



REFERENCE: 16/3/3/6/7/1/D1/14/0397/24
SPECIFIC FEE REF. G-BA-EIA-L5
DATE OF ISSUE: 20 March 2025

The Director
SleepOver ZA (Pty) Ltd
7 Georgian Crescent West
Bryanston
JOHANNESBURG
2191

Attention: Mr. F. Fourie

Email: Frank.fourie@sleepover.travel

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT AND COMMENT ON THE NOTICE OF INTENT TO APPLY FOR BASIC ASSESSMENT FOR THE PROPOSED PLETT SLEEPOVER TOURIST ACCOMMODATION ON A PORTION OF REMAINDER OF FARM 479 OAKHILL, PLETTENBERG BAY

1. The abovementioned document submitted on your behalf by your appointed registered Environmental Assessment Practitioner (EAP), Ms Louise-Mari van Zyl with EAPASA Registration number: 2019/1444 and received by the Directorate: Development Management (Region 3) (hereinafter referred to as "this Directorate") on 12 November 2024, refers.
2. It is understood that the proposal entails the development of tourist accommodation units with supporting facilities, on a portion of the above-mentioned property. It is proposed that the development be implemented in 3 phases.

The proposed development will get water from an existing borehole while sewage will be treated by the development of a wastewater treatment plant with a capacity of 20m³ per day. The WWTP will make use of a combination of conventional treatment (natural bacteria) and membrane technology (microfiltration) to treat sewage to comply with water limits within the regulation stipulated by the Department of Water Affairs. All treated effluent will be used for internal irrigation purposes in order to minimize the load on the borehole water supply. Treated effluent will be stored in 4 x 10KL irrigation tanks which will be installed next to the WWTP.

3. *A Basic Assessment process must be followed in order to apply for Environmental Authorisation.*
4. *Only those activities applied for shall be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.*
5. *Environmental Management Programme ("EMPr")*
In accordance with Section 24N of NEMA and the EIA Regulations, 2014, the applicant is required to submit an Environmental Management Programme ("EMPr") with the BAR. The contents of such an EMPr must meet the requirements outlined in Appendix 4 of the EIA Regulations, 2014.

The EMPr must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). It must be submitted together with the EIAR. When compiling the EMPr, the Department's Guideline for Environmental Management Plans (June 2005), must be taken into account.

6. The Department notes your "Request for a specific fee reference number". The following specific fee reference number **G-BA-EIA-L5** must be inserted into the Application Form and proof of payment of the applicable fee attached when the Application Form is submitted to the Department.
7. *National Web Based Environmental Screening Tool and Site Sensitivity Verification Report*

This Directorate notes the findings of your screening tool report and the list of specialist inputs that will be solicited. However, please note that on 20 March 2020 the Minister of Forestry, Fisheries and the Environmental published the general requirements for undertaking site sensitivity verification for environmental themes for activities requiring environmental authorisation (Government Gazette No. 43110). In terms of these requirements, prior to commencing with a specialist assessment, the current land use and environmental sensitivity of the site under consideration by the screening tool must be confirmed by undertaking a site sensitivity verification.

7.1. Agricultural Theme

The Screening Tool Report ("STR") specifies that the agricultural sensitivity rating is "**high**". This is however disputed and the SVR states that only a small portion in the south of the proposed development site has a high sensitivity, with the majority of the site within 'medium' sensitivity in terms of the Agricultural Theme. According to the information, it is motivated that a compliance statement by an appropriate specialist will be undertaken.

Notwithstanding the above, you are required ensure that the Western Cape Government: Department of Agriculture (DoA) - Land Use Management is consulted in the public participation process. Written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Agriculture Theme must be submitted with the final Basic Assessment Report (BAR).

7.2. Animal Species Theme

The STR specifies a '**high**' sensitivity rating for the Animal Species Theme due to the presence of certain species of conservation concern (SCC). The sensitivity rating is disputed in the SSVR and it is motivated that no species of conservation concern was found on site, except for a Forest Buzzard (*Buteo trizonatus*) that was noted flying over the proposed development site. However, no nests were observed on site by the faunal specialist. The species of conservation concern identified in the STR mostly occurs within Afrotropical Forest habitat which will be avoided by the proposed development. The SSVR therefore recommends a 'low' sensitivity rating for the theme; and that a Terrestrial Animal Species Compliance Statement will be undertaken as part of the Basic Assessment Process.

Notwithstanding the motivation; the fact that an SCC was observed on site justifies an assessment of all the relevant aspects which may influence such a species. The view is held that by only undertaking a compliance statement, certain issues/impacts relevant to the SCCs will not be assessed. It is recommended that an **Animal Species Specialist Assessment** be undertaken.

Notwithstanding the above, the EAP/specialist must consult CapeNature in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Animal Species Theme.

7.3. Aquatic Biodiversity Theme

The STR specifies a '**very high**' sensitivity rating for the Aquatic Biodiversity Theme, which is confirmed in the SSVR. In this regard, the SSVR indicated that a specialist assessment will be undertaken in terms of the Aquatic Biodiversity Protocol. The specialist report must adhere to the Protocol's minimum information content requirements of the Aquatic Biodiversity Specialist Report. It is also understood that aquatic impact assessment will also address the hydrological features/impact as part of the specialist assessment.

In addition to the above, the EAP/Specialist must consult Breede Olifants Catchment Management Agency (BOCMA) in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Aquatic Biodiversity Theme.

7.4. Archaeological, Cultural Heritage and Palaeontological Themes

The procedure for site sensitivity verification where no specific assessment protocol has been prescribed, has been gazetted in Government Notice No. 320 of 20 March 2020. In this regard the SSVR indicates that a heritage practitioner was appointed as the development includes a road that exceeds 300m as well as the re-zoning of a portion of land exceeding 10 000m² and will change the character of a site exceeding 5000m², which triggers an activity identified in terms of section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA"). Heritage Western cape, in response to the NID, confirmed that no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

Kindly ensure that Heritage Western cape is consulted during the Public Participation Process (PPP). See section below on *Synchronising applications in terms of other applicable legislation with the EIA process*.

7.5. Civil Aviation Theme

The STR specifies a '**high**' sensitivity rating in terms of the Civil Aviation Theme, which is disputed by the EAP due to will not exceed two storeys in height, 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. In light of the aforementioned, the SSVR recommends a low sensitivity rating for the Civil Aviation Theme.

Notwithstanding the above, the EAP must consult the South African Civil Aviation Authority ("SACAA") (% environment@cqa.co.za) in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Civil Aviation Theme.

7.6. Terrestrial Plant Species Theme

The STR specifies a '**medium**' sensitivity in terms of the Plant Species Theme due to the likely occurrence of various species of conservation concern. This rating is disputed by the SSVR as no presence of any SCC within the development area, besides two protected trees. The appointed Botanical Specialist is of the considered opinion that a more appropriate sensitivity of High should apply to the Southern Afro temperate Forest Habitat and Low for the remainder of the proposed development site. A Botanical compliance statement has been commissioned as part of the Basic Assessment Process.

Notwithstanding the motivation and views raised in the SSVR, the STR has identified a 'medium sensitivity rating' for this theme. The Competent Authority requires that the appointed specialist must consult the South African National Biodiversity Institute (SANBI) as indicted in the STR; and the procedure set out in the Protocol regarding the Medium Sensitivity Species of Conservation Concern Confirmation must be followed. Please note that—

- where SCC are found on site or have been confirmed to be likely present, a Terrestrial Plant Species Specialist Assessment must be submitted in accordance with the requirements specified for "very high" and "high" sensitivity in this protocol.
- similarly, where no SCC are found on site during the investigation or if the presence is confirmed to be unlikely, a Terrestrial Plant Species Compliance Statement must be submitted.

In addition to the above, the EAP/specialist must consult CapeNature in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Plant Species Theme.

7.7. Terrestrial Biodiversity Theme

The STR indicates that the sensitivity in terms of the Terrestrial Biodiversity Theme is '**very high**' and this sensitivity is confirmed by the Terrestrial Biodiversity Specialist for the delineated *Southern Afro temperate Forest* habitat; however, the STR indicates that the remainder of the proposed property identified for the site development has a 'low' sensitivity rating. It is motivated that due to the Site Development Plan being specifically designed to avoid the areas with a very high sensitivity rating, a Terrestrial Biodiversity Compliance Statement will be undertaken to inform the Basic Assessment process.

Notwithstanding the motivation; the view is held that by only undertaking a compliance statement, certain issues/impacts relevant to the this theme will not be assessed, such as any direct, indirect and cumulative impacts of the proposed development. It is recommended that a **Terrestrial Biodiversity Specialist Assessment** be undertaken.

The EAP/specialist must consult CapeNature in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies.

7.8. Combining specialist studies / reports:

It may be possible to combine an assessment report for the Terrestrial Biodiversity, Plant Species and Animal Species themes if the person undertaking the respective assessments can demonstrate that she/he complies with all the requirements for the respective Protocols. In such an instance, it must be ensured that the report addresses the all the minimum information requirements of all the relevant themes as specified in the respective protocols. Furthermore, the specialist must provide the necessary proof that he/she is appropriately registered with SACNASP for the respective Protocols.

Further to the above, where such an assessment will be undertaken, it is recommended that the assessments be undertaken at the level of the theme with the highest sensitivity rating.

8. Government Policies and Plans, Guidelines, Environmental Management Instruments:

You are advised that when undertaking the EIA process, it is the responsibility of the EAP and Specialists to take into account all the government policies and plans, guidelines, environmental management

instruments and other decision making instruments in respect of the application process or the kind of activity which will be the subject of the application, including the guidelines, information documents or circulars developed by this Department which include inter alia, the following:

- Circular EADP 0005/2022: EIA and related licensing services and supporting professional services after the withdrawal of the National Directions in response to the COVID-19 State of Disaster.
- Guideline for the Review of Specialist Input in the EIA process (June 2005).
- Guideline for Environmental Management Plans (June 2005).
- Guideline for determining the scope of specialist involvement in EIA processes, June 2005.
- Guideline for the review of specialist input in the EIA process, June 2005.
- Guideline for involving biodiversity specialists in the EIA process, June 2005.
- Guideline for involving hydrogeology specialists in the EIA process, June 2005.
- Guideline for involving visual and aesthetic specialists in the EIA process, June 2005.
- Guideline for involving heritage specialists in the EIA process, June 2005.
- Guideline for involving social assessment specialists in the EIA process, February 2007.
- Guideline for involving economists in the EIA process, June 2005.
- Western Cape Provincial Spatial Development Framework, November 2014 (as amended)
- Western Cape Land Use Planning Guidelines – Rural Areas, March 2019
- DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa (ISBN: 978-0-9802694-4-4)
- SANBI: *Species Environmental Assessment Guideline*

9. Public Participation

- 9.1. Please note that a public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken after the submission of the application form. You are however advised that a public participation may be undertaken prior to the submission of the application, although this is not mandatory. It is the Environmental Assessment Practitioner's discretion at what stage the requirements of Regulation 41 are met, whether during the proposed application (pre-application) process or formal application process. You are reminded that a period of at least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the BAR and EMPr.
- 9.2. In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014, any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. Please note that the EAP is responsible for such consultation. Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments in terms of Section 24O (2) and (3) of NEMA in the BAR, where appropriate.

However, the EAP should agree that where necessary the Competent Authority may consult such organs of state to obtain clarity on aspects of the application or comments provided.

- 9.3. Delivery of reports/documents must be done in a manner provided for in section 47D of the NEMA and the Directions: Provided that all registered I&APs have access to such facilities. Electronic versions of reports may be made accessible through any of the following non-exhaustive list of methods: websites, Zero Data Portals, community or traditional authorities, Cloud Based Services.
- 9.4. The timeframes regarding comment period must be specified. All potential interested and affected parties including I&APs and organs of state identified in Section 3 of the Public Participation plan, must be afforded a minimum of three (3) calendar days from date of notification before the 30-day commenting period on the Basic Assessment Report (Pre-Application or formal process report). However, where the third day falls on a Saturday, Sunday or public holiday, it must be extended to the end of the next day which is not a Saturday, Sunday or public holiday.
- 9.5. It must be possible to cross-reference the proposed delivery of documents to the preferences indicated in the I&AP Register.
- 9.6. Notwithstanding the above, please note the Basic Assessment Report (BAR) must comply with public participation process in terms of Regulation 32(1)(a)(aa) read together with Regulation 41. Proof of the requirements in accordance with Regulation 41 of the Environmental Impact Assessment Regulations, 2014 (as amended) ("EIA Regulations, 2014). In the event where

Regulation 41 has not been complied with during the pre-application phase it must be complied with during the application phase of the process.

- 9.7. This Directorate agrees to the proposed actions to conduct a public participation process provided that proof of all notifications must be submitted to this Directorate as part of the proof of public participation.

10. Access to site

It is noted that access to the proposed development would be directly off the N2 via an unnamed gravel road that services the existing Plett Puzzle Park and Jukani Wildlife Sanctuary tourist node. Due to the size and type of development proposed, this Directorate is concerned that the traffic dynamic will change significantly. Kindly ensure that input from South African Roads Limited Agency (SANRAL) is crucial in order to inform the type of intersection from the N2 which will serve the proposed and existing development.

11. Pre- Application Consultation

- 11.1. This Directorate notes that the EAP does not intend to have a pre-application consultation, it is however strongly recommended that such meeting be held prior to the EIA process being undertaken. Please note that this Directorate will endeavour to make officials available for a pre-application meeting, at any stage prior to the submission of the application, should this be required to provide further guidance and advice in terms of Regulation 8 on the process requirements and the administration of your application.

- 11.2. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application, which may be submitted to the Directorate.

No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested
- of the outcome of the application.

12. Relevant considerations applicable to the EIA process

12.1. Need & Desirability

In terms of the EIA Regulations, 2014, when considering an application, the Department must take into account a number of specific considerations including *inter alia* the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR/SR and EIAR. The BAR/SR and EIAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa (ISBN: 978-0-9802694-4-4).

12.2. Social and Gender Considerations

You are reminded that the social context of the proposed development must always be considered. This includes the impact that the development proposal may have on the prevalence of HIV/AIDS, Sexually Transmitted Infections ("STI") and Tuberculosis ("TB"), as well as equity and gender related concerns.

13. Need and Desirability

In terms of the NEMA EIA Regulations, when considering an application, the Department must take into account a number of specific considerations including *inter alia*, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department's Guideline on Need and Desirability (March 2013).

14. Synchronising applications in terms of other applicable legislation with the EIA process

Subsection 24C (11) of the National Environmental Management Act, 1998 (as amended) indicates that if both an environmental authorisation as well as a licence or permit in terms of any of the Specific Environmental Management Acts ("SEMA") is required, those applications must simultaneously be submitted 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.

14.1. National Water Act, Act No. 36 of 1998 ("NWA")

(Synchronisation of the WULA – EIA processes / applications)

This Directorate notes that you have indicated that a General Authorisation (GA) is required for the proposal and a water use license might be required for the boreholes. Please note that this must be confirmed by the Breede-Olifants Catchment Management Agency (BOCMA). Depending on what is determined by BOCMA, the following may apply:

- It is now a legal requirement to synchronise the EIA and WULA processes.
- Failure to do so may prejudice the success of the application. In addition to this, a final recommendation from the Breede Olifants Catchment Management Agency with regards to the desirability of the proposal, must also be submitted with the Basic Assessment report.

Please be reminded that all specialist reports submitted as part of the BAR (including those submitted for consideration and which also may form part of the WULA) must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations 2014.

14.2. National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA")

(Synchronisation of the HIA – EIA processes / applications)

Section 38 of the NHRA sets out the requirements regarding the integration of the decision-making processes with that of the EIA Regulations 2014, however, under the proviso that the necessary information is submitted and any comments and recommendations of the relevant heritage resources authority (HWC) with regard to such development have been provided and taken into account prior to the granting of the authorisation. Further to the above:

- An application for Environmental Authorisation, must include, where applicable, the investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act.
- Where Section 38 of the NHRA is triggered, the Standard Operating Procedure between Heritage Western Cape and this Department must be followed. If Section 38 is applicable to the proposed development, then the proponent/applicant is required to submit a Notice of Intent to Develop ("NID") to Heritage Western Cape and attach a copy to thereof to the EIA application form. If Heritage Western Cape requires a Heritage Impact Assessment, the Heritage Impact Assessment must be undertaken as one of the specialist studies of the EIA process to be undertaken in terms of the NEMA EIA Regulations, 2014.

15. All submissions must be made electronically via DEADPEIAAdmin.George@westerncape.gov.za and copied to the case officer Shireen.Pullen@westerncape.gov.za

16. Please note that the activity may not commence prior to an environmental authorisation being granted by this Department.

17. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding

R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

18. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

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HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

(reference: 16/3/3/6/7/1/d1/14/0397/24)

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