



Comments and Response Report – Previous PPP in 2022

THE PROPOSED CONSTRUCTION OF A RESIDENTIAL DWELLING AND FOUR SELF-CATERING GUEST COTTAGES ON ERF 2003, WILDERNESS, WESTERN CAPE

COMMENTS	RESPONSE
COMMENTS RECEIVED IN RESPONSE TO DRAFT BASIC ASSESSMENT REPORT - 14/10/2022 – 14/11/2022.	
STATE DEPARTMENTS	
Department of Environmental Affairs and Development Planning (DEA&DP) – 14/11/2022	
<ol style="list-style-type: none"> 1. The abovementioned document received by the Directorate: Development Management (Region 3), hereinafter referred to as "this Directorate" via electronic mail on 14 November 2022 refers. 2. This letter serves as acknowledgment of receipt of the above-mentioned documents by this Directorate. 3. It is understood that the proposal entails the clearance of more than 300m² critically endangered vegetation and the establishment of tourism accommodation outside the urban area of Wilderness, within 5km of the Garden Route National Park and Kaaimans river Gorge Reserve to establish the following: <ol style="list-style-type: none"> 3.1 A Main dwelling; 3.2 4 self-catering units for tourism accommodation; 3.3 A parking area consisting of 4 parking bays; 3.4 An additional parking area adjacent to the main dwelling house; 	<p>Please refer to the latest Draft BAR as the site plan/layout has been amended.</p>

3.5 A wooden walkway raised 1.5 meters above the forest floor is proposed from the parking bays joining the main dwelling house and the 4 cottages.

3.6 An on-site packaging plant to accommodate sewage resulting from the proposed development.

4. Sensitivity of the site

4.1 According to biodiversity plans, the entire site and some areas are identified as Critical Biodiversity Area 1 (CBA1), which indicates that the remaining vegetation on site is considered to be highly important for the conservation of biodiversity in the province, as well as for maintaining ecological patterns in the landscape. There is also an Ecological Support Area (ESA) running through the site that corresponds with the main drainage line.

4.2 The reasons provided for the CBA1 categorisation are critically endangered vegetation variant, ecological processes, indigenous forest type, threatened SA vegetation type, threatened vertebrate, water resource protection. The objective of these sensitive areas must also be taken into account in the consideration of alternatives for the proposed development. Due to the sensitivity of the site, inputs from CapeNature are crucial in this environmental process. Failure to obtain such inputs and comment may prejudice the application.

4.3 The fact that the site also contains protected forest necessitates the involvement of the DFFE: Forestry Department in the process. Comment from the said Department is also crucial in this environmental process.

5. Proposed Sewage Treatment It is noted from the draft BAR that there is currently no sewer reticulation in close proximity to the site and therefore the proposal includes a package plant to be installed to accommodate the sewage generated by the proposed development. The BAR further states that the water from the pool outlet will need to backwash round the sewer system and connect to the outlet of the package plant as the chlorine levels will kill off any biological treatment. It is also proposed that the effluent is retained in an open pond with a fountain pump for at least 24 hours to allow chlorine to dissipate before it is discharged into the surrounding forest. The acceptability of this method must be cleared with the Department

There would be some localised loss of habitat during construction but this would recover to some degree with time, especially if no significant trees are disturbed. The impacts would be within proximity to the access road along the north-eastern boundary of the property, which would minimise fragmentation and would keep any construction together with existing nodes of development on neighbouring properties. The cottages would be spaced across the western boundary, which is where the highest level of disturbance is in neighbouring properties. The remaining parts of the site would be untouched, which would ensure minimum loss of forest, CBA1, and listed ecosystem, as well as no loss of protected trees and temporary disturbance of any fauna that may occur on site. As per vegetation report compiled by Dr David Hoare attached as Appendix G.

CapeNature are included in the PPP for comment.

DFFE: Forestry Department are included in the PPP for comment.

Pollution and Waste Management are included in the PPP for comment.

of Forestry Fisheries and Environment: Forestry Department as well as the Directorate: Pollution Management of this Department. The Department of Health must also be approached for comment in this regard.

6. Need and Desirability of the boardwalk Your motivation with respect to the need and desirability of the proposed development as a whole is noted. However, the need for a boardwalk to connect the proposed house and self-catering units should be clearly motivated in terms of this Department's Guideline on Need and Desirability (March 2013).
7. Consideration of Alternatives
 - 7.1 This Directorate notes that two alternatives were considered in the draft BAR being the preferred alternative and Alternative 1 (design alternative). Please note that according to this Department's Guideline on alternatives dated March 2013, the assessment of alternatives must at all times include the "no-go" option as a baseline against which all other alternatives must be measured. The option of not implementing the activity must always be assessed and to the same level of detail as the other feasible and reasonable alternatives.
 - 7.2 The Guideline further states that the Basic Assessment Report must contain a description of any feasible and reasonable alternatives that have been identified, including a description and comparative assessment of the advantages and disadvantages that the proposed activity and alternatives will have on the environment and on the community that may be affected by the activity.
 - 7.3 Please ensure that the final BAR to be submitted for decision-making complies with these requirements.
8. Environmental Management Programme (EMPr) This Directorate notes that there is no EMPr uploaded as part of the draft BAR submitted to this Directorate for comment. Please ensure that an EMPr that complies with Appendix 4 of the EIA Regulations, 2014 (as amended 2017) is submitted as part of the final BAR.
9. Also be reminded that comment also be obtained from the Planning Component of this Directorate. Requests for comments must be

The boardwalk is to connect the units to the parking area. The boardwalk is raised off the ground to ensure the least impact on the receiving environment, allowing vegetation to grow underneath and not disturb ecological connectivity of smaller animals within the vicinity.

The no-go option has been assessed in the Draft BAR dated January 2024.

The Section H of the Draft BAR assesses identified alternatives.

An EMPr is attached as appendix H to the Draft BAR dated January 2024.

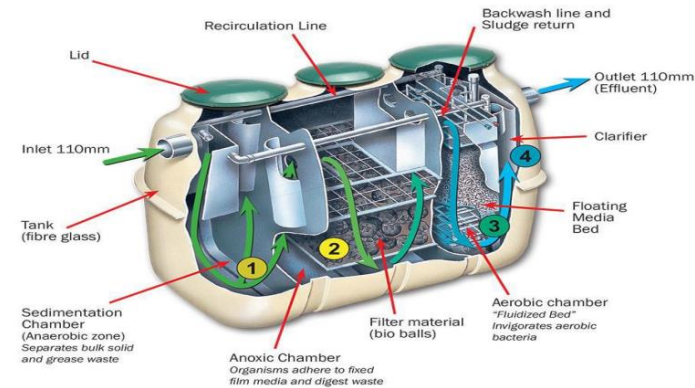
<p>obtained from the Chief Regional Town Planner, Mr. Riaan Thomson: Email Riaan.Thomson@westerncape.gov.za must also be submitted along with the final BAR to be submitted for decision-making.</p> <p>10. This Directorate awaits the submission of the final BAR which complies with Appendix 1 of the NEMA EIA Regulations, 2014 (as amended 2017).</p> <p>11. Please note that the proposed development may not commence, prior to an environmental authorisation being granted by the Department.</p> <p>12. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p>	<p>Mr Thomson is included as an I&AP in the PPP for comment.</p>
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Breede-Gouritz Catchment Management Agency – 14.11.2022

<p>The following are BGCMA comments relating to Draft Basic Assessment Report for the proposed construction of a residential dwelling and four self-catering guest cottages on Erf 2003, which should be adhered to:</p> <ol style="list-style-type: none"> 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 authorized, subject to the civil designs. All reasonable measures shall have to be taken to prevent the potential pollution of the groundwater resources due to the proposed onsite sanitation facilities. 2. The proposed open sewerage pond 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 authorized. 3. The disposal of untreated wastewater from the open sewerage pond into the surrounding forest is not allowed. There are various methods that can be used e.g. to treat the wastewater and irrigate the landscapes which 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 engaging in a controlled activity or appoint a services provider to remove the wastewater and take it to the nearby 	<p>The applicant will not be using the system proposed by the engineer. Instead, the applicant has opted for a more environmentally friendly system which is a closed sewage treatment system referred to as the Clarus Fusion® by Re Source Water Solutions.</p> <p><i>The process sequence promotes good nitrification, denitrification, and biological phosphate removal, with foreign solids removal at the head of the works and final disinfection available in an Ultraviolet lamp process or chlorine. Interlinked stages in the process include anaerobic sedimentation settling, anoxic secondary settling, aerobic oxidation, final clarification, and disinfection, with electrical control monitoring of the system. Recirculation and backwashed sludge return via the bio ball filter material and floating media bed re-invigorates the bacterial action by returning circulation from the clarifier to the sedimentation chamber and backwashing from the aerobic bioreactor to the primary settler (Re Source Water Solutions).</i></p>
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wastewater treatment works facility. Any disposal or discharge of wastewater must be authorized in terms of water uses triggered as contemplated in Section 21 of National Water Act.

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 authorization 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 authorization 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 of on sndlovu@bgcma.co.za.



The system provides optimised nitrification and effluent quality to a standard that meets the requirements of the South African Department of Water Affairs and sanitation (DWS) for the release of such treated effluent back into the environment to meet the General Limit Values (GLV) in terms of Section 9 of the National Water Act No. 36 of 1998 (Re Source Water Solutions).

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:

According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet et.al. 2017)¹ the entire erf has natural Critical Biodiversity Areas (CBA 1: Forest; Terrestrial) and is within the National Strategic Water Source Area for surface water for the Outeniqua region and serves as a watercourse protection for the South-eastern Coastal Belt and a water source protection for the Kaaimans River.

The Vlok and de Villiers (2014) fine scale vegetation map describes the area as Wolwe River Fynbos- Forest while Mucina and Rutherford (2006)² and the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet et.al. 2017) mapped the vegetation as Endangered³ Garden Route Shale Fynbos.

The Western Cape Biodiversity Spatial Plan (Pool-Stanvliet et.al. 2017) has specific guidelines regarding CBA loss and their sensitivity and conservation objectives. Thus, the proposed development should be guided by those objectives to conserve and protect the CBAs (Pool-Stanvliet et al. 2017).

The erf has protected tree species⁴ and in terms of section 15(1) of the National Forests Act, no person may cut, disturb, damage, or destroy any protected tree or possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree except under a license granted by the Minister. Activities in state forests must be licensed in terms of section 23 (1) (2) of the National Forest Act, 1998. CapeNature recommends retaining the indigenous trees and reminds the applicant to obtain comments from the Department of Forestry, Fisheries and Environment if any indigenous protected tree species will be impacted. Prior to construction carefully mark the indigenous trees to ensure that they are not disturbed during the construction phase.

In the dBAR it is stated that the southern section of the erf will be a no-go area as development is not suitable due to the very steep slope. This is acknowledged by CapeNature as we do not support development on slopes with a gradient that is greater than 1:4. The impact on the

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indigenous vegetation must be minimal and not contribute to the loss of sensitive biodiversity.

Any irreversible loss of habitat would be highly undesirable and could constitute loss of irreplaceable biodiversity (de Villiers et al. 2016). Sensitive areas or areas with sensitive plant species must be illustrated on a map as No-Go areas. The No-Go areas must be included in the EMPr and demarcated with danger tape during construction.

CapeNature does support the remaining area to enter into a stewardship agreement with SANParks. We will provide comments on the Environmental Management/ Conservation plan once we receive a copy.

The specialist mentioned the drainage area is an important component of the hydrological functioning of the erf. Furthermore, the Outeniqua SWSA is of national importance and the ecological functioning must be protected and maintained (Le Maitre et al. 2018).

The eradication and monitoring of the spread of invasive alien species should follow the National Environmental Management: Biodiversity Act (Act No.10 of 2004). Control methods for the eradication of alien invasive species must be implemented in such a way that it prevents harm to the surrounding environment. Furthermore, CapeNature supports the removal of Invasive Alien plants outside the boundary of the erf.

The applicant must be conscious of the NEM:BA Alien and Invasive Species List and should not garden or use listed alien plants. Areas cleared from invasive plants must not be left bare as this can result in erosion of soil. Areas that are susceptible to erosion should be protected by installing the necessary temporary or permanent structures.

The applicant must ensure the fences are permeable for animals. These fences must be visible to wildlife, including birds, by fitting reflective or colorful weather-resistant flags (e.g., aluminum, or plastic strips) to the wire.

A suitably qualified Environmental Control Officer (ECO) should be appointed and must be present during the construction and to mitigate any negative impacts. Failing to mitigate and preventing any negative impact on the environment will be unacceptable and not supported by CapeNature, hence the importance of appointing an ECO to monitor the proposed development.

AIP management has been included in the EMPr (appendix H).

The proposal also entails fencing the property along the western boundary with clear-vue fencing for safety for tourists and the owners. No physical boundaries will be erected along the property boundaries as per requirements from George Municipality restricting the movement of natural fauna. The remainder of the property will be preserved in its natural state.

This has been addressed in the EMPr (appendix H).

This management aspect has been included in the EMPr.

<p>Section 12 (1) and 2 (a) of National Veld and Forest Act⁸ states that an adequate firebreak must be prepared and maintained around the property to reasonably prevent the spread of unwanted fires in the area. Thus, firebreaks must be maintained and managed on the property.</p> <p>Strictly adhere to stormwater management control measures which include ensuring all stormwater outlets have diffuse flow, multiple if steep or frequent, and permeable pavements areas, rainwater harvesting from roofs. Thus, all stormwater runoff within the development area must be managed in a manner as to minimise or prevent erosion (where possible).</p> <p>Waste should be removed from the entire site and not only the development footprint. Waste generated by the development must be stored on site until it is removed to a registered facility. Ensure that waste bins and containers do not overflow by emptying them regularly.</p> <p>In conclusion, most of this site is ecologically sensitive thus the impacts on sensitive habitats must be carefully considered and the ECO must ensure the mitigation measures are strictly implemented. We emphasis on the importance of conserving the CBA, indigenous forest vegetation and protected tree species on the property.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>Noted. This has been addressed in the Draft BAR and EMPr.</p> <p>Noted. This has been addressed in the EMPr.</p> <p>Noted. Monitoring and management have been addressed in the EMPr.</p>
<p>NGO</p>	
<p>Wilderness Ratepayers' and Residents Association (WRRRA) – 09/11/2022</p>	
<p>The Wilderness Ratepayers and Residents Association OBJECTS to the development and outlines the objections and makes comments on the following grounds:</p> <p>1. Erf 2003, Wilderness was part of Erf 1 Wilderness, which was subdivided in the early 1990's. The subdivision was only considered with strict development conditions and each portion was restricted to one dwelling house. Therefore, Erf 2003 Wilderness is restricted to one dwelling house. This condition of the original sub-division was made for several reasons and applies to all Erven of the subdivision. WRRRA sees no reason for the sub-division conditions to be relaxed.</p>	<p>Response from Marike Vreken Environmental and Town Planners:</p> <p>1. <i>The applicant is aware of this condition of approval, therefore application is also made for:</i> <i>"...Application for the amendment / deletion of condition 2.9 (a)(iii) of the rezoning and subdivision approval dated 25 August 1994 to allow for (4x) additional dwelling units on Wilderness Erf 2003 in terms of Section 15(2)(h) of the George Municipality By-law on Municipal Land Use Planning (2023)..."</i></p>

2. The existing subdivision and rezoning was allowed with the intention that the area be mainly for conservation purposes and therefore the restrictive condition that only one dwelling house be allowed on the subdivided portions. Over the last 30 years WRRRA has seen a large growth in property development which has impacted on the conservation and "sense of place" of the area and so insists that the existing conditions of the original sub-division be maintained.

3. In line with Point 2 above, the building lines and height restrictions should be determined with the main purpose of conservation. The old Wilderness Structure plan restricted dwelling houses in a conservation zone to single storey and maximum height of 5m. The appointed architect should know that any building line or height relaxations will very likely be objected to by WRRRA.

4. It is noted that the Wilderness Lakes SDF has a strong emphasis to ensure that the character and ambience of these areas are protected and to prevent further development of smallholdings. It also states that in addition to the primary rights smallholdings have in the area, they should cater for certain tourist facilities that are not harmful to the environment or the character of the area. WRRRA believes that this can be achieved, with ERF 2003, by arranging the tourist facilities within the main dwelling, as per the discussion with Janet Ebersohn and all those present at the site visit that took place on 2nd November 2022. WRRRA objects to the building or placement of any and all of the proposed 4 x self-catering guest cottages.

5. In line with Point 4 above, WRRRA objects to a separate designated parking area along the eastern boundary of the property that will also be accessed from the current servitude road in the north-eastern corner of the property (Gate#2) and makes provision for 4x parking bays. If additional tourist facilities are considered and built within the main dwelling, then additional parking should be created by expanding the proposed bays around the main dwelling rather than unnecessarily disturbing more of the conservation area.

It must be noted that the property is zoned "Open Space Zone III (OSZIII)" in terms of the George Integrated Zoning Scheme by Law. With the implementation of this new integrated zoning scheme, George Municipality and other applicable planning authorities are of the opinion that tourist accommodation is suitable and encouraged within nature conservation areas. The dynamics have changed since this approval was issued and other factors such as socio-economic impact, character of the area all contributes to the feasibility etc. play a role in the decision making of whether the proposed use is desirable. The dynamics were different at the time of implementation of these conditions and the municipality must take a look at all the relevant considerations before making a decision, not only a condition imposed in the early 1990's.

2. The purpose of this comprehensive EIA process is to determine the impact on the environment. The vision of the applicable planning policy is clear when it comes to suitable development within these areas and the proposal is in line herewith. Refer to Par.10 of the Specialist Town Planning report.

3. The Zoning Scheme By-law do not prescribe any specific development parameters for "Open Space Zone III" or the proposed land use being 'tourist accommodation'. The Municipality must impose conditions with regard to density, layout, landscaping, and building design and approve a site development plan, clearly indicating the position of all structures, stands, services and internal roads. During the pre-application consultation with George Municipality, no additional requirements or objections were highlighted re: the proposed parameters. The height from NGL:

- ***Pods: 4-5m from NGL (Refer to Par.3.1 & 3.2 of the Specialist Town Planning report.***
- ***The maximum height for the proposed dwelling will be ±8.5m above NGL***

4. The Zoning Scheme By-law and the applicable spatial planning policies considers the proposed land use (tourist accommodation units) suitable within the current setting. This is a listed consent use for the current zoning category.

5. This concern has been taken into consideration and the SDP was revised accordingly, to only have one designated parking area and one access point.

PUBLIC	
Richard & Jacqui O'Donnell (Erf 2002) – 14/10/2022	
<p>We see in the latest George Herald a notice for Public Participation on the proposed development. We wish to register as an IAP as a member of Dolphins Leap Home Owners Association and resident and owner of erf 2002.</p> <p>We would like to draw your attention to the fact that Erf 2003 is part of Dolphins Leap which was formed in 1994 at the subdivision of erf 1. Dolphins Leap was set up primarily as a conservation area with only a single residential building allowed per erf to ensure minimum impact on the flora and fauna. I (Richard) have spoken to the owners of erf 2003 about their proposed activities and alerted them to the Dolphins Leap requirements. They informed me that they are in Botswana at the moment and were only building a retirement house so this development comes as a shock to me besides being in conflict with the Dolphins Leap Constitution requirements (See attached).</p>	<p>Please refer to above response.</p>
Richard & Jacqui O' Donnell (Erf 2002) – 08/11/2022	
<p>With respect to the proposal above we have the following comments:</p> <p>The fact that erf 2003 is part of Dolphins Leap is largely ignored in the report. It is mostly portrayed as on independent erf. (Maps do not indicate it as part of a development) Many of the proposals in the report do have an impact on fellow Dolphins Leap members.</p> <p>We chose to invest in the Dolphins Leap Development specifically because it is part of a conservation area and would provide us with a quiet environment within which to dwell as well as being able to enjoy and be part of conserving the untouched coastal dune thicket for the local flora and fauna. We did not sign into a multi residential area. In the short time that we have been here we have already seen the negative impact that development has had on Remskoek St, particularly on the local fauna.</p> <p>The applicant bought erf 2003 with the full knowledge that he was buying into Dolphins Leap and that building restrictions were in place preventing</p>	<p>Thank you for your comment. The site development plan has been amended. With regards to Erf 2003 forming part of Dolphins Leap - this matter is to be fully addressed by the town planners and further communication will be made with all I&APs.</p>

<p>the erection of more than one dwelling. He knew there were other members of the development. There is good reason for these restrictions to maintain the conservation intent of the development for the future.</p> <p>Part of any impact assessment is to look at alternatives and this includes alternative sites. If the applicant wanted to invest in a tourist accommodation business, he should consider alternative sites in the area, to achieve all the benefits that are listed in the proposal, with a lower impact than the present proposal.</p> <p>Height restrictions should be in line with Point 14.8 in conclusions.</p> <p>Conclusions 14.4, page 40 – the statement that there are no restrictions is very mis-leading as the proposal calls for changes to the restrictions in Dolphins Leap.</p> <p>Entrance 2 should be totally scrapped as the impact vs. benefit is not warranted.</p> <p>There is no detail on the extent of fences.</p> <p>No provision of food or drinks to the public should be allowed on erf 2003 into the future.</p> <p>We oppose the erection of any self-catering accommodation on erf 2003 but welcome the erection of a residential dwelling.</p>	
<p>Louis Serfontein (Erf 2004) – 14/10/2022</p>	
<p>As owner of Erf 2004 I will also have to object to this kind of proposal. It look me 24 years to get permission to build and four architects later. I received permission a few weeks ago and albeit in line with my final design, to the strictest conditions. The land is just not suitable for five dwellings and will destroy the forest.</p>	<p>Thank you for your comment. It has been communicated to us that you have withdrawn your comment. Please refer to attached email.</p>