


COMMENTS AND RESPONSE REPORT

THE PROPOSED EXPANSION OF MILKWOOD MANOR HOUSE AND PARKING ON ERF 10190, REMAINDER OF ERF 2066 AND REMAINDER OF ERF 706, PLETTENBERG BAY, WESTERN CAPE

PRE-APPLICATION BAR COMMENTS			
COMMENT	NAME/ORGANISATION	RESPONSE	#
1. The pre-application Basic Assessment Report (Ref: MLKW/EXP/PB/06/24) dated 5 September 2024 compiled on your behalf by your appointed registered Environmental Assessment Practitioner ("EAP"), Mr. Michael Bennett (EAPASA No: 2021/3163) and assisted by Candidate EAP, Ms. Lu-Anne de Waal (EAPASA No: 2024/7962) of Sharples Environmental Services cc, as received by the Directorate: Development Management (Region 3) ("this Directorate") on 12 September 2024, refers.	Steve Kleinhans Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 3.		1
2. The Directorate: Development Management (Region 3) ("this Directorate") has reviewed the pre-application Basic Assessment Report ("pBAR") and provides the following comment: 2.1. BAR Requirements The BAR must contain all the information outlined in Appendix 1 of the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") (Government Notice No. R. 982 of 4 December 2014, as amended) and must also include the information requested in this letter. Omission of any of the said information may result in the application for Environmental Authorisation being refused. In this regard, please note the following: Relevant listed activities The National Environmental Management: Integrated Coastal Management Act, Act 24 of 2008, as amended ("NEM: ICMA") defines the littoral active zone ("LAZ") as any land forming part of, or adjacent to, the seashore that is— a) unstable and dynamic as a result of natural processes; and	16 October 2024	<p>We do understand the apprehension for the placement of the showers in the LAZ, however when looking at the proposed area holistically and taking the images below of the site into consideration one can conclude that the location of the site is in fact located in a wind shadow created by the surrounding landscape and structure. Deposition of sand mainly occurs at this location so instead of erosion it is likely there will be more of a maintenance requirement to keep the shower deck clear of sand periodically.</p> 	2

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b) characterised by dunes, beaches, sand bars and other landforms composed of unconsolidated sand, pebbles or other such material which is either unvegetated or only partially vegetated.

With due consideration of the above, this Directorate is of the considered view that the proposed beach shower deck will be located in the LAZ. Therefore, the placement of the proposed shower deck will prevent the free movement of sand within the LAZ. The information provided in the pBAR suggests that the proposed shower deck will exceed 10m². Therefore, you are advised to consider the inclusion of EIA Regulations, 2014 Listing Notice 1 (Government Notice No. R. 983 of 4 December 2014, as amended) Activity No. 18 in the application for environmental authorisation.

Furthermore, the development footprint of the proposed shower deck has not been provided and it is unclear whether the footprint will exceed 50m² in extent. You are therefore advised to consider the inclusion of Listing Notice 1 Activity No. 17 in the application for environmental authorisation.


The applicability of Listing Notice 1 Activity No. 15 must be reconsidered. In this regard, please be advised that the composition of coastal public property has been defined in Section 7 of NEM: ICMA as consisting of –

- (a) coastal waters;
- (b) land submerged by coastal waters, including—
 - (i) land flooded by coastal waters which subsequently becomes part of the bed of coastal waters; and
 - (ii) the substrata beneath such land;
- (c) any natural island within coastal waters;



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<p>(d) the seashore, including— (i) the seashore of a natural or reclaimed island; and (ii) the seashore of reclaimed land; (e) subject to section 66A of NEM: ICMA, any admiralty reserve owned by the State; (f) any land owned or controlled by the State declared under section 8 to be coastal public property; (g) land reclaimed in terms of section 7C of NEM: ICMA; or (h) any natural resources on or in any coastal public property of a category mentioned in paragraphs (a) to (g).</p> <p>Please be reminded that the onus is on the applicant / proponent to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.</p>		 <p>Due to other negative comments relating to the beach shower and ablution block the preferred alternative has been revised to exclude these public amenities, these amenities are still present on the alternative layout.</p> <p>The applicable listed activities have been revised to include Activity 17 from listing notice 1, Activity 15 was already included as an applicable listed activity and Activity 18 has been included, however it will only be relevant if Alternative B is authorised.</p>	
<p>2.2. Coastal aspects Garden Route Coastal Management Lines, 2018 The project on the delineation of the Coastal Management Lines for the Eden District (Garden Route District), was commissioned in 2016 to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The principal purpose of the Coastal Management Line ("CML") is to protect coastal public property ("CPP"), private property and public safety, to protect the coastal protection zone ("CPZ"), and to preserve the aesthetic value of the coastal zone. The use of CML's is of importance in response to the effects of</p>		<p>The proposed beach shower location is just located on the CML and will not compromise the CPZ goals. Additionally, it will be far safer for the public to queue and use a beach shower located just on the beach instead of in the car park which could prove dangerous for the families waiting to use the shower. Motorists will be trying to find parking and could be distracted instead of keeping a keen eye out for kids running around. We believe it is in the public's safety to keep the beach shower away from the carpark. Thus, in terms of social impacts, the shower on the beach will be very high positive impact. In terms of the worst-case scenario where the shower deck does get damaged by the rough seas it will simply be a case of removing, repairing and/or rebuilding of the decking if necessary. This in our</p>	<p>3</p>

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<p>climate change, as it involves both a quantification of risks and pro-active planning for future for future development.</p> <p>An analysis of the data from this project indicates that the proposed new shower deck located seaward of the CML and CPZ, while the remainder of the proposed development is located landward of the CML but seaward of the CPZ. In this regard, please be informed of the purpose of the CPZ in accordance with Section 17 the NEM: ICMA, being:</p> <p>The CPZ is established for enabling the use of land that is adjacent to coastal public property or that plays a significant role in a coastal ecosystem to be managed, regulated or restricted in order to –</p> <ul style="list-style-type: none"> (a) protect the ecological integrity, natural character and the economic, social and aesthetic value of coastal public property; (b) avoid increasing the effect or severity of natural hazards in the coastal zone; (c) protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise; (d) maintain the natural functioning of the littoral active zone; (e) maintain the productive capacity of the coastal zone by protecting the ecological integrity of the coastal environment; and (f) make land near the seashore available to organs of state and other authorised persons for - <ul style="list-style-type: none"> (i) performing rescue operations; or (ii) temporarily depositing objects and materials washed up by coastal waters. 		<p>opinion is preferable over having the shower in the parking area which reduces parking, is dangerous to mix parking with a shower area and would also require more engineering measures to ensure the water drains away efficiently in the parking area whereas on the beach it will be free draining.</p> <p>Due to other negative comments relating to the beach shower and ablution block the preferred alternative has been revised to exclude these public amenities, these amenities are still present on the alternative layout.</p>	
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<p>This Directorate is aware that the site and surrounding areas were significantly impacted by a storm event and movement of the river mouth during 2007/2008 which resulted in loss of property at Milkwood Manor. A rock revetment was subsequently constructed around the restaurant to protect the facility from similar event. According to the Coastal Engineering Assessment (Ref: AFP240047-PR-MILKWOOD-R00; Date: 1 August 2024) undertaken by PRDW Consulting Port and Coastal Engineers, the location of the mouth may be considered as being in a state of dynamic equilibrium as a function of fluvial flooding, prevailing sea level and ocean storm events. It is therefore expected that the conditions which led to the need to construct the revetment in 2007/08 is expected to occur in the future.</p> <p>With due consideration of the above, it is advised that an alternative location, landward of the CML and outside the LAZ for the proposed shower deck be identified and comparatively assessed in the BAR.</p>			
<p>2.3. Designs of the proposed expansion to Milkwood Manor House</p> <p>This Directorate notes the designs of the proposed expansion of the Milkwood Manor House as included in Appendix B1 of the pBAR. It is noted that the proposed expansion is limited to the area inside the revetment. The findings of the coastal assessment indicate that sea level rise, higher flooding levels and increased wave heights on the seaward will impact on the seaward portion of the revetment with resultant higher levels of overtopping and flooding behind the revetment.</p> <p>However, "NEW EXTENSION 1" and "NEW EXTENSION 9" are located close to the revetment with limited space</p>		<p>As seen from Alternative B of Appendix B (the initial layout assessed) it was proposed to expand up to the building line in the eastern extent of the site. Guidance was provided by the Coastal Engineer to the Developer to set the expansion in those areas back and as such the preferred Alternative was developed to the satisfaction of the Coastal Engineer. Additional mitigation recommended by the Engineer which was incorporated into the Preferred Alternative: <i>"To address the future impact of climate change, additional measures have been taken to increase the floor levels for any new developments and setback buildings from the southern boundary to accommodate increased overtopping such that any direct wave loading is avoided."</i></p>	<p>4</p>

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<p>between the new extension and the revetment for any emergency measures should the need arise. Furthermore, no space is being allowed for any future maintenance work on the revetment unless access is obtained via the beach side of the revetment.</p> <p>In light of the above, you are advised to consider a setback further away from the revetment. Should this not be possible, an alternative which omits "NEW EXTENSION 1" and "NEW EXTENSION 9" should be considered in the BAR.</p> <p>Furthermore, this Directorate notes the proposed new raised reception and bar on the western side to the existing building. Furthermore, it is understood that a timber deck was constructed on the rock revetment which encroaches onto the Remainder of Erf 706 (Re/706), which is owned by the Bitou Municipality. While it is understood that the existing deck on Re/706 will be removed, it is unclear whether the deck required environmental authorisation as the development footprint of the deck has not been provided. As such, you are required to provide this Directorate with the details of the existing deck as well as the timeline the deck was developed.</p>		<p>Please refer to the MMP attached as part of this proposal. Maintenance will only be undertaken after a damaging event, so no access is required to that point during an event.</p> <p>Like many areas along coastlines around the world, when high seas events occur, the residents or guests will be evacuated to a safe area. This is possible because the parking area is on the landward side of the development.</p> <p>In November of 2010 an EA was granted for the construction of a 5m x 7m and 12m x 8m deck and boma located on Erf 10190 and a section of municipal property that was leased to the owner.</p> <p>The wooden deck on Erf 706 will be removed as it is not part of the design and will be removed as part of the renovation process. The current deck and boma was approved in 2010 and is attached to the DBAR as Appendix E23 along with other existing approvals.</p>	
<p>Access to the beach</p> <p>According to the MMP access to the revetment shall be gained by constructing a temporary track over the rock revetment. This implies that earthmoving vehicles will access the revetment via the beach. In this regard, please be advised that in terms of Regulations 2(1) of the Control of use of vehicles in the coastal area Regulations (Government Notice No. R. 496 of 27 June 2014) no person may use a vehicle in the coastal area unless that use –</p> <p>(a) is a permissible use under Regulation 3;</p>		<p>The NEM:ICMA Control of use of vehicles in the coastal areas Government Notice and the permit form is attached to the MMP.</p>	<p>5</p>

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<p>(b) is authorised in terms of a permit granted under Regulations 4; (c) is authorised in terms of an exemption granted under Regulation 16; or (d) is lawful in terms of Regulation 18</p> <p>It is acknowledged that the MMP specifies that the relevant permissions pertaining to beach access must be obtained. However, it is strongly advised that the details of the relevant Department and the relevant application form for the permit, or any other application forms be included in the MMP.</p>			
<p>Monitoring and reporting The monitoring and reporting included in Section 14 of the MMP is considered to be inadequate. In this regard, the MMP must specify reporting to the relevant authorities. Reporting must include, but is not limited to: seven calendar days' notice of commencement of maintenance activities, including proof that the necessary permits to undertake the maintenance have been obtained; and specify when monitoring reports must be submitted to the relevant authorities.</p>		<p>Thank you for the comments. Section 14 has been revised to include these recommendations.</p>	6
<p>Existing authorisation(s) This Directorate is aware that an authorisation in terms of Section 24G of the National Environmental Management Act, Act 107 of 1998, as amended ("NEMA") has been issued by this Department. Therefore, you are required to attach all authorisations that have been issued in respect of the rock revetment to the MMP.</p>		<p>All existing authorizations have been attached (Appendix E23)</p>	7
<p>Geospatial data Please be advised that you are required to provide this Directorate with the geospatial data of the proposed development. The accepted formats for such data include Keyhole Markup Language (.kml), Zip-compressed</p>		<p>Black Sable Architects produced KMZ files for alternative A and Alternative B. Those are attached to the BAR as Appendix M1 and Appendix M2.</p>	8

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<p>Keyhole Markup Language (.kmz) and Shapefiles (.shp). The data must be included with the application for environmental authorisation.</p>		<p>SES simplified the KMZ files provided to only include the proposed new footprint and parking layout. Those are Attached as Appendix M3 and Appendix M4.</p>	
<p>Government Policies and Plans, Guidelines, Environmental Management Instruments:</p> <p>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:</p> <p>Circular 0004/2021: The Consideration of Coastal Risk in Land Use Decisions as well as the way forward with respect to the establishment and implementation of Coastal Management Lines in terms of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 Of 2008) ("NEM: ICMA").</p> <p>Guideline for Environmental Management Plans (June 2005).</p> <p>Guideline for determining the scope of specialist involvement in EIA processes, June 2005.</p> <p>Guideline for involving biodiversity specialists in the EIA process, June 2005.</p> <p>Guideline for involving hydrogeology specialists in the EIA process, June 2005.</p> <p>Guideline for environmental management plans, June 2005.</p> <p>Guideline for involving visual and aesthetic specialists in the EIA process, June 2005.</p> <p>Guideline for involving heritage specialists in the EIA process, June 2005.</p>		<p>Thank you, the list of guidelines in the BAR has been updated.</p>	<p>9</p>

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<p>Guideline for involving social assessment specialists in the EIA process, February 2007.</p> <p>Guideline for involving economists in the EIA process, June 2005.</p> <p>Western Cape Provincial Spatial Development Framework, November 2014 (as amended)</p> <p>DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa (ISBN: 978-0-9802694-4-4)</p>			
<p>3. 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.</p> <p>No information provided, views expressed and/or comments made by officials during the preapplication 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.</p>		This is noted.	10
<p>4. Please note that a listed activity may not commence prior to an environmental authorisation being granted by the Department. It is an offence in terms of Section 49A of the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("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.</p>		This is noted.	11
<p>5. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.</p>		Thank you for the reference number.	12

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6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.		This is noted.	13
COMMENT	NAME/ORGANISATION	RESPONSE	
<p>Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 12 September 2024, refers.</p> <p>1. CONTEXT</p> <p>1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations".</p>	<p>Mercia Liddle</p> <p>Department of Environmental Affairs and Development Planning Biodiversity and Coastal Management</p> <p>16 October 2024</p>		14
<p>1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The Western Cape Provincial Coastal Management Programme ("WC: PCMP 2022-2027) is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. This WC: PCMP 2022-2027 was adopted by the Provincial MEC for Local Government,</p>			15

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Environmental Affairs and Development Planning on 19 May 2023 and may be viewed at Western Cape PCMP 2022-2027.			
1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans. Both draft and approved plans may be viewed at DEA&DP: Coastal Management.			16
1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available on the Departmental website at DEA&DP: Coastal Management.			17
2.1 The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary: 2.1.1. The applicant is proposing to expand the Milkwood Manor Guest House and both public and private parking areas on Erf 10190, Remainder of Erf 2066 and Remainder of Erf 706. The proposed expansion will entail the:		2.1.1. This is correct. 2.1.1.1. This may change 2.1.1.2. This is correct 2.1.1.3. This is correct 2.1.1.4. This is correct 2.1.1.5. This aspect of the project is no longer included in Alternative A, but remains in Alternative B. 2.1.1.6. This aspect of the project is no longer included in Alternative A, but remains in Alternative B.	18

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<p>2.1.1.1. Expansion of the Milkwood Manor Guest House by adding 10 new rooms</p> <p>2.1.1.2. Upgrading of the restaurant, bar, lounge area and spa of the guest house</p> <p>2.1.1.3. Expansion of the hotel parking by adding 5 new parking bays</p> <p>2.1.1.4. Expansion of the public parking by adding 27 new parking bays</p> <p>2.1.1.5. Construction of a new public beach shower east of the parking on Erf RE/2066</p> <p>2.1.1.6. Construction of a new public ablution block next to the existing pump station</p> <p>2.1.1.7. Removal of the existing deck on the rock revetment</p> <p>2.1.1.8. Adding of new landscape</p> <p>2.1.1.9. Construction of a new pergola and deck</p> <p>2.1.1.10. Construction of a new bus stop and drop-off area</p> <p>2.1.1.11. Implementation of new stormwater management measures</p>		<p>2.1.1.7. This is correct.</p> <p>2.1.1.8. This is correct</p> <p>2.1.1.9. This is correct</p> <p>2.1.1.10 This aspect of the project is no longer included in Alternative A, but remains in Alternative B.</p> <p>2.1.1.11. This is correct</p>	
<p>2.1.2. It is also noted that an application was made by Planning Space and Town Planners to relax the southern boundary building line of 4m to 0m in order to create an enclosed service area to contain service infrastructure such as water tanks, refuse storage, a generator room and a delivery area which is presently located in the municipal parking area.</p>		<p>This is correct</p>	<p>19</p>
<p>2.1.3. The SD: CM notes that land consent was required for the construction of additional parking on Erf 706 and a letter from the Western Cape Department of Agriculture Land Reform and Rural Development: Office of Surveyor-General dated 30 May 2024 confirmed that the open space may be used for public parking. Land consent was also obtained from the Bitou Municipality to construct additional parking bays on Erf RE/2066.</p>		<p>This is correct.</p>	<p>20</p>

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<p>2.1.4. The applicant accurately identified all critical biodiversity and ecological support areas on the subject erven in accordance with the Western Cape Biodiversity Spatial Plan (2017) and also indicated that the subject area falls partially within the Keurbooms River Nature Reserve Seagull Colony.</p>			21
<p>2.1.5. Be advised that Erf 10190, Remainder of Erf 2066 and Remainder of Erf 706 are all located within the Coastal Protection Zone ("CPZ") as defined in Section 16 of the NEM: ICMA and the purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. Due to the subject property's location within the CPZ, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 should be considered by local authorities for land use decision making.</p>			22
<p>2.1.6. In Appendix A2 (Coastal Risk Lines) the applicant identified the subject properties in relation to erosion risk lines. In terms of coastal risk modelling commissioned by the SD: CM, Erf 10190 is located landward of the Garden Route District coastal management line ("CML") and is also a development island. Erven RE/2066 and RE/706 fall partially seaward of the CML (see Figure 1 below). The technical delineation of the CML was to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The CML was informed by various layers of information including biodiversity, estuarine functionality, risk flooding, wave run-up</p>			

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<p>modelling, zoning, inter alia and was delineated in conjunction with and supported by other organs of state including Local and District municipalities as well as CapeNature and all other organs of state represented on the steering committee for the Garden Route District CML project. The principal purpose of the CML is to protect coastal public property, private property, and public safety; to protect the coastal protection zone; and to preserve the aesthetic value of the coastal zone. The use of CMLs is of particular importance in response to the effects of climate change, as it involves both the quantification of risks and pro-active planning for future development.</p>			
<p>2.1.7. Be advised that a development island is considered outside or landward of the CML in order to recognise existing development rights. In this regard, all the proposed activities within the boundaries of Erf 10190 falls within the development island and thus landward of the CML. Furthermore, all proposed activities directly south of Erf 10190 are also considered landward of the CML (see Figure 1 below). However, it must be noted that the development islands is to limit the enhancement of existing development rights and/or the expansion of development within these development islands in order to reduce risk of human life and properties as a result of coastal processes and impacts of climate change.</p>		<p>Thank you for information.</p>	<p>23</p>

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Figure 1 depicting the proposed property in relation to the CML as well as the development island around Erf 10190

2.1.8. Although the proposed expansions to the Milkwood Manor Guest House fall within the development island, the SD: CM is concerned that with the relaxation of the building line from 4m to 0m, may result in an insufficient buffer to absorb the effects of coastal processes. Although the applicant made reference to a flood event in 2007 that lead to the need to construct a rock revetment during 2007/2008, and the applicant also alluded to the fact that the subject area may be subject to more flooding events in the distant future, this particular proposal was not considered in the context of all the recent storm events (September 2023 and June/July2024). The applicant also did not demonstrate how the subject area was affected by these events.

On the southern boundary of the property (the parking area) the relaxation of the building line will not increase the risks associated with coastal processes as it is located on the parking side of the property and is protected by the existing building, additionally, even with the building line being relaxed to 0m there is still a substantial rock revetment buffer between the proposed expansion and estuary as shown in the Figure below. The expansion proposed in the east of the property is within the current building lines and once implemented will also maintain a rock revetment buffer between it and any coastal processes. This expansion in the east is however not listed and therefore this could be undertaken without Environmental Authorisation.

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The Site Photos in Appendix C consist of Photos taken with our phones on 7 June 2024 and drone photos taken on 16 April 2024. No storm damage was noted although the car park was notably wet after the rains.

Additional Photos of Milkwood Manor were Taken on 29 October 2024 and have been added to Appendix C.

As seen from the photos presented in Appendix C, at no stage during the recent storms has the revetment wall been compromised in even the slightest way in fact if anything the sand levels have increased on the Eastern side of the property and dune vegetation continues to be re-established.

The locality of the property is fully understood by the applicant as repairs are extremely costly and disruptive to business. The following mitigation measures recommended by the Coastal Engineer have already been incorporated into the designs:

2.1.9. Notwithstanding the position of the CML, it must be noted that the position of the property at the mouth of an estuary renders it vulnerable to both coastal processes such as wave run-up and coastal erosion but also from impacts from inland flooding. This has been observed by

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<p>the increase in frequency and magnitude of storm and flood events along the coast and estuaries as a result of impacts of climate change. It is therefore advised that caution be applied in considering any additions to the existing building.</p>		<ul style="list-style-type: none"> • Periodic maintenance of the rock revetment should be carried out to ensure that any settlement, displacement or weathering of the material is addressed. – MMP attached to the BAR • To address the future impact of climate change, additional measures have been taken to increase the floor levels for any new developments and setback buildings from the southern boundary to accommodate increased overtopping such that any direct wave loading is avoided. - Incorporated into upgrades designs • All open areas are to be designed to drain away from the buildings and parking areas back into the estuary. - Incorporated into upgrades designs <p>Taking this into account the upgrades to the exiting building will increase its resilience to climate change.</p>	
<p>2.1.10. The proposal has also not been considered in the context of any Disaster Risk Management Plan on a municipal or district level. Due to the subject area's proximity to the coast and estuary it would be crucial to consider this information. Figure 3 below shows the extent of the impact of the 2007 Storm event on the subject area and it is clear that flooding and wave impact are issues of concern in is this area along with a migrating estuary mouth and coastal processes. In this regard the applicant is advised to consider appropriate coastal buffers in their design proposal to address issues with potential coastal flooding and damages associated with sea-level rise.</p>		<p>Table 2.3.1: POTENTIAL IMPACTS FROM POTENTIAL SEA-LEVEL RISE, of the Bitou Municipality Disaster Risk Assessment 2019 indicates that: In terms of potential economic impacts:</p> <ul style="list-style-type: none"> • Increased vulnerability of coastal informal settlements, private property and industry. It can limit access and recreation; <ul style="list-style-type: none"> ◦ The proposal will help combat this potential impact as measures are proposed to make the facility more resilient to sea-level rise by raising the floors of the facility and by creating more parking. Alternative B will additionally create a bus drop-off area, public ablutions and decked access to the beach with beach showers and bins. • A decline in property and tourism investment will be accompanied by outmigration from the affected zones. The combined effect will be reduced ability to raise rates from the affected area, and the need to cross-subsidies fiscal investment from other regions 	<p>26</p>

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Figure 2 showing the impact of the 2007 Storm event on the Milkwood Manor

2.1.11. In terms of the location of the proposed wooden deck and public showers, although this would be a public benefit, recent storm events have shown how destructive these storm events can be especially to wooden decks. The September 2023 coastal storm surge destroyed the wooden decking of the Ficks Pool restaurant in Hermanus despite the location of the restaurant within in a sheltered bay as well its very elevated position – see Figure 2 below. As such, in terms of public safety, the SD: CM does not support any such infrastructure. There is also no clarity as to who will be liable for such infrastructure since it is proposed to be located on CPP.

- The proposal will help combat this potential impact as the applicant investing in the tourism facility
- In terms of potential social impacts:
- Job losses
 - Which would eventually translate to the deepening poverty
 - The proposal will create temporary and permanent jobs and be a source of livelihoods.

We do not believe that the proposed wooden deck and shower would place public safety at risk, we do not argue that a storm surge could in fact wash the structure up onto the car park however in such an event there will in all likely hood not be anyone making use of the facility, the destruction would carry a financial burden either on the developer or municipality to repair the facility or at the very least remove the demolished structure.

Additionally, it will be far safer, more logical and convenient for the public to que and use a beach shower located just on the beach instead of in the car park which could prove dangerous for the families waiting to use the shower. Motorists will be trying to find parking and could be distracted instead of keeping a keen eye out for kids running around. We believe it's in the public's safety to keep the beach shower away from the carpark.

Due to other negative comments relating to the beach shower and ablution block the preferred alternative has been revised to exclude

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Figure 3 depicting the damage of the September 2023 storm event with the wooden decks, furniture and balustrade completely destroyed

2.1.12. The proposed wooden deck and public showers seems to be located within the littoral active zone ('LAZ'). Any activities within this area that does not support natural coastal processes may result in erosion. The NEM: ICMA regards the LAZ to be a dynamic system where the free movement of sand must not be interfered with. It is essential that the competent authority not only considers the impact(s) the proposal and its associated activities will have on the receiving environment, but also the impact(s) that environment, including dynamic coastal processes would have on the proposed wooden deck and public showers.

these public amenities, these amenities are still present on the alternative layout.

We do understand the apprehension for the placement of the showers in the LAZ, however when looking at the proposed area holistically and taking the images below of the site into consideration one can conclude that the location of the site is in fact located in a wind shadow created by the surrounding landscape and structure. Deposition of sand mainly occurs at this location so instead of erosion there will be more of a maintenance requirement to keep the shower deck clear of sand periodically.

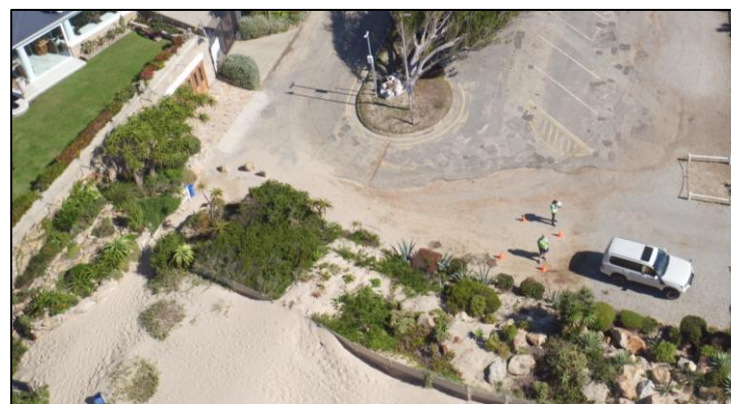
Additional, as mentioned in our previous response, the LAZ will not be compromised, and the public will be far safer showering on the beach instead of in the carpark.

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Due to other negative comments relating to the beach shower and ablution block the preferred alternative has been revised to exclude these public amenities, these amenities are still present on the alternative layout.

2.1.13. In terms of the Departmental Circular, DEA&DP 0004/2021, regarding 'The consideration of coastal risk in

Maintaining coastal quality:

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<p>land use decisions as well as the way forward with respect to the establishment and implementation of Coastal Management Lines in terms of the NEM: ICMA', a precautionary approach must be adopted with respect to land use decisions within coastal risk areas. The Circular also suggests that development parameters be considered for development within general risk areas. This includes maintaining coastal quality; reducing public liability; reducing risk to human life; preventing intensification of development in general risk areas but allow the exercising of existing rights; prevention of encroachment that will impact the integrity of the shoreline ecology; and enables safe evacuation in an emergency.</p>		<p>We do not see any obvious links between the proposed upgrades, that could compromise coastal quality.</p> <p><u>Reducing public liability:</u> We do not see any obvious links between the proposed upgrades, that could increase potential public liability. There are negligible risks associated with a damaged shower deck after storm damage however this can be easily mitigated by demarcating the area until the structure is made safe/repaired.</p> <p><u>Reducing risk to human life:</u> The proposal will neither increase nor reduce the risk to human life. One must also acknowledge that over the last 15 years of climate change there has been no loss of life to guests or staff at the Milkwood manor due to climate change. However, in that time an enormous contribution to the social and economic well being of the staff at the Milkwood manor has been made. In other words, the risk has been well worth it. Rather than have no trade a Milkwood Manor due to the threat of high seas and floods the people running the establishment have learned to adapt to the potential risks and have continued to do business and maintain livelihoods.</p> <p><u>Preventing intensification of development in general risk areas but allow the exercising of existing rights:</u> The proposal will not intensify development as the existing development footprint will mainly be utilised for the upgrades, apart from the proposed expansion on the landward side of the property and the additional public amenities proposed in the form of additional parking, bus drop off area and beach showers to uplift the public beach experience.</p> <p><u>Prevention of encroachment that will impact the integrity of the shoreline ecology:</u></p>
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		<p>Apart from the proposed beach shower on coastal public property which will disturb the sand deposition dune and small amount of vegetation the rest of the development will not impact on shoreline ecology. The showers, even with the minor impact on a dynamic and resilient system, will be a great asset to the public and tourist who make use of the beach.</p> <p><u>Enables safe evacuation in an emergency</u> No part of the proposed upgrades will reduce the ability for safe emergency evacuation. One must also take into account, if/when such an event occurs the beach will not be packed with beach goers as bad weather results in empty beaches as the conditions are not favourable for swimming or tanning</p>	
<p>2.1.14. Although the rock revetment was constructed during 2007/2008, the applicant must be reminded that the erection of any protection measures against erosion or accretion is prohibited in terms of Section 15 of the NEM: ICMA, which states:</p> <p>(1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person;</p> <p>(2) No person may construct, maintain or extent any structure, or take measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the NEMA or any other specific environmental management Act.</p>		<p>This is clearly understood, therefore an MMP has been compiled in accordance with the NEMA EIA regulations in the event that maintenance to the revetment is required. This will only be undertaken as a last resort measure due to the potential loss of livelihoods of the employees should the building be damaged in such a way that business cannot continue. The costs associated with maintaining the revetment is also a huge driving factor as to why this will only be undertaken if/when completely necessary to protect these livelihoods.</p>	30


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As such, any measures proposed to counter the processes of erosion or accretion may only occur within the boundaries of the subject property. Erosion protection or bank stabilisation should only be considered in exceptional circumstances where such measures are in the interest of the whole community (which includes fauna and flora).			
2.1.15. Furthermore, with respect to the location of the subject property, the applicant must be informed of risk pertaining to the loss of property should the high-water mark of the sea move inland of the property boundary. In this regard, Section 14 of the NEM: ICMA and the Advisory Note from the Office of the Chief Surveyor-General, dated 15 October 2021, is applicable.		This risk is understood by the applicant and the insurer is happy to ensure.	31
2.1.16. The SD: CM supports the proposed expansion of the public parking bays as well as the proposed bus stop/drop off area as they align to the Western Cape Provincial Coastal Access Strategy and Plan (2017) as well as Priority Area 3 of the Western Cape PCMP 2022 2027, provided that the parking bays are in the interest of the whole community and not for the exclusive use of guests of the Milkwood Manor Guest House. Also, clarity is needed as to who will maintain the parking area in the long-term as this area will be subject to impacts from coastal processes.		<p>The parking area will remain the property of the municipality and as such the maintenance requirements shall be the responsibility of the municipality. The Applicant has however also indicated that Milkwood Manor will likely do the cleaning and maintaining but this will be done out of interest for our guests experience and not obligation. This will include the cleaning of the new ablution block and beach shower.</p> <p>This will therefore also benefit the public that make use of the public amenities.</p> <p>Due to other negative comments relating to the beach shower and ablution block the preferred alternative has been revised to exclude these public amenities, these amenities are still present on the alternative layout.</p>	32
2.1.17. Be advised that the entire subject area is located in the estuarine functional zone ('EFZ') which equates to the 5m contour along an estuary, and it encapsulates the most dynamic areas influenced by long-term estuarine sedimentary processes. It also provides a buffer zone that		As mentioned in a previous response, the mitigation measures recommended by the Coastal Engineer have been incorporated into the designs to mitigate these potential impacts as much as possible.	33

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<p>allows an estuary to swell within the floodplain of an estuary in the event of flood events, inundation as well as sea-level rise due to climate change. It allows for the inclusion of some terrestrial fringe vegetation that contribute detritus to the system and refuge areas for many animal species during floods. It must be noted that in general the SD: CM does not support any development within EFZ however the development island is recognised for Erf 10190, but the applicant must note their property is still at risk to coastal processes and therefore it is advised that caution be applied in considering any expansions to the property.</p>			
<p>2.1.18. Although the applicant noted the relevance of the Keurbooms Estuary Estuarine Management Plan (2023), the subject area is situated right at the Keurbooms estuary mouth, and the applicant must be mindful that the estuary mouth migrates naturally. As such, it is advised that a precautionary approach be adopted by the competent authority with the consideration of this application.</p>		 <p>A precautionary approach has been the mind set from the beginning of the proposal with the applicant taking all proposed mitigation measures provided by the professional team when designing the proposed upgrades. Attention must be drawn to the fact, as highlighted in the image below, that the only aspects of the manor upgrades (excluding the additional parking, bus drop-off</p>	34

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and showers) which are listed in terms of the NEMA EIA regulation are the two minor expansions highlighted in the image below.




As seen from the image, the expansion to the south is likely the most protected spot of the property in terms of climate change and ocean processes, additional the expansion to the west is protect from the coast by the existing building while still maintaining a revetment buffer between it and the estuary.

In addition to this, as pointed out by the Coastal Engineer, the rocks protruding from the south bank effectively stopped the mouth migrating any further south and therefore this is the furthest point south that the mouth will migrate.

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<p>2.1.19. Furthermore, the Western Cape EMFIS: Best Practice Guidelines (2019) recommends that unless essential, no development should be approved to take place in the EFZ or the highly dynamic littoral active zone. These Guidelines recommends that developments must take into consideration any adopted CML and applicable controls, and/or coastal risk lines where high risk areas are identified. Furthermore, avoiding development in at-risk or sensitive</p>		<p>This is understood, as shown in Figure 1 of your comment numbered 2.1.7, the proposed expansion to the existing property (apart from the parking, bus drop-off and beach shower) are maintained with the development island and landward of the coastal management line.</p>	<p>35</p>

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areas will help to maintain the ecological integrity of the estuarine environment, prevent disruption of the natural coastal processes, maintain the aesthetic quality, and ultimately protect coastal development.			
2.1.20. It is imperative that property owners consider the impact of climate change along the coast especially considering the increasing frequency and severity of storm events along the coast that have occurred in the last four years. The risk to both property and human life as of concern to the state and as such, considering the information at hand and evidence of recent storms events the state is obliged to adopt a precautionary approach to considering land use decisions along the coast and estuaries.		This has been considered and the applicant is willing to live with the risk thereof.	36
2.1.21. In terms of the ablution block, the SD: CM supports the preferred layout of the ablution block being located adjacent to the existing system.			37
2.1.22. The SD: CM notes that part of the proposal is to remove the existing unlawful deck that is encroaching onto public land. The SD: CM supports the removal of the unlawful deck and the rehabilitation of the encroached area.		It must also be noted that the current deck is constructed directly on the rock revetment, therefore removal of the deck will entail dismantling the deck and leaving behind the large rocks of the rock revetment, rehabilitation is therefore not possible in the normal sense whereby a rehabilitated area is revegetated.	38
2.1.23. Although the applicant emphasised how the proposed expansion and associated activities will contribute towards the local economy in terms of the PSDF and IDP, the applicant failed to highlight the proposed expansions in the context of coastal resilience especially the property's vulnerable position in the coastal zone.		The emphasis on the positive socio-economic aspects of the proposal is very important to this proposal as South Africa has the highest unemployment rate of the G20 countries, of over 33% and with a recent article indicating that 45% of South Africans depend on social grants.	39

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Therefore, although there is some risk (as with most aspects of life), the risk in terms of impact of climate change on the areas where the listed activities actually apply is fairly low, however because the expansion proposed means that additional jobs will be created (65 staff members once the upgrades are completed), particularly in the lower education sector, the positives of job creation in our opinion outweighs the risks.

This proposal will result in temporary jobs in the construction phase and more permanent jobs available during the operational phase. Another indirect positive Socio-Economic is the tourism spending in the area generated by the hospitality facility. Tourists travel far to stay at unique locations and then spend lots of money at the nearby shops, restaurants, taxi operators to drive them around, etc.

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		<p>One must also take into account that this application for the expansion of an existing property, largely within its existing footprint. It is therefore not required to highlight the resilience of the existing property but instead of those aspects listed in terms of the NEMA EIA regulations as those are the triggers for the EIA process and the need to investigate the impacts associated with the proposed upgrades that trigger those activities. It has already been mentioned in previous responses how the location of the upgrades outside of the existing footprint are strategically placed on the most protected areas of the property and the mitigation measures incorporated into the designs of the proposed upgrades.</p>	
<p>2.1.24. The SD: CM is very concerned that the proposed expansion does not allow for sufficient buffers between the subject area and coastal processes and the presence of the existing rock revetment demonstrates that the subject area will always be affected by either coastal flooding, the migrating estuary mouth and coastal processes. Therefore, a precautionary approach is recommended for the consideration of this proposal. The SD: CM supports the expansion of the parking bays for public use as it facilitates public access to coastal public property. However, the SD: CM does not support the expansion of the manor and any activities (wooden deck and showers) that may interfere with coastal processes such as the free movement of sand in the highly dynamic LAZ or that increases risk to human life. The applicant is advised to take all the abovementioned items into consideration during the next phases of public participation.</p>		<p>As highlighted in the response (# 34) to your comment 2.1.18, the listed aspects of the proposal have been highlighted (focusing on the manor aspects and not the public amenities part of the proposal). Although mention is made to risks of human life in several of your comments the links seem tenuous to potential risks to human life to the proposed upgrades. Additional, as mentioned in a previous response regarding the beach shower, we do not believe it will prevent the free movement of sand to the extent that it is detrimental to the coastal environment as the showers are proposed on the edge of the carpark which becomes inundated with sand as the deposition of sand occurs at this location due to natural and manmade topographical features. As access to the beaches are an important public aspect, the car park needs to be cleared of the built-up sand blown from the beach, the carpark itself is the biggest aspect of that location that prevents the free movement of sand, and the addition of the beach showers will have no notable increase to what is already in place.</p> <p>Due to other negative comments relating to the beach shower and ablution block the preferred alternative has been revised to exclude these public amenities, these amenities are still present on the alternative layout.</p>	40

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3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: “...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment...” together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.		This is understood.	41
4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.			42
COMMENT	NAME/ORGANISATION	RESPONSE	
The Breede Olifants Catchment Management Agency has assessed the above referenced document, and the following comments are applicable. 1. The proposed development has been confirmed not to trigger any water uses as defined under Sections 21(c) and (i) of the National Water Act, 1998 (Act 36 of 1998), as it does not encroach upon or impact any regulated areas of a watercourse.	Rabokale Mphahlele Breede-Olifants Catchment Management Agency 21 October 2024	Thank you for confirming this aspect of the project.	43
2. Appropriate measures must be implemented to protect the estuary.		This is noted.	44
3. The development must not result in any pollution of water resources.		This is noted.	45
4. All conditions and mitigation measures outlined in the Aquatic Biodiversity Specialist Assessment (Appendix G1) must be strictly adhered to and enforced.		Two mitigation measures recommended by the Estuarine Specialist will be excluded from the EMP: r:	46


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		<ul style="list-style-type: none"> Clearing of vegetation in the EFZ should ideally take place during the winter (May to July) months when the presence of nesting bird species is likely to be minimal. Construction of the car park must be planned for the dry season (May to July). <p>Please refer to page 89 and 90 of the Pre-Application BAR for the reasons for exclusion.</p>	
5. Regular audits of compliance with the final approved Environmental Management Programme (EMPr) must be conducted by the designated Environmental Control Officer.		This is noted. It is a requirement that the applicant appoint an ECO to monitor the site during construction.	47
6. This office reserves the right to revise or amend these comments, or to request additional information, as necessary. For further queries, please contact us and reference the number provided above.			48
COMMENT	NAME/ORGANISATION	RESPONSE	
Heritage Western Cape is in receipt of your application for the above matter received. This matter was discussed at the Heritage Officers Meeting held on 19 August 2024.	Chiara Singh	Thank you for your comments.	49
You are hereby notified that, since there is no reason to believe that the proposed development of a medium density residential estate, business site, and associated services on Erven 10190, 706, and 2066, Salmack Road via Beacon Way, Plettenberg Bay, Knysna, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required. HWC chance finds procedure to be included in the environmental authorization.	Heritage Western Cape 21 August 2024		
However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must		This is noted.	50

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be stopped immediately, and Heritage Western Cape must be notified without delay.			
This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority. HWC reserves the right to request additional information as required.			51
Should you have any further queries, please contact the official above and quote the case number.			
COMMENT	NAME/ORGANISATION	RESPONSE	
<p>Dear Luanne,</p> <p>Please register the following as an Interested and Affected Part on the above proposal :</p> <p>De Meermin Body Corporate 3 Salmack Road, Plettenberg Bay 6600</p> <p>c/ Holiday Plett, Managing Agent - Mrs. J.R. Gerhard – 044-533-3008 – jen@holidayplett.co.za.</p> <p>Kindly clarify where the remainder of erf 2066 is situated. We have located remainder of erf 706.</p>	<p>Jenny Gerhard</p> <p>Holiday Plett</p> <p>4 October 2024</p>	<p>Thank you for registering as an I&AP.</p> <p>Please see the images below for the location of RE/2066.</p> 	52
COMMENT	NAME/ORGANISATION	RESPONSE	
I would like to register as an I&AP for this project.	Phillip Tobiansky	Thank you for registering as an I&AP.	53
<p>Hi Luanne</p> <p>Will the developed hotel take responsibility for the entire parking area, as they are using this public space to facilitate this development?</p>	7 October 2024	The public parking will remain municipal property.	54

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<p>If not please advise</p> <p>Regards Phillip</p>			
COMMENT	NAME/ORGANISATION	RESPONSE	
<p>Dear Luanne- Hope this email finds you well. This email serves to confirm receipt of document on 12/9/24. Kindly note that document will be placed on list for site inspection. The Departmental official who will be handling this matter is M. Koen 0609730991 and all communication with regard to this project\ activity should be directed to her. Kindly confirm receipt. Regards</p>	<p>Melanie Koen</p> <p>Department of Forestry, Fisheries and the Environment</p> <p>9 October 2024</p>	<p>This is noted.</p>	<p>55</p>
COMMENT	NAME/ORGANISATION	RESPONSE	
<p>Dear Luanne</p> <p>This submission for comments reached this Branch only on 11th October 2024. The timeframe to provide comments in such a short notice cannot be met. This Branch would like to apply for an extension, to allow the application process to follow accordingly and provide our officials to review and provide our Branch's comments.</p> <p>Trust this is in order.</p>	<p>Vanessa Stoffels</p> <p>Road Use Management Chief Directorate Road Planning, Roads Branch</p> <p>Department of Infrastructure Western Cape Government</p> <p>14 October 2024</p>	<p>As indicated via email, your comments will be taken into consideration once received and that another round of PPP will be undertaken after the application form is submitted.</p>	<p>56</p>
COMMENT	NAME/ORGANISATION	RESPONSE	
<p>Good day,</p> <p>I hope this email finds you well. SACAA has no comments for the proposed development. The proposed site for the development is outside the vicinity of aviation infrastructure and shows no significant or negative impacts on civil aviation activities and operations within the airport.</p>	<p>Nrateng Mashiloane</p> <p>Aviation Environmental Compliance Department</p>	<p>Thank you for your comments</p>	<p>57</p>

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However, should there be any infrastructure or structure or machinery such excavators that are deemed too high, kindly lodge an application with Air Traffic and Navigation Services (ATNS) as published on the SACAA website: www.caa.co.za/industryinformation/obstacles/ . The list and contact details of the approved obstacles assessment services providers can be obtained from the CAA website: www.caa.co.za . You are also advised to inform Plettenberg Bay Airport for their comments and inputs.	17 October 2024		
COMMENT	NAME/ORGANISATION	RESPONSE	
Many thanks for the opportunity to comment on the above application. We have received the documents and would like to submit the following comments:	Nikki Mann OBO Plettenberg Bay Community Environment Forum		58
Precedent for approving development in high-risk flood zones Considering the location of the activities proposed in this application, we are concerned about the risk of flooding, particularly during these volatile times associated with climate change. National Coastal Management Lines have been put in place to discourage development in flood risk areas. Estuarine areas have not been included in these management lines. However, in this particular instance, and considering the disaster of the 2007 floods, we are of the opinion that this application falls within a flood-risk area. Furthermore, we are concerned that approval for this application could set a precedent for future applications for development in high-risk areas.	18 October 2024	Please also refer to the responses to the DEADP: Ocean and Coasts (responses # 25 to 42). The proposal is to upgrade the existing facility with minor expansion outside of the existing footprint however these expansions are still located outside of the Coastal Management Lines. The proposal is therefore not for a new development within the Coastal Management Lines which would set a precedent.	59
Stormwater Management While plans include new stormwater management structures, it's crucial to ensure these systems effectively mitigate runoff. This includes evaluating the design and maintenance of permeable pavements and bioswales to		According to the Departure and SDP Approval Applications by Planning Space town and regional planners (Appendix G6) bioswales and permeable paving will be included in the upgrade of the parking. Additionally if you refer to the Stormwater Management Layout you will note that the new parking bays will be constructed	60

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prevent sediment and pollutants from entering the estuary. The stormwater management infrastructure should be regularly inspected to ensure optimal performance over time.		from permeable grass block paving and that silt and interception traps will be installed before the outlets of the upgraded stormwater outlets.	
Soil Erosion and Stability of the Rock Revetment The construction and removal of structures near the rock revetment must consider potential erosion impacts, particularly given the history of flooding in the area. Any changes to the revetment or surrounding areas could exacerbate erosion risks, threatening both the structural integrity of the revetment and the surrounding environment. We also suggest the use of erosion control measures, such as natural vegetation, to stabilise soil and dune sand in vulnerable areas after construction. Regular postconstruction monitoring should also be a requirement to identify and address any erosion issues promptly. Erosion control measures should be in place during construction as well.		The MMP is to maintain the revetment if required. Please refer to the Coastal Engineer's report and the EMP which has the mitigation measures recommended by the specialist incorporated.	61
Legal High-Water Mark vs. High-Water Mark The proposal mentions the "legal high-water mark" (shown on the Alternative SDP) and the "high-water mark" without providing clear distinctions between the two. Clarification is needed on the SDP to specify which definition is being used and how it affects the placement of infrastructure in relation to potential coastal impacts. The recent survey of the high-water mark, mentioned in the Planning Application, was requested but not received.		The layouts have been revised to provide clarity.	62
Risk of Flooding and Coastal Infrastructure We would like to stress the strong possibility of flood events, particularly with the likelihood of climate change events becoming more frequent and considering the impacts experienced during the 2007 floods (images attached). There is concern that infrastructure, especially on the coastline, could be at risk of ending up in the ocean in		The possibility is understood, one must understand that the proposed upgrades are largely within the existing footprint and undertaking the proposal is not going to increase any risks that the existing facility and infrastructure is already subject to. The structures have been designed to with stand extreme weather events hence the need for the rock revetment.	63

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<p>future flood events or during storm surges. While insurance may cover the impacts to infrastructure, consideration must also be given to the additional pressures placed on Disaster Management institutions/organisations that may arise during a flood event, increased costs to the Local Municipality in such a situation, as well as possible risks to clients. Preventative measures, such as designing structures to withstand extreme weather events and coastal erosion, should be incorporated into the proposal to avoid long-term damage to infrastructure.</p>			
<p>Milkwood Trees The proposal mentions the presence of protected Milkwood trees but presents conflicting information about their potential removal. Clear communication about which trees will be preserved or removed is necessary and indicated on the Site Development Plan. If any trees are removed, a permit will be required from the Department of Forestry and a replacement planting plan should be included, using indigenous species that can contribute to the overall biodiversity of the area. Furthermore, a tree protection plan during construction should ensure that no damage is done to retained trees.</p>		<p>All trees will be saved as far as practically possible, any protected trees which need to be removed or transplanted will first undergo a National Forestry Act Licence application.</p>	<p>64</p>
<p>Wildlife Disruption The expansion may affect local wildlife, particularly during construction. Strategies should be put in place to minimise disturbances to nesting sites, eelgrass beds and the estuarine environment. In addition to this, we recommend timed construction activities outside of breeding or nesting seasons for key species (i.e. Oystercatchers) in the area. The establishment of buffer zones around sensitive habitats should also be considered.</p>		<p>Please refer to the Specialist reports, the mitigation measures have been incorporated into the EMPr.</p>	<p>65</p>
<p>Invasive Species Management Expansion activities could inadvertently facilitate the spread of invasive plant species. A management plan</p>		<p>A separate management plan is not required due to the very small extent of the proposal, the EMPr specifies that follow-up alien clearing must be undertaken if required.</p>	<p>66</p>

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should be implemented to monitor and control any invasive species that may establish during and after construction. This plan should include specific control methods.			
Expansion of Parking into the EFZ The proposed expansion of the parking area into an undeveloped portion of the Estuarine Functional Zone (EFZ) is a key concern. While the area to be cleared is relatively small (170sqm of natural but partially degraded vegetation), constructing public infrastructure in a high-risk flood zone is problematic. Although damage to parking bays is less detrimental than damage to buildings, this may still result in future repair costs borne by the municipality and ultimately by ratepayers.		The proposed expansion is in line with the management objective of the CML's and supported by the DEADP: Oceans and Coasts. There may be repair costs in the future that will be borne by the municipality	67
Dune Management We recommend that the dune embankment on the seaward side of the property boundary be vegetated with indigenous dune species [preferably as far as the foot of the hummock dune], as part of the maintenance management plan. This would create an additional natural buffer, helping reduce future risks and stabilise dune and sand movement into the property and into stormwater catchpits. Regular monitoring and maintenance of the dune's integrity, particularly after storm events, should be included in the management plan. The Plettenberg Bay Community Environment Forum thanks you for the opportunity to comment and we look forward to your response to our queries and concerns. We reserve the right to submit further comments as additional information becomes available.		Due to the dynamic nature of the dune embankment on the seaward side of the property it would not be ecologically sound to try to stabilise the area with vegetation which would be eroded from time to time.	68
COMMENT	NAME/ORGANISATION	RESPONSE	
Bitou Local Municipality would like to thank you for the opportunity to review and comment on the PreApplication BAR for the proposed development on the Erf 10190,	Anjé Minne	Thank you for your comments.	69

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<p>Remainder of Erf 2066 and Remainder of Erf 706 within the Bitou Municipal area.</p> <p>Please note that these comments have been drafted by the Land Use and Environmental Management department within the Planning and Development directorate. Additional comments may be required from other relevant departments within the Bitou Local Municipality.</p> <p>The following information was taken from the supplied report and summarise the proposed activities.</p>	<p>Environmental Management Officer Planning and Development: Land Use and Environmental Management Bitou Municipality</p> <p>21 October 2024</p>		
<p>DESCRIPTION OF ACTIVITY</p> <p>The it is proposed to expand the existing Milkwood Manor through the addition of new rooms, a store and a spa increasing the total ground floor of the building to 1112.07m². An additional 27 parking bays are to be added to the existing public parking as well as various upgrades to the parking area with the addition of ablutions and a shower deck for public use.</p>		<p>The total ground floor of the building has changed since the public participation process and the public amenities have been removed from Alternative A and is now present in Alternative B.</p>	70
<p>LOCATION</p> <p>The property is situated adjacent to the Keurbooms Estuary at Lookout Beach and contains an existing guesthouse and public and parking facilities.</p> <p>Following a review of the documentation and appendices the following comments are made:</p> <p>1. As mentioned within the report the area in question has experienced erosion in the past due to coastal process and the east-west migration of the Keurbooms river mouth. Historically, the area was densely vegetated with what seemed to be Goukamma Dune Thicket. The image below shows the vegetated area in 2004.</p>			71

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Figure 1 - Historical aerial imagery of the area in 2004, Google Earth

2. It is requested that the specialists evaluate, and that the EIA include the active rehabilitation of the dune in front of the parking area (indicated in blue in Figure 2 below). This active rehabilitation should include soft measures such as the use of sand fencing and the planting of appropriate indigenous dune vegetation. This can be included as a Maintenance Management Plan. This active rehabilitation will ensure the stabilisation of the dune and will provide valuable buffer protection to the structures present.

The proposal is for the upgrading of the existing facility and minor upgrades to the parking area. The recommended dune rehabilitation falls beyond the boundaries of the subject property. The management and maintenance responsibility of coastal public property does not fall onto private landowners.

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Figure 2 - Aerial Imagery of the Lookout area in 2022, Google Earth.

<p>3. The Environmental Management Plan should give direction as to the operational maintenance of the parking area, specifically what should be done with sand that overtops and blows into the parking area. Sand should be replaced in areas where accretion is required. Please can the coastal engineers provide comment and inputs in this regard.</p>	<p>The operational management and maintenance of the parking area will fall under the responsibility of the municipality to maintain and as such the Bitou Municipality would have to apply for an MMP. The municipality however will only require an MMP if more than 5 cubic meters of sand needs to be moved, anything below that is not listed and can be undertaken at any stage.</p>	<p>73</p>
<p>4. All lighting should be downward facing to limit light pollution.</p>	<p>All lighting will be done with consideration to creating any light pollution. This is also in the interest of the Hotel operation. Light will be considerate of the wildlife and human life in this area and be as environmentally as possible</p>	<p>74</p>
<p>5. The use of Sustainable Urban Drainage Systems within the parking area is supported.</p>	<p>Thank you for supporting this aspect of the project.</p>	<p>75</p>
<p>6. Future maintenance and operations of the proposed shower deck going forward, including removal of sand,</p>	<p>The operational management and maintenance of the beach shower will fall under the responsibility of the municipality to maintain</p>	<p>76</p>

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should be included in the Environmental Management Programme.		and as such the Bitou Municipality would have to apply for an MMP if required, however due to the small size of the beach shower no listed activities would be triggered by clearing the deck by manual labour and as such an MMP would likely not be required.	
7. Although it is acknowledged that the Coastal Engineers have confirmed that the rock revetment protection measures should be sufficient to protect structures the potentially flooding as a result of overtopping waves during extreme conditions is a concern. Mitigation measures in this regard (raising of floor levels) should be implemented.		Raising the floors was a recommendation by the Coastal Engineer and has been incorporated into the designs.	77
The Bitou Municipality reserves the right to revise initial comments and request further information based on any additional information that might be received. The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorisation for. Should you require any additional information please do not hesitate to contact this office.		This is noted. Thank you for your comments.	78
COMMENT	NAME/ORGANISATION	RESPONSE	
Following a review of the dBAR and Estuarine Assessment, CapeNature wishes to make the following comments: 1.CapeNature does not support the development within the coastal dune section of the Estuarine Function Zone (EFZ) as this is within coastal habitat which is an important ecological infrastructure that provides a range of regulatory services to coastal communities (Cadman 2016)7. The coastal habitat has an essential role in providing physical buffering against sea storm surges and other potential climate change related impacts. Ecological infrastructure must be in a functional and	Megan Simons CapeNature 30 October 2024	As indicated in the Estuarine Assessment: Construction of the ablution block will occur within a transformed area of the EFZ and will not result in any loss or disturbance to estuarine habitat. Construction of beach showers occurs on an undeveloped section of the coastal dune section of the EFZ, at the access point to the Lookout Beach. <u>Impact 1: Loss of EFZ habitat (estuarine) caused by the expansion of the public car park.</u> Expansion of the car park will result in the permanent transformation of a narrow undeveloped band of the EFZ. Approximately 170 m2 of	79


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<p>natural state as they have an important role in landscape connectivity, as well as supporting the functioning of PAs or CBAs (Pool-Stanvliet et.al. 2017).</p>		<p>this habitat is natural and the remainder (approximately 180 m2) is transformed (kikuyu lawns and other invasives – e.g. <i>M. insulare</i>). While the natural habitat is invaded by <i>A. donnax</i>, it does nevertheless provide functional habitat for a limited diversity of predominantly terrestrial biota – mainly nesting and foraging habitat for bird species (e.g. weavers, bishops and warblers). No aquatic estuarine biota are expected to be adversely impacted. The extent of habitat lost is very limited in extent and a natural reedbed buffer (ranging between 15 and 40 m) will remain between the car park and the shoreline of the estuary. It is thus unlikely that this loss of habitat will significantly affect the ecological or functional attributes of the broader estuarine system.</p> <p>Significance rating of impact after mitigation: Low Negative</p> <p><u>Impact 2: Loss of EFZ habitat (coastal) caused by the construction of beach showers.</u></p> <p>Construction of public beach showers is planned at the public access point to the Lookout Beach. While this area falls within the EFZ of the estuary, habitat is definitely coastal, consisting of beach sand, well above the tidal mark. The area is not vegetated and no aquatic estuarine biota (dependant on tidal exchange) inhabit the area. The area experiences high volumes of pedestrian traffic and is unlikely to be an important nesting, roosting or feeding area for coastal bird species.</p> <p>Significance rating of impact after mitigation: Low Negative</p>	
<p>2.The impacts of climate change such as increase in rainfall, flooding, rise in sea-level and storm events must be considered for this application. Considering that the Keurbooms estuary has flooded in the past.</p>		<p>Please refer to responses 4, 25, 29, 34 and 39 which answers similar comments regarding climate change.</p>	<p>80</p>
<p>3. CapeNature does not support any clearing of vegetation that will destabilize the banks of the estuary. However, we do recommend bank stabilization to mitigate the impacts of future storm events.</p>		<p>We agree that destabilising the banks of the estuary should not be undertaken and does not form part of this proposal. Vegetation clearance proposed outside of Erf 10190 is only to construct the</p>	<p>81</p>

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		<p>additional parking areas as shown in the layout plans and the image below extracted from the estuarine Assessment Report.</p> 	
<p>4. Enhancements of existing rights should not be allowed; however, maintenance of existing approved infrastructure can be.</p>		<p>As indicated by DEADP: "Ocean and Coasts in the comments above: a development island is considered outside or landward of the CML in order to recognise existing development rights. In this regard, all the proposed activities within the boundaries of Erf 10190 falls within the development island and thus landward of the CML. Furthermore, all proposed activities directly south of Erf 10190 are also considered landward of the CML (see Figure 1 below). However, it must be noted that the development islands is to limit the enhancement of existing development rights and/or the expansion of development within these development islands in order to reduce risk of human life and properties as a result of coastal processes and impacts of climate change."</p>	<p>82</p>

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Figure 4: the proposed property in relation to the CML as well as the development island around Erf 10190

Taking the above comment from DEADP: Oceans and Coasts into account with the fact that the goals of the development island will not be compromised (no increased risks to human life or properties, on what is already at risk), In other words if only 10 guests and staff are on the property and high seas and storms require evacuation from the current facility, they will be safely evacuated. If after the proposed upgrades are implemented and there are 20 guests and staff on the property, the same procedure to safely evacuate the guests will be undertaken.

The proposal is deemed appropriate in terms of all the various guideline and legislation

5.CapeNature does not support any development/ expansion on the floodplain (1:100-year flood line) as this would be a risk area.

As mentioned in the previous response, the property is regarded to be a development island and additional measures have been incorporated into the designs to increase the existing development

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		resilience to climate change and climate pressures such as wave run-up and flooding.	
<p>6. In terms of the Sea Shore Act, 1935 (Act No. 21 of 1935) a lease agreement is required from CapeNature for any structure's seawards or on the High-Water Mark of the Sea on state-owned land. Please note that in terms of section 3(5) of the Sea-Shore Act, 1935 (Act No 21 of 1935)</p> <p>"Before any lease is entered into under subsection (1) or any permit is granted under subsection (2), the Minister shall, at the expense of the person with or to whom it is proposed to enter into such lease or to issue such permit, cause a notice to be published in the Gazette and in not less than one newspaper circulating in the neighbourhood wherein the portion of the sea-shore or the sea concerned is situated, wherein-</p> <p>(a) the proposal to enter into the lease or to issue the permit is made known.</p> <p>(b) the place where and the times at which full particulars of the proposed lease or permit will be open for inspection are specified; and</p> <p>(c) it is specified that objection to the proposed lease or permit may be lodged with a person specified in the notice, before a date so specified, which shall be not less than 30 days after the date on which the notice is published."</p>		<p>This is understood and if approved and it is found that the shower deck is below the high-water mark, as defined in the Sea Shore Act, 1935 (Act No. 21 of 1935) a lease agreement between the municipality and CapeNature will be undertaken.</p>	84
<p>7. It is assumed that some work will be required on Coastal Public Property (CPP). In terms of the NEM: ICM Act8, CPP exists to:</p> <p>(i) improve public access to the seashore;</p> <p>(ii) protect sensitive coastal ecosystems;</p> <p>(iii) secure the natural functioning of dynamic coastal processes;</p>		<p>This is correct, as indicated in the description of the proposed activity, the proposed activities outside of Erf 10190 (Milkwood manor property) will entail the expansion of the beach parking area, construct a beach shower deck and ablution block, which will be located on municipal property and coastal public property. All of which are aligned with the goals of and permitted uses of Coastal Public Property.</p>	85

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<p>(iv) protect people, property and economic activities from risk arising from dynamic coastal processes, including the risk of sea-level rise; or</p> <p>(v) to facilitate the achievement of any of the objects of the ICM Act.</p>		<p>Additionally, as indicated in the Estuarine Assessment report: Construction of beach showers occurs on an undeveloped section of the coastal dune section of the EFZ, at the access point to the Lookout Beach. The public beach showers will be a welcomed upgrade for everyone going to the beach. While this area falls within the EFZ of the estuary, habitat is coastal, consisting of beach sand, well above the tidal mark. The area is not vegetated, and no aquatic estuarine biota (dependant on tidal exchange) inhabit the area. The area experiences high volumes of pedestrian traffic and is unlikely to be an important nesting, roosting or feeding area for coastal bird species.</p> <p>Due to other negative comments relating to the beach shower and ablution block the preferred alternative has been revised to exclude these public amenities, these amenities are still present on the alternative layout.</p>	
<p>8.</p> <p>Please note that no structures should be placed on CPP unless it complies with the purpose of CPP as detailed in Section 7A of the NEM:ICM Act. In this regard, Section 15 of the ICM Act states:</p> <p>“(1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person.</p> <p>(2) No person may construct, maintain or extend any structure, or take other measures on coastal public property to prevent or promote erosion or accretion of the</p>		<p>Please refer to the previous response # 85</p>	<p>86</p>

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seashore except as provided for in this Act, the National Environmental Management Act or any other specific environmental management Act."			
Hi Can you please send me documents relating to the planning and envisaged on the above site	Mike Berry 23 October 2024	The Pre-Application Basic Assessment Report and all Appendices relating to the Proposed Expansion of Milkwood Manor Guest House and parking can be downloaded from the SES website (www.sescc.net) under the "public documents" section.	87
Hi Can you please provide the plans	Mike Berry 28 October 2024		
COMMENT	NAME/ORGANISATION	RESPONSE	
COMMENTS ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT PROPOSED EXPANSION OF MILKWOOD MANOR HOUSE AND PARKING ON ERF 10190, REMAINDER OF ERF 2066 AND REMAINDER OF ERF 706, PLETTENBERG BAY: 1 Forestry is responsible for the implementation and the enforcement of the National Forest Act (NFA), Act 84 of 1998 as amended and the National Veld and Forest Fire Act, Act 101 of 1998 as amended (NVFFA). Thank you for giving Forestry this opportunity to comment on above application.	Melanie Koen AREA MANAGER FORESTRY: WESTERN CAPE Department of Forestry, Fisheries and the Environment MKoen@dffe.gov.za		88
Forestry studied the supporting documents for the above-mentioned application and the following points related to Forestry's mandate i.e. the implementation of the NFA is applicable a. According to the report the: "Erf is zoned as residential-situated specifically on the western edge of the Keurbooms River estuary; The eastern side of the site falls within the estuary itself and is prone to being eroded as the estuary is constantly migrating in an east-west direction; The western side of the site has been stabilised with rocks to protect the buildings from erosion due to flooding and tidal movement within the estuary; The development proposal includes additions and alterations to the existing	2 December 2024		89

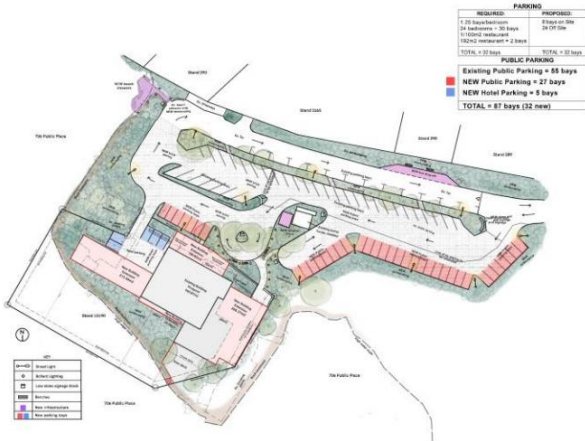
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<p>buildings as well as construction of both internal and public parking bays and public ablution facilities to service visitors to the adjacent public beach; the existing ground floor of the building is 563.87 m² and the existing first floor is 401.91m²</p> <p>It is proposed to add new rooms, a reception, a bar, a transport area and pergola to the ground floor increasing the total ground floor to 1112.97 m²- Upgrades to the first floor includes new rooms, a store and a spa increasing the total first floor to 957.98m²- This will bring the total floor area of the new hotel to approx. 2,071m²; To accommodate the expansion of the guest house, the existing parking lot must also be expanded- 1.25 parking bays is required for every room in the hotel-30 parking bays is required; Currently Lookout Beach has no public amenities such as toilets and showers- Part of the proposal is to provide these facilities for the public's benefit- The new ablution block will be located adjacent to the existing municipal pump station on Remainder of Erf 2066 " According to the report- "The property consists of Milkwood trees; As well as a small pocket of Coastal forest at the beach access point- which includes a few individuals of species including <i>Tarchonanthus littoralis</i>, <i>Carpobrotus acinaciformis</i>, <i>Eriocephalus paniculatus</i>, <i>Helichrysum patulum</i>, <i>Selago burchellii</i>, <i>Stenotaphrum secundatum</i>, <i>Azima tetracantha</i>, <i>Carissa bispinosa</i>, <i>Euclea racemosa</i>, <i>Grewia occidentalis</i>, <i>Metalasia muricata</i>, <i>Scutia myrtina</i>, <i>Searsia crenata</i>, <i>Cynanchum viminalis</i> & <i>Cynanchum ellipticum</i>"</p>			
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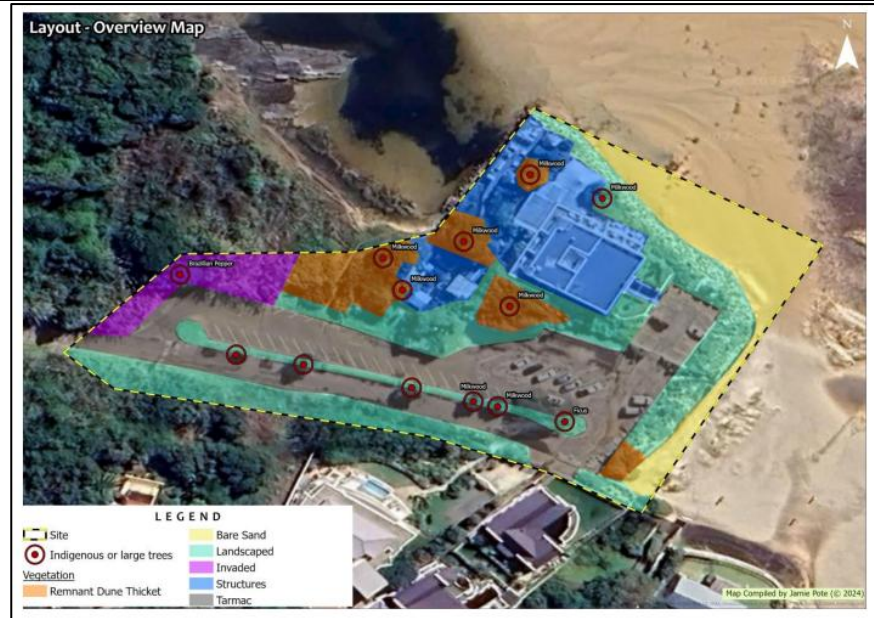
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 <p>PARKING</p> <table><tr><th>REQUIRED</th><th>PROPOSED</th></tr><tr><td>7 25 Spaces/lot</td><td>Space on R90</td></tr><tr><td>10 Spaces/lot</td><td>on R91</td></tr><tr><td>10000 m²/lot</td><td>on R92</td></tr><tr><td>10000 m²/lot</td><td>on R93</td></tr><tr><td>TOTAL = 32 bays</td><td>TOTAL = 32 bays</td></tr></table> <p>PUBLIC PARKING</p> <p>Existing Public Parking = 55 bays NEW Public Parking = 27 bays NEW Hotel Parking = 5 bays TOTAL = 87 bays (32 new)</p>	REQUIRED	PROPOSED	7 25 Spaces/lot	Space on R90	10 Spaces/lot	on R91	10000 m²/lot	on R92	10000 m²/lot	on R93	TOTAL = 32 bays	TOTAL = 32 bays		
REQUIRED	PROPOSED													
7 25 Spaces/lot	Space on R90													
10 Spaces/lot	on R91													
10000 m²/lot	on R92													
10000 m²/lot	on R93													
TOTAL = 32 bays	TOTAL = 32 bays													
Forestry request that the proposed extensions- as well as the proposed layout incorporate the protected trees. Protected trees to be retained and indicated as no-go areas		<p>A National Forestry Act Licence application will be undertaken before these trees are disturbed.</p> <p>The terrestrial biodiversity specialist has mapped the protected Milkwoods on site and as seen in the combined layout with potential trees below, Milkwoods will have to be removed to undertake the expansion. The specialist has assessed the removal of the trees and found that these remnant Milkwood trees do not perform any substantial ecosystem service and will not have any significant impact to the broader conservation of the species</p>												

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The protected trees are also present on both site development plans.

Please also see the google earth image below with the approx. location of the trees based on J Pote's image above.

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		 <p>It appears that most of the Milkwoods will be retained however one is located within one of the proposed new parking spots and a NFA application may be required. Greater clarity regarding the actual on-site placement of the parking spot in relation to the tree will be obtained once the site footprint is marked out and the site has been surveyed.</p>	
Indigenous forest as well as protected trees are protected under the National Forest Act (NFA) (Act No. 84 of 1998) as amended.			91
This letter is not a NFA licence.		This is understood.	92
Forestry reserves the right to revise initial comment based on any additional information that may be received			93

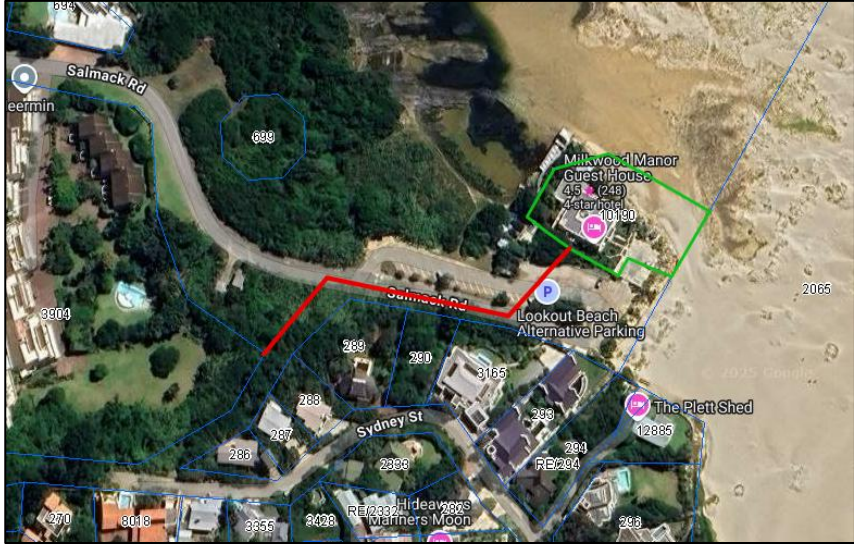
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DRAFT BAR COMMENTS			
COMMENT	NAME/ORGANISATION	RESPONSE	
The Draft Basic Assessment Report (Ref: MLKW/EXP/PB/06/24) dated 11 December 2024 compiled on your behalf by your appointed registered Environmental Assessment Practitioner ("EAP"), Mr. Michael Bennett (EAPASA No: 2021/3163) and assisted by Candidate EAP, Ms. Lu-Anne de Waal (EAPASA No: 2024/7962) of Sharples Environmental Services cc, as received by the Department on 11 December 2024, refers.	Steve Kleinhans Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 3		94
This Directorate: Development Management (Region 3) ("this Directorate") has reviewed the Draft Basic Assessment Report ("DBAR") and provides the following comment: Changes to the proposed Site Development Plan This Directorate notes the changes to the proposed Site Development Plan ("SDP") i.e. the exclusion of the proposed beach shower deck and the public ablution block. With reference to Point 2.4 of this Directorate's letter (Ref: 16/3/3/6/7/1/D1/14/0217/24) issued on 16 October 2024, it was requested that a setback further away from the revetment should be considered or an alternative which omits "NEW EXTENSION 1" and "NEW EXTENSION 9". The response to this comment is noted; however, the concern remains as it has been indicated by the coastal engineer that the conditions that led to the requirement for the development of the revetment is expected to occur again. Furthermore, it is reported that climate change will lead to more severe conditions at the site i.e. higher flooding levels and increased wave heights on the seaward portion of the revetment with resultant higher levels of overtopping and flooding behind the revetment.	3 February 2025	Please refer to Appendix B1 and B2 for the revised layouts which now excludes extension 1 and extension 9.	95

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<p>With due consideration of the above, this Directorate is of the view that consideration should be given to the omission of "NEW EXTENSION 1" and "NEW EXTENSION 9".</p>			
<p>Confirmation of municipal services</p> <p>According to the Draft Report compiled by GLS Consulting (Pty) Ltd dated 18 July 2024 (Appendix G8 of the DBAR), the existing water system has sufficient capacity to accommodate the domestic water demand of the proposed development to comply with the pressure criteria as set out in the master plan. However, the existing system has insufficient capacity to supply the fire flow to the proposed development.</p> <p>According to the report, in order to supply the fire flow it is required to:</p> <ul style="list-style-type: none"> upgrade the existing 50mm diameter pipeline from the Town PRV 2 water distribution zone to a 110mm diameter pipeline; or install a new 110 diameter link services pipeline from the Town reservoir water distribution zone (at the corner of Erf 3904) to Erf 10190. <p>In this regard, the DBAR does not specify which of the two options will be implemented. Furthermore, an assessment of the impact associated with the required works has not been provided in the DBAR, especially if the upgrade of the existing 50mm diameter pipeline to a 110mm diameter pipeline is to be implemented.</p>		<p>In order to supply fire flow of roughly 15 L/s at 10 m head to Erf 10190, it is recommended by GLS Consulting that a new 110 mm diameter link services pipeline from the Town reservoir water distribution zone (at the corner of Erf 3904) to Erf 10190 is installed within existing road reserves (red line in Figure below). According to the project manager the fire line upgrade route is to be done in Council Road Reserve, design under scrutiny by BLM and to conform to Council By-laws and SANS requirement.</p>  <p>Please refer to Section B 4.4 of the revised Draft BAR where the upgrades have been included.</p>	<p>96</p>
<p>With reference to Appendix E16 of the DBAR (i.e. Development Meeting dated 17 September 2024), please</p>		<p>This will be attached with the Final BAR.</p>	<p>97</p>

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note that the minutes of the meeting of the representatives of the Bitou Municipality is not considered formal confirmation of the availability of municipal services capacity and infrastructure. Therefore, formal written confirmation must be obtained from the Bitou Municipality in respect of the availability of adequate spare capacity or network infrastructure for water and sewerage.			
Notwithstanding the above, according to the minutes it is understood that the developer / applicant is required to upgrade the pipeline for the fire flow requirements as per the GLS Report. With due consideration of the information in the GLS Report, this implies that the municipality requires the upgrade of the existing 50mm diameter pipeline from the Town PRV 2 water distribution zone to a 110mm diameter pipeline. In this regard, it is noted that the existing pipeline is located on Erf 2065. However, it is unclear how the proposed upgrades will be implemented as the analysis of the information provided in the GLS Report suggests that the pipeline crosses a sandy beach and may be located within 100m of the High-Water Mark of the sea.		Please refer to response 96.	98
Considering the above, you are required to confirm which of the two options will be implemented and include and assess such option in the BAR.		Please refer to comment 96 and Section B 4.4 of the revised Draft BAR where the upgrades have been included.	99
Please be advised that this is an aspect that must be clarified in the BAR as any uncertainty in this regard may prejudice the outcome of the application for environmental authorisation.			100
Coastal aspects With reference to the listed property size of Erf 10190 (Milkwood Manor) in the DBAR and the supporting maps (i.e. locality maps, SDP, etc.), your attention is drawn to Section 7 of the National Environmental Management: Integrated Coastal Management Act, Act 24 of 2008, as			101

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<p>amended ("NEM:ICMA") which defines the composition of coastal public property ("CPP") as inter alia—</p> <p>(a) coastal waters;</p> <p>(b) land submerged by coastal waters, including—</p> <p>(i) land flooded by coastal waters which subsequently becomes part of the bed of coastal waters; and</p> <p>(ii) the substrata beneath such land;</p> <p>(d) the seashore, including—</p> <p>(i) land flooded by coastal waters which subsequently becomes part of the bed of coastal waters; and</p> <p>(ii) the substrata beneath such land;</p>			
<p>Furthermore, in accordance with Section 11 of the NEM:ICMA ownership of CPP vests in the citizens of the Republic and must be held in trust by the State on behalf of the citizens of the Republic.</p> <p>In this regard, an analysis of the relevant aerial imagery indicates that the portion of Erf 10190 outside the rock revetment to the north and east has been submerged by coastal waters and is therefore considered to be CPP.</p>		<p>This is correct and understood.</p>	<p>102</p>
<p>Please be advised that in accordance with Section 15 of NEM:ICMA that:</p> <p>(1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person.</p> <p>(2) No person may construct, maintain or extend any structure, or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the National</p>		<p>This is noted.</p>	<p>103</p>


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Environmental Management Act or any other specific environmental management Act.			
According to the coastal engineering report additional rock armour must be added to the existing revetment to ensure that the revetment is resilient into the future. However, it has not been indicated where the additional rock must be placed. In light of the above, any maintenance work associated with the revetment must occur within the boundaries of the property (i.e. outside of the CPP).		According to the project manager, all revetment maintenance, source of material, access and maintenance is to be in line with approved EMPr, dated 6 January 2012, Ref: EG12/2/3/4-D1/14-1093/08. Attached as Appendix E and F of the EMPr dated 12 March 2025 (Appendix H of the Revised Draft BAR).	104
You are advised to formally consult (i.e., meet with) with this Department's sub-directorate Coastal Management regarding the proposal, but more specifically the proposed mitigation measures and the provisions of the NEM:ICMA.		As requested, an online meeting was held on 26 February 2025.	105
<p>Maintenance Management Plan</p> <p>According to the Maintenance Management Plan (attached as Appendix H2 of the DBAR) access to the revetment shall be gained by constructing a temporary track over the rock revetment. It is stated that the in the event that the revetment must be covered with beach sand or similar material, such material can be locally sourced from a nearby beach. However, the estimated amount of material required, and the approximate position of the source material has not been provided.</p>		<p>The MMP has been revised. Sand will no longer be used to access the revetment. A ramp, similar to the image below, can be placed on either side of the revetment, enabling machinery to move over the revetment without the need to source sand.</p> 	106

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<p>It is assumed that sand for such purposes will not be sourced in close proximity to the revetment as this may affect the integrity and stability of the existing revetment. As such, you are required to indicate where such material will be obtained.</p>		<p>Please refer to response 106.</p>	107
<p>Furthermore, you are required to obtain input from the Sub-Directorate: Coastal Management of the Western Cape Government: Department of Environmental Affairs and Development Planning and the Keurbooms Estuary Forum regarding this aspect of the proposed maintenance activities.</p>		<p>Please refer to comments provided by the Sub-directorate: Coastal Management.</p> <p>The email address provided for the Keurbooms Estuary Forum has been included on the I&AP register and will be provided with an opportunity to comment. Please however note that CapeNature has been requested to comments and the Keurbooms Estuary Forum is managed by CapeNature.</p>	108
<p>Submission of Basic Assessment Report</p> <p>The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations, 2014 and must also include and address any information requested in any previous correspondence in respect of this matter.</p> <p>Please be reminded that in accordance with Regulation 19 of the EIA Regulations, 2014, the Department hereby stipulates that the BAR (which has been subjected to public</p>		<p>Please note that the Regulation 19(1)(b) of the EIA Regulations, 2014, notification has been submitted, and the Final BAR will therefore be submitted within 140 days of the submission of the application for EA.</p>	109

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<p>participation) must be submitted to this Department for decision within 90 days from the date of receipt of the application by the Department. However, if 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.</p> <p>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.</p> <p>Furthermore, in accordance with Environmental Impact Assessment best-practice, you are kindly requested to notify all registered Interested and Affected Parties including the authorities identified in the Public Participation Plan of the submission of the FBAR and to make the document available to them. This will provide such parties an opportunity to review the document and how their issues were addressed.</p>			
<p>Please note that a listed activity may not commence prior to an environmental authorisation being granted by the Department. It is an offence in terms of Section 49A of the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("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</p>		<p>This is noted and understood.</p>	<p>110</p>

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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.							
Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.		This is noted.	110				
COMMENT	NAME/ORGANISATION	RESPONSE					
Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 11 December 2024, refers. The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:	Mercia Liddle Department of Environmental Affairs and Development Planning Biodiversity and Coastal Management		111				
2.1.1 The applicant is reminded that Erf 10190, Remainder of Erf 2066 and Remainder of Erf 706 are all located within the Coastal Protection Zone ("CPZ") as defined in Section 16 of the NEM: ICMA and as delineated by the Department with the technical delineation of the coastal management line for the Garden Route District. The purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. Due to the subject property's location within the CPZ, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 should be considered by local authorities for land use decision making.	7 February 2025	<div>In terms of Section 16 of NEM: ICMA, the property falls within the Coastal Protection Zone (CPZ), however, the proposal will neither increase nor reduce the risk to human life. The footprint of the rock revetment will not increase during construction, meaning that the rock revetment's ability to protect the Milkwood Manor Guest house will not decrease. The construction of the proposal will not lead to a more severe natural disaster and will not be more vulnerable to natural disasters. The status quo in terms of risks will remain unchanged.</div> <table><tr><th>Purpose of CPZ</th><th>Proposed expansion alignment with CPZ</th></tr><tr><td>The coastal protection zone is established for enabling the use of land that is adjacent to coastal public property or that plays a significant role in a coastal ecosystem to be</td><td></td></tr></table>	Purpose of CPZ	Proposed expansion alignment with CPZ	The coastal protection zone is established for enabling the use of land that is adjacent to coastal public property or that plays a significant role in a coastal ecosystem to be		112
Purpose of CPZ	Proposed expansion alignment with CPZ						
The coastal protection zone is established for enabling the use of land that is adjacent to coastal public property or that plays a significant role in a coastal ecosystem to be							

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		managed, regulated or restricted in order to—		
		(a) protect the ecological integrity, natural character and the economic, social and aesthetic value of coastal public property:	The expansion of the parking lot does fall within Coastal Public Property but is supported by DEADP:CM and aligns with the Western Cape Provincial Coastal Access Strategy and Plan (2017) as well as Priority Area 3 of the Western Cape PCMP 2022 2027. The expansion of the parking also allows for more access to the beach, supporting the economic and social aesthetic of the coastal public property. Additionally, the proposed expansion will enhance the economic, social and aesthetic value of the coastal public property surrounding Milkwood Manor Guest House by providing more opportunities for additional guests to view and experience the beauty of the coastal public property.	
		(b) avoid increasing the effect or severity of natural hazards in the coastal zone:	Refer to the alignment with point A above, the effect and severity of natural hazards will not increase. Mitigation measures to prevent the erosion and sedimentation caused by the clearing of vegetation during	

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			the construction of the car park, are included in the EMPr.	
		(c) protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise;	These aspects have been taken into account by the coastal engineer, Allan Wijnberg. His recommendations to raise the floor levels of the building and maintain the rock revetment in accordance with the proposed MMP. In doing so the property and economic activities protection from risks arising from dynamic coastal processes including sea level rise will be increased over what is already in place.	
		(d) maintain the natural functioning of the littoral active zone;	<p>The littoral active zone is defined as any land forming part of, or adjacent to, the seashore that is—</p> <p>(a) unstable and dynamic as a result of natural processes; and</p> <p>(b) characterised by dunes, beaches, sand bars and other landforms composed of unconsolidated sand, pebbles or other such material which is either unvegetated or only partially vegetated, by the NEM:ICMA.</p> <p>Taking the above definition into account, the vegetation that will be cleared for the proposed</p>	

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			expansion of the parking lot, does not fall within the LAZ. It does however fall within the EFZ and these additional parking bays will serve the public and provide additional access to coastal public property.	
		(e) maintain the productive capacity of the coastal zone by protecting the ecological integrity of the coastal environment;	<p>Mitigation measures are in place to prevent disturbance to estuarine or coastal habitat by general construction activities.</p> <p>The expansion of the carpark will result in approx. 170 m² of natural habitat to be lost and approx. 180 m² of transformed habitat to be lost. The extent of habitat lost is very limited in extent and a natural reedbed buffer (ranging between 15 and 40 m) will remain between the car park and the shoreline of the estuary. This impact has been assessed by the specialist, and it was found that this loss of habitat will not significantly affect the ecological or functional attributes of the broader estuarine system.</p>	
		(d) make land near the seashore available to organs of state and other authorised persons for—	The proposal will not increase or decrease access, however additional area in the carpark could greatly increase performance of rescue	

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		<p>(i) performing rescue operations; or</p> <p>(ii) temporarily depositing objects and materials washed up by the sea or tidal waters.</p>	<p>operations due to the additional space for the rescue vehicles and ambulances and also increase the amount of space available to temporarily deposit materials.</p>	
		<p>Please refer to pages 40-42 of the Revised Draft BAR explaining how Section 63 of the ICMA have been taken into account.</p>		
<p>2.1.2 The SD: CM previously informed the applicant in our comments dated 16 October 2024, that Erf 10190 forms part of a development island and that although the applicant has development rights they are still exposed to coastal processes as well as the impacts of climate change. Additionally, the purpose of the development island is to acknowledge development rights but to temper such rights in response to the risk that the property may be exposed to and to reduce liability to decision makers. Regardless of whether the applicant is willing to accept such risks, it should be noted that the SD: CM has an obligation in terms of the NEM: ICMA and as such our comments cannot be disregarded as historical events have proven the level of risk that the subject property is and has been exposed to.</p>		<p>This is understood, the responses highlight the fact that the risks currently experienced will not increase by the proposed upgrades, however the socio-economic positive will increase.</p> <p>The obligation placed on the Department under NEM: ICMA, to reduce liability and account for coastal processes is acknowledged. However, this obligation must be exercised proportionally and based on a clear, evidence-based assessment rather than general references to historical events. While past extreme weather events provide context for understanding coastal risk, they do not justify broad restrictions on all future development within designated islands. Instead, a site-specific, scientifically informed risk assessment must be the basis for determining whether the proposed expansion is appropriate.</p> <p>The applicant has taken specific steps to align the proposed expansion with climate resilience best practices, including elevating floor levels, reinforcing structural integrity, and ensuring that stormwater management is addressed within the design. These measures demonstrate that the expansion is being undertaken responsibly and cautiously, consistent with the requirements of both NEM: ICMA and NEMA.</p>		113

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		The proposed expansion does not introduce new risks beyond what is already present, and the resilience measures incorporated into the design ensure that it is a responsible, adaptive expansion that aligns with both socio economic imperatives and environmental best practices. If the Department intends to impose additional restrictions, it must provide clear, site-specific justification beyond general historical concerns and ensure that any limitations imposed do not constitute an arbitrary deprivation of development rights.	
2.1.3 In terms of the relaxation of the building line from 4m to 0m, the SD: CM remains concerned that the relaxation of the building line may result in an insufficient buffer to absorb the effects of coastal processes. The SD: CM notes all the site photos in 'Appendix C' post the September/October 2024 events and that the current revetment has been unaffected by those events. The status of the current revetment does not diminish the high probability of wave run-up and overtopping that may likely lead to inundation of the property.		On the southern boundary of the property (the parking area) the relaxation of the building line will not increase the risks associated with coastal processes as it is located on the parking side of the property and is protected by the existing building. The project manager has however stated that service yard will be managed within the current footprint and within the building lines. Please refer to response 24 provided to a similar comment previously submitted.	114
2.1.4 With the position of the property at the mouth of an estuary rendering it vulnerable to both coastal processes such as wave run-up and coastal erosion but also from impacts from inland flooding, the applicant indicated that the position of the property is fully understood and confirmed the SD: CM's concerns by stating that repairs to the property are extremely costly and disruptive to business. It is therefore again advised that caution be applied in considering any additions to the existing building. The provisions of Sections 14 and 15 of the NEM: ICMA as well as the Advisory Note from the Chief Surveyor Generalis therefore reiterated.		Please note that this comment is referencing a small part of a response to comments previously provided by the SD:CM. To understand that response please refer comment and response #25 so that the point is not taken out of context. The applicant acknowledges the risks associated with the location of the property and has already taken measured steps to adjust the design to mitigate potential hazards. The removal of Rooms 1 and 9 from the preferred and alternative are indications that the expansion has been planned with a precautionary approach. The design modifications shows that the applicant has actively engaged with the Department's previous concerns and adjusted the development footprint accordingly.	115

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The concern about costly repairs and business disruptions is a commercial risk that the applicant has fully accepted. The private financial burden associated with potential climate risks does not form

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		<p>a legal basis for deterring development rights, particularly where appropriate risk mitigation measures have been adopted. Instead, the applicant has demonstrated a responsible approach to risk management by adjusting the project footprint and incorporating design adaptations that account for foreseeable climate hazards.</p> <p>The presence the existing rock revetment, which serves as a protective barrier against erosion and wave action, is an essential factor in evaluating the actual exposure of the property to coastal risks. Allan Wijnberg (Coastal Engineer) confirmed that the existing rock revetment is structurally sound and capable of withstanding extreme weather events if maintained. This assessment validates the feasibility of the expansion and provides technical justification for proceeding with the development within a controlled, managed, and resilient framework.</p> <p>Section 14 of NEM: ICMA states that if the high-water mark moves inland, any land that becomes part of coastal public property automatically vests in the state. However, this provision applies only when and if such a shift occurs. The mere possibility of future shoreline retreat or flooding does not constitute an automatic basis for restricting lawful development rights, especially when climate adaptation and risk mitigation measures are already incorporated into the project.</p> <p>The recommendation that cautions be applied in considering any additions to the building should be framed within the broader context of lawful development rights, site-specific resilience measures, and the obligation to balance environmental, social, and economic considerations. While climate risks must be taken seriously, the precautionary approach cannot be applied overly restrictively, effectively nullifying existing development rights.</p>	
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2.1.5 The SD: CM notes that the applicant has considered the Bitou Municipality Disaster Risk Assessment 2019 as previously requested by the SD: CM.			116
2.1.6 In terms of proposed public showers, the SD: CM notes that due to other negative comments relating to the beach shower and ablution block the preferred alternative has been revised to exclude these public amenities – the SD:CM supports this exclusion.			117
2.1.7 The SD: CM duly acknowledges the applicant's response to developments or structures within the littoral active zone ('LAZ') and the SD: CM therefore reiterates that any activities within this area that does not support natural coastal processes may result in erosion. The NEM: ICMA regards the LAZ to be a dynamic system where the free movement of sand must not be interfered with. It is essential that the competent authority not only considers the impact(s) the proposal and its associated activities will have on the receiving environment, but also the impact(s) that environment, including dynamic coastal processes would have on the proposed wooden deck and public showers. As per item 2.1.11 it is noted that the proposed structures in the LAZ are now excluded.			118
2.1.8 With respect to the location of the subject property, the applicant was previously informed of risk pertaining to the loss of property should the high-water mark of the sea move inland of the property boundary. In this regard, Section 14 of the NEM: ICMA and the Advisory Note from the Office of the Chief Surveyor-General, dated 15 October 2021, is applicable. The applicant only stated that they understood the risk and that the insurer is happy to insure the property. However, the applicant must consider the probability of loss of property to the inland movement of the sea as per Section 14(5) of the NEM: ICMA.		Section 14(5) of the NEM:ICA states: (5) If the high-water mark is landward of a straight line boundary of a coastal land unit when this Act took effect, or the high-water mark moves landward of a straight line boundary of a coastal land unit due to the erosion of the coast, sea-level rise or other causes, the owner of that coastal land unit- (a) loses ownership of any portion of that coastal land unit that is situated below the high-water mark to the extent that such land unit becomes coastal public property; and (b) is not entitled to compensation from the State for that loss of ownership,	119

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		<p>unless the movement of the high-water mark was caused by an intentional or negligent act or omission by an organ of state and was a reasonably foreseeable consequence that act or omission.</p> <p>This was considered and the loss of property could occur whether the proposed expansion is implemented or not. This legislation is applicable to all properties along the coast. The mere possibility of future shoreline retreat or flooding does not constitute an automatic basis for restricting lawful development rights, especially when climate adaptation and risk mitigation measures are already incorporated into the project.</p>	
2.1.9 In terms of the proposed engineering consultation in the proposed Maintenance Management Plan, be advised any such measures cannot be without consultation of the SD: CM, competent authority nor the municipality as the applicant is reminded of Section 14 of the NEM: ICMA and item 2.1.8 above.		<p>The MMP has been revised to include the SD:CM, DEA&DP and the Bitou Municipality, as required authorities to consult before any measures listed in the MMP take place.</p> <p>The SD:CM is also reminder that the freak storm or high wave runup does not result in loss of property but instead the shift in the mean high-water mark as shown in response 119.</p>	120
2.1.10. The SD: CM would like to reiterate that the entire subject area is located in the estuarine functional zone ('EFZ') which equates to the 5m contour along an estuary, and it encapsulates the most dynamic areas influenced by long-term estuarine sedimentary processes. It also provides a buffer zone that allows an estuary to swell within the floodplain of an estuary in the event of flood events, inundation as well as sea-level rise due to climate change. It allows for the inclusion of some terrestrial fringe vegetation that contribute detritus to the system and refuge areas for many animal species during floods. It must be noted that in general the SD: CM does not support any development within EFZ. Although the development island is recognised for Erf 10190 the applicant must note that the property is still at risk to coastal processes and impacts of climate change.		<p>We recognize that the entire proposal falls within the EFZ. However, the expansion of Milkwood Manor Guest House falls within the already disturbed EFZ and is recognized as a development island. Therefore, the expansion of the building will not result in disturbance to undeveloped EFZ. The western expansion of the car park will extend into an undeveloped area of EFZ. Mitigation measures are included in the EMP to prevent any disturbance, erosion and sedimentation to the estuarine and coastal habitat. Please refer to pages 70-86, for the impacts and mitigation measures.</p> <p>The coastal engineer has recommended mitigation measures with the expectation of climate change effects coming into play in future and all his recommended mitigation measures will be enforced.</p>	121

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<p>As such, any expansions to the property or enhancement of property rights is not supported.</p>			
<p>2.1.11. Although the applicant emphasised how the proposed expansion and associated activities will contribute towards the local economy in terms of the PSDF and IDP, the applicant failed to highlight the proposed expansions in the context of coastal resilience especially given the property's vulnerable position in the coastal zone by stating: "It is therefore not required to highlight the resilience of the existing property but instead of those aspects in terms of the NEMA EIA regulations as those are the triggers for the EIA process..." The applicant is reminded that the subject area falls within the CPZ and Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 should be considered by local authorities for land use decision making.</p>		<p>Masselink, G., & Lazarus, E. D. (2019). Defining Coastal Resilience. <i>Water</i>, 11(12), 2587. https://doi.org/10.3390/w11122587 defines coastal resilience as:</p> <p>"The capacity of the socioeconomic and natural systems in the coastal environment to cope with disturbances, induced by factors such as sea level rise, extreme events and human impacts, by adapting whilst maintaining their essential functions."</p> <p>From the definition above, the proposal is coastal resilient:</p> <ul style="list-style-type: none"> • Factors such as sea level rise (climate change) has been addressed and have been incorporated into the design of the proposal. • Increasing the Milkwood Manor building by approx. 633 m² will not decrease the essential functionality of the coastal environment. • The proposed expansion will not increase the risk that extreme natural events pose on the current property. • All socio-economic benefits are mentioned in the BAR, pages 57-58. • The socio-economic benefits also do not increase at the expense of the natural environment. <p>It's safe to assume that the proposed expansion has the socio-economic and natural environment capacity to cope with the proposed development. The natural environment's essential functions will not be altered. This can be concluded from Appendix G1 and Appendix G2. From the pages mentioned above, it can be concluded that the proposed expansion will have many socio-economic and tourism benefits.</p> <p>Please refer to pages 40-42 of the revised Draft BAR, which explains how Section 63 of the ICMA have been taken into account.</p>	<p>122</p>

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2.1.12. The SD: CM still recommends that a precautionary approach must be applied for the consideration of this proposal as the SD: CM does not support developments within the highly dynamic LAZ or EFZ. It is noted that the applicant is willing to accept the potential risks to their property however this does not align with the objectives of the NEM: ICMA or the principles of the Circular DEA&DP 0004/2021 that prohibits densification within the EFZ, promotes activities in the EFZ such as tourism and subsistence and small-scale fishing but acknowledges the vulnerability of estuaries to impacts of climate change and the importance of the preservation and management of the estuarine functional zone. The natural functioning of an estuary and the EFZ is essential to secure ecological infrastructure and food security. As such, the Circular further states that prohibiting inappropriate development within estuaries and the EFZ reduces the need to actively manipulate ecological processes, such as breaching of an estuary, to protect human life. The proposed development does not contribute to the natural functioning of the estuary or the EFZ.		<p>The public amenities (beach shower deck and ablution block) are only present in Alternative B. The bus drop off area present in the preferred alternative will not be in the LAZ. Additionally, the objectives of the ICMA relating to "development" does not apply to the proposal (apart from the parking expansion) as the expansion of the Milkwood Manor Guest house is within its existing footprint.</p> <p>Please refer to response 121 regarding the EFZ.</p> <p>The objectives of NEM:ICMA are:</p> <table><tr><td>(a) to determine the coastal zone of the Republic;</td><td>Not applicable to the NEMA process</td></tr><tr><td>(b) to provide, within the framework of the National Environmental Management Act, for the co-ordinated and integrated management of the coastal zone by all spheres of government in accordance with the principles of co-operative governance;</td><td>Please refer to pages 40-42 of the revised draft BAR explaining how Section 63 of the ICMA have been taken into account.</td></tr><tr><td>(c) to preserve, protect, extend and enhance the status of coastal public property as being held in trust by the State on behalf of all South Africans, including future generations;</td><td>As previously mentioned, Erf 10190 is recognized as a developmental island. RE/2066 and RE/706 are considered coastal public property by expanding the car park and providing additional access to the beach, this objective is being complied with.</td></tr><tr><td>(d) to secure equitable access to the opportunities and benefits of coastal public property</td><td></td></tr><tr><td>(e) to give effect to the Republic's obligations in terms of international law regarding</td><td>Not applicable to the NEMA process, however the proposal will not have any impact on international law regarding</td></tr></table>	(a) to determine the coastal zone of the Republic;	Not applicable to the NEMA process	(b) to provide, within the framework of the National Environmental Management Act, for the co-ordinated and integrated management of the coastal zone by all spheres of government in accordance with the principles of co-operative governance;	Please refer to pages 40-42 of the revised draft BAR explaining how Section 63 of the ICMA have been taken into account.	(c) to preserve, protect, extend and enhance the status of coastal public property as being held in trust by the State on behalf of all South Africans, including future generations;	As previously mentioned, Erf 10190 is recognized as a developmental island. RE/2066 and RE/706 are considered coastal public property by expanding the car park and providing additional access to the beach, this objective is being complied with.	(d) to secure equitable access to the opportunities and benefits of coastal public property		(e) to give effect to the Republic's obligations in terms of international law regarding	Not applicable to the NEMA process, however the proposal will not have any impact on international law regarding	123
(a) to determine the coastal zone of the Republic;	Not applicable to the NEMA process												
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coastal management and the marine environment.	coastal management and the marine environment.
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According to the Circular DEA&DP 0004/2021:

DEA&DP Environmental Affairs and Development Planning Map Viewer does not show whether the proposed development is within high, medium, low or general risk areas.

Let's assume the proposed development is within a high-risk urban area:

Intention	Proposal Compliance
Maintain coastal quality	Complies. Please refer to pages 70-86 of the revised draft BAR for all the proposed impacts and mitigation measures.
Limit public and private liability	Complies. The proposal will neither increase nor reduce the risk to human life. Please refer to comment 29.
Increase public awareness of the potential risks to property and human life	The risks are fully understood.
Prevent intensification of development in the high-risk area. Where existing rights are implemented, it must be tempered, and extreme caution must be applied taking liability and risk to human life into account	Complies. Please refer to comment 29. As previously stated, Erf 10190 is considered a developmental island and will take place within an already disturbed footprint. The proposal will not increase risk to human life.

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		<table><tr><td>Prevent encroachment that will impact on the integrity of the shoreline ecology and exacerbate negative impacts</td><td>Complies. The proposal does not encroach on any other properties. The deck that encroaches on public property will be removed as part of the proposal.</td></tr><tr><td>Enable safe evacuation in an emergency</td><td>Evacuation plans and marked routes are a standard requirement.</td></tr></table>	Prevent encroachment that will impact on the integrity of the shoreline ecology and exacerbate negative impacts	Complies. The proposal does not encroach on any other properties. The deck that encroaches on public property will be removed as part of the proposal.	Enable safe evacuation in an emergency	Evacuation plans and marked routes are a standard requirement.	
Prevent encroachment that will impact on the integrity of the shoreline ecology and exacerbate negative impacts	Complies. The proposal does not encroach on any other properties. The deck that encroaches on public property will be removed as part of the proposal.						
Enable safe evacuation in an emergency	Evacuation plans and marked routes are a standard requirement.						
		<p>The Circular further states that prohibiting inappropriate development within estuaries and the EFZ reduces the need to actively manipulate ecological processes, such as breaching of an estuary, to protect human life. The proposed expansion does not contribute to the natural functioning of the estuary or the EFZ, nor hinder it.</p> <p>We agree that prohibiting inappropriate development within estuaries and EFZ reduces the need to actively manipulate ecological processes. Therefore, the proposal is not a new development, it is an expansion of an existing guest house and an existing parking area. The proposed expansion will not increase impacts on the natural functioning, the status quo will remain unchanged in term of natural functioning.</p>					
3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: "...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or		This is understood.	124				

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stopped, to minimise and rectify such pollution or degradation of the environment..." together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.			
4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.			125
COMMENT	NAME/ORGANISATION	RESPONSE	
Your report MILKW/EXP/PB/06/24 dated 11 December 2024 refers. This Branch is not affected by this proposed development, which is why this Branch, from an environmental point of view, offers no objection to it.	Vanessa Stoffels Department of Infrastructure Chief Directorate: Road Planning 14 January 2025	Thank you for your comments.	126
COMMENT	NAME/ORGANISATION	RESPONSE	
Dear Luanne Thank you for your email. Please note that HWC's comment of 'No Further Studies' is still applicable.	Chiara Singh Heritage Western Cape 11 December 2024	Thank you for your comment.	127
COMMENT	NAME/ORGANISATION	RESPONSE	
Many thanks for the opportunity to comment on the above application. We have received the documents and would like to submit the following comments. We acknowledge the response to our comments submitted for the pre-application BAR and appreciate the effort made to address some of the concerns raised. However, we would like to provide additional feedback and reiterate some key points for consideration in the decision-making process.	Nikki Mann OBO Plettenberg Bay Community Environment Forum 4 February 2025		128
Precedent for approving development in high-risk flood zones		We do not believe that if this proposal gets approved that it will set a precedent for possible future developments in high-risk flood zones as	129

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<p>While we appreciate the applicant's efforts to mitigate potential risks associated with sea-level rise, flood events, and climate change, we remain concerned that approval of this proposal could set a precedent for future developments in high-risk flood zones. The proposal is for upgrades within the existing footprint, but it does extend slightly beyond this, with additional public amenities, including parking, bus drop-off areas, and beach showers. We understand that the proposed upgrades will make the facility more resilient to climate change, such as raising floor levels. However, considering the ongoing volatility of climate-related risks, we believe it's crucial to carefully consider whether approving such proposals in high-risk flood zones may create an expectation for similar future applications. The goal should be to balance resilience and the long-term environmental protection of coastal and flood-prone areas while upholding sound development principles that do not jeopardise the broader landscape and ecology.</p>		<p>similar future applications must also comply with the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 (as amended 7 April 2017) and take The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) into account when proposing a new development in a similar area. The NEMA process does not allow for comparison to other similar projects in order to get approval. Each proposal is considered in terms of its compliance with current regulations.</p> <p>This is correct, the public amenities do extend passed the existing footprint. As mentioned in die DBAR, the beach shower deck and ablution block forms part of the Alternative layout not the preferred layout.</p> <p>As seen on page 85 of the Revised Draft BAR, all negative impacts can be mitigated to a Low or Very Low sensitivity. As stated, a large part of the expansion will happen within an existing disturbed footprint. The public parking will transverse into vegetation, however the Terrestrial Biodiversity and Botanical Specialist concluded that no high sensitivity areas are identified within the terrestrial environment. The Estuarine specialist concluded that the estuary will remain well buffered by dense reed vegetation (approximately 30 m in width) and construction activities are unlikely to affect any of the other Resource Quality Objectives for the estuary.</p> <p>The proposed expansion will not diminish any existing coastal resilience and will not jeopardise the broader landscape or ecology. Please refer to Appendix G1 and G2 for an in-depth assessment of the estuarine and terrestrial biodiversity.</p>	
<p>Stormwater Management We urge that the stormwater management infrastructure be regularly inspected and maintained to ensure it performs optimally over time. Given the importance of this system in</p>		<p>Please refer to page 35 of Appendix H (Environmental Management Programme)</p>	<p>130</p>

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managing flood risk, ongoing monitoring will be critical to prevent future flooding issues.			
Risk of Flooding and Coastal Infrastructure While we acknowledge that the proposed upgrades are largely within the existing footprint, our primary concern remains the potential risks of future flood events and coastal erosion, which are expected to increase due to climate change. Given the impacts of the 2007 floods and the possibility of more frequent storm surges, it is crucial to consider the long-term resilience of the infrastructure. While we understand that the proposed structures are designed to withstand extreme weather events and that the rock revetment will be maintained, it is essential to consider the cumulative pressures on local disaster management, emergency services, and municipal resources in the event of such natural disasters.		The proposed expansion will not increase any current pressures placed on the local disaster management and emergency services.	131
Milkwood Trees We emphasise the importance of a robust tree protection plan during construction. This plan should ensure that the retained Milkwood trees are not damaged, particularly given their environmental and ecological significance.		Milkwood trees that can be saved will be demarcated during construction.	132
Dune Management We acknowledge the response stating that stabilising the area with vegetation may not be ecologically sound due to the dynamic nature of the dune. However, we believe further investigation into alternative erosion control methods could be explored. The importance of preserving the dune's natural integrity for ecological and flood management purposes cannot be understated. While vegetation may not completely stabilise the dune, it could still contribute to reducing the rate of erosion in certain areas, and in turn, help prevent sand movement into the property. We believe that proactive and collaborative approaches to dune		As stated by DEA&DP in comment #103: In accordance with Section 15 of NEM:ICMA that: (1) No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person. (2) No person may construct, maintain or extend any structure, or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as	133

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preservation can benefit both the property and the surrounding environment.		provided for in this Act, the National Environmental Management Act or any other specific environmental management Act.	
The Plettenberg Bay Community Environment Forum thanks you for the opportunity to comment and we look forward to your response to our queries and concerns. We reserve the right to submit further comments as additional information becomes available.		The dune is not on the applicant's property and does not form part of the scope of this proposal. Thank you for your comments.	134
COMMENT	NAME/ORGANISATION	RESPONSE	
I am a resident at De Meermin up the road from Milkwood Manor. I fully support the upgrading at the facilities at Milkwood Manor and surrounding area. Please adv me when this will commence and approximate duration of the renovations and improvements to Lookout beach. Personally I would love the reinstatement of a walkway down to the swimming area. It is now such a challenge to walk from the entrance to the beach to the sea line. I would appreciate being kept in the loop as the exercise begins and develops.	Barbara Wood Interested and Affected Party 31 December 2024	Thank you for your support on the project.	135
COMMENT	NAME/ORGANISATION	RESPONSE	
Dear Luanne, I trust you are well. Kindly can you send the documents and kmz via a WeTransfer if possible. Kind regards, Megan	Megan Simmons CapeNature 13 December 2024	A WeTransfer link and the DBAR and KMZ files were sent on the 2 nd of January 2025.	136