

Comments and Response Table: Pre-Application BAR

PROPOSED DEVELOPMENT OF HEROLDS BAY COUNTRY ESTATE ON A PORTION OF PORTION 7, FARM BUFFELSFONTEIN NO.204, HEROLDS BAY, WESTERN CAPE

Comments Received during the First Round (30-Days) Public Participation on the Draft Basic Assessment Report					
Nr	Comment Received	Date Received	I&AP	Company / Representing	Response
GENERAL AND TECHNICAL					
1	<p>CapeNature, as custodian of biodiversity in the Western Cape, would like to thank you for the opportunity to review the application and appendices wishes to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.</p> <p>The following information was extracted from the supplied documentation details the proposed scope of works which is planned and illustrated in Figure 1:</p> <p>Long Island Trading 44 (Pty) Ltd proposes to construct a mixed-use development which entails combining residential, recreational and agricultural land uses. It is proposed that the development will include single residential erven, group housing units, a filling station with convenience shop, an ancillary neighbourhood centre with commercial and office space and three package plants for onsite treatment of sewerage. The proposed developed will take place on a Portion of Portion 7 of Farm Buffelsfontein No. 204 situated in Herolds Bay, Western Cape.</p> <p>Herolds Bay is a coastal village situated along the Garden Route and located approximately 12.5km south-west of George. The proposed site is located north of the town centre, and west of the popular Oubaai Golf Estate. The site is bounded to the north and west by farmland. The size of the total</p>	25 February 2020	Colin Fordham	CapeNature	CapeNature's description of the proposed project is noted.

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	<p>development footprint (land to be disturbed for the mixed-use development) is approximately 19.264Ha.</p> <p>It is being proposed that 102 single residential erven, 68 group housing units, a filling station with convenience centre and restaurant and an office complex be developed. In addition, there will be private open space, an internal road network and three on-site package plants for the treatment of sewerage. The residential portion of the proposed development is aimed towards holiday makers and tourists to the area, the business zones are aimed towards small business and business professionals located in the region. The total size of the development footprint for the mixed-use development is approximately 19.264Ha.”</p>				
2	<p>According to Mucina and Rutherford, and the National Biodiversity Assessment (2018) the vegetation unit which will be impacted by the proposed activities is the Critically Endangered Garden Route Granite Fynbos (Hardly Protected) (Figure 2). This unit is listed as a threatened ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM: BA). The Garden Route Granite Fynbos contains 4 threatened plant species, 1% is formally conserved and 30% of its original extent remaining in a natural condition. The conservation target for this specific vegetation unit is listed as 23% of its original extent.</p>				<p>CapeNature’s confirmation of the vegetation unit is noted.</p>
3	<p>There is a non-perennial drainage line passing through the proposed site and a known National Freshwater</p>				<p>The reasons for the WCBSP delineation are noted.</p>

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	<p>Ecosystem Priority Area (NFEPA) wetlands present within the approximate footprint (Figures 2 and 3). According to the WCBSP and the Department of Agriculture Fisheries and Forestry (DAFF) 2013 data, most of the development will take place on existing agricultural lands and some Ecological Support Area 2 and Critical Biodiversity Area 2 regions (Figure 3).</p> <p>CBA 2 areas are defined as: “Areas in a degraded or secondary condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.”</p> <p>CBA 2 objectives are: “Maintain in a natural or near-natural state, with no further loss of habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land-uses are appropriate.”</p> <p>ESA 2 are defined as: “Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of PAs or CBAs, and are often vital for delivering ecosystem services.” ESA 2 objectives are to: “Restore and/or manage to minimize impact on ecological processes and ecological infrastructure functioning, especially soil and water-related services, and to allow for faunal movement.”</p> <p>Reasons for WCBSP delineation were the following:</p> <ul style="list-style-type: none"> • Bontebok Extended Distribution Range • Water source protection- Kaaimans 				

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	<ul style="list-style-type: none"> Watercourse protection- South Eastern Coastal Belt 				
4	Following a review of the application and appendices, and given the above mentioned sensitivity of the site, CapeNature would like to make the following comments/recommendations:				
5	<p>1. CapeNature would like to also remind the landowner that in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) (CARA), landowners must prevent the spread of alien invasive plants on the property. The level of alien infestation is therefore not to be seen as reducing the sensitivity of a site, nor is the subsequent removal of alien vegetation from a property regarded as a mitigation measure due to this is being a legal requirement. Infestation by alien plants does not necessarily mean that an area is not important for biodiversity as some vegetation types are particularly prone to invasive alien infestation, but may recover when cleared of alien vegetation. The EAP needs to take cognisance of this fact in all statements regarding mitigation and determination of the No-Go Alternative impact.</p> <p>The landowner is legally required to remove all alien plants from the farms and therefore the No-Go Alternative has to take this into account. Feasibility of such removal operations are not consider either, as there are state assisted programmes in place to assist landowners who do not have the financial resources to remove alien plant species.</p>				<p>Cognisance of the ability of cleared areas to recover has been taken when describing the No-Go alternative in the Post-Application BAR.</p> <p>The options with regards to alien clearing operations have been further investigated and described in the Post-Application BAR</p>

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6	2. In addition to CARA, in terms of the Alien and Invasive Species Regulations, NEM: BA, 2014, specific alien plant species (e.g. <i>Acacia mearnsii</i>) are either prohibited or listed as requiring a permit; aside from restricted activities concerning, inter alia, their spread, and should be removed. All alien trees present on the properties should be removed as they are a propagule source for further spread of invasive alien plants.				The regulations regarding black wattle are noted and have been included into the revised Draft EMPr.
7	3. To maintain seed viability, topsoil stockpiles should be limited to a maximum of height of 1.5 m. These stockpiles should also be suitably marked to ensure these soils are not used for purposes besides rehabilitation.				These measures have been included into the Draft EMPr.
8	4. The presence of livestock on the property needs to be determined and prior to the commencement of development construction activities on the property, the number livestock grazing the farm must be reduced accordingly. This is to prevent overgrazing occurring due to development activities, when vegetation is removed, thereby changing livestock carrying capacity of the farm.				The property is actively farmed and livestock is increased or decreased depending on various conditions that affect all the farms in the area. The type of livestock is also changed depending on a variety of reasons including marketability and suitability. The farmer is the Applicant and is acutely aware that overgrazing is bad for sustainable farming.
9	5. It is recommended that an alien eradication and fire management plan be compiled and appended to the FBAR and that the applicant commit to joining the local Fire Protection Association to ensure that				Essentially there will be no alien vegetation because this will all be removed during construction. Therefore once the houses are completed, the alien vegetation will also be removed. The applicant will join the local

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	the vegetation on site is burnt at the correct intervals.				FPA and this will then extend to the home owners association. The vegetation left on site will be coastal thicket which will not be burnt as it is not dependent on a fire regime for survival.
10	6. The following comments are based on the botanical specialist report and its findings:				Noted
11	6.1. The Cape Floristic Region is largely a fire-dependent system and natural fire regimes must be maintained and managed in the landscape. The exclusion of fire from certain habitats will be considered unacceptable as this may ultimately cause the loss of species. Where appropriate, the location of fire-breaks should be indicated and these fire-breaks may be considered part of the development footprint (outside of any buffer areas). Firebreaks can be brush-cut, but vegetation must not be completely removed. Brush-cutting must occur as infrequently as possible as brush-cutting will lead to loss of species diversity over time. Can the specialist provide input in this regard as to the appropriate burning regime for the vegetation type from an ecological perspective?				The inclusion of fire-breaks has been addressed in the revised Botanical Assessment and the Post-Application Draft BAR. Due to the disturbed nature of the site and the confirmation that no fynbos remains on the development area, a fire regime is not required.
12	6.2. All botanical impacts should be listed and rated accordingly. Of particular importance is the habitat fragmentation and cumulative impacts. CapeNature recommends that the specialist rate all impacts				The applicant will fence off the estate (with clear view type fencing) from the farm so that he can continue with normal farming practices. No herbicide is currently used nor will it be used in the future.

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	accordingly and also advise regarding the applicants use of fences. Also the specialist should determine what impacts herbicide spray drift may have on indigenous neighbouring vegetation?				
13	6.3. If the applicant had managed his land correctly, removed aliens and undertaken the prescribed ecological burning regime, can the specialist provide an informed opinion about what type of vegetation should be growing on the farm and where it would naturally grow, based on abiotic as well as biotic factors?				The farm has historically been used for agricultural purposes, pasture for livestock in particular. As such, even with the removal of the alien vegetation and a burning regime, vegetation composition would have been directly influenced by grazing. The value of getting an opinion on what sort of vegetation would be growing on the farm were it not used for grazing is questioned as the No-Go option is for the farm to continue to function in its current capacity.
14	6.4. Did the specialist comply with the guidelines for the compilation of botanical\ecological specialist assessments, as per Appendix 65?				Yes, a table listing the requirements with reference to the relevant sections in the report is provided in the Post-Application BAR.
15	6.5. Rehabilitation of any disturbed ecosystems is only considered successful when the ecosystem has returned to an ecologically functional state and has a similar species assemblage as its natural state. There was mention of rehabilitation within the botanical report and this should be elaborated further to encompass a map of the potential rehabilitation area and methods of rehabilitation to be considered. The loss of CBA 2 (which is defined as degraded habitat) is still of incredible importance				<p>According to the revised Botanical Report (April 2020), the affected CBA comprises an alien forest dominated by black wattle and southern blue gum. Its potential for rehabilitation is very slim.</p> <p>In addition, the report states that although the proposed development encroaches onto a mapped CBA, it is not expected to impact on the CBA network significantly.</p>

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	and it is unclear how the applicant plans to mitigate for this loss?				
16	7. The LUA Handbook can be downloaded from CapeNature's website (https://www.capenature.co.za/about-us/2017-western-cape-biodiversity-spatial-planhandbook-download/) and should be referred to and referenced in all future applications submitted by the consultant. Especially regarding the desirability of the development within the extent of WCBSP layers and what is the desired land use for CBA 2 regions?				The LUA Handbook has been referenced in Section C of the Post-Application BAR.
17	8. Using specialist findings, a detailed No-Go Areas map should be compiled and appended to the Environmental Management Programme (EMPr). The aim of this map is to sensitise the owner to the location of sensitive habitat relative to development footprints. This will also empower the Environmental Control Officer (ECO) to ensure the strictest level of compliance regarding the protection of sensitive habitat.				A detailed No-Go Areas Map has been included as an annexure to the revised Draft EMPr.
18	9. In addition to which the location of houses within the erven relative to the aquatic wetland buffer needs to be defined and the extent of indigenous vegetation within the erven also delineated. It is unclear why the erven located within aquatic buffer cannot be free standing without yards, given the				There is currently no indigenous vegetation on the proposed erven (as confirmed in the Botanical Assessment). The erven which encroach slightly onto the aquatic buffer would not have formal yards but may have mown lawns which keep with the current state of the property.

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	sensitivity of the setting? CapeNature remains highly concerned regarding the location of erven within the aquatic buffer as buffers are not outlined for development, they are delineated to act as control measures to protect ecosystem services and mitigate for development impacts. If these get used for developments they directly will change impact ratings accordingly. In general however, it is recommended that all mitigation measures and recommendations outlined within the aquatic habitat assessment be implemented fully.				We agree that aquatic buffers should be taken cognisance of, however the job of the Environmental Assessor is to assess the impact in terms of Social, Biophysical and Economic, with guidance from the specialists. The slight encroachment on the aquatic buffer has been taken into consideration and, as the function and status of the vegetation is not going to significantly change, in our opinion the impact this has on the buffer is not going to change. In addition, where it will have a positive socio-economic impact, it is incumbent on the EAP to weigh these up to make an informed recommendation.
19	10. Concerning the vegetation and fire regime, CapeNature recommends that the applicant join the Southern Cape Fire Protection Association (FPA). CapeNature does not advocate the brush-cutting of vegetation to stimulate fire effects and rejuvenation on the natural ecosystem with the exception in this instance as indicated near dwelling units in the intensive use zone. The Southern Cape FPA can provide additional guidance and on site recommendations regarding the vegetation, fire regime and firebreaks for the region.				The applicant will join the FPA and, once it is set up, the HOA will also become members.
20	11. An Operational Environmental Management Programme (OEMPr) should be compiled and appended to the Draft BAR. The OEMPr should specifically look at what measures must be implemented to ensure the protection the watercourse from fuel spills and contamination, especially in emergency scenarios.				An OEMPr has been included into the EMPr, specifically addressing operational phase watercourse protection.

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21	12. Should any catastrophic\emergency events occur, the applicant may be held liable for any significant changes in water quality associated with the fuel station and this development's activities. The polluter pays principal may be applicable and CapeNature simply recommends that the applicant be made aware of these risks given the site location.				Noted. The applicant is aware if these risks.
22	13. CapeNature reserves the right to revise initial comment and request further information based on any additional information that may be received.				Noted.
23	1. The comment contained in this document is at the request and instruction of the Herolds Bay Rate Payers Association (rate payers) which is representative of the interests of Upper and Lower Herolds Bay.	20 January 2020	Ken Field	Herolds Bay Rate Payers Association	Noted
24	2. During December 2018 the rate payers submitted a written submission with comment to an application submitted to George Municipality by Nel and De Kock Town and Regional Planners a copy of which document is annexed hereto marked "A", which annexure is to be read in conjunction with the comment contained herein as many of the issues raised in the Nel and De Kock submission to a greater or lesser degree appear in the Draft Basic Environmental Assessment Report (DBAR) and supporting documents.				The rate payers' comment submission on the town planning application is noted. The town planner will address these issues in his submission in terms of the town planning process.
25	3. We will deal with the respective reports submitted under the DBAR by referring to the document heading;				Noted

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26	4. SOCIO ECONOMIC IMPACT ASSESSMENT (S.E.A). References are made to paragraphs in the document.				Noted
27	4.1. Para 3.1 The “strong foreign demand” referred to will remain in the high end market for existing developments surrounding the Herolds Bay area, and will not benefit the proposed development in any significant manner at all. A “diversity of housing mix” already exists in Herolds Bay as home prices presently range between 2 million and multi millions in the lower area. These are real time prices and the developer of the proposed township can at best speculate on what his future prices will be. The only benefit the development may have is to contribute its portion of the Inclusionary Housing component of which no mention can be found in the documents submitted as yet.				The Socio-Economic Impact Assessment states that the development could allow for an increase in foreign investment into the area, which, if it occurs, is likely to benefit the local community . It must be reiterated that Herolds Bay is primarily a holiday and retirement destination. Inclusionary housing, however, caters for the less privileged sector of the community. This format of housing does not only require the provision of accommodation, but also community facilities such as schools, libraries, clinics etc. Therefore, with relatively limited job opportunities Herolds Bay, it is for all practical proposes not a suitable location to establish an inclusionary housing project.
28	4.2. Para 3.2 Adequate commercial space exists at the Oubaai complex and is completely underutilised and in all probability still subsidised by that developer. Other than creating the death sentence for the “small retail establishment,” which has and still				Your comments are noted. The Socio-Economic Impact Assessment states that, “As the town has grown, however, and especially after the development of the neighbouring housing estates Herolds Bay has found itself without adequate commercial space to meet the needs of local residents

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	<p>serves the “town’s population,” a retail centre as proposed will be of no real benefit to the “town’s population”.</p> <p>There is absolutely no need for a petrol station and in this regard you are referred to our comment in annex A.</p> <p>Four restaurants in the area are adequate as far as the needs of the ratepayers are concerned and to rely on the seasonal holiday trade by adding an additional restaurant is a fallacy.</p> <p>Our comment regarding Commercial space applies to the proposed office space proposal as well.</p>				<p><i>and holiday travellers.”</i> In addition, it states that, at present, there is no commercial office space available in the town.</p> <p>Although access to the Oubaii complex can be obtained by signing in at a security gate, it is not a user friendly system and is not easily accessible and visible from DR1590 and the rest of Herolds Bay.</p> <p>The feasibility of the petrol station has been shown in the Traffic Impact Study, which states that, based on current and future traffic in the area, a pumping volume of 94, 000 litres per month is expected.</p>
29	<p>4.3. Paragraph3.3 Upper and Lower Herolds Bay is presently monitored by 47 Videofield cameras and 5 CCTV cameras paid for by the rate payers and monitored by the rate payers preferred service provider resulting in a safe and secure environment. There is no need to create a gated community to achieve a secure environment per se.</p> <p>Any new development of the magnitude suggested will increase movement and result in a less safe environment for the rate payers.</p>				<p>Your comment is noted, however, there would only be an increase in movement in the area during construction, after which only residents and their visitors would be in the surrounding area. It is therefore not agreed that there would be a decrease in safety of the ratepayers through the development of the proposed gated housing estate.</p>
30	<p>4.4. Para 3.6 You are referred to annex A regarding our</p>				<p>The Municipality will levy capital contributions which the developer will have to pay and these will be used</p>

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	comments gaining access to the beach via Rooidraai and unless those issues are addressed prior to or sufficient contributions are levied against the developer of the proposed development to upgrade Rooidraai, no “park and ride” or any other proposed access by vehicular mode will be possible or practical.				for upgrading of roads etc, should this be required and in accordance with the Municipality’s analysis of works needed. In addition, the proposed shuttle service would, in fact, assist with reducing traffic on this road, particularly during the high seasons.
31	4.5. Paragraph 4.2.5 (4) We must accept this is a copy and paste exercise taken from a “Buffalo City Metro” proposal prepared by yourselves on behalf of another client.				This typo has been amended.
32	4.6. Para 4.3 The concerns raised in annex A regarding delays in timing is already evident from the assumption contained in paragraph 2 line 3 of your report. Delays in development increase holding cost which result in increase in the offer price of the erven/sectional units which makes it a crystal ball exercise for a developer to suggest possible future selling prices of the proposed product.				Your comment is noted. However these are ball park figures at which houses and erven will be bought and sold. It is often not local conditions which determine these figures but global events which have more of an impact on housing supply and demand.
33	4.7. Paragraph 4.5 Assumptions are made in this paragraph which remain as such and are impossible is (sic) comment on.				These are the social impact predictions of the specialist, based on their expertise in the field.
34	4.8. Para 5. Our comment regarding the proposed “park and ride” remain as per annex A. The proposal regarding parking meters or any				The undersupply of parking during peak season is something that occurs all over the country during the holiday seasons and Municipalities have various ways of dealing with the issue. The Applicant is not going to be directly involved in dealing with the parking issue as

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	<p>other fixed manner of traffic control in an area which is battered by high water storms is unacceptable.</p> <p>When dealing with infrastructure and the supply of water to the development as proposed the problems of water pressure loss and no water supply to the rate payer's area will be raised.</p>				<p>this is a Municipal function.</p>
35	5. PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT				
36	<p>5.1. The Proposed Development</p> <p>Page 11- Why is no reference made to the Inclusionary Housing Act or its requirements where reference is made to the number of units? We also note no mention is made of accommodation that will "benefit the society and the local community" on page 31.</p>				<p>South Africa has not adopted an Inclusionary Housing Act, however, individual Municipalities (i.e. City of Jo'burg and Cape Town Metropolitan Municipalities) have developed policies in this regard which are in varying stages of implementation. No Inclusionary Housing Policy has been promulgated for the George area.</p> <p>The Planning Motivation Report points out that Herolds Bay is primarily a retirement and holiday destination. Therefore, a seasonal influx of visitors is experienced which does not create a sustainable source of employment opportunities. Therefore the provision of social housing (inclusionary housing) is not readily attainable. Furthermore, such housing goes hand in hand with the availability of community facilities such as schools, etc. which are not available in Herolds Bay due to its character as a dormitory town.</p>

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37	<p>5.2. Filling Station</p> <p>Page 12- read with page 20 the distance from the turn off from the R404 main road to the entrance to the filling station along the Oubaai road is given as approx.78 metres.</p> <p>Does the traffic impact study regard the stacking area, in the event of a backup in entering the commercial area, to be safely sufficient due to the turn into Oubaai road being a 90 degree blind turn area? We do not agree that "sight entrances" are necessarily "excellent" as stated in the report.</p>				<p>The Traffic Impact Assessment confirms that the sight distances at both proposed access points are excellent in both the horizontal and vertical alignments and satisfactory for development purposes. This is substantiated through an array of photographs within the report. The TIA will be checked by the George Municipality for accuracy as they will have to approve the proposal.</p> <p>Stacking distance into the filling station is more than sufficient and provides more length than guidelines require.</p>
38	<p>5.3. Water</p> <p>Page 13- Water pressure to the rate payer's area was and is interrupted during the peak season. Is the development supplied from the same line supplying our area and if so must we accept that the pressure in the ratepayer's area, with the addition of the development to the grid, will further deteriorate?</p> <p>We note the comment regarding water on page 29 but are not persuaded that "availability" equates to sufficient pressure down the line.</p>				<p>Water allocation has been provided to the development by the municipality in writing. Water to the proposed development is provided from the bulk line servicing Oubaai and surrounds and not the line servicing Herolds Bay. Pressure on the line proposed to service the development is sufficient and in line with municipal standards.</p>
39	<p>5.4. Remote parking</p> <p>Page 16- Our comment regarding this proposal is contained in the paragraphs supra and in annex A.</p>				<p>Noted</p>

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40	5.5. Page 27 Para 2- The application for rezoning and consent use is being opposed –see annex A. Annexure “A” Objection Lodged to George Municipality in response to document prepared under Section 45 of the Land Use Planning By Law for George Municipality 2015.				The opposition is noted.
41	5.6. Page 29 Para 5- We look forward in receiving the comments of the authorities once they become available.				All comments received have been included into the appendices of the Post-Application BAR.
42	5.7. Page 31 Para 12- headed “Human Health and Well Being” The Latin saying of “Inclusio unius exclusio alterius” comes to mind here in that, what is included in the development will be safe all other persons attracted to and by the development will be excluded. The question that begs the answer is where will those persons find accommodation or if there are no jobs available, as surmised by the author of the document, the natural instinct will be to wander into the areas that are excluded from the secure area. This is of major concern to the ratepayers. Due to the fact that the proposed development is far removed from the urban edge of the developed area of George, it makes no sense to promote a development of this nature until such				There is no evidence that a specific development of this nature will attract unsavoury characters to the area. Unfortunately due to our high unemployment rate and other factors, unsavoury characters are everywhere. The citizens of SA have taken steps to protect themselves from crime and violence and will need to do so in the future whether this development goes ahead or not. There is already adequate access to the area and beach.

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	time as the access road infrastructure to Herolds Bay ratepayers area as well as beach access and the public transport is in place and operational.				
43	<p>5.8. Page 31- Benefits to Society”</p> <p>Mention is made here and elsewhere of property prices “sky rocketing” in the ratepayer’s area.</p> <p>This is a misconception and not supported by the ratepayers as an argument in support of any development anywhere in South Africa. No development which is proposed should be a counter measure against existing prices.</p> <p>Herolds Bay has a massive diversity of housing mix ranging from wooden houses to clad and brick homes in all price ranges. The proposed development will add no further diversity. To the contrary it is constant in the proposals that affordable units are to be pushed into the market. We as ratepayers do not believe any development of this nature, once the infrastructure is in place, will be cheaper than most of the homes in upper Herolds Bay.</p>				<p>According to a property specialist from the area, economies of scale apply in circumstances like this. The developers are able to use the leverage of multiple units being constructed at the same time to ensure market related prices are achieved. The developers are proposing to develop the properties themselves so pricing and plans will be uniform and inputs and finishes controlled.</p> <p>Due to the fact that there are different pockets in the development, prices will differ between for example a home and plot option versus a sectional tile unit which is mass built. These will also vary according to size.</p> <p>As Herolds Bay no longer has any opportunities in this market available, it is a definite niche in the market.</p> <p>The desirability of a gated secure community versus an open traditional suburb will always lead to price disparities. Should the prices in the new proposed developments rise, it should only be to the benefit of the upper Herolds Bay owners as their properties will rise in conjunction.</p>
44	5.9. We are not commenting on the technical aspects in the documents under discussion but reserve our right to do so at a future date and once we are in receipt of further comments from the				Noted

Comments and Response Table: Pre-Application BAR

PROPOSED DEVELOPMENT OF HEROLDS BAY COUNTRY ESTATE ON A PORTION OF PORTION 7, FARM BUFFELSFONTEIN NO.204, HEROLDS BAY, WESTERN CAPE

Comments Received during the First Round (30-Days) Public Participation on the Draft Basic Assessment Report					
Nr	Comment Received	Date Received	I&AP	Company / Representing	Response
	authorities.				
45	6. FRESHWATER HABITAT IMPACT ASSESMENT—No comment				Noted
46	7. AGRICULTURAL POTENTIAL EVALUATION- As mentioned in Annex A when acquiring the farm the developer was aware of the lay of the land and the shortcomings of the property. The fact that it does not form a profitable unit was a fact at the time of acquisition. To invest in a development scheme in the millions of Rand to mitigate the possible losses of a small scale farming operation can in our opinion not form a basis to support an application for township development in today's property market circumstances.				Your opinion is noted. The support for the development is based on a number of factors, one of which is the Agricultural Potential Evaluation. Most of the area not used for the development will continue to be farmed.
47	8. PRE-CONSTRUCTION, CONSTRUCTION AND POST CONSTRUCTION PHASE—No comment.				Noted
48	These applications are sent to us for notification purposes. There is a land use application in process, so the municipality does not comment on the environmental application. The environmental decision is considered as part of the decision-making process for the land use application.	22 January 2020	Clinton Petersen	Office of the Municipal Manager : George Municipality	This is noted, however input from the various technical Departments within the Municipality is required for inform the environmental authorisation process. It would be useful if all comments could be encapsulated in one report rather than each discipline only commenting on their own process.
49	Comments on the pre-application draft basic assessment report: Proposed Development of the Herolds Bay Country Estate on a portion of portion 7, Farm Buffelsfontein No. 204, Herolds Bay.	07 February 2020	Melanie Koen	Department of Agriculture Forest and Fisheries	Noted
50	1. The Department of Agriculture , Forestry and				Noted

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	Fisheries (DAFF) 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 DAFF this opportunity to comment on the above application.				
51	2. DAFF studied the supporting documents for the above application and the following points related to DAFF's mandate i.e. the implementation of the NFA are applicable				Noted
52	a) According to the report as well as site inspection the area where the development footprint is proposed consists mainly of invasive alien trees; a patch of indigenous forest occur on the north-eastern side of the property.				Noted and supported by the Botanical Assessment.
53	b) Section 15 of the National Forest Act (NFA) (ACT No. 84 of 1998), as amended prohibits the cutting, disturbing, damaging or destroying of protected tree specific without a license. Section 7 of the National Forest Act (NFA), act no.84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license.				Noted
54	c) The indigenous forest patch will remain intact and falls outside the development footprint. DAFF request that this indigenous forest patch be clearly marked as a no-go area during the development phase.				The indigenous forest patch has been included into the No-Go areas map in the EMPr.
55	d) DAFF recommend that Owner become a member of the Southern Cape Fire Protection Association (SCFPA) and that DAFF: Fire Advisor Paul Gerber (044-302 6920; PaulGe@daff.gov.za) be				Noted

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	consulted for advise under the NVFFA.				
56	e) Forestry request that the Department Agriculture's: Land use Manager: Cor Van Der Walt be approached for input as well, according to their mandate (tel: 021 808 5093; email: CordW@elsenburg.com).				Mr van der Walt has been included on the I&AP register and comment requested, however no response has been received to date.
57	3. DAFF reserves the right to revise initial comments based on any additional information that may be received.				Noted
58	We refer to the email notice received on 17 January 2020 regarding the proposed development Herolds Bay Country Estate on the Portion of Portion 7 of the Farm Buffelsfontein No.204, Herolds Bay (herein further referred to as "the site").	17 February 2020	MSB Nesor / Andria de Wet	Denneseerus (Pty) Ltd	
59	The registered landowner of Farm 331, George A.D. being a neighbouring property and directly affected party to the proposed development, hereby submit our comments & objection to this application.				Your objection is noted.
60	1. Interested and Affected Party: Farm 331, George A.D. – Denneseerus, in relation to the proposed development:				Noted.
61	1.1. Farm 331, further referred to as "Denneseerus", registered in the name of Denneseerus (Pty) Ltd.				
62	1.2. Denneseerus is situated south of the proposed development and will directly be affected by any development on Farm 204/7.				
63	1.3. It is therefore crucial to obtain the input from Denneseerus on this proposed development.				
64	2. Urban Edge				

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PROPOSED DEVELOPMENT OF HEROLDS BAY COUNTRY ESTATE ON A PORTION OF PORTION 7, FARM BUFFELSFONTEIN NO.204, HEROLDS BAY, WESTERN CAPE

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65	2.1. George MSDF – May 2019:				
66	2.1.1. The George MSDF was received and approved in June 2019. The applicants town planner submitted a request to include the site within the urban edge of Herolds Bay, and the request to was rejected.				The Town Planners have submitted a response letter (dated 10 June 2020) to the Municipality in this regard, highlighting how the proposed development aligns with the stipulated criteria which must be complied with in order to amend the Urban Edge, as stated in the Final Approved George MSDF. The original submission was based on the concept MSDF. Response from the Municipality is awaited.
67	2.1.2. The urban edge was not amended to include the site, and it is therefore still situated outside the urban area.				Comments by the authority, which considered the proposal for inclusion into the Urban Edge, made various recommendations as per page 141 in the M.S.D.F with which such a development must comply with in order to be successful. The final application complies with these proposals as set out on page 16 – 18 of the Planning Motivation Report. S.P.L.U.M.A 22(2) is explicit in stating that land which is situated outside the Urban Edge can be included if 'Site Specifics' can be proved. Pages 16 – 18 in the Town Planning Report discuss these Site Specifics.
68	2.2. The following reasons are given in the George MSDF 2019_Addendum 4_Stakeholder_Public Comments and Responses documents on why the site has not been incorporated into urban edge:				Noted
69	2.2.1. "An application has to be made that will contain the details and site-specific aspects of the proposals that are assessed if they meet the needs of Herolds Bay				Noted

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	and the environmental requirements and must demonstrate that the stated objectives of the MSDF as well as other policy is endorsed through the development in order to justify the expansion of the urban boundaries.				
70	2.2.2. The MSDF however, in Annexure 2 (i) contains guidelines for the management of growth in Herolds Bay. A new development proposal should be based on these guidelines and motivated accordingly'.				The Town Planners have submitted a response letter (dated 10 June 2020) to the Municipality in this regard, highlighting how the proposed development aligns with the stipulated criteria which must be complied with in order to amend the Urban Edge, as stated in the Final Approved George MSDF. The original submission was based on the concept MSDF. Response from the Municipality is awaited.
71	2.3. According to Annexure 2, the following can't be used to motivate a development outside the Urban edge:				The poor agricultural conditions (when compared to other parts of the farm) are one small factor for favouring this area for development, and were included into the motivation more for background purposes. The availability of services did not serve as a basis for a review of the Urban Edge as it merely reiterates that the proposed development will not incur any additional expenses for the Municipality to provide services for a development as set out in the goals laid down by SPLUMA. It will in fact facilitate the upgrading if the existing limited power supply to Herolds Bay, which should not be confused with the availability of existing services. The upgrading of the power supply by constructing a 500m heavy duty road to deliver a 66KVA transformer
72	2.3.1. Arguments regarding poor agricultural conditions will not be accepted as the basis for a review of the urban edge.				
73	2.3.2. Arguments regarding the availability of infrastructure will not be accepted as the bases for a review of the urban edge.				
74	2.4. The above is the basis of the motivation for this development (both the town planning and environmental applications) – and according to the municipality, it is not sufficient reason to review the urban edge.				

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					to the substation and the provision of wider road reserves to facilitate the reticulation of a powerline network from the 22KVA and 66KVA substation traversing the development which will serve Herolds Bay lower and Extension 1 and 2 to the south as well as the rural areas to north is in line with one of the criteria on page 141 of the MSDF, which stipulates that a new development area can be considered if, inter alia it "improve services to Herolds Bay".
75	2.5. According to Annexure 2, the following evidence will be required:				It should be noted that Annexure 2 referenced is applicable for Town Planning Applications and does not have bearing on the environmental authorisation process. However, responses to concerns are provided below.
76	2.5.1. Evidence as to why the proposed target market of the proposed development cannot be accommodated within the existing urban edge on existing vacant and underutilised land.				There is not enough space to accommodate all these units within the existing urban edge and the applicant does not own those properties and wants to create something different and at the same time make a profit.
77	2.5.2. Evidence that landowners and developers within the urban edge, who have acted in alignment with Council policy, with legitimate expectations of obtaining services from the Municipality will not be negatively affected.				The Municipality must comment on the engineering proposals submitted, however, bulk services allocation has been provided to the development by the municipality in writing. Municipal bulk services will not be negatively affected as discussed in the various chapters in the respective reports. All bulk services will be in line with municipal standards.
78	2.6. As there are various vacant erven in Monate Eco Estate, Breakwater Bay, The Brink and Ouibaai, there are no evidence that additional land for residential development is required outside the urban edge.				According to a property specialist from the area, each estate in the area has its own unique character and reasons why people choose them.

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					<p>In the case of Breakwater Bay Eco Estate it is 100% sold out from a developers point of view. There were, in May 2020, only sixteen (16) resales available. The estate is characterised by sweeping ocean views and large plots of land. Average prices for plots are R 2 million and the cheapest home for sale is R 10,5million.</p> <p>In the case of The Brink Eco Estate it was, as of May 2020, 74% sold out with only 9 developer plots remaining and only two (2) resales listed. The estate is also characterised by sweeping ocean views and large plots of land. Average prices for remaining plots are R 3 million and the cheapest home for sale is R 12,95m. Building in the estate has increased in 2019 / 2020.</p> <p>In the case of Monate Eco Estate it is 100% sold out. The estate lagged behind the newer estates due to the fact that security was not sufficient at the estate. However, recent additions and fencing have improved this and there is much building going on. There are good nature views and sea views and plots are generally smaller. Built or under construction properties are 25 or 50%.</p> <p>In the case of plots in Oubaai Golf Estate it is 95% sold out as of May 2020 with only 17 plots left from the developer of the original 322. As far as completed or under construction homes, there are 207 of the 322 or 64 % already constructed. There are also many approved plans awaiting construction. Resale stock</p>

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					<p>available in Oubaai plots is currently only 24 plots.</p> <p>As far as character is concerned, the golf course attracts a specific type of buyer.</p> <p>Apartments from Oubaai Golf Estate developers are now 98% sold out with only 3 available of 128 built. Resales have also reduced considerably. As of May 2020 there are 10 resale apartments available.</p> <p>The erven in Breakwater Bay, The Brink and Oubaai form part of low density residential estates with large highly priced erven which implies exclusivity and high levies. The proposed development offers not only security but also lower erf prices. The relatively high density of residential development implies substantially lower levies compared to low density residential estates in the area.</p> <p>The proposed new estate, therefore, will not have an impact on Monate, The Brink or Breakwater Bay Eco Estates in that the views, property sizes and value proposition differ totally. The lower priced properties in the Mountain View area of Oubaai may be slightly affected but once again it is a different value proposition (country estate versus a golf estate).</p>
79	3. Freshwater Habitat Report Statement:				
80	3.1. Buffer Zones:				
81	3.1.1. According to the Freshwater statement, the				The aquatic specialist has assessed the layout and has

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	proposed layout plan does adhere to the aquatic buffer area, especially in the south western corner where the service station is proposed.				rated the impact of the service station in its current position. There is already a significant buffer between the watercourse and the service station and therefore the minor encroachment on the buffer will not have a significant impact on the watercourse. However, the proposal will have a major impact in terms of the socio-economic development.
82	3.1.2. The sewerage infrastructure is located within the buffer zone, causing a potential for water pollution due to leakages.				The sewage infrastructure will not be located within the aquatic buffer however there is always a risk of pollution in the event of a leak or malfunction. This is a fact of all towns in South Africa including George and the engineers have various methods of trying to prevent this including back up pump stations etc.
83	3.1.3. Of the three package plants on property, two are proposed near freshwater habitats, which will result in pollution risks if the plants are not effective.				These risks have been assessed and mitigation measures proposed to reduce the possible impacts.
84	3.1.4. The Freshwater Habitat Report & Statement also recommend that the commercial area be set further back from the watercourse, as it is currently not only within the aquatic buffer, but within the riparian habitat.				Fine scale mapping of this area showing any encroachment into the buffer zone and aquatic habitat will be included in the Post-Application BAR.
85	3.1.5. The proposed layout plan did not take any of the above recommendations into consideration and a revised plan should be submitted for comments.				The proposed preferred layout plan has taken the environmental constraints into account, in consultation with the Freshwater Specialist and has also taken the socio-economic factors into account and therefore the preferred compromise has been proposed.
86	3.2. Water Use License:				
	3.2.1. This report concludes that the project will not qualify for GA and will need to go through the water				Proof of the Water Use Application process undertaken has been included in the Post-Application BAR.

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	use licence application process with the BGCMA for authorisation.				
87	3.2.1.1. Proof is required that this application is in process.				
88	4. Greater George water capacity:				
89	4.1. According to the Herolds Bay Estate Engineering Services Report, the Average Annual Daily Demand for this development is estimated at approximately 131kl/day.				Correspondence from the George Municipality regarding the bulk water requirements for the development is included as Addendum 2 of the revised Engineering Services Report (2020).
90	4.2. The proposed development will put pressure on the Greater George water capacity, which is already under pressure.				The George Municipality do not have concerns regarding the water capacity for the proposed development. Water allocation has been provided to the development by the municipality in writing.
91	5. Need for this development:				
92	5.1. The proposed average size of the 65 "Residential 1" erven (approximately 1000m ²) and number of "Residential 1" erven versus the Group Housing units indicate a high-end development. The services required (three sewerage package plants) will result in a high-cost development. This contradicts the statement that the application is for an affordable development.				<p>While some elements of the development are targeted at the high end market, the inclusion of group housing allows for more affordable units within the development and a diversification in the housing mix.</p> <p>As per the Preferred Alternative, the number of single residential erven is not 65 but 102. While the average erf size is not 1000m², but 882m². Provision is also made for a total of 68 group housing opportunities which results in 40% of the total number of residential opportunities. This balanced mix is aimed at providing opportunities for a broad spectrum of housing needs as the sizes of group housing units on the three group housing sites will also vary in size and cost.</p>

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93	5.2. There are numerous similar vacant "Residential 1" erven available in the immediate surrounding area (being Monate Eco Estate, Breakwater Bay, The Brink and Ouibaai), which are located within the urban edge.				Noted. However it does not mean the applicant cannot also provide similar erven. The Municipality can evaluate if more erven are needed.
94	6. Filling Station & Commercial Buildings				
95	6.1. Access Point:				
96	6.1.1. According to the Pre-Application Draft Basic Assessment Report, access to all uses (including deliveries to the shop, restaurant & supermarket) & service station will be from a single access point, directly situated across the access point of Denneseerus.				Noted
97	6.1.2. We do not agree to a shared mixed use /filling station access point and this is not a shared practice at any service station in the country and is extremely unsafe.				Your comment is noted. The reconfigured intersection will be designed in line with best practice from a traffic and transportation perspective to the approval and satisfaction of the George Municipality. The utilization of a single intersection for mixed use development is common throughout South Africa and the western world.
98	6.1.3. This portion will also be used as the proposed parking area from where the shuttle service to the beach will be operated. This will result in high traffic volumes during the holiday season and it is imperative to design the access point with the input from Denneseerus.				Your comment is noted and your input will be acquired during the detail design stage.
99	6.1.4. Detail design drawings of the proposed site access should be submitted to Denneseerus to scrutinise, prior to final comments being issued.				A sufficient level of detail has been provided to the Authorities in order for them to take a decision. Your input will be acquired during the detail design stage.
100	6.2 Filling Station License Issued.				

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101	6.2.1. The proposed service station will have an impact on the service station proposed at the George Airport (for which a license has already been issued).				<p>Your comment is noted. This filling station will however not have an impact on the airport filling station mentioned as it is further than the 3km impact zone for urban areas.</p> <p>The Traffic Impact Assessment addresses the feasibility of the filling station based on the current traffic counts and the anticipated trips from the development of the housing estate.</p> <p>It found that a pumping volume of 73,000 litres per month is estimated with background traffic only. With development traffic added, this figure is estimated to rise to 94,000 litres per month.</p> <p>All necessary filling station licences will be applied for through all prescribed processes from all authorities at the respective correct timeframes.</p>
102	6.2.2. This renders a service station on the site unnecessary, as the Herolds Bay community would have been included with the feasibility assessments of the service station approved. The proposed service station on Farm 204/7 might never obtain the required service station license.				
103	7. Conclusion:				
104	<p>7.1. The development did not proof (<i>sic</i>) the need to expand the urban edge. While the site is located outside the urban edge, this development should not be considered from an environmental point of view.</p> <p>7.2. Please note that Denneseerus has also objected to the town planning application, on which we have had no correspondence from the applicant to date.</p>				<p>The location of the site outside of the urban edge is only one factor considered in the environmental authorisation process and does not present a fatal flaw in the proposal.</p> <p>The objection of Denneseerus to the town planning application is noted. The applicant responded to the Municipality on objections and not to the objector, which is standard procedure.</p>

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105	1. Planning	17 th February 2020	Willem Marx	Oubaai Home Owners Association.	
106	1.1. The document states that the development proposal complies with the George Spatial Development Framework (SDF), yet the EAP further states that the property falls outside of the urban edge of Herolds Bay.				The SDF covers the extent of the George Municipality, which includes area outside of the current urban edge.
107	1.2. Since the SDF speaks directly to urban edges and by default the notion of avoiding unwanted urban sprawl, it is safe to say that when a property falls outside an urban edge, the proposal cannot be considered in line with the SDF. There is no evidence in the pre-application BAR that points to any consultation with the Provincial Planning Authorities indicating that they support a development of this nature that appears to be inconsistent with the SDF;				The development proposal was discussed at various occasions with the Municipality, as well as with the Department of Environmental Affairs and Development Planning, prior to the lodging of the Town Planning Application and the release of the Pre-Application BAR. These meetings included a site visit.
108	1.3. It is further noted that the engineering terminology reference in the report, refers to the development as so called 'infill' development between Oubaai and Herolds Bay. Considering that the property falls outside of the urban edge, the development cannot be referred to as 'infill' development since it creates the incorrect impression that the property forms part of the urban context already				The Engineering Report states that, " <i>The proposed development is classified from an engineering bulk services perspective as an infill development with infill taking place between the existing Herolds Bay township and Oubaai Golf Estate.</i> " This statement does not make reference to the urban edge, but refers to the availability to connect to existing bulk services, i.e. no

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					additional bulk services are required.
109	1.4. Considering that the proposal appears to be inconsistent with the George SDF and to be outside the urban edge, it brings to question the need and desirability of the project as a whole which we submit has not been expressed correctly in the report. We could not find a Planning Report attached to the pre-application BAR and request that such be added to address the above-mentioned concerns in more detail.				<p>The location of the site outside of the urban edge is only one factor considered in the environmental authorisation process and does not present a fatal flaw with regards to environmental applications.</p> <p>The Town Planning Motivation Report is included in the Post-Application BAR for review.</p> <p>The Town Planners have also submitted a response letter (dated 10 June 2020) to the Municipality in regard to inclusion in the Urban Edge, highlighting how the proposed development aligns with the stipulated criteria which must be complied with in order to amend the Urban Edge, as stated in the Final Approved George MSDF. The original submission was based on the concept MSDF. Response from the Municipality is awaited.</p>
110	1.5. The George Municipality should also be requested to comment on the principle of considering an urban development outside of the urban edge as this informs the needs & desirability of the application. It is further noted that the existing Municipal Wastewater Treatment Works and Infrastructure does not have sufficient capacity to accommodate the proposed development. We submit that this existing constraint speaks directly				<p>Comment from the George Municipality has been requested as part of the public participation.</p> <p>Capacity at the WWTW relates to the Works's ability to receive and process additional sewerage. The capacity of the existing WWTW is not an indication of the desirability of any new or future development but is purely an indication and function of historic planning.</p>

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	to the fact that the property falls outside of the urban edge.				The capacity of the WWTW has been taken into consideration, with the inclusion of the package plants into the proposed development.
111	2. VISUAL				
112	2.1. The Screening Tool highlights visual impact as a potential issue of concern and the pre-application BAR indicates that a visual report was undertaken. The report appears to be excluded from the list of Appendices. Please provide a copy of the visual report for consideration.				The Visual Report has been included in the Post-Application BAR.
113	2.2. No reference is found to the high level of buildings proposed as part of the development (how many storeys). Further clarity is required on the maximum height that buildings will be on this property as it may have an impact on the cultural sense of place and property value of surrounding developments.				The development will comply with the criteria in the Integrated Zoning Scheme, which allows for a maximum height of 6.5m to the wall plate in all cases and 8.5m to the ridge of the roof in the case of a pitched roof dwelling house. The same applies to group housing.
114	3. NEED & DESIRABILITY				
115	3.1. Considering that the property falls outside the urban edge, there is concern for the impact on sense-of-place surrounding Herolds Bay. We do believe that the development is likely to have an impact on the property values of existing developments. Not all of the existing development have been sold/developed and as such there is still a lot of vacant/undeveloped erven in the market (both in Herolds Bay and surrounding developments				The property market is affected by a variety of factors including the state of the economy and global pandemics. Minor factors such as availability of other erven play a small role in the bigger picture of property prices. Please see response to Comment 78 with regards to

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PROPOSED DEVELOPMENT OF HEROLDS BAY COUNTRY ESTATE ON A PORTION OF PORTION 7, FARM BUFFELSFONTEIN NO.204, HEROLDS BAY, WESTERN CAPE

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Nr	Comment Received	Date Received	I&AP	Company / Representing	Response
	ranging in value).				availability of erven in the area.
	3.2. Mention of an “affordable” alternative to existing housing opportunities is questionable since little information is provided on the type of development / housing and erf sizes, architectural style etc. A secure estate (similar to Oubaai and The Brink) tend to be for a higher income group – if that is the case then the proposed development is likely to oversaturate the market and that on a property that currently falls outside the urban edge. This appears to be contrary to proving need & desirability.				More detail on the erven sizes is given in the Post-Application Draft BAR.
116	4. SERVICES				
117	4.1. Mention is made of gabion mattresses and headwalls associated with stormwater outlets in each of the drainage areas of the site, however insufficient information is provided as to the location of these and to what extent these may encroach within 32m from the edge of water courses and/or riparian areas. More details are required about the location of such structures since these may be subject to prior environmental authorisation and as such they must be reflected spatially to ensure sufficient assessment.				The relevant engineering drawings have been provided as part of the application and these should be studied for the relevant layouts and locations which are indicated on the drawings. Sufficient information and specifications are provided on the drawings and in the report. Lengthy environmental deliberation has been performed in the years leading to the application and the placing of all of these structures do indeed conform to all environmental requirements and legislation. Notwithstanding the above, the relevant authorities will scrutinise the application and make the necessary approvals and recommendations.
118	4.2. The proposal to incorporate three on-site package plants has been noted given that the existing Municipal Wastewater Treatment Works do not				A Geohydrological Assessment has been conducted and the findings included in the Post-Application BAR.

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PROPOSED DEVELOPMENT OF HEROLDS BAY COUNTRY ESTATE ON A PORTION OF PORTION 7, FARM BUFFELSFONTEIN NO.204, HEROLDS BAY, WESTERN CAPE

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	have sufficient capacity. The use of such a private system is not uncommon, however it does pose a threat of potential pollution to surface and groundwater resources alike. The pre-application BAR does not include a Geohydrological Assessment and as such the potential risk and/or impacts should groundwater be contaminated has not been determined and/or assessed. Please note that some farmers in the area rely on boreholes/groundwater supply and the risk to their water use cannot be over-looked.				
119	4.3. The use of treated effluent to irrigate agricultural areas is to be commended as it supports the concept of re-use of resources. We do submit however that both the Department of Water Affairs and the Department of Agriculture must be allowed the opportunity to comment on this practice as it may have long-term implications to soil quality and agriculture potential.				Both the Department of Agriculture and the Breede-Gouritz Catchment Management Agency have been included in the Public Participation for the proposed development, however comment has not been provided to date.
120	5. TRAFFIC AND ACCESS				
121	5.1. It is noted that the entrance to the filling station is proposed very close to the existing turn-off to Oubaai/The Brink. Traffic regulations stipulate minimum distances from major intersections. It is not clear from the preapplication BAR whether this proposed intersection complies with the minimum distance that must be adhered to. The Provincial Department of Roads must be requested to comment on the proposed intersection as it has				Comment received from the Western Cape Government: Transport and Public Works Road Network Management Department states the Branch has no objections to the proposed development.

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	direct implications for the feasibility of the filling station.				
122	5.2. It is noted with concern that the pre-application BAR does not contain a traffic impact assessment (TIA). A TIA is something that will be important to determine the feasibility of the filling station. Furthermore, a TIA will be important to help inform the proposals for non-motorised transport, the Go-George stop and the parking requirements for a beach shuttle.				The TIA has been included as an annexure of the Post-Application BAR.
123	6. PARKING / PUBLIC TRANSPORT				
124	6.1. The proposal to have a shuttle service for peak season is noted and is something that has informed most development applications in and around Herolds Bay over the years.				Noted
125	6.2. More clarity is required on the following matters associated with such a service: <ul style="list-style-type: none"> Who will operate such a shuttle service? Where will people wanting to make use of the shuttle service park and has sufficient parking been provided to accommodate the vehicles that will have to park somewhere? 				The shuttle service would either be operated by the Municipality or a private entity, with limited seasonal remote parking provided by the development at the proposed office space. This has been conceptually discussed with officials of the local municipality. Parking for the shuttle service has been indicated on the drawings submitted with the application. Sufficient parking has been provided.
126	6.3. The proposal to accommodate a Go-George bus stop is noted. However, more clarity is required on the following:				
127	6.4. People making use of such a facility (from Herolds				Users of the bus service will not drive to the bus stop in

Comments and Response Table: Pre-Application BAR

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	Bay into town) will need to park their vehicles in an area that is easily accessible and safe. Where will such a parking area be and for how many vehicles will it be design (note that if it is the same space where the shuttle service will operate from, the matter of parking for such users will be compounded).				<p>their cars and then take the bus into town. This is not in line with any modelling done in South Africa or internationally, except for regional schemes like Gautrain or similar regional international schemes, which this is not.</p> <p>Users of the Go-George bus service coming in from town and going into town will walk to the respective bus stops and will typically also be people utilizing the bus service as their sole means of transport. Additional parking for the bus stop is hence not required and is supported by the fact that it is not a requirement from the municipality or provincial government.</p>
128	6.5. It is recommended that the Go-George operators be registered as an I&AP and requested to give input to the proposal to avoid conflicts with their planning for the Herolds Bay area. The proposal for non-motorised transport appears to be for the benefit of the greater Herolds Bay. Please provide more detail about the upgrades proposed to realise such a public non-motorised service.				<p>Go-George has been included in the Public Participation for the proposed development, however, no comment has been received to date. It should be noted that Go-George is the operating company of the Greater George bus service and the Municipality and the Provincial Government are the decision makers in terms of the operating system.</p> <p>Sufficient detail has been provided as part of the environmental application in order to facilitate environmental decision making.</p>
129	7. FILLING STATION				
130	7.1. The pre-application BAR does not contain a Traffic Impact Assessment. The feasibility of the filling				The feasibility of the filling station is discussed in the TIA included in the Post-Application BAR.

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	station is dependent on credible data about traffic flow and volumes. A TIA is necessary to inform further decision-making in this regard.				
131	7.2. A filling station includes sub-surface fuel storage tanks. Such tanks have a risk of leaking and subsequent groundwater contamination must be investigated. Since farmers in the area rely on groundwater, the potential for groundwater contamination must be considered. A geohydrological assessment must therefore be conducted to determine the risk and to recommend measures that must be considered for such a facility.				<p>A Geohydrological Assessment has been conducted and included in the Post-Application BAR.</p> <p>The assessment concluded that the study site has been classified as having a groundwater vulnerability classification of “low/medium”. Given that no groundwater was intersected during the site investigation, likely due to the high clay content of the soil and resultant low permeability, the development of the filling station is deemed to pose a low risk to groundwater if appropriate mitigation measures are employed.</p> <p>Surface water contamination may occur more readily due to the low permeability of the soil in times of high rainfall. Appropriate measures need to be taken to ensure stormwater management reduces the chance of surface water contamination, and this together with groundwater monitoring, will further lower the risk posed by the filling station and treated effluent to groundwater and the environment.</p>
132	8. WATER USE LICENSE				
133	8.1. The pre-application BAR does not provide				The proposed development is currently undergoing a

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	information on whether or not a Water Use License (WULA) may be required for;				Water Use Licencing Application. Proof of correspondence with BGCMA is included in the Post-Application BAR.
134	8.2. (a) discharge of treated effluent for irrigation or				
135	8.3. (b) any structures/associated structures or infrastructure associated with watercourses i.e. stormwater outlets, detention ponds ets;				
136	8.4. In the event that a WULA may be required the environmental process and WULA process must be integrated and commenting periods of 60-days must be permitted. It is recommended that clarity be obtained from BGCMA and the necessary information made available to the public for consideration.				
137	<p>9. The fact that the pre-application BAR does not include the following:</p> <ul style="list-style-type: none"> • Geohydrological Assessment (for considering the application of treated effluent on large portions of the farm as well as potential for contamination from three on-site sewage package plants, as well as the potential for contamination from underground fuel tanks for the filling station). • Traffic Impact Assessment (to provide credible information about the need for non-motorised transport, a public parking area for shuttle services and the Go-George bus, and to determine the feasibility of the filling station); and • A Visual Report to consider and assess the impacts of a high density development outside the urban 				The Geohydrological Report, Traffic Impact Assessment, Visual Impact Assessment and Planning Report have been assessed and included in the Post-Application BAR.

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	<p>edge;</p> <ul style="list-style-type: none"> Planning Report (to deal with the matter of consistency with the SDF, the urban edge and Need & Desirability of the proposed development); <p>is of concern and we recommend that these studies be undertaken as a matter of urgency to inform the remainder of the development application.</p> <p>We believe that by not having considered and incorporated these studies as part of the initial assessment, some important impacts have been overlooked and subsequently not addressed to the standard they should be.</p>				
138	We thank you for the opportunity to comment on the proposed development. We do however request that all of the potential impacts be identified and investigated correctly to ensure that a detailed impact assessment conducted.				All potential impacts have been identified and investigated, based on comments received during the Pre-Application public participation process.
139	Please do not hesitate to contact this office if you have any further queries and quote the above reference in doing				Noted
140	Thank-you for the opportunity to provide comment on the above document. This Directorate has reviewed the document and the following comments must be taken into consideration during the application process:	09 March 2020	Jessica Christie	Department of Environmental Affairs and Development Planning	
141	3. Project Scope				
142	3.1 It is noted that the proposal is to develop a Housing				The Department's understanding of the description of

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	Estate on a Portion of Portion 7 of Farm Buffelsfontein No. 204 situated in Herolds Bay, Western Cape. The proposed development encompasses the development of 102 single residential erven, 68 group housing units, a filling station, a convenience centre (750m ²), a restaurant (250m ²) and offices (300m ²). It is noted that the internal road widths will range from 10 metres to 26 metres.				the proposed development is noted.
143	3.2 Note: The road widths appear to be quite excessive as the engineering report refers to internal roads of 5-7 metres wide and the neighbouring estate's roads tend to be much narrower. Clarity is required.				<p>Your comment is noted but is however not agreed with. Road widths of 5m for instance are quite narrow in the South African context and these roads will only be used in cul-de-sac or other low traffic roads. The main access road will be 7m wide, which is not excessive, but in line with geometric standards for main roads. Other road widths will be designed in accordance to the road class.</p> <p>As discussed in par. 4.2.8.1.1.5.2 of the Planning Motivation Report, the wider than 13m reserves are aimed at providing enough space to accommodate municipal services traversing the development site which will serve existing external development. Furthermore, it is also aimed at enhancing the spatial character of this proposed new neighbourhood.</p>
144	4. Synchronisation of the WULA – EIA process / applications				
145	4.1 Please be advised of the required synchronisation between the EIA process and the Water Use Licence				The need for synchronisation is noted.

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	Application (“WULA”) process (if the latter id required). You are reminded that if these processes are not properly aligned, the lack of synchronisation; omission of any reports/information; or delay as a result thereof, may prejudice the success of this application for environmental authorisation.				
146	4.2 The applicability of the National Water Act, 1998 must be confirmed by Breede Gouritz Catchment Management Agency (BGCMA) in writing. It is expected that the development of water water treatment facilities and the irrigation of treated effluent (sewage) is likely to trigger a water use in terms of section 21 of the National Water Act, 1998.				The applicability of the National Water Act, 1998 was confirmed by Breede Gouritz Catchment Management Agency (BGCMA) and a WULA process has commenced, proof of which is include in the Post-App BAR.
147	4.3 Please be reminded that all specialist reports submitted as part of the BAR (including those submitted for consideration and which may form part of the WULA) must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations 2014.				Noted.
148	5. Content of the Basic Assessment Report				
149	The Pre-Application Basic Assessment Report (Pre-App BAR) does not fully comply with the requirements of Appendix 1 of the Environmental Impact Assessment Regulations, 2014. This determination is based on the following:				Noted
150	5.1 Applicable Listed Activities This Directorate has reviewed the listed activities as included in this Pre-App BAR; however, Activities number 4 and 12 of Listing Notice 3 (GN R.985 of 4				The applicability of Activities 4 and 12 of Listing Notice 3 (GN 324 of 7 April 2017) have been assessed in the Post-Application BAR.

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	December 2014 as amended) are not included in the list in Section D.				
151	<p>Please be advised that –</p> <ul style="list-style-type: none"> • The onus is on the applicant to ensure that the applicable listed activities are applied for and assessed as part of the Environmental Impact Assessment (“EIA”) process. If an application is decided and a specific listed activity is not included in an Environmental Authorisation, a new application for Environmental Authorisation will have to be submitted; • The listed activities specified in the BAR must reconcile with activities applied for in the application form; and • Where an application has not yet been decided and additional listed activities have been identified, that have not been included in the application form, an amended application form must be submitted to the competent authority prior to said application being decided. 				This information is noted.
152	<p>5.2 Need and Desirability and Planning Context</p> <p>In terms of having to consider need and desirability, it must be noted the final environmental decision will, <i>inter alia</i>, be informed by town planning considerations, the Western Cape Provincial Spatial Development Framework (2014) (“WCSDF”) and the George Spatial Development Framework (2019). This Directorate requires that you demonstrate in the Basic Assessment Report the strategic context of the site</p>				The strategic context of the site has been further demonstrated in the Post-Application BAR.

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	specific proposed development in relation to the broader surrounding area. You will need to demonstrate amongst other whether the proposed development is in line with Departmental policies/guidelines such as the Western Cape Provincial Spatial Development Framework, Urban Edge for the area or whether if in the absence of an urban edge whether it is located within the built-up edge of the town.				
153	Comment in this regard will be required from the Municipality's planning component. You are requested to confirm from the municipality that the proposed development is in line with the forward planning for the area and if it indeed is considered "infill development" as stated in the Pre-App BAR. In addition, how will the proposal for a filling station be in line with the airport corridor future planning.				As discussed on page 16 – 18 of the Planning Motivation Report, the development does comply with the criteria set out on page 141 of the MSDF. The Municipality is the final decision making authority on Land use Planning applications and therefore no final decision can be taken prior to the availability of the input by all Interested & Affected Parties, like inter alia the competent Environmental Authority.
154	In addition to the above, the assessment of the need and desirability as well as the socio-economic assessment of the proposal must also include the following: <ul style="list-style-type: none"> • Interception rates of the proposed site and alternatives thereto must be determined. The relationship between the passer-by traffic and interception rate should be used as a guide in this regard; • Traffic growth in the area (also referred to as the "moving market factor"); 				The Traffic Impact Assessment included as an annexure to the Post-Application BAR discusses inception rates, anticipated traffic growth and calculated fuel sales. Anticipated costs for construction and rehabilitation would be determined during the detailed design phase, based on the conditions included into the Environmental Authorisation.

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	<ul style="list-style-type: none"> Expected fuel sales must also be determined; Cost of preparation, construction and rehabilitation. 				
155	The explanation given to how the proposal is in line with the Integrated Development Plan (IDP) of the George Municipality needs to be expanded upon. This Directorate does not agree with the explanation which has been provided. Also, comment from the George Municipality on the explanation given in the Pre-App BAR on how the proposal is in line with the IDP and the SDF must be obtained.				The Post-Application Draft BAR has been revised to further expand on the alignment with the IDP and SDF.
156	It is noted that reference is made to the Garden Route Environmental Management Framework (EMF) in the Pre-App BAR; however, the application area is not within the demarcated area for which the EMF was developed for. The EAP is required to clarify this.				The applicability of the Garden Route EMF has been updated in the Post-Application BAR.
157	<p>5.3 Municipal Bulk Services</p> <p>It is noted in the Pre-App BAR that there is no unallocated capacity in the waste water treatment works ("WWTW") in Herold's Bay for the proposed development and that three (3) separate package plants are proposed to deal with the sewerage which will be generated by the proposed development.</p>				<p>The alternatives relating to wastewater treatment have been included in the Post-Application BAR.</p> <p><u>Oubaai WWTW</u></p> <p>The alternative connection into the Oubaai WWTW has been discussed in the engineering report on page 20:</p> <ul style="list-style-type: none"> Discussions have been ongoing with Oubaai Golf Estate to accept the sewage generated from this development into their Oubaai WWTW. The Oubaai WWTW is located to the north-east of this proposed development, adjacent to the common boundary with this development.
158	<p>Alternatives to the above proposal which must be assessed and reported on, include –</p> <p>(a) connecting to the existing waste water treatment facility situated on the neighbouring estate, i.e. Oubaai Golf Estate. This also includes the upgrade of the Oubaai Golf Estate sewer treatment package plant if necessary;</p>				

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	<p>(b) upgrade the existing Voëlklip WWTW and sewer network at Heroldsbaai;</p> <p>(c) the development of a single WWTW for the proposed estate and any future development in close proximity to the proposed development. This option should be informed by the George Municipality's services development plan for Herolds Bay.</p> <p>These alternatives must clearly be addressed in the application.</p>				<ul style="list-style-type: none"> • A site visit has been conducted to the Oubaii WWTW. • A new bulk outfall line may be constructed from the north-eastern extremity of the proposed development, following the contour, to the Oubaii WWTW. • A letter confirming the desirousness of the Oubaii Golf Estate Homeowners Association to receive this effluent is attached to the report as addendum. • The design of the Oubaii WWTW has been studied. It has been determined that this WWTW has sufficient surplus capacity to accommodate the additional flow generated from this proposed development. Officials from Oubaii have also confirmed that this WWTW has sufficient spare capacity to accommodate the additional flow. • A letter confirming the surplus capacity in the Oubaii WWTW has been obtained from the Oubaii Golf Estate Homeowners Association and is attached to the report as addendum. • The developers of the Herolds Bay Estate are desirous to obtain the treated effluent as irrigation water and the Oubaii WWTW alternative is hence not a desirous one for the

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					<p>developer as discussed on the report.</p> <ul style="list-style-type: none"> Notwithstanding the above, in this scenario, wastewater from the development will have to be pumped over two watersheds to the eastern drainage zone, which will constitute the risk of two wastewater pumpstations on the proposed development. <p><u>Herolds Bay Sewer Network and WWTW</u> The alternative of connection into the Herolds Bay sewer network and WWTW has been discussed in the engineering report on pages 20 and 21:</p> <ul style="list-style-type: none"> The western portion of the development drains towards Herolds Bay. A 160mm diameter uPVC gravity sewer line is available on the northern extreme of the existing Herolds Bay township. Discussions with municipal officials indicated that this existing 160mm diameter sewer gravity line and subsequent network does not have surplus capacity to accommodate the flow from the development. This network drains into the Herolds Bay wastewater treatment works (WWTW) which also does not have any surplus capacity as indicated by the municipality.

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					<ul style="list-style-type: none"> • A letter confirming the lack of capacity in the network and WWTW, has been obtained from the George Municipality and is attached to the report as addendum. • The option of connecting into the municipal sewer network is not viable from a technical and cost perspective. • Notwithstanding the above, in this scenario, wastewater from the development will have to be pumped over two watersheds to the western drainage zone, which will constitute the risk of two wastewater pumpstations on the proposed development. <p><u>New WWTW</u></p> <ul style="list-style-type: none"> • The development of a new WWTW is not captured on the George Municipality's services development plan for Herolds Bay. • A new WWTW will have a 500m development exclusion zone. A 500m exclusion zone will render most of the developable land undevelopable and is not a viable option for the purposes of this application. • Notwithstanding the above, in this scenario, wastewater from the development will have to be pumped over several watersheds to the

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					relevant developed drainage zone, which will constitute the risk of a number of wastewater pumpstations on the proposed development.
159	<p>Please take note that in accordance with Section 152 the Constitution and Section 73 of the Local Government: Municipal Systems Act, 2000 (Act no. 32 of 2000), the general duties and functions of local government are described, which require inter alia that local government must provide basic services. The Local Government: Municipal Services Act, 2000 does allow for the provision of such a municipal service in its area or part of its area, through an external mechanism by entering into a service delivery agreement with an entity or person legally competent to operate a business activity.</p> <p>In light hereof, the George Municipality's Department of Civil Engineering Services must provide written comment the requirements and implementation of a service level agreement. In addition, the George Municipality must indicate what the level of service must be (i.e. service standard) and under which circumstances the municipality shall need to undertake the management and the maintenance of the facility to provide the service (i.e. failure to provide an adequate service). If possible, a signed service level agreement between the developer and the George Municipality must be made.</p>				<p>Noted. Comments have been requested from the Municipality as part of this application process.</p> <p>The negotiation and signing of a Bulk Services Agreement between the municipality and the developer is standard practice in any private development and will also be so for this development.</p>

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160	Notwithstanding the above, it is further written that the George Municipality will service the development with potable water and solid waste removal, for which the latter requires an agreement with the George Municipality. This too must form part of the abovementioned service level agreement.				Noted. This will be a standard inclusion in the Bulk Services Agreement between the municipality and developer.
161	Furthermore, it is noted that it is written that the WCG Department of Health was not asked to provide comment on the document as it is explained that it is a private housing development and not municipal housing. This is not acceptable as the Department of Health must provide comment on the proposal for three separate package plants.				Comment has been sought from the Department of Health.
162	5.4 Applicable legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks. The description of the Applicable legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks is lacking and needs to be more detailed.				Noted. We have included a broader description in the Post-Application Draft BAR.
163	When undertaking the EIA process, you must take into account applicable guidelines, including the guidelines developed by this Department. In particular, the guidelines that may be applicable to the proposed development include, <i>inter alia</i> , the following: <ul style="list-style-type: none"> ➤ Circular EADP 0028/2014: One Environmental Management System ➤ Guideline for determining the scope of specialist involvement in EIA processes, June 				The guidelines listed have been consulted and Section C of the Post-Application BAR has been updated accordingly.

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	<p>2005.</p> <ul style="list-style-type: none"> ➤ Guideline for involving biodiversity specialists in the EIA process, June 2005. ➤ Guideline for involving hydrogeology specialists in the EIA process, June 2005. ➤ Guideline for involving visual and aesthetic specialists in the EIA process, June 2005. ➤ Guideline for involving heritage specialists in the EIA process, June 2005. ➤ Guideline for involving social assessment specialists in the EIA process, February 2007. ➤ Western Cape Provincial Spatial Development Framework, November 2014 ➤ Western Cape Land Use Planning Guidelines – Rural Areas, 2019. 				
164	<p>5.5 Implementation Programme</p> <p>Please note that, in accordance with the provisions of the Environmental Impact Assessment Regulations, 2014, a period for which the environmental authorisation is required must be provided. This period must be informed by the operational aspects (if applicable) and the non-operational aspects of the proposed development. As such, the date on which the activity will be concluded and the post construction monitoring requirements finalised, must be determined.</p>				<p>A construction programme is dependent on various unknown future factors, not the least of which is the structuring of the phasing programme. It is hence challenging and problematic to provide a programme at this early stage of the project. Nevertheless, a possible programme is provided as reference only:</p> <ul style="list-style-type: none"> • Project pre-feasibility stage: 2017-2019 • Application stages (EIA, WUL & Town Planning): 2019-2021 • Implementation (phase 1): 2021 • Implementation phase 2: 2022 • Implementation phase 3: 2023
165	<p>This Department requests that an implementation programme be provided which sets out the construction phase (non-operational aspects) of the</p>				

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	proposed development and specified the period required to conclude the respective activities (a date on which the activity will be deemed to have been concluded should be derived from such a programme). Where the proposed development will include operational aspects, the period for which the environmental authorisation is required must be provided.				<ul style="list-style-type: none"> Implementation phase 4: 2024 Implementation phase 5: 2025
166	<p>5.6 Impact Assessment</p> <p>It is noted that the assessment methodology addressed the <i>nature, significance, extent, duration and probability of the impacts occurring</i>; however, the <u>consequence</u> of the impacts occurring has not been included.</p> <p>Furthermore, cumulative impacts for all identified impacts must be assessed and reported on. In this regard care must be taken to ensure that where cumulative effects can occur that these impacts are considered and reported on as additive (incremental or accumulative); interactive; sequential; or synergistic.</p>				Section H of the Post-Application BAR has been revised, where required, to address the comments made on the impact assessment.
167	<p>5.7 Specialist Studies</p> <p>All specialist reports must show how they comply with Appendix 6 and Regulation 13. Please take note of the following guidance and instructions:</p>				Specialists have been requested to include tables indicating their compliance with Appendix 6 as addendums to their reports.
168	<p>a) Hydrogeological specialist study</p> <p>It is noted from the National Department of Environmental Affairs Screening Tool Report that a</p>				A Hydrogeological Study has been conducted by GEOSS, which has taken the requirements into consideration.

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	<p>hydrology assessment was highlighted as one of the required specialist studies; however, it has been motivated that this study is not necessary.</p> <p>Notwithstanding the motivation by the EAP, this Directorate requires that a hydrogeological study to be conducted as the aspects and impacts (possible contamination and/ or pollution) that the proposed development (i.e. filling station; irrigation of treated effluent) will have on groundwater have not been addressed through the Freshwater Impact Assessment.</p> <p>The hydrology assessment should address <i>inter alia</i>, how the environment may impact/influence the development (i.e. water level, soil corrosivity, soil and geological conditions and stability, soil permeability and topography). The hydrological specialist should review the information document for environmental assessment compiled by the National Department of Environmental Affairs (2003).</p>				
169	<p>b) Socio-economic assessment</p> <p>The socio-economic assessment must evaluate the feasibility of the proposed development over the duration that it is proposed. In this assessment, it should amongst other address the income group that this development will target because there is virtually no housing available for the lower middle and middle income (in Southern Cape income values) groups.</p>				<p>The development does not portray a high end development as provision is made for a total of 68 group housing opportunities which implies 40% of the total number of residential opportunities. This balanced mix is aimed at providing opportunities for a broad spectrum of housing needs as the sizes of group housing units on the three group housing sites will also vary in size and cost.</p>

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170	<p>The market is also saturated with more expensive estate housing that it appears that the demand for these expensive estate houses are exponentially less than middle income housing opportunities. This Directorate would like to know how the developer would consider this and if lower middle and middle-income housing will be made available and not just in the form of group housing. The socio-economic assessment must assess this as well. Furthermore, assessment must also consider this Department's <i>Guideline for involving social assessment specialists in the EIA process, February 2007</i>.</p>				<p>The proposed development will cater for the same format of housing as Extension 1 and 2, but with the difference that security will also be provided. As Herolds Bay caters primarily for retired people and those with holiday houses, security is of paramount importance.</p> <p>A more details description of the typologies of the houses and erven sizes has been included into the Post-Application Draft BAR.</p>
171	<p>c) Agricultural Potential Evaluation</p> <p>This report does not comply with Appendix 6 of the regulations and it is advised that this 15-year old report be updated since baseline data that the specialist used in 2005 will have changed. It is further advised that a table be inserted in the report to show how the report complies with Appendix 6. Comment must be obtained from WCG: Department Agriculture on the potential loss of agricultural land and whether an application for the change of land use must be applied for.</p> <p>Please note that the report has not been correctly bound into the report as the page numbers do not follow numerically.</p>				<p>Comment has been requested from DoA.</p>
172	<p>d) Botanical Survey</p> <p>This report does not comply with Appendix 6 and must be amended to comply. Its is again suggested that a table be inserted so that it can be proved that the</p>				<p>A table illustrating compliance with Appendix 6 has been appended to the revised Botanical Report (2020).</p>

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	report will comply / complies with appendix 6.				
173	<p>Furthermore, this report fails to address fire-breaks. In the report the following is stated: <i>"... the indigenous forest which is located lower down in the valley should be protected and suitably buffered from the development by means of a fire belt, with the surrounding aliens cleared."</i> Also, <i>"a firebreak is needed between the development and the forest."</i> But does not indicate with width of a buffer or any other information regarding a fire-break.</p>				<p>The Botanical Assessment has been revised to include more information on the recommended fire breaks. The fire break should be 30 m from the housing development to the vegetation. This will allow fire crews to get in to deal with the any fires which may occur.</p>
174	<p>This Directorate is concerned that in the terms of reference for the botanical specialist, the specialist must note inconsistencies between the biodiversity maps and the observed situation. This makes it clear that the specialist nor the EAP clearly understands the purpose of the biodiversity mapping and should consult the CapeNature, SANBI etc. in this regard to gain a better understanding of the purpose of the biodiversity mapping.</p>				<p>Since CBA's have not been formally adopted in the Western Cape, the mapped CBA's are to be used as a tool to guide development and should not be taken as all encompassing. In addition, the draft General Requirements for Undertaking an Initial Site Sensitivity Verification (GN no. 648) states that <i>"a preliminary on-site inspection to identify if there are any discrepancies with the current use of land and environmental status quo versus the environmental sensitivity as identified on the national web based environmental screening tool, such as new developments, infrastructure, indigenous/pristine vegetation, etc"</i> should be undertaken. This implies that there may be discrepancies in the mapped sensitivities which should be verified by the appointed specialist. This makes it clear that the EAP does in fact understand the purpose of biodiversity mapping and considering that the</p>

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					vegetation specialist has a PhD and completed numerous vegetation assessments it is extremely unlikely that he does not understand the purpose of biodiversity mapping.
175	e) Visual Statement This report does not comply with Appendix 6 and must be amended to comply. It is again suggested that a table be inserted so that it can be proved that the report will comply / complies with appendix 6.				The Visual Assessment has been updated and included into the Post-Application Draft BAR.
176	Furthermore, the report does not assess light pollution that is expected to occur from the lighting of the development and a filling station and how this will affect the sense of place of the rural character of the area.				
177	f) Engineering Reports It is noted that certain engineering reports have been included as specialist reports in the Pre App BAR. Take noted that all reports referenced as specialist reports must comply with Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (GN R. 982 of 4 December 2014, as amended).				All Engineering reports have been included as technical input and are no longer referred to as specialist reports.
178	5.8 Environmental Management Programme The contents of the EMPr must meet the requirements outlined in Section 24N (2) and (3) of the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("NEMA") and Appendix 4 of GN No. R. 982 of 4				The EMPr has been revised, taking into consideration the comments received with greater clarity provided on the impact management outcomes.

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	December 2014. The EMPr must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing).				
179	<p>It is noted that numerous “<i>Objectives</i>” and “<i>Impact Management Objectives</i>” are described in the EMPr (see Section 9); however, it is advised that the use of aforementioned terminology be scrutinised to avoid confusion or discrepancies with the description of the “<i>impact management outcomes</i>” and “<i>impact management actions</i>”. Whereas –</p> <ul style="list-style-type: none"> ❖ Impact management outcomes – provide a description of the management statement, and identify the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phased of the development including ❖ Impact management actions – provide a description of the proposed impact management actions, identifying the manner in which the impact management outcomes will be achieved, and must, where applicable, include actions to amongst other, avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation. 				
180	It is acknowledged that an EMPr has an objective and in terms of this Department’s guideline on EMPrs, which				

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	<p>says “EMPr is to ensure that undue or reasonably avoidable adverse impacts of the construction, operation and decommissioning of a project are prevented; and that the positive benefits of the project are enhanced”. The impact management outcomes are regarded to be different than an objective of a document. For example, an impact management outcome is the prevention of erosion and sedimentation in a watercourse, and the impact management actions are the mitigation measures to ensure that no erosion and sedimentation occur, (i.e. silt fences, brush packing etc.).</p> <p>Greater clarity is required on the impact management outcomes in the EMPr. It is also requested that the terminology in the EMPr related to the execution of tasks be checked for consistency.</p>				
181	The frequency of ECO site visits during the construction phase of monthly visits is regarded inappropriate. It is expected that weekly site inspections be conducted by an ECO, especially during the initial phase of construction. The implementation programme should be utilised to detail this aspect. Greater detail on the frequency of ECO site inspections must be provided.				The frequency of ECO site visits has been revised in the revised Draft EMPr.
182	It is noted in the EMPr that the “appointed auditor must undertake environmental audits according to the frequency specified in the Environmental Authorisation.” This is not deemed appropriate as the EAP must have the discretion to suggest a frequency of audits as the competent authority will have the				The section relating to the appointment of an auditor in the EMPr has been revised, taking into consideration the comments received.

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	discretion to change it if deemed necessary. Furthermore, an auditor must be independent, the EAP nor ECO can't fulfil the role of the auditor. Also, all ECO reports are to be submitted to the competent authority on a month basis, in hard copy. The EMPr must be amended to include these changes.				
183	6. Site development plan ("SDP") and maps				
184	6.1 It is noted that a buffer / development / services setback line has been developed and the erven encroach upon this Line. This Directorate requires the erven to be setback from this line and the services must be installed on the property boundary lines if approved. No construction of any kind should take place in a buffer like this.				The services do not need to be installed on the property boundary line and no infrastructure encroaches on the buffer area. The area will remain the same as it is now, it will simply be cut by a lawn mower rather than grazed by sheep or cows. There will be no further impact on the buffer.
185	6.2 With due consideration of the proposed irrigation of treated sewage / effluent, the proposed area to be irrigated must be included on the site plan. This is also important to determine the extent of environmental monitoring.				The complete remainder of the farm, as indicated on the SDP, as well as the estate itself, will be irrigated with the treated effluent.
186	6.3 The respective site development plans for the proposed development do not accurately reflect the proposed development and all its associated structures and infrastructure. The three proposed package plants are not depicted on the SDP nor the sensitivity map. The environmental sensitivity map of the preferred site must also indicate any areas that should be avoided, including buffer areas.				Maps have been revised to include all associated infrastructure and buffer / no-go areas.
187	7. The Department awaits the submission of the				Noted

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	<p>Application Form and BAR prescribed by the Environmental Impact Assessment Regulations, 2014 (GN R. 982 of 4 December 2014, as amended). Please note that one (1) printed copy and one electronic copy (saved on CD/DVD) of the Application Form must be submitted to this Department.</p> <p>Furthermore, when submitting the application including all the documents (i.e. application form, declaration forms, Basic Assessment Reports etc.) such documents must be originally signed and dated by the respective persons.</p>				
188	8. Please be reminded of requirements of Regulation 12 pertaining to applicants and general requirements of EAPs and specialists as specified in Regulation 13 of the Environmental Impact Assessment Regulations, 2014.				Noted
189	<p>9. 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 pre-application consultation should in any way be seen as an indication or confirmation:</p>				Noted

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	<ul style="list-style-type: none"> • That additional information or documents will not be requested • Of the outcome of the application 				
190	10. Please note that the 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 NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. 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.				Noted
191	From an environmental point of view this Branch offers no objection to this proposed development.	17 July 2020	Ms GD Swanepoel	Western Cape Government: Department of Transport and Public Works	Your response is noted.