



COMMENTS AND RESPONSE REPORT

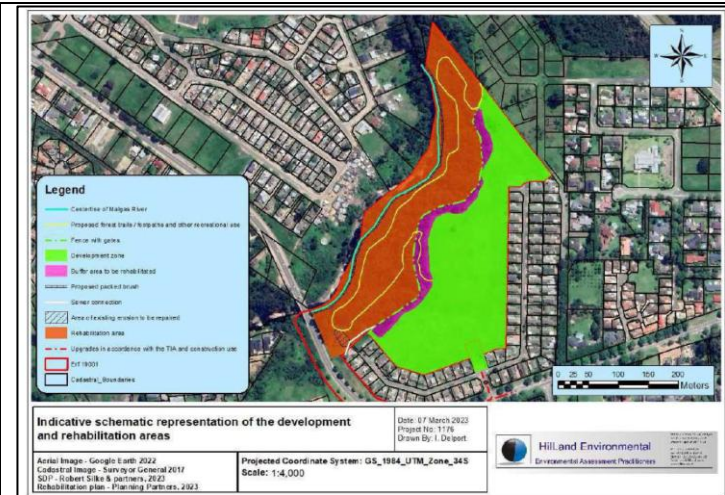
THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 19374 (REMAINDER ERF 6182, ERF 6179, ERF 6156), GEORGE, WESTERN CAPE PROVINCE.

COMMENT	NAME/ORGANISATION	RESPONSE	#
<p>2. This Directorate has reviewed the Draft Basic Assessment Report and provides the following comment:</p> <p>2.1.BAR Requirements The Draft BAR must contain all the information outlined in Appendix 1 and include the required specialist reports, appendices and an EMPr as well as any information requested by the Competent Authority in any relevant correspondence issued previously.</p> <p>It is noted that a draft Environmental Management Programme (EMPr) which complies with Appendix 4 of Government Notice No. R.982 of 4 December 2014 has not been submitted together with the documents received.</p> <p>Failure to submit any information prescribed in Appendix 1 of GN No. R. 982 may result in Environmental Authorisation being refused.</p>	<p>Department of Environmental Affairs and Development Planning</p> <p>Dorien Werth</p> <p>17 January 2025</p>	Thank you for highlighting this oversight	1.
<p>2.2.Public Participation The Draft BAR, inclusive of the required specialist reports, appendices and an EMPr, must be subject to a Public Participation Process (PPP) that must comply with the requirements of Chapter 6 of the EIA Regulations, 2014.</p> <p>The Draft BAR submitted to this Department, and the document made available to all IA&Ps on the SEscc website (and possibly submitted to all organs of state) is incomplete. In such an instance the PPP does not comply with the regulatory requirements set out in Chapter 6 and this shortcoming will prejudice the success of your application.</p>		This is understood,	
<p>2.3. Alternatives In terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and EIA Regulations, 2014 the investigation of alternatives is mandatory. This</p>		As seen from the Arbor Estate No-Go areas map below (attached to the EMPr), the proposed development area of this proposal is aligned with the adjacent property.	

includes the option of not proceeding with the proposed activity (the “no-go” option). All alternatives identified must be determined to be feasible and reasonable. In this regard it must be noted that the Department may grant authorisation for an alternative as if it had been applied for, or may grant authorisation in respect of the whole or part of the proposed project in the application. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives.

Considering the topography of property and are in general, it is noted that the western portion of the property abuts a steep slope leading down to the Malgas River. The property includes the It is noted that a ‘conservation buffer’ has been incorporated in the extreme western corner of the property; however, this Directorate is concerned about development beyond or near the edge of the steep slope. The portion of Erf 19001, upon which the stormwater structure for this development is proposed, has specifically been set aside for a conservation use and it must be managed as an open space area and may not be developed further. The residential estate development on the neighbouring property (i.e., Erf 19001), has been required to be setback behind a line depicted on the approved SDP as the “edge of bush”. The line serves a “development setback line” and no development (including fencing) has been allowed in the area between this line and the Malgas River. It is important that a continuous development setback be maintained above the edge of the slope leading down to the Malgas River.

You are required to consider, investigate and report on an alternative wherein the proposed residential estate (including erf boundaries; structures and infrastructure) proposed on Erf 19374 are set back from the edge of the slope. It must be demonstrated how the setback line required on Erf 19001 has been considered in the development proposal on Erf 19374.



<p>In this regard—</p> <ul style="list-style-type: none"> • except for the stormwater structure proposed on Erf 19001, no buildings, structures or bulk engineering services infrastructure should be proposed / installed in the open space area and the conservation buffer on the western portion of Erf 19374; • the security fence must be setback from the property boundary; however, it may be located inside the setback line which must be depicted on the SDP; • the attenuation pond must be set back above the edge of the slope; • whereas the edge of the slope is generally characterised by denser vegetation / a tree line, the edge of the slope must be clearly depicted on the site map and a buffer between the edge of the slope and the proposed development be detailed on the map. 		<ul style="list-style-type: none"> • This is the case, apart from the stormwater management structure no buildings are proposed in this area. • Please refer to the revised layout plan which shows the fence line • Please refer to Annexure B of the SWMP and report (Appendix G9 of the BAR). The Stormwater retention pond 1 is above the edge of the slope with its overflow tying into the cascading stormwater management system, The purpose of this stormwater management plan is to provide the detailed calculations of the attenuation pond size that would be required to contain the 1:50 year rainfall event and release the outflow at no more than the 1:5-year rainfall event. • It must be noted that the layout has been developed in accordance with the specialists and engineering input including the geotechnical investigation, all of which agree with the placement of the development. The revised layout now includes your requested edge of the slope line. 	
<p>2.4.Engineering Services</p> <p>It is noted that the George Municipality has issued a "Confirmation of Services" letter, dated 06 April 2023.</p> <p>Wastewater Disposal and Treatment:</p> <p>It is noted that sewer connection is possible, and the sufficient capacity is available in the link services to accommodate the proposed development; however, the wastewater treatment works (WWTW) identified to service the proposed development (i.e., Gwaiing WWTW) does not currently have sufficient capacity to receive and treat the sewage that will be generated by the proposed development. Therefore, the Municipal WWTW must be upgraded/expanded to provide the necessary service. It is noted that the George Municipality has planned a ±3.5Ml/day capacity upgrade to the WWTW, and once this</p>		<p>A revised confirmation of services letter will be included with the Final BAR.</p>	

is commissioned it will be able to provide the necessary service.

This Directorate is aware of the proposed upgrade to the Gwaiing WWTW, and it has been informed that the expansion will be subject to obtaining an Environmental Authorisation and Water Use Licence. The application for the required environmental authorisation for said expansion, has not yet been received by this Department.

Please be advised/reminded that:

- Sewage generated as a result of a proposed development should be disposed of by means of a waterborne gravity sewer network connected to the existing municipal sewer network and disposed of at a licensed waste management facility / sewage treatment plant with sufficient unallocated sewage treatment capacity. Especially where such a proposed development is located within a municipal urban edge.
- The George Municipality has stated that no development, a portion thereof or an erf, may connect to the municipal water and sewer system unless the required bulk and link infrastructure is available.
- Where any of the engineering services or upgrade thereof, which your proposed development relies upon, requires environmental authorisation, this may lead to a situation of incremental decision-making. This Department does not support incremental decision-making. In such an instance, the success of your application will be prejudiced.
- Should the expansion of the WWTW require environmental authorisation, given the fact that the application process has yet to be received, it is unlikely that the application and EIA process for said expansion will be timeously completed in support of your application. You are required to provide clarity on the above matter and how you propose to address the risk of incremental decision making.

<p>Potable Water and Infrastructure Link services: Based on the confirmation letter from George Municipality it is noted that the treatment works will have sufficient capacity for the development in its entirety once the ±4.5Ml/day capacity upgrade is commissioned. Furthermore, it was stated that the upgrade of the old treatment works is in progress with an estimated completion date of August 2023. Please provide more clarity on this matter and the status of completion of the upgrade.</p>			
<p>2.5.Stormwater Management Plan According to the Stormwater Management Plan that has been provided, it is noted that attenuation ponds will be required for adequate stormwater management. However, from the Site Development Plan ("SDP") it appears that only one (1) attenuation pond is depicted on the plan. The two (2) ponds must be included in the SDP and all impacts related to the attenuation ponds must be assessed. Kindly also refer to the requirements regarding maps and plans. Please be advised that attenuation pond(s) must be setback from the edge of the slope leading down to the Malgas River.</p>		<p>Please note that the retention ponds were included on pages 2 and 3 of the layout, the layout has however been revised in accordance with our meeting. (Appendix B1)</p>	
<p>2.6.Heritage Impact Assessment Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), sets out the requirements regarding the integration of the decision-making process with that of the EIA Regulations, 2014. However, under the proviso that the necessary information is submitted and any comments and recommendations of the relevant heritage resources authority ("HWC") with regard to such development have been provided and taken into account prior to the granting of the authorisation. It is noted that a Heritage Impact Assessment was conducted. It is likely that the national estate may be impacted too. The EAP is required to obtain the final comments / recommendations on these matters from Heritage Western Cape and include them in the Final Basic Assessment Report</p>		<p>All correspondence from Heritage Western Cape was included as Appendix E1 including their final comment. Regardless a query was sent to both the Heritage Specialist and Heritage Western Cape in this regard. Their feedback will be included in this comments and responses report with the submission of the Final BAR.</p>	

<p>2.7.Geotechnical Report</p> <p>Based on the information received in the Geotechnical Report the specialist recommended preliminary precautionary measures which must be taken into account by the design engineers to cater for expected conditions. This Directorate requires that all this measure must be included in the Environmental Management Programme which must also be submitted with the Final Basic Assessment Report.</p>		<p>It must be noted that as concluded by the Geotechnical Report (Appendix G10) that “Some preliminary precautionary measures have been recommended for consideration by the design engineers to cater for the expected conditions, but all information should be verified on site during construction.</p> <p>As such the recommendations in the report are for the engineer and not the EMPr as these recommendations will provide impossible for an ECO to monitor compliance with and falls under the responsibility of the suitable qualified Engineer.</p>	
<p>2.8. Site Development Plan / Site Map</p> <p>Please be reminded that a map/site development plan must also be provided at an appropriate scale, which superimposes the proposed development and its associated structures and infrastructure on the environmental sensitivities of the preferred and alternative sites indicating any areas that should be avoided, including buffer areas.</p> <p>A finer scale map must be provided indicating the gradients on the proposed development site and the edge of the slope leading down to the Malgas River.</p>		<p>As highlighted by the specialists who assessed the proposal the only sensitive feature on the site is the Malgas River on the western boundary of the site. An Environmental Sensitivities Map was provided as Appendix B2 to the BAR.,</p> <p>Page 2 of the Site Development included contours which highlights the slopes on the site, please note that the layout has now been revised to include this request line.</p> <p>Additionally, 1m contours are provided in Annexure B of the Stormwater Management Plan (Appendix G9 of the BAR)</p>	
<p>2.9.Environmental Management Programme (“EMPr”)</p> <p>No specific comment can be provided on the EMPr as it has not been provided. Please coinsider the following general comment:</p> <ul style="list-style-type: none"> In accordance with Section 24N of NEMA and Regulation 19 of Government Notice (“GN”) No. R. 982 of 4 December 2014, the Department hereby requires the submission of an Environmental Management Programme (“EMPr”). The contents of such an EMPr must meet the requirements outlined in Section 24N of the NEMA and Appendix 4 of GN No. R. 982 of 4 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 		<p>As requested, the Arbor Estate management plans are attached to the EMPr and the sloped western open space of the site will be managed in accordance with those management plans.</p>	

<p>implementation (auditing). It must be submitted together with the BAR</p> <ul style="list-style-type: none"> Throughout the Draft BAR reference is made to the EMPr. The EAP must ensure that these aspects are clearly addressed and included in the EMPr. It is noted that that a rehabilitation plan must be compiled for the Malgas River embankment. Please ensure that this is included in the EMPr. 			
<p>3. Please ensure the final Basic Assessment Report ("BAR") and Environmental Management Programme ("EMPr") contain all information requirements outlined in Appendices 1 and 4 respectively of the Environmental Impact Assessment Regulations, 2014 (GN R. 982 of 4 December 2014, as amended).</p>		Noted	
<p>4. Please take note of the matters described in paragraphs 2.1; 2.2 and 2.4 which may prejudice the success of the application. The EAP is advised to comply with the minimum requirements of Regulation 19(1)(a) prior to submitting the BAR for consideration.</p>		Noted	
<p>5. The Department awaits the submission of the BAR as prescribed by Regulation 19 of the EIA Regulations, 2014. In accordance with Regulation 19, the Department stipulates that the BAR must be submitted to this Department for decision within 90 days from the date of receipt of the application by the Department.</p> <p>If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/ EAP must notify this Department that an additional 50 days (i.e., 140 days from receipt of the Application Form for Environmental Authorisation) will be required for the submission of the final BAR for decision-making. The additional 50 days must include a minimum commenting period of thirty (30) days to allow registered Interested and Affected Parties ("I&APs") to comment on the revised report/additional information.</p> <p>If the BAR is not submitted within the prescribed timeframe, the application will lapse in terms of Regulation 45 of the EIA</p>		Noted	

Regulations, 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 and the prescribed application fee would have to be paid again (if applicable).			
6. Please note that it is prohibited in terms of Section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") for a person to commence with a Listed Activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R10 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.		Noted	
7. Kindly quote the above-mentioned reference number in any future correspondence in respect of this application.			
8. The Department reserves the right to revise initial comments and request further information based on any new or revised information received.			
2. Proclaimed Provincial Main Road 1 (TR00101), where George Municipality is the Road Authority and this Branch the Approving Authority in terms of Roads Ordinance 19 of 1976, is affected by this application.	Department of Infrastructure Vanessa Stoffels	Thank you for confirming this.	
3. This Branch, from an environmental point of view, offers no objection to this proposed development, provided that the Road Authority submits its positive traffic related recommendation (towards TR00101) to this Branch for approval during the land use application stage.	5 December 2024		
SACAA has no comments for the proposed residential development. The proposed site is outside the vicinity of aviation infrastructure which show no indication of major/negative impacts to aviation infrastructure and	South African Civil Aviation Authority Nrateng Mashiloane	Thank you for confirming this	

activities within the airport. However, if there are any structures or machinery whether temporary or permanent that are deemed too tall, kindly lodge an application as published on the SACAA website: www.caa.co.za/industryinformation/obstacles/ . The list and contact details of the approved obstacles assessment services providers can be obtained from the CAA website: www.caa.co.za .	2 December 2024		
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 BGCMA comments relating to Pre-Application Draft Basic Assessment Report for the proposed residential development on Erf 19374 (Remainder of Erf 6182, Erf 6179, Erf 6156), which should be adhered to: 1. The Breede-Olifants Catchment Management Agency has reviewed the Draft Basic Assessment and has no objections on the addition of the new stormwater outlet. The applicant is advised to adhere to the conditions of the General Authorisation for section 21(c) and (i) water uses issued by BOCMA dated 12 April 2024.	Breede-Olifants Catchment Management Agency SI Ndlovu 17 JANUARY 2025	Thank you for indicating that BOCMA has no objections to the proposal.	
2. Please note that the comments that were provided by the BOCMA on the 26 June 2023 are still valid and must be adhered to. 3. The applicant, Urban Country Estate is advised to take all reasonable control measures to prevent degradation of the Malgas such as erosion of river beds and banks due to high stormwater volumes associated with high energy. The BOCMA recommends following control measures: a) Rainwater harvesting tanks be installed at residences. b) Use of swales and detention ponds to attenuate stormwater runoff, encourage infiltration and reduce the speed, energy and volumes at which stormwater is discharged from the site.		We agree that all measures must be taken to prevent and mitigate impact to the Malgas River. Your recommended measures have already been incorporated into the stormwater management system.	

<p>c) Use of permeable paving to encourage infiltration into the soil.</p> <p>d) Use of retention ponds and artificial wetlands to capture stormwater runoff and prevent its discharge from the site.</p> <p>4. The applicant, must ensure that no contaminated stormwater is discharged into a watercourse. All reasonable measures shall have to be taken to prevent the potential pollution of the Malgas river.</p>			
<p>5. The applicant is advised that sewer and water services that will be provided by the municipality, there must be an agreement between Urban Country Estate and the municipality tariffs must be paid directly to the municipality.</p>		This is understood	
<p>6. 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.</p> <p>7. 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.</p> <p>8. Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.</p> <p>9. The BOCMA office can be contacted for further information related to the requirement for, or the application for a Water Use Authorisation.</p>		This is understood, the GA registration for the proposal is attached to the BAR as Appendix E3.	

<p>10. 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.</p> <p>11. 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</p>			
<p>1 Forestry is responsible for the implementation and the enforcement of the National Forest Act (NFA), Act 84 of 1998 as amended and the National Veld and Forest Fire Act, Act 101 of 1998 as amended (NVFFA). Thank you for giving Forestry this opportunity to comment on above application.</p> <p>2 Forestry studied the supporting documents for the above mentioned application and the following points related to Forestry's mandate i.e. the implementation of the NFA are applicable</p> <p>a. According to the report the proposed development entails: "a private gated development with seventy (70) freehold units and forty (40) complex rental units on this property and cover an area of approximately 6.88ha. The development will consist of 79 erven, accessed by means of two new roadways, as well as one high-density complex-70 group housing erven; 1 flats erf; 5 private open space erven; 3 private road erf." The area is disturbed- and developmental area consist mainly of grass with Eucalyptus groves along the river area and surrounds (also mixed with Black Wattle).</p> <p>b. Forestry's mandate under the NFA is not affected.</p> <p>c. Indigenous forest as well as protected trees are protected under the National Forest Act (NFA) (Act No. 84 of 1998) as amended.</p> <p>d. This letter is not a NFA licence.</p> <p>3 Forestry reserves the right to revise initial comment based on any additional information that may be received</p>	<p>Department Forestry Fisheries and the Environment</p> <p>M. Koen</p> <p>20 January 2025</p>	<p>Thank you for confirming that Forestry's mandate under the NFA is not affected by the proposal.</p>	

