PRE-APPLICATION PUBLIC PARTICIPATION PERIOD DRAFT BASIC ASSESSMENT REPORT PROPOSED CONSTRUCTION OF A MIXED-USE DEVELOPMENT ON FARM PORTION 278 AND 282 OF FARM KRAAIBOSCH NO 195, GEORGE, WC

CON	COMMENTS RECEIVED DURING THE 30-DAY PUBLIC PARTICIPATION ON THE PRE-PPLICATION DRAFT BASIC ASSESSMENT REPORT (03 OCTOBER 2022 – 01 NOVEMBER 2022)								
NO.	COMMENT RECEIVED	DATE RECEIVE D	I&AP	COMPANY/ ORGANISATION	RESPONSE				
			STATE DEPA	RTMENTS					
1.	COMMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT THE PROPOSED MIXED-USE DEVELOPMENT ON PORTIONS 278 AND 282 OF THE FARM KRAAIBOSCH NO. 195, GEORGE 1. The pre-application Basic Assessment Report (Ref: CT/27), dated September 2022, compiled on your behalf by your appointed Environmental Assessment Practitioner ("EAP"), Sharples Environmental Services (% Ms. Ameesha Sanker), received by the Directorate: Development Management (Region 3) ("this Directorate") on 30 September 2022, refers.	01 Novemb er 2022	Mr. F. Naudé	Western Cape Government: Department of Environmental Affairs and Development Planning (Region 3)	Thank you for your comment, it is noted.				

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	2. This Directorate appreciates the opportunity provided to comment on the document as well as the extension which the EAP has given to provide comment by 11 November 2022. Based on the review of the pre-app BAR, this Directorate provides the following comments:								
2.	2.1. The proposal From the information contained in the document it is understood that Garden Route Gateway Plaza (Pty) Ltd ("the proponent") is proposing to develop a mixed-use development on Portion 278 and 282 of the Farm Kraaibosch No. 195 in George ("the property"). The proposed development will consist of the following:				Thank you for your comment, it is noted.				

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	 Nursery; Tourist Centre (mixed use); Outdoor function area; Club house / guest rooms; Chapel; General storage; Stables; and Storage 								
	The proposal will also include associated services including internal roads, water reticulation, stormwater infrastructure and electrical reticulation. It is understood that sewage will be disposed by means of onsite sewage treatment. The information suggests that the proposed development will be approximately 3.7ha in extent.								
3.	2.2. Need and Desirability								

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	With reference to this Directorate's letter of 26 August 2021 kindly note that this Directorate is of the considered opinion that the EAP did not adequately motivate for the exclusion of a socio- economic assessment. Furthermore, this Directorate is of the considered opinion that the need and desirability of the proposed development has not been adequately addressed by the EAP.				Thank you for your comment, it is noted. The BAR applied the Guideline on Need and Desirability (2013) and aligned this with current municipal planning documentation as well as the NEMA sustainability principles, to prove the need and desirability of a development that not only supports multiple industries, but creates multiple permanent employment opportunities, in a location that is convenient and easily accessible. It is unclear what additional input would be required from a socio-economic specialist.					
4.	In light of the above you are advised to address the need and desirability of the proposed development with particular				Thank you for your comment, it is noted. The BAR addresses all the questions raised in the					
	emphasis of the feasibility of this type of				Guideline on Need and Desirability (2017). For					

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	development at this location at this point in time. In this regard, please consult the gazetted Guideline on Need and Desirability (2017) to inform the Basic Assessment Report.				convenience, the EAP will ensure that the questions are specifically listed and addressed under the Need and Desirability section of the Post-Application Draft BAR.				
	Please be advised that failure to address the above may prejudice the outcome of an application for environmental authorization.								
5.	 2.3. Consultation with other relevant authorities It is strongly advised that comment from other authorities that administers a law related to the proposed development are included in the BAR. In this regard comment from inter alia the Breede-Gouritz Catchment Management 				Thank you for your comment, it is noted. SANRAL and BGCMA have provided comment as per Appendix E of the BAR. SANRAL's comment is noted as per points 34 - 35 of this table, and BGCMA's comments are noted as per points 24 - 32 of this table.				

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	Agency ("BGCMA") and the South African National Roads Agency Limited ("SANRAL") is of importance.								
6.	<u>Breede-Gouritz CMA</u> It is understood that sewage disposal will be by means of onsite sewage disposal (2 x package plants). As such, water use authorisation will be required for the operation of the proposed package plants. It is unclear whether this can be generally authorised or whether a water use license is required. The type of authorisation must be confirmed with the BGCMA.				Thank you for your comment, it is noted. The design only allows for 1 x package plant, as per Appendix B1.1. The relevant application will be undertaken in terms of a water use authorization.				
7.	Please be advised that in the event where a Water Use License is required that the EIA process and the Water Use License Application ("WULA") process must be synchronised. You are				Thank you for your comment, it is noted. All measures will be taken to align the processes in order to achieve the One Environmental System, however, it should be noted that these are separate processes, with separate				

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8.	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 an application for environmental authorisation. <u>SANRAL</u> Due to the proximity of the proposed development to the N2 National Road must be consulted, specifically regarding any permissions required for structures and / or infrastructure within 60m of the road reserve.				legislated timeframes, separate competent authorities and unforeseen delays. The BAR will endeavour to incorporate progress on the Water Use Authorization, which should prove sufficient. If there are any delays with other processes, the EAP will make this Competent Authority aware of them. Thank you for your comment, it is noted. Comments has been received from SANRAL as per Appendix E of the BAR. SANRAL's comment is noted as per points 34 - 35 of this table, and will be escalated to the engineer for consideration, and action, where necessary.			
9.	<u>George Municipality: Provision of</u> <u>Services and Service Agreement</u> The content of the Draft Services Report for civil engineering services for the				Thank you for your comment, it is noted. The Engineer has advised the following, "The municipality has been requested on numerous			

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	proposed development (Ref: HESRIV- 479 Rev 1; Date: September 2022), compiled by Hessequa Consulting Engineers is noted. From the information in the services report it is understood that sufficient municipal capacity is available to accommodate the proposed development with regard to potable water availability; stormwater capacity and design; solid waste and disposal; and electricity and electricity distribution. However, official confirmation from the George Municipality has not been included in the pre-app BAR. It must be ensured that such confirmation must be included in the BAR.				occasions to confirm the proposals water supply & waste water treatment. To date no written confirmation has been received. The GLS report (dated March 2023) as requested by the municipality has been completed and confirmed the availability of the water supply for the proposed development (attached in Appendix L.1.2)." Confirmation of service capacity will be incorporated in the Final BAR.			
10.	Furthermore, it is understood that the water connection will be located on the				Thank you for your comment, it is noted. SANRAL has been included as an I&AP, and			

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	southern side of the N2 national Road, which will require directional drilling underneath the road to connect the proposed development. Therefore, it is prudent that SANRAL is consulted in this regard.				comment has been received from SANRAL as per Appendix E.				
11.	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 the local government must provide basic services. The Local Government: Municipal Systems Act, 2000 does however allow for the provision of such a municipal service in its area or part of its area, through an external				Thank you for your comment, it is noted.				

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	mechanism by entering into a service delivery agreement with an entity or person legally competent to operate a business activity.							
12	· · · · · · · · · · · · · · · · · · ·				Thank you for your comment, it is noted. The Engineer has advised the following, "The municipality has been requested on numerous occasions to confirm the proposals water supply & waste water treatment. To date no written confirmation has been received. The GLS report (dated March 2023) as requested by the municipality has been completed and confirmed the availability of the water supply for the proposed development (attached in Appendix L.1.2)."			

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	agreement between the developer and the George Municipality must be made.				George Municipalities Department of Civil Engineering Services, will be included in the next public participation process. Confirmation of service capacity will be incorporated in the Final BAR.			
13.	2.4. Visual Impact Assessment It is noted that the pre-application BAR has been informed by a Visual Impact Assessment (Ref: GR092020 (Rev. 1); Date: 25 September 2020), compiled by Mr. Paul Buchholz. The findings of the VIA regarding the Visual Exposure, Visual Sensitivity, Visual Absorption Capacity and Visual Intrusion is noted. However, it is strongly advised that the VIA include a concluding statement which summarises the outcome of the assessment and include a statement of				Thank you for your comment, it is noted. This comment will be escalated to the Visual Specialist, and their summary and concluding statement has been incorporated and considered in the BAR.			

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	acceptability of the proposed development.								
14.	Furthermore, it is noted that the VIA recommends that a professionally registered Landscape Architect must be appointed to identify potential visual impacts and the proposed mitigation thereof (Section 8; pg. 42). According to the VIA a landscape plan must be prepared by the landscape architect. Therefore, it is advised that the landscape plan is compiled to inform the BAR.				Thank you for your comment, it is noted. As recommended in the Draft Pre-Application BAR, page 104–105, this was the only specialist recommendation that will not be implemented. The EAP concluded that, "A landscape plan will be recommended, in the EMPr, however, it will not be required to be drawn up by a landscape architect. In addition, the recommendation as above (quoted from the specialist report) is not entirely plausible, for the following reasons: - As confirmed by the Botanical specialist there is a lack of indigenous trees and shrubs to retain. - There is no need to enhance the living environment of the development,				

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					 given that this development is not for residential purposes. As confirmed by the Visual Specialing the visual impact is negligible. Landscaping will be a key factor in the development and long-terres maintenance, as aesthetics and functionality play a role for the success of the proposed development. The developer and town planner has given reasonable thought to the landscaping, as is reflected in the layout plan, incorporating greet spaces, for a vineyard, fig trees, olive trees etc. to beautify the area, and ensure the development compliment the surroundings and is attractive the visitors."



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					The EAP has included the need for a landscaping plan (not needed to be drawn up by a Landscape Architect), in terms of Operational Maintenance (page 92 of the BAR).				
15.	Furthermore, the previous authorisation which included the resort and caravan park included a condition that all structures, including signage and roofs must not exceed 5m in height. This condition was included to minimise the visual impact of the development from the N2 National Road. From the				Thank you for your comment, it is noted. The BAR has incorporated mitigation measures with regard to reducing heights of structures, to address visual impacts, as recommended in the VIA. The maximum structure heights permitted on				
	information in the pre-application BAR it is unclear what the heights of the various structures / buildings are. This must be addressed and also included in the VIA.				site is currently 15m's (based on this being an agricultural zoned property). The proposed buildings are anticipated to be single storey.				

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16.	2.5. Other considerations The property is bisected by the Welgelegen Estate access road. As a result, a portion of the property (approx. 6200m2) is located northwest of the existing Sasol Filling Station. However, the BAR does not include any information of any proposed future development on this portion of the property. You are therefore advised to specify such information in the BAR.				Thank you for your comment, it is noted. The property is owned by the landowner/ proponent, therefore the area will be managed in terms of Section 28 of NEMA, Duty of Care, as a bare minimum. This area will not be developed further.				
17.	2.6. Environmental Management Programme Kindly be advised that the contents of an Environmental Management Programme ("EMPr") must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and				Thank you for your comment, it is noted. The EMPr does comply with Section 24N (2) and (3) and Appendix 4 of the EIA Regulations. The checklist, on pages iv - v of the Draft EMPr showing compliance with Appendix 4 of the EIA Regulations, will be updated to incorporate Section 24N (2) and (3).				

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	Appendix 4 of GN No. R. 982 of 4 December 2014 (as amended).								
18.	Furthermore, this Department advises that the appointed Environmental Assessment Practitioner consider amending the EMPr and include all aspects relating to occupational health and safety as an annexure to the EMPr as the auditing requirements of health and safety related aspects are undertaken in terms of the Occupational Health and Safety Act, Act No. 85 of 1993 and relevant Regulations and submitted to a different administering authority. The EMPr also contains terminology such as				Thank you for your comment, it is noted. Clarity is required on specific health and safety matters within this EMPr, that would not overlap or pose environmental damage/degradation, should it occur. Once clarity is attained from the Competent Authority, the EAP can move this to an annexure.				
	"should", "shall" and "may" which do not provide clear instruction or cannot				This will be amended accordingly, where necessary.				

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	be enforced. Terminology such as these							
	must be avoided in the document.							
19.	2.7. BAR Requirements							
	The BAR must contain all the information				Thank you for your comment, it is noted.			
	outlined in Appendix 1 of GN No. R. 982							
	of 4 December 2014 (as amended) and				The BAR does contain all relevant information			
	must also include and address any				in line with the EIA Regulations and will address			
	information requested in the pre-				all information requested during pre-			
	application process (Ref:				application process.			
	16/3/3/6/7/1/D2/19/0120/21).							
	Specialist reports must address the minimum information requirements set				All specialist input has been provided in line			
	out in the relevant Protocols or				with the minimum information requirements set			
	Appendix 6 of GN No. R. 982 of 4				out in the relevant Protocols or Appendix 6 of			
	December 2014 (as amended).				GN No. R. 982 of 4 December 2014 (as			
					amended), as per Appendix G.			
20.	3. Please note that the pre-application				Thank you for your comment, it is noted.			
	consultation is an advisory process and							
	does not pre-empt the outcome of any							

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21.	may not commence prior to an				Thank you for your comment, it is noted. The Proponent is aware of this.				
	environmental authorisation being granted by the Department. It is an offence in terms of Section 49A of the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("NEMA") for a person to commence with a listed activity unless the competent authority								

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	has granted an environmental authorisation for the undertaking of the activity. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.								
22.	5. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.				Thank you for your comment, it is noted.				
23.	6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received. Yours faithfully				Thank you for your comment, it is noted.				
24.	RE: PROPOSED CONSTRUCTION OF A MIXED-USE DEVELOPMENT ON FARM PORTION 278 AND 282 OF FARM	01 Novemb er 2022	Mr. J. van Staden	Breede-Gouritz Catchment					

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	KRAAIBOSCH NO 195, GEORGE, WESTERN CAPE			Management Agency					
	Reference is made to the above mentioned Pre-application Draft Basic Assessment Report made available to Breede Gouritz Catchment Management Agency (BGCMA) for comments. The following are BGCMA comments relating to Pre-Application Draft Basic Assessment Report for the proposed construction of a Mixed-Use Development on Farm 278 and 282 of Farm Kraaibosch no 195, which should be adhered to:				Thank you for your comment, it is noted.				
25.	1. The proposed sewerage package plant will trigger water use(s) in terms of				Thank you for your comment, it is noted.				

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	Section 21(g) of the National Water Act (Act No. 36 of 1998) which refers to disposing of waste in a manner which may detrimentally impact on a water resource and must be authorised, subject to the civil designs. All reasonable measures shall have to be taken to prevent the potential pollution of the groundwater resources due to the proposed onsite sanitation facilities.				It is noted that Section 21(g) of the National Water Act (Act No. 36 of 1998), will be triggered. Clarity on the engineering details will be sought from the engineer, and the appropriate application will be undertaken.				
26.	2. The irrigation of the surrounding grass/paddock with treated wastewater from the sewerage package plant will trigger water use(s) in terms of Section 21 (e) of the National Water Act, 1998 (Act No. 36 of 1998). Which refers to engaging in a controlled activity and must be authorised.				Thank you for your comment, it is noted.It is noted that Section 21(e) of the NationalWater Act (Act No. 36 of 1998), will betriggered. The appropriate application will beundertaken.ConfluentEnvironmentalhavebeenappointed toundertake the relevant				

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					Use Application. The BAR will be updated with the relevant information available at the time, with regard to this application.				
27.	3. If the proposed mixed use development occurs within the regulated area of watercourses (nearby wetlands & rivers), it will trigger water uses in terms of section 21(c) and (i) of the National Water Act, 1998 (Act No. 36 of 1998). These sections refer to the impeding or diverting the flow of water in a watercourse and altering the bed, banks, course or characteristics of a watercourse respectively. The regulated area of a watercourse is				Thank you for your comment, it is noted. Although the aquatic specialist, advises that aquatic habitat was identified within the boundaries of the proposed site, and the development will comply with all regulations of the National Water Act (Act 36 of 1998), including the protection of downstream users, and minimise any potential ecological impacts upon water resources.				
	defined as follows:				approximately 180m to the north of the site, therefore Section 21(i) and (c) are applicable, in terms of c) A 500m radius from the				

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	 a) The outer edge of the 1 in 100- year flood line and/or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam; b) In the absence of a determined 1 in 100-year flood line or riparian area the area within 100m from the edge of watercourse where the edge of the watercourse is the first identifiable annual bank full flood bench (subject to compliance to section 144 of the Act); or c) A 500m radius from the delineated boundary (extent) of any wetland or pan. 				delineated boundary (extent) of any wetland or pan. Confluent Environmental have been appointed to undertake the relevant Water Use Application. The BAR will be updated with the relevant information available at the time, with regard to this application. However, it should be noted that the process have different timeframes, and therefore, may not be fully aligned, although effort will be made to incorporate the status of the application in the Final BAR.				

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28.	4. As required section 22 of the National Water Act, 1998 (Act No. 36 of 1998), a Water Use Authorisation is required prior to commencement with any water use activity contemplated in section 21 of National Water Act. Moreover, commencement with any water use activity without an authorisation as required by section 22 of National Water Act constitutes an offence in terms of section 151(1) (a) of the National Water Act. In terms of section 151(2) of the National Water Act, any person who contravenes is guilty of an offence and liable, on first conviction to a fine or an imprisonment of a period not exceeding five years or both such a fine and imprisonment.				Thank you for your comment, it is noted.				

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29.	5. In light of the above, you are advised that the onus remains with the property owner to adhere to the National Water Act, prior to commencement with any water use contemplated in section 21 of National Water Act that is associated with the proposed development.				Thank you for your comment, it is noted. The necessary application will be undertaken, and the processes will be aligned as much as possible, in order to achieve the One Environmental System.		
30.	6. Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.				Thank you for your comment, it is noted.		
31.	7. The BGCMA office can be contacted for further information related to the requirement for, or the application for a Water Use Authorisation.				Thank you for your comment, it is noted.		
32.	8. Should you wish to apply for a water use authorisation for unregistered water uses triggered by the proposed activities, you may apply electronically				Thank you for your comment, it is noted. This comment will be escalated to the person responsible for undertaking the water use application.		

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	by logging onto the Department of Water and Sanitation (DWS) website at https://www.dws.gov.za/e-WULAAS							
	9. Should you have further enquires, the office can be contacted or alternatively contact Mr. SI. Ndlovu at the above-mentioned contact number or on sndlovu@bgcma.co.za							
33.	OUR REFERENCE: 20/9/2/4/3/096 Your application of September 2022 has reference.	9 Novemb er 2022	C Van Der Walt	Department of Agriculture				
	The Western Cape Department of Agriculture: Land Use Management has							

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	 no objection to the proposed application. Please note: Kindly quote the abovementioned reference numder in any future correspondence in respect of the application. The Department reserve the right to revise initial comments and request further information based on the information received. 				Thank you for your comment, it is noted that the Department of Agriculture does not have any objection to the proposed application.			

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	ORGANS OF STATE							
34.	I would herewith like to register SANRAL as I&AP. The South African National Roads Agency SOC Limited (SANRAL) has received background information and a site layout and locality plan for this proposed project and based on its location and proximity to the nearest national road will have an impact on SANRAL. There is an upgrade planned for that section of the N2 which has already received EA.	21 October 2022	Ms. N. Abraha ms	South African National Roads Agency SOC Limited (SANRAL)	Thank you for your comment, it is noted. You have been included as a registered I&AP. The confirmation of impact on the N2 is noted. This comment has been escalated to the project engineers for their attention and consideration.			
35.	If services need to be constructed over or under the national road, (in this case the N2) or within 60m measured from the road reserve fence, the service				Thank you for your comment, it is noted.			

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	owner must apply for a written permission from SANRAL, before any work may be carried out. Do not hesitate to contact the sender should you have any further queries.				This comment will be escalated to the project engineers for their attention and consideration. The BAR will incorporate an update on this matter, if not already concluded by Final Submission.		
	I trust that you will find the above in order.						
36.	PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF A MIXED-USE DEVELOPMENT ON FARM PORTION 278 AND 282 OF FARM KRAAIBOSCH NO. 195, GEORGE LOCAL MUNICIPALITY, WESTERN CAPE. DE&DP Reference: 16/3/3/6/7/1/D2/19/0120/21	21 Novemb er 2021	M Simons	CapeNature			

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	CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature wishes to make the following comments:				Thank you for your comment it is noted.		
37.	According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet et.al. 2017)1 the site has Terrestrial CBA and ESA. The site does not have any aquatic features other than a non- perennial drainage line mapped close to the northern boundary. Furthermore, the site is within the National Strategic Water Source Area for surface water for the Outeniqua region and serves as a water source protection for the						

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	Kaaimans River and a watercourse protection for the South Eastern Coastal Belt.						
	The Vlok and de Villiers (2014) fine scale vegetation map describes the area as Wolwedans Grassy Fynbos while Mucina and Rutherford (2006)2 and the Western Cape Biodiversity Spatial Plan (Pool- Stanvliet et.al. 2017) mapped the vegetation as Endangered3 Garden Route Granite Fynbos and Groot Brak Dune Strandveld.				It is noted that CapeNature does not object to this application.		
	The site has been transformed overtime and does not have a high sensitivity in terms of biodiversity. Therefore, CapeNature does not object to the proposed application as it would not						

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	have a significant impact on the surrounding biodiversity.						
38.	CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.				Thank you for your comment it is noted.		

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