



**BREED-OLIFANTS**  
C A T C H M E N T M A N A G E M E N T A G E N C Y

101 York Street 3rd Floor Room 302 George 6530, P.O Box 1205 George 6530

Enquiries: SI Ndlovu    Tel: 023 346 8000    Fax: 044 873 2199    E-mail: [sndlovu@bocma.co.za](mailto:sndlovu@bocma.co.za)

REFERENCE: 4/10/2/K30C/KRAAIBOSCH 195/278 & 282, GEORGE

DATE: 21 JULY 2023

SES ENVIRONMENTAL SERVICES  
PO Box 9087  
**GEORGE**  
7435

Attention: Mr M. Bennett

**RE: NOTICE OF THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF MIXED-USE DEVELOPMENT ON FARM PORTION 278 AND PARTIALLY ON 282 OF FARM KRAAIBOSCH NO 195, GEORGE, WESTERN CAPE**

Reference is made to the above mentioned Draft Basic Assessment Report made available to Breede-Olifants Catchment Management Agency (BOCMA) for comments.

The following are BOCMA comments relating to Draft Basic Assessment Report for the proposed construction of a Mixed-Use Development on Farm Portion 278 and 282 of Farm Kraaibosch no 195, which should be adhered to:

1. 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.
2. All reasonable measures shall have to be taken to prevent the potential pollution of the groundwater resources due to the proposed onsite sanitation facilities.
3. 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.

**RE: NOTICE OF THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF MIXED-USE DEVELOPMENT ON FARM PORTION 278 AND PARTIALLY ON 282 OF FARM KRAAIBOSCH NO 195, GEORGE, WESTERN CAPE**

4. 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.
5. 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).
6. 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) & (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:
  - 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 a watercourse where the edge of the 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 (extent) of any wetland or pan.*
7. 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 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.
8. 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.
9. Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.
10. The BOCMA office can be contacted for further information related to the requirement for, or the application for a Water Use Authorisation.
11. Should you wish to apply for a water use authorisation for unregistered water uses triggered by the proposed activities, you may apply electronically by logging onto the Department of Water and Sanitation (DWS) website at <http://www.dws.gov.za/e-WULAAS>.
12. Should you have further enquiries, the office can be contacted or alternatively contact Mr. Si Ndlovu at the above-mentioned contact number or on [sndlovu@bocma.co.za](mailto:sndlovu@bocma.co.za)

**RE: NOTICE OF THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED  
CONSTRUCTION OF MIXED-USE DEVELOPMENT ON FARM PORTION 278 AND PARTIALLY ON  
282 OF FARM KRAAIBOSCH NO 195, GEORGE, WESTERN CAPE**

Yours faithfully,

pp J. van Staden

**MR. JAN VAN STADEN  
CHIEF EXECUTIVE OFFICER (ACTING)**





**REFERENCE:** 16/3/3/1/D2/19/0009/23

**DATE OF ISSUE:** 20 July 2023

The Managing Director  
Garden Route Gateway Plaza (Pty) Ltd.  
PO Box 824

**HARTENBOS**  
6520

**Attention:** Mr. André Calitz

E-mail: [oilcon@mweb.co.za](mailto:oilcon@mweb.co.za)

Dear Sir,

**COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED MIXED-USE DEVELOPMENT ON PORTIONS 278 AND 282 OF THE FARM KRAAIBOSCH NO. 195, GEORGE**

1. The Draft Basic Assessment Report dated 21 June 2023 and submitted on your behalf by your appointed independent Environmental Assessment Practitioner ("EAP"), Mr. Michael Bennett (EAPASA Ref: 2021/3163) of *Sharples Environmental Services cc* ("SES"), on 22 June 2023, refers.
2. This Directorate has reviewed the information contained within the Draft Basic Assessment Report ("DBAR") and provides the following comment:

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 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.

2.2. *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 regard, the Department appreciates the inclusion of the "*Draft Water Use License Application Summary*" appended in Appendix G.4 of the DBAR.

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.

### 2.3. *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 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.

### 2.4. *Confirmation of municipal services:*

Please be reminded that the George Municipality must provide written 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.

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.

### 2.5. *Visual Impact Assessment:*

With reference to Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended) please 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.

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 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.

### 2.6. *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 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.

## 2.7. 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 appendices) which includes duly completed declarations must be submitted to the Department.

### 3. Submission of Basic Assessment Report

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.

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 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.

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

**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.

4. Please note that the proposed development may not commence prior to an environmental authorisation being granted by the Department.
5. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

pp \_\_\_\_\_

**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Ref.: 16/3/3/1/D2/19/0009/23

Copied to:

EAP: Mr. Michael Bennett

E-mail: [michael@sescc.net](mailto:michael@sescc.net)

Good day Michael

Comments from Land Use and Spatial Planning on the proposed development:

1. 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.
2. 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 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.
3. Consideration should be given to:
  - i. Finer grain buildings (separated with green spaces of sight) to mitigate visual impact (like alternative layout 2, safeguarding visibility corridors);
  - ii. The height impact on the scenic views from the N2 should be illustrated;
  - iii. Setback of buildings to mitigate the visual impact;
  - 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.
  - v. If a perimeter fence/wall be erected, it must be 60% permeable.

Trust the above comments will be considered.

Regards.

**Jeanne Muller**

Senior Town Planner

Directorate Human Settlements, Planning and Development

**Office:** 044 801 1290

**Internal ext:** 9138

**Email:** [jmuller@george.gov.za](mailto:jmuller@george.gov.za)

**postal** Private Bag X6546, George, 6530  
**physical** 4<sup>th</sup> Floor, York Park Building, York Street, George  
6530  
**website** [www.capenature.co.za](http://www.capenature.co.za)  
**enquiries** Megan Simons  
**telephone** +27 87 087 3060 fax +27 44 802 5313  
**email** [msimons@capenature.co.za](mailto:msimons@capenature.co.za)  
**reference** LE14/2/6/1/6/2/278&282-195\_General\_  
Kraaibosch/01  
**date** 23 August 2023

Sharples Environmental Services cc,  
P.O.Box 9087,  
George,  
6530

Attention: Mr Michael Bennett  
By email: [michael@sescs.net](mailto:michael@sescs.net)

Dear Mr Michael Bennett

**THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF  
A MIXED-USE DEVELOPMENT ON FARM PORTION 278 AND PARTIALLY ON PORTION  
282 OF FARM KRAAIBOSCH NO. 195, GEORGE LOCAL MUNICIPALITY, WESTERN  
CAPE.**

**DEA&DP Reference: 16/3/3/1/D2/19/0009/23**

---

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:

CapeNature provided comments for the Pre-Application Draft Basic Assessment Report (CapeNature reference: *LE14/2/6/1/6/2/278&282-195/General/Kraaibosch*). Since the Pre-App dBAR the vegetation threat status for Garden Route Granite Fynbos has changed to **Critically Endangered** (NEM:BA, 2022)<sup>1</sup>. However, as mentioned in our initial comment the proposed site has been transformed and the proposed development will not have a significant impact on the surrounding biodiversity.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely,



**Megan Simons**  
**For: Manager (Landscape Conservation Intelligence)**

---

<sup>1</sup> National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). The Revised National List of Ecosystems that are Threatened and in need of protection. 2022. Government Gazette No. 47526

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack