



Eco Route
Environmental Consultancy

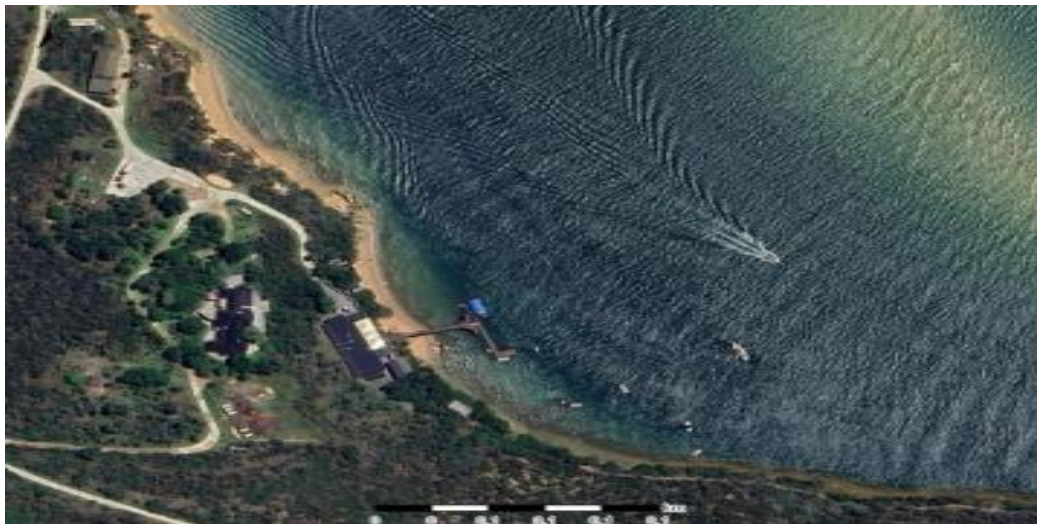
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Comments and Response Report

PROPOSED DEVELOPMENT ON PORTION 59 OF FARM 216, UITZICHT, KNYSNA, WESTERN CAPE



PREPARED FOR:	Kobus Smit
PREPARED BY:	Eco Route Environmental Consultancy Janet Ebersohn (EAPASA Reg: 2019/1286); assisted by Justin Britton (Can. EAPASA 2023/6648)
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STATEMENT OF INDEPENDENCE

I, **Janet Ebersohn**, of Eco Route Environmental Consultancy, in terms of Regulation 13 of the Environmental Impact Assessment Regulations, 2014 (as amended), hereby declare that I provide services as an independent Environmental Assessment Practitioner (**EAPASA Reg: 2019/1286**) and receive remuneration for services rendered for undertaking tasks required in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and the Environmental Impact Assessment Regulations, 2014 (as amended). I have no financial or other vested interest in the project.

EAP SIGNATURE: _____

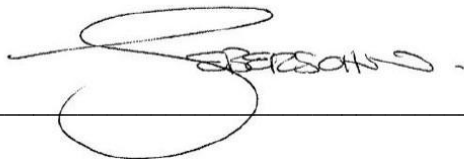
A handwritten signature in black ink, appearing to read 'EBERSOHN', is written over a horizontal line. The signature is stylized and cursive.

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1. INTRODUCTION

Eco Route Environmental Consultancy has been appointed by the applicant, **Kobus Smit**, to ensure compliance with the regulations contained in the National Environmental Management Act (NEMA) (Act 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2014 (as amended) for the proposed development on Portion 59 of Farm 216, Uitzicht, Knysna, Western Cape.

This report serves as the first version Public Participation Process (PPP) document, that will accompany the Draft Basic Assessment Report (BAR) to be submitted to the competent authority as part of the formal application process. It outlines the public participation conducted during the Pre-Application BAR phase **(24/10/2024 – 25/11/2024)**.

Take note:

- The Pre-application BAR and associated documents were available for a 30-day commenting period from 24/10/2024 – 25/11/2024.
- All comments received during this time is included in this report.
- A second round PPP will be done for a 30-day commenting period during the application phase.

2. REQUIREMENTS OF THE PUBLIC PARTICIPATION PROCESS (PPP) IN ACCORDANCE WITH THE ACT

Section 41 of the Environmental Impact Assessment Regulations, 2014 (as amended) specifies that a person conducting a public participation process must comply with the following minimum requirements (Table 1):

Table 1: Specification of Public Participation that must be adhered to (Environmental Impact Assessment Regulations, 2014 (as amended))

Regulation Specifications	Description to adherence
1) If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for environmental authorisation in respect of such an activity, obtain written consent of the landowner or person in control of the land to undertake such activity on that land	The proponent (applicant) is the landowner and therefore consent is not required.

<p>2) The person conducting a public participation process must take into account any relevant guidelines applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties on an application or proposed application which is subjected to public participation by -</p>	
<p>(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 –</p> <ul style="list-style-type: none"> (i) The site where the activity to which the application or proposed application relates or is to be undertaken; (ii) Any alternative site 	<ul style="list-style-type: none"> (i) A site notice was placed on site. (ii) There is no alternative site.
<p>(b) Giving written notice, in any of the manners provided for in section 47D of the Act, to –</p> <ul style="list-style-type: none"> (i) The occupiers of the site and, if the proponent or applicant is not the owner or person in control of the site where the activity is to be undertaken and to any alternative site where the activity is to be undertaken. (ii) Owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken and any alternative site where the activity is to be undertaken. (iii) The municipal councillors of the ward in which the site and alternative site is situated and any organisation of ratepayers that represent the community. (iv) The Municipality which has jurisdiction in the area (v) Any organ of state having jurisdiction in respect of any activity; and (vi) Any other party as required by the competent authority 	<ul style="list-style-type: none"> (i) The applicant is the owner of the site and is in control of the site. The site is vacant and there is only one site. (ii) The owners of the land adjacent to the site have been notified. (iii) The ward counsellor was notified. (iv) Knysna Municipality has been notified. (v) Please refer to Table 2 showing a list of organs of state notified. (vi) Please refer to Table 2 showing a list of all organisations, NGO's and public notified.
<p>(c) Placing an advertisement in –</p> <ul style="list-style-type: none"> (i) One Local Newspaper; or (ii) Any official Gazette that is published specifically for the purpose of providing public notices of applications or other submissions made in terms of these Regulations; 	<ul style="list-style-type: none"> (i) Knysna Plett Herald Newspaper a local free newspaper was advertised in on 22/10/2024.

<p>(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 its boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not to be complied with if an advertisement has been placed in an official gazette referred to in paragraph (c)(ii); and</p>	<p>(d) This is not applicable to this proposed activity as there is no impact (i.e air emissions) that extends beyond the boundaries of the district municipality.</p>
<p>(e) Using reasonable alternative methods, as agreed to by the competent authority, in those instances where a person is desirous of but unable to participate in the process due to –</p> <ul style="list-style-type: none"> (i) Illiteracy (ii) Disability; or (iii) Any other disadvantages 	<p>N/A at this stage. But if required will comply.</p>
<p>3) A notice, notice board or advertisement referred to in sub regulation (2) must –</p> <p>(a) Give details of the application or proposed application which is subjected to public participation ; and</p> <p>(b) State –</p> <ul style="list-style-type: none"> (i) Whether basic assessment or S&EIR procedures are being applied to the application; (ii) The nature and location of the activity to which the application relates; (iii) Where further information on the application or proposed application can be obtained; and (iv) The manner in which and the person to whom representations in respect of the application or proposed application may be made. 	<p>The notice board was compliant with this requirement.</p>
<p>4) A notice board referred to in sub regulation (2) must –</p> <ul style="list-style-type: none"> (a) Be of a size of at least 60cm by 42cm; and (b) Display the required information in lettering and in a format as may be determined by the competent authority 	<p>The notice board was compliant with this requirement.</p>
<p>5) Where public participation is conducted in terms of this regulation for an application or proposed application, sub regulation (2)(a), (b), (c) and (d) need not be complied with</p>	<p>This is the pre-application phase, an additional 30-day PPP will be undertaken to include all revisions for the Draft BAR.</p>

<p>again during the additional public participation process contemplated in regulations 19(1)(b) or 23(1)(b) or the public participation process contemplated in regulations 21(2)(d), on condition that –</p> <ul style="list-style-type: none"> (a) Such a process has been preceded by a public participation process which included compliance with sub regulation (2)(a), (b), (c) and (d); and (b) Written notices is given to registered I&AP's regarding where the – <ul style="list-style-type: none"> (i) Revised basic assessment report or , EMPr or closure plan, as contemplated in regulation 19(1)(b); (ii) Revised environmental impact assessment report or EMPr as contemplated in regulation 23(1)(b); or (iii) Environmental impact assessment report and EMPr as contemplated in regulation 21(2)(d); (iv) <p>May be obtained, the manner in which and the person to whom representations on these reports or plans may be made and the date on which such representations are due.</p>	
<p>6) When complying with this regulation, the person conducting the public participation process must ensure that –</p> <ul style="list-style-type: none"> (a) Information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties; and (b) Participation by potential or registered interested and affected parties is facilitated in such a manner that all registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application. 	<p>These requirements have been complied with.</p>
<p>7) Where an environmental authorisation is required in terms of these Regulations and an authorisation, permit or licence is required in terms of a specific environmental management Act, the public participation processes contemplated in this Chapter may</p>	<p>No other permit or licenses are required at this stage.</p>

<p>be combined with any public participation processes prescribed in terms of a specific environmental management Act, on condition that all relevant authorities agree to such a combination of processes.</p>	
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3. COMMENTS RECEIVED IN RESPONSE TO PRE-APPLICATION DRAFT BAR: 24/10/2024 – 25/11/2024.

The following table contains all comments received during the Pre-Application Public Participation Process.

COMMENTS	RESPONSE
COMMENTS RECEIVED IN RESPONSE TO DRAFT BASIC ASSESSMENT REPORT DATED	
STATE DEPARTMENTS	
Department Forestry, Fisheries and the Environment (DFFE) - Portia Makitla / Nompumelelo Lekalakala – 23 November 2024	
The Directorate: Biodiversity Conservation reviewed and evaluated the report.	
It was noted that the proposed project area is mostly covered by the Goukamma Dune Thicket which is highly modified and according to the VEGMAP it is of Least Concern and the Non-terrestrial (Estuarine Functional Zone), presenting the Knysna Lagoon.	
The main consideration of aquatic sensitivities is associated with the Knysna Estuary directly adjacent to the property. The entire proposed development falls within the Coastal Management Protection Zone (CPZ) and Coastal Management Protected Areas, please contact the DFFE: Oceans and Coasts Directorate for further assistance.	The DFFE: Oceans and Coasts Directorate was afforded the opportunity to provide comment during the first public participation process, and no comment was received. This Directorate will be afforded another opportunity during the application phase public participation process.
Terrestrial biodiversity sensitivity is rated Very High, with only one SCC, the Vulnerable dune bitterbush <i>Selago villicaulis</i> occurs in area 1, however, only two individuals were found here, and several protected tree species occur on the site.	

<p>To ensure the continued persistence of ecosystems and that national conservation targets are achieved, it is essential that impacts on sensitive and highly localised habitats are minimized or avoided altogether.</p> <p>Furthermore, the following recommendations must be addressed in the final report.</p>	
<ul style="list-style-type: none"> The National Environmental Management: Integrated Coastal Management Act (No. 24 of 2008) outlines specific measures for developments within the coastal protection zone, which includes land within 100 meters of the high-water mark of the sea and estuaries. Development within the defined estuarine boundaries must be consistent with the strategic vision and objectives set for effective integrated management of estuaries. 	<p>The Coastal Management Line for the Garden Route National Park, gazette on 14 July 2023 in accordance with Section 25 of the NEM: ICMA, does not reference the proposed development property. However, all proposed mitigation measures will be implemented to ensure the vision and objectives set for effective integrated management of estuaries are achieved.</p>
<ul style="list-style-type: none"> Before the clearing of the site, the appropriate permits must be obtained from the Directorate: Forestry for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the Specific provincial legislation. 	<p>Permit applications will be submitted at the appropriate stage of the project.</p>
<ul style="list-style-type: none"> Any observed SCC flora or protected plants must be clearly demarcated prior to the commencement of site clearing. If construction activities are likely to affect any SCC or protected plants these individuals must be relocated as part of a plant rescue and protection plan, and a permit must be obtained before doing so. 	<p>As part of the Environmental Control Officer (ECO) responsibilities, an induction must be conducted on the proposed Environmental Management Programme (EMPr), specifically addressing demarcation requirements. During this session, the significance of proper demarcation will be emphasised. Compliance with demarcation requirements will be monitored and reported from the onset of the proposed development.</p>
<ul style="list-style-type: none"> Wetlands, rivers and rivers riparian areas must be treated as "no-go" areas and appropriately demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas. 	<p>The working area will exclude wetlands, rivers and rivers riparian areas. All areas outside the working areas will be considered NO-GO areas.</p>
<ul style="list-style-type: none"> Erosion Management Plan, Maintenance Plan and Rehabilitation Plan of natural vegetation must be developed to mitigate on habitat degradation and consider all phases of the development. 	<p>This comment is acknowledged and will be included in the public participation record. It is intended that all aspects related to erosion</p>

<ul style="list-style-type: none"> Rehabilitation Plan must include the ongoing monitoring and maintenance of the surrounding natural vegetation. 	<p>control, ongoing maintenance, and rehabilitation will be comprehensively addressed within the Environmental Management Programme (EMPr). The EMPr will also incorporate all relevant recommendations made by the appointed registered specialists, specifically covering these matters.</p> <p>Should the Competent Authority determine that additional reports are required, they will be compiled and submitted accordingly.</p>
<ul style="list-style-type: none"> Develop a stormwater management plan for the proposed development that addresses the stormwater runoff from the developed areas. 	<p>Address stormwater Plan.</p>
<ul style="list-style-type: none"> Construction activities and vehicles could cause spillages of lubricants, fuels and waste material negatively affecting the functioning of the ecosystem. All vehicles and equipment must be maintained, and all re-fuelling and servicing of equipment is to take place in demarcated areas outside of the Project Area. 	<p>All vehicles will be inspected for functionality prior to the start of construction activities to ensure that these risks are minimised. All storage of vehicles, maintenance, and refuelling will occur outside of the NO-GO areas.</p>
<ul style="list-style-type: none"> The contractors used for the construction should have spill kits available prior to construction to ensure that any fuel, oil or hazardous substance spills are cleaned-up and discarded correctly. 	<p>This comment is noted and incorporated into the EMPr.</p>
<p>According to WCBSP 2017 the site is a Protected Area, namely the Featherbed Private Nature Reserve. It also falls within the Garden Route Biosphere Reserve and the Knysna National Lake Area. Please contact the DFFE Directorates respectively: Protected Areas Planning and Management Effectiveness (M Mudau: mamudau@dfpe.gov.za) and the Protected Areas Multilateral Programmes (V Maringa: vmaringa@dfpe.gov.za) for further advise.</p>	
<p>In conclusion, all Public Participation Process documents related to Biodiversity EIA for review and queries should be submitted to the Directorate: Biodiversity Conservation at Email: BCAdmin@environment.gov.za for the attention of Mr Seoka Lekota.</p>	<p>This comment is noted and will be adhered to in the application phase public participation.</p>

Department of Environmental Affairs and Development Planning – Biodiversity and Coastal Management – Mercia Liddle – 15 November 2024	
Kindly register the sub-Directorate: Coastal Management as an I&AP for the subject matter. We will provide comments once the DBAR is available – please let us know when it is available.	The sub-Directorate is registered and will be afforded the opportunity to provide their insights during the application phase public participation.
ORGANS OF STATE	
Aviation Environmental Compliance – Nrateng Mashiloane – 31 October 2024	
<p>I hope this email finds you well. SACAA has no comments regarding the proposed development. The proposed site is located away from aviation infrastructure, showing no significant negative impacts on airport operations.</p> <p>However, if there are any temporary or permanent structures or machinery that are deemed too tall, kindly lodge an obstacle assessment application as published on the SACAA website: www.caa.co.za/industryinformation/obstacles/.</p> <p>The list and contact details of the approved obstacles assessment services providers can be obtained from the CAA website: www.caa.co.za.</p>	<p>This comment is noted. There are however no structures deemed too tall, therefore no investigation will be launched.</p>
Breede-Olifants Catchment Management Agency – SI Ndlovu – 22 November 2024	
<p>Reference is made to the above-mentioned Pre-Application Basic Assessment Report made available to Breede-Olifants Catchment Management Agency (BOCMA) for comments.</p>	
<p>The following are BOCMA comments relating to Pre-Application Basic Assessment Report Proposed Development on Portion 59 of 216, Uitzicht, which should be adhered to:</p>	

1. The Breede-Olifants Catchment Management Agency has no objections on the proposed development. No watercourses are affected by the proposed activity as it is located close to the estuarine functional zone.	This comment is noted.
2. An estuary is not defined as a watercourse, therefore no section 21(c) and (i) water uses are triggered, and no water use authorisation required in terms of the National Water Act, (Act No. 36 of 1998).	This comment is noted.
3. For services that will be provided for by the municipality, there must be an agreement in place between the user and the municipality and services charges must be paid directly to the municipality.	Confirm service report from engineer.
4. Please note that NO water shall be derived from any water resource and used on Portion 59 of Farm Uitzicht 216 for any purposes, without prior approval by means of a water use authorisation in terms of section 22 of the National Water Act, 1998 (Act No. 36 of 1998).	This comment is noted and will be communicated to the applicant. However, there is no indication that any water will be sourced from a water resource for this proposed development.
5. Please note that harvesting of rainwater and storage of rainwater in tanks does not trigger a water use, thus it does not require an authorisation.	This comment is noted.
As required by section 22 of the National Water Act, 1998 (Act No. 36 of 1998), a Water Use Authorisation is required prior to commencement with any water use activity contemplated in section 21 of National Water Act. Moreover, commencement with any water use activity without an authorisation as required by section 22 of National Water Act constitutes an offence in terms of section 151(1)(a) of the National Water Act. In terms of section 151(2) of the National Water Act, any person who contravenes is guilty of an offence and liable, on first conviction to a fine or an imprisonment of a period not exceeding five years or both such a fine and imprisonment.	
6. In light of the above, you are advised that the onus remains with the property owner to adhere to the National Water Act, prior to commencement with any water use contemplated in section 21 of National Water Act that is associated with the proposed development.	This comment is noted and will be communicated to the applicant
Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.	
7. The BOCMA office can be contacted for further information related to the requirement for, or the application for a Water Use Authorisation.	
8. Should you wish to apply for a water use authorisation for unregistered water uses triggered by the proposed activities, you may apply electronically by logging onto the Department of Water and Sanitation (DWS) website at http://www.dws.gov.za/e-WULAAS .	
9. Should you have any further queries, the office can be contacted or alternatively contact Mr. SI Ndlovu at the above-mentioned contact number of on sndlovu@bocma.co.za	
SANPARKS – Dr Vanessa Weyer – 10 December 2024	

Uitzicht 216 Portion 59, known as Featherbed Private Nature Reserve is situated in the Buffer Zone of the Garden Route National Park (GRNP), and in its entirety in the Knysna Protected Environment (KPE) and partially in the KPE Development Control Area (DCA) (**Fig.1**). The Estuarine Functional Zone (EFZ) (**Fig. 2**) and Coastal Management Line (CML) (**Fig. 3**) extend into the lower estuary abutting parts of Portion 59. The CML was included in the Knysna Spatial Development Framework, is shown on the Knysna GIS Viewer and the Western Cape Environment and Development Planning Atlas. Risks associated with developing in this area are known and have been published. Steep slopes occur on the northern and north-eastern parts, some slopes being classified as >40% (**Fig.4**). Further, the property falls within the Coastal Protection Zone (CPZ), as designated in terms of the National Environmental Management: Integrated Coastal Management Act (Act No. 24 of 2008) (NEM: ICMA). The CPZ is established to manage, regulate, and restrict the use of land that is adjacent to coastal public property, or that plays a significant role in the coastal ecosystem.

Critical Biodiversity Areas (CBAs) have been excluded from mapping due to the property being a declared Private Nature Reserve (**Fig. 5**). Despite this mapping exclusion, the conservation status of the property is high. Vegetation is mapped by Mucina and Rutherford, 20061 and as revised by SANBI, 20182, as predominantly Goukamma Dune Thicket (AT 36) classified as of Least Concern (LC) (**Fig.6**).

Critically Endangered (CE) Knysna Sand Fynbos (FFd10), as listed in the Revised National List of Ecosystems that are Threatened and in Need of Protection (GN. No. 2747, 18 November 2022), occurs along the property's western boundary.

Portion 59 is in the protected area expansion footprint and Land Inclusion Plan of the GRNP and in the Knysna Sand Fynbos Coastal Corridor, which is the subject of a conservation initiative being supported by SANParks, CapeNature, Table Mountain Fund, WWF, and the Western Heads Goukamma Conservancy (WHGC). Achieving a conservation outcome on this property is important to SANParks.

The property was declared a Private Nature Reserve (PNR) in 1985 (20 September 1985, P.N. 660/1985, The Province of the Cape of Good Hope Official Gazette, 4393, 5510).

P.N. 660/1985

20 September 1985

**OUTENIQUA DIVISION: ESTABLISHMENT OF A
PRIVATE NATURE RESERVE**

Notice is hereby given in terms of section 12(4) of the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), that the Administrator has approved the establishment of a private nature reserve in the Division of Outeniqua to which the name "Featherbed Private Nature Reserve", has been assigned and the boundaries of which are as indicated on a diagram filed in the office of the Director: Nature and Environmental Conservation, Provincial Building, Water Street, Cape Town and the office of the Divisional Council of Outeniqua, 54 York Street, George, subject to the condition that the railway line to be built on such private nature reserve, be built under the direct supervision of the Director: Nature and Environmental Conservation and that said line not be extended beyond Coffin Bay on Portion 60 of the farm Uitzicht No. 216, Knysna.

The 1985 declaration fell under the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), prior to the National Environmental Management: Protected Areas Act of 2003 (NEMPAA). These early declarations are regarded as nature reserves in terms of Section 12 and 23(5) of NEMPAA.

Zoning status as per Knysna Municipality GIS viewer (**Fig. 7**), shows "Open Space Zone IV" (dark green), situated outside the Urban Edge. The property is 13.58ha in extent. The property is owned by Phambi Properties (Pty) Ltd. The property has consent use for tourist facilities.

The property burnt in the 2017 Knysna fires and structures were rebuilt based on Outeniqua Sensitive Coastal Area (OSCAE) authorisations issued in 2017 (File ref: 216 BE) and in 2023 (File ref: 17/14/5/2) (Figs. 8 - 10).

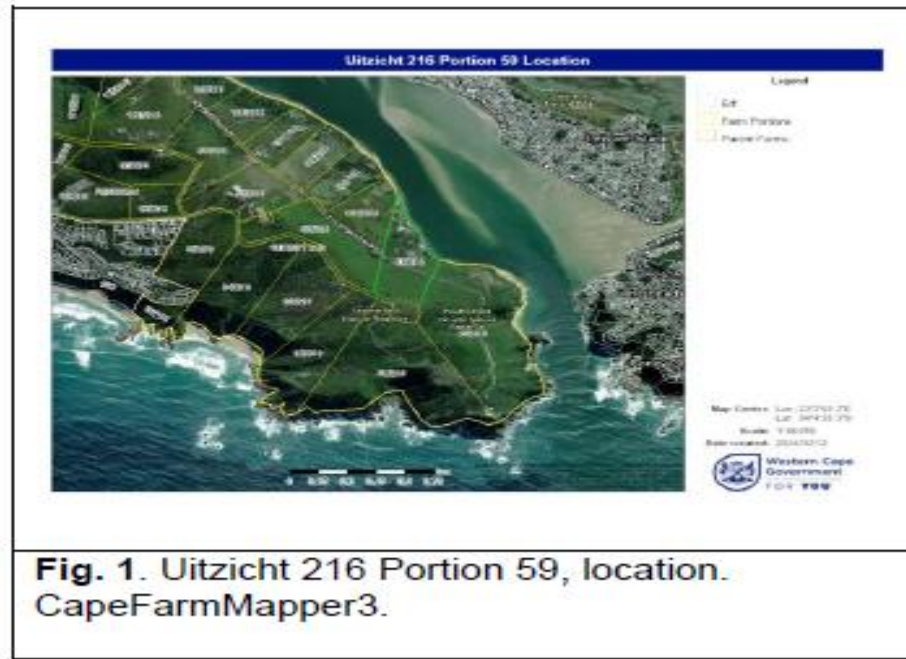




Fig. 2. The Estuarine Functional Zone extends within the low-lying parts of Uitzicht 216 Portion 59. CapeFarmMapper3.



Fig. 3. Position of the Coastal Management Line (green dotted line) on Uitzicht 216 Portion 59. DEA&DP Coastal Management Map Viewer.

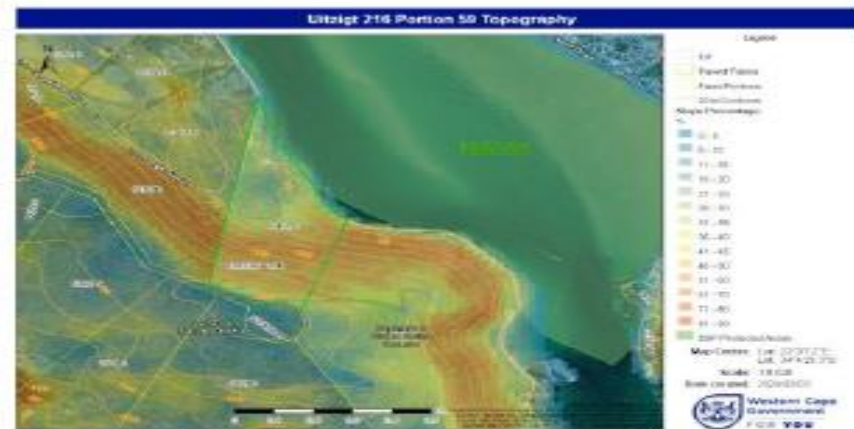


Fig. 4. Steep slopes occur on the southern and south-eastern sectors of Uitzicht 216 Portion 59. CapeFarmMapper3.



Fig. 5. Critical Biodiversity Areas have not been mapped, as the property is a declared Private Nature Reserve, and therefore excluded from mapping. Conservation status is none the less high. CapeFarmMapper3.

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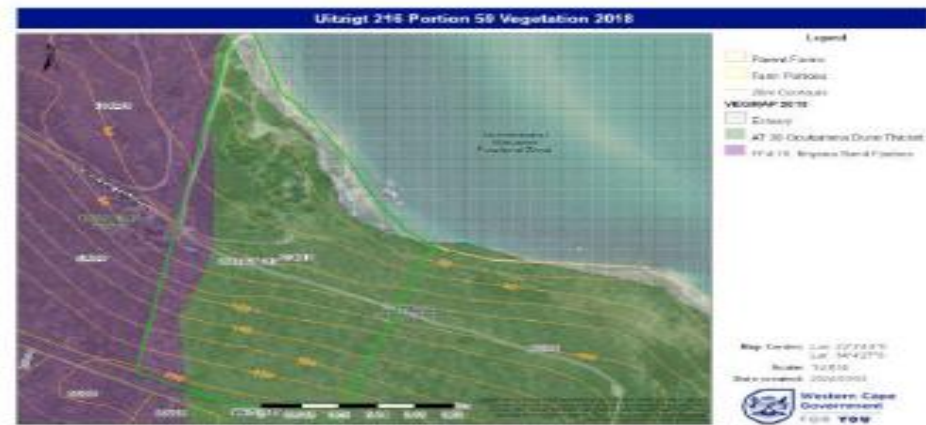


Fig. 6. Vegetation on the property is mapped as predominantly (LC) Goukamma Dune Thicket (AT 36), with (CE) Knysna Sand Fynbos (FFd10) along the property's western boundary. CapeFarmMapper3.



Fig. 7. Zoning status showing, "Open Space Zone IV" (dark green). Knysna Municipality GIS Viewer.

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Fig.8. Google Earth Pro Image Date:
8/23/2013.

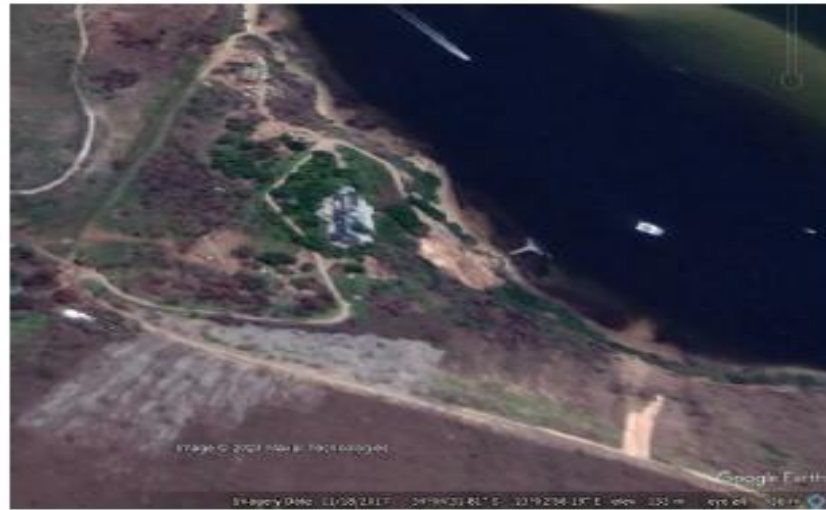


Fig.9. Google Earth Pro Image Date: 11/18/2017



Fig.10. Google Earth Pro Image Date: 5/3/2024

SANParks has provided comments on several development applications over the years including among other:

- (1) Record of a fieldtrip to Featherbed on 29 February 2016 to investigate the level of environmental approvals required for maintenance work at Featherbed (stormwater management along the road and coastal erosion).

Discussion and way forward:

- Improve the drainage and reinstate indigenous vegetation along the road. m
- No listed activities are triggered in terms of the 2014 EIA Regulations if soft options are implemented e.g. a pipe with holes to disperse storm water. m
- Concrete structures or gabions are not supported. m
- Indigenous vegetation can be replanted on the bare patch on the slope. m
- Authorisation is required in terms of Section 8 (1) of the Regulations for the Proper Administration of the Knysna Protected Environment (GN 1175 of 2009) as the road is less than 50m from the Knysna Estuary. An Environmental Management Method Statement (EMMS) is required in this regard. ni
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Discussion and way forward:

- No listed activities are triggered in terms of the 2014 EIA Regulations if maintenance takes place on the existing footprint. However, a Maintenance Management Plan, approved by DEA will be required. Activity 19 of Listing Notice 1 is relevant. Any expansion of the footprint will trigger a Basic Assessment Report (BAR).

Extracts from comment dated 16 February 2016.

- (2) Authorisation for geotechnical drilling to investigate conditions for proposed alterations and additions at Featherbed restaurant, Regulation 8(1) of the Regulations for the Proper Administration of the KPE (GN 1175 of 2009).
- (3) Application for the extension of a guest house (pool room, entertainment areas and ancillary facilities), 8 February 2018.

The applicant is proposing to construct a pool room / entertainment area, on an existing disturbed footprint area, and all ancillary facilities for an existing guest house. SANParks reviewed the drawing submitted by Tracey Mills dated 05/12/2017 (24 MB) and did a site inspection.

The proposed development is in line with the current zoning. SANParks has no objection to the proposed development on the existing disturbed footprint. We recommend that:

- Alien clearing continues to take place in a systematic manner.
- The construction areas is demarcated and that no disturbance takes place outside of the transformed area.
- The pool must incorporate technology that will prevent harmful chemicals such as chlorine being discharged into the estuary or groundwater.
- A Construction EMP or Environmental Management Method Statement (EMMS) is implemented in terms of Best Practice Principles and Section 28 of the National Environmental Management Act 107 of 1998: Duty of Care.

Extracts from comment dated 8 February 2018.

- (4) OSCAE application for new garages, 28 October 2022; and



The construction of the garages is in a previously transformed area and the Department of Forestry (DFFE) is satisfied that indigenous forest will not be compromised.

SANParks has no objection to the proposal as biodiversity conservation or landscape functionality will not be compromised, the Knysna Estuary will not be negatively affected and Knysna Sand Fynbos will not be lost.

SANParks recommends that an Environmental Control Officer (ECO) is appointed during the construction phase to ensure mitigation measures, to prevent damage to the environment, are implemented. The OSCAE application did not contain construction mitigation measures but SANParks is comfortable that Knysna Municipality will insert the relevant conditions in the OSCAE Permit.

Extracts from comment dated 28 October 2024

- (5) Environmental Management Programme (EMPr), garages, entertainment facility and managers cottage, conference centre and tourist accommodation, 24 January 2024. Note: SANParks did not provide comment on this application, as the application transitioned into a Basic Assessment process, the subject of these current comments.

SANParks has attended several site visits over the years. A site visit (**Figs. 11 - 14**) was conducted on the 17 October 2023 regarding the EMPr – item (5) above.



Fig. 11. Area where proposed managers cottages are to be built, currently used for storage of vehicles/ trailers, site visit 17 October 2023.



Fig. 12. Existing garages to be converted into a conference centre and tourist accommodation. Excavation is required west into indigenous vegetation; site visit 17 October 2023.



Fig. 13. Embankment close to estuary, below access road to existing garages, site visit 17 October 2023. This embankment previously suffered erosion and was rehabilitated.



Fig. 14. Area where Entertainment Facility is proposed, site visit 17 October 2023.

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The current development proposal as extracted from the Pre-Application Basic Assessment Report (PBAR) titled, "Proposed Development on Portion 59 of Farm 216, Uitzicht, Knysna, Western Cape", Eco Route Environmental Practitioners, Document Reference: 2024.17.06 - Pre-application Basic Assessment Report – Featherbed, dated 21 October 2024 (**Figs. 15 – 17**), is as follows:

Four distinct structures will be developed as part of the proposed project, all collectively referred to as "the proposed development." These structures are outlined in the Basic Assessment as follows:

- Managers' Cottages
- Conference Centre and Tourist Facilities
- Garages
- Entertainment Facilities

The majority of the proposed development will take place on areas that have already been disturbed. Consequently, no alternative plan was considered more suitable. This option presents the least environmental impact and does not necessitate changes to the current planning and design.

Managers Cottages: garage, staffroom, bathroom, kitchen, 4 bedrooms, dining area, kitchen, pantry and living room.

Table 7: Total development (m²) for manager's cottages as indicated (Louw, 2023)

Description	Total (m ²)
Ground floor	73.58
First Floor	138.52
Open Space	120.03
Covered Verandah	25.85
Open Balcony	15.09
Total footprint (73.58 + 120.03)	193.61

Conference Centre and Tourist Facilities: double garage x 2, open parking bays x 5, nature workshop area, 3 bedrooms with ensuite bathrooms, conference facilities (scullery, formal dining area, bar etc.).

According to the information provided by TMBA (2023), the proposed conference centre and tourist facilities will be comprising a total area of 700m².

Garages: garage units x 7, cafeteria, workshop, storeroom, and boat/ golf cart unit.

Description	Total (m ²)
New Garages	713.9
Total footprint	713.9

Entertainment Facilities:

Development of the entertainment facility will entail the following –

Ground floor:

- Gaming / snooker / table tennis area
- Dining area
- Bar
- Relaxation area
- Plant rooms
- Spa (sauna and treatment room)
- Squash court (and viewing area)
- Indoor pool
- Gym (and dressing room)

According to the information provided by TMBA (2023), the proposed conference centre and tourist facilities will be comprising a total area of 915.54 m².

Servicing:

- Services:

The property already has an existing services infrastructure that will be leveraged for the proposed activities. However, as of now, there has been no definitive confirmation regarding the capacity of this infrastructure. As a result, ongoing discussions are being held to finalize this information. Despite this, it was decided that the pre-application Basic Assessment will proceed without the confirmed capacity, with the understanding that this will be clarified and included before the final submission of the Basic Assessment report and the associated application for Environmental Authorisation.



Fig. 15. Proposed Managers Cottages, Conference Centre and Tourist Accommodation. Tracey Mills Brink Architects, 27 September 2023, drawing No. 22.15.S4-1.1-0. GoogleEarth Pro Image (right) 5/3/2024.



Fig. 16. Proposed Garages. Tracey Mills Brink Architects, 27 September 2023, drawing No. 22.15.S4-1.1-0. GoogleEarth Pro Image (right) 5/3/2024.



Fig. 17. Proposed Entertainment Facility. Tracey Mills Brink Architects, 27 September 2023, drawing No. 22.15.S4-1.1-0. GoogleEarth Pro Image (right) 5/3/2024.

Point 1: Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974) PNR Regularisation

Since the property was declared a PNR some 39 years ago, under the Nature and Environmental Conservation Ordinance, 1974 (Ordinance 19 of 1974), much has changed in terms of conservation stewardship legislation. The requirements for establishing PNRs under the Ordinance were less stringent

As part of finalising the Draft Basic Assessment Report for the application phase, the information provided by SANParks will be reviewed and incorporated into the updated reports. Currently the history of the site is investigated, and additionally the merits and demerits of regularising the property according to the National Environmental Management Protected Areas Act (NEM:PAA) (Act 57 of 2003) is investigated.

<p>than the current requirements set out in NEMPAA. There is therefore a need to regularise the Featherbed PNR to ensure alignment and compliance with NEMPAA. In terms of NEMPAA, a nature reserve must have a formally appointed Management Authority, and an approved Management Plan. NEMPAA also requires that the terms of an agreement contemplated in section 20(3) of NEMPAA are recorded in a notarial deed, which is registered against the title deed of the relevant property. The legal status of PNRs must be verified and validated to confirm that these requirements are being met, i.e., Regularisation of the PNR.</p>	
<p>The DBAR states:</p> <p style="text-align: center;"><i>As per discussion with TMB Architects (who will also be responsible for the rezoning application), it was determined that the Knysna Municipality is management authority. According to the National Environmental Management Protected Areas Act (Act 57 of 2003), Knysna Municipality must be consulted for approval on this proposed development.</i></p>	
<p>The Knysna Municipality Environmental Department has however confirmed informally that the municipality is not the Management Authority.</p>	<p>This comment is noted. The management authority will be clarified.</p>
<p><u>SANParks wishes to encourage the landowner to Regularize the Featherbed PNR, as required by NEMPAA, via engagement with CapeNature. This would entail the conclusion of a validation agreement between the landowner and the Western Cape MEC for Local Government, Environmental Affairs and Development Planning (MEC), requesting the MEC to appoint a Management Authority and for that Management Authority to prepare a management plan for approval by the MEC. The terms of the validation agreement, once signed, should be recorded in a notarial agreement, which should be registered against the title deed of the relevant property. These steps can be facilitated through CapeNature.</u></p>	<p>This encouragement is noted, the merits and demerits of regularising the property according to the National Environmental Management Protected Areas Act (NEM:PAA) (Act 57 of 2003) will be investigated.</p>
<p><u>The validation of the Featherbed PNR is important for not only protected area governance, but also for carrying out certain activities in the PNR legally. The consent of the Management Authority is required in terms of the regulations for the proper administration of nature reserves, 2012 (Regulations) for, for example, the use of biological resources, carrying out</u></p>	

<p><u>certain activities involving plant or animal species and interference with soil or substrate. Adherence should be a condition of approval.</u></p>	
<p><u>Point 2: Alien Invasive Species and Fire Management</u></p> <p>The landowner's attention is drawn to the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEM:BA) Alien and Invasive Species Regulations, 25 September 2020, where a landowner is legally responsible for the removal of alien vegetation on their property. <u>SANParks requests sight of the required Invasive Species Control Plan (ISCP), and clarity on whether this has been submitted to and approved by the Department of Forestry Fisheries and the Environment (DFFE). Adherence should be a condition of approval.</u></p>	<p>The applicant communicated a longstanding history of alien clearing on the property. Development of an Invasive Species Control Plan (ISCP) is in discussion and would potentially include innovative drone technology as part of the alien invasive species control measures.</p>
<p><u>Compliance with the National Veld and Forest Fire Act (Act 101 of 1998) is required. SANParks requires clarity on whether the landowner is a member of the Southern Cape Fire Protection Association (SCFPA), and whether the necessary legally required firebreaks, agreements and/or exemptions are in place. Adherence should be a condition of approval.</u></p>	<p>The comment was presented to the applicant, whereby it was confirmed that the applicant would register to the Southern Cape Fire Protection Association (SCFPA). Details regarding this registration will be provided in the Draft Basic Assessment Report.</p>
<p><u>Point 3: Developing in Proximity to the Sensitive Knysna Estuary</u></p> <p>Coastal Protection Zone</p> <p>As per NEM: ICMA Section 16(e) the CPZ extends 100 meters of the high-water mark into Uitzicht 216, Portion 59. <u>Section 62 and 63 of NEM: ICMA are relevant in authority decision-making to prevent harm to and afford protection to the CPZ.</u></p>	
<p>Knysna Protected Environment Development Control Area</p> <p>SANParks is responsible for the Proper Administration of the Knysna Protected Environment (KPE) (GN 1175 of 2009) Regulations, and for the authorisation of any development (as defined in the Regulations) in the DCA, as per Section 8. <u>The KPE DCA extends 50m from the high-water mark into Portion 59, and as such SANParks' authorisation is required for development to proceed in these areas.</u></p>	
<p>As per Section 9 and 10 of the KPE Regulations SANParks may request additional studies to be undertaken, should it be deemed that these are</p>	<ul style="list-style-type: none"> • Stormwater Management Plan

<p>required. <u>SANParks requests that the following studies be undertaken, Stormwater and Sewage Management Plans, visual impact assessment, and a coastal erosion/shoreline stability assessment.</u></p>	<p>Hofmeyer & Associates Consulting Engineers provided as interim stormwater management plan suggesting "grassed stormwater detention ponds". This suggestion is currently internally debated. However, the final stormwater management plan including all details regarding proposal to manage stormwater will be presented in the Draft Basic Assessment Report.</p> <ul style="list-style-type: none"> • Sewage Management Plans <p>Service capacity to be confirmed and reported by the engineers.</p> <ul style="list-style-type: none"> • Visual Impact Assessment <p>Please see the Site Sensitivity Verification report where a landscape/visual impact assessment have been disputed. If such an assessment is still required, the EAP enquires justification of this request.</p> <ul style="list-style-type: none"> • Erosion/shoreline stability assessment <p>Laurie Barwell compiled a shoreline and stability assessment on the property in January 2018. This report will be updated and incorporated into the Draft Basic Assessment.</p>
<p><u>Climate Change Response</u></p> <p>SANParks is concerned that the proposed Managers Cottages block is located too close to the estuary embankment edge, in the EFZ and CML delineations, and in an area likely susceptible to coastal erosion processes (Fig. 18). Refer further to SANParks comments (1) of 29 February 2016, to investigate the level of environmental approvals required for maintenance work at Featherbed, where coastal erosion was noted as an issue. <u>SANParks recommends that this building be moved landwards out of the EFZ and CML, and the likely coastal erosion risk area. A specialist coastal erosion/shoreline stability assessment is requested to better understand the inherent current and future risks of developing in this area.</u></p>	<p>Upon receiving the updated shoreline and stability assessment from Laurie Barwell, this comment will be considered.</p>

<p><u>Should coastal erosion stabilisation structures be required to safeguard any buildings/ infrastructure now or in the future, the landowner's attention is drawn to Section 15 of NEM: ICMA, which states:</u></p>	<p>This comment is noted and will be considered upon revision of the shoreline and stability assessment.</p>
<p>(1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person.</p>	
<p>(2) No person may construct, maintain, or extend any structure, or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the National Environmental Management Act, or any other specific environmental management Act.</p>	

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It must be noted that parts of Portion 59 fall below the high-water mark and may be deemed coastal public property.



Fig. 18. Area of proposed Managers Cottages, viewed from estuary. Note damaged sea wall below and erosion on embankment. Erosion is further evident on the embankment below the exiting garages, on the estuary side.

Removal of Protected Trees

A permit from DFFE must be attained should any protected tree species be disturbed on the property, as per the National Forests Act, 84 of 1998, as amended.

All relevant permits as per the National Forests Act (Act 84 of 1998) will be obtained as deemed necessary.

Visual Impact and Loss of Tranquillity

Due to the proposed development being situated adjacent to the GRNP and the Knysna Estuary, and the scale of development proposed, it is recommended that a visual impact assessment be undertaken, which should in addition investigate loss of tranquillity in a nature area.

Please see the Site Sensitivity Verification report where a landscape/visual impact assessment have been disputed. If such an assessment is still required, the EAP enquires justification of this request.

Point 4: Infrastructure

Water

Should the landowner require borehole water the following should be noted:

In terms of the National water Act, 1998 (Act No. 36 of 1998), Revision of General Authorisations for the Taking and Storing of Water, GNR. No 40243, 2 September 2016, Section 2.3; a Water Use License (WUL) may be required due to the property being situated within 500m from the high-water mark of the ocean.

Section 2.3 states the following exclusions from General Authorisations:

2.3. Geographical area and water resources to which the authorisation applies

Except where stated differently in the notice this authorisation applies to all land and all water resources in South Africa, subject to the following exclusions:

1. No water that is taken in terms of this authorisation may be taken within a 500 metre radius from the boundary (delineated edge) of a wetland, pan or estuary.
2. No groundwater that is taken in terms of this authorisation may be taken within a 500 metre radius from the boundary of a wetland or estuary, within a 100 metre radius from the delineated riparian edge of a water course or a state dam, within a 500 metre radius of a state dam wall or within 500 metres from the high-water mark of the ocean.

Further a WUL may be required, if water demand for the primary supply is >1kl/da/ha (>1kl/day/ha which is permitted for general usage). Confirmation from the relevant Competent Authority should be sought. This is assuming that the property does not have Water Use rights prior to 1998.

Stormwater

SANParks requests clarity on the estimated stormwater volumes, and flow paths of stormwater for existing and proposed buildings and structures. A detailed Stormwater Management Plan is required, inclusive of Sustainable Urban Drainage (SUDs) considerations. As evident from past approvals and noted in previous SANParks comments the property is susceptible to soil erosion. Insufficient information has been provided.

Hofmeyer & Associates Consulting Engineers provided as interim stormwater management plan suggesting "grassed stormwater detention ponds". This suggestion is currently internally debated. However, the final stormwater management plan including all details regarding proposal to manage stormwater will be presented in the Draft Basic Assessment Report.

<p><u>Sewerage</u></p> <p>SANParks does not support septic tanks. Existing septic tanks are noted on the property:</p>	<p>Service capacity to be confirmed and reported by the engineers. Upon this all provided information will be assessed in the Draft Basic Assessment Report.</p>
<p>However, the SDP (TMBA, 2023) shows a septic tank located to the north of the new garages. Based on this, it is assumed that there will be no need to connect the new garage infrastructure to the existing municipal services infrastructure.</p>	
<p><u>SANParks requires information regarding the existing sewerage infrastructure on the property, including its functioning, maintenance, as well as number of residents and guests being supported by the infrastructure and for all times of the year. A detailed Sewage Management Plan must be provided for existing and new sewerage infrastructure, for SANParks' perusal.</u></p>	
<p><u>Point 5: Summary and Way Forward</u></p> <p>In summary, given the information provided, <u>SANParks does not support the proposed development in its current form.</u></p>	<p>This comment is noted. SANParks have requested additional information and made relevant comments that need to be considered. All provided comments and requests will be assessed in the Draft Basic Assessment Report.</p>
<p>Although development is proposed in footprint areas that are described as disturbed with low biodiversity value, development on the property appears to be incrementally intensifying. Uitzicht 216 Portion 59 is of high biodiversity value, substantiated by the property being a declared PNR and included in the GRNP protected area expansion footprint and Land Inclusion Plan. The property is situated within the Knysna Sand Fynbos Coastal Corridor, the subject of a conservation initiative supported by SANParks, CapeNature, Table Mountain Fund, WWF, and the Western Heads Goukamma Conservancy.</p>	
<p>Achieving a conservation outcome on this property and ensuring no adverse impacts occur to the Knysna Estuary is important to SANParks.</p>	<p>The applicant's proposed development takes this into consideration and wishes to align with what SANParks deems important.</p>

SANParks wishes to encourage the landowner to Regularize the Featherbed PNR, as required by NEMPAA, via engagement with CapeNature. Adherence should be a condition of approval.	This encouragement is noted, the merits and demerits of regularising the property according to the National Environmental Management Protected Areas Act (NEM:PAA) (Act 57 of 2003) will be investigated
SANParks requests sight of the ISCP (for Portion 59 and 60), and clarity on whether this has been submitted to and approved by DFFE. SANParks further requires clarity on whether the landowner is a member of the SCFPA, and whether the legally required firebreaks, agreements and/or exemptions are in place. Adherence to an ISCP and fire management requirements should be conditions of approval.	The applicant communicated a longstanding history of alien clearing on the property. Development of an Invasive Species Control Plan (ISCP) is in discussion and will be clearly distributed once complete. Additionally, the request to register with the SCFPA was communicated to the applicant. Details regarding this registration will be provided in the Draft Basic Assessment Report.
SANParks is concerned about sewage, stormwater, visual and coastal erosion impacts. SANParks requests that the following studies be undertaken, Stormwater and Sewage Management Plans, visual impact assessment, and a coastal erosion/shoreline stability assessment. SANParks requires information regarding the existing sewerage infrastructure on the property, including its functioning, maintenance, as well as number of residents and guests being supported by the infrastructure and for all times of the year. Should a borehole be required a WUL may be required, confirmation from the relevant Competent Authority should be sought. Actual 'disturbance areas' must be stated, not just 'building footprint' areas.	The additionally requested assessments have been noted and will be included in the Draft Basic Assessment Report.
SANParks recommends that the proposed Managers Cottages block be moved landwards out of the EFZ and CML, and the likely coastal erosion risk area.	This comment will be revised after receiving input from the shoreline and stability assessment to be done by Laurie Barwell.
Section 62 and 63 of NEM: ICMA are relevant in authority decision-making to prevent harm to and afford protection to the CPZ.	This comment is noted.
Should coastal erosion stabilisation structures be required to safeguard any buildings/ infrastructure now or in the future, the landowner must adhere to	This comment will be revised after receiving input from the shoreline and stability assessment to be done by Laurie Barwell.

Section 15 of NEM: ICMA. It must be noted that parts of Portion 59 fall below the high-water mark and may be deemed coastal public property.	
A permit must be attained from DFFE for the removal of any Protected Trees, should this be required.	All relevant permits as per the National Forests Act (Act 84 of 1998) will be obtained as deemed necessary.
The KPE DCA extends 50m from the high-water mark into Portion 59, and as such SANParks' authorisation is required for development to proceed in this area.	This comment will be considered, and all relevant approvals will be sought prior to commencement with the proposed development.
SANParks comments are based on the unregulated Pre-Application Basic Assessment stage information pack, supplied by EcoRoute Environmental Consultancy, dated 24 October 2024. Further comments will be provided during other regulated stages of the Basic Assessment public participation process.	
It is requested that SANParks' full comment letter be included in the body of all Basic Assessment Reporting stages, and not only in a Comments and Responses table.	As per this request, all communications with SANParks will be included in the Draft Basic Assessment Report.
SANParks reserves the right to revise initial comments if additional information becomes available.	
CapeNature – Megan Simons – 04 December 2024	
CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature wishes to make the following comments:	
According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet <i>et.al.</i> 2017) ¹ the proposed development is within the Featherbed Private Nature Reserve, abuts the Knysna Estuary and is within the Knysna Lake Protected Environment. A minor section is within the Knysna Estuarine Functional Zone. Furthermore, the property is within the National Strategic Water Source Area for surface water for the Outeniqua region and serves as a water source protection for the South Eastern Coastal Belt.	
The fine-scale vegetation map describes the area as Groenvlei Coastal Forest, Sedgefield Thicket Sandplain, and Garden Route Estuary (Vlok <i>et al.</i> 2008) ² . According to the National Biodiversity Assessment (Skowno <i>et al.</i> 2018) ³ the vegetation units are Knysna Sand Fynbos which is listed as Critically	

<p>Endangered (NEM:BA, 2022)⁴ and Goukamma Dune Thicket which is Least Concerned (SANBI 2022)⁵. Following a review of the dBAR and specialist studies, CapeNature has the following comments:</p>	
<p>1. It is concerning that erosion and invasive alien vegetation are not actively managed considering this is a Protected Area. Invasive alien plants often displace indigenous plant species which results in altering of ecosystems functioning. We therefore recommend an Alien Control Plan be compiled. The eradication and monitoring of invasive alien species should follow the National Environmental Management: Biodiversity Act (Act No.10 of 2004)⁶. Control methods for the eradication of alien invasive species must be implemented in such a way that it prevents harm to the surrounding environment.</p>	<p>SANParks has emphasised the importance of controlling invasive alien vegetation in compliance with the National Environmental Management: Biodiversity Act (Act No. 10 of 2004). This requirement was conveyed to the applicant, who, in response, provided a record of ongoing efforts to clear invasive species on the property. Discussions are underway regarding the development of an Invasive Species Control Plan (ISCP), which will be clearly outlined and included in the Draft Basic Assessment Report once finalised.</p>
<p>2. CapeNature reminds the applicant that we do not support development on steep slopes. The Garden Route has experience erratic climate events such as flooding and sea storm surges and the impact of these events must be mitigated.</p>	<p>This comment is noted and will be considered in line with the additionally requested shoreline and stability assessment to be done by Laurie Barwell. Findings will be clearly discussed in the Draft Basic Assessment.</p>
<p>3. Figure 13 in the Terrestrial Biodiversity and Plant Species Assessment illustrated the habitat conditions for the screened areas. Following the 2017 fires, were areas rehabilitated? As many of the habitats described are degraded. The objectives of Protected Areas are to be maintained in a natural state, with a management plan that is focused on maintaining or improving the biodiversity (Pool-Stanvliet <i>et.al.</i> 2017). It is important to note that Featherbed is a Protected Area and is surrounded by other Protected Areas (as listed above), Critical Biodiversity Areas and Ecological Support Areas. CapeNature would encourage the landowners to reconsider having the biodiversity of the property evaluated. The landowners are welcome to contact CapeNature.</p>	<p>This encouragement is noted. The applicant is aware of the objectives of Protected Areas, whereby management will be elaborated accordingly in Section 2 of the Draft Basic Assessment Report.</p>
<p>4. The only plant species of conservation concern was <i>Selago villicaulis</i> (bitterbush) which is Vulnerable. Will the two individuals remain in the medium sensitivity area?</p>	<p>The Terrestrial Biodiversity Report (Capensis, 2024) confirmed that the proposed development impact on SCC will be Low negative. The proposed mitigation measures did not mention transfer of these species, however, upon revision of this comment, feedback will be provided in the Draft Basic Assessment Report.</p>

<p>5. Some concerns regarding the impacts are the increased risk of erosion and impact on the estuary. Thus, the structures/ proposed development within the 36 m aquatic buffer must be removed. The fact that this area was developed previously should not be used as a motivation to allow development within the buffer area. The sites should be assessed based on current condition and impacts. Thus, if the sensitivity is considered very high sensitive then it should not be allowed in that areas and the site development plan must be amended to avoid development in high sensitive areas.</p>	<p>This comment is noted and will be considered in line with the additionally requested shoreline and stability assessment to be done by Laurie Barwell.</p>
<p>6. The Aquatic Biodiversity Assessment must be amended to include the impacts to the sewer infrastructure.</p>	<p>The engineer was requested to provide feedback on the services infrastructure. It is not the responsibility of the aquatic biodiversity specialist to supplement information in their report.</p>
<p>7. A- It is concluded in Aquatic Biodiversity Assessment that the SWSA will not be negatively impacted by the development. It is essential to point out that managing SWSA will improve water security (in a water scarce country like South Africa) and ensure water sustainability.</p> <p>B- It was mentioned in the Terrestrial Biodiversity and Plant Species Assessment that the high density of invasive alien plants is threatening the ecological function within the Protected Area. We therefore reiterate that eradicating and controlling invasive alien plants remains crucial for preserving the integrity of ecological infrastructure, thereby safeguarding water resources in the Western Cape.</p>	<p>A- The EAP thanks CapeNature for this information.</p> <p>B- The comment is noted. The importance of eradicating and controlling invasive alien plant species within the Featherbed Private Nature Reserve is fully acknowledged. In response, a comprehensive Alien Invasive Species Control Plan has been prepared for Portion 59 (and adjacent portions forming part of the Reserve), which directly addresses the ecological risks associated with invasive alien plants, including threats to ecological functioning and water resources. This plan has since been approved by the relevant authority and will be implemented as part of the proposed development and ongoing reserve management. The commitment to invasive alien plant control is further embedded within the Environmental Management Programme (EMPr), ensuring long-term safeguarding of ecological infrastructure within the Protected Area.</p>
<p>8. As mentioned in the Terrestrial Animal Species Assessment "<i>The detectability of animal species increases with more visits</i>" thus, environmental authorisation cannot be granted after one site visit considering the threat status of the various SCCs. We would recommend comment be obtained from BirdLife South Africa</p>	<p>The Terrestrial Animal Species Assessment and Compliance Statement was undertaken in accordance with the requirements of the National Web-based Environmental Screening Tool and the relevant gazetted protocols. The site sensitivity for terrestrial fauna was assessed as low, and no faunal</p>

<p>regarding the potential avifaunal impact. We also recommend that the requesting comments from an entomologist with knowledge and experience of butterflies.</p>	<p>Species of Conservation Concern were confirmed within the proposed development footprint. The assessment methodology, including site visits and desktop review, was considered sufficient to inform the Basic Assessment process. While it is acknowledged that detectability of fauna may increase with additional survey effort, the current level of assessment is regarded as adequate for decision-making purposes. On this basis, additional specialist inputs from BirdLife South Africa or an entomologist are not considered necessary at this stage. However, precautionary mitigation and monitoring measures, including ECO oversight during construction, have been incorporated into the EMPr.</p>
<p>9. A- It is regrettable that the previous development, which was destroyed by the fire, was primarily used as a justification for approving the proposed development.</p> <p>B- Furthermore, the specialist studies only assessed the impacts on this site and not the impact the proposed development will have on Ecological Infrastructure, the surrounding Protected Areas and Critical Biodiversity Areas.</p>	<p>A- This comment is inaccurate. The proposed development is being assessed in accordance with the regulations outlined in the National Environmental Management Act (NEMA) (Act 107 of 1998) for a Basic Assessment. The mention of the development to occur in previously disturbed areas was intended to highlight that the project will have minimal impact on the surrounding environment.</p> <p>B- The specialist studies undertaken for the proposed development were appropriately scoped to assess both site-specific impacts and the broader ecological context of the receiving environment. The Terrestrial Biodiversity, Aquatic Biodiversity, and Terrestrial Animal Species assessments considered ecological connectivity, adjacent Protected Areas, and mapped Critical Biodiversity Areas through desktop analysis, spatial datasets, and application of the National Web-based Environmental Screening Tool. While the direct impacts of the proposed development are confined to the site, potential indirect and cumulative impacts on surrounding ecological infrastructure were assessed and addressed through the identification of sensitivities, avoidance of high-sensitivity areas, and the implementation of mitigation measures contained in the EMPr. The level of assessment is considered sufficient for the purposes of a Basic Assessment process.</p>
<p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	

MUNICIPALITIES	
Knysna Municipality – Kate Southey – 07 November 2024	
Please find our comments on your Pre-Application Notice:	
Knysna Municipality notes that there was mention of a Town Planning Re-zoning Application that will be taking place. Although these are two separate processes, we wish to request that all of the relevant design and layout considerations for the re-zoning application be reflected as the design and layout proposals for this BAR application.	During an internal project review meeting held on 18 March 2025, the need for a town planning rezoning application was reassessed. It was confirmed that the current zoning and associated consent use provisions applicable to Portion 59 of Farm 216 provide for the proposed tourism-related development. On this basis, a rezoning application is no longer being pursued. All design and layout proposals assessed as part of this Basic Assessment are therefore based on the existing lawful land use rights, and no development rights beyond those permitted by the current zoning are being relied upon.
Please note that there are many town planning restrictions linked to properties along the lagoon, which will impact the SDP and these must be accurately reflected in the SDP's for this Basic Assessment as well.	
In addition, if the rezoning application is to move from an Open Space zoning to any other then this needs to be assessed as the move away from a zoning for conservation purposes (which it currently is) could have long term impacts.	
NGO	
Western Heads -Goukamma Conservancy (WHGC) – Johan Labuschagne (Chairman) – 25 November 2024	
The following are comments regarding the Project proposal, Pre-Application Basic Assessment Report and relevant appendices.	
Background	
The Western Heads Goukamma Conservancy, hereafter referred to as the, "WHGC" is supported by a Table Mountain Fund (TMF) project, specifically towards strengthening one of the WHGC's mandates for the conservation and restoration of the Knysna Sand Fynbos (KSF).	

<p>The WHGC covers the area from the western bank of the Knysna Estuary to the eastern bank of the Goukamma Estuary, and from the beach (high water mark) inland to the N2 national highway (more at https://westernheadsgoukamma.co.za/)</p>	
<p>Uitzicht 216 Portion 59</p>	
<p>Portion 59 (and adjacent portion 60) that is called the Featherbed Nature reserve is of very high conservation, historical and aesthetic value for Knysna. It is situated within an exceptionally sensitive biodiversity area, with large portions of the properties bordering the Knysna Estuary and Estuary mouth and it also contains critical biodiversity. This property falls in</p>	<p>Although some areas of the Featherbed Nature Reserve could be considered “exceptionally sensitive” in term of its biodiversity. The specialist report (Capenis, 2024) indicates that the proposed development location contains very low, low, and medium sensitivity.</p>
<ul style="list-style-type: none"> the Buffer Zone of the Garden Route National Park (GRNP), 	<p>This is noted and verified.</p>
<ul style="list-style-type: none"> the Estuarine Functional Zone (EFZ), 	<p>This is noted and confirmed with available data. It should however be noted that none of the development proposal will be within the estuarine functional zone.</p>
<ul style="list-style-type: none"> the Coastal Protection Zone (CPZ) as per Integrated Coastal Management Act 24 of 2008 	<p>This is noted and verified.</p>
<ul style="list-style-type: none"> the Development Control Area (DCA) as per Knysna Protected Environment (KPE) Regulations 2009 Gaz 23797 	<p>This is noted and verified.</p>
<ul style="list-style-type: none"> the National Heritage Resources Act 	<p>This is noted and verified. It should be noted that a Notice of Intent to Develop (NID) under Section 38(1) and (8) of the NHR Act will be submitted to Heritage Western Cape. Heritage Western Cape will determine whether the proposed development might have an impact on heritage resources. Comment will be included in the Draft Basic Assessment Report.</p>
<ul style="list-style-type: none"> Fall outside of the urban edge 	<p>This is noted and verified.</p>

<ul style="list-style-type: none"> Open Space Zone IV (Consent Use: Tourist facilities) 	This is noted and verified. It should be noted that tourist facilities are not the only consent, it was merely included as an example of applicable consent in the Pre-Application Basic Assessment.
The following specific aspects that are being commented on:	
1. Referring to the Faunal assessment prepared by Kim Daniels as per Appendix D3.	
(a) The WHGC is of opinion that Kim Daniels has impressive qualifications, however, is not a sufficiently well qualified expert for invertebrates and amphibians . Very well qualified experts are available but were not consulted - either to save costs or to reduce the risk that anything significant is found in the development area.	The opinion of the WHGC is noted and will be communicated to the specialist.
(b) Referring to Table 3 on page 14 an Endangered amphibian is listed. Further on pages 19 to 20 there are 3 Critically Endangered, 1 Endangered, 1 Vulnerable and 1 Near Threatened butterfly species are listed. No dates are given as to when and where searches took place, since all these animals are seasonal and localised, so the timing and locations searched are very important. Ref "Appendix D3 - Portion 59 of Farm 216 Uitzigt_Fauna_CS_July2024.pdf"	Please take note that Table 3 contains a summary of habitat, breeding and feeding requirements for animal SCC <u>potentially</u> occurring on Portion 59 of Uitzigt Farm 216. The specialist have specified their methodology and concluded the presence of SCC on the property.
2. Terrestrial Biodiversity Assessment	
It appears from the assessment that poor conservation management of the Nature reserve that resulted in degraded and disturbed areas are presented as reasoning for support the development proposal.	This is not the case. Rebuilding on the same disturbed footprint was mentioned to highlight that the project will have minimal impact on the surrounding environment.
There is a huge concern about the poor management/control of the invasive species that is covering a lion's share of the property as well as adjacent portion 60 that forms part of the "Featherbed Nature reserve".	The requirement to produce an Invasive Species Control Plan (ISCP) conveyed to the applicant, who, in response, provided a record of ongoing efforts to clear invasive species on the property. Discussions are underway regarding the development of an ISCP, which will be

	clearly outlined and included in the Draft Basic Assessment Report once finalised.
The WHGC is in full agreement with the statement on Page 28 of the Terrestrial Biodiversity Assessment, that states that " high densities of Invasive Alien Plants (IAPs) are present in the nature reserve, and this threatens the species diversity and ecological functioning. "	This agreement is noted.
The WHGC request that an stringent eradication of IAP's being set as a condition of approval of EA.	This request will be considered by the Competent Authority.
Appendix D1 - Terrestrial Biodiversity Assessment - Featherbed - 1st Draft Final	
3. Expanding the development & disturbance footprint.	
The statement "The property is approximately 135 800 m2 and only 2 523 m2 will be disturbed. Amounting to a < 2% disturbance on the entire property" is underplaying and does not provide the full extent of the impact. The 2 523 m2 refers to additional disturbance of the proposed Development of managers' cottages, conference centre and tourist facilities, garages, and an entertainment facility is adding to existing facilities that is considers already as a heavily developed footprint.	The Pre-Application Basic Assessment Report seeks to assess the impact of the proposed development. Therefore, the provided calculations are not underplayed but rather presented as qualitative facts. Assessing the existing facilities as part of the current proposed development mandates assessment in retrospect, which is not in line with what needs to be considered a part of the regulations outlined in the National Environmental Management Act (NEMA) (Act 107 of 1998) for a Basic Assessment.
The calculated building and disturbance footprint must present the full extent of the developments and habitat loss for the <u>existing</u> and <u>proposed</u> infrastructure. Using Knysna Public Viewer GIS tool, it is estimated that the total disturbance of existing and proposed amount to over 17,000m2 (>12% disturbance on the entire property)	
The property is Zoned "Open Space Zone IV" that typically refers to a specific zoning category within a municipality that designates land primarily for large-scale, natural open spaces with minimal development. This Zoning usually allows for very limited building, with focus on passive recreational activities like hiking, birdwatching, and nature observation.	This comment is noted and verified.
4. The description of "managers' cottages, conference centre and tourist facilities, garages, and an entertainment facility" is ambiguous with no indication on the number of tourists / visitors or permanent residence	Information with regards to this comment will be requested and included in the Draft Basic Assessment Report.

5. No information is provided regarding Sewage management that is critical due to the proximity to the Knysna Estuary.	Confirm service report with engineer.
6. The stormwater runoff from hardened surfaces is already causing erosion on the property, as highlighted in the reports. The proposed development will increase erosion and sedimentation into the estuary. Urgent mitigation is required to stabilize the current erosion to the satisfaction of the relevant authority. Storm water management should be a condition of approval of EA.	Laurie Barwell will provide information on the shoreline and stability, whereby information will be integrated into the Draft Basic Assessment.
7. No reference was submitted by the applicant of consultation with SANParks as per Knysna Protected Environment (KPE) regulations. This is a regulatory requirement, and the development cannot not be approved without the official consultation and approval from the authority.	As part of the first round Public Participation there was consultation with SANParks. Whereby their comments have been considered.
8. The Notice of Intent to Develop (NID) as required in terms of The National heritage Resources Act, Act 25 of 1999 will prescribe in its outcome if any other specialist studies would be required. (Please see item Visual Impact below)	This is noted and verified. It should be noted that a Notice of Intent to Develop (NID) under Section 38(1) and (8) of the NHR Act will be submitted to Heritage Western Cape. Heritage Western Cape will determine whether the proposed development might have an impact on heritage resources. Comment will be included in the Draft Basic Assessment Report.
9. Architectural comments	
a. A Visual Impact Assessment (VIA) would be required due to the high visual sensitivity of the site from many viewpoints, vantage points and tourism scenic routes. We are of the opinion that it is a high visual impact and not a low visual impact as contemplated in the BAR. The VIA should address bulk, form, colours, textures, heights, fragmentation, external lighting, landscaping, etc.	A visual impact assessment have been disputed. If such an assessment is still required, the EAP enquires justification of this request.
b. The term 'Manager's Cottages in the BAR is ambiguous, as it is a 4-bedroomed house and not 'cottages'. The area of this dwelling, indicated as 193,61m ² , may exceed the limit on the size of second dwellings.	The term "Manager's Cottages" is used to describe on-site accommodation intended solely for operational and management purposes associated with the primary tourism use of the property. These units do not constitute second dwellings or independent residential units as contemplated in municipal zoning schemes, but rather form part of the ancillary infrastructure required for the effective management and operation of the facility. The size of the units has therefore not been assessed against second dwelling size limitations. To avoid ambiguity, the terminology will be clarified in the

	Basic Assessment Report to refer to "Manager's Accommodation Units" or "Operational Management Accommodation," and it will be explicitly stated that these units are not separate residential dwellings.
c. Warped plans in the BAR for the Conference Centre and Tourist Facilities – this should be fixed	The mentioned plans will be reviewed. Please see Appendix B for the correct Site Development Plans.
d. The proposed Entertainment Facility appears to be just another dwelling	Please see Appendix B for the correct Site Development Plans.
e. Parking for the Proposed Entertainment Facility has not been shown on the submission – to be amended	Parking associated with the proposed entertainment facility forms part of the overall on-site parking provision and was inadvertently not clearly indicated on the submitted Site Development Plan. The Site Development Plan will be amended to explicitly show the location of parking areas serving the entertainment facility. No additional parking areas outside of the assessed development footprint are proposed, and parking provision remains within the existing disturbed areas of the property.
f. Table 8 in the BAR does not match the text and other diagrams where disturbance areas have been shown. The disturbance areas cannot be limited to the footprints only. The area tables have to be amended for the various buildings, with realistic areas. The table should also show the disturbance areas of the existing development, roads and lay down areas – to be amended for consideration.	The referred tables will be reviewed.
g. Note that all plans will need to be approved by the Knysna Outdoor Advertising, Heritage and Building Aesthetics	This will be communicated to the applicant.
10. The SDP is incomplete, as it is lacking the very important location of the sewage works, effluent discharge/distribution area, and wastewater plans.	The Site Development Plan will be amended to indicate the location of the existing and proposed sewage infrastructure, including sewage works and effluent discharge or distribution areas, as well as the alignment of wastewater infrastructure. These elements form part of the infrastructure already assessed within the Basic Assessment and will be accommodated within previously disturbed areas of the

	property. No new sewage works or off-site effluent discharge is proposed.
11. The Featherbed nature reserve has not completed the “Private Nature reserve” verification and validation” by Cape Nature	Currently the history of the site is investigated, and additionally the merits and demerits of regularising the property according to the National Environmental Management Protected Areas Act (NEM:PAA) (Act 57 of 2003) is investigated.
a. Background: In the Western Cape province, more than 200 private nature reserves have been declared under provincial conservation ordinance legislation, prior to the enacting of the NEMA: Protected Areas Act, 57 of 2003, as a means of securing critical biodiversity on private land. However, the requirements for establishing private nature reserves under the previous legislation were less stringent than the requirements set out in the Protected Areas Act. As a result, although these properties are formally recognised by the Act as Protected Areas (Nature Reserve category) they remain vulnerable to degradation and/or development, as they are not fully compliant with the requirements of the Act,. through a “verification and validation” process, to ensure that each has i) a formally appointed management authority, ii) an approved management plan, and iii) the required title deed endorsement as set out in the Act. In this manner they will form a valuable contribution to the protected area network, managed according to recognised standards, and securing threatened fynbos habitat.	
b. Verification and validation” by Cape Nature should be a condition of approval of EA	
Conclusion	
Portion 59 Uitzicht falls outside of the Urban Edge, in a CBA and adjacent to the Knysna Estuary (National Park).	This comment is noted and verified.
The WHGC requires that the BAR be amended to include the above concerns raised	The Draft Basic Assessment Report will include all comments and considerations presented during the first round Public Participation.
The WHGC reserves the right to revise its initial comments and to request further information based on any additional information that may be received.	
PUBLIC	
John Macey – 19 November 2024	

Traffic Concern

Please could you advise how many more vehicles will be traveling along the Western Head brick paved road annually, by your estimation? The road is already carrying more traffic than was intended at the time of its paving, and my concern is both that it will degrade faster than it should (for which landowners will all be expected to pay), and that the road will become more dangerous for pedestrians.

Please remember that the original brick paving of the road was paid for by all landowners and that the recent upgrade to the turnoff from the Lake Brenton Road was also paid for by all owners, despite the greater volume of traffic caused by commercial activities. It therefore does not seem fair that landowners are effectively subsidising commercial activities.

It has been determined that the Pre-Application Basic Assessment Report should be updated to address this comment. The Western Head brick paved road will not be utilised during operation of the proposed development. However, estimations regarding the increase in traffic will be requested and included in the Draft Basic Assessment Report.