

COMMENT AND RESPONSES REPORT
HOUSE VOGEL / THE HAPPY PLACE - PART 2 AMENDMENT ASSESSMENT

DEA&DP REF: 16/3/3/5/D1/13/0003/21

PUBLIC PARTICIPATION PROCESS

A Draft Part 2 Amendment Assessment Report was made available for public comment as part of the public participation for the proposed change of land use from a single residential dwelling to a training, rescue & rehabilitation centre for domestic animals (primarily dogs) on Erf 2103 Piesang Valley in Plettenberg Bay. The applicant has an existing Environmental Authorisation (EA) for the construction of a single residential dwelling and upgrade to the existing road and culvert on the property. The road and culvert has already been upgraded in terms of the current EA. The applicant no longer wishes to build the residential dwelling and has provided the land to the Tanaka Foundation for the establishment of the training, rescue & rehabilitation centre. The Part 2 Amendment Application was submitted to and approved by the provincial Department of Environmental Affairs & Development Planning (DEA&DP) as the competent authority for this application. A 30 day comment period extended from the **23 August to 21 September 2021**. All comments received during this period have been collated and will be included in the Final Part 2 Amendment Assessment Report to be submitted to the competent authority. The comments captured in this table are copied from the original submissions.

It must be noted that several objections were received from the River Club owners, however on request to register they refused and / or did not confirm registration, thus these comments could not be included. Those owners who did register provided very similar comments and as such the issues raised are considered to be included.

COMMENT / ISSUES		RESPONSES
Abrahams, Carlo - Breede Gouritz Catchment Management Agency (BGCMA)		
	Automatically registered as an I&AP.	Registered 20 March 2020
Bekko, leptieshaam - DEA&DP: Coastal Management		
	Automatically registered as an I&AP.	Registered 31 January 2018
Draft Part 2 Amendment Assessment Report		
	1. Your request for comment from the sub-Directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 23 August 2021, refers.	Cape EAPrac: Thank you for your participation in this environmental process.

COMMENT / ISSUES	RESPONSES
<p>2. 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". The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The PCMP 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. A key priority of the PCMP is the Estuary Management Programme, which is predominantly implemented through the Estuary Management Framework and Implementation Strategy ("EMFIS") project. The Department is implementing estuary management 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.</p>	<p>Cape EAPrac: So noted.</p>
<p>3. The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:</p>	
<p>3.1. It is noted that the owner of Erf 2103 Piesang Valley, and holder of the EA, wishes to amend the current EA (which was issued by the Department on 17 September 2018) for a single residential dwelling to provide a day care, training and rehabilitation centre for domestic animals. Two cottages are proposed to be utilised for staff accommodation and a separate unit is for the proposed training centre. The applicant wishes to replace the approved single residential dwelling with the proposed rescue facility. All structures will be raised above ground on stilts, including dog kennels.</p>	<p>Cape EAPrac: That is correct.</p>

COMMENT / ISSUES	RESPONSES
<p>3.2. The NEM: ICMA is not listed as relevant legislation for the proposed development in the draft Amendment Assessment Report (2021). The NEM: ICMA should be listed as relevant legislation, as the proposed maintenance activities will occur within the estuarine functional zone ("EFZ") as well as within the coastal protection zone ("CPZ") and the purpose of the CPZ should be considered in the application. Due to the effects of climate change, it was predicted that the Western Cape would experience, inter alia, changes in temperature, decrease in rainfall and an increase in the frequency and magnitude of storm surges along the coast. It is in the light of this complex and dynamic nature of the coastline that the NEM: ICMA was promulgated. The NEM: ICMA provides a framework for the integrated management of the coast with the aim of preserving, protecting, extending and enhancing the status of coastal public property and securing equitable access to the benefits and opportunities of the coast. As such, the NEM: ICMA provides for various zones and provides a framework for the management of these zones.</p>	<p>Cape EAPrac: The Amendment Assessment Report has been updated to reflect this. It must be noted that the application is for an amendment of the layout that has already been approved by DEA&DP and this amendment does not include any new activities affecting the EFZ. These impacts were assessed in the original EIA process.</p>
<p>3.3. The proposed development layout is set to occur seaward the coastal management line ("CML") for the Garden Route District as noted in the amendment report. The increased effects of climate change, sea level rise and increased storm surges in coastal environments obliges the Department to take a more cautious approach when considering developments along the coast and estuaries. The technical delineation of the CML project was to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The CML was informed by various layers of information including biodiversity, estuarine functionality, risk to flooding, wave-run-up modelling, inter alia, and was delineated in conjunction with and supported by other organs of state including the Local and District Municipalities, CapeNature and all other organs of state represented on the steering committee for the Garden Route District CML project. The principal purpose of the CML is to protect coastal public property ("CPP"), private property and public safety; to protect the CPZ; and to preserve the aesthetic value of the coastal zone. The use of CMLs is of particular importance in response to the effects of climate change, as it involves both a quantification of risks and pro-active planning for future development.</p>	<p>Cape EAPrac: The property is located inside the CML, as is most of the development north of the Piesang Valley Road. During the previous EIA, mitigations were advocated to alleviate the impact on the estuary and to revitalise the remnant tidal channel. These have been implemented and will continue to be applied to the proposed new layout. This includes a buffer on the estuarine areas and the improvement of the connectivity of the remnant tidal channel to the main estuary channel.</p>

COMMENT / ISSUES		RESPONSES
23-Sep-21	<p>3.4. The draft Amendment Assessment Report indicated that the proposed rescue centre will be located within 100m of the highwater mark of the Piesang River, as such the proposed development will occur within the EFZ. The applicant is advised to consider the Western Cape Estuarine Management Framework and Implementation Strategy: Best Practice Activity Guidelines (2019) which is a value resource for the nature of the proposed development and can be found on the Departmental website at: https://www.westerncape.gov.za/eadp/files/atoms/files/WC%20EMFIS%20Activity%20Guidelines.pdf</p>	<p>Cape EAPrac: Thank you this information. Please note that the original EIA and EA were undertaken and issued in 2017 and 2018 respectively. The guideline was issued in 2019. We take cognisance of the information, and the implementation of the buffers on the estuary (Piesang River) and the remnant tidal channel, as well as the improvement to the channel by replacing the previous culvert with the new one has improved the functioning of the system.</p>
	<p>3.5. The draft Amendment Assessment Report states that the proposed development has no influence on an estuary management plan. It should be noted the Department's Estuary Management Plans ("EMPs") are currently open for public comment and the Piesang River EMP indicated that subject property is proposed to be zoned as Development (Low Intensity). This zone reflects the nature of current development but also has a specific purpose, namely, to regulate the type of future development and activities that may take place within these private land parcels. The EMP recommends that the areas earmarked in this zone be reserved for either no development or very-low density development, tailored towards agriculture conservation and eco-tourism. The Piesang River EMP can be accessed via the Department website: https://www.westerncape.gov.za/eadp/files/atoms/files/Piesang%20River%20Estuary%20Draft%20EMP_2021.pdf</p>	<p>Cape EAPrac: This application is for an amendment to an already approved development. The EA was issued in 2018 prior to the circulation of the Piesang River EMP. However, the proposed new layout is smaller than the approved layout and has less impact with the buildings being placed on stilts. It is in keeping with the current draft Piesang River EMP as follows:</p> <ul style="list-style-type: none"> - Low density - Low impact - Limited consolidated access roads - Limited supporting light commercial development - No industrial, noxious or hazardous development - No WWTW development, no waste dumps or waste transfer stations - No large-scale commercial agriculture or livestock - Mandatory SUDs - Preferential planting with locally indigenous species - No clearing of indigenous vegetation - Removal of invasive alien vegetation - No construction of additional jetties or slip ways - No motorised boating - No modification to wetlands unless for rehabilitation purposes (already approved)

COMMENT / ISSUES	RESPONSES
<p>3.6. The nature of estuaries and the broader littoral active zone must be taken into account in land-use planning and this includes planning for the natural meandering and/or migration of the estuary channel and mouth, riparian flooding, tidal surges and sea storm events as well as the long-term natural processes of erosion and accretion in the coastal zone. The capacity of the estuary and/or river to accommodate recreational pressure generated by shoreline development should be taken into account in determining the nature and scale of development adjacent to estuaries.</p>	<p>Cape EAPrac: The approved and proposed layout have been constrained by means of a buffer on the estuary and the remnant tidal channel. No development will be located inside this buffer on the shoreline of the estuary. No recreational use facilities are being proposed along the estuary.</p>
<p>3.7. The applicant considered critical biodiversity areas ("CBAs") and ecological support areas ("ESAs") as well as aquatic features in relation to the proposed development and in accordance with the Western Cape Biodiversity Spatial Plan (2017). Where possible, CBAs and priority ESAs as well as remaining natural ecosystems, particularly forests, riparian margins and dune systems, should be preserved. These natural units holistically provide protection against extreme events such as natural disasters and associated erosion.</p>	<p>Cape EAPrac: The buffer areas along the estuary will be retained and no development allowed inside them. The remaining natural vegetation is also being retained, buildings will be placed only on areas that are currently grass. Additional planting of indigenous vegetation will take place as part of the rehabilitation plan previously approved and as part of the mitigation measures for noise.</p>
<p>3.8. It is noted from the to the Wetland Assessment (EnviroSci, June 2021) that the proposed layout amendment would see a reduction in the overall footprint of the proposed development with the proposed access road already being completed as authorised. With the lifting of structures, the Wetland Assessment stated the hydrological impact on the site would be further limited.</p>	<p>Cape EAPrac: That is correct.</p>
<p>3.9. The Garden Route Coastal Access Audit (2019) indicated access to the coast at the subject stretch of coast is via private residences only. There is also an issue of encroachment of private gardens into the primary dunes which is a major concern. The applicant is advised to stay within the proposed development footprint.</p>	<p>Cape EAPrac: The development may only take place on the designated areas.</p>
<p>3.10. The amendment proposal includes a proposed entrance and access road as well as a guest parking area. The Guidelines mentioned in item 3.4. advises that parking areas must be positioned in such a way as to minimise the need for protection structure/measures and maintenance.</p>	<p>Cape EAPrac: So noted. The access road and parking areas do not require any protection measures or maintenance. The culvert under the neighbouring property's access road and the access to the rehabilitation centre has been improved to allow functionality of the remnant tidal channel and is suitable for the small number of vehicles that will utilise it. No general access to this area is allowed.</p>

COMMENT / ISSUES		RESPONSES
4. 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.		Cape EAPrac: So noted.
5. The SD: CM reserves the right to revise its comments and request further information from you based on any information that may be received.		Cape EAPrac: So noted.
Bennett, George - Neighbour		
Automatically registered as an I&AP.		Registered 31 January 2018
Draft Part 2 Amendment Assessment Report		
My name is George Bennett, owner of Erf 4136 Piesang Valley road and I hereby wish register a formal and very strong objection to the rezoning of ERF 2103 Piesang Valley road and subsequent building of a dog rescue, rehabilitation and training centre. Whilst I am a great dog lover and owner of rescue dogs, I feel very strongly that this should absolutely not even be considered in a largely residential area. As a very concerned resident I wish to object based on the following grounds. Let me start with the obvious reasons first and will then digress to the reasons that may not have been considered.		Cape EAPrac: The area is not predominantly residential and includes commercial, industrial, retail, institutional, tourism (micro brewery, restaurants, farmstall etc) and agricultural (horse riding, nurseries, veterinary clinic etc) uses. According to the Bitou Zoning Scheme Bylaw (Final Draft, 20th January 2020), the property is zoned for Agriculture and as such a kennel / animal care centre is an allowable activity on the site. Perception Planning: In terms of the "Section 8 Zoning Scheme Regulations (1985)" currently applicable to this area the property is zoned "Agricultural Zone I". Replacement of this dated scheme with the new Bitou Zoning Scheme Bylaw (2020) is imminent. According to the new Bitou Zoning Scheme Bylaw (2020) the property will be zoned "Agriculture Zone" within which consent uses such as an "animal care centre" may be permitted.

COMMENT / ISSUES	RESPONSES
<p>Noise pollution is obviously a really huge concern, any noise always seems extremely amplified in the Piesang Valley, even one barking dog can be hugely disturbing, imagine a whole yard of rather traumatised rescue dogs.</p>	<p>Tanaka Foundation:</p> <p>In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control <p>In addition, we will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p>

COMMENT / ISSUES		RESPONSES
31-Aug-21	Secondly - hygiene is a legitimate concern. The cleanliness of the water table is already questionable - now there will be kennel and yards being cleaned and hosed down daily with the water all seeping right into the water table. Really not ideal for the water cleanliness and the effect this will have on the river life in the Piesang river.	Cape EAPrac: The Tanka Foundation is partnering with Logicalwaste and will be collecting all wash water, faeces, household organic waste and garden organic waste in a small scale biogas bag. The calculated gas volume that can be collected will be used to cook with. The digestate that remains is an excellent source of organic fertiliser which will be used on site. This significantly reduces any possible impact on the water table.
	A huge reason for my objection would be the impact this would have on the environment along the river. As a resident one property away I would like to tell you how absolutely beautiful and abundant the bird life is in the Valley. It is really quite an extraordinary variety of birds (and in some cases fairly rare) that reside and feed/hunt in the Piesang Valley - there is absolutely no doubt in my mind that a development of this nature would largely destroy this and the impact would be detrimental on the environment. When we built our house seven years ago we went to huge lengths and considerable cost to respect the Valley, its fauna and flora. With such a development this would all have been in vein.	Cape EAPrac: The proposal, as with the currently approved development will only affect areas that have been excessively grazed over the years. The owner has commenced with an indigenous planting scheme on the property, including the removal of alien invasive vegetation, and this will not be affected by the amended proposal. All activities relating to the dogs will be confined within the already disturbed areas, and animals will be constantly supervised or contained thus avoiding "free ranging" of animals. In addition to any conditions that will be approved by the DEA&DP, an Environmental Management Programme (EMPR) is also applicable to the operations on the property. They also address rehabilitation, use of indigenous vegetation, management of noise etc.
	We also have two beautiful resident Otters. They have been there a while and the valley has become very fond of them. So far we have been successful in protecting them and letting them reside happily along the bank of the river, their "holt" is not even 100m from the bank of the property in question. Again, this development for obvious reasons would definitely scare them away which would be extremely unfortunate and unnecessary.	Cape EAPrac: The perimeter of the property has been fenced and the animals will always be under supervision or contained. There is very little likelihood of the otters being chased from their dens. Perception Planning: Given the alignment of existing cadastral boundaries between Erf 2103 and the adjoining Erf 8212 (International School), Erf 2103 has very limited curtilage onto the Piesang River. The proposal does not include any intention for domestic animals accommodated as part of the proposed animal care centre to physically access the river.

COMMENT / ISSUES		RESPONSES
	As owners and residents in the Piesang Valley we are so passionate about protecting and preserving the environment that we recently, at vast expense, purchased the entire piece of land across the river to avoid development and destruction of that land, properties on that land would have had all the same effects and concerns as I have listed above.	<p>Cape EAPrac: The development impact of the proposed amendment is smaller than the currently authorised single residential dwelling. The impact overall is thus reduced. The owner has already initiated an upgrade to the remnant tidal channel on the property that significantly improved the tidal functioning of the channel. Both the approved development and the amended proposal take cognisance of the environment and aim to create a balance on the property between the existing rights and improving the diversity on the site.</p> <p>Perception Planning: The proposal would not detract from protection and/or preservation of the natural environment within the Piesang River Valley. The proposed use would be consistent with land uses typically permissible as consent uses under Agriculture Zone in terms of the new Bitou Zoning Scheme Regulations (2020) once promulgated.</p>
	With the threat of this development not only will our homes and residential property values be greatly decreased, but also the environmental impact would be disastrous.	<p>Cape EAPrac: This is an unlikely occurrence given the diversity of land uses in the area, including the use of containers and wooden Wendy houses for tourism facilities on adjacent properties. In addition the structures proposed are designed to be moved if need be without causing damage to the ground and the environment.</p> <p>Perception Planning: While the concern is noted, no substantive evidence is provided as to why or how implementation of the proposal may negatively impact upon property values in the area. Furthermore, the severity and permanency of potential impacts of the proposal are likely to be considerably less than impacts likely to result with implementation of existing land use rights.</p>
	On the grounds of the above concerns I strongly object and also would like to officially register my concerns about the dog rescue, rehabilitation and rescue centre.	<p>Cape EAPrac: Thank you for your participation in this environmental process.</p>
Booi, Mlungisi - Department of Health		
	Automatically registered as an I&AP.	Registered 12 August 2021
Brackenridge - Neighbour		
	Automatically registered as an I&AP.	Registered 31 January 2018
Branham, Polly - Plettenberg Bay Environmental Forum		
	Automatically registered as an I&AP.	Registered 27 February 2018
Cloete, Jasmin - Student		

COMMENT / ISSUES		RESPONSES
	Request registration as an I&AP.	Registered 6 September 2021
Draft Part 2 Amendment Assessment Report		
20-Sep-21	In my opinion, I believe that this is a good and well considered project. I like the idea that instead of building another residence in the area, the decision has been made to build a doggie day-care and rehabilitation facility on the property. With Erf 2103 already being located next to a residential area named Beacon Island Estate, it was a great choice to establish an Animal Care Facility instead, as building another residential area would cause friction and it will not result in the amount of customers the landowners would have wanted.	Cape EAPrac: Thank you for your participation in this environmental process. Erf 2103 is located in the Piesang River Valley and is neighboured by other single residential / agricultural properties. There are estates within a 200m proximity, along with commercial and retail properties that make up the Piesang River Valley.
	Being located near a National Route and Secondary Road means that the doggie day-care and rehabilitation centre is easily accessible for people to visit. It is also pleasing to see that there is an existing road network servicing this area, with the road leading to the property being tarred and of good quality.	Cape EAPrac: There is an existing road network to the property and access onto the property.
	The Animal Care Facility is located at an ideal site because of:	
	• The wetland located next to the Animal Care Facility can be very beneficial to the site as it can improve the water quality and reduces the occurrence of floods.	Cape EAPrac: The upgrade of the culvert in the remnant tidal channel has improved the functionality, water quality and tidal movement of the channel. Please note that this is not a wetland as per the definition for freshwater wetlands but a tidal channel.
	• The Piesang River, which is a perennial river, can also be very beneficial to the Animal Care Facility. It can be used for watering purposes in the garden of the Facility.	Cape EAPrac: The Piesang River is a perennial river, but is also an estuary in the area of Erf 2103. It can therefore not be used for irrigation.
	• The coastal rocks near the facility can serve as protection against flooding and reduces erosion of the shoreline.	Cape EAPrac: A 20m buffer has been placed on the estuary and the remnant tidal channel and no development may take place inside these buffers. The vegetation within these buffers must be retained and alien invasive vegetation must be removed. This will also facilitate the protection of flooding and reduce erosion along the banks.
	• Instead of being exploited and cleared to make way for early agriculturists, the landscape around the settlement became transformed through cultivation. This can increase soil fertility and reduce soil erosion.	Cape EAPrac: The property has not been cultivated in recent decades, but has been used for grazing purposes. This has led to the parklike environment that it currently has. No crop production or intensive agriculture will take place on this property. Establishing vegetation will protect from soil erosion.
	The impact assessment of this project is successfully done, and certain steps were made to ensure that no damage will be done to the environment, the plant species and archaeological and/or heritage sites.	Cape EAPrac: The damage or impact is low to negligible on the site.

COMMENT / ISSUES		RESPONSES
	I like the fact that all structures will be raised above the ground on stilts, to avoid digging up unearth objects. Instead, everything will remain where it is and will therefore not be harmed during the construction process.	Cape EAPrac: The use of stilts does mean that there will be far less earthworks required and subsequent soil disturbance.
	Another benefit is that the runoff from the road drains will also run into a natural drainage system, and will therefore have no impact on the proposed development or natural sources at the site.	Cape EAPrac: The internal roads are semi-permeable and do allow for some percolation of water. This means that there is less run off from the site. By ensuring that the site remains vegetated wherever there are not structures also means less run off into the estuary, and less silt going into the estuary. Rainwater harvesting will also take place off the roof structures of the buildings to supplement water on site.
	In conclusion, I think that Erf 2103 is a great area to build the Animal Care Facility "The Happy Place."	
Conyngham, Annabelle - Neighbour River Club		
	Request registration as an I&AP.	Registered 7 September 2021
Objection		

COMMENT / ISSUES		RESPONSES
30-Nov-20	<p>I reside in the River Club on the banks of the Piesang River, five houses down from the Klein Piesang River before it flows into the main river. Being in a small valley with a steep incline, any noise is magnified to an extreme. This is also the case over water. One can follow exact conversations of anybody across the river. The noise emanating from excitable dogs being trained and housed in kennels will be intolerable, constant and destroy the peace we enjoy in choosing to live where we do and have a negative impact on our property values.</p>	<p>Tanaka Foundation:</p> <p>In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p>
		<p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control
		<p>In addition, we will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p>

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	I applaud the concept of a housing and training facility for neglected animals. The noise level will be excruciating. Elsewhere kennels are situated in the country or on small holdings precisely because of noise pollution and out of respect for neighbours being impacted.	Cape EAPrac: Please see input from the Tanaka Foundation above.
	I am thoroughly against this proposal as we already have dog training on Erf 2098 across the river and experience the impact of the noise from this activity, however it does not endure all day and night and thus we tolerate it.	Cape EAPrac: The training facility activities will take place during the day time only for public use on the roadside portion of the property. This will be operated as a business and is an allowable activity in terms of the property's zoning. The rehabilitation and rescue centre will comply with the mitigations provided by the Tanaka Foundation (as above) in order to minimise the impact of noise on the environment. They have stated that in the vast majority of the time, there is very little noise coming from the shelter animals. Perception Planning: The proposal to lawfully operate an animal care centre on the northern portion of the property, part of which will include dog training during specific business hours, which will be prescribed by Bitou Municipality.
	I object to the proposal.	Cape EAPrac: Thank you for your participation in this environmental process.
Filander, Kerishnie - Student		
	Request registration as an I&AP.	Registered 9 September 2021
Draft Part 2 Amendment Assessment Report		
	Firstly, I would like to express just how well thought out and developed this project is. This is indeed an exceptional project. All the assessments are well planned, leaving little room for error. I have a special interest in water sources, especially when it could possibly be impacted on by developments. Another interest that sparked while going through the screening report was the relatively high environmental sensitivity that the aquatic biodiversity theme has. This is evidently because of the estuary and wetland environment just a few meters from the project site.	Cape EAPrac: Thank you for your participation in this process. The Piesang River is an estuarine environment that can be negatively impacted by development. The property, as with most of the properties along the river are located within the Coastal Management Lines (CML) i.e. the are within 100m of the high water of the estuary and as such are sensitive environments. The property has a remnant tidal channel crossing it from east to west that was previously very degraded. It has subsequently been revitalised by replacing the culvert with a bigger one to improve the functionality of the channel. Please note that this is not a wetland as per the definition for freshwater wetlands but a tidal channel.

COMMENT / ISSUES		RESPONSES
20-Sep-21	The site development plans was set out well and all construction activities remained outside the 20 m wetland buffer. All the impacts and concerns that was raised in the Updated Wetland Assessment Report was mitigated effectively. However, I personally still feel like 20 m outside a landform as sensitive as a wetland is still too close for comfort. I am aware that if the buffer was to be extended that it would take away some space specifically designed for construction purposes. Also, considering that the Updated Wetland Assessment Report does make exceptional recommendations to alleviate the impacts that this development may have on the wetland, I just have one concern regarding the proximity of the wetland to the project site:	Cape EAPrac: The 20m buffers recommended by the specialist have been incorporated. The draft Piesang River Environmental Management Plan recommends buffers of up to 100m where possible. Unfortunately the entire property falls within 100m of the high water mark of the estuary and as you state, no development would be allowed if that was the case. The delineation of the buffers therefore also depends on the site sensitivity. The aquatic specialist determined that that the 20m buffer was more than adequate based on the condition of the estuary, the state of the site, coupled to the type of development, as wells as the proposed rehabilitation of hydrological flows.
	The most horrific impact on a wetland would be habitat loss this may be possible through removing the vegetation on the wetland bank to pave a way for access, if needed. I know that in the Updated Wetland Assessment Report it is stated that the current layout of the project (i.e. being 20 m away from the wet land) would minimise any the loss of wetland habitat. Would it still be considered to remove vegetation from the wetland bank if access was required? Knowing it can cause habitat loss. Why would this even be considered?	Cape EAPrac: Removal of indigenous vegetation within the buffer area is not allowed, unless it is alien invasive vegetation. The proposed amendment also calls for additional planting of indigenous vegetation on the site.
Fordham, Colin - CapeNature		
	Automatically registered as an I&AP.	Registered 31 January 2018
Gericke, Nicolette - Plettenberg Bay Environmental Forum		
	Automatically registered as an I&AP.	Registered 27 March 2018
Greenwood Bay College - Neighbour		
	Automatically registered as an I&AP.	Registered 31 January 2018
Kadir, Gafietha - Student		
	Request registration as an I&AP.	Registered 6 September 2021
Draft Part 2 Amendment Assessment Report		
	I think that the decision not to build the residence and leasing the property to a rescue and rehabilitation group who will set up a dog day care and rehabilitation facility on the property was a good idea and would be an ideal project for the area. The impact assessments done for the project to ensure that no damage is being done in the area and that there are no constraints for the project to move forward was done successfully.	Cape EAPrac: Thank you for your participation in the EIA process.

COMMENT / ISSUES		RESPONSES
20-Sep-21	What is favourable to me about the proposed amendment plan is that it will not require a basement like the residence that was going to be built before, and the facilities for the dog day care will be on stilts which will then reduce the potential for digging up any artefacts in the area.	Cape EAPrac: That is correct. The raising of the buildings on stilts significantly reduces the overall impact on the site.
	There is an existing road network in this area and the roads leading to this area is of good quality and any changes being made to the surrounding road network because of the proposed development would be acceptable and successful if done according to the conditions put down in the traffic impact assessment, which will essentially be beneficial for the proposed project and the surrounding road networks.	Cape EAPrac: There is an existing road network to the property and access onto the property. The recommendations by the Traffic engineer will be included in the Environmental Management Programme (EMPr) to ensure implementation.
	Another thing that is favourable for the development of the project is that runoff from the road would drain into a natural drainage system which won't affect the proposed development. I particularly like the fact that the wetland buffer on the Piesang River was upgraded and reserving the indigenous vegetation outside of the development area provides the species in the surrounding area with sufficient habitat. The improvement of the remnant tidal channels was also a good idea as it improved the water quality and habitat of the environment. Therefore, doing the wetland impact assessment for this project was beneficial as it brought about many pros for the surrounding environment.	Cape EAPrac: The internal roads are semi-permeable and do allow for some percolation of water. This means that there is less run off from the site. By ensuring that the site remains vegetated wherever there are not structures also means less run off into the estuary, and less silt going into the estuary. Rainwater harvesting will also take place off the roof structures of the buildings to supplement water on site.
Le Roux, Este - Neighbour		
	Automatically registered as an I&AP.	Registered 1 September 2018
Le Roux, Jaco - Neighbour		
	Automatically registered as an I&AP.	Registered 29 March 2018
Objection submitted via Jordaan & Smith Attorneys		
	1. We refer to the above matter and confirm that we act herein on behalf of Josephus Johannes Le Rous, owner of Erf 2133 Plettenberg Bay.	
	2. Our client's property is situated directly adjacent on the western border to the subject property for the abovementioned application.	
	3. We confirm that we hold instructions to formally object to and oppose the proposed change in land use from single residential dwelling to a training, rescue and rehabilitation centre for animals.	
	4. We record our clients objections, <i>ad seriatim</i> , as follows:	
	Locus standi	
	5. Our client in this regard is an interested and affected party. He is the owner of Erf 2133 directly adjacent to the property being erf 2103.	

COMMENT / ISSUES	RESPONSES
<p>6. In BEF (Pty) Ltd v Cape Town Municipality 1983(20 SA 387 (C) at 401 Grosskopf J stated:</p> <p><i>"The purpose to be pursued in the preparation of a scheme suggests to me that a scheme is intended to operate, not in the general public interest, but in the interest of the inhabitants of the area covered by the scheme, or at any rate those inhabitants damnified in a financial sense. 'Health, safety, order, amenity, convenience and general welfare' are not measurable in financial terms. Buildings which do not comply with the scheme may have no financial effect on neighbouring properties, or may even enhance their value, but may nevertheless detract from the amenity of the neighbourhood and, if allowed to proliferate, may change the whole character of the area. ..."</i></p>	
<p>7. It is submitted that our client has the necessary <i>locus standi</i> to object to the current application.</p>	
<p>Rezoning</p>	
<p>8. The purpose of zoning is to create different categories of directions that set out the purpose for which land situated in the area covered by a town planning scheme may be used and the land use restrictions applicable in each category as determined by relevant scheme regulations.</p>	
<p>9. From a town planning perspective the control over the utilisation of land customarily involves the allocation of the same use rights to all properties in a particular area so that one will have areas set aside for residential use, other for commercial use and yet others for industrial use, and so forth.</p>	
<p>10. Zoning is a limitation or condition restricting the exercise of ownership.</p>	
<p>11. The purpose of zoning is the creation and retention of the specific character of an area. Such purpose would be frustrated if a use were allowed for which no provision is made in the town planning scheme or if a person uses land contrary to the purpose for which it is zoned.</p>	
<p>12. The zoning scheme provision are intended to regulate land use and development so as to promote the co-ordinated and harmonious use of land. In other words, to protect the amenity of the surrounding neighbourhood.</p>	

COMMENT / ISSUES	RESPONSES
<p>13. The area in which erf 2103 is situated does have a variety of zoning categories. They consist of single residential, commercial and agricultural. The commercial area is situated in close proximity to erf 2103 together with residential developments. Our client's property remains zoned as Agricultural I.</p>	<p>Perception Planning: Existing land use within the proximity of Erf 2103 includes low and medium-high density residential development (group housing, town housing), industrial use, various business and commercial premises, authority use (community hall), rural occupation, tourism orientated uses, education (crèche, primary and secondary school) and agriculture. Erf 2104 (Barrington's) is zoned Business Zone I. A land use planning application for rezoning of the portion of Erf 2103 situated south of the Piesang Valley Road to Business Zone I is currently underway. The training, rehabilitation and rescue facility is located on the portion of the property north of the Piesang Valley Road and it is expected to remain as Agriculture with a consent use for the facility.</p>
<p>14. Should the applicant's property be rezoned it will adversely affect the character of the current surrounding area in that it will result in an inappropriate use of property within an area predominantly utilised for residential purposes. This aspect is extremely important to take into consideration as it is the residents of Piesang Valley as well as our clients who will have to endure the negative effects of having an animal rescue and kennel facility on their doorstep. It follows logically that the amenities of the neighbourhood will also be negatively impacted. Our client's current peaceful use of his property will be disturbed for the foreseeable future in that their current tranquil setting will be replaced with excessive noise pollution from the animals being kept at the facility.</p>	<p>Perception Planning: The overall density of built form proposed as part of the proposal would be very low ($\pm 1,5\%$ coverage). The Training Centre and Animal Day-care components (orientated closest to the Piesang Valley Road would require only two structures, namely a Training Centre ($\pm 110\text{m}^2$) and Ablution facility ($\pm 20\text{m}^2$). The proposed Rehabilitation Centre (building footprint $\pm 168\text{m}^2$) and Staff accommodation (building footprint $\pm 152\text{m}^2$) will be sited furthest from the road and neighbouring properties. The overall coverage of the proposed Animal Day-care Centre ($\pm 1,248\text{ ha}$) would relate to a coverage of 41%, the majority of which will remain open, fenced fields only to be occupied in conjunction with the proposed uses outlined during business hours.</p> <p>As such it is submitted that the proposal would not materially impact on north-facing views of the Piesang River corridor from the Piesang Valley Road nor would it militate against the overall landscape of land use character of the area.</p>
<p>15. These disturbances may include:</p>	

COMMENT / ISSUES	RESPONSES
a. noise at all hours of the day and weekends (24/7);	<p>Perception Planning: The landowner and tenants proposed the following risk mitigating strategies (risk avoidance and risk limitation), which relates to both physical (design/ structural) interventions as well as management strategies: Providing vegetated/ landscape buffers along perimeter of Animal Care Centre so as to reduce possible noise overspill; Limiting the number of dogs and cats that may be accommodated at any one time; Providing supervision 24hrs per day/ 7 days per week; Limiting activities to standard business days and times; Adapting animal facilities to minimise noise.</p> <p>If required, a condition could be imposed requiring the landowner to submit to the municipality, for approval, a suitable noise management strategy prior to the commencement of the Rehabilitation Centre.</p>
b. Bad odour emanating from the property due to excessive waste from the animals;	<p>South African Biogas Industry Association (SABIA): The use of biogas for the treatment of organic waste is a proven technology that is recognised globally. It uses digestion by means of bacteria to break down organic material and volatile organic compounds (VOCs) and greenhouse gases (GHG) to produce a natural gas that is used as an alternative energy fuel. The removal of the VOCs reduces odour and air quality impacts associated with decomposing organics.</p> <p>Cape EAPrac: A small scale biogas facility will be utilised for the organic waste generated on the site, including animal waste and garden organics. Biogas is a proven mechanism for the treatment of organic material and significantly minimised the odour impacts of organic waste.</p>
c. A reduction in the natural fauna and flora in the area due to the disturbances that will emanate from the dog rescue and rehabilitation facility;	<p>Cape EAPrac: The development footprint is located on areas that are grassed and formed part of the previously approved layout. Animals will not be free roaming on the site, but will be contained within areas that are already transformed. Indigenous vegetation will be planted on the site to improve the biodiversity and as a noise mitigation measure.</p>

COMMENT / ISSUES		RESPONSES
1-Sep-21	d. All the abovementioned factors will lead to an overall decrease in value of our client's property as well as the other property owners in the vicinity.	<p>Cape EAPrac: The facility has a low to negligible environmental impact with components that can be easily removed if necessary.</p> <p>Perception Planning: While the concern is noted, no substantive evidence is provided as to why or how implementation of the proposal may negatively impact upon property values in the area. Furthermore, the severity and permanency of potential impacts of the proposal are likely to be considerably less than impacts likely to result with implementation of existing land use rights.</p>
	Traffic and access	
	16. Piesang Valley road is one of three of Plett's access points to the N2. The portion of the road that leads from the N2 down the hill to the Country Club entrance is fairly wide to handle the current traffic.	
	17. The portion of the Piesang Valley Road between Greenwood Bay College's entrance extending to the Robberg Road turn-off is of particular concern. This section of road is very narrow with no area for pedestrians and cyclists. Morning traffic is already a major concern especially around the school entrances. Vehicles are often stationary while waiting to enter the school entrances, the Plettenberg Bay Veterinary Clinic's entrance directly across from The Reef Playschool's entrance as well as Barrington's entrances are already causing major issues. These issues have been slightly decreased with the recent widening and insertion of a joint entrance and turning lane for GBC and the Reef. However, the area in general still has many entrances and exits which do result in the slow of traffic and generally raises the risk	<p>Perception Planning: A traffic investigation assessing the potential impact of the proposal from a traffic engineering perspective was commissioned. The Traffic Investigation concluded that the impact of the proposed development on the surrounding road network is acceptable and that it may therefore be from a transport engineering perspective, subject to the following conditions and mitigation measures (verbatim):</p> <ol style="list-style-type: none"> 1. Access to Erf 2103 and Erf 4369 should be combined to form one single point of ingress/egress. This, combined section of road should be at least 30 m long; 2. The position of the combined access to the northern section of Erf 2103 and Erf 4369, must be aligned with the combined access to Erf 2104 and the Southern section of Erf 2103; 3. All accesses and internal roads should be designed to allow safe egress during periods of high flood levels; 4. No development should be allowed to take place within the road reserve.

COMMENT / ISSUES	RESPONSES
<p>of accidents and the risk of pedestrians to be run over by vehicle. By changing the zoning from single residential to allow for the intended animal shelter facility will without doubt increase traffic and increase the risk of accidents. The municipality should cause a proper study to be done of the entire length of the Piesang Valley road to establish whether there are areas of concern where the road can be further widened before allowing more residential properties to be converted to businesses that will lead to further congestion and accidents in the future.</p>	<p>Urban Engineering: Traffic generated by the proposed animal shelter is not expected to coincide with the school based AM peak hour periods. School traffic peaks generally occur between 07:00 and 07:30. It is expected that the animal shelter will only be operational after 08:00, with peak periods only expected to occur after 09:00. Schools also have a slightly reduced NM Peak period, spread out between 12:00 and 14:00. The proposed animal shelter facility is not expected to generated a NM peak period, but will show a slight PM peak when the caregivers and personnel go home after work. The school peaks and proposed development peaks are therefore not expected to influence each other. It is also important to remember that vehicle speed and pedestrian safety are generally two sides of the same coin. By increasing mobility (vehicle speeds) within urban areas, you generally reduce the safety of pedestrians.</p>
<p>18. It is important to note that this road is also utilised by persons walking their children to school, cyclists and many pedestrians making their way to and from their respective work locations. The street is extremely dangerous and constitutes a safety risk to motorists and pedestrians alike. An increase in traffic could possibly lead to a loss of life.</p>	<p>Urban Engineering: The proposed animal shelter facility is expected to result in a negligible increase in traffic volumes. Most of the traffic is expected to be generated during the PM period and over weekends, and not during the AM peak period.</p>
<p>Nuisance</p>	
	<p>Perception Planning: The landowner and tenants proposed the following risk mitigating strategies (risk avoidance and risk limitation), which relates to both physical (design/ structural) interventions as well as management strategies: Providing vegetated/ landscape buffers along perimeter of Animal Care Centre so as to reduce possible noise overspill; Limiting the number of dogs and cats that may be accommodated at any one time; Providing supervision 24hrs per day/ 7 days per week; Limiting activities to standard business days and times; Adapting animal facilities to minimise noise.</p> <p>If required, a condition could be imposed requiring the landowner to submit to the municipality, for approval, a suitable noise management strategy prior to the commencement of the Rehabilitation Centre.</p>

COMMENT / ISSUES	RESPONSES
<p>19. It is submitted that by granting approval for the planning application and thereby allowing the animal rescue facility with kennels to proceed on the property, it would subject our client and his family to noise pollution that will exceed that which is reasonable. In other words, it will constitute an unreasonable annoyance greater than a normal person can be expected to endure.</p>	<p>Tanaka Foundation: In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control
<p>20. The test of reasonableness should be applied taking into account the general norms acceptable to the particular society. The test is one of reasonableness. This is so because a neighbour has to tolerate the natural consequences of the ordinary use of the land. In this regard the neighbouring properties expected living in a tranquil setting, but are now facing the prospect of living next door to a commercially operated animal rescue, rehabilitation and training area.</p>	

COMMENT / ISSUES	RESPONSES
<p>21. It is obvious but must be mentioned that dogs that go to rehabilitation centres and animal rescues centres are often dogs that are problematic for their owners to handle. We are by no means saying that these animals do not deserve treatment and love and respect and given a fair chance to be rehabilitated. We are of the strong opinion that the area in which this property is situated is not appropriately situated where such a business can run in harmony without negatively affecting the constitutionally guaranteed rights of property owners in the direct vicinity. We further respectfully submit that it is difficult to keep one dog under control and to not let it become a nuisance to neighbours by excessive barking. It is an impossible task to keep 10 to 20 dogs under control and prevent them from barking and disturbing the residential area in which they would be situated should the applicants be successful in this application.</p>	<p>Tanaka Foundation:</p> <p>We will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p>
<p>22. Further to the above, the animals at the shelter will create an abundance of waste. The applicant intends to make use of a biogas plant to generate electricity from the waste. One of the unintended repercussions of such a plant is an excess of foul odour which will be to the detriment of the applicant's neighbours.</p>	<p>Cape EAPrac:</p> <p>A small scale biogas facility will be utilised for the organic waste generated on the site, including animal waste and garden organics. Biogas is a proven mechanism for the treatment of organic material and significantly minimised the odour impacts of organic waste.</p>
<p>23. The above expected nuisance caused by the animals on the property will be unreasonable and more than what can be expected as being reasonable for our client and the residents of the area to accept. It is further submitted that the nuisance created will impact on our client's rights as entrenched in section 10 and 24 of the Constitution of the Republic of South Africa 108 of 1996.</p>	
<p>Removal of restrictive title deed condition</p>	
<p>24. Restrictive conditions are for the reciprocal benefit of owners.</p>	<p>Perception Planning:</p> <p>The land use planning application does not include any proposal for the removal of any restrictive conditions. The relevant title deed does not contain any restrictive title conditions that would be an impediment against the proposal.</p>
<p>25. Any variation of conditions amounts to an interference with the rights of holders of the neighbouring properties and seriously affects the amenities of such properties and their values.</p>	<p>As above</p>
<p>26. Restrictive conditions should not be removed where the character of the area will be detrimentally affected by the removal.</p>	<p>As above</p>
<p>27. When assessing whether or not to grant the removal of a restrictive condition the personal interests of the applicant is irrelevant. What is of consequence are the interests of the broader neighbouring properties or public.</p>	<p>As above</p>

COMMENT / ISSUES		RESPONSES
28. Test for the removal of a restrictive condition is a positive one, not a negative one. In other words, the test is the presence of a positive advantage which will be served by granting the application, not the absence of a negative disadvantage. The fact that the removal may not be undesirable does not in logic mean that such removal is as in fact desirable.		As above
29. The applicant seeks the restrictive condition to be removed in his own interests. This does not satisfy the test as set out above.		As above
29. The applicant seeks the restrictive condition to be removed in his own interests. This does not satisfy the test as set out above.		As above
30. The application for the removal of the restrictive title condition should not succeed.		As above
Diminishing property value		
31. Approving the change of zoning application will have an immediate negative impact on our client's property value, for the reasons state herein-above. Should the application be successful, they will have to endure endless noise pollution and other nuisances. If they find it intolerable, they may opt to sell their property and the value of which will have decreased as a direct result of having to have to endure the noise pollution emanating from the neighbouring animal rescue and rehabilitation centre.		Perception Planning: The allegation that the proposed development would diminish the value of adjoining properties is unfortunately not substantiated by credible evidence to that effect.
32. Should the proposed business be continued with, it will result in the diminishing value of all properties within earshot of Erf 2103 as living in that area will involve having to have to endure excessive noise pollution one would not expect to experience in a residential area.		As above
Conclusion		
33. In the premise, it is respectfully submitted on behalf of our clients that the application for altering the zoning from residential one to allow for the animal shelter and rehabilitation centre should not be approved for the reasons contained herein. Approval thereof will result in a detrimental effect in numerous ways as provided herein above to our client and his family, as well as the persons living in the residential area.		
Marshall, Margaret - Plettenberg Bay Ratepayers Association		
	Automatically registered as an I&AP.	Registered 23 April 2018
Mphahlele, Rabokale - Breede Gouritz Catchment Management Agency (BGCMA)		
	Registered as an I&AP on submission of comment.	Registered 28 September 2021
Draft Part 2 Amendment Assessment Report		

COMMENT / ISSUES		RESPONSES
27-Sep-21	Reference is made to the above mentioned report received by this office for comments with respect to the proposed development.	
	<p>1. The construction works related to the Training, Rescue and Rehabilitation centre and associated infrastructure which are located within the regulated area of a watercourse will trigger water uses in terms of section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998). These section refers to the impeding or diverting the flow of water in a watercourse and altering the bed, banks, course or characteristics of a watercourse respectively. Similarly, if the water to be used for animals watering will be sourced from a water resource, this will trigger a water use in terms of section 21(a) of NWA.</p> <p>"regulated area of a watercourse" refers to:</p> <p>(a) The outer edge of the 1 in 100 year flood line and / or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam;</p> <p>(b) In the absence of a determined 1 in 100 year flood line or riparian habitat the area withing 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the Act); or</p> <p>(c) A 500m radius from the delineated boundary (extent) of any wetland or pan.</p> <p>A water resource refers to water course, surface water, estuary or aquifer.</p>	<p>Cape EAPrac:</p> <p>The only construction works associated with the development that was located within the remnant tidal channel was the replacement of the previous culvert with a larger one to accommodate the tidal movement of water into the channel. The Piesang River is an estuary and not a water course as defined in the NWA and as such, Dr Brian Colloty in his Assessment confirmed that the development is located within the defined estuarine zone, and no Water Use Licences will be required.</p> <p>During the initial EIA process in 2017 / 20108, BGCMA confirmed on the 14th May 2018 that no Water use License was required for the development, which included the upgrading of the culvert in the remnant tidal channel. This was due to the fact that the Piesang River is considered an estuary.</p> <p>No water from the estuary will be used to water animals due to its salinity.</p>
	<p>2. As required by section 22 of NWA, a Water Use Authorisation is required prior to commencement with any water use activity contemplated in section 21 of NWA. Moreover, commencement with any water use activity without an authorisation as required by section 22 of NWA constitute an offence in terms of section 151(1)(a) of NWA. In terms of section 151(2) of NWA, 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.</p>	As above
	<p>3. In light of the above, you are advised that the onus remains with the property owner to adhere to the NWA, prior to commencement with any water use contemplated in section 21 of NWA that may be triggered by the proposed development.</p>	As above
	<p>4. This office can be contacted for further information related to the requirements for, or the application for a Water Use Authorisation.</p>	

COMMENT / ISSUES		RESPONSES
	Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.	
Poluta, O.N. - Neighbour		
	Automatically registered as an I&AP.	Registered 31 January 2018
Pullen, Shireen - DEA&DP		
Draft Part 2 Amendment Assessment Report		
23-Sep-21	1. The abovementioned document received by the Directorate: Development Management (Region 3) (hereinafter referred to as "this Directorate") via electronic mail on 23 August 2021, refers.	
	2. It is understood that the proposed amendment entails the construction of a day care, training and rehabilitation centre for domestic animals (particularly dogs and cats). Two cottages will be utilised for staff accommodation and a separate unit for the training centre instead of the single residential development as approved in the Environmental Authorisation Ref: 16/3/3/1/D1/13/0004/18 issued on 17 September 2018. The amendment also includes the transfer of the Environmental Authorisation (EA) from Ms. Saskia Vogel to the Tanaka Foundation.	Cape EAPrac: That is correct.
	3. This Directorate has reviewed the document and comments as follows:	
	3.1 It is noted that the proposed development will be established on stilts and according to the updated Wetland Assessment, it will therefore have a smaller impact on the wetland than the approved development.	Cape EAPrac: That is correct.
	3.2 The proposed amendment will also result in a decrease in the overall footprint, with the proposed access road already being completed as authorised in the EA and will have a lesser hydrological impact on the site.	Cape EAPrac: That is correct.
	3.3 Due to the difference in the type of developments approved and now proposed in this amendment, a difference in the type of traffic generated by the amended proposal can be expected. The traffic Impact Statement noted that the impact of the traffic to be generated by the amended proposal on the surrounding road network will be acceptable. It is therefore recommended that the recommendations made by the Traffic Impact Statement be incorporated in the Environmental Management Programme (EMPr) as mitigation measures linked to specific management outcomes.	Cape EAPrac: That is correct. The recommendations have been updated into the EMPr. These recommendations will also be required for the land use planning application to be submitted to the Bitou Municipality.

COMMENT / ISSUES		RESPONSES
	3.4 The findings of the Services Report are noted. However, please note that the final Impact Report must contain an official letter from the Bitou Municipality, which confirms the availability of unallocated services to provide the proposed development with the required services.	Cape EAPrac: The services engineer has made several attempts to obtain written confirmation from Bitou Municipality since 17 August 2021. This office has also attempted to obtain a response. On 29 September 2021, it was noted that the municipality had discussed the matter internally but as of 30 September 2021, no comment has been provided on the Services Report. Should a response be forthcoming, it will be provided to the DEA&DP.
	3.5 The EMPr that was attached to the draft Impact Report must be amended to include clear distinct Management Outcomes under section 4 of the EMPr and comply with the requirements of 3.3 above. In addition to this, section 12 of the EMPr should also be expanded on and make clear reference to the types of penalties and fines that will be applicable in the case of any non-compliance.	Cape EAPrac: So noted, the EMPr has been updated to reflect this.
	3.6 You are also reminded to obtain and submit comment from the Coastal Management Unit of this Department along with the final Impact Report.	Cape EAPrac: Comment was obtained from the CMU on 23 September 2021 and is included as Appendix E14 of the Final Amendment Assessment Report.
	4. This Directorate awaits the submission of the final Impact Report.	Cape EAPrac: The Final Amendment Assessment Report will be submitted before 1 October 2021.
	5. The proposed development may not commence, prior to an environmental authorisation being granted by this Department.	Cape EAPrac: So noted.
	6. This Department reserves the right to revise initial comments and request further information from you based on any new or revised information received.	
Rabjohn, Nick - Neighbour River Club		
	Request registration as an I&AP.	Registered 14 September 2021
Objection		

COMMENT / ISSUES		RESPONSES
30-Nov-20	My Home is in close proximity to the proposed development and would be adversely affected by the noise pollution of dogs being kennelled on the premises. Dog held in enclosures can often continuously bark and this would be very disturbing to the residents in close proximity to them.	<p>Tanaka Foundation: In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control <p>In addition, we will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p>
Rhode, Michael - Bitou Municipality		
	Automatically registered as an I&AP.	Registered 20 March 2018
Rodgers, Quentin & Anthena - Neighbour		

COMMENT / ISSUES		RESPONSES
	Automatically registered as an I&AP.	Registered 14 December 2017
Schliemann, Chris - Bitou Municipality		
	Automatically registered as an I&AP.	Registered 20 March 2018
Sewry, Joyce - Neighbour River Club		
	Request registration as an I&AP.	Registered 20 September 2021
Objections		
	<p>The context of Piesang River Valley is key in any application for any form of development. Currently, the area comprises a complex (River Club) specifically nestled between the hills, the Piesang River and Piesang River Valley Road. River Club prides itself in providing a quiet, peaceful and tranquil home for permanent residents and a getaway home for those who live elsewhere in the country.</p> <p>Apart from River Club, a handful of country homes/estates can be found in the area.</p>	<p>Cape EAPrac: The area is not predominantly residential and includes commercial, industrial, retail, institutional, tourism (micro brewery, restaurants, farmstall etc) and agricultural (horse riding, nurseries, veterinary clinic etc) uses.</p> <p>Perception Planning: Existing land use within the proximity of Erf 2103 in fact includes low and medium-high density residential development (group housing, town housing), industrial use, various business and commercial premises, authority use (community hall), rural occupation, tourism orientated uses, education (crèche, primary and secondary school) and agriculture. Erf 2104 (Barrington's) is zoned Business Zone I. A land use planning application for rezoning of the portion of Erf 2103 situated south of the Piesang Valley Road to Business Zone I is currently underway. The training, rehabilitation and rescue facility is located on the portion of the property north of the Piesang Valley Road and it is expected to remain as Agriculture with a consent use for the facility.</p>
	<p>It is unquestionably so that all owners purchased properties with the following in mind:</p> <ul style="list-style-type: none"> • Tranquillity of the area • Bird life of the area 	
	A large training, rescue and rehabilitation centre for traumatised dogs represents the very antithesis of what should be erected in the area.	<p>Cape EAPrac: The facility is not considered large, it aims to house no more than 20 dogs, including puppies at any given time. The training facility located closest to the road will be utilised by private individuals and the rehabilitation facility during the day only. The facility is also in the area with veterinary services and a riding centre.</p>
	It is unquestionably so, and by definition, that a training, rescue and rehabilitation centre will negatively impact on the environment.	<p>Cape EAPrac: The environmental impact of the facility has been shown to be Very Low to Negligible. It is lower than the impact of the previously approved single residential dwelling.</p>
	<p>Proposed Development: The plans provided show that there will be:</p>	

COMMENT / ISSUES	RESPONSES
<p>a) Rehabilitation Centre. It not clear what will be rehabilitated here. More clarity on this is requested.</p>	<p>Tanaka Foundation: The rehabilitation centre is linked to the rescue centre and provides support and rehabilitation to traumatised, neglected and abused animals. It provides them a chance to recover trust and implement behaviour changes which ensures their chances of successful adoption.</p> <p>In addition, we will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p> <p>Perception Planning: The application is quite clear that the Animal Care Centre would cater for dogs and cats only.</p>
<p>b) 815 m2 of boardwalks and decking for the dwelling.</p>	<p>Cape EAPrac: The boardwalks and decking are part of the currently approved development. The entire approved layout will be replaced with the new proposal for the training, rescue and rehabilitation centre.</p> <p>Perception Planning: This statement is incorrect - the proposal does not include this component.</p>
<p>c) A pavilion, decking, and boardwalk and substantial parking area for guests. If this is a rehabilitation centre, why should there be a pavilion for entertaining guests? This gives the impression that some form of entertainment for people will also take place on this property.</p>	<p>Cape EAPrac: Again, this is part of the currently approved development and will no longer be applicable if the proposed amendment is approved.</p> <p>Perception Planning: This statement is incorrect - the proposal does not include such component.</p>

COMMENT / ISSUES		RESPONSES
20-Sep-21	d) 13 dog kennels in total; There is no indication as to how many dogs will be accommodated in these kennels. When dogs are housed in kennels in this sort of establishment, they often bark and howl a lot, especially if they are rescue dogs who are traumatised. This would have at least an irritating noise pollution effect and at most be distressing to all in the neighbourhood. The fact that the kennels are on stilts will have the effect of noise travelling so much further. In this regard, section 7 (1), 10 (1) (a) and 21(2) of the Bitou Municipality by-Law relating to prevention of Public Nuisances and Public Nuisances arising from the keeping of animals is pertinent.	<p>Cape EAPrac: No more than 20 dogs, including puppies will be housed at the facility at any given time.</p> <p>Tanaka Foundation: In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control
	e) A manager's dwelling, which has a basement	<p>Cape EAPrac: The approved single residential dwelling has a basement. The proposed managers house will be on stilts and will not have a basement. This application is for the amendment of the currently approved layout and replacing it with the proposed training, rescue and rehabilitation facility.</p> <p>Perception Planning: This statement is incorrect - the proposed manager's dwelling would not include a basement.</p>

COMMENT / ISSUES		RESPONSES
	f) 2 labourers' cottages.	<p>Cape EAPrac: There is one manager's house and one labourer's house. Please refer to the site development plan shown in Appendix B1 of the documentation.</p> <p>Perception Planning: This statement is incorrect - one manager's cottage and one staff cottage, both of equal size, are proposed.</p>
	g) A training centre. What/who will be trained here?	<p>Cape EAPrac: The training facility will provide for the training of dogs. Programs run by the facility are likely to include puppy training, obedience training, specialised training or showing. The facility will be a business that supports the rescue and rehabilitation functions.</p>
	Questions:	
	What will be rehabilitated here?	<p>Tanaka Foundation: The rehabilitation centre is linked to the rescue centre and provides support and rehabilitation to traumatised, neglected and abused animals, focussing primarily on dogs. It provides them a chance to recover trust and implement behaviour changes which ensures their chances of successful adoption.</p>
	What/who will be trained here? What kind of training? How often?	<p>Cape EAPrac: The training facility will provide for the training of dogs. Programs run by the facility are likely to include puppy training, obedience training, specialised training or showing. The facility will be a business that supports the rescue and rehabilitation functions. Training lessons will depend on the demand for the service.</p>
	How many people will be staying on the property?	<p>Cape EAPrac: At least two per unit i.e. four people. Other staff will be on site during working hours.</p> <p>Perception Planning: The manager and staff responsible for 24/7 management of the proposed Animal Care Centre.</p>

COMMENT / ISSUES		RESPONSES
	This development has the potential of being loud, noisy and disruptive to the quiet neighbourhood, with the number of kennels on the property.	<p>Tanaka Foundation: In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control
	Guests will be entertained on the pavilion. This will lead to more noise and more traffic as well.	<p>Cape EAPrac: Again, this is part of the currently approved development and will no longer be applicable if the proposed amendment is approved.</p> <p>Perception Planning: This statement is incorrect - the proposal does not include such component.</p>
Simons, Megan - CapeNature		
	Automatically registered as an I&AP.	Registered 12 August 2021
Draft Part 2 Amendment Assessment Report		
	CapeNature would like to thank you for the opportunity to review your application on Erf 2103 in Plettenberg Bay. The following amendment is proposed as extracted from the amended assessment report:	<p>Cape EAPrac: Thank you for participating in the EIA process.</p>

COMMENT / ISSUES	RESPONSES
<p>“The holder of the EA and owner of Erf 2103 Piesang Valley, Ms Saskia Vogel wishes to amend the current EA for a single residential dwelling to provide a day care, training and rehabilitation centre for domestic animals (particularly dogs and cats). Two cottages will be utilised for staff accommodation and a separate unit for the training centre. The rescue facility will replace the single residential development as approved.”</p>	<p>Cape EAPrac: That is correct.</p>
<p>Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature commented in detail on the Draft Basic Assessment Report (CapeNature Reference: 14/2/6/1/6/1_BITO/2103_2018CF011). Following a review of the amended assessment report and appendices, CapeNature wishes to make the following additional comments:</p>	<p>Cape EAPrac: So noted.</p>
<p>1. CapeNature acknowledges that the proposed (and amended) development is outside the extent of Critical Biodiversity Areas.</p>	<p>Cape EAPrac: That is agreed.</p>
<p>2. The updated National Biodiversity Assessment (2018)¹ mapped the proposed development area as Non-terrestrial (Estuarine Functional Zone), South Outeniqua Sandstone Fynbos (LC) and Garden Route Shale Fynbos (VU) to the north and south of the site, respectively.</p>	<p>Cape EAPrac: That is agreed.</p>
<p>3. CapeNature recommend obtaining comments from the Department of Forestry, Fisheries and Environment (DFFE) if any protected trees² will be disturbed. CapeNature will not object to the findings\recommendations as DFFE is a custodian of forestry resources in South Africa.</p>	<p>Cape EAPrac: The development will take place on old grazing areas and will not require the removal of any trees. Planting of additional indigenous vegetation will take place as part of the rehabilitation plan for the property and as mitigation for noise.</p>
<p>4. In terms of the monitoring guidelines areas susceptible to erosion or bare soil should be protected by installing the necessary temporary structures.</p>	<p>Cape EAPrac: So noted. The use of stilts for the structures minimises the amount of topsoil stripping that would be required. Erosion measures are provided in the EMP_r and must be implemented.</p>
<p>5. CapeNature recommends that all topsoil stockpiles be less than 1.5m in height and have adequate signage to illustrate which are topsoil and subsoil for rehabilitation purpose. Furthermore, caution must be applied to ensure that the topsoil is not contaminated.</p>	<p>Cape EAPrac: So noted. The use of stilts for the structures minimises the amount of topsoil stripping that would be required. Erosion measures are provided in the EMP_r and must be implemented.</p>
<p>6. Only indigenous vegetation must be used for rehabilitation. Thus, the applicant must be conscious of the NEM:BA Alien and Invasive Species List³ and should not use or rehabilitate using listed alien and invasive plant species. CapeNature will not support the introduction of non-indigenous species.</p>	<p>Cape EAPrac: Agreed. A list of species that may be used has been included with the rehabilitation plan.</p>

COMMENT / ISSUES		RESPONSES
21-Sep-21	7. The influence of local climate change on the proposed development area must be considered, especially the change in climate could either increase the flow which can result in flooding or decrease the flow of water. Local weather data can be used to assesses the impacts and measures to mitigate these changes must be included.	Cape EAPrac: So noted.
	8. Fences should be visible to wildlife, including birds, by fitting reflective or colourful weather-resistant flags (e.g., aluminium or plastic strips) to the wire.	Cape EAPrac: So noted.
	9. CapeNature would like to remind the landowner that in terms of section 12 (1) and 2 (a) of National Veld and Forest Act ⁴ that an adequate firebreak must be prepared and maintained around the property to reasonably prevent the spread of unwanted fires in the area. Therefore, we recommend that the owner, if not registered yet, apply for membership with the Southern Cape Fire Protection Association (SCFPA) to assist and guide on the timeframes for ecological burns.	Cape EAPrac: A fire break around the property will result in the removal of the established indigenous vegetation. The owner is encouraged to put in place firewise landscaping and management to mitigate for possible fires.
	10. Waste generated must be away from the watercourse to avoid any waste in the aquatic system. Furthermore, bins and waste skips must be baboon proof. Waste should be removed from the entire site and not only the development footprint. Waste generated by the development must be stored on site until it is removed to a registered facility. Implement the integrated waste management approach that addresses waste avoidance, reduction, re-use, recycling, recovery, treatment, and safe disposal as a last resort.	Cape EAPrac: So noted.
	11. CapeNature reminds the applicant of Section 28 of National Environmental Management Act (NEMA) (Act 104 of 1998 as amended) (Duty of Care) that states the following: “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.” Any action that causes wilful degradation of the environment may therefore constitute a breach of this Duty of Care and the penal provisions of NEMA will apply.	Cape EAPrac: So noted.

COMMENT / ISSUES		RESPONSES
	In conclusion, erecting infrastructure near sensitive and/or aquatic habitats must be prohibited. Thus, the development must remain outside the 20 m aquatic buffer. The remaining areas must be managed inline with the recommendation for degraded Ecological Support Areas. If all proposed mitigation measures are implemented and the construction remains within the development footprint and transformed areas, as far possible then CapeNature does not object to the proposed amended application.	Cape EAPrac: So noted.
	CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.	
Stroh, Lizelle - Civil Aviation Authority (CAA)		
	Automatically registered as an I&AP.	Registered 16 August 2021
Swart, Dave - Bitou Municipality		
	Automatically registered as an I&AP.	Registered 22 March 2018
Truter, Mandie - Neighbour River Club		
	Request registration as an I&AP.	Registered 31 August 2021
Objection		
	The security will be a big issue for us.	Cape EAPrac: This office takes note of your statement but is unsure of how it will be a security issue for you as you reside in a gated estate approximately 200 east of Erf 2103, which itself has perimeter fencing and a controlled access. You statement does not expand on how your security will be affected.

COMMENT / ISSUES	RESPONSES
<div data-bbox="62 1013 94 1133" data-label="Text">31-Aug-21</div> <p data-bbox="114 746 1055 810">The noise from barking dogs all day and night is not acceptable in this tranquil area with lots of bird life that inhabits the Piesangvalley estuary.</p>	<p data-bbox="1099 268 1330 292">Tanaka Foundation:</p> <p data-bbox="1099 304 2168 480">In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p data-bbox="1099 528 2168 624">Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p data-bbox="1099 671 2168 735">In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul data-bbox="1099 783 2107 999" style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control <p data-bbox="1099 1062 2168 1345">In addition, we will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p>

COMMENT / ISSUES		RESPONSES
	<p>This is a residential area and no kennels should be allowed there. Out of town on a farm would be much more suitable</p>	<p>Cape EAPrac: The area is not predominantly residential and includes commercial, industrial, retail, institutional, tourism (micro brewery, restaurants, farmstall etc) and agricultural (horse riding, nurseries, veterinary clinic etc) uses.</p> <p>According to the Bitou Zoning Scheme Bylaw (Final Draft, 20th January 2020), the property is zoned for Agriculture and as such a kennel / animal care centre is an allowable activity on the site.</p> <p>Perception Planning: To describe the property and its direct environs as "residential" would not be accurate though "rural occupation" on properties presently zone "Agriculture Zone I" do occur. The area is in fact characterised by mixed land use, including business, commercial, retail, institutional, tourism-orientated uses, restaurants, micro-brewery, farmstall, veterinary clinic, horse-riding, nurseries, etc.</p> <p>In terms of the "Section 8 Zoning Scheme Regulations (1985)" currently applicable to this area the property is zoned "Agricultural Zone I". Replacement of this dated scheme with the new Bitou Zoning Scheme Bylaw (2020) is imminent. According to the new Bitou Zoning Scheme Bylaw (2020) the property will be zoned "Agriculture Zone" within which consent uses such as an "animal care centre" may be permitted.</p>
Objection submitted via Jordaan & Smith Attorneys		
	We refer to the above matter and confirm that we act herein on behalf of Deon and Mandy Truter, owners of Erf 4170 Plettenberg Bay.	
	Locus standi	
	1. Our client in this regard are interested and affected parties. They own Erf 4170 in close proximity to Erf 2103.	

COMMENT / ISSUES	RESPONSES
<p>2. In BEF (Pty) Ltd v Cape Town Municipality 1983 (2) SA 387 (c) at 401 Grosskopf J stated: <i>"The purpose to be pursued in the preparation of a scheme suggests to me that a scheme is intended to operate, not in the general public interest, but in the interest of the inhabitants of the area covered by the scheme, or at any rate those inhabitants who would be affected by a particular provision. And by 'affected' I do not mean damnified in a financial sense. 'Health, safety, order, amenity, convenience and general welfare' are not measurable in financial terms. Buildings which do not comply with the scheme may have no financial efforts on neighbouring properties, or may even enhance their value, but may nevertheless detract from the amenity of the neighbourhood and, if allowed to proliferate, may change the whole character of the area..."</i></p>	
<p>3. It is submitted that our client has the necessary <i>locus standi</i> to object to the current application.</p>	
<p>Rezoning</p>	
<p>4. The purpose of zoning is to create different categories of directions that set out the purpose for which land situated in the area covered by a town planning scheme may be used and the land use restrictions applicable in each category as determined by relevant scheme regulations.</p>	
<p>5. From a town planning perspective the control over the utilisation of land customarily involves the allocation of the same rights to all properties in a particular area so that one will have areas set aside for residential use, other for commercial use and yet others for industrial use, and so forth.¹</p>	
<p>6. Zoning is a limitation or condition restricting the exercise of ownership.²</p>	
<p>7. The purpose of zoning is the creation and retention of the specific character of an area. Such purpose would be frustrated if a use were allowed for which no provision is made in the town planning scheme or if a person uses land contrary to the purpose of which it is zoned.³</p>	
<p>8. The zoning scheme provisions are intended to regulate land use and development so as to promote the co-ordinated and harmonious use of land.⁴ In other words, to protect the amenity of the surrounding neighbourhood.</p>	

COMMENT / ISSUES	RESPONSES
<p>9. The area in which erf 2103 is situated does have a variety of zoning categories. They consist of single residential, commercial and agricultural. The commercial area is situated in close proximity to erf 2103 together with residential developments. Our clients' property is zoned residential.</p>	<p>Perception Planning: Existing land use within the proximity of Erf 2103 includes low and medium-high density residential development (group housing, town housing), industrial use, various business and commercial premises, authority use (community hall), rural occupation, tourism orientated uses, education (crèche, primary and secondary school) and agriculture. Erf 2104 (Barrington's) is zoned Business Zone I. A land use planning application for rezoning of the portion of Erf 2103 situated south of the Piesang Valley Road to Business Zone I is currently underway. The training, rehabilitation and rescue facility is located on the portion of the property north of the Piesang Valley Road and it is expected to remain as Agriculture with a consent use for the facility.</p>
<p>10. Should the applicant's property be rezoned it will adversely affect the character of the current surrounding area in that it will result in an inappropriate use of property within an area predominantly utilised for residential purposes. This aspect is extremely important to take into consideration as it the residents of Piesang valley as well as our clients who will have to endure the negative effects of having animal rescue and kennel facility on their doorstep. It follows logically that the amenities of the neighbourhood will also be negatively impacted. Our client's current peaceful use of his property will be disturbed for the foreseeable future in that their current tranquil setting will be replaced with excessive noise pollution form the animals being kept at the facility. This will also affect the earning ability of our clients' property should our clients wish to rent it out as a holiday accommodation as the tenants would prefer a peaceful holiday stay without the constant and excessive noise emanating from the intended animal rescue and rehabilitation centre.</p>	<p>Perception Planning: The overall density of built form proposed as part of the proposal would be very low ($\pm 1,5\%$ coverage). The Training Centre and Animal Day-care components (orientated closest to the Piesang Valley Road would require only two structures, namely a Training Centre ($\pm 110\text{m}^2$) and Ablution facility ($\pm 20\text{m}^2$). The proposed Rehabilitation Centre (building footprint $\pm 168\text{m}^2$) and Staff accommodation (building footprint $\pm 152\text{m}^2$) will be sited furthest from the road and neighbouring properties. The overall coverage of the proposed Animal Day-care Centre ($\pm 1,248$ ha) would relate to a coverage of 41% , the majority of which will remain open, fenced fields only to be occupied in conjunction with the proposed uses outlined during business hours.</p> <p>As such it is submitted that the proposal would not materially impact on north-facing views of the Piesang River corridor from the Piesang Valley Road nor would it militate against the overall landscape of land use character of the area.</p>

COMMENT / ISSUES	RESPONSES
<p>11. The disturbances may include:</p> <p>a. noise at all hours of the day and weekends (24/7) from the dogs barking and in turn causing other dogs in the neighbourhood to also bark;</p>	<p>Perception Planning:</p> <p>The landowner and tenants proposed the following risk mitigating strategies (risk avoidance and risk limitation), which relates to both physical (design/ structural) interventions as well as management strategies:</p> <p>Providing vegetated/ landscape buffers along perimeter of Animal Care Centre so as to reduce possible noise overspill;</p> <p>Limiting the number of dogs and cats that may be accommodated at any one time;</p> <p>Providing supervision 24hrs per day/ 7 days per week;</p> <p>Limiting activities to standard business days and times;</p> <p>Adapting animal facilities to minimise noise.</p> <p>If required, a condition could be imposed requiring the landowner to submit to the municipality, for approval, a suitable noise management strategy prior to the commencement of the Rehabilitation Centre.</p>
<p>b. Bad odour emanating from the property due to excessive waste from the animals;</p>	<p>Cape EAPrac:</p> <p>A small scale biogas facility will be utilised for the organic waste generated on the site, including animal waste and garden organics. Biogas is a proven mechanism for the treatment of organic material and significantly minimised the odour impacts of organic waste.</p>
<p>c. A reduction in the natural fauna and flora in the area due to the disturbances that will emanate from the dog rescue and rehabilitation facility;</p>	<p>Cape EAPrac:</p> <p>The development footprint is located on areas that are grassed and formed part of the previously approved layout. Animals will not be free roaming on the site, but will be contained within areas that are already transformed. Indigenous vegetation will be planted on the site to improve the biodiversity and as a noise mitigation measure.</p>
<p>d. All the abovementioned factors will lead to an overall decrease in the value of our client's property as well as the other property owners in the vicinity.</p>	<p>Cape EAPrac:</p> <p>The facility has a low to negligible environmental impact with components that can be easily removed if necessary.</p> <p>Perception Planning:</p> <p>While the concern is noted, no substantive evidence is provided as to why or how implementation of the proposal may negatively impact upon property values in the area. Furthermore, the severity and permanency of potential impacts of the proposal are likely to be considerably less than impacts likely to result with implementation of existing land use rights.</p>
<p>Traffic and access</p>	

COMMENT / ISSUES		RESPONSES
21-Sep-21	12. Piesang Valley road is one of three of Plett's access point to the N2. The portion of the road that leads from the N2 down the hill to the Country Club entrance is fairly wide to handle the current traffic.	
	13. The portion of the Piesang Valley Road between Greenwood Bay College's entrance extending to the Robberg Road turn-off is of particular concern. This section of road is very narrow with no area for pedestrians and cyclists. Morning traffic is already a major concern especially around the school entrances. Vehicles are often stationary while waiting to enter the school entrances, the Plettenberg Bay Veterinary Clinic's entrance directly across from The Reef Playschool's entrance as well as Barrington's entrances are already causing major issues. These issues have been slightly decreased with the recent widening and insertion of a joint entrance and turning lane for GBC and The Reef. However, the area in general still has many entrances and exits which do result in the slow of traffic and generally raises the risk of accidents and the risk of pedestrians to be run over by vehicle. By changing the zoning from single residential to allow for the intended animal shelter facility will without doubt increase the risk of accidents. The municipality should cause a proper study to be done of the entire length of the Piesang valley road to establish whether there are areas of concern where the road can further be widened before allowing more residential properties to be converted to businesses that will lead to further congestion and accidents in future.	<p>Perception Planning: A traffic investigation assessing the potential impact of the proposal from a traffic engineering perspective was commissioned. The Traffic Investigation concluded that the impact of the proposed development on the surrounding road network is acceptable and that it may therefore be from a transport engineering perspective, subject to the following conditions and mitigation measures (verbatim):</p> <ol style="list-style-type: none"> 1. Access to Erf 2103 and Erf 4369 should be combined to form one single point of ingress/egress. This, combined section of road should be at least 30 m long; 2. The position of the combined access to the northern section of Erf 2103 and Erf 4369, must be aligned with the combined access to Erf 2104 and the Southern section of Erf 2103; 3. All accesses and internal roads should be designed to allow safe egress during periods of high flood levels; 4. No development should be allowed to take place within the road reserve.
	14. It is important to note that this road is also utilized by persons walking their children to school, cyclists and many pedestrians making their way to and from their respective work locations. The street is extremely dangerous and constitutes a safety risk to motorists and pedestrians alike. An increase in traffic could possibly lead to a loss of life.	<p>Urban Engineering: Traffic generated by the proposed animal shelter is not expected to coincide with the school based AM peak hour periods. School traffic peaks generally occur between 07:00 and 07:30. It is expected that the animal shelter will only be operational after 08:00, with peak periods only expected to occur after 09:00. Schools also have a slightly reduced NM Peak period, spread out between 12:00 and 14:00. The proposed animal shelter facility is not expected to generated a NM peak period, but will show a slight PM peak when the caregivers and personnel go home after work. The school peaks and proposed development peaks are therefore not expected to influence each other. It is also important to remember that vehicle speed and pedestrian safety are generally two sides of the same coin. By increasing mobility (vehicle speeds) within urban areas, you generally reduce the safety of pedestrians.</p>
	Nuisance	

COMMENT / ISSUES	RESPONSES
	<p>Perception Planning:</p> <p>The landowner and tenants proposed the following risk mitigating strategies (risk avoidance and risk limitation), which relates to both physical (design/ structural) interventions as well as management strategies:</p> <p>Providing vegetated/ landscape buffers along perimeter of Animal Care Centre so as to reduce possible noise overspill;</p> <p>Limiting the number of dogs and cats that may be accommodated at any one time;</p> <p>Providing supervision 24hrs per day/ 7 days per week;</p> <p>Limiting activities to standard business days and times;</p> <p>Adapting animal facilities to minimise noise.</p> <p>If required, a condition could be imposed requiring the landowner to submit to the municipality, for approval, a suitable noise management strategy prior to the commencement of the Rehabilitation Centre.</p>

COMMENT / ISSUES	RESPONSES
<p>15. It is submitted that by granting approval for the planning application and thereby allowing the animal rescue facility with kennels to proceed on the property, it would subject our client and his family to noise pollution that will exceed that which is reasonable. In other words, it will constitute an unreasonable annoyance greater than a normal person can be expected to endure.</p>	<p>Tanaka Foundation:</p> <p>In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control
<p>16. The test of reasonableness should be applied taking into account the general norms acceptable to the particular society. The test is one of reasonableness. This is so because a neighbour has to tolerate the natural consequences of the ordinary use of the land. In this regard the neighbouring properties expected living in a tranquil setting, but are now facing the prospect of living next door to a commercially operated animal rescue, rehabilitation and training area.</p>	

COMMENT / ISSUES	RESPONSES
<p>17. It is obvious but must be mentioned that dogs that go to rehabilitation centres and animal rescues are often dogs that are problematic for their owners to handle or portray traits and conduct which is generally undesirable. We are by no means saying that these animals do not deserve treatment and love and respect and given a fair chance to be rehabilitated. We are of the strong opinion that the area in which this property is situated is not appropriately situated where such business can run in harmony with the surrounding property owners in the direct vicinity. We further respectfully submit that it is difficult to keep one dog under control and to not let it become a nuisance to neighbours by excessive barking. It is an impossible task to keep 10 to 20 dogs under control and prevent them from barking and disturbing the residential area in which they would be situated should the applicants be successful in this application. This is the main reason why kennels and similar businesses are found in the outskirts of Plettenberg Bay and not in the centre of a residential area.</p>	<p>Tanaka Foundation: We will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p>
<p>18. Further to the above, the animals at the shelter will create an abundance of waste. The applicant intends to make use of a biogas plant to generate electricity from the waste. One of the unintended by-product of such a plant is an excess of foul odour which will be to the detriment of the applicant's neighbours.</p>	<p>South African Biogas Industry Association (SABIA): The use of biogas for the treatment of organic waste is a proven technology that is recognised globally. It uses digestion by means of bacteria to break down organic material and volatile organic compounds (VOCs) and greenhouse gases (GHG) to produce a natural gas that is used as an alternative energy fuel. The removal of the VOCs reduces odour and air quality impacts associated with decomposing organics.</p> <p>Cape EAPrac: A small scale biogas facility will be utilised for the organic waste generated on the site, including animal waste and garden organics. Biogas is a proven mechanism for the treatment of organic material and significantly minimised the odour impacts of organic waste.</p>
<p>19. The above expected nuisance caused by the animals on the property will be unreasonable and more than what can be expected as being reasonable for our client and the residents of the area to accept. It is further submitted that the nuisance created will impact on our clients' rights as entrenched in section 10 and 24 of the Constitution of the Republic of South Africa 108 of 1996.</p>	
<p>Removal of restrictive title deed condition</p>	

COMMENT / ISSUES		RESPONSES
	20. Restrictive conditions are for the reciprocal benefit of the owners.	Perception Planning: The land use planning application does not include any proposal for the removal of any restrictive conditions. The relevant title deed does not contain any restrictive title conditions that would be an impediment against the proposal.
	21. Any variation of conditions amounts to an interference with the rights of holders of the neighbouring properties and seriously affects the amenities of such properties and their values.	As above
	22. Restrictive conditions should not be removed where the character of the area will be detrimentally affected by the removal.	As above
	23. When assessing whether or not to grant the removal of a restrictive condition the personal interests of the applicant is irrelevant. What is of consequence are the interests of the broader neighbouring properties or public.	As above
	24. Test for the removal of a restrictive condition is a positive advantage which will be served by granting the application, not the absence of a negative disadvantage. The fact that the removal may not be undesirable does not in logic mean that such removal is as in fact desirable.	As above
	25. The applicant seeks the restrictive condition to be removed in his own interests. This does not satisfy the test as set out above.	As above
	26. The application for the removal of the restrictive title condition should not succeed.	As above
	Diminishing property value	
	27. Approving the change of zoning application will have an immediate negative impact on our client's property value, for the reasons stated herein above. Should the application be successful, they will have to endure endless noise pollution and other nuisances. If they find it intolerable, they may opt to sell their property and the value of which will have decreased as a direct result of potential purchasers taking the noise into consideration when making an offer to purchase as they will be aware of having to have the noise pollution emanating from the neighbouring animal rescue and rehabilitation centre.	Perception Planning: The allegation that the proposed development would diminish the value of adjoining properties is unfortunately not substantiated by credible evidence to that effect.
	28. Should the proposed business be continued with, it will result in the diminishing value of all properties within earshot of erf 2103 s living in that area will involve having to have to endure excessive noise pollution one would expect to experience in a residential area.	As above
	Conclusion	

COMMENT / ISSUES		RESPONSES
	29. In the premise, it is respectfully submitted on behalf of our clients that the application for altering the zoning from residential one to allow for the animal shelter and rehabilitation centre should not be approved for the reasons contained herein. Approval thereof will result in a detrimental effect in numerous ways as provided herein above to our client and his family, as well as the persons living in the residential area.	
Valentine, Christine - Neighbour		
	Automatically registered as an I&AP.	Registered 31 January 2018
Objection submitted via Jordaan & Smith Attorneys		
	1. We refer to the above matter and confirm that we act herein on behalf of Christine Valentine, Director of La Mer Investments(Pty)Ltd which is the owner of Erf 4369.	
	2. Our client's property is situated directly adjacent on the northern side of Piesang Valley road, directly adjacent to Erf 2103.	
	3. Our Client's property is utilized for residential purposes in a generally peaceful, tranquil and quiet area surrounded by nature for the owner's peaceful and beneficial occupation of the property. Our client's property is zoned and categorized as residential.	
	4. The purpose of zoning is to create different categories of directions that set out the purpose for which land situated in the area covered by a town planning scheme may be used and the land use restrictions applicable in each category as determined by relevant scheme regulations	
	5. From a town planning perspective the control over the utilisation of land customarily involves the allocation of the same rights to all properties in a particular area so that one will have areas set aside for residential use, other for commercial use and yet others for industrial use, and so forth.	
	6. Zoning is a limitation or condition restricting the exercise of ownership.	
	7. The purpose of zoning is the creation and retention of the specific character of an area. Such purpose would be frustrated if a use were allowed for which no provision is made in the town planning scheme or if a person uses land contrary to the purpose for which it is zoned.	
	8. The zoning scheme provisions are intended to regulate land use and development so as to promote the co-ordinated and harmonious use of land. In other words, to protect the amenity of the surrounding neighbourhood.	

COMMENT / ISSUES	RESPONSES
<p>9. The area in which erf 2103 is situated does have a variety of zoning categories. They consist of single residential, commercial and agricultural. The commercial area is situated in close proximity to erf 2103 together with residential developments.</p>	<p>Perception Planning: Existing land use within the proximity of Erf 2103 includes low and medium-high density residential development (group housing, town housing), industrial use, various business and commercial premises, authority use (community hall), rural occupation, tourism orientated uses, education (crèche, primary and secondary school) and agriculture. Erf 2104 (Barrington's) is zoned Business Zone I. A land use planning application for rezoning of the portion of Erf 2103 situated south of the Piesang Valley Road to Business Zone I is currently underway. The training, rehabilitation and rescue facility is located on the portion of the property north of the Piesang Valley Road and it is expected to remain as Agriculture with a consent use for the facility.</p>
<p>10. Should the applicant's property be authorised to conduct the business of a dog rescue, rehabilitation and training be allowed, it will adversely affect the character of the current surrounding area and will result in the following negative effects:</p>	<p>Perception Planning: The overall density of built form proposed as part of the proposal would be very low ($\pm 1,5\%$ coverage). The Training Centre and Animal Day-care components (orientated closest to the Piesang Valley Road would require only two structures, namely a Training Centre ($\pm 110\text{m}^2$) and Ablution facility ($\pm 20\text{m}^2$). The proposed Rehabilitation Centre (building footprint $\pm 168\text{m}^2$) and Staff accommodation (building footprint $\pm 152\text{m}^2$) will be sited furthest from the road and neighbouring properties. The overall coverage of the proposed Animal Day-care Centre ($\pm 1,248\text{ ha}$) would relate to a coverage of 41%, the majority of which will remain open, fenced fields only to be occupied in conjunction with the proposed uses outlined during business hours.</p> <p>As such it is submitted that the proposal would not materially impact on north-facing views of the Piesang River corridor from the Piesang Valley Road nor would it militate against the overall landscape of land use character of the area.</p>

COMMENT / ISSUES		RESPONSES
	10.1 Noise pollution;	<p>Perception Planning:</p> <p>The landowner and tenants proposed the following risk mitigating strategies (risk avoidance and risk limitation), which relates to both physical (design/ structural) interventions as well as management strategies:</p> <p>Providing vegetated/ landscape buffers along perimeter of Animal Care Centre so as to reduce possible noise overspill;</p> <p>Limiting the number of dogs and cats that may be accommodated at any one time;</p> <p>Providing supervision 24hrs per day/ 7 days per week;</p> <p>Limiting activities to standard business days and times;</p> <p>Adapting animal facilities to minimise noise.</p> <p>If required, a condition could be imposed requiring the landowner to submit to the municipality, for approval, a suitable noise management strategy prior to the commencement of the Rehabilitation Centre.</p>
	10.2 Waste from the animals will penetrate the water table and affect the Piesang Valley River and all wildlife within it;	<p>Cape EAPrac:</p> <p>The Tanka Foundation is partnering with Logicalwaste and will be collecting all wash water, faeces, household organic waste and garden organic waste in a small scale biogas bag. The calculated gas volume that can be collected will be used to cook with. The digestate that remains is an excellent source of organic fertiliser which will be used on site. This significantly reduces any possible impact on the water table.</p>

COMMENT / ISSUES	RESPONSES
<p>10.3 Noise pollution will affect the surrounding property owners through noise pollution which will in turn result in the general devaluation of the properties in the area.</p>	<p>Tanaka Foundation: In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control
<p>10.4 Noise pollution from the barking of dogs will also have a negative impact on the bird life in the area as well as possibly scaring off the resident otters that are seen in the Piesang river and surrounding areas.</p>	<p>Tanaka Foundation: We will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p>

COMMENT / ISSUES	RESPONSES
<p>10.5 Increase in traffic in an already congested area and will increase the risk of accidents</p>	<p>Perception Planning: A traffic investigation assessing the potential impact of the proposal from a traffic engineering perspective was commissioned. The Traffic Investigation concluded that the impact of the proposed development on the surrounding road network is acceptable and that it may therefore be from a transport engineering perspective, subject to the following conditions and mitigation measures (verbatim):</p> <ol style="list-style-type: none"> 1. Access to Erf 2103 and Erf 4369 should be combined to form one single point of ingress/egress. This, combined section of road should be at least 30 m long; 2. The position of the combined access to the northern section of Erf 2103 and Erf 4369, must be aligned with the combined access to Erf 2104 and the Southern section of Erf 2103; 3. All accesses and internal roads should be designed to allow safe egress during periods of high flood levels; 4. No development should be allowed to take place within the road reserve. <p>Urban Engineering: Traffic generated by the proposed animal shelter is not expected to coincide with the school based AM peak hour periods. School traffic peaks generally occur between 07:00 and 07:30. It is expected that the animal shelter will only be operational after 08:00, with peak periods only expected to occur after 09:00. Schools also have a slightly reduced NM Peak period, spread out between 12:00 and 14:00. The proposed animal shelter facility is not expected to generated a NM peak period, but will show a slight PM peak when the caregivers and personnel go home after work. The school peaks and proposed development peaks are therefore not expected to influence each other. It is also important to remember that vehicle speed and pedestrian safety are generally two sides of the same coin. By increasing mobility (vehicle speeds) within urban areas, you generally reduce the safety of pedestrians.</p>

COMMENT / ISSUES	RESPONSES
<p>11. The Piesang valley area is mostly made up of residential properties but also include a few light businesses within the area, including two schools, the Plettenberg Bay country Club(with golf course, tennis courts etc.), tool hire, restaurant, bicycle shop, laundromat and a furniture store. Although there exists a diversity in property uses, such uses of property are, generally speaking, amenable to the area and for the most part does not result in excessive noise pollution to the surrounding residents of the area.</p>	<p>Tanaka Foundation: In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control
<p>12. It must also be borne in mind that the existing businesses in the area operate within the normal business hours and peace and quiet is generally observed outside of normal trading hours. The business intended by the applicant, however, will result in noise pollution outside of normal trading hours as well as during trading hours.</p>	<p>Cape EAPrac: The training centre will operate during normal business hours and only the rescue centre will be operational all the time in that animals will be in the facility and staff will be looking after them after hours.</p>

COMMENT / ISSUES		RESPONSES
21-Sep-21	13. The nature of the application by the owners of Erf 2103 will result in noise pollution during business hours as well as after hours. Such noise pollution, inside and outside business hours will cause a variety of issues if allowed by the Bitou Municipality. The subject application contains plans for an animal rehabilitation centre, 10 x dog kennels and 3 x kennel dog huts as well as other structures and parking.	Tanaka Foundation: We will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.
	14. The animals brought onto the property will likely stay there for a period of time allowing for noise pollution to transpire outside of business hours and more importantly out of the control of the owners of Erf 2103 or the lessees and their employees that will be tasked in managing the establishment.	As above
	15. Further to the noise pollution, animal waste will also negatively affect the area. The applicant states that it intends to make use of a biogas system. Such systems create strong odour which will also negatively affect the occupants in the nearby vicinity.	South African Biogas Industry Association (SABIA): The use of biogas for the treatment of organic waste is a proven technology that is recognised globally. It uses digestion by means of bacteria to break down organic material and volatile organic compounds (VOCs) and greenhouse gases (GHG) to produce a natural gas that is used as an alternative energy fuel. The removal of the VOCs reduces odour and air quality impacts associated with decomposing organics. Cape EAPrac: A small scale biogas facility will be utilised for the organic waste generated on the site, including animal waste and garden organics. Biogas is a proven mechanism for the treatment of organic material and significantly minimised the odour impacts of organic waste.

COMMENT / ISSUES	RESPONSES
<p>16. The above Bitou By-law was adopted to prevent owners and others from causing a nuisance to ensure the general public, including property owners, to enjoy peaceful and harmonious living conditions. In the event of the Applicant obtaining the necessary approvals from Bitou Municipality, our client's right will severely be affected by the noise pollution that will emanate from the animal rescue centre. It must be mentioned that dogs bark at all hours of the day and property owners are responsible for the dogs they keep. It is much easier for owners to peacefully keep one or two dogs without causing nuisance to their neighbours. As soon as the amount of dogs increases, so too does the noise as the dogs get more difficult to control and keep quiet as they startle each other or raise alarm by one dog barking leading to all the dogs barking.</p>	<p>Tanaka Foundation: We will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p> <p>In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p>

COMMENT / ISSUES	RESPONSES
<p>17. For reasons set out above, dog kennels are usually situated outside residential areas. Further to this point, it must be mentioned that animals that go into rehabilitation centres are usually animals that caused a nuisance and were difficult to control by their owners. Placing all these animals together within a residential area that will affect various property owners and affect their property rights guaranteed by the Constitution of South Africa will lead to an imbalance of property rights. The current owners and occupiers will have their right to use and enjoy their properties and homes infringed upon for financial interests of the owners of Erf 2103.</p>	<p>Tanaka Foundation: We will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna (located in town) who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>Perception Planning: Existing land use within the proximity of Erf 2103 includes low and medium-high density residential development (group housing, town housing), industrial use, various business and commercial premises, authority use (community hall), rural occupation, tourism orientated uses, education (crèche, primary and secondary school) and agriculture. Erf 2104 (Barrington's) is zoned Business Zone I. A land use planning application for rezoning of the portion of Erf 2103 situated south of the Piesang Valley Road to Business Zone I is currently underway. The training, rehabilitation and rescue facility is located on the portion of the property north of the Piesang Valley Road and it is expected to remain as Agriculture with a consent use for the facility.</p>

COMMENT / ISSUES	RESPONSES
<p>18. The Municipality must take all owners in the Piesang valley area into consideration. With the Covid-19 pandemic, the Municipality must also take into account that there are many more people that work from home that will have to endure the noise pollution created by the planned kennels at erf 2103 if allowed by Bitou Municipality to weigh the rights of the owners of 2103 against the existing property owners and inhabitants of the surrounding area. We submit that there are numerous dog kennel business operating in and around Plettenberg Bay that are situated in areas where they do not disturb other primarily residential areas.</p>	<p>Perception Planning: The landowner and tenants proposed the following risk mitigating strategies (risk avoidance and risk limitation), which relates to both physical (design/ structural) interventions as well as management strategies: Providing vegetated/ landscape buffers along perimeter of Animal Care Centre so as to reduce possible noise overspill; Limiting the number of dogs and cats that may be accommodated at any one time; Providing supervision 24hrs per day/ 7 days per week; Limiting activities to standard business days and times; Adapting animal facilities to minimise noise.</p> <p>If required, a condition could be imposed requiring the landowner to submit to the municipality, for approval, a suitable noise management strategy prior to the commencement of the Rehabilitation Centre.</p>
<p>19. The Piesang valley area has a diversity of wildlife that may be negatively affected should the Municipality allow a dog kennels business/rehabilitation centre for animals. There are two local otters that live on the direct vicinity within the Piesang river. They will most likely be disturbed by the dogs at the kennels and look to relocate to an area without the threat of dogs.</p>	<p>Cape EAPrac: The perimeter of the property has been fenced and the animals will always be under supervision or contained. There is very little likelihood of the otters being chased from their dens.</p> <p>Perception Planning: Given the alignment of existing cadastral boundaries between Erf 2103 and the adjoining Erf 8212 (International School), Erf 2103 has very limited curtilage onto the Piesang River. The proposal does not include any intention for domestic animals accommodated as part of the proposed animal care centre to physically access the river.</p>
<p>20. Our clients wish to preserve what is left of the natural wildlife in the Piesang Valley. They have also invested in their property knowing that it is a peaceful tranquil area flaunting rare bird species as well as otters and other wildlife. Plettenberg Bay is renowned for its fauna and not letting businesses that create nuisances and annoyances to do so within a residential area as same will result in unpleasant living conditions for the public at large. It is thus very important function of the municipality to ensure peaceful and harmonious property usages in acceptable areas within its jurisdiction. We therefore wish to state that the location of erf 2103 is not suitable for a dog rescue centre and kennels.</p>	<p>Cape EAPrac: The facility has a low to negligible environmental impact with components that can be easily removed if necessary.</p> <p>Perception Planning: While the concern is noted, no substantive evidence is provided as to why or how implementation of the proposal may negatively impact upon property values in the area. Furthermore, the severity and permanency of potential impacts of the proposal are likely to be considerably less than impacts likely to result with implementation of existing land use rights.</p>

COMMENT / ISSUES	RESPONSES
<p>21. It is submitted that by granting approval for the planning application and thereby allowing the dog rescue operation and activities to proceed on the property, it would subject our client and her family to noise pollution that will exceed that which is reasonable. In other words, it will constitute an unreasonable annoyance greater than a normal person can be expected to endure.</p>	<p>Tanaka Foundation: In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour/ 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control
<p>22. The test of unreasonableness should be applied considering the general norms acceptable to the particular society. The test is one of unreasonableness. This is so because a neighbour has to tolerate the natural consequences of the ordinary use of the land. In this regard the neighbouring properties expected living in a tranquil and peaceful setting but are now facing the prospect of living next door to a commercially operated dog rescue and kennels establishment which will result in unfavourable noise pollution.</p>	

COMMENT / ISSUES	RESPONSES
<p>23. The above expected nuisance caused by the animals on the property will be unreasonable and more than what can be expected as being reasonable for our client and the residents of the area to accept. It is further submitted that the nuisance created will impact on our clients' rights as entrenched in section 10 and 24 of the Constitution of the Republic of South Africa 108 of 1996.</p>	<p>Tanaka Foundation: We will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna (located in town) who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p>
<p>Removal of restrictive title deed condition</p>	<p>Perception Planning: The land use planning application does not include any proposal for the removal of any restrictive conditions. The relevant title deed does not contain any restrictive title conditions that would be an impediment against the proposal.</p>
<p>24. Restrictive conditions are for the reciprocal benefit of owners.</p>	<p>As above</p>
<p>25. Any variation of conditions amounts to an interference with the rights of holders of the neighbouring properties and seriously affects the amenities of such properties and their values.</p>	<p>As above</p>
<p>26. Restrictive conditions should not be removed where the character of the area will be detrimentally affected by the removal.</p>	<p>As above</p>
<p>27. When assessing whether or not to grant the removal of a restrictive condition the personal interests of the applicant is irrelevant. What is of consequence are the interests of the broader neighbouring properties or public.</p>	<p>As above</p>
<p>28. Test for the removal of a restrictive condition is a positive one, not a negative one. In other words, the test is the presence of a positive advantage which will be served by granting the application, not the absence of a negative disadvantage. The fact that the removal may not be undesirable does not in logic mean that such removal is as in fact desirable.</p>	<p>As above</p>
<p>29. The applicant seeks the restrictive condition to be removed in his own interests. This does not satisfy the test as set out above.</p>	<p>As above</p>
<p>30. The application for the removal of the restrictive title condition should not succeed.</p>	<p>As above</p>

COMMENT / ISSUES		RESPONSES
Diminishing property value		
31. Approving the change of zoning application will have an immediate negative impact on our client's property value, for the reasons state herein-above.		Perception Planning: The allegation that the proposed development would diminish the value of adjoining properties is unfortunately not substantiated by credible evidence to that effect.
Conclusion		
32. In the premise, it is respectfully submitted on behalf of our client that the application for planning approval should not be approved for the reasons contained herein. The approval thereof will result in a major nuisance to the surrounding property owners and will have a detrimental effect in numerous ways as provided herein above.		
Van der Merwe, Andre - Neighbour River Club		
Request registration as an I&AP.		Registered 1 September 2021
Objection		
1) Instead of a single residential dwelling which would blend and fit in with the adjacent attractive residential properties along the Piesang River, the proposal is for multiple buildings and structures namely a Rehabilitation Centre, a Training Centre, 2x Cottages, and a number i.e. 13 kennel dog huts (each 2x3 metres) each surrounded by large (wire, one assumes) fencing with an total area of 1075 square metres. This is a massive coverage on that erf that will invariably spoil and destroy the largely natural terrain by over-populating it with unattractive, unnecessary and undesirable development and structures.		Cape EAPrac: The development impact of the proposed amendment is smaller than the currently authorised single residential dwelling. The impact overall is thus reduced. The owner has already initiated an upgrade to the remnant tidal channel on the property that significantly improved the tidal functioning of the channel. Both the approved development and the amended proposal take cognisance of the environment and aim to create a balance on the property between the existing rights and improving the diversity on the site.
2) The (revised) proposal indicates that: "All structures will be raised above ground on stilts, including the dog kennels." This will provide an unusual, unconventional, unattractive and undesirable development from an aesthetic point of view. The question arises why stilts are, or may be, required but the proposal is silent as to the reason for this aspect of the proposed development.		Cape EAPrac: There has already been significant replanting of indigenous vegetation on the site, especially along the perimeter fence. This will continue with the amended proposal, and this will ensure that the site retains its privacy. In terms of aesthetics, the area is not predominantly residential and includes commercial, industrial, retail, institutional, tourism (micro brewery, restaurants, farmstall etc) and agricultural (horse riding, nurseries, veterinary clinic etc) uses. These have already led to an eclectic mix of aesthetics along the length of the Piesang Valley Road.
3) Instead of the normal traffic level associated with a single residential dwelling, the proposal will provide a business instead of a single residence and thereby an unwanted increased level of motor traffic associated with a business. This increase in vehicular traffic will be unwanted and undesirable for Piesang Valley Road and the residential nature of the adjacent properties.		Cape EAPrac: A Traffic study was commissioned and is available for review. One of the items raised in the study was the impact of additional traffic to the Barrington's Brewery and Restaurant immediately opposite Erf 2103. The estimated traffic impact as a result of the amended proposal is negligible in comparison.

COMMENT / ISSUES		RESPONSES
01-Sep-21	<p>4) The proposal will provide a type of business on the erf which unfortunately will lead to barking and howling of dogs on the property, particularly at night-times and over weekends (when operating staff may not be present to deal with such noise-levels). This will invariably lead to “noise pollution” in the surrounding area which is normally a quiet area, and such noise will be clearly undesirable.</p>	<p>Tanaka Foundation:</p> <p>In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control
		<p>In addition, we will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential ‘barkers’), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p>

COMMENT / ISSUES		RESPONSES
	<p>5) In addition to the problem set out in paragraph 4 above, the proposal will also provide a type of business which will unfortunately provide a potential source of unpleasant odour and stench from the faeces/urine of dogs and any other animals on the property. This arises invariably even if the kennels are cleaned regularly and as well as practically possible – but for example over weekends when operating staff may not be on duty, this will not be the case. This will therefore lead to “air pollution” in the surrounding area (or downwind) which will clearly be undesirable for those living in the vicinity or neighbourhood.</p>	<p>Cape EAPrac: The Tanka Foundation is partnering with Logicalwaste and will be collecting all wash water, faeces, household organic waste and garden organic waste in a small scale biogas bag. The calculated gas volume that can be collected will be used to cook with. The digestate that remains is an excellent source of organic fertiliser which will be used on site.</p> <p>Biogas has been shown to be a proven and effective method of treating organic waste in a manner that reduces odours and water pollution.</p>
Van der Walt, Cor - Department of Agriculture		
	Automatically registered as an I&AP.	Registered 20 March 2018
Vemer, Kari - Neighbour River Club		
	Request registration as an I&AP.	Registered 2 September 2021
Objection		
	This documents states the OBJECTION for the PROPOSED CHANGE IN LAND USE FROM SINGLE RESIDENTIAL DWELLING TO TRAINING, RESCUE & REHABILITATION CENTRE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY	
	The proposed change is a significant deviation to the original approved plan. The changed proposal will have the effect of:	

COMMENT / ISSUES	RESPONSES
<p>Additional and unwanted noise disturbance by barking dogs. The area is currently tranquil and peaceful and does not lend itself to unnecessary noise pollution.</p>	<p>Tanaka Foundation:</p> <p>In general, ERF 2103 is located amidst private residences as well as a buzzing business district. The land is surrounded by eateries, gardening centres, hardware & building shops, furniture shops, a sporting shop, a horse riding school, a private school, etc. all of which contribute to the noise levels in the area. Key existing noise factors are currently traffic, kids at school, social gatherings at eateries and dogs barking at neighbouring residence.</p> <p>Note: We have spoken to several animal welfare facilities including PAWS in Plett and KAWS in Knysna who confirmed that the vast majority of the time, there is very little noise coming from the animals.</p> <p>In order to keep any potential noise to a minimum, whilst keeping the beautiful space as natural as possible, we proposed the following measures in the Land Use Planning Application:</p> <ul style="list-style-type: none"> - Limiting the number of dogs accommodated in the care facility to no more than 20 (incl. puppies) at a time - Providing vegetated/landscape buffers along the perimeters of the facility - Providing 24 hour / 7 days a week supervision - Limiting activities to standard business days and times - Adapting several animal kennels for isolation with noise control <p>In addition, we will have professional dog trainers to hand in order to assist with challenging cases (e.g. potential 'barkers'), will stock anti-bark collars to use if/when necessary and are determined to create a natural, home like, peaceful, stress free environment for the animals in our care. This will also include daily exercise, play time and routine in order to encourage well balanced and happy dogs that have no need to bark excessively. Further, the rehabilitation facility is specifically located in the back area of the land (a significant distance from any human movements) with minimal, controlled activity in order to avoid dog excitement and barking.</p>

COMMENT / ISSUES		RESPONSES
02-Sep-21	Additional dwellings for a manager, labourers, and no doubt their families. Instead of this being a single dwelling proposal, we are now faced with a proposal for at least an additional 2-3 families. This introduces unwanted additional noise disturbance.	Perception Planning: The proposal incorporates two structures ($\pm 76\text{m}^2$ each) to accommodate a manager and labourer tasked to ensure management of the facility during the operational phase. The allegation that the proposal would introduce "at least an additional 2-3 families" is therefore unfounded. The overall building footprint is therefore considerably less than that permissible in terms of existing land use rights applicable. Similarly, the aspersion that staff tasked to manage the facility necessarily implies "additional noise disturbance" is unfounded and unfortunate.
	Unnecessary disturbance of flora. By building even more buildings and living quarters, current flora on the property will be destroyed. This is clearly an unwanted situation, again as this area is considered a beautiful and peaceful area, with many local species.	Cape EAPrac: The development impact of the proposed amendment is smaller than the currently authorised single residential dwelling. The impact overall is thus reduced. The owner has already initiated an upgrade to the remnant tidal channel on the property that significantly improved the tidal functioning of the channel. Both the approved development and the amended proposal take cognisance of the environment and aim to create a balance on the property between the existing rights and improving the diversity on the site. The proposal, as with the currently approved development will only affect areas that have been excessively grazed over the years. The owner has commenced with an indigenous planting scheme on the property, including the removal of alien invasive vegetation, and this will not be affected by the amended proposal.
	Unnecessary disturbance of fauna. There are numerous beautiful species of fauna present along the Piesang Valley. With unnecessary noise from barking dogs, as well as the natural hunting nature of dogs or other animals, these animals will have a detrimental impact on the natural fauna.	Cape EAPrac: All activities relating to the dogs will be confined within the already disturbed areas, and animals will be constantly supervised or contained thus avoiding "free ranging" of animals.

COMMENT / ISSUES		RESPONSES
	<p>Negative impact on the value of existing dwellings in the area. By introducing a comparatively high density and noise disturbing influence as per the proposal, it will impact negatively on the current property values in the area.</p>	<p>Cape EAPrac: The development impact of the proposed amendment is smaller than the currently authorised single residential dwelling. The impact overall is thus reduced.</p> <p>This is an unlikely occurrence given the diversity of land uses in the area, including the use of containers and wooden Wendy houses for tourism facilities on adjacent properties. In addition the structures proposed are designed to be moved if need be without causing damage to the ground and the environment.</p> <p>Perception Planning: The total built footprint associated with the proposal would be $\pm 452\text{m}^2$, the severity and permanency of which would be considerably less than that of existing land use rights applicable to the northern portion of Erf 2103 which include the following components:</p> <ul style="list-style-type: none"> • A double storey dwelling and basement with a footprint of $\pm 1300\text{m}^2$; • Decking/ boardwalks for dwelling area $\pm 815\text{m}^2$; • Access and parking areas of $\pm 1780\text{m}^2$; • A pavilion for entertaining guests of $\pm 125\text{m}^2$; • Decking/ boardwalk for pavilion of $\pm 135\text{m}^2$; • Gatehouse of $\pm 124\text{m}^2$; • Guardhouse of $\pm 23\text{m}^2$. <p>While the concern is noted, no substantive evidence is provided as to why or how implementation of the proposal may negatively impact upon property values in the area.</p>
Viljoen, Nina - Garden Route District Municipality		
	Automatically registered as an I&AP.	Registered 18 August 2021
Viz Dolden Trading 7 (Pty) Ltd - Neighbour		
	Automatically registered as an I&AP.	Registered 31 January 2018