



Enquiries

A Minne

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File Ref: 18/38/444

25 March 2024

Attention: Mr F Byleveld

Tel:

044 874 0365

E-Mail:

francois@cape-eaprac.co.za

Dear Sir / Madam

COMMENT ON PRE-APPLICATION BASIC ASSESSMENT REPORT IN TERMS OF THE NEMA ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS FOR THE PROPOSED KEURBOOMS LIFESTYLE VILLAGE ON PORTION 38 OF FARM 444, BITOU MUNICIPALITY

DEAD&P Reference Number: 16/3/3/6/7/1/D1/6/0121/22

Bitou Local Municipality would like to thank you for the opportunity to review and comment on the Pre-Application BAR for the proposed development on the Portion 38 of Farm 444 within the Bitou Municipal area. Please note that these comments have been drafted by the Land Use and Environmental Management department within the Planning and Development directorate. Additional comments may be required from other relevant departments within the Bitou Local Municipality.

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

DESCRIPTION OF ACTIVITY

Intergreen (Pty) Ltd are proposing the development of a residential estate on Portion 38 of Farm 444 consisting of twelve sectional title group housing units, security infrastructure such as guard house and entrance gate, various communal areas consisting of a clubhouse, gym, pool and offices as well as associated infrastructure. Approximately 36% of the property is to be developed, with the remainder proposed as Open Space Zone III (64% of the property).

LOCATION

The property is situated adjacent to the Keurbooms Estuary and contains a large single residential dwelling with landscaped gardens as well as existing stables and paddocks. The property is currently zoned Agriculture Zone I and has historically been used to keep horses. Historical public access to the estuary edge, i.e., coastal public property, has been gained via the property since 1960 as can be seen by the historical aerial imagery contained in the Terrestrial Biodiversity Impact Assessment (Figure 11) which clearly shows the small parking area at the bottom of Rietvlei Road East.

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

1. It is acknowledged that the proposed development is to avoid sensitive areas of the property. This also ensures that the development is set back from the sensitive Keurbooms Estuary, and this is supported.
2. It is requested that the proposed Open Space III be formally declared as Protected Environment in terms Section 28 of the National Environmental Management: Protected Areas Act (NEM:PAA, Act 57 of

2003) to be able to give legal recognition of the sensitivity of the site. As such, Open Space Zone IV in the Bitou Zoning Scheme (2023) would be the appropriate zoning to apply for.

3. The property in question falls within an area that has been classified as an Outeniqua Sensitive Coastal Area in terms of the OSCAE Regulation in terms of Government Notice No. R879 of May 1996 and it is the owner's responsibility to ensure compliance with these regulations. Please contact this office for additional information on requirements for application purposes.
4. The National Environmental Management: Integrated Coastal Management Act (NEM:ICMA, Act 24 of 2008) and Section 13 specifies that all people in South African have a "right of reasonable access to the coastal public property" and Section 18(9) specifies that: "Each municipality approving the rezoning, subdivision or development of a land unit within or abutting on coastal public property must ensure that adequate provision is made in the conditions of approval to secure public access to that coastal public property". A Coastal Access Audit has been undertaken for the Garden Route District (WCPCASP, DEA&DP, 2019).

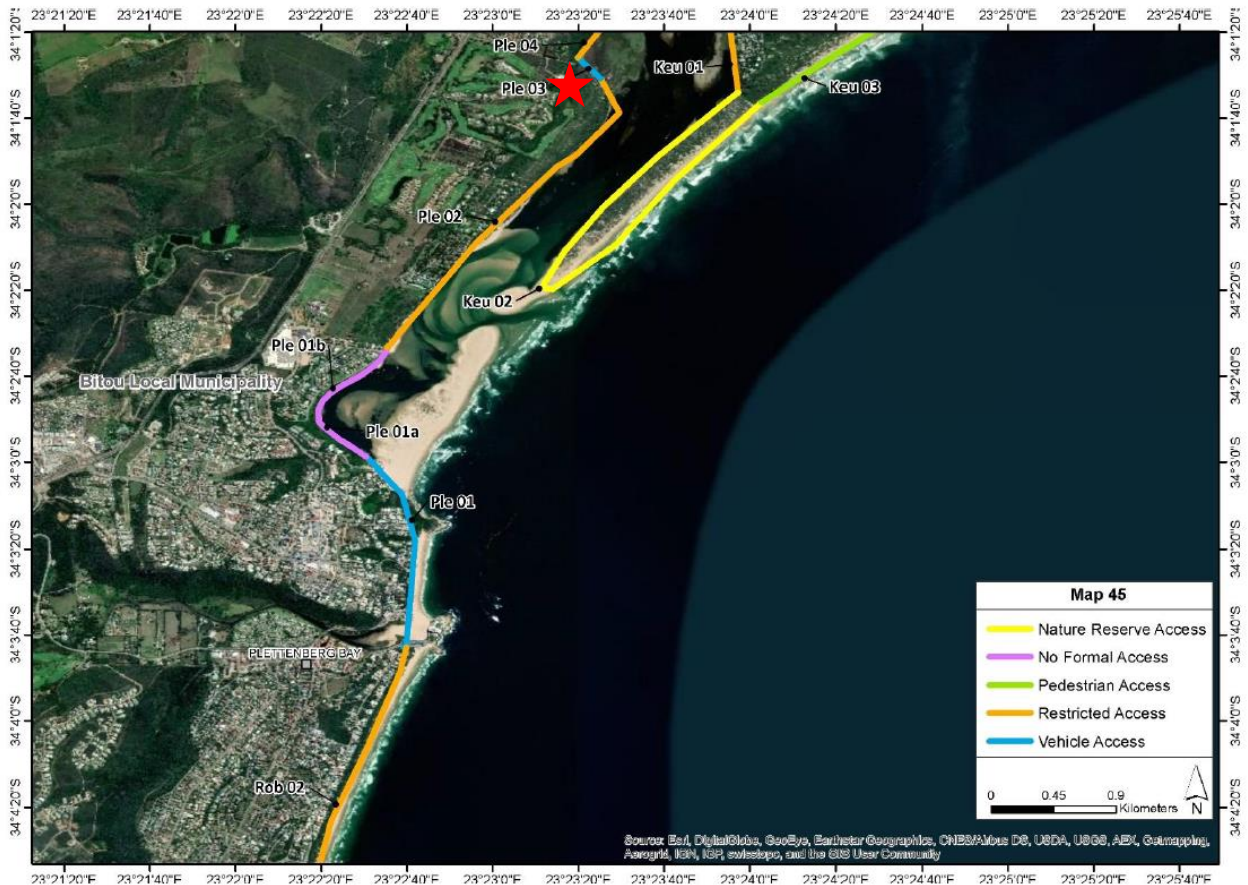


Figure 1 - Figure extracted from DEA&DP (2019) WCPCASP - Western Cape Provincial Coastal Access Audit undertaken for the Garden Route Municipal District. The red star indicates the position of Portion 38 of Farm 444 in relation to the audit. Vehicle access to the CPP is shown at this point.

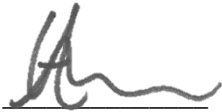
The figure shows that the section along the western banks of the Keurbooms Estuary has limited access to the Coastal Public Property. Historical public access to the estuary edge, i.e., coastal public property, has been gained via the property since 1960 as can be seen by the historical aerial imagery contained in the Terrestrial Biodiversity Impact Assessment (Figure 11) which clearly shows the small parking area at the bottom of Rietvlei Road East. This has been identified in the Coastal Access Audit. It is requested that the public access that currently exists across the property be formalised in terms of a servitude in favour of the public or the designation of coastal access land. The access should continue to be walkable and may need to be maintained. Maintenance of the existing boardwalk should be specified, assessed and appropriately included in the Environmental Management Plan. Appropriate signage should be displayed at this access point indicating it as a public access point and that persons should remain on the created pathway.

5. Animal movement is not to be hindered by proposed fencing and access should be ensured especially at areas of stormwater dissipation.
6. All stormwater discharge points are to be appropriately designed to ensure storm water is appropriately slowed and dissipated when to ensure no erosion or increased sediment occurs within the estuary functional zone.
7. All landscaping is to be limited to endemic and indigenous plant species and alien invasive plant species are to be appropriately cleared, removed, and managed.

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

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

Yours faithfully,



Anjé Minne

Environmental Management Officer

Planning and Development: Land Use and Environmental Management

Bitou Municipality

Francois Byleveld

From: Anje Minne <aminne@plett.gov.za>
Sent: Monday, 25 March 2024 10:46
To: Francois Byleveld
Cc: Marcel Minne; Chris Schliemann
Subject: RE: Comments on Pre-Application BAR for Portion 38 of Farm 444
Attachments: Comments on Pre-App BAR Portion 38 of Farm 444.pdf

Dear Francois,

I trust this email finds you well. Please see below comment from the Spatial Planner regarding Portion 38 of Farm 444. Please also find attached written comment on the Pre-App BAR.

Kindest regards,

Anjé Minne

Environmental Management Officer

Bitou Local Municipality

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From: Marcel Minne <MMinne@plett.gov.za>
Sent: Monday, March 25, 2024 9:39 AM
To: Anje Minne <aminne@plett.gov.za>
Subject: FW: Ptn 38/444 Notices

FYI

From: Marcel Minne
Sent: Wednesday, January 25, 2023 12:15
To: Town Planning <TownPlanning@plett.gov.za>
Cc: Marius Buskes <mbuskes@plett.gov.za>; 'cschliemann (cschliemann@plett.gov.za)' <cschliemann@plett.gov.za>
Subject: RE: Ptn 38/444 Notices

Good day Leah/ Marius,

My comments on the application are as follows:

1. The proposed residential use is supported in principle, in light of the context of the property and the Municipal Spatial Development Framework.
2. However, the application is silent on the existing public access/ pathway to the estuary which traverses the subject property. During the pre-application I suggested that this aspect be addressed, as it has quite a significant bearing on the application in my view. The alignment of the road reserve/ servitude adjacent to the subject property to the estuary is not practical, thus the need for the pathway to traverse the property as it currently does. The pathway has been in existence for at least the last 20 years as far as I can establish from aerial imagery, but has likely been in use for significantly longer. The applicant should clarify how the pathway will be dealt with, and possible approval conditions be inserted to this effect – we want to avoid a situation where the property/ pathway will be fenced off as part of the property’s “Private Nature Reserve”, thus preventing public access to the estuary (as this is the only public access in the area). Ideally, the access should be formalised by either registering a public right of way servitude, or by subdividing the applicable portion off and transferring it to the Municipality as Public Open Space.
3. A significant portion of the property falls underneath the high water mark/ estuary, and thus constitutes coastal public property in terms of ICMA. This aspect is not addressed in the application. I would recommend that a determination of the high water mark be carried out, and that the portion below it be rezoned to “public open space” (and not “private nature reserve” as proposed) and be subdivided off and transferred to the RSA or Municipality.
4. The portion of the property located below the high water mark should in my opinion not be counted towards the “communal open space” requirement of the applicable residential zone, as it is effectively public open space as explained above. Similarly, the residential density should be calculated excluding the area under the high water mark.

Marcel Minne

Pr. Pln A/1851/2014

Spatial Planner

Bitou Local Municipality

Directorate: Economic Development & Planning

Division: Land Use Management

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From: Phumza Dwashu <pdwashu@plett.gov.za> **On Behalf Of** Town Planning
Sent: Tuesday, November 8, 2022 16:07
Cc: Bianca Lotz <info@vreken.co.za>
Subject: Ptn 38/444 Notices

Good day

Please find attached the **PROPOSED REZONING: PORTION 38 OF FARM GANSE VALLEY NO. 444, BITOU MUNICIPALITY.**

Regards

Leah Tau | Intern | Town Planning | Economic Development and Planning
Tel: (+27) 44 501 3470 | mltau@plett.gov.za | www.bitou.gov.za

