

COMMENTS AND RESPONSE TABLE:

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

COMMENTS RECEIVED DURING THE 30-DAY PUBLIC PARTICIPATION ON THE DRAFT BASIC ASSESSMENT REPORT (22 June 2023 – 27 July 2023)					
NO.	COMMENT RECEIVED	DATE RECEIVED	I&AP	COMPANY/ ORGANISATION	RESPONSE
1.	The undated application form submitted on your behalf by your appointed independent Environmental Assessment Practitioner ("EAP"), Ms. Ameesha Sanker (EAPASA Ref: 2021/4372) of Sharples Environmental Services cc, on 22 May 2023, refers.	30 May 2023 (acknowledgment of Application for EA)	Mr. F. Naudé Case Officer: Steve Kleinhans	Western Cape Government: Department of Environmental Affairs and Development Planning (Region 3)	Thank you for your comment, it is noted.
2.	The application form appears to be in order in accordance with regulation 16. This letter serves as an acknowledgment of receipt of the aforementioned document by this Department on 22 May 2023.				Thank you for your comment, it is noted.
3.	Please remind your EAP that the requirements in terms of the Environmental Management Act (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 (as amended) ("EIA				Thank you for your comment, it is noted.

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	Regulations, 2014) must be complied with in respect of the application for Environmental Authorisation.				
4.	<p>BAR Requirements</p> <p>The BAR must contain all the information outlined in Appendix 1 of GN No. R. 982 of 4 December 2014 (as amended) and must also include and address any information requested in any previous correspondence / processes in respect of this matter. The previous correspondence (Ref: 16/3/3/6/7/1/D2/19/0120/21) refers in this regard.</p> <p>In accordance with Regulation 19 of GN No. R. 982 of 4 December 2014, the Department hereby stipulates that the BAR (which has been subjected to public participation) must be submitted</p>				Thank you for your comment, it is noted.

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	<p>to this Department for decision within 90 days from the date of receipt of the application by the Department. If however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.</p> <p>If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of Government</p>				

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	Notice Regulation No. 982 of 4 December 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted.				
5.	Consideration of relevant Guidelines Please advise your EAP to consider the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (https://www.westerncape.gov.za/eadp/resource-library/policies-and-guidelines).				Thank you, the applicable guidelines were considered during the compilation of the BAR.

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6.	<p>Applicable listed activities Please be reminded that the onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.</p> <p>In this regard, it is noted that the EAP is applying for the clearance of 300m² or more of indigenous vegetation, as defined in the EIA Regulations, 2014 (as amended), within a listed geographical area i.e. Critical Biodiversity Areas identified in bioregional plans. Please be advised that the Western Cape Minister of Local Government, Environmental Affairs and Development Planning has, to date, not adopted the Western Cape Biodiversity Spatial Plan (2017). Therefore, until such time that a</p>				<p>Thank you for your comment, the application and BAR has been adjusted to change the sub trigger of this activity.</p>

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	<p>biodiversity spatial plan for the Western Cape been adopted by the relevant authority, the specified activity in the identified geographical area is excluded from the requirement to obtain environmental authorisation. Furthermore, two ecosystems have been mapped on the development site i.e. Groot Brak Dune Strandveld and Garden Route Granite Fynbos. According to the revised list of ecosystems that are threatened and in need of protection (Government Notice No. 2747 of 18 November 2022) these ecosystems have threat statuses of Critically Endangered. As such, the specified activity in the identified geographical area i.e. the clearance of 300m² or more of indigenous</p>				

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	<p>vegetation within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004. As such, you are advised that the listed activity is triggered by the proposed development.</p> <p>The Department acknowledges the historic and current use of the site. However, in light of the above threat statuses of the mapped ecosystems, you are advised to consider the loss of the vegetation and the impact of this loss on the critically endangered and endangered ecosystems.</p>				

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7.	<p>Public Participation Process</p> <p>According to the information in the application form (i.e. Appendix M - Proof of Public Participation) the comment period on the pre-application Basic Assessment Report was from 3 October to 1 November 2022. In this regard, please note that in accordance with Regulation 3(8) of the EIA Regulations, 2014 (as amended) that any public participation process must be conducted for a period of at least 30 days. Based on the information in the application form, the commenting period on the pre-application BAR did not satisfy the requirements of the EIA Regulations, 2014 (as amended).</p> <p>In light of the above, you are required to comply with the requirements of</p>				<p>Please see the attached Proof of PPP conducted 22 June 2023 to 27 July 2023.</p>

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	Regulation 41 during the application phase inter alia, the placement of an advertisement in the local newspaper, the placement of a site notice at the site and informing owners, persons in control of, and occupiers of land adjacent to the site; and informing relevant State Departments and Organs of State which administers a law in respect of the proposed development. Please be informed that failure to comply with Regulation 41 may prejudice the outcome of this application for environmental authorisation.				
8.	The Draft Basic Assessment Report dated 21 June 2023 and submitted on your behalf by your appointed independent Environmental Assessment Practitioner ("EAP"), Mr. Michael	20 July 2023	Mr. F. Naudé Case Officer:	Western Cape Government: Department of Environmental Affairs and	

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	Bennett (EAPASA Ref: 2021/3163) of Sharples Environmental Services cc ("SES"), on 22 June 2023, refers.		Steve Kleinhans	Development Planning (Region 3)	
9.	<p>2. This Directorate has reviewed the information contained within the Draft Basic Assessment Report ("DBAR") and provides the following comment:</p> <p>2.1. BAR Requirements: The BAR must contain all the information outlined in Appendix 1 of GN No. R. 982 of 4 December 2014 (as amended) and must also include and address any information requested in the pre-application process (Ref: 16/3/3/6/7/1/D2/19/0120/21). In this regard, this Directorate provided comment on the pre-application BAR on 1 November 2022. However, it does not appear that the comment has been</p>				<p>Please note that your comments were included in Appendix F3. As discussed in the MS Teams meeting held after the submission of the application form, your department indicated that the pre-application PPP did not comply and was therefore not recognised by your department. It was enquired that if your department did not recognise the Pre-application PPP whether we then had to respond to those comments and it was indicated that we could attach them to the BAR for information purposes however it was also indicated that we did not have to respond to them.</p>

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	addressed by the EAP. Please advise your EAP that all comments received in respect of the proposal must be addressed and included in a "Comments and Responses Report" to be attached as an appendix to the BAR and where required the necessary studies, assessments and / or reports included in the BAR.				Regardless of the confusion caused we had responded to all pre-application comments but did not include the responses due to the discussions over MS Teams. They will be included with the Final Submission of the BAR for your reference however you are reminded that your department did not recognise the Pre-Application PPP and did not require that we include or respond to the comments.
10.	Water Use License Application: According to the information in the DBAR and a separate case submitted to the Department, it is understood that the Water Use License application process for the proposed package plants has commenced and is currently in Phase 2 on the online Water Use Licence Application and Authorisation System ("e-WULAAS") tool. In this				This is included in the Final BAR.

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	<p>regard, the Department appreciates the inclusion of the "Draft Water Use License Application Summary" appended in Appendix G.4 of the DBAR.</p> <p>Please be advised that if the processes and / or information requirements are not properly aligned, the lack of synchronisation; omission of any reports/information; or delay as a result thereof, may prejudice the success of the application for environmental authorisation.</p>				
11.	<p>Western Cape Land Use Planning Guidelines: Rural Areas, March 2019: According to the information in the DBAR the current zoning of the property is Agriculture Zone I and the site earmarked for development is currently</p>				<p>Chapter 11 of the Rural Areas guidelines were considered and the proposal is mostly aligned with the objective and guidelines for implementation. It must also be realised that while the property may be zoned agriculture as a result of the previous approval not being</p>

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	<p>being used for equestrian purposes. Furthermore, the DBAR indicates that the proposed development footprint is located outside the urban area. Considering the above you are requested to consider Western Cape Land Use Planning Guidelines: Rural Areas, March 2019 and demonstrate how the proposal aligns with the guideline or motivate why the guideline does not apply to the proposal with specific reference to Chapter 11: Tourist and Recreational facilities of the guideline.</p>				<p>implemented completely thereby the previous zoning reverted back to agriculture the proposed site does not fit directly into the definition of a rural area but rather that of the urban-rural fringe. As the rural</p> <p>Additionally, the property proposed for the proposal can be more considered to be on the fringe of a rural area as apposed to a conventional rural area as the guidelines are intended for as the surrounding landuse, apart from directly to the north does not conform to a rural setting.</p>
12.	<p>Confirmation of municipal services: Please be reminded that the George Municipality must provide written</p>				<p>Thank you, municipal confirmation of services letter will be included with the final BAR.</p>

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	<p>confirmation of the availability of unallocated bulk services (i.e. potable water supply; disposal of solid waste; etc.) to service total demand for the proposal, or sufficient approved unallocated capacity able to accommodate the abovementioned application in future.</p> <p>Furthermore, you are also reminded that comment / authorisation from the South African National Road Agency Limited ("SANRAL") is required for the crossing of the road reserve for the water connection on the southern side of the N2 National Road.</p>				SANRAL was included in the distribution list for PPP and has commented on 21 October 2022.
13.	<p>Visual Impact Assessment: With reference to Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended) please</p>				Please refer to the revised VIA attached to the BAR.

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	<p>be reminded that specialist reports must include a reasoned opinion whether the proposed activity, activities or portions thereof should be authorised. In this regard, the Visual Impact Assessment ("VIA") does not include a concluding from the appointed specialist. The must be addressed in the VIA.</p> <p>It is advised that the VIA include recommendations to minimise the visual impact, specifically with regard to advertising boards and signage (including lighting thereof). Furthermore, please be reminded that the the previous authorisation 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</p>				

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	development from the N2 National Road. The VIA must therefore consider any changes in respect of the height of the buildings and structures associated with the proposed development.				
14.	Public Participation Please be reminded that the appointed EAP is responsible for the public participation process including the consultation with organs of state administering a law relating to a matter affecting the environment (i.e. BOCMA). Therefore, the EAP must ensure that all the public participation processes are managed/coordinated, including the consultation that may be undertaken by the relevant specialists. Such specialists must provide the EAP with a description of any consultation				Comments received during the WULA PPP from DEADP regarding the package plant have been included and addressed in the body of the BAR. All correspondence from the WULA PPP will be included in the Final BAR submission.

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	process that were undertaken during the course of preparing the specialist report. Keep in mind that those persons consulted must be added to the register of I&APs which must be maintained.				
15.	Appointed Environmental Assessment Practitioner: With regard to appointed EAP, the Department has been informed that Mr. Michael Bennett is managing the application for environmental authorisation, replacing Ms. Ameesha Sanker. With reference to e-mail correspondence from Mr. Francois Naude of this Directorate to Mr. Michael Bennett of SES on 31 May 2023 and the meeting held on 9 June 2023, please be advised that a complete revised/updated application form (with				The revised Application form for Environmental Authorisation has been submitted.

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	the appendices) which includes duly completed declarations must be submitted to the Department.				
16.	<p>Submission of Basic Assessment Report</p> <p>The BAR must contain all the information outlined in Appendix 1 of GN No. R. 982 of 4 December 2014 (as amended) and must also include and address any information requested in any previous correspondence in respect of this matter.</p> <p>Please be reminded that in accordance with Regulation 19 of GN No. R. 982 of 4 December 2014, the Department hereby stipulates that the BAR (which has been subjected to public participation) must be submitted to this Department for decision within 90 days from the date of receipt of the</p>				<p>The 50 day extension will be utilised in order to included the comments and responses to the comments received by DEADP on the WULA PPP, additionally the revised VIA with conclusion has been attached to the BAR for PPP.</p>

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	<p>application by the Department. However, if significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.</p> <p>If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of Government Notice Regulation No. 982 of 4 December 2014 and your file will be</p>				

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	<p>closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted.</p> <p>Note: In accordance with Environmental Impact Assessment best-practice, you are kindly requested to notify all registered Interested and Affected Parties including the authorities identified in the Public Participation Plan of the submission of the FBAR and to make the document available to them. This will provide such parties an opportunity to review the document and how their issues were addressed.</p>				

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17.	<p>Comments from Land Use and Spatial Planning on the proposed development:</p> <p>The intended use can be considered in the rural area as an urban rural transition as the area is earmarked as a tourist precinct. The development impact must however, still reflect the rural quality of the area. In this instance the view from the N2 is not illustrated adequately.</p>	23 July 2023	Jeanne Muller Senior Town Planner	George Municipality: Directorate Human Settlements, Planning and Development	The VIA draws on certain themes, visual receptors and their sensitivity to the proposal. The VIA was not intended to be a 3D rendering on the proposal. Please refer to Figure 10 to 15 of the revised VIA which show the view onto the proposed site from the N2. Additionally the proposal includes a nursery, horse paddocks, stables and riding area, olive trees, vineyards and hops to name a few. These will all reflect the transitional urban rural quality of the area.
18.	The Preferred alternative site plan shows a near continuous building façade along the N2. This will detract from the scenic value when travelling along the N2. The Visual Impact Assessment fails to illustrate the view from the N2 across the proposed buildings and structures				The VIA was not intended to provide a 3D rendering of the proposal. The short viewing time statement is not misleading, from the circle to the tip of the property where the topography becomes elevated, essential blocking the view of the proposal is 650m in length. According to Google Maps this would

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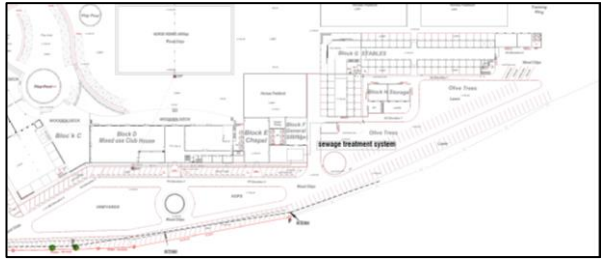
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	towards the mountain. The “N2 Elevations” should be modelled into views from the highway to the mountain, with the walls/buildings imposed onto the actual view-illustrating the line of sight when traveling in a car. The statement “Vehicles travelling along the N2 highway will only have brief glimpses (short viewing time) of the development (Figure 13 - 17) seems misleading, given the plans provided. The impact should be illustrated correctly. The sketches included in Figure 2 of the VIA shows continuous building-scape, but not the visual impact.				<p>take approximately 1 minute to drive and 7 minutes to walk.</p> <p>Not only with the view of the proposal be brief but also visually pleasing. A motorists' passenger (not the driver as he has to focus on the road and not the view) first views of the proposal when driving into George from Wilderness will first be met with a sight of the horse training ring, stables and paddock located on the east of the proposal. Currently when one heads this direction you are met with a similar view of horses on the property. As one drives to more adjacent the property your gaze will be intercepted with Olive trees hops and vineyards, all located between the N2 and the proposed buildings. The view will essentially be that of a cute permanent farmers market style development. Farmer</p>

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					<p>markets are extremely popular, and this quint visually appealing proposal will add much value to the visual character of the area. Much more so than the eyesore developments located across the N2 from the proposal. The image below may be too small to see the locations of the vineyards hops and olive trees so please also refer to the layout plan in Appendix B.</p> 
19.	Consideration should be given to:				Mitigation measures are recommended in the VIA. A berm will be taken under consideration

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	<p>i. Finer grain buildings (separated with green spaces of sight) to mitigate visual impact (like alternative layout 2, safeguarding visibility corridors);</p> <p>ii. The height impact on the scenic views from the N2 should be illustrated;</p> <p>iii. Setback of buildings to mitigate the visual impact;</p> <p>iv. Natural/green berm along the N2 to mitigate visual impact. The parking adjacent to the N2 is not desirable and should be placed behind a natural/green berm.</p> <p>v. If a perimeter fence/wall be erected, it must be 60% permeable.</p>				<p>however as seen from the images in the VIA of the view from the N2, most of the property is sunken into the landscape relative to the N2 and as such an unreasonable large berm would have to be constructed in order to shield any views of the proposal from the N2 as one essentially looks down onto the property from the N2. Additionally, the proposal will be visually pleasing and may cause more of an eyesore than prevent it.</p> <p>Additionally, as with most arty, cute developments the line of sight will become a draw factor for passes by to investigate. Much they way many of the shops and markets between Knysna and Plettenberg Bay appeal to passes by.</p>

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20.	<p>Hello Micheal, I hope you are well. I came across this notice on your website for "Proposed mixed use development on portion 278 and 282 of the farm Kraaibosch no 195, George, Western Cape"</p> <p>I do not have any objections but would like to please be registered as an interested party using the email address Projects@l2b.co.za.</p> <p>I follow building and construction related projects from conceptual / feasibility up until completion.</p> <p>Please can you also provide me with the below.</p> <ul style="list-style-type: none"> - Client Company Name: ? - EIA Company Name: Sharples Environmental services - Town Planning Company Name: ? 	26 June 2023	Mareez Herselman	Leads to Business	<p>Refer to the BAR. Leads to business abuses the PP Process for personal and financial gain to obtain contact information and from tracking information relating to EIA processes. All the information you request is within the Documents out for PPP. Read the documents to abstract the information you sell on your website.</p>

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	- Developer Company Name: ?				
21.	The proposed sewerage package plant will trigger water use(s) in terms of Section 21(g) of the National Water Act, 1998 (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.		Sbonelo Ndlovu	Breede – Olifants Catchment Management Agency	Confluent has been appointed to ensure compliance with the National Water Act.
22.	All reasonable measures shall have to be taken to prevent the potential pollution of the groundwater resources due to the proposed onsite sanitation facilities.				
23.	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				

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	Water Act, 1998 (Act No. 36 of 1998) which refers to engaging in a controlled activity and must be authorised.				
24.	The water tariffs/charges for water for domestic use that will be supplied by the Water Services Provider (WSP) i.e. George Municipality, must be paid directly to the municipality.				
25.	No water shall be derived from a water resource and used Portion 278 & 282 of Farm Kraaibosch 195 for any purposes without prior approval by means of a water use authorisation in terms of section 22 of the National Water Act, 1998 (Act No. 36 of 1998).				
26.	The proposed mixed use development occurs within the regulated area of watercourses (nearby wetlands & rivers) , it will trigger water uses in terms of				

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	<p>section 21(c) & (i) of the National Water Act, 1998 (Act No. 36 of 1998) and must be authorised. 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 defined as follows:</p> <p>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;</p> <p>(b) In the absence of a determined 1 in 100-year flood line or riparian area the area within 100m from the edge of a watercourse where the edge of the</p>				

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	watercourse is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the Act); or (c) A 500 m radius from the delineated boundary {exfenf} of any wetland or pan.				
27.	As required by 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				

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	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.				
28.	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.				

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