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NEAS REFERENCE NUMBER: WCP/EIA/0001505/2024
DATE OF ISSUE: 07 March 2025

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED PLETT LAGOON ESTATE RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF ERF 6503, PLETTENBERG BAY

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below in respect of **the preferred layout alternative** and **fence line Alternative 3**, described in the Final Basic Assessment Report ("FBAR") (Ref: BIT794/12), dated 31 October 2024, as prepared and submitted by the appointed environmental assessment practitioner ("EAP"), Ms. Louise-Mari van Zyl (EAPASA No: 2019/1444) and assisted by Candidate EAP, Mr. Francois Byleveld (EAPASA No: 2023/6770) of Cape EAPrac.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Managing Director
PLETT LAGOON ESTATE (PTY) LTD.
PO Box 1055
CAPE TOWN
8000

Care of: Mr. Paul Burton
E-mail: pbu@maynards.co.za
Tel.: 083 700 8216

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "**the Holder**").

C. LIST OF ACTIVITY/IES AUTHORISED

Listed Activities	Activity/Project Description
<p>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)</p>	
<p>Activity Number: 12 Activity Description:</p> <p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	<p>The proposal includes the development of service infrastructure (e.g. stormwater discharge infrastructure) within 32m from the edge of the delineated wetland.</p>
<p>Activity Number: 27 Activity Description:</p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p>	<p>The proposed development will require the clearance of approximately 8.54ha of indigenous vegetation as defined in the EIA Regulations, 2014.</p>

<p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	
<p>Activity Number: 28 Activity Description:</p> <p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The proposed development will be established on a property historically used for agricultural activities. The proposed development is approximately 8.54ha.</p>
<p>Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014 (as amended)</p>	
<p>Activity Number: 4 Activity Description:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; <ul style="list-style-type: none"> (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority. 	<p>The proposed development includes the development of internal roads up to 5.5m in extent with a reserve of less than 13.5m. The property is regarded to fall outside the urban area and contains indigenous vegetation.</p>
<p>Activity Number: 12 Activity Description:</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the 	<p>The proposal will require the clearance of ca. 85 400m² of indigenous vegetation as defined in the EIA Regulations, 2014 (as amended). The ecosystems on the proposed site have been mapped as Endangered Garden Shale Fynbos.</p>

<p>NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004</p> <ul style="list-style-type: none"> ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister. 	
<p>Activity Number: 14 Activity Description:</p> <p>The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or (ii) infrastructure or structures with a physical footprint of 10 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> (i) Outside urban areas: <ul style="list-style-type: none"> (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as 	<p>The proposed development includes that development of stormwater structures and infrastructure within 32m of a watercourse in an area mapped as Critical Biodiversity Area. The cumulative development footprint exceeds 10m².</p>

<p><i>contemplated in chapter 5 of the Act and as adopted by the competent authority;</i></p> <p>(ee) <i>Sites or areas listed in terms of an international convention;</i></p> <p>(ff) <i>Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p>(gg) <i>Core areas in biosphere reserves; or</i></p> <p>(hh) <i>Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</i></p>	
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The abovementioned list is hereinafter referred to as “**the listed activities**”.

The Holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

The proposed development entails the development of a gated residential estate and associated structures and infrastructure on the Remainder of Erf 6503, Plettenberg Bay:

- A node of mid-sized residential erven ranging between 800-1200m² (i.e., Residential Zone II) on an area of approximately 4.07ha, including the development of the buildings restricted to two storeys;
- A node of larger residential erven ranging in size between 1900m² – 3300m² (i.e., Residential Zone I) on an area of approximately 2.27ha, including the development of the buildings restricted to two storeys;
- Garage units (structures) in the north-western corner of the single residential portion;
- Internal Open Space Zone II erven with a development footprint of 0.37ha;
- An Open Space erf of approximately 10.5765 ha in extent to be managed for a conservation purpose (i.e., Open Space Zone IV);
- An entrance gate and road access with security facility;

In addition, the following associated infrastructure will be developed:

- An internal road network and an access point with roads of up to 5.5 metres with a road reserve of less than 13.5m wide, with a development footprint of approximately 1.8303 ha (i.e., Transport Zone III);
- A temporary on-site Wastewater Treatment Works (to be decommissioned once capacity at the Ganse Vallei WWTW is made available); and bulk service infrastructure for sewage reticulation;
- An internal water reticulation network;
- Electricity reticulation and street lighting, and
- Stormwater reticulation and drainage structures, including a stormwater network; and stormwater pipelines.
- A new security fence along the western side of the conservation area (i.e. aligned to the development boundary).

The proposed development will be implemented approximate to the Site Development Plan (Plan No: Pr2309PB6503L07) dated 8 February 2024, attached as Appendix B1 of the BAR and must be limited to the development footprint, which excludes any development on the proposed 10.57ha conservation area.

D. SITE DESCRIPTION AND LOCATION

The proposed development will be located on the Remainder of Erf 6503, Plettenberg Bay which is situated directly east of the Checkers Centre and Plettenberg Bay Primary School.

Coordinates for the middle point of the property:

Latitude (S)			Longitude (E)		
34°	02'	24.90"	23°	22'	33.16"

Coordinates (approximate) of the portion of land that must be set aside for conservation use (no-development area). Please refer to Annexure 1 for the reference points:

Point	Latitude (S)			Longitude (E)		
North-eastern corner Point 1	34°	02'	20.26"	23°	22'	45.55"
North-western corner Point 2	34°	02'	18.63"	23°	22'	38.67"
North-western corner Point 3	34°	02'	19.39"	23°	22'	38.04"
North-western corner Point 4	34°	02'	18.93"	23°	22'	36.19"
South-western corner Point 5	34°	02'	30.08"	23°	22'	26.48"
South-eastern corner Point 6	34°	02'	31.43"	23°	22'	36.58"

SG digit code:

C03900080000650300000

Refer to Annexure 1 for the Locality Plan of this Environmental Authorisation.

The above is hereinafter referred to as "**the site**".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Ms. Louise-Mari van Zyl

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Assisted by: Mr. Francois Byleveld

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F. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **10 March 2035** (validity period), during which period the Holder must ensure that the—
 - (a) physical implementation of all the authorised listed activities is started with and concluded;
 - (b) construction monitoring and reporting requirements are undertaken and submitted to the Competent Authority in time to allow said authority to process such documents timeously;

- (c) post construction rehabilitation and monitoring requirements is undertaken and completed; and
- (d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in respect of the preferred alternative described in the FBAR, dated 31 October 2024, on the site as described in Section D above.

This Environmental Authorisation is for the implementation of the **preferred layout alternative** and **fence line Alternative 3** which entails:

The proposed development entails the development of a gated residential estate and associated structures and infrastructure on the Remainder of Erf 6503, Plettenberg Bay, and will comprise of:

- A node of mid-sized residential erven ranging between 800-1200m² (i.e., Residential Zone II) on an area of approximately 4.07ha, including the development of the buildings restricted to two storeys;
- A node of larger residential erven ranging in size between 1900m² – 3300m² (i.e., Residential Zone I) on an area of approximately 2.27ha, including the development of the buildings restricted to two storeys;
- Garage units (structures) in the north-western corner of the single residential portion;
- Internal Open Space Zone II erven with a development footprint of 0.37ha;
- An Open Space erf of approximately 10.5765 ha in extent to be managed for a conservation purpose (i.e., Open Space Zone IV);
- An entrance gate and road access with security facility;

In addition, the following associated infrastructure will be developed:

- An internal road network and an access point with roads of up to 5.5 metres with a road reserve of less than 13.5m wide, with a development footprint of approximately 1.8303 ha (i.e., Transport Zone III);
- A temporary on-site Wastewater Treatment Works (to be decommissioned once capacity at the Ganse Valleï WWTW is made available); and bulk service infrastructure for sewage reticulation;
- An internal water reticulation network;
- Electricity reticulation and street lighting, and
- Stormwater reticulation and drainage structures, including a stormwater network; and stormwater pipelines.
- A new security fence along the western side of the conservation area (i.e. aligned to the development boundary).

The proposed development will be implemented approximate to the Site Development Plan (Plan No: Pr2309PB6503L07) dated 8 February 2024, attached as Appendix B1 of the BAR and must be limited to the development footprint, which excludes any development on the proposed 10.57ha conservation area.

3. This Environmental Authorisation may only be implemented in accordance with the approved Environmental Management Programme ("EMPr").
4. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - (a) the decision reached on the application;
 - (b) the reasons for the decision as included in Annexure 3;
 - (c) the date of the decision; and
 - (d) the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. provide the registered I&APs with the:
 - (a) name of the Holder (entity) of this Environmental Authorisation,
 - (b) name of the responsible person for this Environmental Authorisation,
 - (c) postal address of the Holder,
 - (d) telephonic and fax details of the Holder,
 - (e) e-mail address, if any, of the Holder,
 - (f) contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
 - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.
 - 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided *i.e.*, the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities on site.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must also include proof of compliance with the following conditions described herein:

Condition no.: 6 and 14

8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.
9. The Holder must notify the competent authority if the non-operational phase (construction activities and rehabilitation measures) has been abandoned prior to completion thereof, or if the construction activities and rehabilitation process will be placed on hold for a period of six (6) months or longer.
The competent authority must be notified in writing—
 - 9.1. within 30-calander days of the cessation of the activities on site; and
 - 9.2. seven calendar days' notice, must be given prior to any activities continuing on site again.

Management of activity/activities

10. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is herewith **approved**.
11. The requirements for the avoidance, management, mitigation, monitoring and reporting of the impacts of the activity on the environment, which have been identified in this Environmental Authorisation additional to those contained in the approved EMPr, must be implemented together with the EMPr.
12. The EMPr must be updated to incorporate all the conditions contained in this Environmental Authorisation and all those measures for the avoidance, management, mitigation, monitoring and reporting as identified in this Environmental Authorisation additional to those contained in the approved EMPr.

The updated EMPr must be re-submitted to the Competent Authority prior to commencement of the construction activities.
13. The approved EMPr (including the additional measures for the avoidance, management, mitigation, monitoring and reporting identified in the Environmental Authorisation) must be included in all contract documentation for all phases of implementation.

Monitoring

14. The Holder must appoint a suitably experienced environmental control officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
15. The ECO must—
 - 15.1. be appointed prior to commencement of any works (*i.e.*, demarcation of the remaining natural area, relocation of bulbs; and disturbance, cutting and / or damage to protected trees);
 - 15.2. ensure compliance with the EMPr and the conditions contained herein;
 - 15.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
 - 15.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
16. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on

request, and where the Holder has website, such documents must be made available on such publicly accessible website.

17. Access to the site (referred to in Section C) must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Environmental Auditing

18. The Holder must, for the period during which the environmental authorisation and EMPr remain valid, ensure that compliance with the conditions of the environmental authorisation and the EMPr, is audited.
19. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
 - 19.1. During the non-operational phase (construction phase) the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr may not exceed intervals of 3-years.

The Holder must undertake an environmental audit within three (3) years from the date of issue of this Environmental Authorisation and submit the Environmental Audit Report to the Competent Authority.

- 19.2. A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority within three (3) months of completion of the construction phase.

Note: Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements.

20. The Environmental Audit Report, must –
 - 20.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 20.2. provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 20.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 20.4. evaluate the effectiveness of the EMPr;
 - 20.5. identify shortcomings in the EMPr;

- 20.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 20.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 20.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 20.9. include a photographic record of the site applicable to the audit; and
 - 20.10. be informed by the ECO reports.
21. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

22. The Holder must adopt and implement the following measures/requirements for the avoidance, management, mitigation, monitoring and reporting of the impacts of the activity on the environment end ensure they are implemented together with the EMPr—
- 22.1. The portion of land on Erf 6503 (ca 10.5765 ha in extent), situated on the eastern boundary abutting the Keurbooms Estuary, must remain undeveloped and be retained as an open space area which must be managed for a conservation use to a achieve a conservation outcome.
 - 22.2. The Holder must ensure that for the duration of the Environmental Authorisation's validity period, the natural area/open space must be managed in accordance with a "Conservation Management Plan" (CMP) which must, as a minimum, address—
 - (a) Biodiversity management objectives and targets to promote the ecological process and pattern (i.e., vegetation composition);
 - (b) Fire management requirements (i.e. protective and ecological);
 - (c) Removal of alien invasive species;
 - (d) No earthworks or any form of development is permitted within the area, unless approved by the competent authority;
 - (e) No landscaping or planting of vegetation, unless approved by the competent authority;
 - (f) No collection or damaging of fauna, flora, soil and water resources;
 - (g) Access control including fencing and that no vehicles of any type are permitted, unless approved by the competent authority;
- Note:** In terms of the provisions of the National Environmental Management: Biodiversity Act, 2004 (Act No.10 Of 2004), an Invasive Species Control Plan should be submitted to the National Department of Forestry, Fisheries and the Environment: Branch - Biosecurity ("DFFE: Biosecurity") for consideration and agreement.
- 22.3. The conservation area must be cleared of all alien invasive plant species within 5-years from the date of issue of this environmental authorisation. The alien invasive clearing programme must include a dedicated follow-up programme to be completed during said period.
 - 22.4. A fence must be erected between the conservation area and the development area prior to commencement of construction activities. The design of the fence (western boundary of the conservation area) must allow antelope, tortoises and small mammals through.
 - 22.5. The portion of land must be rezoned appropriately to limit the use of the open space for conservation use, or an equivalent zoning.

- 22.6. The Holder will be responsible for funding all conservation measures until it can be demonstrated that a formal commitment / agreement is made by a conservation body to manage the conservation area or the Home Owners Association.
- 22.7. No development is permitted within the conservation area unless approved by the competent authority; and
- 22.8. The Holder may only maintain the existing path network, not wider than 1.2 metres along the existing tracks / pathways within the conservation area. Further hereto—
- (a) No new paths, pathways, tracks or access routes may be created within the conservation area.
 - (b) Any tracks, paths or disturbed areas, including displaced, parallel or braided pathways, which may form outside of the exiting pathway network, must be rehabilitated.
 - (c) No structures or boardwalks may be constructed with in the conservation area, unless approved by the competent authority.

NOTE: The path network will be implemented approximate to the "PLETT LAGOON ESTATE OPEN SPACE TRAIL MAP" attached as Appendix M of the BAR.

23. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

G. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with the listed activities and exceed the thresholds of the listed activities within the period referred to in Section F, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.

- (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
- (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
- (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is subject to compliance with all the peremptory conditions (6 and 14). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

H. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator;
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker *i.e.* the Competent Authority that issued the decision; and
 - 1.3. Submit a copy of the appeal to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za; and copied to
DEADPEIAAdmin.George@westerncape.gov.za
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker *i.e.*, the Competent Authority that issued the decision.
 - 2.3. Submit a copy of the appeal to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za; and copied to
DEADPEIAAdmin.George@westerncape.gov.za
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL: <https://d7.westerncape.gov.za/eadp/resource-library/forms>.

I. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

WESTERN CAPE GOVERNMENT: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

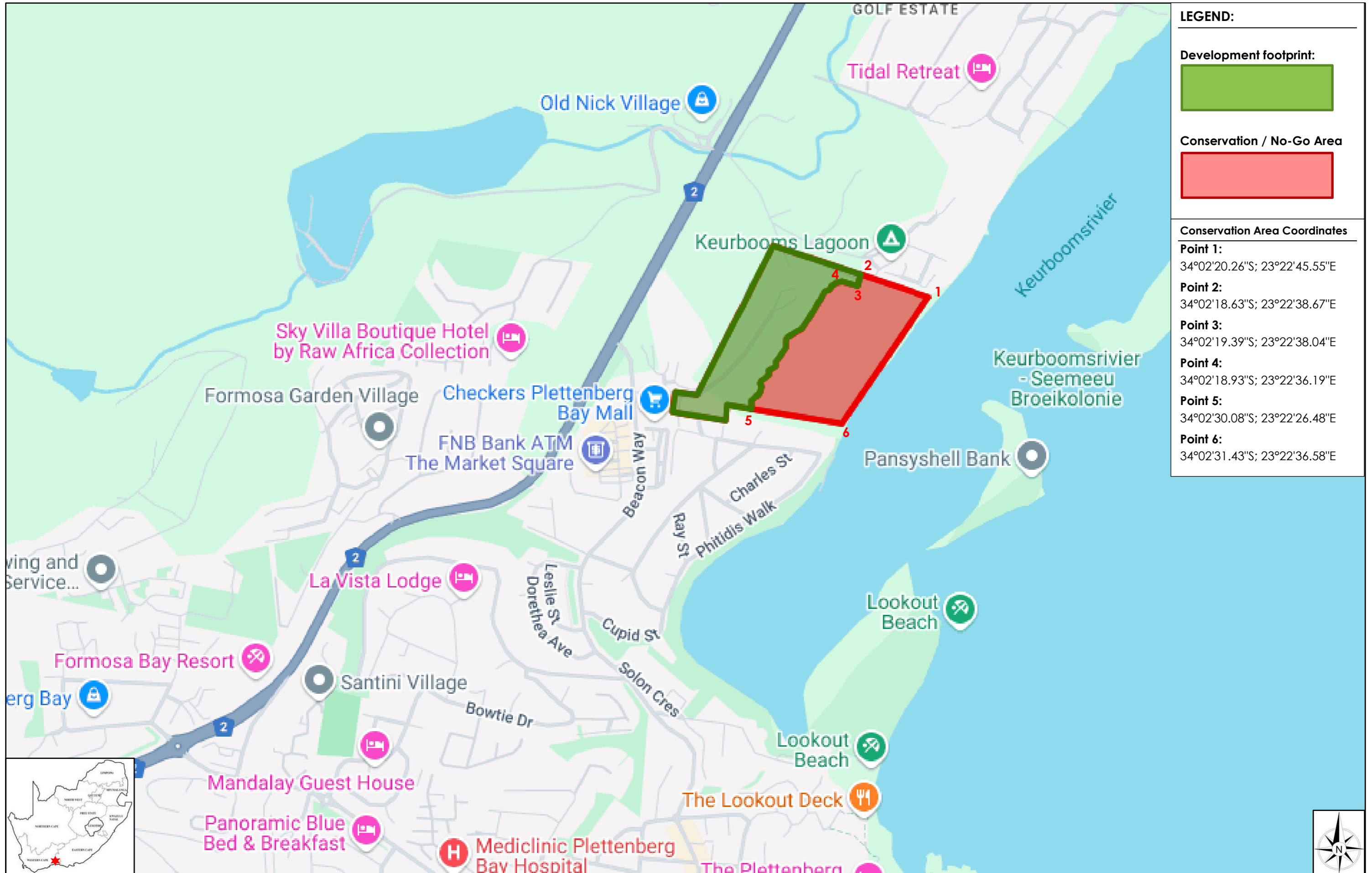
DATE OF DECISION: **07 March 2025**

FOR OFFICIAL USE ONLY:

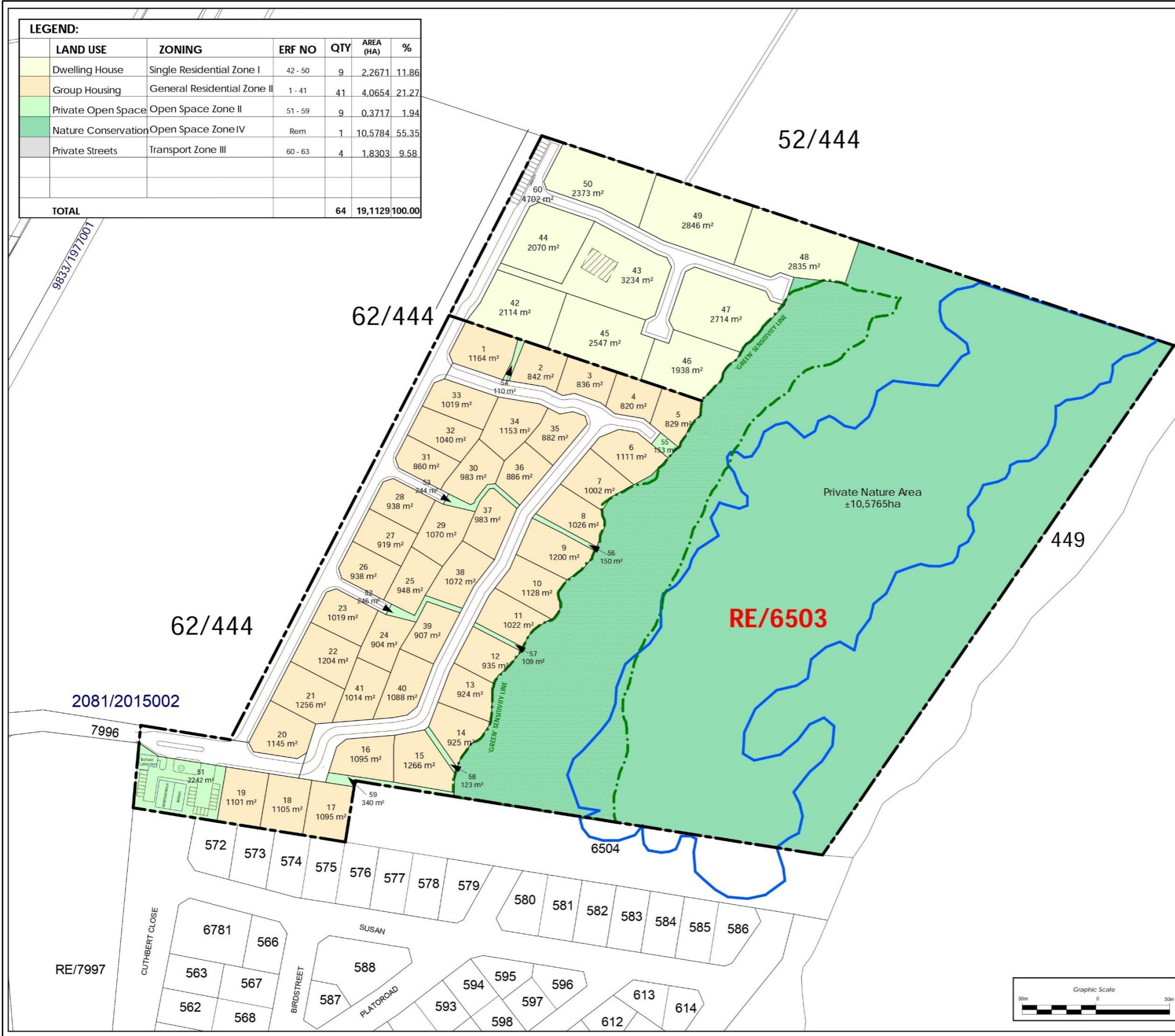
EIA REFERENCE NUMBER: 16/3/3/1/D1/13/0024/24

NEAS REFERENCE NUMBER: WCP/EIA/0001505/2024

ANNEXURE 1: LOCALITY MAP



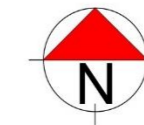
LEGEND:						
LAND USE	ZONING	ERF NO	QTY	AREA (HA)	%	
Dwelling House	Single Residential Zone I	42 - 50	9	2,2671	11.86	
Group Housing	General Residential Zone II	1 - 41	41	4,0654	21.27	
Private Open Space	Open Space Zone II	51 - 59	9	0,3717	1.94	
Nature Conservation	Open Space Zone IV	Rem	1	10,5784	55.35	
Private Streets	Transport Zone III	60 - 63	4	1,8303	9.58	
TOTAL			64	19,1129	100.00	



PLAN 4

**PLETTENBERG BAY
ERF 6503**

**ALTERNATIVE 1
PREFERRED PROPOSAL**



SCALE 1: 2500

NOTES

- Sizes and dimensions are approximate and subject to final survey
- For Property details, refer to SG 8205/1996
- 0,5m Contour intervals, surveyed by VPM Surveys

DRAWN:	MV	CHECKED:	MV
PLAN NO:	Pr2309PB6503L07		
PLAN DATE:	8 Feb 2024		
STORED:	z:\drawings\App\Pr2309PB6503L07.dwg		

COPY RIGHT:

This Plan may not be copied or amended without the written consent of M Vreken

MUNICIPAL MANAGER

DATE: _____



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www.vrekenco.za



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form, received on 31 July 2024, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 31 October 2024;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR submitted on 31 October 2024;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.
- g) A site inspection was held by officials from the Directorate: Development Management (Region 3) and the appointed EAP on 16 August 2023.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Other relevant legislative considerations

1.1 *The listed activity not authorised in this Environmental Authorisation:*

1.1.1 Listing Notice 1 (GN No. R983 of 4 December 2014, as amended) Activity 17:

Reason – According to the applicant, the physical development footprint falls outside 100m from the high-water mark (“HWM”) of the Keurbooms Estuary. It is reported that portions of services such as stormwater discharge infrastructure, sewer line and security fence are located within 100m of the HWM. An analysis of the suggests that the infrastructure is located further than 100m from the HWM. Furthermore, this environmental authorisation authorises the proposed security fence on the boundary between the proposed development site and the proposed conservation area. This boundary is located more than 100m from the HWM of the Keurbooms Estuary.

In light of the above, no structures and / or infrastructure will be located within 100m of the HWM of the Keurbooms Estuary.

1.1.2 Listing Notice 1 (GN No. R983 of 4 December 2014, as amended) Activity 19A:

Reason – As indicated in Point 1.1.1 above no structures and / or infrastructure is located and / or authorised within 100m of the HWM of the Keurbooms Estuary. Therefore, no infilling or depositing of any material of more than 5m³ into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5m³ have been authorised within 100m of the HWM of the Keurbooms Estuary.

1.2 *National Water Act, Act 36 of 1998*

It is proposed to develop a sewage package plant with a capacity of 40m³/day as part of the proposed development as the Ganse Vallei Wastewater Treatment Works (“WWTW”) does not have adequate capacity for any new developments within its catchment without upgrades to

the WWTW. This has been agreed to by the Bitou Municipality which indicated that the development must connect to the municipal system once capacity is available at the WWTW. Furthermore, it is proposed to use the treated effluent for irrigation purposes.

In light of the above, a Water Use License ("WUL") is required in terms of Section 21 of the National Water Act, Act 36 of 1998, ("NWA"). In this regard the National Environmental Management Laws Amendment Act, Act 2 of 2022 (NEMLAA), came into effect on 30 June 2023. This Act added sub-section 24C(11) to the National Environmental Management Act, Act 107 of 1998, as amended (NEMA) which requires that *"a person who requires an environmental authorisation which also involves an activity that requires a licence or permit in terms of any of the specific environmental management Acts (i.e., NWA), must simultaneously submit those applications to the relevant competent authority or licensing authority, as the case may be, indicating in each application all other licences, authorisations and permits applied for"*.

In this regard, the WUL Application Summary Report has been included as Appendix O of BAR. In order to comply with the minimum public participation period required in terms of the NWA, the Draft BAR was made available for review and comment for a period of 60 days. As such, the decision-maker is satisfied that the applicant has adequately complied with the prescripts of the relevant legislation.

2. Public Participation

2.1 The public participation process included:

- 2.1.1 identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- 2.1.2 fixing a notice board at the site on 9 November 2023 for the commenting period on the pre-application BAR from 10 November 2023 to 1 February 2024; and on 14 August 2024 for the commenting period on the Draft BAR from 16 August to 15 October 2024;
- 2.1.3 giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 8 November 2023 regarding the availability of the pre-application BAR and on 14 November 2023 regarding the availability of the DBAR;
- 2.1.4 the placing of newspaper advertisements in the "Knysna-Plett Herald" on 9 November 2023 for the availability of the pre-application BAR and on 15 August 2024 for the availability of the Draft BAR; and
- 2.1.5 making the pre-application BAR available to I&APs for public review and comment from 10 November 2023 to 1 February 2024, and the Draft Basic Assessment Report available to I&APs for public review and comment from 16 August to 15 October 2024. The reports were made available on the EAP's website at URL: https://www.cape-eaprac.co.za/index.php?option=com_content&view=article&id=630:plett-lagoon-estate&catid=9&Itemid=102.

2.2 Interested and Affected Parties raised the following concerns:

- 2.2.1 Concerns regarding the amount of traffic that will be generated by the proposed development, especially the impact along Susan Street and Cuthbert Close in the Poortjies area;

2.2.2 Increased pressure on the municipal sewer which is already under severe pressures as evident by frequent sewage overflows in the Poortjies area; and

2.2.3 The loss of green space / sensitive ecosystem in the Plettenberg Bay area.

All the comments and issues raised by the respective *Organs of State and Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to the organs of state and I&APs.

3. Alternatives

3.1 Layout Alternatives

3.1.1 Layout Alternative 1 – preferred alternative: Herewith approved

The proposed development entails the development of a gated residential estate and associated structures and infrastructure on the Remainder of Erf 6503, Plettenberg Bay:

- A node of mid-sized residential erven ranging between 800-1200m² (i.e., Residential Zone II) on an area of approximately 4.07ha, including the development of the buildings restricted to two storeys;
- A node of larger residential erven ranging in size between 1900m² – 3300m² (i.e., Residential Zone I) on an area of approximately 2.27ha, including the development of the buildings restricted to two storeys;
- Garage units (structures) in the north-western corner of the single residential portion;
- Internal Open Space Zone II erven with a development footprint of 0.37ha;
- An Open Space erf of approximately 10.5765 ha in extent to be managed for a conservation purpose (i.e., Open Space Zone IV);
- An entrance gate and road access with security facility;

In addition, the following associated infrastructure will be developed:

- An internal road network and an access point with roads of up to 5.5 metres with a road reserve of less than 13.5m wide, with a development footprint of approximately 1.8303 ha (i.e., Transport Zone III);
- A temporary on-site Wastewater Treatment Works (to be decommissioned once capacity at the Ganse Vallei WWTW is made available); and bulk service infrastructure for sewage reticulation;
- An internal water reticulation network;
- Electricity reticulation and street lighting, and
- Stormwater reticulation and drainage structures, including a stormwater network; and stormwater pipelines.
- A new security fence along the western side of the conservation area (i.e. aligned to the development boundary).

The proposed development will be implemented approximate to the Site Development Plan (Plan No: Pr2309PB6503L07) dated 8 February 2024, attached as Appendix B1 of the BAR and must be limited to the development footprint, which excludes the proposed 10.5767ha conservation area.

The following layout alternative was included in the report, but was eliminated:

3.1.2 Layout Alternative 2: Original development proposal

The proposed development entails the development of a gated residential estate and associated structures and infrastructure on the Remainder of Erf 6503, Plettenberg Bay:

- Access to the proposed development will be from Beacon Way between Checkers Centrum and Plettenberg Bay Primary School;
- Dwelling units are concentrated in the southern portion of the property, with erven located within the environmentally sensitive lower lying estuary area;
- Ten (10) x General residential erven with a retirement component (Residential Zone IV), consisting of four (4) apartments in each erf = forty (40) apartments in total;
- Twenty-three (23) x Group housing erven (Residential Zone II);
- Thirteen (13) x Single residential erven (Residential Zone I); and
- Jetty in the Keurbooms Estuary;

This alternative was eliminated due to the following:

- It does not avoid the delineated wetland;
- It does not avoid the 30m buffer from the delineated wetland;
- Includes a jetty on the Keurbooms Estuary; and
- It fragments the natural environment.

3.2 Sewage disposal alternative

3.2.1 Alternative 1 (preferred alternative): Temporary On-Site WWTW

It has been reported that the Ganzevallei WWTW does not have adequate capacity to accommodate the proposed development as the current 0.2Mℓ available capacity is reserved for approved developments. Upgrades to the Ganzevallei are therefore required to accommodate new developments.

In light of the above it is proposed to develop a temporary 40m³/day WWTW to treat the sewage from the proposed development. The Bitou Municipality has confirmed that the applicant implements and maintain the temporary WWTW until such time that the upgrades to the Ganzevallei have been completed. After which the temporary WWTW must be decommissioned and removed from the site.

3.3 Fencing alternatives

3.3.1 Fence line Alternative 1 (preferred alternative)

This alternative entails the fencing of the proposed development along the eastern boundary of the Remainder of Erf 6503. This is the applicant's preferred alternative as it will ensure safe access to this area by the residents and minimise the risk of land invasion.

3.3.2 Fence line Alternative 2:

This alternative entails the fencing of the proposed development along one of the existing footpaths within the sensitive area, close to the eastern boundary of the Remainder of Erf 6503. This alternative will require activities within the 30m buffer as well as a section within the delineated wetland. This is not the applicant's preferred alternative.

3.3.3 Fence line Alternative 3: Herewith approved

This alternative entails the fencing of the proposed development along the boundary of the proposed development footprint and the proposed conservation area i.e. along the western boundary of the proposed conservation area. This alternative provides a large portion of unfenced habitat (ca. 10.5765 ha) and does not result in fragmentation of animal movement between the estuary and conservation area. This is not the applicant's

preferred alternative due to the threat of land invasion of vacant portions of land within the urban areas, poaching and wildfires.

3.4 No-Go Alternative

According to the applicant under this alternative the current land use would continue with the primary rights are agriculture. However, the site has located within the urban edge of the Bitou Municipality and is designated for urban expansion; therefore, it is unlikely that the agricultural use of the property will be in place for much longer.

4. **Impact Assessment and Mitigation Measures**

4.1 *Activity need and desirability*

According to the applicant, the proposed development is in line with the Bitou Municipality Spatial Development Framework ("SDF") in terms of the following:

4.1.1 Expansion of the urban footprint should be directed to strategically locate priority development areas which will contribute towards the overall consolidation of the currently fragmented urban footprint of the municipality; and

4.1.2 The development of a diverse range of housing typologies for various income groups, at low and medium densities and offering a variety of tenure alternatives should be a priority. This applies to housing for permanent residents and for holiday accommodation.

The review of the approved SDF (2022) indicates that the proposed development site is located within the urban edge of the Bitou Municipality. However, the SDF excludes the eastern part of the property, which aligns with the sensitive wetland area, from the urban edge. According to the SDF, the urban edge is aimed at containing lateral urban sprawl within the municipality and is the proposed limit for expansion of the urban node beyond which development should not occur unless the land is already provided with or can connect directly to existing municipal services infrastructure.

The applicant indicates that the property is currently largely vacant and makes limited contribution to the local economy of the town other than rates & taxes for primary usage. Therefore, the proposed development promotes smart growth by ensuring the efficient use of the land and infrastructure, by containing urban sprawl and prioritising infill, intensification and redevelopment within settlements.

In light of the above, the decision-maker is satisfied that the applicant has adequately considered the need and desirability of the proposed development

4.2 *Aquatic Biodiversity aspects*

A description of the aquatic biodiversity issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

In this regard, an Aquatic Biodiversity Impact Assessment was undertaken to inform the BAR. The outcome of the assessment confirmed the presence of an interdunal water-filled depression classified as a depression wetland. The assessment determined a 30m wide buffer from the delineated wetland in order to minimise the impact on the wetland in terms of maintenance of connectivity between the estuary and the wetland.

In response to the findings of the assessment, the applicant has avoided the impact on the wetland by restricting the development site to the transformed, previously grazed area of the property.

In light of the above, the decision-maker is satisfied that the applicant has adequately considered to findings of the Aquatic Biodiversity Impact Assessment.

4.3 *Biodiversity related aspects*

Descriptions of the biodiversity issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

In order to adequately assess the terrestrial biodiversity aspects associated with the proposed resort development, the BAR was informed by a Terrestrial Biodiversity Compliance Statement, Terrestrial Animal Species Specialist Assessment and Terrestrial Plant Species Specialist Assessment.

4.3.1 *Terrestrial Biodiversity*

The Site Ecological Importance ("SEI") for the property has been determined based on the biodiversity features which includes inter alia areas mapped as Critical Biodiversity Areas, areas mapped as endangered ecosystem (albeit transformed), and a portion of the property mapped as part of the National Protected Areas Expansion Strategy ("NPAES").

The NPAES corresponds to the area within which the wetland has been delineated and is also located within the estuarine functional zone ("EFZ"). The SEI for this area has been confirmed as HIGH and it has been recommended that locating infrastructure within the area must be avoided. It has also been recommended that low impact activities such as the use of the existing footpaths are acceptable.

The proposed development is restricted to the areas with LOW and VERY LOW SEI and does not impact the HIGH SEI area directly. According to the report, development in these areas is permissible and will have a negligible impact on the terrestrial biodiversity aspects.

4.3.2 *Terrestrial botanical aspects*

It has been reported that the project area is located with two vegetation types i.e. Endangered Garden Route Shale Fynbos and Least Concern Goukamma Dune Thicket. Goukamma Dune Thicket was confirmed to occur on site and considered near intact despite the presence of alien invasive plant species, this is restricted eastern half of the property. According to the information Garden Route Shale Fynbos no longer occur on site as it appears to have been disturbed by prolonged mowing, exclusion of fire and historical grazing. It is now characterised as Secondary Grassy Fynbos with an abundance of grass species and fast-growing pioneer species. It has been reported that the ecotone between the Secondary Grassy Fynbos and the Goukamma Dune Thicket is abrupt and corresponds to the changes in elevation of the project area. Furthermore, no species of conservation concern ("SCC") were recorded on the site.

The SEI corresponds with that of the terrestrial biodiversity aspects i.e. Goukamma Dune Thicket with a HIGH SEI and the Secondary Grassy Fynbos (Garden Route Shale Fynbos) a LOW SEI. It is reported that the proposed development will be restricted to the Secondary Grassy Fynbos.

4.3.3 Terrestrial Animal Species

It is reported that three amphibian, three reptile, four mammal and 40 bird species were recorded during the field survey. According to the information, the majority of the fauna were recorded within the thicket habitat. In terms of the animal species, the SEI corresponds with the terrestrial biodiversity and plant species with HIGH SEI for the thicket / wetland areas, but in the case of the Grassy Fynbos a MEDIUM SEI has been assigned.

According to the information the eastern portion offers wetland habitat and contains one of the last large remaining near-intact portions of thicket and natural vegetation along the banks of the Keurbooms Estuary. Evidence of faunal corridors (in the form of spoor, skat, and compressed leaf litter) were observed along the eastern boundary, suggesting faunal movement from and to the banks of the estuary and the thicket vegetation.

The proposed development avoids the Goukamma Dune Thicket and is restricted to Secondary Grassy Fynbos. With due consideration of the findings of the assessment, the proposed development is considered acceptable.

With due consideration of the above, the decision-maker is satisfied that the applicant has adequately considered the findings of the biodiversity related assessments and that the proposed development is considered acceptable with the implementation of the proposed mitigation measures.

4.4 Conservation of the remainder of the property

According to the applicant the remainder of the property i.e. the eastern portion which *contains inter alia* the Goukamma Dune Thicket, delineated wetland and estuarine functional zone will be managed for a conservation purpose. This portion of the property has also been mapped as part the NPAES. It has been reported that this portion of the property will be rezoned to Open Space Zone IV. Furthermore, a review of the approved Bitou Municipality SDF (2022) depicts this portion of the property outside the urban edge. It is therefore not considered for development.

With due consideration of the above and due to the proposed conservation area being directly adjacent to the Keurbooms Estuary, which is managed by CapeNature, it is strongly advised that CapeNature be approached for consideration into a Stewardship Agreement.

4.5 Fencing along the development boundary with the proposed conservation area

Consideration has been given regarding the fencing options associated with the proposed conservation area. In this regard, the applicant's preferred alternative is to develop the fence closest to the estuary to minimise the risk of land invasion and to encourage future residents of the proposed development to take ownership and responsibility for the area. Alternatives have been considered *inter alia* that fencing be developed along the boundary of the proposed development with the proposed conservation area. This alternative provides the largest unfenced conservation area with the Keurbooms Estuary.

The findings of the aquatic biodiversity and animal species specialist in respect of the fencing are noted. The findings suggest that the development of the fence is acceptable on condition that the mitigation measures be implemented i.e. permeable fencing, etc. However, the proposed fence will result in the fragmentation and will impede faunal movement between the estuary and the thicket (conservation area). Furthermore, the risk to land invasion is not considered to be high due to the fact that the proposed conservation area is surrounded by the proposed development to the west, existing developments to the north and south and the Keurbooms Estuary to the east.

With due consideration of the above, the fact that the conservation area has been mapped as part of the NPAES and location outside the urban edge, the decision-maker is of the view that the proposed fence along the development boundary with the proposed conservation area provides the best opportunity to achieve the desired outcome.

4.6 Coastal aspects

The applicant has considered the coastal aspects as it relates to the proposed development. In this regard, the proposed development will be restricted to the secondary grassy fynbos and avoids the sensitive estuarine area but the establishment a buffer from the EFZ. Furthermore, the proposed development on the subject property aligns with the Western Cape Estuarine Management Framework and Implementation Strategy: Best Practice Activity Guidelines (2019) as well as the Departmental Circular (DEAD&DP 0004/2021) on the consideration of Coastal Risk and Land Use Decisions as well as the way forward with respect to the establishment of Coastal Management Lines in terms of the National Environmental Management: Integrated Coastal Management Act, Act 24 of 2008, as amended. Furthermore, the fence line has been approved on the inland side of the open space abutting the estuary thereby ensure that all development is well set back from the edge of the estuary.

With due consideration of the above, the decision-maker is satisfied that risks to the proposed development in respect of the coastal aspects have been considered in the application for environmental authorisation.

4.7 Traffic impact

A description of the traffic related issues and risks have been included in the BAR. In this regard, the BAR was informed by a Traffic Impact Statement ("TIS") which assessed the proposed 50-unit development on the Remainder of Erf 6503, Plettenberg Bay.

According to the TIS the proposed development is expected to generate 50 trips i.e. 12 IN and 38 OUT during the AM peak hour and 35 IN and 15 OUT during the PM peak hour. Residents from the existing Poortjies Residential area have raised concerns regarding the impact of the traffic through the Poortjies area. However, these comments were based on a previous layout which initially provided access to the proposed development via the Poortjies suburb. The current proposal for access to the proposed development is via the Beacon Way / School intersection which, according to the applicant, is being upgraded as part of the N2 National Road / Beacon Way upgrade. The access road the proposed development runs between the Plettenberg Bay Primary School and the Checkers Centre. The Beacon Way / School intersection will be fitted with traffic signals as a previously proposed traffic circle were objected to by the Checkers Centre due to the large delivery trucks which will make use of the same intersection.

According to the information provided by the applicant, the analysis of the traffic found that the traffic will operate at acceptable Levels of Service, taking into account the proximity of the surrounding intersections.

4.8 Availability of municipal services

4.8.1 Treatment and disposal of sewage

According to the applicant the Ganzevallei WWTW currently does not have sufficient capacity to accommodate the proposed development as the available capacity has been reserved for approved development proposals. In this regard, the Bitou Municipality has agreed that a temporary on-site wastewater treatment plant be developed until such time that the capacity issues at the Ganzevallei WWTW have been resolved after which

the sewage must be connected to the municipal sewer and the temporary plant decommissioned.

In this regard, the applicant has applied for a WUL for the establishment of the proposed temporary wastewater treatment plant and has incorporated the information in the BAR. In this regard, it is understood that treated effluent will be used for irrigation within the proposed development which has an irrigation deficit and that the WUL application includes the relevant water use activities. Notwithstanding the aforementioned, it is understood that dedicated storage tanks (4 x 10kℓ tanks) will be provided to store treated effluent in the event that irrigation with treated effluent is not possible due to saturated soil conditions.

4.8.2 Potable water supply

It has been reported that the bulk water system (supply pipelines) to the Goose Valley, Wittedrift and Matjesfontein reservoirs is at capacity and must be upgraded before additional developments within the reservoir supply areas can be accommodated. The proposed development is located within the Goose Valley reservoir distribution area and in order to free up an additional 860kℓ/day, a temporary 160mm diameter bulk main off the existing distribution main in the N2 National Road Reserve to increase the bulk supply to the Goose Valley reservoir. This pipeline will be welded and laid aboveground and does not entail any earthworks and vegetation removal (other than anchor blocks where necessary). The pipeline was previously considered as part of a separate approval and is being developed as part of the proposed development on Portions 19 and 27 of the Farn Ganse Valleï No. 444 which commenced with non-operational activities on 11 June 2024.

4.8.3 Disposal of solid waste

It has been reported that each household is estimated to produce approximately 20kg of solid waste per week. The refuse from the development will be stored in a refuse area at the entrance of the proposed development. The Bitou Municipality has confirmed that there is sufficient capacity for waste disposal at their facility to accommodate the proposed development.

4.9 Heritage / Archaeological Aspects

No significant impacts on heritage / archaeological resources are expected as a result of the proposed development on the Remainder of Erf 6503, Plettenberg Bay. This was confirmed in the response to the Notice of Intent to Develop (Case No: HWC23080408MS0808) issued by Heritage Western Cape, dated 15 August 2023. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

4.10 Other impacts

No other significant visual dust, noise and odour impacts have been identified.

5. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. The environmental authorisation's validity period has been granted for a period of ca. ten (10) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit reports for the construction phase. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase.

Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

6. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

7. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that, except for the activities that have been refused, the proposed listed activities, will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

----- **END** -----