



BREEDDE-GOURITZ
CATCHMENT MANAGEMENT AGENCY

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REFERENCE: 4/10/2/K30B/ERF 19374, GEORGE

DATE: 20 APRIL 2023

SHARPLES ENVIRONMENTAL SERVICES
PO Box 9087
GEORGE
6530

Attention: Ms C. Swanepoel

RE: DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 19374 (REMAINDER ERF 6182, ERF 6179, ERF 6156), GEORGE, WESTERN CAPE

Reference is made to the above mentioned Pre-Application Draft Basic Assessment Report made available to Breedde Gouritz Catchment Management Agency (BGCMA) for comments.


The following are BGCMA comments relating to Pre-Application Draft Basic Assessment Report for the proposed residential development on Erf 19374 (Remainder Erf 6182, Erf 6179, Erf 6156), which should be adhered to:

1. 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) & (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 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.*

RE: DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 19374 (REMAINDER ERF 6182, ERF 6179, ERF 6156), GEORGE, WESTERN CAPE

2. The harvesting of rainwater and storing of rainwater in tanks does not trigger any water use(s) and it requires no authorisation.
3. No water shall be derived from a water resource and used Erf 19374 (Remainder Erf 6182, Erf 6179, Erf 6156 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).
4. 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.
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.
6. Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.
7. The BGCMA office can be contacted for further information related to the requirement for, or the application for a Water Use Authorisation.
8. 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>.
9. 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@bgcma.co.za

Yours faithfully,

pp  _____

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



OUR REFERENCE : 20/9/2/4/3/709
YOUR REFERENCE : 16/UV/SG/02/23
DEA&DP REFERENCE : 16/3/3/6/7/1/D2/20/0297/22
ENQUIRIES : Cor van der Walt/Kyle Solomons

Sharples Environmental Services
PO Box 9087
GEORGE
6530

Att: Carla Swanepoel

DRAFT BASIC ASSESSMENT REPORT
PROPOSED RESIDENTIAL DEVELOPMENT: DIVISION GEORGE
ERF NO 19374 (REMAINDER ERF NO 6182, ERF NO 6172, ERF NO 6156)

Your application of 13 April 2023 has reference.

The applicant, Urban Country Estate (Pty) Ltd wishes to establish a residential gated estate comprising of seventy seven freehold units and forty complex rental units.

The Western Cape Department of Agriculture: Land Use Management (WCDoA: LUM) has reviewed the report and has no objection to the proposed development. The subject property should be rezoned and subdivided according to the George Municipal zoning By-laws.

Please note:

- That this is comment to the relevant deciding authorities in terms of the National Environmental Management Act no.107 of 1998.
- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2023-05-23

Copies:

George Municipality

PO Box 19

GEORGE

6530

Department of Environmental Affairs & Development Planning

Private Bag X 6509

George

6530

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>This is just informal comment.</p> <ol style="list-style-type: none"> Has anyone checked on the status of the land claim over this site? This is the site of the historical settlement of Watsonsdorp. You will need to obtain comment from the Land Claims Commission. I am also aware that this site is used for traditional Khoisan ceremonies. You will need to invite the traditional Khoisan leaders of the area to also comment on the proposal. I am assuming that a heritage study will also need to be conducted. Are u inviting the George Heritage Trust and Van der Stel Trust to comment? A NID will need to be submitted to Heritage Western Cape – most likely will trigger a heritage impact assessment. 	<p>George Municipality Directorate: Human Settlements, Planning and Development</p> <p>Clinton Petersen: Senior Manager: Town Planning</p> <p>13 April 2023</p>	<p>Thank you for your comments.</p> <p>According to the applicant the land claim was settled in 2007. Due to the outcome of the court case, we were able to proceed with the Heritage assessment.</p> <p>According to the Heritage Impact Assessment report, "A community meeting was held in Malgashoek on 16 September 2022, a site visit on 17 September 2022, another meeting on 20 October 2022 in Blanco, and a site visit with community members on 21 October 2022, in order to determine the scope of the socio-historical significance to the community".</p> <p>Please refer to the Heritage Impact Assessment attached to the Basic Assessment Report as Appendix G4 as well as the Heritage Western Cape Response to Heritage Impact Assessment: Final Comment, Appendix E1.</p> <p>The Basic Assessment Report also discusses the Heritage Resources and Historical and Cultural Aspects of the property on pages 41-43.</p> <p>The George Heritage Trust and Van der Stel Trust have been sent a notification of the Public Participation Process and offered the opportunity to provide any comments.</p>
<p>The Cape Town Heritage Foundation (previously Simon van der Stel Foundation) is active in the Cape Town Municipal Area.</p> <p>We therefore will not comment on this application.</p>	<p>The Cape Town Heritage Foundation (previously Simon van der Stel Foundation)</p> <p>Ian Pretorius</p> <p>13 April 2023.</p>	<p>Notice was sent to Mr. Natie de Swardt of the Simon van der Stel Foundation Southern Cape.</p> <p>No comment received to date.</p>

<p>I do not have any objections but would like to please be registered as an interested party & [REDACTED]</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> <p>- Town Planning Company Name:</p>	<p>Mareez Herselman</p> <p>Regional Content Researcher Projects</p> <p>13 April 2023</p>	<p>Thank you for your email. You are hereby registered as an I&AP.</p> <p>The consulting town planner is Marlize du Bruyn Planning – Consulting Town & Regional Planning. The planning report is attached to the Basic Assessment Report as Appendix G6.</p>
COMMENT	NAME/ORGANISATION	RESPONSE
<p>1. If the proposed mixed-use development occurs within the regulated area of watercourses (nearby wetlands and rivers), it will trigger water uses in terms of Section 21(c) & (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 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 100 m of 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</p> <p>c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.</p>	<p>Breede-Gouritz Catchment Management Agency</p> <p>Sbonelo Ndlovo</p> <p>20 April 2023</p>	<p>Water uses in terms of section 21(c) and (i) will be triggered since a section of the development is proposed within the regulated area of the Malgas River.</p> <p>A water use license application is currently being undertaken by an aquatic specialist, Dr. JM Dabrowski.</p>
<p>2. The harvesting of rainwater and storing of rainwater in tanks does not trigger any water use(s) and it requires no authorisation.</p>		<p>Thank you for confirming this point.</p>
<p>3. No water shall be derived from a water resource and used on Erf 19374 (Remainder Erf 6182, Erf 6179, Erf 6156) 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).</p>		<p>No water from the Malgas River will be taken and used on the property at any time. This water use activity is not being applied for.</p>

4. As required by section 22 of the NWA, 1998 (Act No. 36 of 1998), a Water Use Authorisation is required prior to the commencement with any water use activity contemplated in section 21 of the National Water Act, 1998 (Act No. 36 of 1998). Moreover, commencement with any water use activity without authorisation as required by section 22 of the 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.		A Water Use License Application is currently being undertaken by the aquatic specialist, Dr. JM Dabrowski.
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 the National Water Act that is associated with the proposed development.		This is understood and a Water Use Licence Application is being undertaken.
6. Kindly note that this office reserves the right to amend and revise its comments as well as to request any further information.		
COMMENT	NAME/ORGANISATION	RESPONSE
In response to the notice displayed at the above site, I would like to register as an Interested and Affected Party. My husband and I are residents and owners of [REDACTED] one house away from the boundary of the proposed development. Our concerns are these:	Laurian Davies Neighbouring property 04 May 2023	Thank you for your comments. Please see the responses below:
1. The change of the environment from a peaceful rustic one to a built up, fairly densely populated complex, with a single access point past our house and a considerable increase in traffic.(Inevitable but highly regrettable.)		1. The property is located within the urban edge of George and has therefore been earmarked for urban development. Developing within the urban edge limits urban sprawl through infill development. The development is also inline with the character of Homewood Village. Please refer to Section E: Planning Context and Need and Desirability, p. 24-31 of the Basic Assessment Report (BAR) for more information.

<p>2. the many disruptions and disturbances involved in the building process, as well as the security risks.</p>		<p>2. Noise and dust will be generated during the construction phase. This impact is however temporary in nature and can be mitigated by implementing the Environmental Management Programme (EMPr).</p> <p>Strict access control will be implemented, and no job seekers will be tolerated on site.</p> <p>The property is currently a security risk due to the unoccupied, open erf and by developing the property should decrease the security risk to existing properties who border the property.</p> <p>Please refer to the mitigation measures listed in the EMPr, attached to the BAR as Appendix H.</p>
<p>3. Possible jeopardy of any necessary sale of the property during construction of the development.</p>		<p>3. The construction phase will be temporary in nature and will not prevent any necessary property sales.</p>
<p>4. Excavations that may be made around our property regarding the provision of services such as electricity and water to the site.</p>		<p>4. These activities will be temporary in nature and should not disrupt neighbouring properties. .</p>
<p>5. The displacement of the wildlife. I note the birds listed in your environmental report. There are other residents and seasonal visitors to note:</p> <ul style="list-style-type: none"> a. In the open field, these include guineafowl, canaries (at least two species, I think) and fiery-necked nightjars. b. There are more species active and nesting in the adjacent forest, particularly in the belt of indigenous thicket along the southern edge. These include two species of bulbul, thrushes, drongos, Burchell's coucal, black-headed orioles and three species of sunbird., plus the usual doves, pigeons, mousebirds and hadedahs c. The open area is also a regular hunting ground for forest buzzards, long-crested eagles, and heron as well as smaller raptors: testimony to the presence of numerous small mammals. The giant solitary 		<p>5. We understand your concerns regarding the impacts on wildlife.</p> <ul style="list-style-type: none"> a. These species are very common and wide spread. b. c & d. Response by the Terrestrial Ecologist, Robyn Phillips: <p><i>It is acknowledged that the site is used by a variety of fauna, however they are mostly generalist species that likely use the site opportunistically. The habitat for fauna is of poor quality and likely only supports generalist species that move through while foraging. It is unlikely that any species of conservation concern (SCC) depend on the site. The site is generally in a modified state with little to no indigenous vegetation remaining. The site is also relatively small and isolated and is bordered by dense stands of alien trees. The site also receives regular disturbance (e.g., mowing). None of the original fynbos vegetation exists on the site</i></p>

<p>bluegum is an important roost for the raptors and most of the other birds.</p> <p>d. We also have occasional visits from bushbuck.</p> <p>e. The shallow ditch along Plantation Road is home to a colony of clicking stream frogs , in a spot right next to the proposed entrance to the development.</p>		<p><i>and does not warrant the preservation of the site for conservation purposes. The site is not considered a representative portion of the original fynbos vegetation type or ecosystem and will therefore not contribute to any determined conservation target.</i></p> <p>e. The shallow ditch is located outside the property boundary and as such is a no-go area. These areas may not be disturbed during the construction phase by the developer.</p>
<p>I would be most grateful if you could give me some idea of when work will commence.</p>		<p>The application is a lengthy process. If an Environmental Authorisation (EA) is granted, the soonest construction can possibly start is the end of this year (2023). The clearing of alien invasive vegetation may start sooner. The EA (if granted) will be made valid for a number of years in which the development may commence and conclude.</p>
COMMENT	NAME/ORGANISATION	RESPONSE
<p>Question: Do you plan to link this development to Homewood Street, Heather Park?</p>	<p>GE Dames and GA Dames</p> <p>Neighbouring property</p> <p>13 April 2023</p>	<p>No. Please refer to the Basic Assessment Report as well as Appendix B2. The entrance road to the development will be from Plantation Road.</p> <p><i>Section B point 4.5 states that Access to the site is gained via a black topped collector road, named Plantation Road that is accessed from the black topped national road N12 CJ Langenhoven Road.</i></p> <p>Homewood Street will not be used as an entrance to the proposed residential estate.</p>
<p>We do not approve of the intended development for various environmental, human safety and health reasons. Our primary concern is the proposed entrance from Homewood Street. This poses a direct safety, security, and environmental risk to residents in close proximity to the proposed entrance.</p>	<p>GE Dames and GA Dames</p> <p>Neighbouring property</p> <p>15 May 2023</p>	<p>Thank you for your comments.</p> <p>Please refer to the Basic Assessment Report as well as Appendix B2. The entrance road to the development will be from Plantation Road.</p> <p><i>Section B point 4.5 of the BAR states that Access to the site is gained via a black topped collector road, named Plantation Road that is accessed from the black topped national road N12 CJ Langenhoven Road.</i></p>

		Homewood Street will not be used as an entrance to the proposed residential estate.
<p>Homewood Street and the proposed property are rich in fauna and flora. Bird, wild and plant life will severely be compromised. The huge eucalyptus tree on the property houses hundreds of bird life. Home gardens in and around Homewood Street offers shelter, breeding and feeding for various types of birds. Frequent sightings of larger birds of prey such as hawks, owls and even eagles in residents' gardens proves that our environment is not just conducive, but a safety net for wildlife in what has become a growing environmental risk due to massive residential developments in George. Residential developments elsewhere have a devastating impact on what we inherited as a gem in terms of the Garden Route.</p>		<p>Please refer to the Terrestrial Biodiversity Report by Robyn Philips and the Botanical Report by Dr. Dave McDonald (Appendices G1 and G3).</p> <p>From their findings the potential impacts on the fauna and flora will be that of a very low significance and that the site is suitable for development.</p>
<p>The proposed entrance from Homewood Street poses a direct health risk. The added increase in toxic carbon dioxin from vehicles and trucks will not just negate the natural quality of fauna and flora but will have a devastating effect on human health in and around Homewood Street. Evidence of carbon dioxin on trees and plants in our garden is proof of the adverse effects current traffic volumes have on our immediate environment. Increased traffic volumes and noise levels in close proximity to existing home entrances and inhabitants of these homes will lead to the deterioration of the quality of our lives and in particular our health. The proposed entrance from Homewood Street does not respect nor value existing homeowners' interest or quality of life. The proposed entrance will create unacceptable probabilities of environmental challenges and safety risks. It is too close to existing properties. Notwithstanding the fact that there is not room for additional traffic volumes in Homewood Street – the three properties next to the proposed entrance does not allow for adequate space to even perceive a road into the proposed development area.</p>		<p>As mentioned above and in Section B point 4.5 of the BAR, <i>"Access to the site is gained via a black topped collector road, named Plantation Road that is accessed from the black topped national road N12 CJ Langenhoven Road."</i></p> <p>The proposed site is located within the George urban edge and has therefore been earmarked for urban development.</p>

		
<p>Lastly, such a proposed development and entrance to existing properties will directly affect the valuation of the properties in this vicinity. One neighbour already be forced to sell despite only recently having moved into the area. His house is directly adjacent to the proposed entrance of the development.</p>		<p>Please also refer to the Traffic Impact Assessment, Appendix G7.</p> <p>As mentioned in previous responses the development entrance will be via Plantation Road.</p> <p>It is unclear how the proposal, located within the Urban Edge will affect existing property valuations.</p>
<p>We strongly oppose this entrance and development, as there are alternative routes which could be considered, especially as far as the entrance is concerned. There is no justification for the entrance at this point except to favour the interests of elitist groups who deem it beneath themselves to share a common entrance with others.</p>		<p>Please refer to previous responses regarding the development access point.</p>
<p>We are consulting with relevant experts to determine whether this proposed development and entrance subscribes to the relevant by-laws, especially regarding its proximity to existing homes.</p>		<p>A consulting town planner has been appointed and is part of the application process. An application for the proposed rezoning and subdivision of the property has been made to the George Municipality. The planning report is attached to the Basic Assessment Report as Appendix G6.</p>

		<p>The proposal is in line with the George Spatial Development Plan and Integrated Development Plan.</p> <p>Please refer to Section E: Planning Context and Need and Desirability, p. 24-31 of the Basic Assessment Report (BAR).</p>
We would appreciate an update on the processes followed in this endeavour.		As an I&AP you will be notified of the EIA process as it continues.
<p>Your application of 13 April 2023 has reference.</p> <p>The applicant, Urban Country Estate (Pty) Ltd wishes to establish a residential gated estate comprising of seventy seven freehold units and forty complex rental units.</p> <p>The Western Cape Department of Agriculture: Land Use Management (WCDoA: LUM) has reviewed the report and has no objection to the proposed development. The subject property should be rezoned and subdivided according to the George Municipality By-Laws.</p> <p>Please note: That this is comment to the relevant deciding authorities in terms of the National Environmental Management Act no. 107 of 1998.</p> <p>Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.</p> <p>The Department reserves the right to revise initial comments and request further information based on the information received.</p>	<p>Cor van der Walt.</p> <p>Received 01 June 2023 Signed 25 May 2023</p> <p>The Western Cape Department of Agriculture: Land Use Management (WCDoA: LUM)</p>	<p>Thank you for your comments, it is noted.</p>