

COMMENTS AND RESPONSE REPORT

Bitou Local Municipality: Land Use Management (Spatial Planner) on Pre-App DBAR	
Comment	Response
<p>The proposed residential use is supported in principle, in light of the context of the property and the Municipal Spatial Development Framework.</p>	<p>Noted.</p>
<p>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</p>	<p>The existing public access from Rietvlei Road will remain open and no changes to the current pathways are proposed. The proposed development will not deny the public access to the coastal environment. Bitou Municipal recommends that a servitude/right of way be registered for the public access crossing the property to the estuary.</p> <p>It is proposed for the gravel parts of Rietvlei Road to be hard surfaced up to the entrance of the proposed development within the constraints of the existing road. Hard surfacing the gravel road will improve accessibility for the public to the existing public parking area at the end of Rietvlei Road from where the public can access the estuary on foot.</p> <p>It must be noted that the ICMA determines that private land falling below the high-water-mark (of the estuary/sea) reverts to the State. Technically the lower lying portion of the property into the estuary is therefore the responsibility of the State (including public access and/or infrastructure associated with it).</p>

<p>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.</p>	
<p>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.</p>	<p>Considerations regarding the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (“ICMA”):</p> <p>Considering that no development will take place below highest level that high-water reaches in the estuary, there is no reasonable motivation for surveying the HWM for the purposes of this assessment as no development is proposed in this area.</p> <p>The Keurbooms Estuary is of high conservation value and in terms of the management objectives, the Keurbooms-Bitou Estuarine Management Plan (K-BEMP) stipulates that formal protections mechanisms to obtain conservation status for land parcels within or spanning the estuarine functional zone (EFZ) must be investigated. The following guidelines are provided in the K-BEMP and are relevant to the proposed land-use and infrastructure:</p> <p>Planning should allow for the maintenance of a riparian zone along the length of the estuary where sensitive habitats (wetlands, supratidal saltmarshes and indigenous vegetation) occur. The implementation of the coastal management lines (CML), coastal protection zones (CPZ), flood lines and the inclusion of CBA’s within all planning schemes will allow for compliance with this guideline. The proposed development layout will allow for the maintenance/preservation of the riparian zone located in the eastern portion of Portion 38 of Farm Ganse Valleie 444.</p>

Development and land use in the catchment and estuarine area should not lower water quality or interfere with normal hydrodynamic or sedimentary process and cycles. The proposed development will not discharge any effluent water in the estuarine area and will therefore not alter the water quality.

The likely impact of the proposed activity on the coastal environment, including the cumulative effect of its impact together with those of existing activities.

The proposed development will be limited to already disturbed areas on Portion 38 of Farm Ganse Vallei 444, therefore applying avoidance mitigation to the riparian zone. An environmental management programme will be adhered to for the proposed development which will aim to preserve/maintain the natural coastal environment.

The likely impact of coastal environmental processes on the proposed activity.

The proposed development will not be affected by coastal processes such as wave, current and wind action, erosion, accretion, sea-level rise, storm surges and flooding due to its elevated position as well as the remaining natural vegetation that acts as a buffer to potential future coastal processes that may include flooding/storm surges and coastal erosion. The eastern portion of the proposed development site will be maintained in its natural state which will provide a sizeable buffer between the development activities and the Keurbooms Estuary.

It is evident from the considerations regarding the NEM:ICMA mentioned above, that the proposed development will not prejudice the achievement of any coastal management objectives/processes and is not in contrary to

the interests of the surrounding community. The proposed development will not cause irreversible or long-lasting adverse affects to any aspect of the coastal environment, coastal erosion management requirements or coastal processes. The proposed development will not deny the public access to the coastal environment.

Please also see comment received from the Department of Environmental Affairs and Development Planning Sub-directorate: Coastal Management pertaining the NEM: ICMA below:

“Farm 38/444 is partially within the Coastal Protection Zone (“CPZ”) as defined in Section 16 of the NEM: ICMA and the purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. Due to the subject property’s location within the CPZ, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 of the NEM: ICMA must be considered by local authorities for land use decision making. The SD: CM notes that the proposed additions will not adversely affect the aims of the CPZ. The applicant has adequately considered the purpose of the CPZ as the portion where the proposed development will occur is deemed to be appropriate, as that the applicant has limited the proposed development to already disturbed, elevated areas while preserving or maintaining the remaining coastal habitat and coastal processes towards the estuary.”

	<p>Designating an appropriate zoning (for the lower lying portion of the property into the estuary) is the responsibility of the Local Authority into the Land Use Planning process. The slope down to the estuary cannot become 'public open space' and will remain 'private open space' for security and for use by the future residents as part of its buffer against coastal processes.</p>
<p>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.</p>	<p>Please see extract from Specialist Planning Report below:</p> <p><i>"The Section 8 Scheme Regulations stipulate that there should be at least 80m² communal open space per dwelling unit. Since the proposed development will be a sectional title development (no subdivision), all the outdoor spaces are considered communal open space, and given that a large portion (±5.41 ha) of the property will be zoned 'Open Space Zone III' for a private nature reserve, there is ample communal open space for the residents. The residents will have access to the 'private nature reserve' (±5.41 ha), which will also be managed and owned by the respective Body Corporate. The required communal open space for (12) units is only 960m². The proposed development will make provision for more than 7 ha of communal open space."</i></p> <p>If the proposed Open Space area of 5.41ha is excluded from the total communal open space, it will still calculate to more than 1.5ha of communal open space for the proposed development which is compliant with the Section 8 Scheme Regulations.</p> <p>The ICMA stipulates that land below the HWC automatically becomes State Land (without compensation to the land owner). Suitable zoning must (according to ICMA) be determined by the Local Authority as part of the Land Use Planning Application. As a minimum Private Open Space III will</p>

	apply to the slope down to the Highly Sensitive estuarine portion of the property.
Bitou Local Municipality: Land Use and Environmental Management on Pre-App DBAR	
Comment	Response
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.	Noted.
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 Page 2 of 3 REF: 18/38/444 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.	<p>The environmental application stipulates that the remaining natural area is a No-Go area (irrespective of the final zoning) and it must be managed as a conservation area for the parts that will become Private Open Space III. The land seaward of the high-water mark is technically State Land and the Local Municipality must determine the most appropriate zoning accordingly.</p> <p>Apart from the already existing walkways/paths, pedestrian routes, the private open space area must be managed by the applicant and in the future, the Managing Agent or Body Corporate / Homeowners Association of the proposed Keurbooms Lifestyle Village.</p> <p>The long-term responsibilities of the applicant / HOA will be as follows (in the Private Open Space areas):</p> <ul style="list-style-type: none"> • Invasive alien clearing.

	<ul style="list-style-type: none"> • Maintenance of all walkways/paths. This includes ensuring that no new paths are created apart from what is already present. Ensuring that the necessary educational signage is put up and remains in place. <p>The land use description for Open Space Zone III is as follows: “nature conservation area” means the use and management of land with the objective of preserving the natural biophysical characteristic of that land, including fauna and flora.</p> <p>It is evident from the proposal that the objective of the proposed open space area will be in line with the land use description of Open Space Zone III.</p>
<p>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.</p>	<p>The property falls within the OSCA Regulated area for which Bitou Municipality is the Competent Authority. This Basic Assessment application process is inclusive of detailed biophysical specialist studies that have informed the preferred site development plan and considers the impact of (a) vegetation removal, as well as (b) construction related activities i.e. earthworks. It is therefore assumed that Bitou Municipality will be in a position to issue an OSCA Exemption for this development.</p>
<p>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</p>	<p>The existing public access from Rietvlei Road will remain open and no changes to the current pathways are proposed. The proposed development will not deny the public access to the coastal environment. The existing private pedestrian trails on Portion 38 of Farm Ganse Vallei 444 will be maintained. Should the lower lying portion of the property down at the estuary be deemed State Land, it will be the responsibility of the State to maintain public access and associated infrastructure within this area.</p>

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).

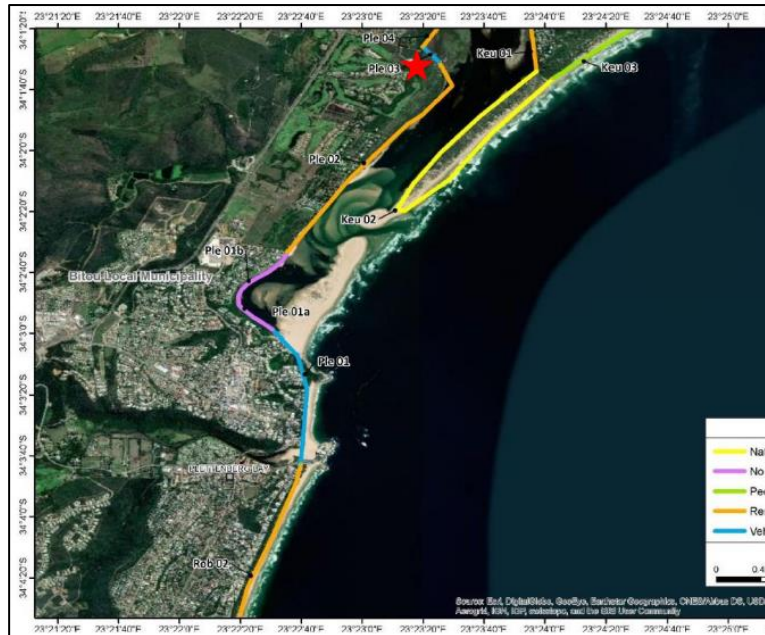


Figure 1 – Figure extracted from DEA&DP (2019) WCPCASP – Western Cape Provincial Coastal Access Audit undertaken for the Garden Route Municipal District. The red star indicates the position of Portion 38 of Farm 444 in relation to the audit. Vehicle access to the CPP is shown at this point. The figure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

It is proposed for the gravel parts of Rietvlei Road to be hard surfaced up to the entrance of the proposed development within the constraints of the existing road. Hard surfacing the gravel road will improve accessibility for the public to the coastal environment.

The pending town planning application will be amended to also include an application for subdivision to allow for the registration of a public right of way servitude. Once the town planning application has been approved, the area must be surveyed, and new servitude diagrams must be submitted to the Surveyor Generals office for approval. At that point, the HWM can be surveyed should it be deemed necessary to subdivide the lower lying area below the HWM for (administrative) transfer to the State.

- Public access servitude applicable to the portion of land that will remain Private Open Space.
- Maintenance of structures/infrastructure (inclusive of the existing boardwalk / signage etc) on State Land is not the responsibility of the Applicant.

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.

Animal movement is not to be hindered by proposed fencing and access should be ensured especially at areas of stormwater dissipation.

No additional fragmentation of ecosystem patterns/processes will result from the proposed development. An existing perimeter fence is already in place around the property. Animal movement corridors are already fragmented to some extent due to the fencing of surrounding developments (Goose Valley Golf Estate and private residential developments in Rietvlei Road).

	<p>No new infrastructure (including fencing) is proposed in the eastern portion (Open Space area) thus allowing animal movement to continue as normal the case on Portion 38 of Farm 444.</p>
<p>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.</p>	<p>Please see extract from the Civil Engineering Report below:</p> <p><i>“The pre-development site drains from the highest central portion towards the northern-, western- and southern-boundaries. The high permeability of the insitu dune sands ensures that all stormwater run-off permeates into the subsoil layers and a formalised bulk stormwater connection for the development is not required. The residential dwellings, roads- and civil infrastructure has been positioned to fall above the pre-scribed 5m contour.</i></p> <p><i>The standard stormwater design principle, as set out in section 1 will be implemented in the planning and design of the internal stormwater system. The following minimum design specifications will be implemented:</i></p> <ul style="list-style-type: none">• <i>Minimum pipe specification: Class 75 D Concrete spigot & socket pipes</i>• <i>Minimum pipe diameter: 375mm Nominal diameter</i>• <i>Minimum design flow: 1.0m/s inside a half-full pipe</i>• <i>Maximum spacing between manholes/inlets: 80m</i> <p><i>An open swale stormwater network will be designed to have sufficient capacity to adequately manage and convey up to a 1:5 year rainfall event. The open swales network will follow the road network and will have inlet structures and pipe culverts at road crossings. For rainfall events with a return period larger than 1:5 year, the internal roadways will act as overland flow routes which will convey stormwater run-off towards the Keurbooms River. The cohesion of the dune sands is very poor and will therefore be</i></p>

very susceptible to erosion. The following erosion preventative measures will be incorporated in the detail stormwater design:

- Concentration of stormwater will be minimised to prevent high volume/flow rates*
- Hard surface run-off (driveways) will be routed into swales via the internal roadways*
- Sheetflow into open swales will be promoted to maximise contact time with permeable dune sands*
- All channels with an internal velocity higher than 1m/s will be formalised (armorflex)*
- All unlined channels will be landscaped with appropriate vegetation*
- Energy dissipation structures will be installed at high energy discharge points*

Due to the likely occurrence of a seasonal perched ground water table, provision will be made for a subsoil drainage network beneath the roads. The subsoil drainage network will consist of a 110mm diameter perforated pipe network installed 800mm below the final road level.”

	<ul style="list-style-type: none"> • <i>Reduce transport of sediment through use of structures such as silt fences and biodegradable coir logs placed along contours.</i> • <i>Ensure that vegetation clearing is conducted in parallel with the construction progress to minimise erosion and runoff.</i> • <i>Revegetate exposed areas once construction has been completed.</i> • <i>Ensure that stormwater and runoff generated by hardened surfaces is discharged in retention areas (i.e. swales or retention ponds), to avoid concentrated runoff and associated erosion.</i>
<p>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.</p>	<p>The following mitigation measures are included in the Environmental Management Plan:</p> <ul style="list-style-type: none"> • Clear the proposed development site, inclusive of private open space, of all NEMBA listed invasive alien vegetation species prior to any site clearing/development to ensure that indigenous vegetation can recover and rehabilitate more easily. • Only indigenous vegetation permitted in the place of the loss of remainder on-site natural vegetation/habitat.
Breede-Olifants Catchment Management Agency (BOCMA) on Pre-App DBAR	
Comment	Response
<p>The BAR proposes the development of a low-density residential estate, with private amenities, on Portion 38 of Farm Ganse Vallei 444 situated between Plettenberg Bay and Keurboomstrand in the Western</p>	<p>Noted.</p>

Cape Province Bitou Municipality. The site is located within the quaternary catchment K60G of the Breede Olifants Water Management Area. The development will comprise a residential zone (36%) and open space (64)% with no new infrastructure proposed in the open space. Further, the residential zone will constitute 12 residential dwellings and ancillary sewer, road, and water stormwater infrastructure as per the Civil Engineering Services Report dated November 2023 contained in Appendix G7 of the BAR.

In light of the above, it is noted that the development will be connected to the municipal sewer and potable water systems. Therefore, the requirement for a water use authorization related to water service provision, as outlined in sections 21 and 22 of the National Water Act, 1998 (Act 36 of 1998) (NWA) will not be triggered by this development.

However, a signed letter by Bitou municipality confirming that the municipal system has sufficient capacity to accommodate sewerage from the proposed development must be provided to this office before the commencement of construction works.

The Ganse Vallei Wastewater Treatment Works (WWTW) has an effluent discharge capacity of 6MI per day and is currently at an average daily discharge volume of 5.8MI (confirmed by Bitou Municipality). According to Bitou Municipality the remaining 0.2MI is reserved for approved low-income housing developments. Upgrades to the Ganse Vallei WWTW is therefore required to accommodate most new developments. However, due to the small scale of the proposed development, **Bitou Municipality** confirmed, on 15 August 2024 that they **can accommodate this proposed low residential development** on Pt 38/444 within the **available spare**

	<p>capacity of the Ganse Vallei Wastewater Treatment Works without compromising the allocation for low cost housing projects.</p> <p>A signed Confirmation of Bulk Services Letter from Bitou Municipality is attached as Appendix E16 to the Draft Basic Assessment Report.</p>
<p>As per the Aquatic Biodiversity Compliance Statement (hereinafter ABCS) by Dr. J.M. Dabrowski dated 21 August 2023, this office confirms that the development does not trigger the requirements for a water use authorization in terms of section 21 (c) & (i) of NWA due to that none of the construction and operational activities will occur within the regulated area of a watercourse. The definition of a watercourse and the regulated area of a watercourse is provided in Clause 2 of the Government Notice 4167 published in Government Gazette 49833 dated 08 December 2023 (General Authorisation in terms of Section 39 NWA for water uses as defined in Section 21(c) or Section 21(i).</p>	<p>Noted.</p>
<p>The estuary ecosystem occurring on-site that is identified in the ABCS must be protected as follows:</p> <ul style="list-style-type: none"> • Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that stormwater during and post-construction does not lead to 	<p>The following erosion control measures were noted in the Aquatic Compliance Statement report and included in the Environmental Management Plan for the proposed development:</p> <ul style="list-style-type: none"> • <i>Ensure that construction activities do not cause any preferential flow paths and concentrated surface runoff during rainfall events.</i>

erosion and excessive levels of silt entering the estuary.

- No stormwater must be discharged from the development directly into the estuary.
- The stormwater generated on site should be managed according to the Sustainable Drainage System (SuDS). In this respect, the stormwater management plan for the development must be reviewed and approved by a qualified freshwater ecologist before development to ensure that the stormwater management facilities are constructed, operated, and maintained in an environmentally sustainable manner.
- Before the construction commences, the buffer zone recommended in the ABCS between the Keurbooms estuary and development footprint must be delineated and introduced to staff as a No-Go area.
- Care must be taken to ensure that no pollution material enters the buffer zone and the estuary during and post-construction.

- *Clearly demarcate the construction area and ensure that heavy machinery does not compact soil or disturb vegetation outside of these demarcated areas.*
- *Reduce transport of sediment through use of structures such as silt fences and biodegradable coir logs placed along contours.*
- *Ensure that vegetation clearing is conducted in parallel with the construction progress to minimise erosion and runoff.*
- *Revegetate exposed areas once construction has been completed.*
- *Ensure that stormwater and runoff generated by hardened surfaces is discharged in retention areas (i.e. swales or retention ponds), to avoid concentrated runoff and associated erosion.*

The following mitigation measure is included in the Environmental Management Programme for the proposed development:

- Stormwater must not be discharged directly into the estuary.
- Remnant thicket (inclusive of the 33m buffer area along the estuary habitat) must be demarcated prior to any site clearing/development commencing to ensure that no encroachment happens into this sensitive area.
- Install silt fences / haybales to prevent silt being transported along with stormwater runoff.

A stormwater management plan is included in the Civil Engineering Report as well as the Environmental Management Programme. The stormwater management plan has been supplemented by recommendations made by the Aquatic Specialist in the Aquatic Compliance Statement.

<p>The handling and disposal of sewage and any waste material must at all times comply with the requirements of the NWA.</p>	<p>Noted.</p>
<p>No water must be taken from a water resource for any purpose without authorization as required in terms of sections 21 (a) and 22 of NWA.</p>	<p>Noted.</p>
<p>CapeNature on Pre-App DBAR</p>	
<p>Comment</p>	<p>Response</p>
<p>The property is within a climate change corridor which is an element of ecological infrastructure, and these areas should remain in a functional structure and composition for biodiversity. These areas play an important role in landscape connectivity, as well as supporting the functioning of PAs or CBAs. These corridors represent the best option for promoting resilience to climate change and the persistence of biodiversity as they provide pathways for the movement of plants and animals in response to environmental change. They also support the natural movement of species between populations to ensure population viability (Pool-Stanvliet et.al. 2017).</p>	<p>The proposed development site is partially located in the Coastal Protection Zone where development will be limited to already disturbed, higher lying area of the property while preserving/maintaining the remaining coastal habitat that extends into the estuary and continues to conserve the elevated slope that separates the site from the estuary (eastern portion of property).</p> <p>The proposed development will not be affected by coastal processes such as wave, current and wind action, erosion, accretion, sea-level rise, storm surges and flooding due to its elevated position as well as the remaining natural vegetation that acts as a buffer to potential future coastal processes that may include flooding/storm surges and coastal erosion. The eastern portion of the proposed development site will be maintained in its natural state which will provide a sizeable buffer between the development activities and the Keurbooms Estuary.</p>

<p>The proposed development should not have a negative impact on the climate corridor as climate change impacts such as storm events, fires and floods must be considered.</p>	<p>Portion 38 of Farm 444 is surrounded by a golf course to the south and west, the Rietvlei Road to the north and the Keurbooms Estuary to the east. The proposed development site is therefore considered to have sufficient fire breaks in the form of a golf course, road as well as the Keurbooms Estuary.</p> <p>The secondary fynbos identified on site is not subject to a burning regime while the rest of the property consist of thicket and estuarine salt marsh habitats. These habitats are not considered fire prone ecosystems. All biomass accumulated from alien vegetation clearing is to be removed to reduce the fuel load as included in the Environmental Management Programme of the proposed development.</p>
<p>The property has a listed protected tree species which will be avoided. CapeNature reminds the applicant that in terms of section 15(1) of the National Forests Act, no person may cut, disturb, damage, or destroy any protected tree or possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree except under a license granted by the Minister.</p>	<p>Although care has been taken to avoid the surveyed protected trees and clumps, micro-siting of units/structures and infrastructure, is a recommendation of this environmental assessment process to ensure that units/roads/structures and/or infrastructure do not result in the damage or removal of protected trees found across the study site. From experience it is noted that time lapse from when the protected tree survey is undertaken, to inform the environmental/planning applications, till implementation, could be a number of years during which time germination of more protected tree species may occur and/or surveyed trees would have grown larger. It is therefore a recommendation that the actual footprints of each unit be checked prior to final construction. In the event that trees may require pruning or trimming to accommodate a unit, the Holder of the EA at the time will be responsible for obtaining the necessary license prior to impacting on the tree(s).</p>

	<p>The requirement for a Forestry permit has been included in the Environmental Management Programme for the proposed development, should it be necessary to trim or remove/transplant any protected species on site.</p>
<p>The property has an existing dwelling, and the development is proposed within EN and LC vegetation. The CBA is mapped to the east and must be demarcated as a No-Go area.</p>	<p>The following mitigation measure have been included in the Environmental Management Programme for the proposed development:</p> <ul style="list-style-type: none"> • Remnant thicket (inclusive of the 33m buffer area along the estuary habitat) must be demarcated prior to any site clearing/development commencing to ensure that no encroachment happens into this sensitive area. <p>A No-Go areas map indicating areas to be demarcated and avoided is also included in the Environmental Management Programme for the proposed development.</p>
<p>CapeNature does not support development on steep slopes with a gradient that is greater than 1:4. As the soil erodibility is high, we remind the applicant that the geology could become unstable during vegetation removal and heavy rainfall events may also exacerbate the soil condition.</p>	<p>No development is proposed on slopes with a gradient that is greater than 1:4. The following recommendations are included in the Environmental Management Programme for the proposed development:</p> <ul style="list-style-type: none"> • Vegetation clearing should be done in parallel with the construction progress. This will minimize erosion and runoff. • Stormwater runoff that is generated by hardened surfaces should be discharged in retention areas such as swales and retention ponds. This will reduce concentrated runoff and erosion.
<p>Fynbos is a fire-maintained ecosystems and fire plays an important role in determining species composition and community type. Thus, the low species richness</p>	<p>Although mapped as Garden Route Shale Fynbos (EN) the remaining fynbos on the elevated portion of the site where the development is proposed is moribund, invaded by several alien invasive species, and has</p>

<p>is an indication the property has not been managed in terms of fire. The exclusion of fire from certain habitats will be considered unacceptable as this may ultimately cause the loss of fynbos species (Mucina and Rutherford 2006).</p>	<p>relatively low species richness. Based on the species analysis the botanist confirms that the remaining fynbos has poor species richness and composition which is not normal for intact healthy fynbos. This suggests that the fynbos is old secondary fynbos (lack of fire maintenance), whilst being chronically disturbed for an extended period of time through grazing and nutrification (manure).</p> <p>Please see extract from the Plant Species Compliance Statement regarding the fynbos habitat identified on site:</p> <p><i>“Habitat that is unlikely to be able to recover fully after a relatively long period: > 15 years required to restore ~ less than 50% of the original species composition and functionality of the receptor functionality, or species that have a low likelihood of remaining at a site even when a disturbance or impact is occurring, or species that have a low likelihood of returning to a site once the disturbance or impact has been removed.”</i></p> <p>The site ecological importance assessment concluded that the fynbos habitat identified on site has a Low Biodiversity Importance.</p> <p>For this reason the development footprint is restricted to the top level of the site (where fynbos was indicated) and said fynbos will be removed when development takes place.</p>
<p>The specialist concluded that he did not find any plant species of conservation concern but there is a potential for these species to occur. The specialist did not include any mitigation measures if these species were found on site. CapeNature would recommend the undertaking of walk-throughs (during the correct</p>	<p>The following mitigation measures are included in the Environmental Management Programme following comment received from CapeNature:</p> <ul style="list-style-type: none"> • Development footprint to be surveyed (during the appropriate season as confirmed with a botanist) before construction activities commence to determine the presence of any Species of Conservation Concern.

<p>season) before construction commences to determine whether any SCC are present or not.</p>	<ul style="list-style-type: none"> Should any Flora SCC be identified within the development footprint prior to construction, the appropriate permits will be obtained for the removal and transplanting of such species.
<p>Ecological corridors were not included which is concerning as having corridors for animal movement is important for conserving biodiversity.</p>	<p>No additional fragmentation of ecosystem patterns/processes will result from the proposed development. A perimeter fence is already in place around the property. Animal movement corridors are already fragmented to some extent due to the fencing of surrounding developments (Goose Valley Golf Estate and private residential developments in Rietvlei Road).</p> <p>No infrastructure (including fencing) is proposed in the eastern portion (Open Space area) thus allowing animal movement to continue as normal on Portion 38 of Farm 444.</p>
<p>CapeNature supports the removal of invasive alien vegetation, and we recommend aliens outside of the proposed area, also be removed during the alien clearing phase. Removal of invasive alien plant species should be compliant with the National Environmental Management: Biodiversity Act (Act No.10 of 2004).</p>	<p>The following measures are included in the Environmental Management Programme of the proposed development:</p> <ul style="list-style-type: none"> Compile and implement an alien management plan, which highlights control priorities and areas and provides a programme for long-term control. Landscaping must be done with indigenous vegetation (preferably endemic species) and ornamental plants may only be planted in plant boxes and pots with no invasive alien vegetation permitted on the estate. Clear the proposed development site of all NEMBA listed invasive alien vegetation species prior to any site clearing/development to ensure that indigenous vegetation can recover and rehabilitate more easily. HOA to maintain invasive alien species on the property inclusive of the private open space portion.

	Long -term maintenance of the remainder of the property below the HWC is the responsibility of the State.
The Fynbos Forum Guidelines state that the impacts of housing developments must be minimised, buildings should be clustered within fire-free zones and protected with firebreaks. Furthermore, flammable building materials should be avoided. Furthermore, in terms of section 12 (1) and 2 (a) of National Veld and Forest Act an adequate firebreak must be prepared and maintained around the property to reasonably prevent the spread of unwanted fires in the area.	<p>Portion 38 of Farm 444 is surrounded by a golf course to the south and west, the Rietvlei Road to the north and the Keurbooms Estuary to the east. The proposed development site is therefore considered to have sufficient fire breaks in the form of a golf course, road as well as the Keurbooms Estuary.</p> <p>The secondary fynbos identified on site is not subject to a burning regime while the rest of the property consists of thicket and estuarine salt marsh habitats. These habitats are not considered a flammable fuel source. All biomass accumulated from alien vegetation clearing is to be removed to reduce the fuel load as included in the Environmental Management Programme of the proposed development.</p>
Department of Environmental Affairs and Development Planning (Biodiversity and Coastal Management) on Pre-App DBAR	
Comment	Response
According to the Western Cape Biodiversity Spatial Plan (2017) the eastern portion of Farm 38/444 forms part of Aquatic and Estuarine Critical Biodiversity Areas and the applicant has indicated these areas will be demarcated as no-go zones and the development footprint will occur on the western portion of Farm	Noted.

<p>38/444, which is outside the CBAs. The applicant has adequately considered the management objectives of the subject CBAs and has intentionally positioned the proposed development in the transformed, flat portion of the subject property to avoid higher sensitive areas identified by the biodiversity, botanical, faunal and aquatic specialists' studies.</p>	
<p>The Aquatic Compliance Statement (2024) confirmed that no freshwater or estuarine features will be directly or indirectly affected by the proposed development as the Keurbooms River Estuary is well protected by a very well vegetated buffer over 45m wide.</p>	<p>Noted.</p>
<p>Farm 38/444 is partially within the Coastal Protection Zone ("CPZ") as defined in Section 16 of the NEM: ICMA and the purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. Due to the subject property's location within the CPZ, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63</p>	<p>Noted.</p>

<p>of the NEM: ICMA must be considered by local authorities for land use decision making. The SD: CM notes that the proposed additions will not adversely affect the aims of the CPZ. The applicant has adequately considered the purpose of the CPZ as the portion where the proposed development will occur is deemed to be appropriate, as that the applicant has limited the proposed development to already disturbed, elevated areas while preserving or maintaining the remaining coastal habitat and coastal processes towards the estuary.</p>	
<p>The proposed development is located landward of the Garden Route District Coastal Management Line (“CML”). The technical delineation of the CML was to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The CML was informed by various layers of information including biodiversity, estuarine functionality, risk flooding, wave run-up modelling, inter alia and was delineated in conjunction with and supported by other organs of state including Local and District municipalities as well as 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, private property, and public safety; to protect the coastal protection zone; and to preserve</p>	<p>Noted.</p>

<p>the aesthetic value of the coastal zone. The use of CMLs is of particular importance in response to the effects of climate change, as it involves both the quantification of risks and pro-active planning for future development. The SD: CM notes the applicant has considered the CML and the associated Coastal Risk Information as well as floodlines, in relation to the proposed development.</p>	
<p>The subject property is located adjacent to the Keurbooms River Estuary and the applicant has effectively considered the Keurbooms-Bitou Estuarine Management Plan and its management objectives with specific reference to the maintenance of a riparian zone along the length of the estuary where sensitive habitat occurs. The SD: CM notes the applicant will implement a 33m buffer zone around the portion that is excluded from the development footprint (Open Zone II). This aligns with the Western Cape EMFIS: Best Practice Guidelines (2019).</p>	<p>Noted.</p>
<p>Any disturbance to the bank of a natural river or estuary may alter the hydrodynamics of the system, leading to the bank of a natural river flow conditions and subsequent channel modifications. Incorrectly designed structures could reflect wave action or currents, thereby increasing potential damage to nearby unprotected banks. The SD: CM notes that on</p>	<p>Noted.</p>

<p>page 15 of the Aquatic Compliance Statement (2024), erosion management measures are proposed to ensure that construction activities does not cause erosion on the subject property or its riverbanks. This is supported by the SD: CM.</p>	
<p>It is acknowledged that the applicant intends to maintain existing walkways. Be advised that no further formal or informal walkways/pathways to the coast through the estuarine function zone (below the 5m contour), may be created on the subject property, as this active area performs an important ecological function. The activities on the subject property may in no way impede on the general public's ability to access coastal public property.</p>	<p>The existing public access from Rietvlei Road will remain open and no changes to the current pathways are proposed. The proposed development will not deny the public access to the coastal environment. The existing pedestrian trails across the private open space of portion 38 of Farm Ganse Vallei 444 will only be maintained and will not be made any longer or wider. No additional pathways are proposed in the Private Open Space area.</p> <p>Areas deemed to be State Land due to the HWM is the responsibility of the State ito maintenance requirements.</p> <p>It is proposed for the gravel parts of Rietvlei Road to be hard surfaced up to the entrance of the proposed development within the constraints of the existing road. Hard surfacing the gravel road will improve accessibility for the public to the coastal environment.</p>
<p>The proposed mitigation measures as stipulated in the draft EMPr are appropriate and practical and should be strictly adhered to. The SD: CM does not object to the proposed development and the preferred alternative, provided that all the above-mentioned items are considered and the measures in the draft EMPr are strictly adhered to.</p>	<p>Noted.</p>

<p>Notwithstanding the above, the applicant must be advised that the location of the property could still render the property at risk to coastal processes. This has been observed by the increase in frequency and magnitude of storm and flood events along the coast and estuaries as a result of climate change. The storm events that occurred in September 2023 is evidence of such events. It is therefore advised that caution be applied in the design and placement of the proposed structures.</p>	<p>Development will be limited to already disturbed, much higher lying area of the property while preserving/maintaining the remaining coastal habitat that extends into the estuary and continues to conserve the elevated slope that separates the site from the estuary (eastern portion of property).</p> <p>The proposed development is unlikely to be affected by coastal processes such as wave, current and wind action, erosion, accretion, sea-level rise, storm surges and flooding due to its elevated position as well as the remaining natural vegetation that acts as a buffer to potential future coastal processes that may include flooding/storm surges and coastal erosion. The eastern portion of the proposed development site will be maintained in its natural state which will provide a sizeable buffer between the development activities and the Keurbooms Estuary.</p>
<p>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.</p>	<p>Noted.</p>

Department of Environmental Affairs and Development Planning on Pre-App DBAR

Comment

This Directorate notes that a Water Use License application is not applicable, as the proposed development does not fall within the regulated area of a watercourse. However, you are advised to still consult with the Breede-Olifants Catchment Management Agency (BOCMA) and include their comments/inputs on the proposal in the BAR.

Response

Please see comment received from Breede-Olifants Catchment Management Agency (BOCMA) on the Pre-Application Draft BAR below:

- *“It is noted that the development will be connected to the municipal sewer and potable water systems. Therefore, the requirement for a water use authorization related to water service provision, as outlined in sections 21 and 22 of the National Water Act, 1998 (Act 36 of 1998) (NWA) will not be triggered by this development.*
- *As per the Aquatic Biodiversity Compliance Statement (hereinafter ABCS) by Dr. J.M. Dabrowski dated 21 August 2023, this office confirms that the development does not trigger the requirements for a water use authorization in terms of section 21 (c) & (i) of NWA due to that none of the construction and operational activities will occur within the regulated area of a watercourse. The definition of a watercourse and the regulated area of a watercourse is provided in Clause 2 of the Government Notice 4167 published in Government Gazette 49833 dated 08 December 2023 (General Authorisation in terms of Section 39 NWA for water uses as defined in Section 21(c) or Section 21(i).”*

Comment from the Breede Olifants Catchment Management Agency attached as Appendix E3 to the Draft Basic Assessment Report.

It is further noted that there are two protected trees species on the proposed site, as such you are advised to also consult and obtain written comment from the Department of Agriculture, Forestry & Fisheries, should the proposal involve any disturbance or removal of any of the protected tree species on the site.

Although care has been taken to avoid the majority of the surveyed protected trees and clumps, micro-siting of units/structures and infrastructure, is a recommendation of this environmental assessment process to ensure that units/roads/structures and/or infrastructure do not result in the damage or removal of protected trees found across the study site. From experience it is noted that time lapse from when the protected tree survey is undertaken, to inform the environmental/planning applications, till implementation, could be a number of years during which time germination of more protected tree species may occur and/or surveyed trees would have grown larger. It is therefore a recommendation that the actual footprints of each unit be checked prior to final construction. In the event that trees may require pruning or trimming to accommodate a unit, the Holder of the EA at the time will be responsible for obtaining the necessary license prior to impacting on the tree(s).

The requirement for a Forestry permit has been included in the Environmental Management Programme for the proposed development, should it be necessary to trim or remove/transplant any protected species on site.

Comments from the Department of Fisheries, Forestry and the Environment are included in this Comments & Responses Report as well as attached as Appendix E5 to the Draft Basic Assessment report. The proposed units have been specifically positioned within the transformed, flat portion of the site which avoids higher sensitive areas identified by the independent biodiversity / botanical / faunal/ aquatic specialist studies, as well as on-site input from Department of Forestry (joint site inspection with Mrs Melanie Koen, inspection dated 22 July 2024).

Portion 38 of Farm Ganse Vallei 444 is located in a Freshwater Ecosystem Priority Area (FEPA), although the development footprint falls outside the 33m buffer zone of the estuary. It is however still critical that the management of and discharge of stormwater from the development site be taken into consideration. The proposed mitigation measures stormwater specifications and method statements that will be required as a minimum is noted in the pre application draft BAR. However, this Directorate requires that a detailed stormwater management plan forms part of the Environmental Management Programme (EMPr), which must be submitted with the Basic Assessment Report.

The following erosion control measures were noted in the Aquatic Compliance Statement report and included in the Environmental Management Plan for the proposed development:

- *Ensure that construction activities do not cause any preferential flow paths and concentrated surface runoff during rainfall events.*
- *Clearly demarcate the construction area and ensure that heavy machinery does not compact soil or disturb vegetation outside of these demarcated areas.*
- *Reduce transport of sediment through use of structures such as silt fences and biodegradable coir logs placed along contours.*
- *Ensure that vegetation clearing is conducted in parallel with the construction progress to minimise erosion and runoff.*
- *Revegetate exposed areas once construction has been completed.*
- *Ensure that stormwater and runoff generated by hardened surfaces is discharged in retention areas (i.e. swales or retention ponds), to avoid concentrated runoff and associated erosion.*

The following mitigation measure is included in the Environmental Management Programme for the proposed development:

- Stormwater must not be discharged directly into the estuary.
- Remnant thicket (inclusive of the 33m buffer area along the estuary habitat) must be demarcated prior to any site clearing/development commencing to ensure that no encroachment happens into this sensitive area.
- Install silt fences / haybales to prevent silt being transported along with stormwater runoff.

	A stormwater management plan is included in the Civil Engineering Report as well as the Environmental Management Programme. The stormwater management plan has been supplemented by recommendations made by the Aquatic Specialist in the Aquatic Compliance Statement.
Please ensure that written confirmation is obtained from the Bitou Municipality: Technical Services that there are sufficient unallocated services (i.e. water, sewage and solid waste exists within the Bitou Municipal service network grid) to support the proposed development. The aforementioned confirmation is crucial to the success of the application.	A signed Confirmation of Bulk Services Letter from Bitou Municipality is attached as Appendix E16 to the Draft Basic Assessment Report.
Department Forestry, Fisheries and the Environment (DFFE) on Pre-App DBAR	
Comment	Response
Forestry request that the Coastal Forest on the property should be GPS'd and incorporated within the proposed development design as no-go areas.	It was confirmed during the joint site inspection with Mrs Melanie Koen (DFFE) undertaken on 22 July 2024 that the "Coastal Forest" noted in the comment from DFFE on the Pre-App BAR, refers the Mesic Thicket located on the steep slopes located between the proposed development units and the eastern open space area. The Mesic Thicket has been spatially delineated by Dr David Hoare and is excluded from the proposed development footprint and will be retained in its entirety. This vegetation

	will be demarcated prior to any vegetation removal/site construction activities.
Forestry object to current layout and request that the number of units be reduced in order to retain coastal forest.	<p>The Terrestrial Biodiversity Impact Assessment stipulated the following:</p> <ul style="list-style-type: none"> • Estuarine habitats on site (eastern portion of the property) are sensitive and should be avoided. <ul style="list-style-type: none"> ○ The proposed development will apply avoidance mitigation to the eastern portion of the property and all infrastructure is proposed on the western portion that is already disturbed/degraded. • Mesic Thicket habitat on the sea-facing slope is sensitive. The Mesic Thicket forms an essential buffer between estuarine and terrestrial ecosystems. <ul style="list-style-type: none"> ○ No development is proposed in the identified Mesic Thicket habitat. • The fynbos that is present on site, is in poor condition. The poor condition of the fynbos could be as a result of long-term degradation or due to being secondary, however, there is no evidence of historical cultivation. <ul style="list-style-type: none"> ○ The preferred site alternative was identified considering the overall site sensitivity of Portion 38 of Farm Ganse Vallei 444. The preferred area on the property is already disturbed by historical grazing activities. The prolonged exclusion of burning contributed to the disappearance of Garden Route Shale Fynbos vegetation. The vegetation is no longer representative of the endangered fynbos species and rather of secondary grassy fynbos.

	<p>The habitats on Portion 38 of Farm Ganse Vallei that has the highest sensitivity and ecological value are excluded from the proposed development footprint.</p> <p>It was confirmed during the joint site inspection with Mrs Melanie Koen (DFFE) on undertaken on 22 July 2024 that the “Coastal Forest” noted in the comment from DFFE on the Pre-App BAR, refers the Mesic Thicket located on the steep slopes located between the proposed development units and the eastern open space area. The Mesic Thicket is excluded from the proposed development footprint and will be retained in its entirety.</p> <p>Furthermore micro-siting is required of units in proximity to the thicket and surveyed protected trees to ensure no impact. The number of units have been reduced from the initial 17 down to 12.</p>
<p>Forestry request a site visit in order to further clarify the impact on the Coastal Forest as reports were not clear on this.</p>	<p>It was confirmed during the joint site inspection with Mrs Melanie Koen (DFFE) on undertaken on 22 July 2024 that the “Coastal Forest” noted in the comment from DFFE on the Pre-App BAR, refers the Mesic Thicket located on the steep slopes located between the proposed development units and the eastern open space area. The Mesic Thicket is excluded from the proposed development footprint and will be retained in its entirety.</p>
<p>Kindly note that this letter is not a NFA licence. Continuing above activity without a valid NFA licence is illegal and a criminal offence under the NFA.</p>	<p>The requirement for a Forestry permit has been included in the Environmental Management Programme for the proposed development, should it be necessary to trim or remove/transplant any protected species on site.</p>

Garden Route District Municipality on Pre-App DBAR

Comment	Response
<p>Bitou Municipality must have enough bulk water space capacity to render this service.</p>	<p>Please see extract from Civil Engineering Report regarding the bulk water supply capacity for the proposed development.</p> <p>Extract from Civil Engineering Report compiled by Vita Consulting Engineers regarding water supply to the proposed development: <i>“The bulk water system to the Goose Valley, Wittedrift and Matjiesfontein reservoirs is at capacity and must be upgraded according to the Bitou master plan before additional developments within the reservoir supply areas can be accommodated”</i>.</p> <p>GLS Consulting Engineers (on behalf of the Bitou Municipality), provided the following temporary solution as part of their master planning:</p> <ul style="list-style-type: none">• Re-instatement of a temporary 160Ømm bulk main off the existing 160mm distribution main in the N2 road reserve, will free up 860kl/day water supply (there are two municipal water lines in the existing municipal water servitude running from the Reservoir back to the N2 connections, however one of the lines have been defunct/damaged for some time – reinstating this line on the surface will effectively replace the defunct pipeline – refer to footnote for more details).

- This capacity rectification will accommodate the development demand for Farm 444/38 (this application), Farm 304/32 and RE/6503¹.

According to Vita Consulting Engineers, implementation of this temporary solution is to be undertaken by the developer of Erf Portion 19 and 27 of Farm 444 (construction on this development commenced June 2024 and services infrastructure installation is scheduled for the remainder of 2024).

The GLS option for a temporary solution including a 160mm diameter pipeline of approximately 460m in length, is to be re-instated, till the Municipality has its bulk water supply network capacity funding for further upgrades. It will be installed above ground, following the existing water servitude that runs from the Goose Valley Reservoir to the existing distribution main in the N2 road reserve.

The existing servitude already contains a 200mm and 250mm diameter underground pipelines (of which one is defunct – refer to footprint for further details).

This temporary pipeline will be re-instated in short 2.4m sections that will be welded together on site. The implementation of the temporary solutions does not entail earthworks, or the removal of vegetation, although trimming of vegetation to clear the route is anticipated.

¹ There are two existing water pipelines in the servitude. One meant to supply the reservoir of water and the other meant to distribute water from the reservoir out into the water network. One of the lines however is defunct and has not been functioning resulting in the Municipality having to rely on a single line for both supply (filling the reservoir with water) and distribution (getting water from the reservoir into the water network). The fact that one of the existing lines cannot be used requires the Municipality to use the one remaining line to fill the reservoir at night (associated with less to no demand) and then stopping supply to switch the same line to distribution during day hours (when there is continuous demand). As a result, there is always insufficient time to fill the reservoir completely resulting in water restriction. By installing the temporary surface line, the function of supply and distribution can be re-started again, hence the 860kl/day 'capacity' created in this manner, stems from the reservoir being able to be filled completely (to provide in distribution demands) coupled with no interruption between supply to the reservoir and distribution to the network.

	<p>A signed Confirmation of Bulk Services Letter from Bitou Municipality is attached as Appendix E16 to the Draft Basic Assessment Report.</p>
<p>All upgrading to the bulk water supply lines must be completed before commencement of the development.</p>	<p>Construction programmes and schedules are complex and it is a recommendation of this BAR that the restrictive condition be for associated link infrastructure to be completed prior to occupation of any units because that is when such services must be readily available. To place the restriction on total development/commencement will result in an unreasonable time lapse without achieving a reasonable outcome (which is to prevent utilization of services prior to it being implemented).</p>
<p>All sewage is to be connected to the Bitou Municipality sewer system into Waste Water Treatment Plant.</p>	<p>The Ganse Vallei Wastewater Treatment Works (WWTW) has an effluent discharge capacity of 6MI per day and is currently at an average daily discharge volume of 5.8MI (confirmed by Bitou Municipality). According to Bitou Municipality the remaining 0.2MI is reserved for approved low-income housing developments. Upgrades to the Ganse Vallei WWTW is therefore required to accommodate most new developments.</p> <p>However, due to the small scale of the proposed development, Bitou Municipality confirmed, on 15 August 2024 that they can accommodate this proposed low residential development on Pt 38/444 within the available spare capacity of the Ganse Vallei Wastewater Treatment Works without compromising the allocation for low cost housing projects.</p> <p>A signed Confirmation of Bulk Services Letter from Bitou Municipality is attached as Appendix E16 to the Draft Basic Assessment Report.</p>

<p>The Bitou Municipal Waste Water Treatment Plant must have the capacity to handle the additional load without any negative effect.</p>	<p>The Ganse Vallei Wastewater Treatment Works (WWTW) has an effluent discharge capacity of 6MI per day and is currently at an average daily discharge volume of 5.8MI (confirmed by Bitou Municipality). According to Bitou Municipality the remaining 0.2MI is reserved for approved low-income housing developments. Upgrades to the Ganse Vallei WWTW is therefore required to accommodate most new developments.</p> <p>However, due to the small scale of the proposed development, Bitou Municipality confirmed, on 15 August 2024 that they can accommodate this proposed low residential development on Pt 38/444 within the available spare capacity of the Ganse Vallei Wastewater Treatment Works without compromising the allocation for low cost housing projects.</p> <p>A signed Confirmation of Bulk Services Letter from Bitou Municipality is attached as Appendix E16 to the Draft Basic Assessment Report.</p>
<p>All necessary upgrades to the bulk sewer lines must be completed before commencement of the development.</p>	<p>Construction programmes and schedules are complex and it is a recommendation of this BAR that the restrictive condition be for associated link infrastructure to be completed prior to occupation of any units because that is when such services must be readily available. To place the restriction on total development/commencement will result in an unreasonable time lapse without achieving a reasonable outcome (which is to prevent utilization of services prior to it being implemented).</p>
<p>Installed sewer pump station must have standby non electrical pumps available in case of power outages, failures or mechanical malfunction of the existing pump.</p>	<p>The current design has made allowance for a duty/standby pumpset with a back-up generator for the electrical pumps. The appointed engineer will discuss with Bitou Municipality and remove the generator in lieu of a diesel pumpset should it be deemed necessary prior to construction.</p>

<p>Sewer pumpstation must have an emergency-overflow storage sump (8hours).</p>	<p>The current design has made allowance for 6 hours. The appointed engineer will discuss with Bitou Municipality and increase the storage capacity to include 8 hours should it be deemed necessary prior to construction.</p>
<p>Solid waste stored on – site in a designated area approved by Bitou Municipality.</p>	<p>Current proposed refuse storage area (and refuse vehicle turning circle) was discussed with Bitou Municipality and WCG.</p>
<p>Refuse collection area enclosed with no rainwater or stormwater run off, water point for proper cleaning and gully connected to sewer on lowest point of concrete floor.</p>	<p>Refuse collection are supplied with a foul sewer drainage point and water connection.</p>
<p>All refuse is to be incorporated into the Bitou Municipal solid waste stream.</p>	<p>A signed Confirmation of Bulk Services Letter from Bitou Municipality is attached as Appendix E16 to the Draft Basic Assessment Report.</p>
<p>All stormwater run-off must include a best management practical approach to trap pollutants and minimise impacts on dune sands and the nearby lagoon/ river system(no wash away).</p>	<p>The following erosion control measures were noted in the Aquatic Compliance Statement report and included in the Environmental Management Plan for the proposed development:</p> <ul style="list-style-type: none"> • <i>Ensure that construction activities do not cause any preferential flow paths and concentrated surface runoff during rainfall events.</i> • <i>Clearly demarcate the construction area and ensure that heavy machinery does not compact soil or disturb vegetation outside of these demarcated areas.</i> • <i>Reduce transport of sediment through use of structures such as silt fences and biodegradable coir logs placed along contours.</i>

	<ul style="list-style-type: none"> • <i>Ensure that vegetation clearing is conducted in parallel with the construction progress to minimise erosion and runoff.</i> • <i>Revegetate exposed areas once construction has been completed.</i> • <i>Ensure that stormwater and runoff generated by hardened surfaces is discharged in retention areas (i.e. swales or retention ponds), to avoid concentrated runoff and associated erosion.</i> <p>The following mitigation measure is included in the Environmental Management Programme for the proposed development:</p> <ul style="list-style-type: none"> • Stormwater must not be discharged directly into the estuary. • Remnant thicket (inclusive of the 33m buffer area along the estuary habitat) must be demarcated prior to any site clearing/development commencing to ensure that no encroachment happens into this sensitive area. • Install silt fences / haybales to prevent silt being transported along with stormwater runoff. <p>A stormwater management plan is included in the Civil Engineering Report as well as the Environmental Management Programme. The stormwater management plan has been supplemented by recommendations made by the Aquatic Specialist in the Aquatic Compliance Statement.</p>
<p>All service agreements between developer and Bitou Municipality must be in place.</p>	<p>Noted.</p>
<p>Heritage Western Cape on Heritage Impact Assessment</p>	

Comment	Response
<p>A buffer of 5 m must be implemented around the two stone features. They must be fenced during the earth moving activities, to protect them from accidental impact.</p>	<p>This Mitigation Measure is included in the Environmental Management Programme for the proposed development.</p>
<p>An archaeologist must be on site to monitor earth moving activities, particularly those areas around the stone features. If any human remains or significant archaeological materials are exposed during development activities, then the find should be protected from further disturbance and work in the immediate area should be halted and Heritage Western Cape must be notified immediately. These heritage resources are protected by Section 36(3)(a) and Section 35(4) of the NHRA (Act 25 of 1999) respectively and may not be damaged or disturbed in any way without a permit from the heritage authorities. Any work in mitigation, if deemed appropriate, should be commissioned and completed before construction continues in the affected area and will be at the expense of the developer. The above recommendations should be included in the Environmental Management Program (EMPr) for the proposed residential development.</p>	<p>This Mitigation Measure is included in the Environmental Management Programme for the proposed development.</p>

Archaeological monitoring of bulk earthmoving activities must take place.	This Mitigation Measure is included in the Environmental Management Programme for the proposed development.
The Archaeologist must report any occurrences of fossils and a palaeontologist must record the exposed sections before the trenches are closed up.	This Mitigation Measure is included in the Environmental Management Programme for the proposed development.
The HWC Chance Fossil Finds Protocol to be implemented and included in the Environmental Management Programme Report	HWC Chance Fossil Finds Protocol included in the Environmental Management Programme for the proposed development.
Provision of adequate public (pedestrian) access to the estuary should be addressed in the environmental process.	<p>The existing public access from Rietvlei Road will remain open and no changes to the current pathways are proposed. The proposed development will not deny the public access to the coastal environment. The existing pedestrian trails on Portion 38 of Farm Ganse Vallei 444 will only be maintained and will not be made any longer or wider. No additional pathways are proposed in the Open Space area.</p> <p>It is proposed for the gravel parts of Rietvlei Road to be hard surfaced up to the entrance of the proposed development within the constraints of the existing road. Hard surfacing the gravel road will improve accessibility for the public to the coastal environment.</p>
Quartet Retirement Estate on Pre-App DBAR	
Comment	Response

<p>The current pedestrian access to the estuary and nature reserve should remain open to the public.</p>	<p>The existing public access from Rietvlei Road will remain open and no changes to the current pathways are proposed. The proposed development will not deny the public access to the coastal environment. The existing pedestrian trails on Portion 38 of Farm Ganse Vallei 444 will only be maintained and will not be made any longer or wider. No additional pathways are proposed in the Open Space area.</p> <p>It is proposed for the gravel parts of Rietvlei Road to be hard surfaced up to the entrance of the proposed development within the constraints of the existing road. Hard surfacing the gravel road will improve accessibility for the public to the coastal environment.</p>
<p>Will the KLV take any steps to control the current problem of illegal squatters on the estuary's edge? On more than one occasion, we have had to extinguish "food" fires which threatened to spread to the bush between the estuary and the properties to the West.</p>	<p>The Keurbooms Lifestyle Village intends to maintain existing pathways on Portion 38 of Farm Ganse Vallei 444 (within Private Open Space). The portion of the property below the HWC is deemed to be State Land and the responsibility of maintenance and ensuring the safety of people utilizing this area therefore falls to the State.</p>
<p>We note that there is a recommendation to hard surface the gravel section of Rietvlei/Meadow Land. <i>"It is recommended that the eastern approach of Rietvlei Road be surfaced up to the access gate"</i>. This <u>essential</u> step should be undertaken prior to commencement of construction, as the dust caused by construction vehicles will become a health risk to the elderly residents of Quartet.</p>	<p>Hard surfacing of Rietvlei Road prior to commencement of construction activities will be included as a recommended condition in the Basic Assessment report should the Department of Environmental Affairs and Development Planning choose to include it in the Environmental Authorisation.</p> <p><u>Updated Response:</u></p> <p>It is proposed for the gravel parts of Rietvlei Road to be hard surfaced within the constraints of the existing road. Asphalt portions of Rietvlei Road to be</p>

	<p>resurfaced should the Municipality require such as part of the services agreement details.</p> <p>Completing a road upgrade (or hard surfacing) prior to construction of any development, results in the same (upgraded) road being damaged by construction vehicles when the development is constructed. The additional cost of having to then redo the road upgrade is not reasonable given the low density of this proposed development. However, to address the potential issue of dust pollution from vehicles utilising Rietvlei Road during construction, it is mandatory to apply dust suppression methods to ensure that dust pollution is sufficient controlled. Dust suppression can be done through using a water tanker to wet the gravel road regularly, or alternatively applying an organic dust suppression product that temporarily binds the soil and prevent dust pollution.</p>
<p>The Rietvlei intersection is already dangerous. Particularly during construction, we propose that the developers should appeal to SANRAL to impose a 60km/h speed limit along that section of the N2 to assist construction vehicles to access and exit the N2. We believe that a permanent limit of 60km/h should be imposed along that stretch until after the two Keurbooms exits. During consultations with SANRAL, we would request that the general speed limit along the N2 be debated.</p>	<p>The recommendation to impose a speed limit on the N2 national road will be shared with the Applicant and appointed engineer to discuss during consultation with representatives of SANRAL. This recommendation will also be shared with SANRAL as part of the Comments & Response report appended to the Basic Assessment report.</p>
<p>We fully support the proposal <i>“The roads authorities should consider upgrading the intersection or changing the intersection control to alleviate the</i></p>	<p>The proposal to upgrade/amend the intersection is included in the Traffic Impact Assessment that was shared with SANRAL during the public participation process of the Pre-Application Draft Basic Assessment report,</p>

<p><i>existing LOS E along Rietvlei Road West. Both a roundabout or a signalized intersection will reduce delays.”</i></p>	<p>however for the low density development of 12 residential units, no dedicated upgrade (to the N2 intersection) is required. Upgrades to the N2 intersection will however remain part of SANRALs responsibility.</p>
<p>Public transport embayments. We note that these are considered adequate. In fact, the Southbound embayment is a safety risk.</p> <ul style="list-style-type: none"> • When vehicles are stopped there, often heavy vehicles using it as a temporary lay-over, the visibility of the Southbound traffic is impaired for vehicles entering or crossing the N2 flow. • Southbound vehicles assume the embayment to be a deceleration zone for an exit into Rietvlei which promptly narrows again. • Taxis invariably do not use the Southbound embayment. They generally turn into Rietvlei East and access the N2 again. • The Southbound embayment should be moved to the South side of Rietvlei, where it will not impede visibility. • The N2 should be widened to properly accommodate access into and exit from Rietvlei in both directions. The current design is dangerous: increased traffic from KLV = increased risk. 	<p>The notes and recommendations presented in your email will be shared with SANRAL as part of this Comments & Response Report.</p> <p>All recommendations stipulated in the Traffic Impact Assessment as well as in documentation included in the Basic Assessment reports are to be shared with the roads authority for consideration as part of the public participation process, however the low density development itself (for 12 homes) do not justify an upgrade to the N2 intersection.</p>

<p>We note that the sewer servitude from the Meadows estate to the Quartet pump station is not represented on the diagrams in the report.</p>	<p>The diagrams in the report is focused on the proposed development of Portion 38 of Farm 444 and would therefore not include the sewer servitude to the Quartet pump station.</p>
<p>The load from within Quartet and Meadows Estates already results in occasional back-ups which requires the services of the Bitou “honeysucker”. We would need assurance that there will be no load increase or resultant increased risk of blockage which might affect Quartet/Meadows Estates and result in additional costs.</p>	<p>Load: The development will increase the load on the municipal system, but due to the pumpstation storage, the peak flows will not necessarily coincide with the pumpstation discharge cycles. If the current system experiences “occasional back-ups” then the problem is most likely blockages and not peak flow (which would result in daily spillage).</p> <p>Blockages: The sewage from the development should not cause any blockages due to the fact that the sewage from the pumpstation will pass through a screen/filter before it is pumped via the rising main into the municipal system.</p> <p>Furthermore upgrades to the sewer infrastructure forms part of this development application.</p>
<p>We would require assurance that the increased potable water requirement would not impact on the elderly residents of Quartet, with particular regard to the Temporary Water Solution, as proposed.</p>	<p>Please see extract from Civil Engineering Report regarding the bulk water supply capacity for the proposed development.</p> <p><i>“The bulk water system to the Goose Valley, Wittedrift and Matjiesfontein reservoirs is at capacity and should be upgraded according to the master plan before additional developments within the reservoir supply areas can be accommodated.</i></p> <p><i>Various meetings with GLS and Bitou municipality was held to discuss a proposed interim solution to increase the bulk supply to the Goose Valley Reservoir. GLS provided the following temporary solution:</i></p> <ul style="list-style-type: none"> • <i>Installation of an additional 160mm bulk main off the existing 160mm distribution main in the N2 road reserve (refer figure 5) which will free up an additional 860kl/day.</i>

- *There is sufficient capacity in the 860kl/day to accommodate the developments on Farm 444/38, Farm 304/32 and erf 6503.*

This temporary solution was discussed with Bitou Municipality on 9 March 2023, who stated that they will except the temporary solution on the following conditions:

- *Design, installation, etc. costs for the temporary solution will be the responsibility of the developer/developers and will not be deductible from the Augmentation Levee's.*
- *The temporary solution is not a permanent solution and Augmentation Levee's for Water and Sewage will be used towards the permanent solution.*
- *The proposed pro-rata contribution towards the temporary solution must be resolved between the developers of the different properties.*
- *A Service Level Agreement must be drafted for the development.*

The route of the 160mm diameter temporary pipeline will follow the existing servitude for the 200mm- and 250mm diameter pipelines and a new temporary servitude will not be required. The installation of the pipeline will not require the disturbance of more than 300m² of vegetation and therefore no additional environmental applications will be required. The implementation of the temporary solution will be done by the developer of Portion 19 and 27 of Farm 444, as this development will be the first to have a civil contractor on site (estimated construction start for July 2024). The pro-rata contributions (Farm 444/38, Farm 304/32 and Erf 6503) for the installation of the pipe will be paid directly to the developer of Portion 19 and 27 of Farm 444.”

Updated Response:

A signed Confirmation of Bulk Services Letter from Bitou Municipality is attached as Appendix E16 to the Draft Basic Assessment Report.

Water Network: The proposed development will be accommodated in the Goose Valley reservoir zone. Water reticulation will be connected to an existing 75mm diameter pipe located north-west of the property in Rietvlei Road road reserve.

According to the GLS (municipal) services investigation, the existing **75mm diameter pipe** in Rietvlei Road road reserve needs to be **upgraded to a 110mm diameter pipe** (extending approximately **220m** long) in the Rietvlei Road reserve in order to comply with the **fire flow criteria** (Item 1 in Figure 1).

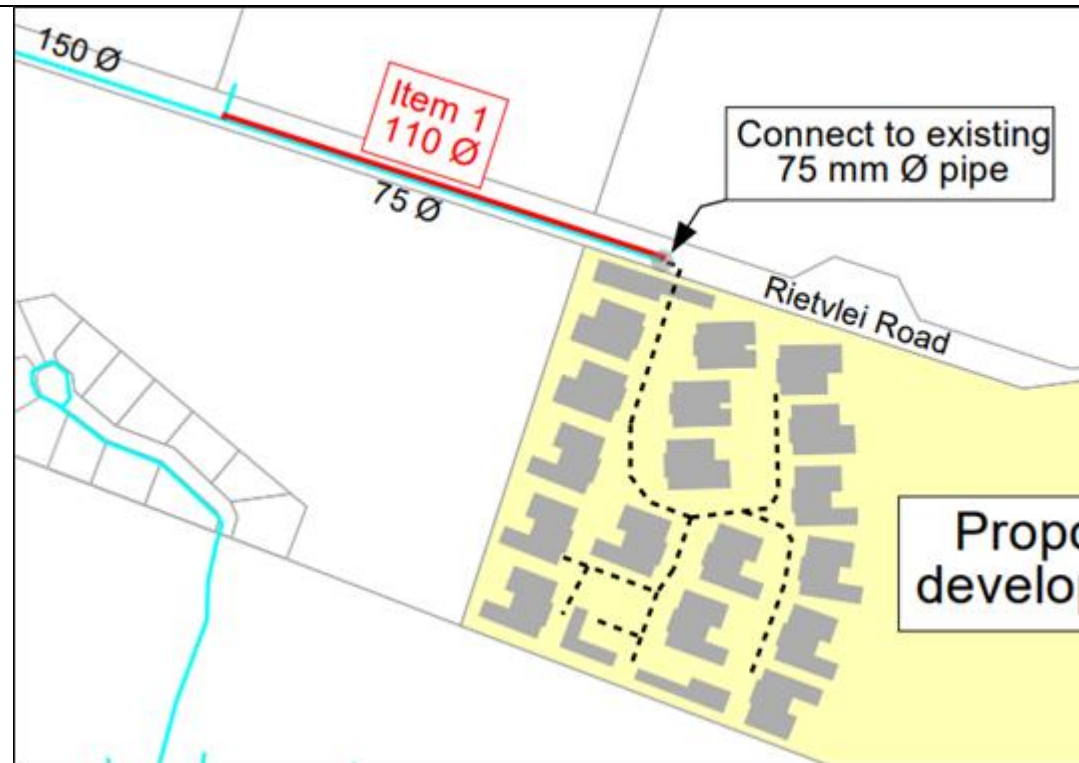


Figure 1: Minimum required upgrade to the existing 75mm diameter pipeline within the Rietvlei Road road reserve to comply with the fire flow criteria. Note that the original 17 unit proposal considered by GLS has since been reduced to 12 units (GLS Consulting, 2022).

The internal water reticulation system will be a metered network consisting of a combined domestic and fire water reticulation network (75mm diameter uPVC Class 12 potable water main). Provision will be made inside erf boundaries of every property for individual water meters (located 1m inside each erf boundary).

Extract from Civil Engineering Report compiled by Vita Consulting Engineers regarding water supply to the proposed development: “*The bulk water system to the Goose Valley, Wittedrift and Matjiesfontein reservoirs is at capacity and must be upgraded according to the Bitou master plan before additional developments within the reservoir supply areas can be accommodated*”.

GLS Consulting Engineers (on behalf of the Bitou Municipality), provided the following temporary solution as part of their master planning:

- Re-instatement of a temporary 160Ømm bulk main off the existing 160mm distribution main in the N2 road reserve, will free up 860kl/day water supply (there are two municipal water lines in the existing municipal water servitude running from the Reservoir back to the N2 connections, however one of the lines have been defunct/damaged for some time – reinstating this line on the surface will effectively replace the defunct pipeline – refer to footnote for more details).
- This capacity rectification will accommodate the development demand for Farm 444/38 (this application), Farm 304/32 and RE/6503².

According to Vita Consulting Engineers, implementation of this temporary solution is to be undertaken by the developer of Erf Portion 19 and 27 of

² There are two existing water pipelines in the servitude. One meant to supply the reservoir of water and the other meant to distribute water from the reservoir out into the water network. One of the lines however is defunct and has not been functioning resulting in the Municipality having to rely on a single line for both supply (filling the reservoir with water) and distribution (getting water from the reservoir into the water network). The fact that one of the existing lines cannot be used requires the Municipality to use the one remaining line to fill the reservoir at night (associated with less to no demand) and then stopping supply to switch the same line to distribution during day hours (when there is continuous demand). As a result, there is always insufficient time to fill the reservoir completely resulting in water restriction. By installing the temporary surface line, the function of supply and distribution can be re-started again, hence the 860kl/day ‘capacity’ created in this manner, stems from the reservoir being able to be filled completely (to provide in distribution demands) coupled with no interruption between supply to the reservoir and distribution to the network.

Farm 444 (construction on this development commenced June 2024 and services infrastructure installation is scheduled for the remainder of 2024).

The GLS option for a temporary solution including a 160mm diameter pipeline of approximately 460m in length, is to be re-instated, till the Municipality has its bulk water supply network capacity funding for further upgrades. It will be installed above ground, following the existing water servitude that runs from the Goose Valley Reservoir to the existing distribution main in the N2 road reserve (Figure 2).

The existing servitude already contains a 200mm and 250mm diameter underground pipelines (of which one is defunct – refer to footprint for further details).

This temporary pipeline will be re-instated in short 2.4m sections that will be welded together on site. The implementation of the temporary solutions does not entail earthworks, or the removal of vegetation, although trimming of vegetation to clear the route is anticipated.

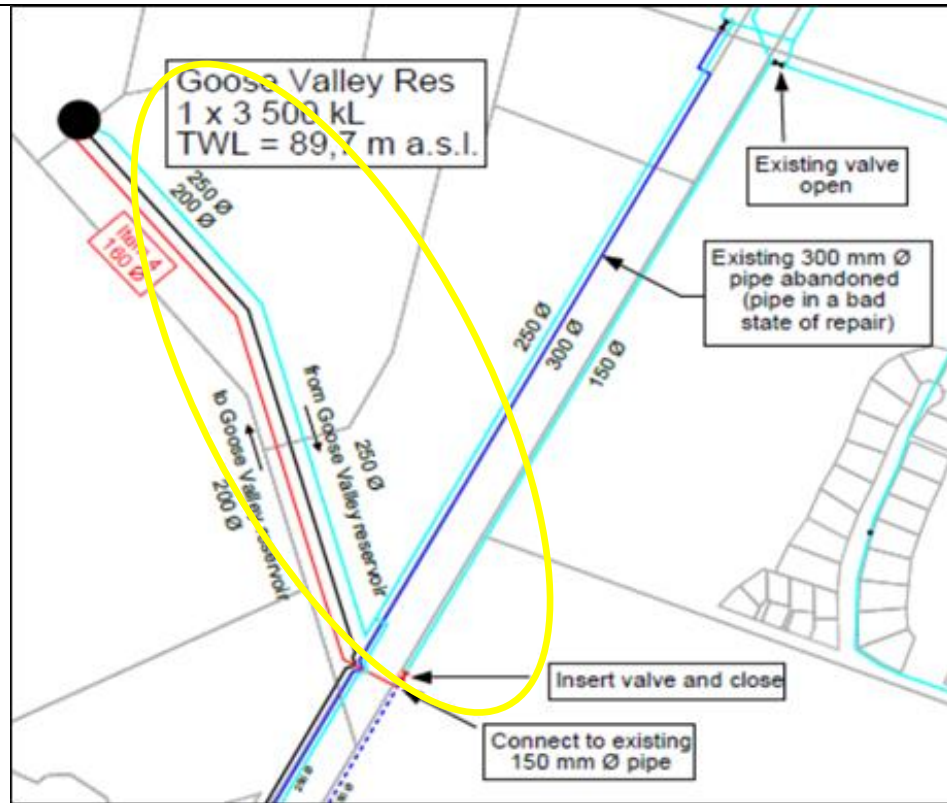


Figure 2: 160mm diameter water pipeline to be installed aboveground from the Goose Valley Reservoir to the existing distribution main in the N2 road reserve (red line) (GLS Consulting, 2023).

I'd like to share a deep concern which I think needs more focus than just the cursory attention these things seem to receive from SANRAL.

The recommendation to impose a speed limits and traffic calming measures on the N2 national road have been shared with the Applicant and appointed engineer to discuss during consultation with representatives of SANRAL. All comments received from Quartet Lifestyle Estate on the proposed development have also been shared with the developer, SANRAL, Bitou

I am gravely concerned about the N2 and I think the developers of Keurbooms Lifestyle Village should be too.

The development on our northern boundary, which has been approved, will have 700-odd parking bays and will have about 300 units. My opinion is that the traffic studies for this development were flawed. Waiting times and vehicle counts were grossly understated in my view. Certainly, the studies are now hopelessly outdated.

Exiting and entering the N2 from Meadow Lane, Rietvlei Rd, Goose Valley or Eden View is already treacherous. The additional traffic from the Bitou Winery intersection will be catastrophic..

The increased traffic from developments and new businesses have determined that a 60 km/h speed limit AND traffic calming measures along the stretch of N2 from the Keurbooms intersections all the way through to Kwano have become absolutely essential.

We would like to partner with the developers (and anyone else) to ensure that this stretch of road is made safe by SANRAL. This is not about developments, neither of which we are opposed to in principle. This is about saving lives.

Municipality, The Department of Environmental Affairs and Development Planning as well as Western Cape Government Transport and Public Works as part of this Comments & Response report appended to the Basic Assessment report.

South African Civil Aviation Authority (SACAA) on Pre-App DBAR

Comment	Response
<p>In light of the proximity of the proposed residential development to Plettenberg Bay Airport, it is necessary to conduct a formal obstacle assessment to determine whether the proposed will pose as a threat towards the safety of the flights. The client is required to follow the application procedure and process as published on the SACAA website: https://www.caa.co.za/industry-information/obstacles/.</p>	<p>The development of a residential estate, within an urban area, will not exceed any of the Civil Aviation Regulations in terms of height and does not pose a threat to air traffic in terms of any obstruction. The proposed development site already contains a residential dwelling that is in similar height compared to the proposed residential developments.</p> <p>The proposed development complements the Bitou SDF goals in regards to the following aspects:</p> <ul style="list-style-type: none"> • The portion to be developed is earmarked as 'existing urban development'. • The portion to be developed is situated inside the urban edge of Bitou Municipality.

Western Cape Department of Agriculture on Pre-App DBAR

Comment	Response
<p>The Western Cape Department of Agriculture: Land Use Management has no objection the proposed Keurbooms Lifestyle Village on condition that it be rezoned out of Agriculture to the appropriate zone.</p>	<p>Portion 38 of Farm Ganse Vallei 444 is currently zoned Agriculture Zone I and it is the intention of the applicant to subdivide the property into two (2) portions and rezone these portion to:</p> <ul style="list-style-type: none"> • Residential Zone II portion (3.17ha equating to 36% of the site) and • Open Space Zone III portion (5.41ha equating to 64% of the site).

