applied) are considered to be *significant/material* if their application and/or impact on the valuation could reasonably be expected to influence the economic or other decisions of users of the valuation; and judgments about *materiality* are made in light of the overall valuation engagement and are affected by the size or nature of the *subject asset*.

Special assumptions are often used to illustrate the effect of possible changes on the value of an *asset*. They are designated as "special" so as to highlight to a valuation user that the valuation conclusion is contingent upon a change in the current circumstances or that it reflects a view that would not be taken by *participants* generally on the valuation date.

<sup>37</sup> IVSC Standard at page 24

18.3 Although the concept is most frequently applied to non-financial *assets* as many financial *assets* do not have alternative uses, there *may* be circumstances where the highest and best use of financial *assets* needs to be considered.

18.4 The determination of the highest and best use involves consideration of the following:

18.4.1 To establish whether a use is physically possible, regard will be had to what would be considered reasonable by *participants*.

18.4.2 To reflect the requirement to be legally permissible, any legal restrictions on the use of the *asset*, e.g. town planning/zoning designations, need to be taken into account as well as the likelihood that these restrictions will change.

18.4.3 The requirement that the use be financially feasible takes into account whether an alternative use that is physically possible and legally permissible will generate sufficient return to a typical *participant*, after taking into account the *costs* of conversion to that use, over and above the return on the existing use.

18.5 The current usage as a residential is the highest and best usage in terms of the Title Deed restrictions.

## 19. **METHODS OF ASCERTAINING MARKET VALUE**

There are three distinct methods of data analysis that are generally used by valuers in determining the value of a property. Market-based valuation approaches described by the IVSC are referred to as Sales Comparison Approach, Income Approach and Cost Approach.

## 20. **OBJECTION TO PROPOSED RE-ZONING, SUB-DIVISION AND PROPOSED RE-ZONING**

The objections to the application by the Bitou Municipality are being attended to by the offices of Cullinan & Associates (Jenny Muller Town Planners). We are not required to comment on the application.

## 21. **SALES DATA**

### 21.1 **Sales Farm Matjes Fontein**

Matjes Fontein expands over a relatively large area with portions being subdivided.

Key	Registration Division	Farm Name	Farm Number	Portion	Size (m²)	Distance (m)	Sales Date	Sales Price (R)	R/ sqm	Reg. Date
A	KNYSNA RD	MATJES FONTEIN	304	108	1371	433	2024/01/24	2,000,000	1,459	2024/07/09
B	KNYSNA RD	MATJES FONTEIN	304	107	1440	406	2023/02/11	1,500,000	1,042	2023/08/02
C	KNYSNA RD	MATJES FONTEIN	304	111	986	527	2024/03/27	2,200,000	2,231	2024/06/04
D	KNYSNA RD	MATJES FONTEIN	304	129	110000	497	2022/02/01	1,725,000	16	2022/11/10
C	KNYSNA RD	MATJES FONTEIN	304	111	986	527	2021/12/15	1,500,000	1,521	2022/04/01
E	KNYSNA RD	MATJES FONTEIN	304	92	150000	617	2022/02/01	1,500,000	10	2022/11/10
F	KNYSNA RD	MATJES FONTEIN	304	16	120000	751	2022/02/01	1,725,000	14	2022/11/10
G	KNYSNA RD	MATJES FONTEIN	304	158	115	1203	2021/12/07	1,500,000	13,043	2022/11/23

One notes a slow sales tempo.

## 21.2 Location Map of Sales



## 22. CONCLUSION

- 22.1 The properties were viewed and each property was considered on the impact of view, which is normally the general impact, more so within a city environment. But, as noted in note 14.1 is that despite the legal objections that have been made and the lack of information sighted, it is not only the views (natural views) that are an element of the derogation in value. The entire area which the municipality acknowledges as a tourist area and the need to protect our environment is actually being ignored.
- 22.2 We do see the probable transformation from a tranquil area known for its biodiversity, indigenous trees, vegetation and a natural way of life being pushed aside to favour what will in all probability become a normal residential area with the occasional green lung. That was not what many residents had in their mind when they purchased their properties. Now, despite the impact on traffic, animals, frogs, birds, snakes etc. the area changes.
- 22.3 Hence the derogation is across the board be it views, environmental impact, changes to the underlying protected rights as contained in title deeds now merely being wished away. The application also noted by vehicular traffic, additional taxis to cater for public transportation, emanating from over 200 (plus) residential housing units be proceeding with, the demand on facilities will increase.
- 22.4 There is clearly a diminution in value in respect of either of the properties considered but such diminution can only be addressed once all the facts concerning the development are made available. Our projections are likely to increase and will further be influenced by the proposals of the final development.
- 22.5 We record that there will be a decline in value which amounts can only be finalised when all information and confirmation is provided.

PROPERTY	ERF NO	HOUSE		GV2021	COMMENT	ESTIMATED DEREGATION IN VALUE (APPROX)
		NO	NO			
1 Dt Frootko	935	26		R4 940 000	Enjoys North and South Views and well located near beach	Between 20%-25%
2 L K fFaure	837	15a		R3 630 000	Strategic More Prominent South View closer to Keurboomstrand Road	Between 20% - 30%
3 Prof & Mre Euler	835	13		R1 800 000	Strategic More Prominent South View closer to Keurboomstrand Road	Between 20% - 30%
4 Mr & Mrs S Duncan	827	38		R1 120 000	Predominately from upstairs pation	Approximately 20%
5 Mr. James Mudge	813	47		R1 200 000	Very Prominent Deck View; will be impacted as well with the environmental concerns raised	Between 20%-25%

Fig, 27 TABLE OF PROBABLE DEREGARATION OF VALUES



22.6 Clearly, the rezoning and development will cause a derogation in value of the adjoining and neighbouring properties and there is a diminution proved in respect of properties identified as samples within Milkwood Glen.

22.7 **The Local Authority will note that our findings trigger the consideration as contained in Section 7 (1)(b)(ii)(aa)(ccc) and that there will be a derogation in value of adjoining or neighbouring properties. The proposed development will disfigure the area in which it is to be erected and would be unsightly**

**We reserve the right to add this report and amend this report.**

Please be guided accordingly.

Yours faithfully  
**Jerry L Margolius & Associates CC**



**JERRY MARGOLIUS**  
FIVSA; REGISTERED VALUER 2052  
CHARTERED SURVEYOR (MRICS)  
Chartered Valuation Surveyor FIVSA; MRICS; FARB



## CIVIL ENGINEERING REPORT

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### Proposed Development on Portion 91 of Farm 304 Matjes Fontein NOVEMBER 2024

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PREPARED FOR:

XXXXXX

PREPARED BY:



ZS2 CONSULT (Pty) Ltd

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ISSUE & REVISION RECORD

QUALITY APPROVAL

	Capacity	Name	Signature	Date
By Author	Project Manager	Hugo Ras		2024-11-18
Approved by Design Centre Leader	Project Director	Hugo Ras		2024-11-21

REVISION RECORD

Revision Number	Objective	Change	Date
0	Issue to Client	None	2024-11-21

## 1. INTRODUCTION

ZS2 Consult was appointed by **xxxxxx** to comment on the civil engineering aspects of the proposed development on **Portion 91 of Farm 304 Matjes Fontein**, Keurbooms Strand in the Western Cape.

## 2. LOCATION

The property is located at Portion 91 of Farm 304 Matjes Fontein, Keurbooms Strand, at the following coordinates:

Latitude : 34° 0'21.77"S

Longitude : 23°26'12.52"E



**Figure 2A: LOCATION OF PROPERTY**



### 3. BULK WATER SUPPLY

#### 3.1 CURRENT STATUS QUO

It is a known fact that the current Goose Valley / Matjiesfontein / Wittedrift bulk potable water supply system of the Bitou Municipality, that must provide potable water to the proposed development, is currently over its maximum capacity. This system can therefore not provide any potable water to the proposed development. The system must be augmented in the future but due to budget constraints this upgrade is most likely some time away.

#### 3.2 POTABLE WATER DEMAND

A high level estimate without detailed information or drawings of the proposed units are as follows:

- 60 UNITS of 1 or 2 Bedroom Units with a potable water demand of 500 litres / day as per municipal guidelines. That equates to 250 litres / day / person.

Table 1A: Potable water Demand Flows						
Description	Nr Off Unit	Person per Unit	Persons	DEMAND per PERSON	DEMAND	
1/ 2 BEDROOM UNIT	60 units	2 pers	120 per	250 l/day	30000 l/day	30.0 kl/day
Average Water Demand		30000 l/day		1.1	33000 l/day	0.3819 l/s
Maximum Water Demand		33000 l/day		1.4	46200 l/day	0.5347 l/s
Peak Water Demand						0.878 l/s

**Figure 1A: POTABLE WATER DEMAND: TABLE 1A**

The proposed development requires the following potable water supply:

**Average Water Demand:** 33000 litres per day  
**Maximum Water Demand:** 46200 litres per day  
**Peak Water Demand:** 0.878 litres per second

### 3.3 CURRENT POTABLE WATER DEMAND ON BULK LINE

The effect of the additional water demand of the proposed development is calculated as follows:

We counted the existing units in the Keurbooms area, and we roughly estimate that there are currently approximately 450 units that are fed by the Keurbooms bulk water supply line.

Table 1B: Potable water Demand Flows						
Description	Nr Off Unit	Person per Unit	Persons	DEMAND per PERSON	DEMAND	
KEURBOOMS	430 units	2 pers	860 per	250 l/day	215000 l/day	215.0 kl/day
Average Water Demand		215000 l/day		1.1	236500 l/day	2.7373 l/s
Maximum Water Demand		236500 l/day		1.4	331100 l/day	3.8322 l/s
Peak Water Demand						6.296 l/s

**Figure 1B: POTABLE WATER DEMAND: TABLE 1B**

The current demand on the existing Keurbooms bulk water supply line is as follows (based on a high level rough estimate without detailed information):

**Average Water Demand:** 215000 litres per day  
**Maximum Water Demand:** 236500 litres per day  
**Peak Water Demand:** 6.296 litres per second

NEW WATER DEMAND ON BULK KEURBOOMS BULK LINE				
Average Water Demand	0 l/day	1.1	269500 l/day	3.1192 l/s
Maximum Water Demand	269500 l/day	1.4	377300 l/day	4.3669 l/s
Peak Water Demand				7.174 l/s

The nett effect of the additional demand by the proposed development will be as follows:

**269500 litres per day / 236500 litres per day = 14% INCREASE**

**269.5 Kilolitres per day / 236.5 Kilolitres per day = 14% INCREASE**

The existing Keurbooms bulk water supply is currently at full capacity and is therefore clear that the bulk line will not be able to supply the proposed development with potable water.

### 3.4 RAINWATER HARVESTING

The developer states that rainwater harvesting on site will be utilised to accommodate the potable water demand of the proposed development. We calculated the possible amount of water that could be generated by rainwater harvesting. Are calculations are based on theoretical assumptions that only exists in a perfect scenario with no prolonged dry spells and with adequate storage space on site so that no rainwater is wasted during a heavy rain down pour (high rainfall intensity) and that no water is wasted with tanks overflowing. Our calculations are as follows:

RAINWATER HARVESTING					
Annual Rainfall			Period	Roof Area per Unit	Total Water Generated per Period
710	mm	0.71	m	365	days
				150	m2
					106.5 m3
					106500 litres
					litres per day per unit
					292

PORTABLE WATER DEMAND			
60 units	292 litres per day per unit	17507	litres per day total
<b>Average Water Demand</b>	53%	33000	litres per day total
<b>Maximum Water Demand</b>	38%	46200	litres per day total

SHORT FALL OF RAINWATER HARVESTING	
<b>Average Water Demand</b>	47% Short fall
<b>Maximum Water Demand</b>	62% Short fall

Our calculations above indicates that rainwater harvesting will be insufficient to accommodate the potable water demand of the proposed development.

### 3.5 BULK POTABLE WATER CONCLUSION

Firstly, the existing Keurbooms bulk water line do not have capacity to provide potable water to the proposed development.

Secondly, we are concern that the volume of possible generated rainwater harvested water and stored on site will not be adequate to provide the proposed development with sufficient potable water.

Overall, based on the options we are aware of, we are not convinced that there will be sufficient potable water supply to meet the demand required by the proposed development.



## 4. SEWAGE

### 4.1 CURRENT STATUS QUO

The area where the site of the proposed development is located has currently no formal municipal waterborne sewer reticulation system.

### 4.2 SEWAGE DEMAND

We do not have any detailed drawings of the units of the proposed development. We therefore assumed the following parameters for the calculation of the expected sewer load produced by the proposed development:

- 30 of 1 or 2 Bedroom Units with a sewer flow of 500 litres / day as per municipal guidelines
- 30 of 3 Bedroom Units with a sewer flow of 700 litres / day as per municipal guidelines

Refer to Table 2 below for estimates of sewage flows.

- 5.2.3 Where the proposed development has no specific development category description as listed in Table 2, estimation of sewage flows may be arrived at through interpolation between development categories.

Description	Sewage Flow
Residential Units	500 l/d for 1 or 2 bed unit with 200 l/d increments for each additional bedroom.
Offices	300 l/100 m <sup>2</sup> of gross floor area
Guest Houses	200 l/d per bed
Day Schools	40 l/d per pupil
Boarding Schools	120 l/d per pupil
Day Clinics and Police Stations	400 l/100 m <sup>2</sup> of gross floor area
Holiday Resorts	400 l/d per bed
Conference Centres with no beds	400 l/100 m <sup>2</sup> of gross floor area
Conference Centres with beds	400 l/d per bed
Restaurants	50 l/seat per day
Shopping Centres	300 l/100 m <sup>2</sup> of gross floor area
Communal Halls and Churches	50 l/seat per day
Service Stations	400 l/100 m <sup>2</sup> of gross floor area

**Table 2: Guide for Estimation of Sewage Flows for Conservancy Tanks System**

**Figure 2A: SEWAGE DEMAND: TABLE 2**

The Average Dry Weather Flow (ADWF) presented in Table 2A below was calculated using the Guidelines Table 2 above. As per the Municipality Guidelines an allowance of at least 15% stormwater infiltration into the reticulation network was made over and above the estimated sewage flows based on the Municipality Guidelines.

Table 2A: Sewage Flows						
Description	Nr UNITS	Off	Demand (ADWF)	ADWF per UNIT	ADWF	Harmon Peak Factor
1/ 2 BEDROOM UNIT	30	units	3 l/m2	500 l/day	15000 l/day	3.8
3 BEDROOM UNIT	30	units	3 l/m2	700 l/day	21000 l/day	3.8
<b>Total Demand</b>					<b>36000 l/day</b>	<b>136.8 kl/day</b>
						<b>1.58 l/s</b>
Stormwater	15%	of	36000		5400 l/day	
<b>Total Demand</b>					<b>41400 l/day</b>	

**Figure 2B: SEWAGE DEMAND: CALCULATIONS**

## 4.3 CONSERVANCY TANK OPTION

In the event that a conservancy tank option was to be considered for the proposed development, the size was calculated as follows:

The size of such a proposed conservancy tank to be regularly emptied as recommended is determined as per the municipal guidelines with reference to Table 3.

- 5.3.1 As a minimum requirement, conservancy tanks shall be sized to be regularly emptied as recommended in Table 3. Where the proposed emptying frequency is less than the recommended retention period in Table 3, the owner of the premises shall comply with the provisions of Clauses 6.6.5 – 6.6.7 of these guidelines.

Description	Recommended Minimum Retention Period
Single Residential Units	14 days
Multiple Residential Units with less than 10 Units	14 days
Multiple Residential Units with more than 10 units	7 days
Offices	14 days
Guest Houses	14 days
Day Schools	14 days
Boarding Schools	14 days
Day Clinics and Police Stations	14 days
Holiday Resorts	7 days
Conference Centres with no beds	14 days
Conference Centres with beds	7 days
Restaurants	14 days
Shopping Centres	7 days
Communal Halls and Churches	14 days
Service Stations	7 days

**Table 3: Minimum Design Sewage Retention Periods for Conservancy Tanks System**

**Figure 2C: SEWAGE DEMAND: RETENTION PERIODS**

The recommended emptying frequency of the conservancy for a multiple residential unit development with more than 10 units is 7 days.

Conservancy Tank Size	Sewage Load	Interval Requirement	Tank Size Requirement
	41400 l/day	7 days	289800 L

However, the municipal guidelines specifies that an additional capacity of 72 hours (3 days) must be allowed for in the event of unforeseen events.

Conservancy Tank Size	Sewage Load	Interval Requirement	Tank Size Requirement
<b>Size Required as per Table 3 72 hrs Emergency Storage</b>	41400 l/day	7 days	289800 L
	41400 l/day	3 days	124200 L
	<b>Total</b>	<b>10 days</b>	<b>414000 L</b>

The size of a conservancy tank required for the proposed development is thus 414 Kilolitres. This is an enormous amount of raw effluent to be emptied and cart away with trucks every 7 days. Even if we work on a minimum volume of effluent of 36000 l/day x 7 days = 252000 litres, it still appears to impossible for municipal trucks or the trucks of a private service provider to cart away this large amount of effluent every 7 days.

We are thus of the view that a conservancy tank solution is not an option as a solution to the disposal of the generated sewage loads of the proposed development.

#### 4.4 WASTEWATER TREATMENT FACILITY OPTION

We understand that the developer is proposing a wastewater treatment facility (package plants) that will be located on the site to treat the generated sewage flow. The treated “clean” water will then be utilized and disposed on the site by means of irrigation and other.

We do not have any drawings and design specifications of the proposed treatment plant and can therefore not comment. It is important to note that various required specifications must be adhered to by such a wastewater treatment facility (package plants) before it will be approved by the local municipality and other environmental entities.

These requirements for example include the following:

## Process Design

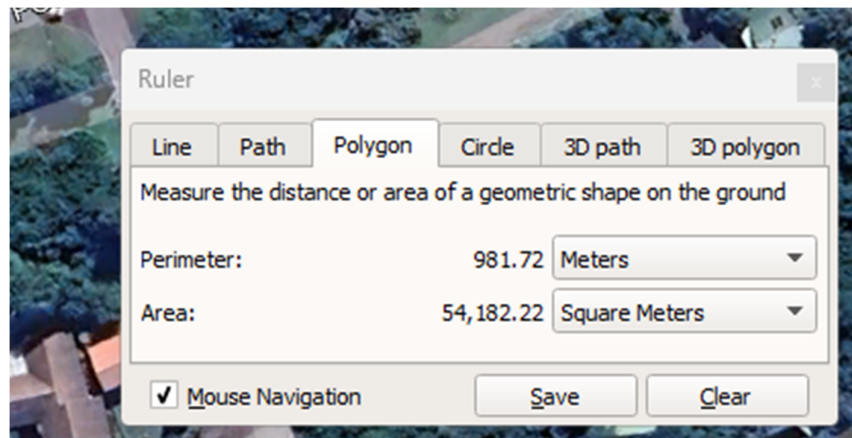
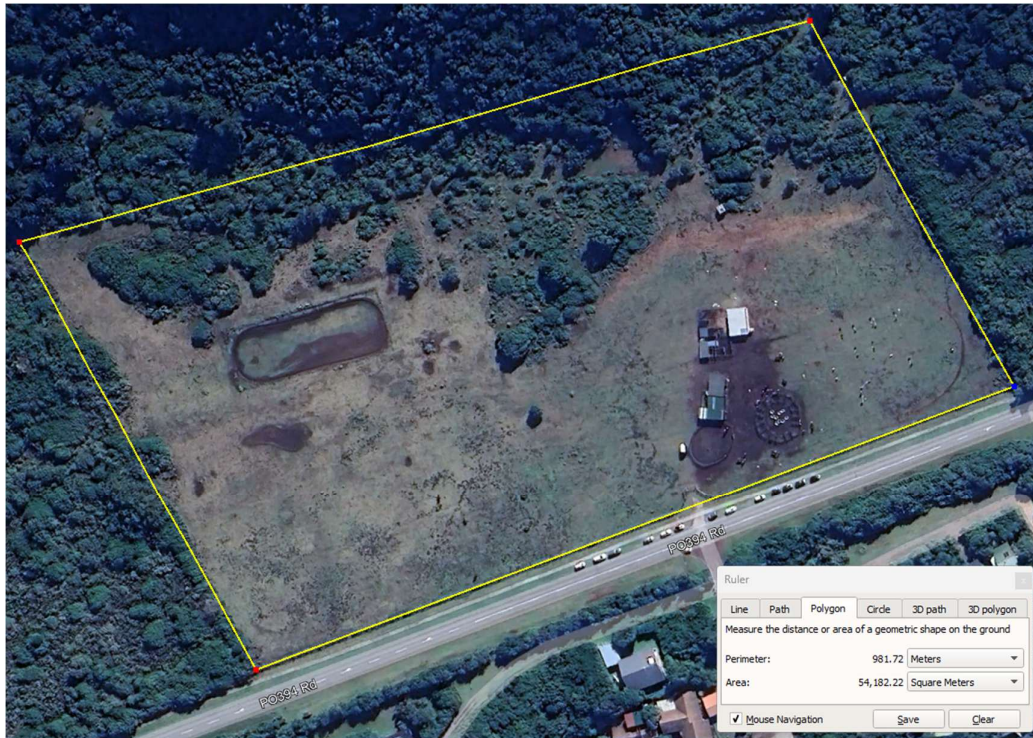
- The Basis for Selection of a Design Flow Capacity (kl/d)
- Volumes of different Phases - anaerobic phase, biological reactor, clarifier,
- Process Configuration Drawings - anaerobic tanks, aerobic tank, clarifier tank, and a disinfection tank.
- Design Information of Reactor volumes design COD of maximum mg/l
- Disinfection Circulation (LPM), Buffer Feed Pump (LPM), and Discharge Pump flow rate (LPM).
- Phosphates Concentration in Feed Average Characteristics May estimate
- For normal municipal wastewater Total Phosphates are usually in the order of approximately 3% of COD,
- Buffer Tank: A buffer tank or septic tank is critical for the aboveground installation as
- Main Objectives of Aerobic Tank to Reduce Ammonia: the main two objectives for provision of aerobic zones in anaerobic/anoxic/aerobic activated sludge reactor systems in both for conversion of Ammonia into nitrates and conversion of carbonaceous matter (COD) into sludge mass. So aerobic zone is for both Ammonia and COD reduction; it is the same reason that the unaerated sludge mass fraction in these types of biological reactors is never allowed to be more than 60% of the total reactor sludge mass in the reactor.
- Clarification Tank Assists with Denitrification: The main purpose of the clarifier tank is to clarify, i.e., settle solids from the mixed liquor. Denitrification is achieved through recycling of a nitrate-rich mixed liquor from the aerobic zone. Recycling from the clarifier is mainly for recycling of sludge back to the beginning of the reactor, for an MLE Process.
- Mixed Liquor Recirculation for Denitrification
- Clarification Reduces Sludge Quantity from the System
- Disinfection Chlorine Contact Tank: Chlorine disinfection requires contact time to allow for killing of pathogens. Literature recommends that at least 30 minutes of contact time after chlorination should be allowed for effective disinfection. Ideally, chlorination should occur as the effluent enters the disinfection tank, not as it leaves the tank.
- Removal of Screenings and Sludge Dewatering: Removal of screenings and periodic removal of waste sludge are important elements of operation of a wastewater treatment system.



- Residual Chlorine (mg/l): The General Standard requires residual chlorine of 0.25 mg/l in final effluent.
- Effluent Discharge to Environment: Consideration of a Package Plant would be motivated within the municipality on the basis that effluent will be reused within the development. Thus, there should be no discharge to the environment. This is a fundamental requirement; otherwise, the current municipal Water Services Bylaw prohibits the department from approving package plants within a reticulated area.

#### Other Operational Related Comments

- Emergency Allowance for No Power Conditions: The design should allow for emergency conditions when there is no power supply. For the aboveground installation it would be ideal to include allowance of emergency storage in the Septic Tank or Buffer Tank. Alternatively, a standby generator should be included. The ideal situation would be to include both, as standby generators fail when they are not maintained properly.
- Bypass Piping and Valve System for Isolation of In-line Screen and Tanks: It would be ideal that bypass piping and valve system is allowed for isolation of in-line screen for maintenance purposes, or the need for isolation or removal of one of the tanks while keeping other tanks on duty.
- Detailed Operation and Maintenance Manual: A typical package plant should be delivered with a detailed Operation and Maintenance Manual that will include the process description, operational parameters (design sludge age, screenings removal, sludge removal and drying, disinfection, effluent re-use, sampling, testing requirements, etc.) as well as mechanical and electrical maintenance requirements. The manual should be sufficiently detailed to be handed over from one process controller to the next without the immediate need for supplier consultation as operational staff is changed.



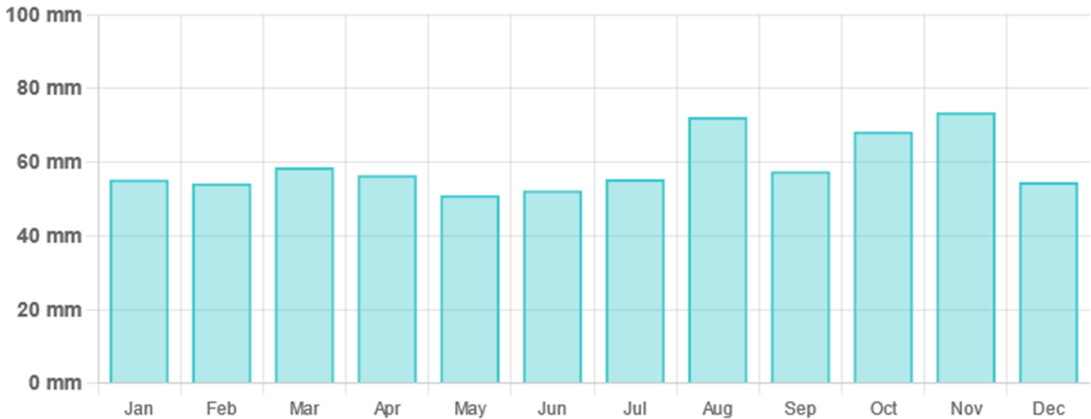
**Figure 2D: SEWAGE DEMAND: LEVEL CLEARED AREA OF PROPOSED DEVELOPMENT**

The developer proposed to dispose of the treated wastewater on site by means of irrigation and other. The volume treated wastewater will be from rough estimated calculations be in the order of 36000 litres per day. Now to put this volume of water in perspective the following:  
 Area of development is approximately 54182 m<sup>2</sup> (level cleared area of site as per Figure 2D).  
 Now irrigation area is assumed to be 30% x 54182 m<sup>2</sup> (70% is buildings and roads and retention ponds and other) equals to 16255 m<sup>2</sup> (irrigation area).

Now 36000 litres per day divided per 16255 m2 equates to 2.215 litres per m2 or 0.002215 m3 per m2. This the equivalent of 2.215 mm of rain per day or 808 mm per year.

**Keurboomstrand Precipitation: Average Monthly Rainfall and Snowfall**

This graph shows the average amount of rainfall per month in Keurboomstrand (Western Cape). The numbers are calculated over a 30-year period to provide a reliable average.



- On average, November is the wettest month with 74 mm of precipitation.
- On average, May is the driest month with 51 mm of precipitation.
- The average amount of annual precipitation is 710 mm.

The treated water generated by the sewer treatment plant is more than double the average 710 mm rainfall for Keurbooms if it compared to the estimated available irrigation area of the development.

**4.5 SEWAGE CONCLUSION**

We are therefore concern that the volume of generated treated water is too excessive to be utilised on the site as per the intention of the developer.

## 5. STORMWATER

### 5.1 SITE TOPOGRAPHY

The stormwater management is problematic on the proposed site. The site has two high points, one very high on the northern boundary (labelled as “HP2”) and another low high point at the southern boundary against the Keurbooms road (labelled as “HP1”). This means that storm water that is generated on the site and on the northern adjacent high lying area is land locked on the site with no natural drainage of the site possible.



**Figure 3A: STORMWATER: ARIAL VIEW OF SITE AND SECTION A-A**



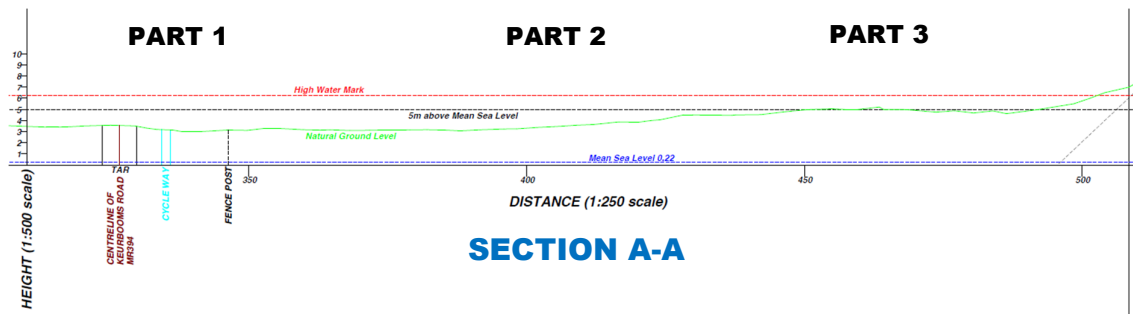


Figure 3B: STORMWATER: SECTION A-A

The land locked site with the trapped stormwater between the high points is illustrated below with the enlarged Section A-A part 1, part 2 and part 3.

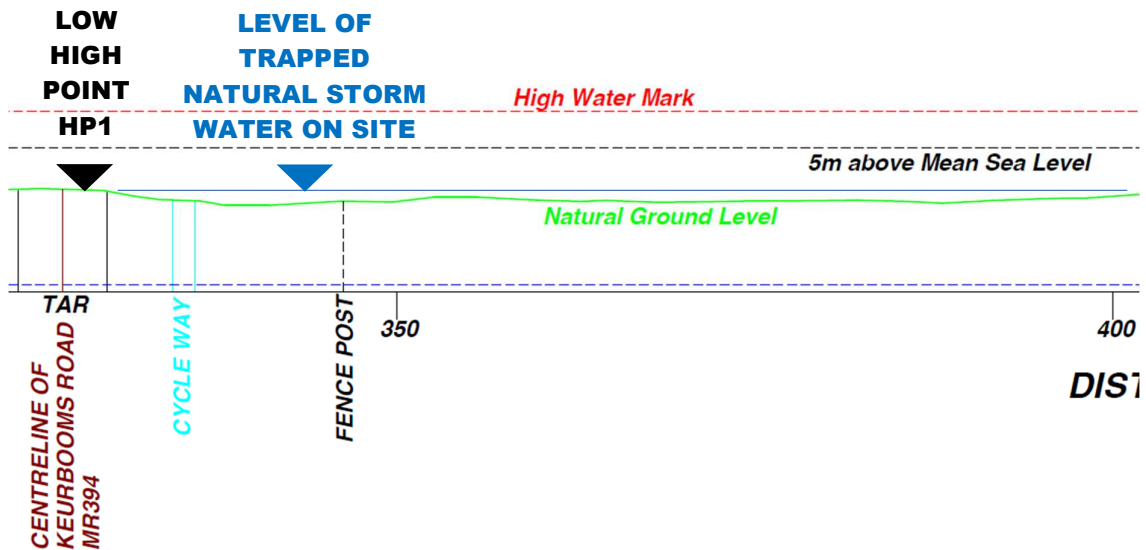


Figure 3C: STORMWATER: PART 1 OF SECTION A-A

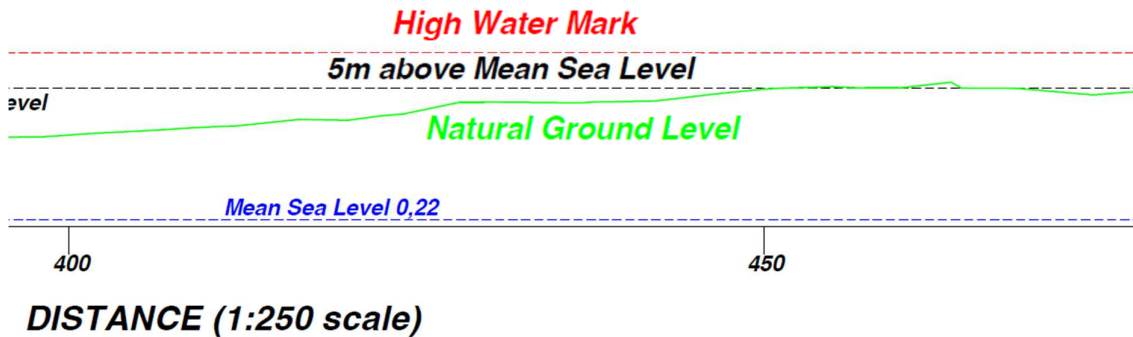


Figure 3D: STORMWATER: PART 2 OF SECTION A-A

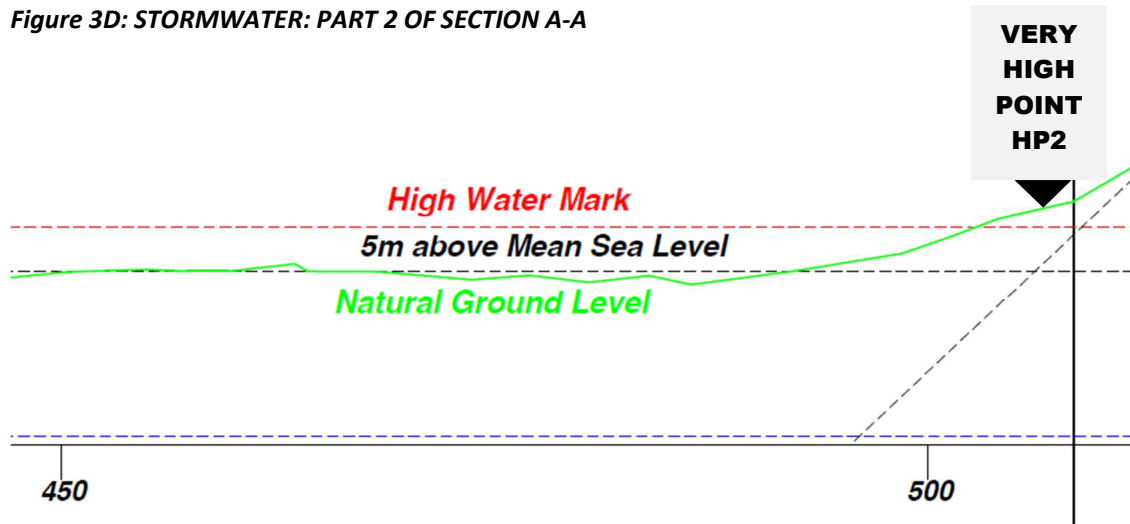


Figure 3E: STORMWATER: PART 3 OF SECTION A-A

The land locked site with the trapped stormwater between the high points is illustrated below with the enlarged Section A-A part 1, part 2 and part 3.

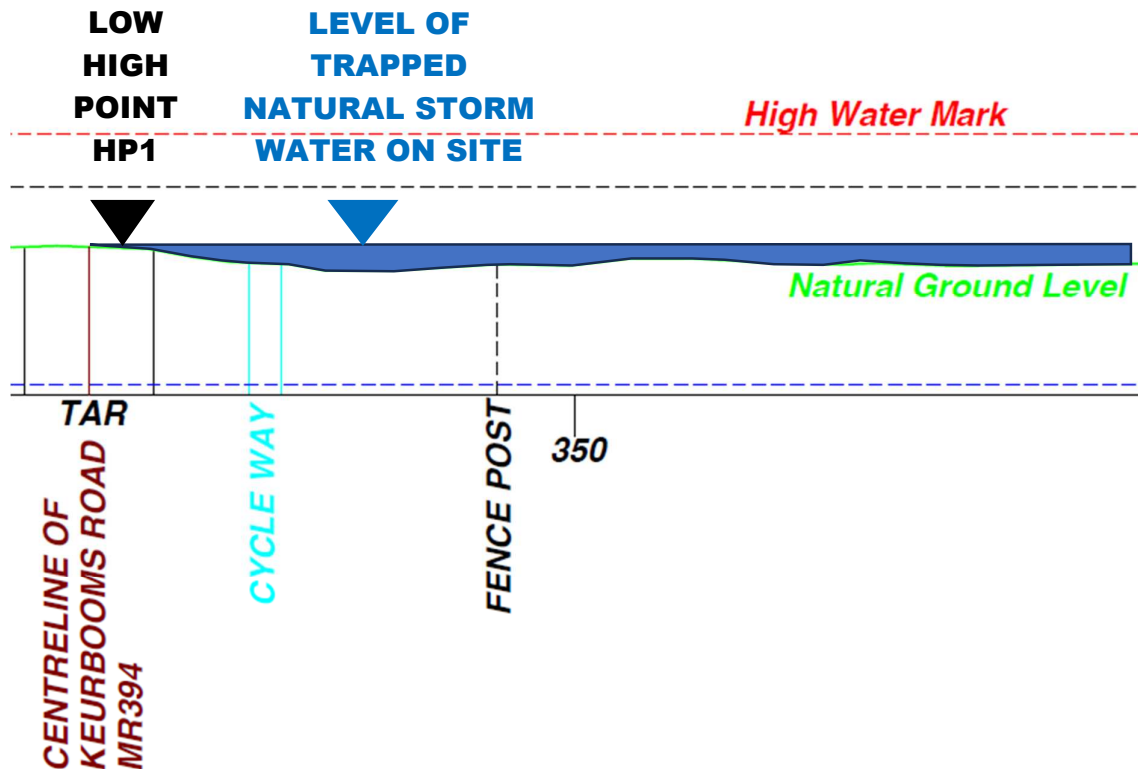


Figure 3F: STORMWATER: PART 1 OF SECTION A-A ENLARGED

## **5.2 FORMAL STORMWATER INFRASTRUCTURE**

There is currently no existing municipal formal infrastructure around the site. Formal stormwater infrastructure would include pipe reticulation system and channels. Therefore, it is currently not possible to discharge the stormwater that will be generated on the site by the proposed development in a nearby system. It is understood that the developer purpose that three retention ponds will be constructed on the site to accommodate all the site generated stormwater.

A retention pond is based on the principal that large stormwater volumes is collected and stored at the of the rain event by these retention ponds and then slowly released into the underlying soil over time. This is a common practice that is utilised these days by property owners to retain and accommodate their generated stormwater on their properties in the case where informal stormwater is not present or where the existing formal infrastructure capacity is not adequate to accommodate the additional flow from a new proposed development.

However, in this case the existing water table is very high due to the low ground levels and nearby estuary. Refer to next paragraph 5.3. We have not seen to date any drawings indicating the proposed location of these ponds on the site, but the ponds will obviously be at the site low points so that stormwater will gravity feed to these ponds.

Unfortunately, the lower the invert level of the ponds, the closer the bottom of the pond will be to the existing high water table level, and it might even be below the existing water table level. This high water table is very problematic for the draining process of the proposed retention pond as the high water table will prevent these ponds from draining and thus defy the objective of the design principal of these ponds. These retention ponds will thus be ineffective.

In our view, because of the reason provided above, the proposed stormwater design of the proposed development is flawed.

### 5.3 HIGH WATER TABLE

The images below show the current existing level of the water table in the area. These measurements indicate that a water table of between 1.5m and 1.8m below natural ground level could be expected on the site of the proposed development. This could be even closer to the natural ground level at the low points on the site of the proposed development.

The high water table on the site of the proposed development will have an impact on the following:

- Effectiveness of the proposed retention ponds
- Design of the foundation system of the top structures (residential units) on the site
- Design of possible swimming pools at the residential units



Ground-water measurements on Portion 14/91 directly opposite the proposed development site, were taken at low-tide during a dry rainfall period and measured between 1.5m and 1.8m below ground level.

Ideally ground-water levels should be measured over a period of a year, under all weather and tide conditions, because the ground-water and the sea are connected at sites such as these in the Coastal Zone, causing levels fluctuate significantly .



**Figure 3G: STORMWATER: HIGH WATER TABLE**



## **5.4 STORMWATER CONCLUSION**

In our view, because of the reasons provided above, the proposed stormwater design of the proposed development is flawed.

## **6. EXECUTIVE SUMMARY**

### **6.1 BULK POTABLE WATER SUPPLY**

We are not convinced that the potable water supply to the proposed development is adequately addressed.

### **6.2 SEWAGE**

We are not convinced that the disposal of the anticipated sewage generated by the proposed development is adequately addressed.

### **6.3 STORMWATER**

We are not convinced that the disposal of the anticipated stormwater generated by the proposed development is adequately addressed.

### **6.4 FLOODING**

The possible flooding of the low-lying site is a major concern. It must be understood that the homeowners will have a problem with homeowner insurance as insurance companies will identify the site as a high risk prone to flooding and could most likely declare the top structures (residential units) on the site as uninsurable.