

**REFERENCE:** 16/3/3/6/7/1/D2/19/0169/24  
**DATE OF ISSUE:** 26 June 2024

The Municipal Manager  
% The Deputy Director: Planning and Environmental Management  
THE GEORGE MUNICIPALITY  
PO Box 19  
**GEORGE**  
6530

**Attention:** Ms. Lynette Groenewald

E-mail: [lgroenewald@george.gov.za](mailto:lgroenewald@george.gov.za)

Dear Madam

**ACKNOWLEDGMENT AND COMMENT ON THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE PROPOSED GWAYANG MIXED-USE DEVELOPMENT ON A PORTION OF THE REMAINDER OF ERF 464, GEORGE**

1. The abovementioned undated Notice of Intent ("NOI") (Ref: GEO837/01) dated 16 May 2024, compiled on your behalf by your appointed registered Environmental Assessment Practitioner ("EAP"), Ms. Louise-Mari van Zyl (EAPASA No: 2019/1444) and assisted by registered Candidate EAP, Ms. Mariska Byleveld (EAPASA No: 2023/6593) of *Cape Environmental Assessment Practitioners ("Cape EAPrac")*, and received by this Department on 30 May 2024, refers.
2. This letter serves as acknowledgement of receipt of the abovementioned report on 30 May 2024.
3. The Directorate: Development Management (Region 3) ("this Directorate") has reviewed the information in the NOI and provides the following comment:

3.1. *The proposal*

According to the information provided in the NOI, the George Municipality ("the proponent") is proposing to develop a mixed-use precinct with a focus on commercial and industrial land uses on a portion of the Remainder of Erf 464, George ("the property").

It is understood that a conceptual site plan was developed of ninety (90) portions) on approximately 181ha consisting of the following:

- 4 x General Residential Zone II (group housing) stands on ±4.1ha;
  - The four (4) group housing stands will consist of ±145 units (35 dwelling units per hectare).
- 7 x General Residential Zone IV (flats/apartments) stands on ±9.4ha;

- The seven (7) flat/apartment stands will consist of ±1878 units
- 33 x Industrial Zone I stands (light industrial) on ±18.7ha;
- 17 x Industrial Zone II and III stands (heavy industrial) on ±38.1ha;
- 8 x Business Zone I stands (mixed-use/business/retail) on ±15.5ha;
- 1 x Community Zone I and II stand (public facility – crèche & religions centre) on ±0.3ha;
- 4 x Open Space Zone I stands (public squares) on ±0.7ha;
- 9 x Open Space Zone I stands (open / conservancy areas) on ±107ha;
- 3 x Undetermined Use Zone stands on ±27ha; and
- 2 x Transport Zone II stands (planned roads) on ±32.6ha.

### 3.2. *Process to obtain environmental authorisation:*

Based on the information submitted to this Directorate a Scoping and Environmental Impact Reporting process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered for authorisation. The onus is on the proponent / EAP to ensure that all the applicable listed activities are applied for and assessed as part of the Scoping and Environmental Impact Reporting process.

### 3.3. *Pre-Application Consultation:*

It is noted that the Environmental Assessment Practitioner ("EAP") requests a pre-application consultation meeting. It is the responsibility of you or your EAP to make the necessary arrangements for the meeting. Kindly note that virtual meetings via Microsoft Teams are preferred.

Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.

No information provided, views expressed and /or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested;
- of the outcome of the application

### 3.4. *Public Participation Process:*

This Directorate notes the public participation steps as stipulated in the Public Participation Plan ("PP-plan") (Ref: GEO837/02) dated 24 May 2024, compiled by the EAP.

Notwithstanding the fact that an agreement regarding the proposed actions to conduct the public participation process is no longer a requirement, this Directorate has reviewed the PP-plan and intends to undertake a pre-application scoping process to align the anticipated Water Use License Application process and with due consideration of the scale and magnitude of the proposed development.

In light of the above, the EAP is reminded that it must be ensured that Regulation 41 of the Environmental Impact Assessment, 2014 (Government Notice No. R. 982 of 4 December 2014, as amended) is complied with simultaneously during the pre-application phase (where relevant) or application phase or both.

### 3.5. *Screening Tool Report and Site Sensitivity Verification Reports*

In accordance with the applicable protocols or minimum information requirements, which have been published in the Government Gazette (i.e. Government Gazette No. 43110 of 20 March

2020 and Government Gazette No. 43855 of 30 October 2020) you are required to submit a site sensitivity verification report(s) which confirms or disputes the site sensitivities for each of the themes identified in the Screening Tool Report. Furthermore, the report(s) must include a motivation for the exclusion of any of the specialist assessments identified in the Screening Tool Report, which in the opinion of the EAP are not considered relevant or required.

The Department has reviewed the Site Sensitivity Verification Report ("SSVR") (Ref: GEO837/03) dated 13 May 2024, compiled by the EAP. Please be reminded that where a protocol has been published for an identified theme, that the respective specialist reports must adhere to the requirements of the protocol. Where a specific protocol has not been identified for a specialist study, such specialist study must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).

#### ● *Agricultural Theme*

According to the Screening Tool Report ("STR") submitted as Appendix D of the NOI the sensitivity rating for the Agricultural Theme is HIGH. According to the SSVR an agricultural specialist has refuted the sensitivity rating and indicates that the sensitivity should be considered as LOW. According to the SSVR an Agricultural Compliance Statement will be compiled to inform the Environmental Impact Assessment ("EIA") process.

Notwithstanding the above, the EAP must consult the Western Cape Government: Department of Agriculture (DoA) - Land Use Management in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Agriculture Theme.

#### ● *Animal Species Theme*

The STR specifies a HIGH sensitivity rating for the Animal Species Theme. The SSVR indicates a specialist Site Sensitivity Verification Report will be compiled but confirmation has been provided that a Faunal Impact Assessment will be undertaken to inform the EIA process.

In light of the above, this Directorate agrees that a Faunal Impact Assessment be compiled but it must be ensured that the report complied with the requirements of the Terrestrial Animal Species Specialist Assessment as stipulated in the protocol.

#### ● *Aquatic Biodiversity Theme*

The STR specifies a VERY HIGH sensitivity rating for the Aquatic Biodiversity Theme. According to the SSVR a specialist has confirmed the presence of various artificial and natural wetlands, non-perennial drainage lines and dams. According to the SSVR these watercourses have moderate to high sensitivity. The specialist therefore confirmed that sensitivity as VERY HIGH.

According to the SSVR an Aquatic Biodiversity Impact Assessment will be undertaken to inform the EIA process. In this regard, it must be ensured that the assessment report complies with the requirements as stipulated in the protocol.

#### ● *Archaeological and Cultural Heritage; and Palaeontological Themes*

The procedure for site sensitivity verification where no specific assessment protocol has been prescribed, has been gazetted in Government Notice No. 320 of 20 March 2020.

According to the SSVR Heritage Western Cape ("HWC") has been consulted, which indicated that no further studies in terms of heritage related aspects are required. Correspondence (Case No: HWC23031514SB0315) in this regard was issued by HWC on 6 April 2023.

#### ● *Civil Aviation Theme*

The STR specifies a VERY HIGH sensitivity for the Civil Aviation Theme. The EAP disputes the finding as the proposed development will not trigger the obstacle collision / potential hazard requirements as set out by the South African Civil Aviation Authority ("SACAA").

**Nonetheless**, the EAP must consult the SACAA (% Ms. Lizell Stroh at E-mail: [Strohl@caa.co.za](mailto:Strohl@caa.co.za) and / or Tel: (011) 545 1232) in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Civil Aviation Theme.

#### ● *Terrestrial Plant Species Theme*

The STR specifies a MEDIUM sensitivity in terms of the Plant Species Theme. According to the SSVR a specialist has refuted the sensitivity and recommends a LOW sensitivity rating. However, it has been indicated that an integrated Botanical & Biodiversity Impact Assessment will be compiled to inform the EIA process. This Directorate agrees with the finding, but it must be ensured that the report contains all the information requirements as stipulated in the protocol. Furthermore, the specialist must demonstrate how the *Medium Sensitivity Species of Conservation Concern Confirmation* as described in the protocol, has been complied with.

#### ● *Terrestrial Biodiversity Theme*

The STR specifies a VERY HIGH for the Terrestrial Biodiversity Theme. According to the SSVR an integrated Botanical & Biodiversity Impact Assessment will be compiled to inform the EIA process. In this regard the assessment report must comply with the content requirements of the Terrestrial Biodiversity Assessment Report.

### 3.6. *Other identified /relevant specialist reports*

#### ● *Socio-Economic Assessment*

According to the information in the SSVR a Social / Socio-economic assessment will be undertaken to inform the EIA process due to the scale of the proposed development. In this regard, consideration must be given to the following guidelines:

- ❖ Guideline for involving social assessment specialists in the EIA process, February 2007; and
- ❖ National Department of Forestry Fisheries and the Environment's Guideline on Need and Desirability (2017).

#### ● *Visual Impact Assessment*

According to the information in the SSVR a Visual Impact Assessment will be undertaken to inform the EIA process. In this regard consideration must be given to this Department's Guideline for involving visual and aesthetic specialists in the EIA process (June 2005).

#### ● *Traffic Impact Assessment*

Due to the location, scale and nature of the proposed development you are hereby strongly advised that the EIA process be informed by a Traffic Impact Assessment. The following information as a minimum must be included in the assessment:

- ❖ the estimated number of trips that will be generated by the proposed development;

- ❖ the adequacy of the intersection with the R102 Provincial Road;
- ❖ any upgrade requirements of the existing road infrastructure; and
- ❖ any conditions / requirements from the Western Cape Government: Department of Infrastructure.

### 3.7. Other relevant considerations:

#### ● National Water Act, Act No. 36 of 1998

Please be advised that the National Environmental Management Laws Amendment Act, Act 2 of 2022 (NEMLAA), came into effect on 30 June 2023. This Act added sub-section 24C(11) to the National Environmental Management Act, Act 107 of 1998, as amended (NEMA) which requires that "a person who requires an environmental authorisation which also involves an activity that requires a licence or permit in terms of any of the specific environmental management Acts (i.e., NWA), must simultaneously submit those applications to the relevant competent authority or licensing authority, as the case may be, indicating in each application all other licences, authorisations and permits applied for".

According to the information available to this Directorate the proposed development will be located within the "regulated area of a watercourse" as defined in the General Authorisations in terms of Section 39 of the National Water Act, Act 36 of 1998 for water uses as defined in Section 21(c) or Section 21(i) (Notice No. 4167 of 8 December 2023) which means:

- (a) the outer edge of the 1 in 100-year flood line or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, dams and lakes;
- (b) in the absence of a determined 1 in 100-year flood line or riparian area as contemplated in (a) above the area within 100m distance from the edge of a watercourse where the edge of a watercourse (excluding flood plains) is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the NWA);
- (c) in respect of a wetland: a 500m radius around the delineated boundary (extent) of any wetland (including pans)

In light of the above, please advise your appointed EAP and / or the consultant responsible for the Water Use Authorisation ("WUA") process to liaise; and consult with the relevant authority, the Breede-Olifants Catchment Management Agency ("BOCMA") urgently.

Please be advised that the EIA process and the Water Use Application process must be synchronised. You are reminded that if these processes are not properly aligned, the lack of synchronisation; omission of any reports/information; or delay as a result thereof, may prejudice the success of the application for environmental authorisation.

### 3.8. Confirmation of Municipal Services

Please be advised that the confirmation of municipal services will be a crucial aspect of your application. For ease of reference, the information requirements detailed below should be addressed in a letter of confirmation of municipal services, namely:

- (a) Potable water supply:
  - (i) the total existing capacity of the Municipal potable water supply;
  - (ii) any additional expansion of the potable water supply capacity (e.g. reservoirs) already approved of by the environmental authority, but not yet effected;

(iii) unallocated potable water supply capacity available to service both the phased and completed (total) potable water demand for the abovementioned application, or sufficient approved unallocated capacity able to accommodate the abovementioned application in future.

(b) Sewer network and wastewater treatment:

(i) the total existing capacity of the municipal sewer network and wastewater treatment works("WWTW");

(ii) any additional expansion of the sewer network or WWTW capacity already approved of by the environmental authority, but not yet effected;

(iii) unallocated sewer network capacity and sewage treatment capacity available to service both the phased and completed (total) expected sewage output load by the abovementioned applications, or sufficient approved unallocated capacity able to accommodate the abovementioned applications in future.

(c) Solid waste and disposal:

(i) the total existing capacity of the municipal waste site;

(ii) any additional capacity at the municipal waste site (i.e. expansions) already approved by the environmental authority, but not yet effected;

(iii) unallocated waste disposal capacity available to service both the phased and completed (total) expected solid waste output load by the abovementioned applications, or sufficient approved unallocated capacity able to accommodate the abovementioned applications in future.

(d) Electricity and electricity distribution:

(i) total existing electrical distribution capacity of the municipality;

(ii) any additional expansion of the electrical distribution capacity already approved of by the environmental authority, but not yet effected;

(iii) unallocated electrical distribution capacity available to service the abovementioned applications, or sufficient approved unallocated able to accommodate the abovementioned applications in future. With reference to electrical capacity, the notified demand of the municipality must be provided, and whether an increase thereof is required to service a development. If the notified demand will be exceeded, the capacity must be confirmed by ESKOM.

(e) Stormwater infrastructure / structures:

(i) the total existing stormwater management capacity of the municipality;

(ii) any additional stormwater management capacity / structures of the municipality (i.e. expansions) already approved by the environmental authority, but not yet effected; and

(iii) unallocated stormwater management capacity available to service the abovementioned development or sufficient approved unallocated capacity to be able to service the needs of development in future.

4. Please note that it is an offence in terms of Section 24F and 49A of the 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. A person convicted of an offence in terms of the

above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

5. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

pp \_\_\_\_\_

**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Ref.: 16/3/3/6/7/11/D2/19/0169/24

Copied to:

**Cape EAPrac:**

EAP: Ms. Louise-Mari van Zyl

Candidate EAP: Ms. Mariska Byleveld

E-mail: [louise@cape-eaprac.co.za](mailto:louise@cape-eaprac.co.za)

E-mail: [mariska@cape-eaprac.co.za](mailto:mariska@cape-eaprac.co.za)