

REFERENCE: 16/3/3/6/7/1/D5/8/0132/24
SPECIFIC FEE REFERENCE: G-BA-EIA-K12
DATE OF ISSUE: 21 May 2024

The Managing Director
MAYBORN INVESTMENTS 20 (PTY) LTD
PO Box 88

TABLE VIEW
7439

Attention: Mr. Tjaart van der Walt

E-mail: rakel@mweb.co.za

Dear Sir

ACKNOWLEDGMENT AND COMMENT ON THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE PROPOSED DEVELOPMENT OF SIX GLAMPING PODS ON A PORTION OF THE REMIANDER OF PORTION 101 OF THE FARM ZWARTE JONGENSFONTEIN NO. 489, JONGENSFONTEIN

1. The abovementioned undated Notice of Intent ("NOI") compiled on your behalf by your appointed registered Environmental Assessment Practitioner ("EAP"), Ms. Louise-Mari van Zyl (EAPASA No: 2019/1444) of Cape Environmental Assessment Practitioners ("Cape EAPrac"), and received by this Department on 23 April 2024, refers.
2. This letter serves as acknowledgement of receipt of the abovementioned report on 23 April 2024.
3. The Directorate: Development Management (Region 3) ("this Directorate") has reviewed the information in the NOI and provides the following comment:

3.1. *The proposal*

According to the information included in the NOI proposal is for the development of six (6) glamping pods, each with one bedroom allowing a maximum of two guests. The proposed tourist accommodation facilities will be developed on a portion of the Remainder of Portion 101 of the Farm Zwarte Jongensfontein No. 489 ("the property") in Jongensfontein.

It is understood that access will be obtained via a 6m-wide main access off Boegspriet Road and the internal roads to each pod will be a maximum of 3m-wide. Potable water will be supplied from an existing borehole on the property, which will require the development of a rising water main to an existing reservoir / 10 kilolitre ("kl"). The borehole is located within 100m of the high-water mark of the sea and the proposed rising main will be placed north along Daytona Way and will follow the western boundary of the property. Furthermore, it is understood that sewage disposal will be by means of a small sewage treatment system at each pod.

3.2. *Process to obtain environmental authorisation*

Based on the information submitted to this Directorate a Basic Assessment process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered for authorisation. The onus is on the proponent / EAP to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.

3.3. *Pre-Application Consultation*

It is noted that the Environmental Assessment Practitioner ("EAP") requests a pre-application consultation meeting. It is the responsibility of you or your EAP to make the necessary arrangements for the meeting. Kindly note that virtual meetings via Microsoft Teams are preferred.

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

3.4. *Specific fee reference number*

The Department notes your "Request for a specific fee reference number". The following specific fee reference number **G-BA-EIA-K12** must be inserted into the Application Form and proof of payment of the application fee attached when the Application Form is submitted to the Department.

3.5. *Public Participation Process*

This Directorate notes the public participation steps as stipulated in the Public Participation Plan ("PP-plan") dated 8 April 2024, compiled by the EAP.

Notwithstanding the fact that an agreement regarding the proposed actions to conduct the public participation process is no longer a requirement, this Directorate has reviewed the PP-plan and notes that your EAP does not intend to conduct a pre-application process given the type of development and the outcome of the site sensitivity verification. This Directorate acknowledges that the pre-application process is a voluntary process, but strongly advises that a pre-application process be conducted.

Notwithstanding the above, the EAP is reminded that it must be ensured that Regulation 41 of the Environmental Impact Assessment, 2014 (Government Notice No. R. 982 of 4 December 2014, as amended) is complied with simultaneously during the pre-application phase (where relevant) or application phase or both.

3.6. *Screening Tool Report and Site Sensitivity Verification Reports*

In accordance with the applicable protocols or minimum information requirements, which have been published in the Government Gazette (i.e. Government Gazette No. 43110 of 20 March 2020 and Government Gazette No. 43855 of 30 October 2020) you are required to submit a site sensitivity verification report(s) which confirms or disputes the site sensitivities for each of the themes identified in the Screening Tool Report. Furthermore, the report(s) must include a motivation for the exclusion of any of the specialist assessments identified in the Screening Tool Report, which in the opinion of the EAP are not considered relevant or required.

The Department has reviewed the Site Sensitivity Verification Report ("SSVR") (Ref: HES838/03), dated 4 April 2024, compiled by the EAP. Please be reminded that where a protocol has been published for an identified theme, that the respective specialist reports must adhere to the

requirements of the protocol. Where a specific protocol has not been identified for a specialist study, such specialist study must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).

■ *Agricultural Theme*

According to the Screening Tool Report ("STR") submitted as Appendix D of the NOI the sensitivity rating for the Agricultural Theme is HIGH. However, the proposed site for the glamping pods will be within areas with LOW and MEDIUM sensitivity. In accordance with the protocol an Agricultural Compliance Statement is required to inform the assessment report. The EAP motivates that proposed pods will not have an impact on the agricultural resources or potential of the property since the proposed site (ca. 0.28ha in extent) is only a small percentage of the entire property which is 61ha in extent; and that the property is currently zoned Agriculture Zone II and will remain so since the proposed tourist accommodation facilities can be authorised as a consent use in terms of the Hessequa Municipality Zoning Scheme Bylaw. In light of the above the EAP is of the opinion that the Agricultural Theme is not applicable but since the protocol does not make provision for "not applicable" that the sensitivity rating is LOW. Furthermore, the EAP indicates that there are no reasonable grounds for any specialist study to confirm the Low sensitivity rating and that no agricultural study is deemed necessary.

However, the sensitivities in terms of the agricultural theme are based on the soil potential of the site and not the existing or the proposed use; and / or the extent of the site which will result in the loss of land. As such, this Directorate does not agree with the opinion of the EAP and specifies that an Agricultural Compliance Statement is undertaken to inform the assessment report. Furthermore, you are required to obtain written comment on this aspect from the Western Cape Government: Department of Agriculture – Land Use Management.

■ *Animal Species Theme*

The STR specifies a HIGH sensitivity rating for the Animal Species Theme. According to the SSVR a faunal specialist has confirmed the HIGH sensitivity for the property but have identified certain areas on the property where development can take place without impact on Species of Conservation Concern ("SCC") elsewhere on the site. Furthermore, according to the SSVR given the scale of the pods and the fact that the site is restricted to areas with MEDIUM sensitivity, the specialist confirmed a LOW sensitivity in terms of the Animal Species Theme. Therefore, this Directorate agrees that a Compliance Statement is compiled to inform the assessment report. The Compliance Statement must comply with the requirements stipulated in the Animal Species Protocol.

■ *Aquatic Biodiversity Theme*

The STR specifies a VERY HIGH sensitivity rating for the Aquatic Biodiversity Theme. However, according to the SSVR a specialist has inspected the property and confirmed that there is no evidence of a watercourse on the property and that the drainage lines that have been identified do not qualify in terms of the definition of a watercourse as per the National Water Act, Act 36 of 1998. The specialist therefore disputes the sensitivity rating of VERY HIGH and confirmed a LOW sensitivity in terms of the Aquatic Biodiversity Theme and indicated that a compliance statement is acceptable.

In light of the above, a compliance statement must be compiled to inform the assessment report.

■ *Archaeological and 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 it

is noted that Heritage Western Cape ("HWC") will be consulted. Where HWC requires further studies, the relevant report must comply with the minimum report requirements specified in Appendices 1 and 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).

■ *Civil Aviation Theme*

The SSVR does not report on the Civil Aviation Theme; however, in the NOI the EAP indicates that the proposed development 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 and indicates that the only reason the civil aviation theme is highlighted is due to the fact that the site falls within the FAR147: Overberg. According to the EAP no consultation with the South African Civil Aviation Authority ("SACAA") is therefore required.

In light of the above, this Directorate agrees with this finding but advises that the EAP consult the SACAA (% Ms. Lizell Stroh) at E-mail: Strohl@caa.co.za and / or Tel: (011) 545 1232 regarding the process to obtain comment from the aviation authority.

■ *Defence Theme*

The STR specifies a LOW sensitivity in terms of the Defence Theme. The SSVR disputes this finding and recommends that the recommended sensitivity should be considered as "NOT APPLICABLE" due to the fact that the proposal does not include structures / infrastructure that poses any threat to any military site(s) and that there are no defence or military sites in proximity to the study site.

Kindly note that the Defence Protocol does not specify a "NOT APPLICABLE" sensitivity. However, in accordance with the LOW sensitivity specified by the STR, no further studies are required.

■ *Plant Species Theme*

The STR specifies a MEDIUM sensitivity in terms of the Plant Species Theme, which was confirmed by the appointed specialist as there are SCC's present on the site. With reference to Section 4.6 of the Plant Species protocol, please be informed 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 the protocol. Please be reminded that a Terrestrial Plant Species Specialist Assessment must be undertaken by a specialist registered with the South African Council for Natural Scientific Professions (SACNASP) with a field of practice relevant to the taxonomic group ("taxa") for which the assessment is being undertaken.

■ *Terrestrial Biodiversity Theme*

The STR generated by the EAP does not specify the sensitivity rating of the Terrestrial Biodiversity Theme. However, the EAP assumes a sensitivity rating of VERY HIGH based on the botanical sensitivity of the site and indicated that a Terrestrial Biodiversity Impact Assessment will be compiled.

This Directorate has reviewed the information on the national web based environmental screening tool and can confirm that the Terrestrial Biodiversity Theme has a sensitivity rating of VERY HIGH for the proposed development on the site. Therefore, this Directorate agrees that a Terrestrial Biodiversity Assessment must be compiled to inform the assessment report.

■ *Combining specialist studies / reports*

Kindly note that it to combine the requirements of two or more protocols in a single report. However, 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 to undertake the specialist studies for the respective Protocols.

For example, it may be possible to combine an assessment report for the *Terrestrial Biodiversity and Plant Species* themes if the person undertaking the respective assessments can demonstrate that she/he complies with all the requirements for the respective Protocols.

3.7. Other relevant considerations

● *Need and Desirability of the proposal:*

The need and desirability of the proposed development must be adequately addressed in the BAR. In this regard, you are also advised to consider the principles of the Western Cape Land Use Planning Guidelines for Rural Areas, March 2019. Key considerations in terms of the above are the Spatial Planning Categories, Rural Accommodation and Tourist and Recreational Activities.

● *National Water Act, Act 36 of 1998:*

This Directorate notes that potable water for the proposed development will be obtained from an existing borehole on the property. It is understood that the borehole must still be registered in terms of the National Water Act, Act 36 of 1998 ("NWA"). Furthermore, it is understood that sewage will be disposed by means of individual small sewage treatment system at each pod.

In light of the above, you are required to consult with the Breede-Olifants Catchment Management Agency to determine whether any authorisation in terms of Section 21 of the NWA is required.

Please be advised that 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"*.

Please be advised that the EIA process and the Water Use Application process must be synchronised. You are reminded that if these processes are not properly aligned, the lack of synchronisation; omission of any reports/information; or delay as a result thereof, may prejudice the success of the application for environmental authorisation.

● *Western Cape Nature Conservation Laws Amendment Act, Act 3 of 2000:*

According to the STR there are a number of provincially protected species present on the property. In this regard, please be advised all species included in Schedules 3 and 4 of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) requires a permit prior to the removal of such species. Therefore, you are advised that such species may not be picked or removed without the relevant permit from CapeNature.

4. The Department will provide further input / comment on the proposal subsequent to pre-application meeting and submission of the requested information / documentation.
5. 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 Department.

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.

6. Please note that it is an offence in terms of Section 24F and 49A of the 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. 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.
7. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
8. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

pp **Francois Naudé**

Digitally signed by Francois Naudé
Date: 2024.05.21 09:31:47 +02'00'

HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/6/7/1/D5/8/0132/24

Copied to:

Cape EAPrac:

EAP: Ms. Louise-Mari van Zyl

E-mail: louise@cape-eaprac.co.za

REFERENCE: 16/3/3/1/D5/8/0017/25

DATE OF ISSUE: 3 September 2025

The Managing Director
MAYBORN INVESTMENTS 20 (PTY) LTD
PO Box 88

TABLE VIEW

7439

Attention: Mr. Tjaart van der Walt

E-mail: rakel@mweb.co.za

Dear Sir,

ACKNOWLEDGMENT OF RECEIPT OF THE APPLICATION FORM FOR BASIC ASSESSMENT IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, FOR THE PROPOSED DEVELOPMENT OF SIX GLAMPING PODS ON A PORTION OF THE REMAINDER OF PORTION 101 OF THE FARM ZWARTE JONGERS FONTEIN NO. 489, JONGENSFONTEIN

1. The application form dated 20 August 2025 compiled on your behalf by your appointed registered Environmental Assessment Practitioner ("EAP"), Ms. Louise-Mari van Zyl (EAPASA No: 2019/1444) and assisted by Ms. Mariska Byleveld (EAPASA No: 2023/6593) of *Cape Environmental Assessment Practitioners* ("Cape EAPrac"), as received by the Department on 27 August 2025, refers.
2. The application form appears to be in order in accordance with regulation 16. This letter serves as acknowledgment of receipt of the aforementioned document by this Directorate on **27 August 2025**.
3. The appointed Environmental Assessment Practitioner ("EAP") must manage all aspects of the application and ensure compliance with the Environmental Impact Assessment Regulations, 2014 (Government Notice No. R.982 of 4 December 2014, as amended) ("EIA Regulations, 2014") to compile and submit the Basic Assessment Report ("BAR") to the competent authority for decision-making.
4. **BAR Requirements**
The BAR must contain all the information outlined in Appendix 1 of the Environmental Impact Assessment Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014, as amended) ("EIA Regulations, 2014") and must also include and address any information requested in any previous correspondence in respect of this matter. Case Ref: 16/3/3/6/7/1/D5/8/0132/24 refers in this regard.

In accordance with Regulation 19 of the EIA Regulations, 2014, the Department hereby stipulates that the BAR (which has been subjected to public participation) must be submitted to this Department for decision within **90 days** from the date of receipt of the application by the Department. If however, significant changes have been made, or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt

of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.

If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of Government Notice Regulation No. 982 of 4 December 2014, and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted.

5. *Consideration of relevant Guidelines and plans*

Please advise your EAP to consider all the applicable guidelines and plans, including the guidelines developed by the Department.

6. *Applicable listed activities*

Please be reminded that 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.

7. *Public Participation Process*

This Directorate is aware that the EAP followed a pre-application public participation process. Therefore, proof of compliance with Regulation 41 of the EIA Regulations, 2014 must be included in the BAR. In the event where the requirements of Regulation 41 have not been complied with simultaneously, the EAP is advised to do so during the application phase of the process.

8. Please note that it is an offence in terms of Section 24F and 49A of the 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. 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.

9. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.

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

Yours faithfully

pp **Francois Naudé** Digitally signed by Francois Naudé
Date: 2025.09.03 14:43:43 +02'00'

HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/1/D5/8/0017/25

Copied to:

Cape Environmental Assessment Practitioners

(1) EAP: Ms. Louise-Mari van Zyl

(2) Candidate EAP: Ms. Mariska Byleveld

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