

Comments and Response Report

PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 1180, KEURBOOMSTRAND, PLETTENBERG BAY

DEA&DP REF: 16/3/3/6/7/1/D1/6/0339/25

Public Participation Process Followed:

Actions undertaken in terms of Regulation 41 of the EIA Regulations, 2014:

(a)	fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -			
(i)	the site where the activity to which the application relates is or is to be undertaken; and		YES	EXEMPTION
(ii)	any alternative site. Only one site		YES	EXEMPTION
(b)	giving written notice, in any manner provided for in section 47D of the NEMA, to –			
(i)	the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;		YES	EXEMPTION
(ii)	owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;		YES	EXEMPTION
(iii)	the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;		YES	EXEMPTION
(iv)	the municipality (Local and District Municipality) which has jurisdiction in the area;		YES	EXEMPTION
(v)	any organ of state having jurisdiction in respect of any aspect of the activity; and		YES	EXEMPTION
(vi)	any other party as required by the competent authority;	N/A	YES	EXEMPTION
(c)	placing an advertisement in -			
(i)	one local newspaper; or		YES	EXEMPTION
(ii)	any official <i>Gazette</i> that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	N/A	YES	EXEMPTION
(d)	placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken.	N/A	YES	EXEMPTION
(e)	using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to— (i) illiteracy; (ii) disability; or (iii) any other disadvantage.	N/A	YES	EXEMPTION

COMMENTS	RESPONSE
COMMENTS RECEIVED IN RESPONSE TO PRE-APPLICATION BASIC ASSESSMENT REPORT DATED NOVEMBER 2025	
STATE DEPARTMENTS	
Department of Environmental Affairs and Development Planning – Dorien Werth – 12 December 2025	
COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT: PROPOSED DEVELOPMENT OF GROUP DWELLING UNITS AND ASSOCIATED INFRASTRUCTURE ON PORTION OF ERF 1236 KEURBOOMSTRAND, BITOU MUNICIPALITY, WESTERN CAPE	
1. The abovementioned document compiled by the appointed Environmental Assessment Practitioner (“EAP”), Mr. Samantha Teeluckdhari (2023/6443), of Eco Route Environmental Consultancy (Pty) Ltd and received by this Directorate on 12 December 2025, refers.	
2. This Directorate has reviewed the undated Draft Basic Assessment Report and provided the following comment: 2.1. The DBAR does not contain all the information outlined in Appendix 1 of GN No. R. 982 of 4 December 2014 (as amended), including the information requested in the previous correspondence/ processes in respect of this matter. The previous correspondence ((Ref: 16/3/3/6/7/1/D1/6/0339/25 dated 06 October 2025).	The document issued was a Pre-Application BAR, not Draft BAR and was dated November 2025. All information requirements previously noted have been addressed in the Draft BAR.
2.2. Description of the Site / Site-Coordinates It is noted from the information provided in the undated Pre-Application Draft Basic Assessment Report (Pre-App DBAR) that limited coordinates were provided. Only start, middle point and end coordinates were provided and singular middle point for the other 5 sites. You are required to include a detailed description for the proposed the development footprint including the site for the activity, site camp(s) and stockpile area(s). Further to the above, this Directorate requires detailed coordinates of the development footprint and the detailed coordinates of the disturbance footprint inclusive of the site, laydown areas, construction camp and stockpile areas.	The development footprint coordinates were provided on page 3 of 73 of the Pre-Application BAR. The coordinates you are referring to are the coordinates for the linear section of the proposed i.e. the access road noted in section 3 of the report: for linear activities or developments . The laydown area, stockpile areas, and the site camp's exact locations have not yet been pinpointed on the site; however, these areas will be restricted to being within the approved development footprint only. Should the Department approve the proposed development the exact location of the mentioned areas will be provided to the Department for approval prior to construction. This condition has been included in the BAR and EMPr. A kml file of the proposed has been attached to the EIA application and will be attached to the Draft BAR appendices.

According to Appendix 1 of the National Environmental Impact Assessment Regulations, 2014, as amended, coordinates of the boundary of the property must be provided; or on land where the property has not been defined (i.e., will be utilised in its entirety) the coordinates within which the activity is to be undertaken. Furthermore, a KMZ / KML file must be provided for the site development plan (SDP), please include the site coordinates in the Basic Assessment Report and MMP as required.

2.3. Applicable Listed Activities

Applicable Listed Activities This Directorate notes that according to the information in the Pre-Application Draft Basic Assessment Report ("Pre-App DBAR") the EAP indicated that an access will be constructed to access the proposed residential dwellings. This access road is proposed to be four (4) meters in width. Based on this information the following listed activities must be applied for:

Environmental Impact Assessment Regulations Listing Notice 3 of 2014
(Government Notice No. R. 985 of 4 December 2014 as amended)

Activity no.: 4

Activity description:

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

i. Western Cape

- (i) *Areas zoned for use as public open space or equivalent zoning;*
- (ii) *Areas outside urban areas:*
 - (aa) *Areas containing indigenous vegetation;*
 - (bb) *Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or*
- (iii) *Inside urban areas:*
 - (aa) *Areas zoned for conservation use; or*
 - (bb) *Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.*

You are reminded that only those activities applied for will be considered for authorisation.

The onus is on the applicant to ensure that the applicable listed activities are assessed as part of the Environmental Impact Assessment ("EIA") process. Should you concur

Thank you. Activity 4 has been included in the EIA application and Draft BAR.

<p>that the above activities are indeed also applicable, you must submit an updated Application Form and ensure that all the applicable activities are assessed in the BAR.</p>	
<p>2.4. Site Development Plan</p> <p>From the information provided to this Directorate the Site Development Plan is noted, however the Site Development Plan attached as Appendix B does not meet the requirements of Appendix A (3) (c), which clearly states the following:</p> <p>“a plan which locates the proposed activity or activities applied for as well as associated structures and infrastructure at an appropriate scale;”.</p> <p>This Directorate requires a Site Development Plan (“SDP”) to be inclusive of the following:</p> <p>(a) Site and property information</p> <p>Property lines with a clear indication of the property boundaries; and Scale including a scale bar.</p> <p>(b) Building and structures Development footprint, along with the proposed disturbance footprint, inclusive of the location aspects e.g. main dwelling, decks, garages and patios etc.</p> <p>(c) Site access and circulation Driveways and entrance; location, dimensions, the main entrance and driveway, along within parking areas.</p> <p>(d) Utilities/services and landscaping environments.</p>	<p>The SDP has been updated to include the list of requirements provided.</p>
<p>2.5. Engineering Services</p> <p>The information indicated that services from the Bitou Municipality will be used for this development proposal.</p>	<p>Please refer to Appendix E16 for confirmation of bulk services from Bitou Municipality.</p>

<p>This Directorate is aware that the Bitou Municipality's bulk infrastructure require certain upgrades. This is also confirmed in the Engineering services report.</p> <p>Please obtain written confirmation for the Bitou Municipality and provide this Directorate with the services confirmation letter from the Bitou Municipality as early as possible in the application process.</p> <p>In addition to the above, it must be demonstrated/confirmed that any of the identified upgrades have already received environmental authorisation; or do not require environmental authorisation. Please be advised that this Department does not support incremental decision-making. Should such a matter arise, this will prejudice the success of the intended application.</p>	
<p>2.6. Specialists Reports</p> <p>It is emphasised that the BAR and supporting specialist studies must comply with the legislated minimum information and reporting requirements. Therefore, all identified specialist studies must be complied with in full.</p> <p>(a) Terrestrial Plant Species Theme</p> <p>The specialist report on the Terrestrial Plant Species Theme does not comply with the protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial plant species.</p>	<p>The Terrestrial Biodiversity Report has been amended.</p>
<p>2.7. National Water Act</p> <p>According to the information submitted to this Directorate it was indicated that the proposal development will not require an application for a Water Use License or the registration of a General Authorisation in terms of the National Water Act, 1998.</p>	<p>BOCMA comment has been received, and no Water Use License is required. Please refer to BOCMA's comment.</p>

<p>Notwithstanding the above, it is strongly advised that the applicability of the National Water Act, 1998 (NWA) to the proposal must urgently be confirmed by Breede Olifants Catchment Management Agency (BOCMA) in writing and the appropriate processes followed to ensure the correct information is included in the BAR. Specific attention must be given to the applicability of the NWA to any of the upgrades that may be required to municipal bulk services infrastructure.</p>	
<p>2.8. Environmental Management Programme</p> <p>The Draft Environmental Management Programme which was submitted with the Draft Basic Assessment report does comply with Appendix 4 of Government Notice No. R. 982 of 4 December 2024, however, please ensure that any additional impacts noted in this undated draft basic assessment report, public participation process, must be included and mitigated in the Final Environmental Management Programme.</p>	<p>Noted. This will be undertaken.</p>
<p>General</p> <p>15. Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.</p>	<p>Noted.</p>
<p>16. Also note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. 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.</p>	<p>Noted.</p>


<p>17. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any new or revised information received.</p>	<p>Noted.</p>
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<p>Department of Environmental Affairs and Development Planning: Biodiversity & Coastal Management – Sibaphiwe Gumede – 19 December 2025</p>	
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<p>RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION BASIC ASSESSMENT PROCESS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 1180, KEURBOOMSTRAND, PLETTENBERG BAY, WESTERN CAPE</p> <p>Your request for comment from the Sub-directorate: Coastal Management pertaining to the notice of the pre-application Basic Assessment Report (BAR) for the above-mentioned application received on 17 November 2025, refers.</p>	
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<p>1. CONTEXT</p> <p>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.”</p> <p>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</p>	<p>Noted.</p>
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<p>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.</p> <p>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 of which over 20 Estuarine Management Plans have already been approved.</p> <p>1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available upon request.</p>	
<p>2 COMMENT</p> <p>2.1. The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:</p> <p>2.1.1. The proposal is to develop two (2) double-storey residential units with a double garage and a shared swimming pool on the eastern portion (referred to as "Erf 1180", previously Erf 155) of Erf 1236. The proposal is to subdivide a portion ($\pm 5000\text{m}^2$) off from Erf 1180, and to</p>	

<p>rezone this portion from "Open Space Zone 2" to "Open Space Zone 3" for "Nature conservation area" to allow for the two dwelling units and a swimming pool. Approximately 2000m² of the 5 000m² subject site is earmarked for development.</p>	
<p>2.1.2. The BAR does not explain the need for the rezoning to from "Open Space Zone 2" to "Open Space Zone 3" for "Nature Conservation Area" in order to allow for the construction of the dwelling units and swimming pool. The limitations or conditions of each zoning is not specified and as such the merits and implications of the application is unclear.</p>	<p>As per extract from the Planning Report pg.13:</p> <div data-bbox="884 363 1904 949" style="border: 1px solid black; padding: 10px;"> <p style="text-align: right;"></p> <p>KEURBOOMSTRAND ERF 1180 (PTN OF ERF 1236) – SPECIALIST PLANNING REPORT FOR NEMA PURPOSES</p> <p>7.2. Proposed Rezoning</p> <p>The rezoning application as submitted was to rezone Portion A of Erf 1180 from "Open Space Zone II" to "Open Space Zone III" for Nature Conservation purposes, in terms of the 2023 Bitou Zoning Scheme Bylaw.</p> <p>7.3. Permanent Departure</p> <p>The Bitou Zoning Scheme Bylaw 2023 prescribes a development parameter that states that One dwelling house is allowed if no dwelling house exists on another portion of the land unit zoned for agriculture purposes or if the full extent of the land unit is zoned Open Space III.</p> <p>In order to allow a second dwelling on Portion A (Nature Conservation Area), an application for a permanent departure is required.</p> </div>
<p>2.1.3. The Keurbooms River Vegetation Sensitivity Analysis study (prepared by Conservation Management Services, dated October 2018, page 3) revealed that the site contains highly sensitive vegetation (disturbed Scrub Forest/former Fynbos and pristine Coastal Scrub Forest) that are threatened vegetation types and the entire area is classified as a Critical Biodiversity Area (Keurbooms Thicket/Forest). The proposed development has high potential to cause irreversible damage to endemic species.</p>	<p>The conservation status of the proposed development area has changed since the compilation of said report. An updated assessment should be read in the Terrestrial Biodiversity Assessment prepared by Jamie Pote, dated 19/.05/2025.</p>
<p>2.1.4. Considering the sensitivity of the vegetation, the Vegetation Sensitivity Analysis should be updated as the 2018 information is outdated (i.e. information older than</p>	<p>As above.</p>

<p>five years old is not reflective of current conditions on the ground).</p>	
<p>2.1.5. The Visual Impact Assessment (prepared by Rain Bull (Pty) Ltd t/a Filia Visual, dated October 2025, page 112) indicated that the Preferred Alternative is more responsive to visual sensitivity parameters than previous development options, but remains non-compliant (therefore impacts remain high and negative). Revision of alternatives must be considered until direct, indirect and cumulative impacts are negligible.</p>	<p>Impact ratings were found to be low-medium. The specialist concluded the following:</p> <p>The visual specialist concludes that while the project cannot inherently meet the municipal preference for absolute "low visual impact" due to its elevated slope, it is acceptable for environmental and land use planning approval on a conditional basis (p. 19). Final authorization requires a mandatory desktop review by a qualified visual specialist at the SDP stage to ensure 100% compliance with the mapped setback lines and landscaping guidelines (p. 19).</p> <p>The SDP was amended to meet the specialist's conditions.</p>
<p>2.1.6. It is noted that , although in close proximity to the sea, the proposed site is elevated and is located inland of the draft Garden Route Coastal Management Line and wave run-up lines as modelled by the Department. However, the SD: CM is concerned that any development of this site will negatively impact the integrity of the slope. Erosion from runoff from inland sources, especially during high rainfall or coastal storm events may be hazardous. The dense vegetation is currently stabilising the slope and removal of any vegetation could exacerbate erosion.</p>	<p>The concern regarding slope stability and erosion has been assessed through a geotechnical investigation, which concluded that the proposed development area is generally stable and suitable for development. The site is underlain by shallow sandstone and shale bedrock, with no evidence of groundwater seepage, significant erosion or major stability problems within the proposed development footprint. The only instability feature identified was a localised tension crack at the edge of the steep southern slope, outside the proposed development area.</p> <p>The geotechnical report recommends setbacks from steep slopes and the implementation of effective stormwater management measures to prevent erosion. These recommendations have informed the site layout and will be incorporated into the development design and EMPr. In addition, vegetation clearance will be limited to the approved development footprint, while large areas of indigenous vegetation will be retained to maintain slope stability and ecological functioning.</p> <p>Accordingly, the proposed development is not expected to negatively affect slope integrity or result in significant erosion impacts.</p>
<p>2.2. Based on the above, the SD:CM does not support the proposed development on a Portion of Erf 1180, Keurboomstrand in Plettenberg Bay.</p>	<p>Noted. Your concerns have been addressed above.</p>
<p>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</p>	<p>Noted.</p>

<p>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.</p>	
<p>4. The SD: CM reserves the right to revise its comments and request further information from you based on any information that may be received.</p>	<p>Noted.</p>
<p>Department: Forestry, Fisheries and the Environment – TF Gwala – 10 December 2025</p>	
<p>Please receive comments from the Branch: Forestry Management, Directorate: Forest Resource Protection in the Department of Forestry, Fisheries and the Environment (DFFE) on the above-mentioned proposed preapplication Draft BAR. Site inspection still to be conducted.</p> <p>The mandate of the Forestry Branch in the Department of Forestry, Fisheries and the Environment (DFFE), as a commenting authority, is to ensure control over developments that affect State forests, natural forests, forest nature reserves and protected trees.</p>	
<p>1.The applicant must assess and quantify the anticipated impacts on the indigenous forests. The National Forests Act of 1998 (as amended) provides the strongest and most comprehensive legislation and mandate for the protection of all natural forests in South Africa. The principles of the Act in Section 3 state clearly that "...natural forests may not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economic, social or environmental benefits".</p>	<p>Noted. The Terrestrial Biodiversity Assessment has addressed impacts.</p>
<p>2. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license. Under section 62 (1) of the NFA any person who contravenes the prohibition of certain acts in relation to trees in natural forests referred to in Section</p>	<p>This will be included as a condition of the BAR and EMPr.</p>

<p>7 (1) is guilty of a second category offence. A person who is guilty of a second category offence may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment. Section 15 of the NFA, prohibits the destruction of protected trees without a license- "No person may cut, damage, destroy or remove any protected tree; or collect, remove, transport, export, purchase, sell donate or in any other manner acquire or dispose of any protected tree....." Anyone contravening this prohibition, is guilty of a first category offence, and can be sentenced to up to 3 years imprisonment, or a fine, or both.</p>	
<p>3. Section 7 of the Act prohibits the cutting, disturbance, destruction or removal of any indigenous living or dead tree in a forest without a licence, while Section 15 places a similar prohibition on protected tree species listed under the Act, some of which are also forest species.</p>	<p>This will be included as a condition of the BAR and EMPr</p>
<p>4. Cutting or disturbing an indigenous tree in a natural forest without a valid Forest Act Licence is a criminal offence and a transgression of the National Forests Act, 1998 (Act No. 84 of 1998) and carries a fine or imprisonment or both.</p>	<p>Noted.</p>
<p>5. Indigenous trees with active bird nests or other significant biodiversity features may not be destroyed without a valid Fauna Permit from the provincial conservation authority, the Western Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform ("DAERL"), if these would be affected.</p>	<p>This will be included as a condition of the BAR and EMPr</p>
<p>DFFE studied the supporting documents for the above-mentioned pre-application Draft BAR and the following points related to Forestry's mandate i.e. the implementation of the NFA are applicable</p> <p>6. According to the information provided: "According to the report: The proposal is to develop 2x group dwelling units on the eastern portion (referred to as "Erf 1180") of Erf</p>	

<p>1236. Approximately 2000m² of the 5 000m² subject site is earmarked for development. The property remains vacant and untransformed. The preferred development proposal entails the construction of two (2) double-storey residential units with double garage and a shared swimming pool.”.</p>	
<p>Forestry has the following comments:</p> <p>i. Forestry has a co-operative governance relationship with various Authorities as well as stakeholders, and thus will take their concerns into consideration if such should arise</p>	<p>Noted.</p>
<p>ii. Forestry request the following:</p> <p>1. That a site inspection be conducted together with Consultant in order to determine whether Forestry's mandate is affected or not</p> <p>2. Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license.</p>	<p>Site visits have been conducted by Ms Melanie Koen. No comments have been received regarding the Environmental Process. A follow-up will be submitted.</p>
<p>iii. Kindly note that this letter is not a NFA licence.</p>	<p>Noted.</p>
<p>iv. Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license.</p>	<p>Noted.</p>
<p>Note: The Department reserves the right to revise the initial comment based on any additional information that may be received</p> <p>Should you wish to correspond further on this matter, quote Reference EIA-WC-GR-0034-2025-26. Enquiries may be</p>	<p>Noted.</p>

<p>directed to Ms. TF Gwala at TGwala@dffe.gov.za, Cell 066 374 7795. N</p>	
<p>Breede-Olifants Catchment Management Agency – R Mphahlele – 1 December 2025</p>	
<p>RE: PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 1180, KEURBOOMSTRAND, PLETTENBERG BAY</p>	
<p>1. The Breede-Olifants Catchment Management Agency (BOCMA) is responsible for implementing and enforcing the National Water Act, 1998 (Act No. 36 of 1998) (NWA). In terms of section 22(1) of the NWA, a person may only undertake a water use listed under section 21 if it is authorised by a licence, allowed under Schedule 1, qualifies as an existing lawful use, or is permissible under a General Authorisation issued in terms of section 39.</p>	<p>Noted.</p>
<p>2. We have assessed the abovementioned pre-application Basic Assessment Report and provide the following comments regarding the applicability of the NWA to the proposed development.</p>	
<p>3. Project scope</p> <ul style="list-style-type: none"> • project entails the establishment of two (2) group housing units and associated ancillary infrastructure on the eastern portion of Erf 1180, Keurboomstrand. The site is vacant and will utilise municipal services. The site is currently vacant, and the development will utilise municipal services. 	
<p>4. Water Use Authorisation Requirements</p> <ul style="list-style-type: none"> • The proposed development does not trigger any of the water uses listed in Section 21 of the NWA that require a water use licence in terms of Section 22. This is based on project not involving the discharge of wastewater into a water resource (Section 21(f)); disposal of waste in a manner which may detrimentally impact a water resource 	<p>Noted. The project will not trigger Section 21 c, e, f, g, h, or i.</p>

<p>(Section 21(g)); irrigation of land with wastewater (Section 21(e)); any activity within or impacting the regulated area of a watercourse (Sections 21(c) and (i)).</p>	
<p>5. Notwithstanding the above, the landowner/developer must ensure the following for the full lifespan of the project:</p> <ul style="list-style-type: none"> • The implementation of sustainable stormwater management. Stormwater runoff from the property must not be contaminated by any on-site activities. • The active control and management of alien invasive plant species. • That all waste generated is disposed of in accordance with all relevant legislation and standards. 	<p>The proponent will be implementing the use of Sustainable Drainage Systems (SuDS) in the design and operation of the activity.</p> <p>Alien Invasive Plant management is included in the BAR and EMPr.</p> <p>Condition included in the BAR and EMPr: The proponent will maintain record-keeping of waste disposal during the construction and operational phase.</p>
<p>6. BOCMA reserves</p> <p>the right to amend these comments or request further information should it be necessary for the protection of water resources.</p>	<p>Noted.</p>
<p>PUBLIC</p>	
<p>Previously submitted comments re-submitted – A & T Millar 99 Paradise Beach Investments Pty Ltd – 30/08/2022</p>	
<p>RE: APPLICATION FOR ENVIRONMENTAL AUTHORIZATION FOR A DEVELOPMENT ON A PORTION OF Erf 155, KEURBOOMSTRAND, PLETTENBERG BAY</p> <p>DEDEA Ref 16/3/3/6/7/1/D1/6/0126/20</p>	
<p>We hereby object in the strongest terms to the granting of Environmental authorisation of the proposed development on a portion of Erf 155 Keurboomstrand for the following reasons.</p>	
<p>1. Destruction of a CBA [Critical biodiversity area]. The consultant and all of the specialists' studies, in the application documentation, acknowledge that Erf 155 is a CBA. "CBA's are terrestrial and aquatic areas which must be safeguarded in their natural or near-natural state</p>	<p>According to the Western Cape Biodiversity Spatial Plan (WCBSP 2022), the site is classified primarily as an Ecological Support Area 1 (ESA 1). Earlier mapping (WCBSP 2017) indicated a Critical Biodiversity Area 1 (CBA 1) edge designation; however, subsequent ground-truthing by Jamie Pote (Pr.Sci.Nat.) confirmed that the footprint occurs within ESA 1—not CBA 1—because the remaining vegetation in the erf represents secondary, partially disturbed dune</p>

because they are critical for conserving biodiversity and maintaining functioning ecosystems."



Furthermore SANBI mapping as well as the KLASP [Keurbooms local area spatial plan] and SANparks documentation, all show that the proposed development as being a Core 1 area within a CBA [Critical Biodiversity Area].

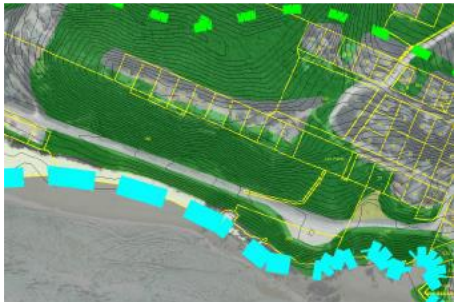
The conclusion, of a previous vegetation study for Erf 155, states:

"This is somewhat of a problem in terms of the development of the study site as it lies within such a CBA area and the objective of proposed residential development is thus contrary to the Biodiversity Sector Plan."

In the Garden Route Biodiversity Sector Plan for George, Knysna and Bitou Municipalities Vromans et al (2010) recommend that the desired management objective for a CBA is to maintain natural land, rehabilitate degraded land to natural or near natural and to manage for no further degradation. They state that land-use should not be approved.

thicket and thicket-forest mosaic that provides connectivity rather than core biodiversity habitat.

The ESA 1 category is defined as land not essential to achieving biodiversity targets, but that supports the ecological functioning of adjacent CBAs and Protected Areas by maintaining natural corridors, hydrological processes, and ecosystem services. The management objective for ESA 1 is to maintain ecological functionality in a near-natural state, allowing for limited, well-mitigated, low-impact development.

<p>Conclusion: Environmental authorisation for the development of Erf 155 Keurboomstrand therefore cannot be granted.</p>	
<p>2. Negative impact on an ecological Green Corridor. Any structures to the immediate North of Provincial Road 394, in the steep forested corridor of Erf 155 would create a "Tunnel Entrance" to Keurbooms Village and impact on its "Sense of place" by destroying the "Green Belt" leading into Keurboomstrand village. The ecological corridor as shown on the KLASP mapping cannot be obstructed</p>  <p>The image is an aerial photograph of a landscape. A prominent green area, representing a forested corridor, runs diagonally from the top-left towards the bottom-right. This corridor is overlaid with a yellow grid pattern. Along the southern edge of this green area, there is a series of cyan-colored rectangular blocks, likely representing a planned development or road layout. The surrounding terrain is a mix of green and brown, indicating a transition from forest to developed or cleared land.</p>	<p>The Terrestrial Biodiversity specialist states the following in his assessment report (Appendix G): <i>"The Dune thicket does provide an ecological corridor. Development of the footprint is unlikely to significantly disrupt this corridor, other than minor displacement during construction."</i></p>
<p>3. Violation of NEMBA Approval of this application would be in violation of a multitude of environmental legislation and regulations, including: National Environmental Management; Biodiversity Act . which needs:</p> <p>a] To provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act b]provide for the protection of species and ecosystems that warrant national protection.</p>	<p>The proposed development has been assessed through the Basic Assessment process, including specialist biodiversity investigations. The findings indicate that, subject to the implementation of recommended avoidance and mitigation measures, the development will not result in unacceptable impacts on protected ecosystems, species, or ecological processes. The proposal has been designed to avoid sensitive areas where possible and is therefore considered consistent with the objectives of the National Environmental Management: Biodiversity Act, 2004, which seeks to conserve biodiversity while enabling sustainable development.</p>



VegMap 2018

4. Non-compliance with SPLUMA Principles:

This application fails to comply with the principles/ out by Spluma which states:

(2) Land use planning is guided by the following principles of spatial sustainability:

(b) the sustained protection of the environment should be ensured by having regard to the following:

- (i) natural habitat, ecological corridors and areas with high biodiversity importance;
- (ii) the provincial heritage and tourism resources;
- (iii) areas unsuitable for development, including flood plains, steep slopes, wetlands and areas with a high water table and landscapes and natural features of cultural significance; and
- (iv) the economic potential of the relevant area or region;

Further under SPLUMA

i]“Consideration of the public interest; ii]Considers the respective rights and obligations of all those potentially affected, primarily the existing residents and property

The proposal has been assessed against the principles of SPLUMA through the Basic Assessment process, specialist studies and planning assessment. The development footprint has been confined, while significant areas of natural vegetation and ecological connectivity will be retained. Potential impacts on biodiversity, visual character, heritage resources and slope stability have been assessed and mitigated. Furthermore, the public participation process has provided affected parties with an opportunity to comment, ensuring that the interests of landowners, residents, authorities and the broader community are considered in the decision-making process.

<p>owners, public and private service providers and the wider community"?</p>	
<p>5. Violation of National Forest Act:</p> <p>This application cannot be approved as it is clearly in violation of the NFA [National Forest Act] which states under Principle 3 3[a]:</p> <p>"Natural forests may not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economics; social or environmental benefits. The term "exceptional circumstance" refers to capital projects of national and provincial strategic importance. According to these criteria, residential development does not comply"</p> <p>The area in question is, without doubt, a forest corridor. and is verified by all of the specialist studies which form part of the application and is clearly shown on mapping, such as the Keurbooms EMF, the Keurbooms Local Area Spatial Plan which was adopted by the Bitou Municipality in 2013 and forms the base of the BSDF.</p> <p>The "Vegetation Study" for Erf 155 submitted in a previous application for the same area, confirms that the area is covered by forest and classifies this as "Southern Afro-temperate Forest" the report states that White Milkwoods are present and Cheesewoods are possible. Whereas the authorities and various studies and mapping show this as "Western Cape Milkwood Forests" which forms a continuous protected corridor, along the south facing "Hard Edge" of the Keurbooms hillside, from the Estuary to Keurbooms village and beyond. Both forest classifications are "Natural forests" as per Notice 167 of 2017 issued by DAFF and listed under VEGMAP CODE FOz 13 and as such under protection.</p> <p>The image below, on the cover page of the application by Eco route, clearly shows the site as being covered in</p>	<p>The presence and extent of natural forest and other sensitive vegetation communities on the site were assessed by suitably qualified specialists as part of the Basic Assessment process. The proposed development footprint has been refined to avoid and minimise impacts on sensitive vegetation and ecological features, and mitigation measures have been incorporated into the project design. Compliance with the National Forests Act and any applicable permitting requirements relating to protected tree species will be addressed through the relevant regulatory processes. The competent authority will consider the specialist findings and legislative requirements when assessing the application.</p>

forest with a strip of Shale fynbos on the southern tip of the site.

RE/155, KEURBOOMSTRAND, PLETTENBERG BAY



Pre-application reference: 16/3/3/6/7/1/D1/6/0126/20

August 2022

The "Vegetation sensitivity analysis" compiled previously by Conservation Management Services for this site,

Their CONCLUSION :

"The study site contains vegetation that can be described as highly sensitive. Both the Shale fynbos and the scrub forest are threatened vegetation types and the entire area is classified as a Critical Biodiversity Area.

6. Would not conform with the KLASP [Keurbooms spatial plan] adopted by the Bitou municipality
The Keurbooms LSDF determines a few "no go" development areas, based on biophysical constraints and "Habitat Mapping and Sensitivity Analysis map units" indicated as:

- below the 1:50 and 100: year floodlines;
- on any slopes with a gradient steeper than 1:4;
- below the 4,5m coastal setback line;
- within the 100m high water mark setback;
- within the Tshokwane Wetland system.

As per the Specialist Planning Report, 2025: "For the purposes of the conceptual siting of nodes as depicted on the proposals plan consideration was given to criteria such as, but not limited to:

- The location of any other existing development on the property so as to enhance the principle of clustering of development;
- Proximity of existing roads both from an access as well potential visual impact consideration;
- Features such as dams and natural drainage systems.

With regard to the proposal to rezone the application area to a nature conservation area, and the development of two dwellings on the disturbed areas on the site, it is the considered

- Map Unit 3: Fynbos
- Map Unit 4: Forest
- Map Unit 5: Dune Thicket/Dune Fynbos Mosaic
- Map Unit 6: Coastal fore dune & seashore

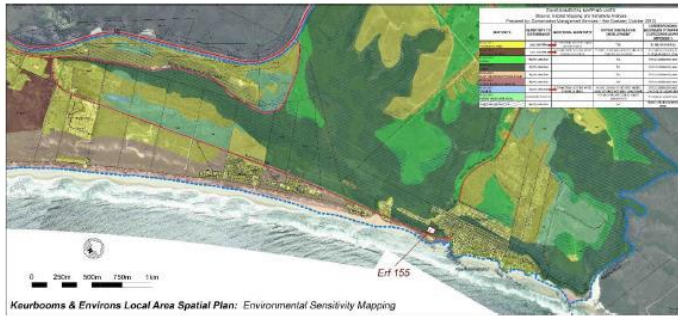
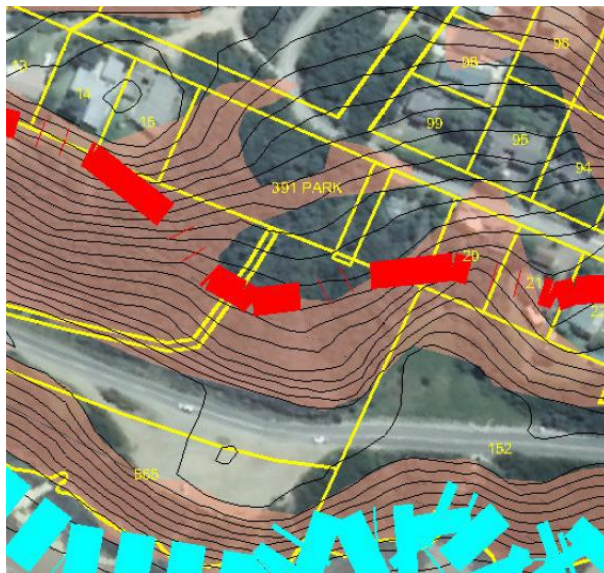


Figure 17: LASP Environmental Sensitivity Mapping (TV3 Architects and Town Planners, 2013)

below A] Forest & corridor, B] Steep slopes & 100m line from HWM.



opinion that the proposal is consistent with the KLASP policy statements, for the following reasons:

- The proposed dwellings are not on steep slopes;
- The proposed dwellings are setback by 30m from the cliff edge
- The proposed dwellings are not below the 4,5m contour coastal setback line;
- The proposed dwellings are not within 100m of the HWM.

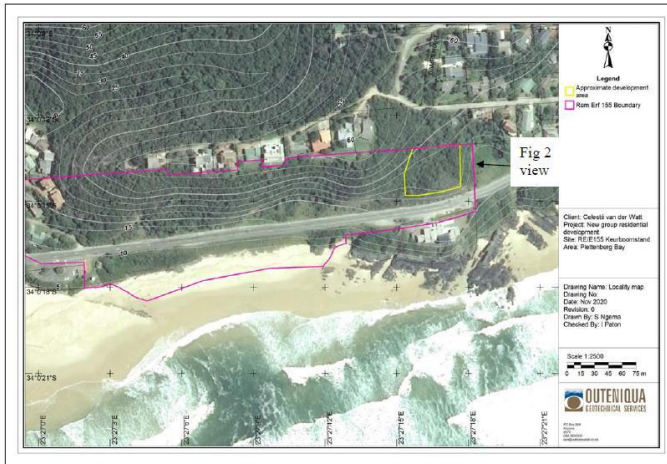
The proposal is therefore considered to be consistent with the KLASP policy statements, and not inconsistent with the KLASP.

<p>7. Non-compliance with the conditions of the Municipal Approval</p> <p>Approval of this application would not comply with the conditions of the Municipal approval 18/151 & 155/KB dated 21 Sept 2011, for the rezoning/subdivision of Erf 155/151 to create 26 individual residential erven for the existing structures. Condition h] the remainder of the property to be managed as a Private nature reserve by the Mare Nostrum HOA. This was a condition requested by the KPOA [Keurbooms Property Owners Association] when submitting comments on the application, and adopted by the municipality.</p>	<p>Please refer to the Specialist Planning Report, 2025 – Appendix G which addresses Town Planning aspect of the proposal.</p>
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8. No Go Alternative not considered

According to the BAR, "NO OTHER PROPERTY OR SITE ALTERNATIVES WERE CONSIDERED ", despite the acknowledged sensitivity of the land. Additionally, the BAR states that "No property or site alternatives have been identified, due to the fact that the applicant is solely interested in developing the identified site ". We find this stance not in the common interest of Keurboomstrand. Erf 155 has 26 residential units on the flatter western portion of the 56,000m² some of which are for sale, so the necessity to develop in a sensitive protected environment is not given. Furthermore properties are available for houses in Keurboomstrand and surrounds.

The map below forms part of the documentation of the proposed development and shows the extent of Erf 155 Mare Nostrum and some of the residential units on the western portion. Also the forested steep slopes.



Please note that the BAR has been revised.

In accordance with the EIA Regulations, reasonable alternatives were considered during the Basic Assessment process, including the no-go alternative and alternative layout configurations. Property alternatives were not assessed as the application relates to the development of a specific privately owned property and the environmental suitability of that site. The availability of other properties within Keurboomstrand does not negate the applicant's right to seek development approval for the subject property. The acceptability of the proposal is therefore based on the findings of the specialist assessments and the extent to which environmental impacts can be avoided, minimised and managed.

9. The Visual impact report by Filia Visuals PTY LTD
Findings

"The sense of place is derived (at a local scale) from the scenic resources of the coastline, which are based on natural features. These include the sandy (blue flag) beaches, rocky promontories, vegetated primary dunes and dune slack areas, and the steep forested foothills that meet the rocky coastline.

The study area and receiving environment can be described as having a strong landscape character and a distinctive sense of place. The local receiving environment is unique and distinctive within the coastal belt, based on both the local townscape character and the value of the natural and scenic resources.

The proposed development will contribute to the erosion of the visual character of the scenic route and the threshold of Keurboomstrand.

The Visual impact report confirms the encroachment of the development on sensitive areas and as such considered unacceptable.

- Inside the 100m Urban Coastal Setback Line;
- On an elevated promontory with an average slope of approximately 1:4;
- Within a Critical Biodiversity Area containing protected tree species;
- Alongside a scenic route;
- Within an area with a recognized special character, sense of place and
- importance in terms of tourism and recreation value;
- Within an area with visually prominent ridgelines or skylines;

Indicators suggesting the need for visual input based on the nature of the proposed project include the following. The project proposes:

The Visual Impact has been reassessed as the proposed development plan was amended. Please see Appendix G for the updated report and findings.

- i. A change in land use from the prevailing use;
- ii. A use that is in conflict with an adopted plan or vision for the area;
- iii. Possible visual intrusion in the landscape.

<p>10. Visual impact on the residents of Keurboomstrand village.</p> <p>It must be noted that the Visual impact report did not take into consideration the significant impact this development would have on the Keurbooms residents living uphill and behind the proposed site. A large portion of the Keurbooms residents enjoy the view of the ocean over the top of this green forest which is on Erf 391 Public Park and Erf 155 Private open space. This is strange as they state in paragraph 5.3.4.</p> <p>Visual Receptors and their Potential Sensitivity</p> <ul style="list-style-type: none"> i. Communities where development results in changes in the landscape setting or valued views enjoyed by the community; ii. Residents and residential properties with views affected by the development. iii. Views from residences and tourist facilities / routes are typically more sensitive since views from these are considered to be frequent and of long duration. 	<p>The Visual Impact has been reassessed as the proposed development plan was amended. Please see Appendix G for the updated report and findings.</p> <p>The VIA states the following: "The proposed development will not obstruct the views of any neighbours, although it is most likely to be visible from neighbouring properties." (Visual Impact Assessment, October 2025)</p>
<p>11. Personal impact</p> <p>We object to the granting of environmental authorisation for this development and refer to our rights which we feel would be violated if the environmental legislation is not adhered to. We as neighbours of Erf 391 and Erf 155 would experience a drastic change of our scenic view across the forest towards Robberg photos below (Figures 5-8).</p>	<p>Thank you for providing comments. They have been taken into consideration, and an amended proposal has been the result.</p> <p>The concerns regarding the protection of the existing natural environment and the potential precedent for future development are acknowledged. The current application has been assessed on its own merits through the Basic Assessment process and informed by specialist studies. The proposed development footprint has been refined to avoid and minimise impacts on sensitive environmental features, and the competent authority will determine the acceptability of the proposal based on the findings of the assessment, applicable legislation and recommended mitigation measures. Approval of this application would not automatically create a right for similar developments elsewhere, as each application must be assessed independently based on its site-specific characteristics, environmental sensitivities, legislative requirements and specialist findings.</p>



Figure 6:View Forest from below



Figure 7: from Blaubankies beach

We would like to note that, when we bought our house on Erf 96, which is our permanent residence, it was with the clear knowledge that the Forest "Green belt" in front of our house is protected by environmental legislation and cannot be developed. Replacing the pristine natural forest with the proposed structures in the face of such environmental legislation, in place to protect such pristine protected environments, would open the door to other developers doing the same which is of grave concern to us as permanent residents of Keurboomstrand.

We reserve the right to submit further comments on the application as information becomes available.

REFERENCE: 16/3/3/6/7/1/D1/6/0339/25
DATE OF ISSUE: 12 December 2025

The Managing Director
Ferpa (Pty) Ltd.
PO Box 35097,
Constantia
MENLOPARK
0102

Attention: Louis van der Watt

E-mail: louis@atterbury.co.za
Cell: 083 263 9901

Dear Sir,

COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT: PROPOSED DEVELOPMENT OF GROUP DWELLING UNITS AND ASSOCIATED INFRASTRUCTURE ON PORTION OF ERF 1236 KEURBOOMSTRAND, BITOU MUNICIPALITY, WESTERN CAPE

1. The abovementioned document compiled by the appointed Environmental Assessment Practitioner ("EAP"), Mr. Samantha Teeluckdhari (2023/6443), of Eco Route Environmental Consultancy (Pty) Ltd and received by this Directorate on 12 December 2025, refers.
2. This Directorate has reviewed the undated Draft Basic Assessment Report and provided the following comment:
 - 2.1. The DBAR does not contain all the information outlined in Appendix 1 of GN No. R. 982 of 4 December 2014 (as amended), including the information requested in the previous correspondence/ processes in respect of this matter. The previous correspondence ((Ref: 16/3/3/6/7/1/D1/6/0339/25 dated 06 October 2025).

2.2. Description of the Site / Site-Coordinates

It is noted from the information provided in the undated Pre-Application Draft Basic Assessment Report (Pre-App DBAR) that limited coordinates were provided. Only start, middle point and end coordinates were provided and singular middle point for the other 5 sites. You are required to include a detailed description for the proposed the development footprint including the site for the activity, site camp(s) and stockpile area(s). Further to the above, this Directorate requires detailed coordinates of the development footprint and the detailed coordinates of the disturbance footprint inclusive of the site, laydown areas, construction camp and stockpile areas.

According to Appendix 1 of the National Environmental Impact Assessment Regulations, 2014, as amended, coordinates of the boundary of the property must be provided; or on land where the

property has not been defined (i.e., will be utilised in its entirety) the coordinates within which the activity is to be undertaken. Furthermore, a KMZ / KML file must be provided for the site development plan (SDP), please include the site coordinates in the Basic Assessment Report and MMP as required.

2.3. Applicable Listed Activities

Applicable Listed Activities This Directorate notes that according to the information in the Pre-Application Draft Basic Assessment Report ("Pre-App DBAR") the EAP indicated that an access will be constructed to access the proposed residential dwellings. This access road is proposed to be four (4) meters in width. Based on this information the following listed activities must be applied for:

Environmental Impact Assessment Regulations Listing Notice 3 of 2014
(Government Notice No. R. 985 of 4 December 2014 as amended)

Activity no.: 4

Activity description:

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

i. Western Cape

- (i) *Areas zoned for use as public open space or equivalent zoning;*
- (ii) *Areas outside urban areas:*
 - (aa) *Areas containing indigenous vegetation;*
 - (bb) *Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or*
- (iii) *Inside urban areas:*
 - (aa) *Areas zoned for conservation use; or*
 - (bb) *Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.*

You are reminded that only those activities applied for will be considered for authorisation.

The onus is on the applicant to ensure that the applicable listed activities are assessed as part of the Environmental Impact Assessment ("EIA") process. Should you concur that the above activities are indeed also applicable, you must submit an updated Application Form and ensure that all the applicable activities are assessed in the BAR.

2.4. Site Development Plan

From the information provided to this Directorate the Site Development Plan is noted, however the Site Development Plan attached as Appendix B does not meet the requirements of Appendix A (3) (c), which clearly states the following:

"a plan which locates the proposed activity or activities applied for as well as associated structures and infrastructure at an appropriate scale;".

This Directorate requires a Site Development Plan ("SDP") to be inclusive of the following:

(a) Site and property information

Property lines with a clear indication of the property boundaries; and

Scale including a scale bar.

(b) Building and structures

Development footprint, along with the proposed disturbance footprint, inclusive of the location aspects e.g. main dwelling, decks, garages and patios etc.

(c) Site access and circulation

Driveways and entrance; location, dimensions, the main entrance and driveway, along within parking areas.

(d) Utilities/services and landscaping environments.

2.5. Engineering Services

The information indicated that services from the Bitou Municipality will be used for this development proposal.

This Directorate is aware that the Bitou Municipality's bulk infrastructure require certain upgrades. This is also confirmed in the Engineering services report.

Please obtain written confirmation for the Bitou Municipality and provide this Directorate with the services confirmation letter from the Bitou Municipality as early as possible in the application process.

In addition to the above, it must be demonstrated/confirmed that any of the identified upgrades have already received environmental authorisation; or do not require environmental authorisation. Please be advised that this Department does not support incremental decision-making. Should such a matter arise, this will prejudice the success of the intended application.

2.6. Specialists Reports

It is emphasised that the BAR and supporting specialist studies must comply with the legislated minimum information and reporting requirements. Therefore, all identified specialist studies must be complied with in full.

(a) *Terrestrial Plant Species Theme*

The specialist report on the Terrestrial Plant Species Theme does not comply with the protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial plant species.

2.7. National Water Act

According to the information submitted to this Directorate it was indicated that the proposal development will not require an application for a Water Use License or the registration of a General Authorisation in terms of the National Water Act, 1998.

Notwithstanding the above, it is strongly advised that the applicability of the National Water Act, 1998 (NWA) to the proposal must urgently be confirmed by Breede Olifants Catchment Management Agency (BOCMA) in writing and the appropriate processes followed to ensure the correct information is included in the BAR. Specific attention must be given to the applicability of the NWA to any of the upgrades that may be required to municipal bulk services infrastructure.

2.8. Environmental Management Programme

The Draft Environmental Management Programme which was submitted with the Draft Basic Assessment report does comply with Appendix 4 of Government Notice No. R. 982 of 4 December 2024, however, please ensure that any additional impacts noted in this undated draft basic assessment report, public participation process, must be included and mitigated in the Final Environmental Management Programme.

General

15. Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.
16. Also note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. 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.
17. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any new or revised information received.

Yours faithfully

pp
Francois Naudé

Digitally signed by Francois Naudé
Date: 2025.12.12 11:17:45 +02'00'

HEAD OF COMPONENT:

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES (REGION 3)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

(reference: 16/3/3/6/7/1/D1/6/0339/25)

Copied to:

EAP: Samantha Teeluckdhari (Eco Route Environmental Consultancy)

Admin: Eco Route Environmental Consultancy

Mr Eugene Schoeman – Landowner: Mare Nostrum (Pty) Ltd.

Ms Anje Minne (Bitou Municipality)

E-mail: samantha@ecoroute.co.za

E-mail: admin@ecoroute.co.za

E-mail: csms@mweb.co.za

E-mail: anje@plett.gov.za

The EAP
Eco Route Environmental Consultancy
PO Box 1252
Sedgefield
6573

Attention: Ms. Samantha Teeluckdhari

Tel: 072 773 5397

E-mail: samantha@ecoroute.co.za

Good day Madam

RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION BASIC ASSESSMENT PROCESS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 1180, KEURBOOMSTRAND, PLETTENBERG BAY, WESTERN CAPE

Your request for comment from the Sub-directorate: Coastal Management pertaining to the notice of the pre-application Basic Assessment Report (BAR) for the above-mentioned application received on 17 November 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 of which over 20 Estuarine Management Plans have already been approved.
- 1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available 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 proposal is to develop two (2) double-storey residential units with a double garage and a shared swimming pool on the eastern portion (referred to as "Erf 1180", previously Erf 155) of Erf 1236. The proposal is to subdivide a portion ($\pm 5000\text{m}^2$) off from Erf 1180, and to rezone this portion from "Open Space Zone 2" to "Open Space Zone 3" for "Nature conservation area" to allow for the two dwelling units and a swimming pool. Approximately 2000m^2 of the $5\ 000\text{m}^2$ subject site is earmarked for development.


- 2.1.2. The BAR does not explain the need for the rezoning to from “Open Space Zone 2” to “Open Space Zone 3” for “Nature Conservation Area” in order to allow for the construction of the dwelling units and swimming pool. The limitations or conditions of each zoning is not specified and as such the merits and implications of the application is unclear.
- 2.1.3. The Keurbooms River Vegetation Sensitivity Analysis study (prepared by Conservation Management Services, dated October 2018, page 3) revealed that the site contains highly sensitive vegetation (disturbed Scrub Forest/former Fynbos and pristine Coastal Scrub Forest) that are threatened vegetation types and the entire area is classified as a Critical Biodiversity Area (Keurbooms Thicket/Forest). The proposed development has high potential to cause irreversible damage to endemic species.
- 2.1.4. Considering the sensitivity of the vegetation, the Vegetation Sensitivity Analysis should be updated as the 2018 information is outdated (i.e. information older than five years old is not reflective of current conditions on the ground).
- 2.1.5. The Visual Impact Assessment (prepared by Rain Bull (Pty) Ltd t/a Filia Visual, dated October 2025, page 112) indicated that the Preferred Alternative is more responsive to visual sensitivity parameters than previous development options, but remains non-compliant (therefore impacts remain high and negative). Revision of alternatives must be considered until direct, indirect and cumulative impacts are negligible.
- 2.1.6. It is noted that , although in close proximity to the sea, the proposed site is elevated and is located inland of the draft Garden Route Coastal Management Line and wave run-up lines as modelled by the Department. However, the SD: CM is concerned that any development of this site will negatively impact the integrity of the slope. Erosion from runoff from inland sources, especially during high rainfall or coastal storm events may be hazardous. The dense vegetation is currently stabilising the slope and removal of any vegetation could exacerbate erosion.
- 2.2. Based on the above, the SD:CM does not support the proposed development on a Portion of Erf 1180, Keurboomstrand in Plettenberg Bay.
3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: “...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such

pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..." together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.

4. The SD: CM reserves the right to revise its comments and request further information from you based on any information that may be received.

Yours faithfully

**leptieshaam
Bekko**

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Bekko
Date: 2025.12.19 12:23:44 +02'00'

**leptieshaam Bekko
CONTROL ENVIRONMENTAL OFFICER
DIRECTORATE: BIODIVERSITY AND COASTAL MANAGEMENT
DATE: 19 December 2025**



forestry, fisheries & the environment

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

Demar Centre, Main Road, Knysna, WC, Contact Number: 066 374 7795
Enquiries: TF Gwala, E-mail: TGwala@dfpe.gov.za

EIA-WC-GR-0034-2025-26

RE: COMMENT ON PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (BAR) FOR A PORTION OF ERF 1180, KEURBOOMSTRAND

DATE: 10 December 2025

Eco Route
Attention: Ms. Samantha Teeluchdari
Email: samantha@ecoroute.co.za
Cell/ Tel: -

Dear Sir/ Madam

I refer to your e-mail notification of 17 November 2025 with documents.

Please receive comments from the Branch: Forestry Management, Directorate: Forest Resource Protection in the Department of Forestry, Fisheries and the Environment (DFPE) on the above-mentioned proposed pre-application Draft BAR. Site inspection still to be conducted.

The mandate of the Forestry Branch in the Department of Forestry, Fisheries and the Environment (DFPE), as a commenting authority, is to ensure control over developments that affect State forests, natural forests, forest nature reserves and protected trees.

1. The applicant must assess and quantify the anticipated impacts on the indigenous forests. The National Forests Act of 1998 (as amended) provides the strongest and most comprehensive legislation and mandate for the protection of all natural forests in South Africa. The principles of the Act in Section 3 state clearly that "...natural forests may not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economic, social or environmental benefits".

2. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license. Under section 62 (1) of the NFA any person who contravenes the prohibition of certain acts in relation to trees in natural forests referred to in Section 7 (1) is guilty of a second category offence. A person who is guilty of a second category offence may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment. Section 15 of the NFA, prohibits the destruction of protected trees without a license- "No person may cut, damage, destroy or remove any protected tree; or collect, remove, transport, export, purchase, sell donate or in any other manner acquire or dispose of any protected tree....." Anyone contravening this prohibition, is guilty of a first category offence, and can be sentenced to up to 3 years imprisonment, or a fine, or both.

3. Section 7 of the Act prohibits the cutting, disturbance, destruction or removal of any indigenous living or dead tree in a forest without a licence, while Section 15 places a similar prohibition on protected tree species listed under the Act, some of which are also forest species.



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.

4. Cutting or disturbing an indigenous tree in a natural forest without a valid Forest Act Licence is a criminal offence and a transgression of the National Forests Act, 1998 (Act No. 84 of 1998) and carries a fine or imprisonment or both.

5. Indigenous trees with active bird nests or other significant biodiversity features may not be destroyed without a valid Fauna Permit from the provincial conservation authority, the Western Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform ("DAERL"), if these would be affected.

DFFE studied the supporting documents for the above-mentioned pre-application Draft BAR and the following points related to Forestry's mandate i.e. the implementation of the NFA are applicable

6. According to the information provided: "According to the report: The proposal is to develop 2x group dwelling units on the eastern portion (referred to as "Erf 1180") of Erf 1236. Approximately 2000m² of the 5 000m² subject site is earmarked for development. The property remains vacant and untransformed. The preferred development proposal entails the construction of two (2) double-storey residential units with double garage and a shared swimming pool."

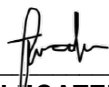
Forestry has the following comments:

- i. Forestry has a co-operative governance relationship with various Authorities as well as stakeholders, and thus will take their concerns into consideration if such should arise
- ii. Forestry request the following:
 1. That a site inspection be conducted together with Consultant in order to determine whether Forestry's mandate is affected or not
 2. Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license.
- iii. Kindly note that this letter is not a NFA licence
- iv. Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license.

Note: The Department reserves the right to revise the initial comment based on any additional information that may be received

Should you wish to correspond further on this matter, quote Reference EIA-WC-GR-0034-2025-26. Enquiries may be directed to Ms. TF Gwala at TGwala@dffe.gov.za, Cell 066 374 7795.

Yours Faithfully,



SIGNATURE OF DELEGATED AUTHORITY
Department of Forestry, Fisheries and the Environment
Letter signed by: Ms. TF Gwala
Designation: Deputy Director Forest Resource Protection
Branch: Forestry Management





BREED-GOURITZ
CATCHMENT MANAGEMENT AGENCY

101 York Street 3rd Floor Rm 302 George 6530, P.O. Box 1205 George 6530

Enquiries: R Mphahlele

Tel: 023 346 8000

Fax: 044 873 2199

E-mail: mpahlele@bgcma.co.za

REFERENCE: 4/10/2/K70A/ERF 1180, KEURBOOMSTRAND

Date: 01 December 2025

Eco-route Environmental Consultancy
PO Box 1252
SEDFIELD
6573

Dear Sir/ Madam

RE: PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF ERF 1180, KEURBOOMSTRAND, PLETTENBERG BAY

1. The Breede-Olifants Catchment Management Agency (BOCMA) is responsible for implementing and enforcing the National Water Act, 1998 (Act No. 36 of 1998) (NWA). In terms of section 22(1) of the NWA, a person may only undertake a water use listed under section 21 if it is authorised by a licence, allowed under Schedule 1, qualifies as an existing lawful use, or is permissible under a General Authorisation issued in terms of section 39.
2. We have assessed the abovementioned pre-application Basic Assessment Report and provide the following comments regarding the applicability of the NWA to the proposed development.
3. Project scope
 - project entails the establishment of two (2) group housing units and associated ancillary infrastructure on the eastern portion of Erf 1180, Keurboomstrand. The site is vacant and will utilise municipal services. The site is currently vacant, and the development will utilise municipal services.

4. Water Use Authorisation Requirements

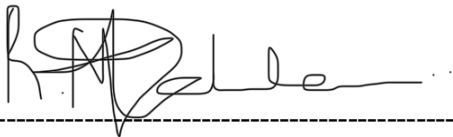
- The proposed development does not trigger any of the water uses listed in Section 21 of the NWA that require a water use licence in terms of Section 22. This is based on project not involving the discharge of wastewater into a water resource (Section 21(f)); disposal of waste in a manner which may detrimentally impact a water resource (Section 21(g)); irrigation of land with wastewater (Section 21(e)); any activity within or impacting the regulated area of a watercourse (Sections 21(c) and (i)).

5. Notwithstanding the above, the landowner/developer must ensure the following for the full lifespan of the project:

- The implementation of sustainable stormwater management. Stormwater runoff from the property must not be contaminated by any on-site activities.
- The active control and management of alien invasive plant species.
- That all waste generated is disposed of in accordance with all relevant legislation and standards.

6. BOCMA reserves the right to amend these comments or request further information should it be necessary for the protection of water resources.

Yours faithfully,



pp MR. JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)

99 Paradise Beach Investments Pty Ltd
A & T Millar
Erf 96
5 Hill Street
Keurboomstrand
Plettenberg Bay
6600

Samantha Teeluckdhari

EcoRoute Consultancy

Via e-mail: samantha@ecoroute.co.za

RE: APPLICATION FOR ENVIRONMENTAL AUTHORIZATION FOR A DEVELOPMENT ON A PORTION OF Erf 155, KEURBOOMSTRAND, PLETTENBERG BAY

DEDEA Ref 16/3/3/6/7/1/D1/6/0126/20

We hereby object in the strongest terms to the granting of Environmental authorisation of the proposed development on a portion of Erf 155 Keurboomstrand for the following reasons.

1. *Destruction of a CBA* [Critical biodiversity area].

The consultant and all of the specialists' studies, in the application documentation, acknowledge that Erf 155 is a CBA. "CBA's are terrestrial and aquatic areas which must be safeguarded in their natural or near-natural state because they are critical for conserving biodiversity and

maintaining functioning ecosystems.”



Furthermore SANBI mapping as well as the KLASP [Keurbooms local area spatial plan] and SANparks documentation, all show that the proposed development as being a **Core 1** area within a CBA [Critical Biodiversity Area] .

The conclusion, of a previous vegetation study for Erf 155, states:

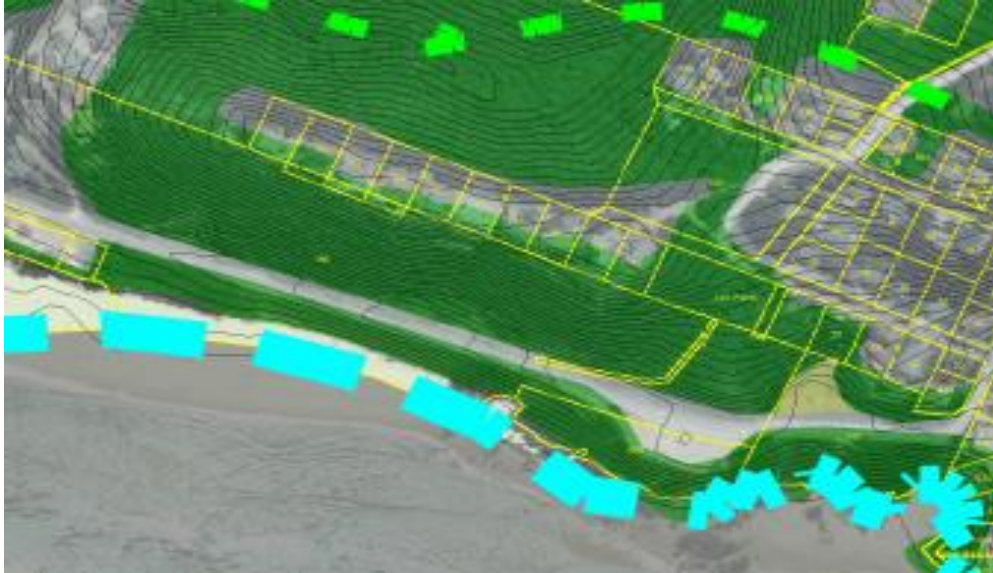
"This is somewhat of a problem in terms of the development of the study site as it lies within such a CBA area and the objective of proposed residential development is thus contrary to the Biodiversity Sector Plan."

In the Garden Route Biodiversity Sector Plan for George, Knysna and Bitou Municipalities Vromans et al (2010) recommend that the desired management objective for a CBA is to maintain natural land, rehabilitate degraded land to natural or near natural and to manage for no further degradation. *They state that land-use should not be approved.*

Conclusion: Environmental authorisation for the development of Erf 155 Keurboomstrand therefore cannot be granted

2. Negative impact on an ecological Green Corridor.

Any structures to the immediate North of Provincial Road 394, in the steep forested corridor of Erf 155 would create a "Tunnel Entrance" to Keurbooms Village and impact on its "Sense of place" by destroying the "Green Belt" leading into Keurboomstrand village. The ecological corridor as shown on the KLASP mapping cannot be obstructed



3. *Violation of NEMBA*

Approval of this application would be in violation of a multitude of environmental legislation and regulations, including: **National Environmental Management; Biodiversity Act** . which needs:

- a) To provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act
- b) provide for the protection of species and ecosystems that warrant national protection.



VegMap 2018

4. *Non-compliance with SPLUMA Principles:*

This application fails to comply with the principles/ out by Spluma which states:

(2) *Land use planning is guided by the following principles of spatial sustainability:*

(b) *the sustained protection of the environment should be ensured by having regard to the following:*

(i) *natural habitat, ecological corridors and areas with high biodiversity importance;*

(ii) *the provincial heritage and tourism resources;*

(iii) *areas unsuitable for development, including flood plains, steep slopes, wetlands and areas with a high water table and landscapes and natural features of cultural significance; and*

(iv) *the economic potential of the relevant area or region;*

Further under SPLUMA

i]"Consideration of the public interest;

ii]"Considers the respective rights and obligations of all those potentially affected, primarily the existing residents and property owners, public and private service providers and the wider community"?

5. *Violation of National Forest Act:*

This application cannot be approved as it is clearly in violation of the NFA [National Forest Act] which states under Principle 3 3[a]:

*"Natural forests may not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economics; social or environmental benefits. The term "exceptional circumstance" refers to capital projects of national and provincial strategic importance. According to these criteria, **residential development does not comply**"*

The area in question is, without doubt, a forest corridor. and is verified by all of the specialist studies which form part of the application and is clearly shown on mapping, such as the Keurbooms EMF, the Keurbooms Local Area Spatial Plan which was adopted by the Bitou Municipality in 2013 and forms the base of the BSDF.

The "Vegetation Study" for Erf 155 submitted in a previous application for the same area, confirms that the area is covered by forest and classifies this as "Southern Afro-temperate Forest" the report states that White Milkwoods are present and Cheesewoods are possible. Whereas the authorities and various studies and mapping show this as "Western Cape Milkwood Forests" which forms a continuous protected corridor, along the south facing "Hard Edge" of the Keurbooms hillside, from the Estuary to Keurbooms village and beyond. Both forest classifications are "Natural forests" as per Notice 167 of 2017 issued by DAFF and listed under VEGMAP CODE FOz 13 and **as such under protection.**

The image below, on the cover page of the application by Eco route, clearly shows the site as being covered in forest with a strip of Shale fynbos on the southern tip of the site.

RE/155, KEURBOOMSTRAND, PLETTENBERG BAY



Pre-application reference: 16/3/3/6/7/1/D1/6/0126/20

August 2022

The “Vegetation sensitivity analysis” compiled previously by Conservation Management Services for this site,

Their CONCLUSION :

“The study site contains vegetation that can be described as highly sensitive. Both the Shale fynbos and the scrub forest are threatened vegetation types and the entire area is classified as a Critical Biodiversity Area.

6. *Would not conform with the KLASP [Keurbooms spatial plan] adopted by the Bitou municipality*

The Keurbooms LSDF determines a few “no go” development areas, based on biophysical constraints and “Habitat Mapping and Sensitivity Analysis map units”

indicated as:

- below the 1:50 and 100: year floodlines;
- on any slopes with a gradient steeper than 1:4;
- below the 4,5m coastal setback line;
- within the 100m high water mark setback;
- within the Tshokwane Wetland system.
- Map Unit 3: Fynbos

- Map Unit 4: Forest
- Map Unit 5: Dune Thicket/Dune Fynbos Mosaic
- Map Unit 6: Coastal fore dune & seashore

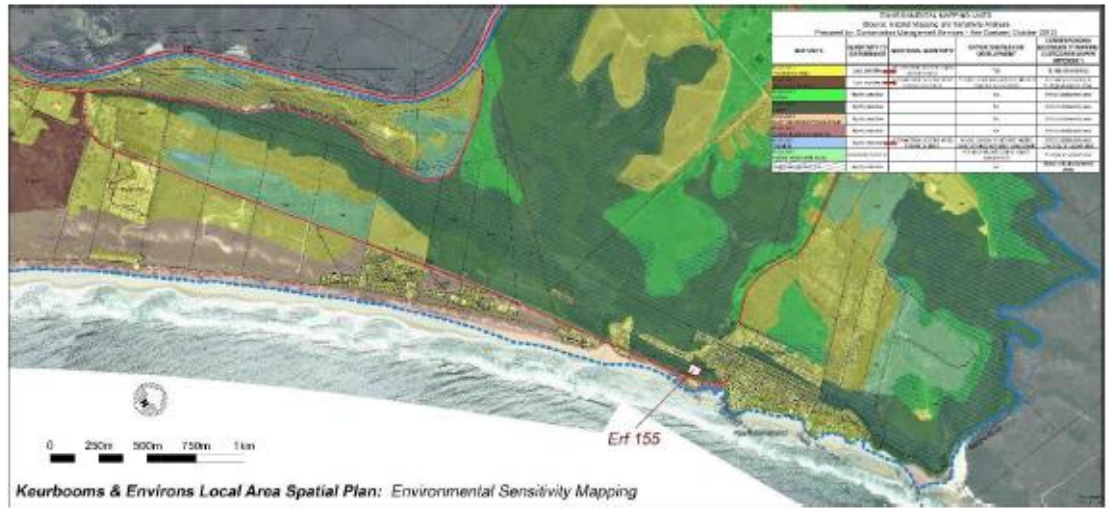
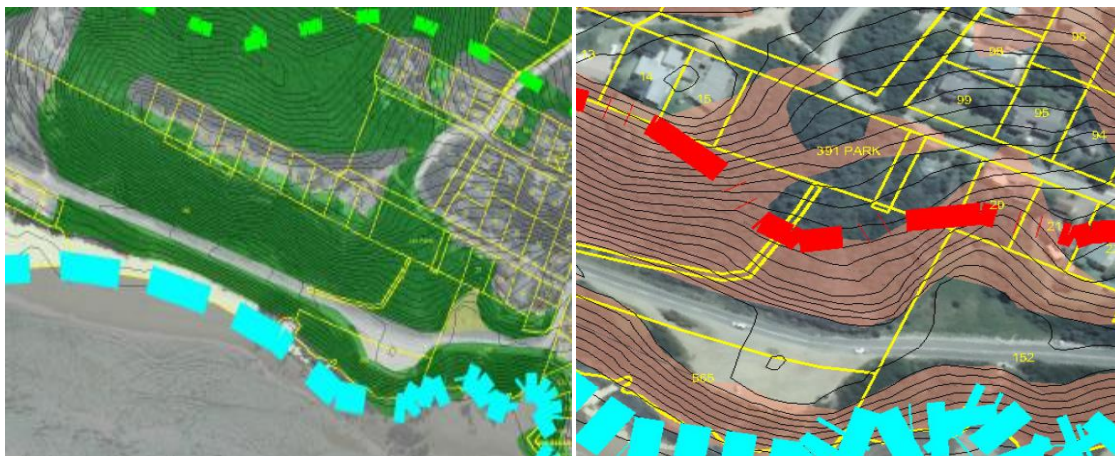


Figure 17: LASP Environmental Sensitivity Mapping (TV3 Architects and Town Planners, 2013)

below A] Forest & corridor, B] Steep slopes & 100m line from HWM.



7. *Non-compliance with the conditions of the Municipal Approval*

Approval of this application would not comply with the conditions of the Municipal approval 18/151 & 155/KB dated 21 Sept 2011, for the rezoning/subdivision of Erf 155/151 to create 26 individual residential erven for the existing structures. Condition h] the remainder of the property to be managed as a Private nature reserve by the Mare Nostrum HOA. This was a

condition requested by the KPOA [Keurbooms Property Owners Association] when submitting comments on the application, and adopted by the municipality.

8. No Go Alternative not considered

According to the BAR, “NO OTHER PROPERTY OR SITE ALTERNATIVES WERE CONSIDERED”, despite the acknowledged sensitivity of the land. Additionally, the BAR states that “No property or site alternatives have been identified, due to the fact that **the applicant is solely interested in developing the identified site**”. We find this stance not in the common interest of Keurboomstrand. Erf 155 has 26 residential units on the flatter western portion of the **56,000m²** some of which are for sale, so the necessity to develop in a sensitive protected environment is not given. Furthermore properties are available for houses in Keurboomstrand and surrounds. The map below forms part of the documentation of the proposed development and shows the extent of Erf 155 Mare Nostrum and some of the residential units on the western portion. Also the forested steep slopes.

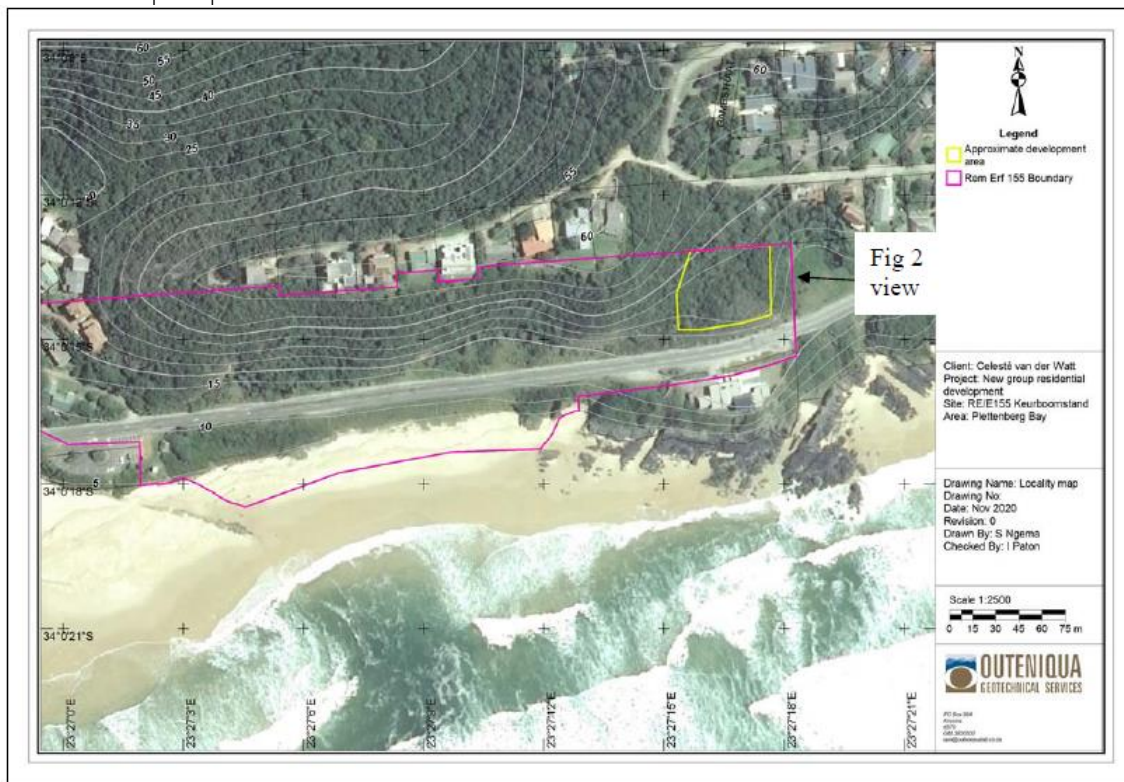


Figure 1: Locality map of site showing approximate proposed development area

9. The Visual impact report by Filia Visuals PTY LTD

Findings

“The **sense of place** is derived (at a local scale) from the scenic resources of the coastline, which are based on natural features. These include the sandy (blue flag) beaches, rocky promontories, vegetated primary dunes and dune slack areas, and the **steep forested foothills** that meet the rocky coastline.

The study area and receiving environment can be described as having a **strong landscape character** and a **distinctive sense of place**. The local receiving environment is unique and distinctive within the

coastal belt, based on both the local townscape character and the value of the **natural and scenic resources**.

The proposed development will **contribute to the erosion of the visual character** of the scenic route and the threshold of Keurboomstrand.

The Visual impact report confirms the encroachment of the development on sensitive areas and as such considered unacceptable.

- Inside the 100m Urban Coastal Setback Line;
- On an elevated promontory with an average slope of approximately 1:4;
- Within a Critical Biodiversity Area containing protected tree species;
- Alongside a scenic route;
- Within an area with a recognized special character, sense of place and
- importance in terms of tourism and recreation value;
- Within an area with visually prominent ridgelines or skylines;

Indicators suggesting the need for visual input based on the nature of the proposed project include the following. The project proposes:

- i. A change in land use from the prevailing use;
- ii. **A use that is in conflict with an adopted plan or vision for the area;**
- iii. **Possible visual intrusion in the landscape.**

10. Visual impact on the residents of Keurboomstrand village.

It must be noted that the Visual impact report did not take into consideration the significant impact this development would have on the Keurbooms residents living uphill and behind the proposed site. A large portion of the Keurbooms residents enjoy the view of the ocean over the top of this green forest which is on Erf 391 Public Park and Erf 155 Private open space. This is strange as they state in paragraph 5.3.4.

Visual Receptors and their Potential Sensitivity

- i. Communities where development results in changes in the landscape setting or valued views enjoyed by the community;
- ii. Residents and residential properties with views affected by the development.
- iii. Views from residences and tourist facilities / routes are typically more sensitive since views from these are considered to be frequent and of long duration.

11. Personal impact

We object to the granting of environmental authorisation for this development and refer to our rights which we feel would be violated if the environmental legislation is not adhered to. We as neighbours of Erf 391 and Erf 155 would experience a drastic change of our scenic view across the forest towards Robberg photos below (Figures 5-8).

Figure 5: Visual Impact from ERF 96 above

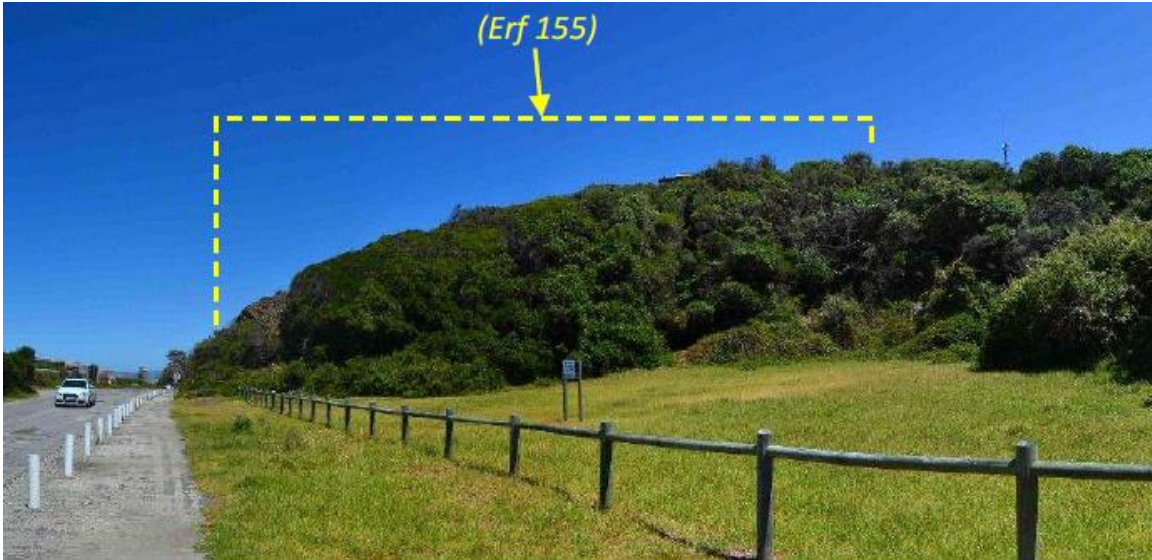


Figure 6:View Forest from below



Figure 7: from Blaubankies beach

We would like to note that, when we bought our house on Erf 96, which is our permanent residence, it was with the clear knowledge that the Forest "Green belt" in front of our house is protected by environmental legislation and cannot be developed. Replacing the pristine natural forest with the proposed structures in the face of such environmental legislation, in place to protect such pristine protected environments, would open the door to other developers doing the same which is of grave concern to us as permanent residents of Keurboomstrand.

We reserve the right to submit further comments on the application as information becomes available.

99 Paradise Beach Investments Pty Ltd
A & T Millar

AND WHEREAS it is the State's obligation to realise the constitutional imperatives in—

- section 24 of the Constitution, to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures, which include a land use planning system that is protective of the environment;




Compliance with environmental implementation plans and environmental management plans

16. (1) (a) Every organ of state must exercise every function it may have, or that has been assigned or delegated to it, by or under any law, and that may significantly affect the protection of the environment, substantially in accordance with the environmental implementation plan or the environmental management plan prepared, submitted and adopted by that organ of state in accordance with this Chapter: Provided that any substantial deviation from an environmental management plan or environmental implementation plan must be reported forthwith to the Director-General and the Committee.

National Environmental Management: Biodiversity Act 10 of 2004

Files:

Attachment	Size
 a10-04.pdf	2.41 MB

10 of 2004

The National Environmental Management: Biodiversity Act 10 of 2004 intends:

- to provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act, 1998;
- the protection of species and ecosystems that warrant national protection;

Contents of biodiversity management plans

45. A biodiversity management plan must—	20
<i>(a)</i> be aimed at ensuring the long-term survival in nature of the species or ecosystem to which the plan relates;	
<i>(b)</i> provide for the responsible person, organisation or organ of state to monitor and report on progress with implementation of the plan; and	
<i>(c)</i> be consistent with—	25
(i) this Act;	
(ii) the national environmental management principles;	
(iii) the national biodiversity framework;	
(iv) any applicable bioregional plan;	
(v) any plans issued in terms of Chapter 3 of the National Environmental Management Act;	30
(vi) any municipal integrated development plan;	
(vii) any other plans prepared in terms of national or provincial legislation that is affected; and	
(viii) any relevant international agreements binding on the Republic.	35

Bitou Municipal Spatial Development Framework, 2017 (MSDF)

The Eden District Spatial Development Framework notes that the Eden District has been identified as a strategic area within the province regarding its scenic value, on equal footing to that of its regional competitiveness and economic performance (GAPP Architects, Urban Designers and Spatial Planners, 2017, p. 36). Given that the scenic resources of the area originate from the landscape itself, it follows that conservation of the natural environment is critical for the Bitou area (CNdV Africa (Pty) Ltd, 2017, p. 201). The Garden Route Critical Biodiversity Areas Map includes the subject site and its environs in its mapped Critical Biodiversity Areas (CBA), which represent the biodiversity priority areas which should be maintained in a natural to near natural state. The desired management objective associated with CBA's is to maintain natural land, rehabilitate degraded to natural or near natural and manage them to prevent further

Protection of threatened or protected ecosystems

Ecosystems that are threatened or in need of protection 30

52. (1) (a) The Minister may, by notice in the *Gazette*, publish a national list of ecosystems that are threatened and in need of protection.

(b) An MEC for environmental affairs in a province may, by notice in the *Gazette*, publish a provincial list of ecosystems in the province that are threatened and in need of protection. 35

(2) The following categories of ecosystems may be listed in terms of subsection (1):

- (a) critically endangered ecosystems, being ecosystems that have undergone severe degradation of ecological structure, function or composition as a result of human intervention and are subject to an extremely high risk of irreversible transformation; 40
- (b) endangered ecosystems, being ecosystems that have undergone degradation of ecological structure, function or composition as a result of human intervention, although they are not critically endangered ecosystems;
- (c) vulnerable ecosystems, being ecosystems that have a high risk of undergoing significant degradation of ecological structure, function or composition as a 45

The Department of Environmental Affairs and Development Planning have made their position on this matter clear, stating in their comments on the Local Area Spatial Plan that future development in Keurboomstrand **must have low visual impact** (Keurbooms and Environs Local Area Spatial Plan, 2013, p. 154). The Department makes specific reference to development proposals on slopes of 1:4 or steeper, where development would be highly visible.