

COMMENTS AND RESPONSE REPORT

Andrea Beierle via Email on DBAR	
COMMENTS	RESPONSE
It is not clear if Mossel Bay Municipality Environmental Department is included in the list of participants. Rudi Minnie is not mentioned.	The Draft Basic Assessment Report and associated appendices have been shared with various representatives of Mossel Bay Municipality on 06 September 2024 prior to the commencement of the Public Participation Period. All available documents have also been shared with Mr Rudi Minnie on 16 September 2024 for input and comment. To date no comment was received from Mr Minnie.
Scott Thomson as Chairman of the Great Brakriver Conservancy is not included despite my request and Mrs van Zyl's (Cape-eaprac) assurance that he is, as stated in her mail to me on 28 July 2023.	The Draft Basic Assessment Report and associated appendices have been shared with Mr Scott Thomson on 16 September 2024 for input and comment. To date no comment was received from Mr Thomson.
<p>A so called Bio-Blitz was undertaken on 6 May 2024. Bearing in mind that the Hartenbos Dune Thicket is endangered, several visits at different times of the year are necessary. The surveyor admits that the list is not exhaustive and that there were seasonal and time constraints and that the surveyor may have experienced a lapse of concentration due to 'bundubashing'. This is a quote.</p> <p>Tergniet is experiencing a rapid loss of habitat and biodiversity. Hence, special care must be taken. Lots of plants are only visible during certain times of the year such as orchids (in January, they occur in this area) or the protected Riversdale Bluebells (in September, found on ERF 2841), or</p>	<p>A "timed meander" or "bioblitz" is usually the most practical method for conducting botanical surveys given time and resource constraints. These methods allow for a rapid and relatively comprehensive assessment of the plant species present within a defined area (without needing time and data intensive approaches, such as Braun Blanquet surveys where the likelihood of finding SCC is lower). Although survey efforts occur over a short timeframe, the botanist aims to identify as many species as possible, including SCC. This provides a snapshot of the biodiversity in the area.</p> <p>Despite limitations, it is still possible to assess the likelihood of occurrence of species of conservation concern (SCC) using available data. By evaluating historical records, habitat preferences, and known distributions, the likelihood tables in the report can help predict which SCC might be present, even if they</p>

<p>an endangered buchu (<i>euclea albertina</i>), also found on ERF 2841. And so I could carry on.</p> <p>The methodology / protocol was totally inadequate and the report must be re-done covering a period of 12 months with site visits once a month to make sure that all threatened and endangered plants are registered.</p>	<p>are not directly observed during the limited survey period. These tables are necessary to provide decision-makers with critical information while acknowledging the practical constraints of a single survey.</p> <p>Confirming the presence or absence of Species of Conservation Concern (SCC) with complete certainty is inherently challenging due to limitations in the survey approach, plant life cycles, and ecological complexity. Botanical surveys are typically constrained by seasonal visibility, as some plants may only flower at specific times of the year, and others may remain dormant or not be identifiable outside particular growth phases. Additionally, the presence of invasive species and past disturbances can obscure SCC, making them harder to detect, even with multiple surveys. Even with multiple surveys, it is still possible for SCC to be missed, especially if they are sparsely distributed or if they require very specific conditions in order to grow or flower.</p> <p>In the event that any SCCs are discovered, mitigation can include measures such as adjusting development plans to avoid areas with high SCC density, implementing translocation efforts, and enhancing conservation management on the remaining areas to support SCC persistence. For developments in ecologically sensitive sites, these measures allow for some balance between conservation goals and development needs while respecting the critical habitat requirements of SCCs.</p> <p>The Riversdale Bluebell (<i>Gladiolus rogersii</i>) is a Least Concern (LC) species as it is not considered an SCC. This species would have a High likelihood of occurrence as the habitat is correct, and it has been observed nearby in Tergniet. <i>Gladiolus rogersii</i> is not explicitly listed as a protected species under South Africa's National Environmental Management: Biodiversity Act (NEMBA) or in the Species Protection Guidelines. However, it is native to the Western Cape and considered regionally significant, as it is part of the indigenous fynbos flora.</p>
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	Euchaetis albertiniana (Albertinia bearded Buchu) has been assessed and included in the Terrestrial Biodiversity and Botanical Impact Statement (Appendix G3 of the Final Basic Assessment Report).
<p>It is claimed that large parts of ERF 2841 are degraded. This is due to alien vegetation clearing, mostly Australian Myrtle. That area is now overgrown with bietou, an indigenous pioneering plant, trying to claw back lost habitat.</p> <p>In fact that clearing only took place after the insistence of local authorities due to the lack of compliance. After this initial clearing there has been no attempt to restore the area further with additional follow-up. Case in point the Australian Myrtle has been left to re-propagate from the seed bank with no attempt to control it. And there was no attempt at rehabilitation.</p> <p>It appears that the degrading is a result of the landowner's non-compliance and/ or unwillingness to regularly eradicate aliens as stipulated in the National Environmental Management Act: Biodiversity.</p> <p>The Terrestrial Animal Species report also reflects on the disturbed thicket / degraded land theme and states that the sensitivity is low. Of course it is. No wonder, the natural habitat was destroyed.</p> <p>Hence, the 'degraded land argument' cannot be used to justify a development because it was caused by the landowner.</p> <p>During my own site visit I have noticed wood piles lying around as a result of that clearing. It appears that a protected plant was cut down in the process (pittosporum viridiflorum,</p>	<p>The Australian Myrtle was cleared (with input from the Department of Fisheries, Forestry and the Environment) on the property in order to gain access and undertake a protected tree survey to inform the proposed site development plan. Clearing of this invasive alien vegetation also ensured that the botanical survey and faunal survey could be conducted with a higher level of confidence to determine the ecological status (if it has still be covered with Myrtle the specialists would most likely have allocated the same Low ecological sensitivity, but with a much lower level of confidence ito the ecological importance of the area and/or species of special concern.</p> <p>The majority of the area cleared of Australian myrtle / tea tree (Leptospermum laevigatum) is currently occupied by pioneering plant species, most notably bietou (Osteospermum moniliferum). Around the "Bietou veld" are areas where thicket clumps persist and are busy slowly recovering (Fig. 9 C & E in the Terrestrial Biodiversity and Botanical Impact Statement (Appendix G3 of the Final Basic Assessment Report)). However, thicket recovery is incredibly difficult to achieve without active restoration effort. Thicket ecosystems, particularly in degraded landscapes, struggle to regenerate fully on their own because of several factors, including soil degradation, limited seed dispersal, and invasive species competition. Without active and long-term intervention, natural regrowth is often slow and insufficient to restore the structural and functional diversity of the original vegetation (Hall et al., 2003). Recovery periods of hundreds of years for severely degraded thicket has been reported in Albany thicket types. Additionally, thickets often contain long-lived species, so that their life history strategies mean that recruitment via a seed bank is often very limited in degraded areas (Midgley & Cowling, 1993).</p>

cheesewood). The municipality should follow up and impose a fine if done without a permit.

The cleared thicket areas on this site have been assessed as having a Low Site Ecological Importance (SEI) due to significant transformation resulting from invasive species (see Table 3 in Terrestrial Biodiversity and Botanical Compliance Statement, Appendix G3 of the Final Basic Assessment Report). The former dominance of invasives has left the area substantially degraded, and the resilience of the native thicket community – especially in terms of biodiversity—has been markedly compromised. While some native thicket clumps are present and slowly regenerating, this recovery process is outpaced by the regrowth of invasives, indicating an ecosystem that remains far from its pre-invaded state. Given that thicket vegetation is generally slow to recover and does not rely on fire for regeneration, the area's SEI remains low, reflecting the site's reduced ecological function and the challenges to achieving natural thicket resilience without long-term active intervention.

It is not clear from the EA what is going to happen to ERF 5574. It is mentioned in the headline but no reference is made in the assessment to a housing development on that ERF. Please explain future plans.

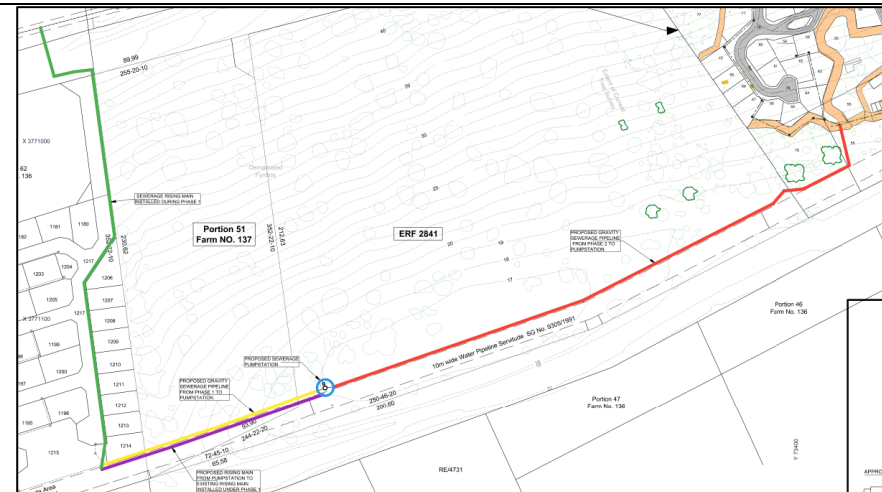



Figure 1: Sewage pipeline infrastructure and new proposed sewage pumpstation on Erf 5574.

The following sewage infrastructure are proposed on Erf 5574 within an existing services servitude located on the southern boundary of Erf 5574:

- Sewer gravity main (**red line; 160mmø; ~340m in length**) from proposed development on RE/2841 towards proposed new sewer pump station (Figure 1).
- New sewer pump station (**blue circle**) on southern boundary of Erf 5574 within existing services servitude (Figure 1).
- Sewer gravity main (**yellow line; 160mmø; ~140m in length**) from Seegenot Phase 1 towards new proposed sewage pump station (Figure 1).
- Sewer rising main (**purple line; 75mmø; ~140m in length**) towards an existing sewer rising main (green line; 75mmø) on Erf 1215 and Erf 1217 (already forming part of Seegenot Phase 1) (Figure 1). The existing sewer rising main (green line) connects to an existing 200mmø sewer pipeline within the R102 road reserve gravitating towards an existing Municipal sewer pump station on Erf 2839.

No housing development is proposed on Erf 5574 as part of this current Environmental Authorisation Application, with only sewerage pipeline infrastructure crossing the erf to connect the RE/2841 to the Municipal Sewerage System. Due to Erf 5574 and Remainder of Erf 2841 being two separate cadastral units, the current or future owner of Erf 5574 reserves the right to either sell the property, or apply for change in land use rights which and consider land use changes, however such will be completely separate from the authorisation application for RE/2841 and that will need consideration by the Department of Environmental Affairs and Mossel Bay Municipality on its own merit. At present the zoning for Erf 5574 remains Agriculture 1 and the land use remains in a natural condition. Until such time (if) land use rights change for this property, it continues to function as a de facto ecological coastal corridor. It is recommended however that the Applicant undertake to ensure continued connectivity between the two properties whether as the owner, or if selling the property (i.e. sales agreement or transfer documentation etc).

<p>I herewith also request that an alien clearing is undertaken as soon as possible on ERF 5574 to comply with legislation.</p>	<p>The property owner of Erf 5574 has been advised of such and in terms of the CARA legislation as well as the NEMBA legislation is legally obliged to ensure that listed invasive species do not occur, or are actively eradicated on properties.</p>
<p>According to the plans, buildings will border the sub-division line between ERF 2841 and ERF 5574. Exactly there is a lot of fynbos growing including restios, proteas and ericas among others. I discovered also the Riversdale Bluebells there among restios.</p> <p>A buffer zone of at least 10 meters needs to be implemented. The buildings need to move further away from the sub-division line if necessary.</p>	<p>The area located either side of the Subdivision Line have been mapped and assessed by the independent Terrestrial Biodiversity & Botanical Specialist to have a Low Site Ecological Importance. There is a 5m buffer being implemented around the development along the touch-zones with intact remnant thicket which is the areas deemed to have Medium and/or High ecological sensitivity specifically to reduce the edge effect on the surrounding sensitive thicket vegetation. Erven proposed on the subdivision line is a considerable distance from the mapped Highly sensitive thicket vegetation. Note that the survey by the botanist was done with KMZ files to orientate themselves on the property. If one inspects the site without such a way of orientation, it is likely that one will move beyond the cadastral boundary into Erf 5574 (because the Myrtle that was cleared extended quite far into Erf 5574) in which case there is a reasonable chance to find species (onto Erf 5574) that are not located within the low sensitive development footprint of RE/2841.</p> <p>There are no requirements for ecological burning on either property due to it being thicket habitat and not fynbos which is a fire driver system (part from a small patch of fynbos noted by Coetzee (2019) on Erf 5574 (however this site is not the subject of the housing development component in this application). As such there is no reasonable motivation for implementing corridors between the properties other than what is reasonably justifiable from an ecological perspective (which is to buffer the intact, remnant thicket areas with a 5m setback) especially considering the restricted fencing around the residential node that ensures minor ecological connectivity between the two adjoining properties that continues to support faunal movement.</p>

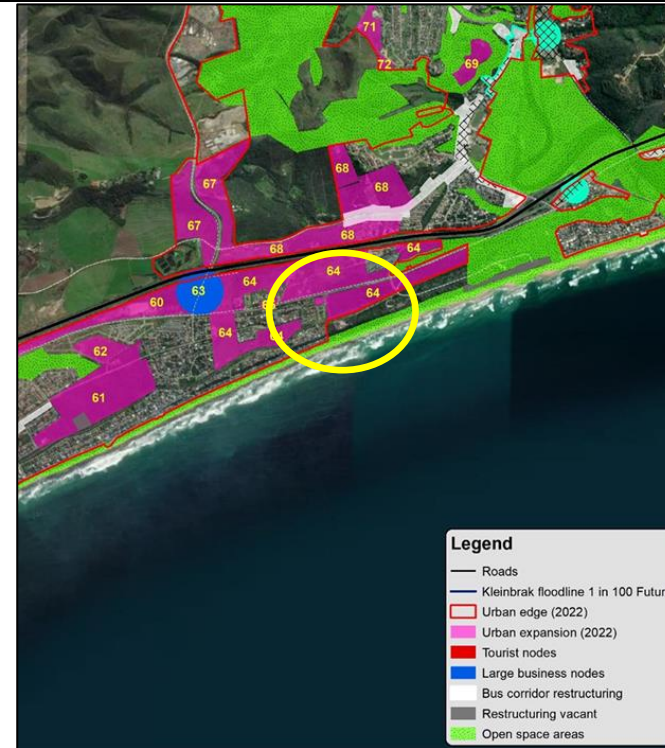
	 <p>This image clearly shows the extent to where the Low sensitive areas (i.e. previously covered with Australian Myrtle) extends onto Erf 5574 which is beyond the development footprint. As such there is no ecological justification for added buffering along the western cadastral boundary.</p>
<p>Was a license to remove, clip or relocate protected plants applied for? Or do you intend to apply for such a license to make way for the buildings / infrastructure?</p> <p>Likewise, a permit needs to be obtained if the removal of plants has a detrimental impact on the environment (OSCAR). In Tergniet, there is hardly any green belt left due to massive new residential developments. The risk of fragmentation of the Hartenbos Dune Thicket was mentioned in the Botanical Impact Assessment. This poses a detrimental effect on the environment.</p>	<p>Permits for the trimming, removal, rescue of protected plant and tree species must be applied for prior to construction. The requirement for permits have been included in the Final Basic Assessment Report as well as the Environmental Management Plan and the need for such must be monitored and recorded by the appointed environmental control officer (ECO) prior to construction commencing.</p> <p>The Department of Fisheries, Forestry and the Environment (Ms Melanie Koen) has been involved with the pre-application process, through consultation about the site layout plan and site inspections with the EAP as well as the Applicant,</p>

<p>I herewith object to granting a license / permit for all of the above activities.</p>	<p>to ensure that the remaining trees that may need to be trimmed/removed are limited and the majority of protected trees are avoided.</p> <p>The BAR process covers the same actions that may typically be assessed and addressed to the OSCA Regulations, but kindly note that RE/2841 and Erf 5574 are excluded from the defined OSCA Regulated area and as such does not require an additional OSCA permit from the Mossel Bay Municipality as was confirmed by the Municipality on 2 November 2022 – refer to Appendices E15 and F4.</p> <p>The loss of habitat due to the proposed development will not reduce the ability to meet conservation targets of Hartenbos Dune Thicket as stipulated in the Terrestrial Biodiversity and Botanical Impact Assessment as the remnant intact thicket is avoided by this development.</p> <p>The environmental process included a very detailed protected tree survey, once prior to clearing of the Myrtle and a second time as a follow-up after the Myrtle was cleared to be able to pick up all of the protected tree species on the site. The site layout avoids the vast majority of the protected tree species although some smaller protected trees that could not be avoided will require trimming/removal in which case the Department of Forestry will be the Competent Authority who will consider each application and provide recommendation or put forward conditions for such applications.</p> <p>It must be noted however that Forestry Permit applications are applied for and only considered by the Department of Forestry after the Local Municipality has authorised the Services Plans and Building Plan (it's the Department's protocols), as such those permitting application processes are still to follow in the event that Environmental Authorisation is granted and Land Use Planning authorisation is granted and then the Department of Forestry must still apply its mind to the application for potential trimming and/or removal of trees should the Applicant not be able to avoid such within the housing/services footprint.</p>
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<p>If the existing Seegenot development (Phase 1) is anything to go by, the new development will look like a glorified social housing project.</p> <ul style="list-style-type: none"> • Alike looking houses crammed on very small stands of just over 200 square meters right next to each other. • Paving and streets add to the sterile character. • Small patches of lawn which add no value to biodiversity. • No rehabilitation with thicket plants. • No sense of place. <p>The EA recommends a mid-gray color scheme. Why? It is visually unattractive. If it has to be gray, why not different shades to give the development a little bit of an individual character.</p>	<p>Cape EA Prac was not involved with the development applications for Seegenot Phase 1 and as such we cannot comment on what may have been the requirements/recommendations/conditions of approval (that could have informed the development style / size of the erven and/or the layout or landscaping requirements). The responsibility for having considered these aspects as part of their development application processes lies with the respective competent authorities – complaints about such matters should be directed as such.</p> <p>The colours proposed in the Visual Impact Assessment (VIA) for this application were recommended by the visual specialist, in order to reduce visual contrast of buildings to have the lowest visual impact on the surrounding community and to ensure optimum blend with the receiving environment.</p> <p>It is very important to understand that as part of any development application there are numerous guidelines and policies that must be considered before a development can be considered for authorisation. Amongst others, and deemed to be very important, is the concept of ‘densification’ and ‘infill’ of urban areas, especially where there are environmental constraints that require houses to be condensed or concentrated (resulting in smaller stands / houses being much closer to each other). Not only is this a local municipal planning requirement, it is also a Western Cape provincial spatial planning requirement. A result of the densification/infill requirements in planning legislation, residential development no longer represents the typical (old) town layouts that have large erven with landscaped gardens and low density houses spread out over a large area. Understandably this type of infill development at a higher density does not appeal to everybody’s sense of place or how they perceive the character of an area, but there are very good reasons why densification/infill development is recommended over the ‘historical’ layout/low density type housing developments, amongst others the larger the erf, the greater the area that must be landscaped resulting in increased pressure on natural resources</p>
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	<p>ito irrigation (even with indigenous/drought tolerant landscaping guidelines), the larger the erven, the higher the rates and taxes that must be paid to the Municipality, the larger the erven and lower the density of a development, the higher the input cost to the developer pro rata to the cost of servicing the development area and importantly, the larger the erven, the more likely that residents will apply for additional dwellings i.e. so-called granny flats for instance, which increases services capacity demand to a residential area in a less noticeable manner (because its one application here and another there – so there is little to no consideration of cumulative impacts on services) and ultimately services constraints.</p> <p>The ultimate goal with densification/infill development in urban areas is actually to development apartment/flat blocks (high rising buildings that have a smaller footprint, but can accommodate more families), however each site must still be evaluated on its own merit and it is important to consider whether such structures are suitable for a specific area or not. With the Mossel Bay Spatial Development Framework (SDF) earmarking RE/2841 for ‘medium’ density development (instead of high density development) is an indication that a more conservative approach can be followed (i.e. apartment/flat blocks not suited for the immediate environment/character), hence the current proposal that meets the criteria of densification/infill, but not in a manner that will detract from the sense of place otherwise.</p> <p>The focus with more recent developments, including this development layout approach, is to concentrate development in one area of a site, leaving intact remnant thicket as natural areas to help buffer the visual impact, prevent fragmentation, leave larger natural areas undisturbed to support urban climate risk managements etc.</p>
<ul style="list-style-type: none"> Generally, studies on the environment lambaste this type of housing development. 	<p>Urban development in general contributes to micro-climate changes (increase in temperature, lower infiltration, erosion from hardened surfaces, changes in air movement), which is why spatial planning, as well as environmental</p>

<ul style="list-style-type: none"> • It heats up the immediate surroundings by as much as 8 to 10 degrees Celsius above the normal temperature; • no cooling wind can go in between and / or through the houses making air conditioning a necessity; • no plants offer shade and cooling. <p>There are no comments in the EA regarding climate change and global warming and the contribution of housing developments such as this one to it. Even if small in the global context, destruction of any green areas is always very problematic. Our survival depends on an intact nature. This is vital. The EA falls short of an opinion. In a lot of big cities they try to re-green open spaces and housing. Here we keep on destroying this valuable resource.</p> <ul style="list-style-type: none"> • Furthermore, in a lot of countries there are push-backs on housing developments in coastal areas which are mostly used as holiday homes. Again, using Seegenot phase 1 as example, only a few houses are permanently occupied. The growth in holiday estates puts enormous pressure on municipal services and infrastructure with very little long term and sustainable benefits for the local community apart from changing the character of naturally grown settlements. How many is too much? As a minimum standard, grey water recycling and solar power must be installed. <p>The new development is unattractive and detrimental to environmental principles. The number of houses needs to be reduced to at least half of the proposed numbers to accommodate natural green areas in between them.</p>	<p>regulations and policies prescribe 'urban edges'. Acknowledging these impacts by means of restricting such to designated areas in an attempt to prevent unwanted urban sprawl that exacerbates these impacts.</p> <p>The Remainder of Ef 2841 is located within the Urban Edge of Mossel Bay and the proposed development will therefore not lead to urban sprawl.</p> <p>Furthermore the proposed development layout retains 55.23% of the total of open space areas (nearly 3ha) out of the total 5.2504ha. These intact open space areas will continue to provide ecosystem services that help with natural cooling / shaded areas, infiltration, temperature control etc.</p> <p>Please also refer to the Environmental Management Framework (EMF) of the Mossel Bay Municipality that has been adopted as part of their SDF, that specifically considers these aspects with the intent of balancing remaining natural areas (in urban context) with hard surfaced, transformed urban areas. This is part of the overall climate change consideration for this application as well.</p> <p>It must be noted that the development is not for a Resort i.e. holiday accommodation albeit that it may be used for a combination of primary and secondary homes.</p> <p>By reducing the number of erven on the property, purely to create large erven that are perhaps more attractive similar to the typical low density residential areas of for instance Tergniet and other coastal areas in the Southern Cape, the proposed development will not only be in contradiction to what the Mossel Bay Municipality have envisioned and designated the area to be utilized for, which is a Medium Density residential development, but it will also continue to exacerbate the challenges associated with such low density development mentioned in the previous row.</p>
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Extract from the Civil Engineering Report (Cobus Louw Consulting Engineers, 2024) on water quantity management for the proposed development (attached as Appendix G6 to the Final Basic Assessment Report):

“To create a more sustainable stormwater management system, a source control in the form of stormwater collection tanks at the buildings, will be used on site for stormwater to be reused for irrigation purposes. These tanks will be placed “in-line” on the building’s gutter system. The tanks will make use of an inlet by-pass system which ensures that the initial roof runoff is not collected in the tanks. This ensures that any pollutant build up on roofs will not be flushed into the collection tanks by the first rains, the so-called first flush phenomenon.

The buildings will be equipped with a surrounding pipe network to accommodate downpipes. The remainder of the stormwater on site will be accumulated within catch pits and grid inlets.”.

The following additional waterwise landscaping measures have also been included in the Environmental Management Programme accompanying the Final Basic Assessment Report:

- Grow water-wise plants – generally the best suited plants are those indigenous to the area, as they seldom need additional watering;
- Group plants according to their water needs – this avoids wasting water on plants that don’t need it;
- Consider the quality and type of the lawn. Lawns use unacceptable amounts of water, so consider reducing lawn areas to a minimum. Use tougher, low-water lawn types such as Buffalo (coastal areas) or Kweek (inland) rather than Kikuyu.
- Maintain the garden – remove unwanted plants, plant more perennials than summer annuals, as they have deeper root systems and so need less watering.
- Improve the soil and mulch. Soil water-holding capacity is improved by higher organic matter content. Mulching (covering the soil with a thick layer of bark, compost, straw etc.) keeps the soil much more moist.
- Plant in the right season – For winter rainfall areas this is in autumn and early winter, so the plants have a chance to develop their root systems before the dry season. In summer rainfall areas it is spring and early summer for the same reason.
- Water correctly – avoid watering during the heat of the day or in windy conditions.
- The best irrigation system is drip irrigation – it uses 25% of water used by normal irrigation systems with the same effect and can even be placed under lawns.

	<p>Extract from the Electrical Planning Report (Makukhane Consulting Engineers CC, 2024) on minimizing the electrical load of the proposed development:</p> <p><i>“In order to minimize electricity load shedding and blackouts, thereby improving the quality of supply, developers and homeowners shall install energy efficient lighting (residential and streetlights) arrangements, Rooftop Photovoltaic system (25 % of actual supply), geysers that incorporate solar/heat pump/gas water heating and LPG gas cooking.”.</i></p> <p>The proposed development will therefore support the Mossel Bay Municipality Climate Change Adaption Measures by implementing water and electricity saving measures, as well as complementing the Mossel Bay Municipal Spatial Development Framework by avoiding designated Open Space Areas as well as conserving more than 55% of the proposed development site remain vegetation with indigenous plants and trees.</p>
<p>This is a real problem. Typically these estates are sold as 'security estates' appealing to owners coming from crime ridden urban areas.</p> <ul style="list-style-type: none"> • Tergniet is a relatively peaceful area; • in reality, a fence or wall with access control does not offer much security; • the once existing green belt in Tergniet is destroyed and animals, small and large, are moving to an ever shrinking habitat. Another fence will make the movement of much-loved tortoises impossible, also mongoose not to mention buck which are prevalent here. During my site visit I found buck spoor. <p>Consideration must be given to leave a portion of the estate open and / or construct fencing that will allow animal</p>	<p>It is wonderful to know that residents still experience Tergniet as a relatively peaceful area, however that does not eliminate crime and development cannot be judged based on where potential buyers originate from, irrespective of the growing preference for security developments throughout South Africa. The crime rate in South Africa continues to grow as is evident from multiple sources. People in typical 'historical' urban areas (not security developments) also implement a variety of security measures to safeguard their homes and loved-ones (alarms, electric fencing, security response companies). Doing the same at a larger scale i.e. security development, is no different.</p> <p>Fencing definitely contributes to the blocking of animal movement in urban environments (whether it's a mixed of 'historic' larger erven that are all fenced individually or a residential estate with a boundary fence) which is why it is so important to give consideration to minor and major ecological corridors in our urban environment.</p>

<p>movements to surrounding areas, in particular ERF 5574 and towards the railway line because that will be a corridor for the animals. Or better even, put up intelligent cameras. This will also contribute to the enjoyment for new residents.</p>	<p>This development will indeed be fitted with a new security fence to safeguard residents, however the preferred alternative prescribes that the fence be erected tightly around the housing footprint (instead of all around the cadastral property boundary which would create a barrier to animal movement between remaining natural areas on Erf 5574 and RE/2841). This is specifically done to ensure continued connectivity between the remaining natural areas. Existing fencing along the railway line and R102 (similar to farm fence wire strands type fence) must remain for safety (of the R102 traffic as well as the railway line operations) and will continue to act as a visual barrier to potential unlawful access or land invasion.</p> <p>The security fence will have dedicated pedestrian access control gates allowing future residents from within the secured area to access the surrounding private open space/thicket corridors. Existing trails / clearings through the remnant thicket open space provide sufficient pedestrian access without impacting on the thicket undergrowth. The 5m setback from the intact thicket will also be excluded from the security fence to enable access for maintenance purposes to the future home owners association (HOA) or managing agent (sewer and stormwater infrastructure) and also for alien clearing teams to access the thicket areas.</p> <p>With respect to the general development of Tergniet – it must be noted that the Municipal Spatial Development Framework (SDF) and Environmental Management Framework (EMF) is the guiding document for how and where development must be focussed within urban edges. To inform the SDF, the public / residents / Authorities must actively participate in the review and commenting periods of the SDF because that is the most appropriate and effective tool for informing spatial development in an area. Once a SDF has been adopted by Council it becomes a spatial planning tool which land owners and developers rely on for guidance on where to develop and how to develop. This development has been informed by the Municipal SDF and EMF.</p>
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Please refer to our comments about the Municipal SDP and EMF regarding urban development and the areas designated for open space/green belts and/or urban development in the previous row. This development is not contradicting to either of these spatial development tools.

The minor open space corridors along the East-West direction will remain open to allow continued animal movement between the property and the neighbouring Erf 5574 which the Applicant (as owner), or in the event of a change of ownership, must undertake to ensure continued connectivity either through the sales agreement / transfer documentation within the scope of private property rights.



Faunal movement corridors in the northern and southern boundary of the Remainder of Erf 2841. Security fence will be restricted to surround the residential node (yellow erven area on the map) only leaving the remaining intact thicket excluded from additional fencing.

<p>There are several pages full of mitigating processes and activities. They all make sense. However, paper is patient.</p> <p>I doubt that all of it can or will be implemented also bearing in mind that there was an environmental investigation against the developer/ construction company for phase 1.</p> <p>However, I want to highlight a few of them which concern me.</p> <ul style="list-style-type: none"> • There is a recommendation that the rehabilitation of the thicket SHOULD be prioritised and lawns must be LIMITED. <p>It must be replaced with: rehabilitation MUST be done with thicket vegetation and NO lawns.</p> <ul style="list-style-type: none"> • Another one says the employees must be prohibited to collect plants. Equally important is to prohibit collection of animals in particular tortoises of which there are many. During my site visit I came across lots of tortoises. Workers use them as a food source and cook them alive. <p>Their bags must be checked for tortoises on a daily basis before knocking off work.</p>	<p>The proposed development makes accommodation for nearly 3ha (+/-2.9ha) of intact, unfragmented open space areas to be maintained in a natural state and aims to rehabilitate these areas to be classified as highly sensitive in terms of Site Ecological Importance.</p> <p>Landscaped areas must be limited to within the residential development footprint which is completely out of the remnant intact thicket areas. Placing a restriction of no lawns/gardens within the designated housing footprint deemed to have a low ecological sensitivity, is not reasonable. What is important however that is no lawns/landscaping is permitted within the designated Open Space Areas (remnant intact thicket areas). Invasive alien clearing within the designated open space areas will allow thicket to naturally regenerate and in the event that active rehabilitation is required within areas cleared of invasive alien stands within the open space, we fully support the suggestion that such rehabilitation must be done with endemic thicket species only.</p> <p>For as long as the Environmental Authorisation remains valid, these measures must be monitored by the appointed ECO. It is true and a sad reality that long-term compliance with conditions of approval of developments do reduce over time, especially as the Developer eventually transfers rights to the Home Owners Association (HOA) or a Managing Agent – by which time the new management are often unaware of the original conditions of approval 5 – 10 years down the line and the ECO is no longer involved to ensure independent monitoring. It is for this reason that care has been taken with the recommendation of fencing, to help ensure that residents cannot encroach beyond the structure easily or without consent to have the fence removed/moved, which should trigger an enquiry either by the HOA or the Department.</p> <p>The recommendation to prohibit the collection of animals have been added in the Environmental Management Programme accompanying the Final Basic Assessment Report. It is also a recommendation that the construction phase</p>
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	<p>of the proposed development be monitored by a qualified Environmental Control Officer which will include a thorough induction sessions with all staff members to stipulate the importance of not collecting any plants or animals.</p> <p>It is furthermore recommended that the intact thicket areas adjacent to work areas, be demarcated prior to construction commencing in such areas, to ensure an appropriate barrier to these sensitive areas. During induction with work teams the workers will be informed that these remnant thicket areas are deemed to be No-Go areas for the duration of the construction period (aparte from alien clearing teams) and non-compliance with this require may result in hefty fines / stop-work orders / additional ECO monitoring. Transgressors (any worker caught with poached animals/reptiles) will be attended to through the appointed Contractor and where necessary reported to CapeNature for appropriate action.</p>
<ul style="list-style-type: none"> • I object to the new development in its entirety due to material shortcomings of the EA, non-compliance with regulations and having overall a detrimental effect on the environment. • This development is in contravention of the SPATIAL DEVELOPMENT FRAMEWORK SECTION B for Mossel Bay, for instance: <p>several strategies as stipulated in said framework are not adhered to namely: (i)conserve and manage the natural environment in balance with the demands from urban growth and (ii) decoupling urban growth from excessive water, energy and land consumption along the coastal settlement strip.</p>	<p>Your objection is duly noted, however we strongly disagree with the allegations of shortcomings in the environmental process, as well as non-compliance of regulations across the environmental and/or planning spectrum. Rather as have been provided in our response, we inform that this development proposal is aligned with the respective policies/guidelines and that detailed specialist investigations by a host of suitably qualified specialists have been undertaken, inclusive of consideration being given to the previous 2019 environmental studies by a different set of specialists, in accordance with applicable guidelines/protocols etc, to inform this development application.</p> <p>Please refer to our comments about the Municipal SDF and EMF regarding urban development and the areas designated for open space/green belts and/or urban development. This development is not contradicting to either of these spatial development tools. Please refer to the applicable sections in the BAR for further details about the SDF/EMF.</p>

	It must be noted that Mossel Bay Municipality confirmed bulk services availability (water, electricity, sewerage and solid waste removal) for the proposed development (Appendix E16 of the Final Basic Assessment Report) and that resource conservation measures do form part of this assessment.
Breede-Olifants Catchment Management Agency via Email on DBAR	
COMMENTS	RESPONSE
<p>Breede-Olifants Catchment Management Agency (BOCMA) acknowledges receipt of your application dated 05 September 2024 for the aforementioned activity, which was received by this office on 05 September 2024. Based on an evaluation of the intended activity's impact on water resources.</p> <p>Based on an evaluation of the intended activity's impact on water resources, this office support the proposed residential development on the remainder of Erf 2841 and Erf 5577, Tergniet, Mossel Bay.</p>	Noted.
This office would like to know if the proposed activity will trigger Section 21 water uses of the National Water Act, 1998 (Act 36 of 1998 as amended).	<p>The proposed development will not trigger any Section 21 water uses, as there are no watercourse features on the Remainder of Erf 2841 or Erf 5574 and any development on these properties will therefore not require authorization in terms of the NWA.</p> <p>The proposed development will connect to the Mossel Bay Municipality System for water and sewage services.</p>
Does the Mossel Bay Municipality have capacity to accommodate a new development in terms of Bulk Services?	Sufficient raw water as well as treated water is available for this proposed development as confirmed by Mossel Bay Municipality on 11 October 2024 (Appendix E16 of the Final Basic Assessment Report).

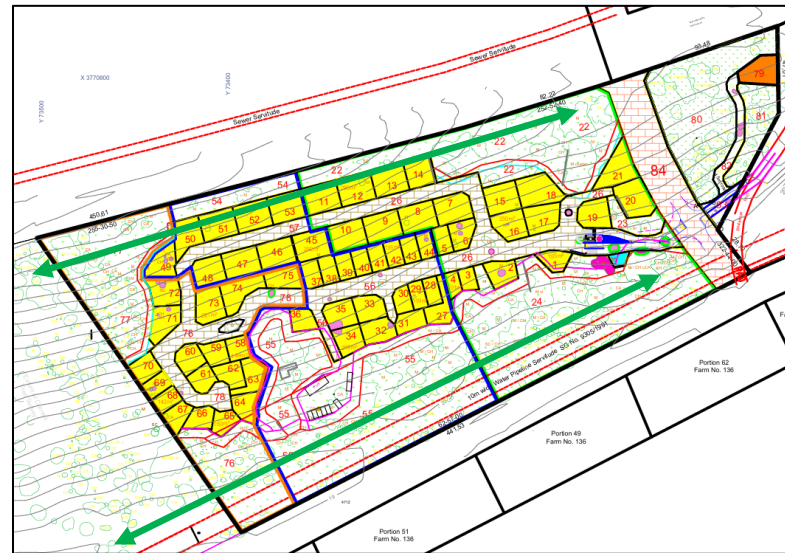
	<p>Sufficient capacity to accommodate sewage for the full extent of the proposed development has been confirmed by Mossel Bay Municipality on 11 October 2024 (Appendix E16 of the Final Basic Assessment Report).</p> <p>Mossel Bay Municipality confirmed capacity to supply refuse removal services to the proposed development on 01 October 2024 (Appendix E16 of the Final Basic Assessment Report).</p> <p>Mossel Bay Municipality confirmed on 12 July 2024 that the required electrical supply will be made available from the existing 11kV network feeding from Tergniet Switching Substation (Appendix E16 of the Final Basic Assessment Report).</p>
Please ensure that no water is taken from a water resource for any purpose without authorisation from the Responsible Authority.	<p>Noted. The proposed development will connect to the Mossel Bay Municipal System for water supply. Sufficient untreated potable water as well as treated water is available for this proposed development as confirmed by Mossel Bay Municipality on 11 October 2024 (Appendix E16 of the Final Basic Assessment Report).</p>
Please ensure that no waste or water containing waste is disposed in a manner which may detrimentally impact on a water resource without authorisation from the National Water Act, 1998 (Act 36 of 1998) and other related legislations.	<p>Noted. All solid waste will be disposed at the local Municipal dump site. The removal of solid waste and management thereof will be done by Mossel Bay Municipality as per a Service Agreement between the Mossel Bay Municipality and the Developer.</p> <p>Sufficient capacity to accommodate sewage for the full extent of the proposed development has been confirmed by Mossel Bay Municipality on 11 October 2024 (Appendix E16 of the Final Basic Assessment Report).</p> <p>Mossel Bay Municipality confirmed capacity to supply refuse removal services to the proposed development on 01 October 2024 (Appendix E16 of the Final Basic Assessment Report).</p>

The applicant should be aware that according to Section 19 (1) of the National Water Act, 1998 (Act No.36 of 1998), “an owner of land, a person in control of land or a person who occupies or uses the land on which (a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which causes, has caused or is likely to cause pollution of a water resource, must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring”. Any pollution incident(s) resulting from the discharge of treated effluent or any activity from the plant must be reported within 24 hours to the relevant authority.	Noted.
No stormwater runoff from the application premises containing waste, or water containing waste emanating from any activity may be discharged into a water resource without prior treatment.	Noted. Stormwater design has been provided with the engineering services designs and will be accommodated within the 5m setback from the remnant intact thicket so as to avoid unwanted encroachment into the thicket areas.
All requirements as stipulated in the National Water Act, 1998 (Act No. 36 of 1998) regarding water use must be adhered to.	Noted.
These comments do not exempt you from complying with other relevant legislations and requirements of other governmental Departments.	Noted.
CapeNature via Email on DBAR	
COMMENTS	RESPONSE
The Western Cape Biodiversity Spatial Plan (Pool-Stanvliet et.al. 2017) mapped the erf as forming part of a coastal corridor, which is an important ecological infrastructure, and	From the 2019 specialist studies (botany/faunal) it was determined that the western portions of the then properties were deemed highly sensitive and the recommendation was made at the time that those areas be excluded from

<p>was not discussed by any specialist. The coastal corridor should not be disturbed as these areas are important corridors to maintain landscape connectivity.</p>	<p>development in order to serve as an ecological corridor (presumably linking to the coastal belt). The subsequent consolidation of the then two properties and re-subdivision into two properties, used the 'sensitivity line' from the 2019 botanical and faunal studies to inform the re-subdivision boundary. The effect is that the area designated by the specialists as being the functional corridor, will continue to function as a de facto ecological corridor because its zoning/land use has not been affected or amended through the subdivision. This development on RE/2841 is on the area that back in 2019 the specialists confirmed to be suitable for development with low ecological sensitivity.</p> <p>The new specialist studies undertaken during 2024 to inform this study also covered the total area (to determine placement of services on Erf 5574) and confirms the same sensitivity for the western portion and the eastern portion (high vs low). The area (western portion) that has subsequently been excluded from the development site, adheres to the 2019 recommendations for needing to be excluded from development considerations to ensure that it can continue to function as an ecological corridor irrespective of what is considered/approved on the RE/2841.</p> <p>The development node itself will be fitted with a new security fence tightly around the housing footprint, to avoid unnecessary further fragmentation of the remaining thicket habitat. Existing fencing along the railway line and R102 (similar to farm fence wire strands type fence) must remain for safety (of the R102 traffic as well as the railway line operations) and will continue to act as a barrier to potential unlawful access or land invasion. The security fence will have dedicated pedestrian access control gates allowing future residents access to the private open space/thicket corridors. Existing trails / clearings through the remnant thicket open space provide sufficient pedestrian access without impacting on the thicket undergrowth. The 5m setback from the thicket will be excluded from the security fence to enable access for maintenance</p>
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purposes to the future home owners association (HOA) or managing agent (sewer and stormwater infrastructure).

This specification to fencing ensures that East-West minor open space corridors along the North and Southern boundaries will remain open to allow continued animal movement between the property and the neighbouring Erf 5574 which the Applicant (as owner), or in the event of a change of ownership, must undertake to ensure continued connectivity either through the sales agreement / transfer documentation within the scope of private property rights.



Faunal movement corridors in the northern and southern boundary of the Remainder of Erf 2841. These corridors are excluded from the security fencing around the housing node (yellow even on the map).

The proposed development footprint is located approximately 250m from the high-water mark of the ocean (closest point) and is separated from the beach

	by private properties with residential developments, gravel roads and a railway line.
<p>CapeNature has provided comments on the Pre-Application Basic Assessment for the proposed residential development on Erf 2841 and portion 51 of farm 137 in Tergniet (see attached comments). Subsequently the site has been subdivided into the Erf RE/2841 and Erf 5572. As a result, the latter site will have its own development rights and as such further reduce the sensitive area.</p> <p>If this subdivision was not granted the eastern section could have been included in the proposed conservation area as proposed in the Vlok report (2019). The Terrestrial and Botanical report mentioned the areas cleared of Australian myrtle (<i>Leptospermum laevigatum</i>) has been recovering. This implies that the proposed development area, which has a medium SEI, is not transformed. The application for subdivision and granting of this application was inappropriate and conflicts with the National Environmental Management Principles.</p>	<p>Apart from the rights being applied for through this application, it is incorrect that the consolidation and re-subdivision awarded more rights that will reduce sensitivity of the area.</p> <p>There was two (2x) Agricultural cadastral properties (Prt Remainder 2841 and Prt 51 Farm 137) to begin with albeit different in size ratios. Each cadastral property had its own primary rights to the Agricultural Zoning. These two cadastral units were consolidated (into one) and then re-subdivided back into two (2x) cadastral units. The results to the primary rights before the consolidation/subdivision are exactly the same as post- the consolidation/subdivision with no change in zoning or land use rights. It is for this very reason that the Local Municipality considered it positively and authorised the consolidation/subdivision.</p> <p>The most significant effect resulting from this consolidation/subdivision, is that the 'high' sensitivity area previously advised by specialists to not be suitable for development due to its potential to function as an ecological corridor, is now on its own cadastral property. Whereas the 'low' sensitivity area previously confirmed by specialists (and reconfirmed by the more recent specialist studies) as being suitable for development, is on one cadastral property.</p> <p>The fact that the eastern portion (now on its own cadastral property) is not subject to zoning conditions does not detract from its de facto function as an ecological corridor, neither does it prohibit the Municipality from incorporating it into their Environmental Management Framework (EMF) for the Tergniet area given its known high sensitive ecological sensitivity. It also does not restrict or compromise any (future) conditions or requirements any of the Environmental Authorities may deem appropriate in the event of a change in land use of Erf 5574. Until such time, Erf 5574 remains in a natural state, with only primary</p>

	<p>rights and the land owner is still legally obliged to ensure compliance with CARA and NEMBA ito invasive alien clearing.</p> <p>Furthermore, it is a recommendation of this environmental application that the current owner (Applicant) undertake to ensure continued connectivity between RE/2841 and Erf 5574 irrespective of land use and should the property change ownership, the Applicant must still honour such an undertaken through means of a sales agreement/transfer documentation.</p>
<p>The Vlok (2019) report mentioned the fynbos on site is senescent due to a lack of fire for the past 40 years. The Vlok report also recommended an ecological burn prior to any development during late summer or early autumn. The Terrestrial Biodiversity and Botanical Impact assessment did not discuss fires however in the report it was mentioned that the vegetation was tall and dense, and the specialist had to do “bundu bashing” to get access to some parts of the site. Considering the above we take it the site has not been maintained and the ecological burn was also not done. CapeNature must remind the landowner of their Duty of Care according to Section 28 of National Environmental Management Act.</p>	<p>The site (Remainder of Erf 2841) is predominantly covered by thicket, with pioneering fynbos occurring only in small, fragmented patches within the cleared area. This type of thicket that covers the vast majority of the site apart from where the Myrtle dominated, contains mostly species like Milkwood and Cheesewood which CapeNature is aware, is not fire-prone, and regenerates primarily through vegetative growth. The recommendation to burn the entire conservation area, including areas of thicket, would therefore be inappropriate and potentially harmful to the thicket’s ecological integrity. While fire is crucial for fynbos regeneration, particularly for pioneering fynbos, its use in thicket areas would likely damage these sensitive vegetation zones.</p> <p>The recommendation to burn the entire conservation area made by Regalis Environmental Services CC in 2019, was aimed at the conservation area outlined on which is now known as Erf 5574 because of patch of intact fynbos found on the eastern portion of the site (note that at the time of the 2019 study by Vlok the majority of the eastern portion of the property, was completely covered in dense Myrtle that obstructed and prohibited proper analysis of this area. Whereas the new specialist studies from 2024 that was used to inform this development application, had the benefit of evaluating the site and vegetation after the Myrtle had been removed from the area. The level of confidence and assurance of what (vegetation) and ecological sensitivity</p>

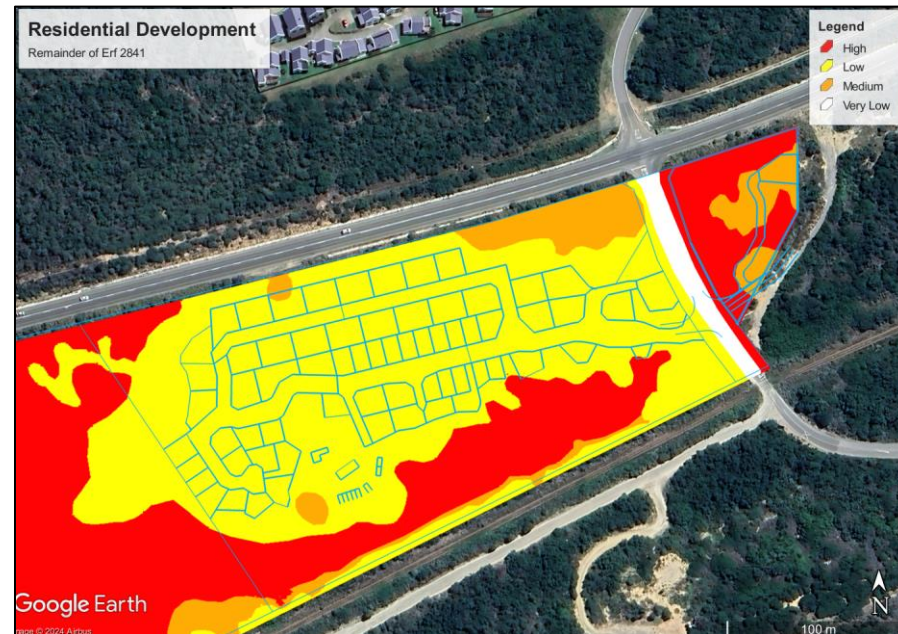
	<p>applies to these areas (both east and west) are therefore significantly higher and much more accurate compared to the 2019 specialist findings.</p> <p>The specialist's 'bundu bashing' refers to vegetated areas outside of the cleared Myrtle area which is expected from having to cross through and intersect intact remnant thicket area. This 'term' does not apply to the areas where Myrtle was removed as it was (unlike when it was covered with Myrtle) since it is now accessible and allow much improved visibility for the specialists.</p> <p>Other than the substantial effort by the Applicant to clear the Myrtle (to allow better evaluation/assessment of the area, as well as to be able to conduct a thorough protected tree survey) the properties have not been burnt and given the presence of mostly thicket which is not a fire-prone ecosystem, and the location of these sites within an urban environment, it is highly unlikely that burning of the two sites would be deemed reasonable or feasible.</p> <p>The historical absence of fire in this area (most likely due to urban expansion / lack of ecological burning) has cause the displacement of fynbos that may have occurred here, with thicket. Attempting to turn this around (from thicket which is Endangered) to Fynbos through re-establishing fire regimes is unrealistic given the sites condition and urban context.</p>
<p>The Botanical sensitivity was High due to the high likelihood that rare and SCC could be present at the site. Although the limitations are noted, this development cannot be granted environmental authorisation without confirming the presence or absence of these sensitive plant species.</p>	<p>The Screening Tool gave a 'medium' sensitivity rating for the plant species theme. The probability of occurrence of SCCs and protected species was indeed flagged which resulted this sensitivity rating being elevated by the botanical specialist to 'high'.</p> <p>Despite thorough site surveys however, the botanical specialist did not find any of the listed SCCs in the area of influence.</p> <p>The botanical specialist submits that the likelihood of occurrence for Sensitive and Red-Listed SCC is closely tied to the quality of the habitat and the ecological integrity of the area. Areas with higher Site Ecological Importance (SEI), such as those with more intact or undisturbed vegetation i.e. the thicket</p>

	<p>found on-site, offer a greater likelihood of supporting SCC. Conversely, areas with Low SEI (areas where Myrtle was removed), especially those that have been heavily disturbed and invaded by non-native species, have reduced ecological resilience.</p> <p>These low-SEI areas are depauperate making them less likely to support populations of SCC.</p> <p>The historical Australian Myrtle invasion and the dumping observed on the site by the specialists, have not only displaced native flora but also altered the habitat conditions, making it even less conducive to SCC <i>survival</i>.</p> <p>Secondary vegetation refers to plant communities that establish themselves in an area following significant disturbance or disruption, and this vegetation does not necessarily represent the original ecosystem structure. Secondary vegetation often begins with pioneer species—those that are hardy and capable of thriving in disturbed or degraded environments—and over time, may progress to a more complex community as conditions improve.</p> <p>However, if the disturbance was severe or the site remains heavily disturbed (e.g., by invasive species or frequent fire), the recovery of primary vegetation is generally significantly delayed, resulting in a more permanent or long-lasting secondary vegetation state. In this case, active restoration would be required to ensure the site can be restored, and this could need to be an ongoing investment on the site to prevent further degradation.</p> <p>As such, the botanist has confirmed that SCC are not expected to occur in these Low SEI areas of the site (presence confirmed for the remnant intact thicket areas of Medium/High sensitivity), and the likelihood of their occurrence on the Low SEI is therefore deemed to be <i>minimal</i> in these areas (that are earmarked for the development component).</p> <p>The botanist highlights that this understanding is supported by general ecological principles that emphasize the role of habitat quality in determining</p>
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	<p>species occurrence (Apedo, 2015; Putz & Redford, 2010) where it is found that fragmented or disturbed landscapes with high levels of invasion, often show reduced species diversity and ecological function, which lowers the probability of finding sensitive species.</p> <p>SCC presence in the Low SEI areas is confirmed to be low, and this conclusion is supported by both the current depauperate and secondary vegetation structure and the disturbance history of the site most notably the area where development is proposed.</p> <p>The likelihood that rare and less obvious SCC were missed on the site are high, but only within the Medium and High SEI areas which are mostly excluded from development/disturbance. In Low SEI areas where the development proposal is concentrated the botanist has confirmed that SCC are unlikely to be present.</p>
<p>Plant Search and Rescue is not a mitigation measure to compensate for any significant negative impacts due to development (Cadman, 2016). The specialist recommended a qualified horticultural specialist should be appointed but the botanical specialist should assist in preparing recommendations and techniques to be used for the species. Furthermore, the specialist must guide on the season of rescue and replanting as translocation and species survival are rarely successful.</p>	<p>It is agreed that although plant search and rescue does not compensate for all negative impacts from development, it can serve as a meaningful supplementary mitigation measure. While it cannot fully replace the ecological value lost from habitat transformation, search and rescue contributes by salvaging individual plants, particularly species of conservation concern, and by enhancing the biodiversity of nearby suitable habitats when successful translocation occurs.</p> <p>For a successful plant search and rescue in Hartenbos Dune Thicket, the recommended timing is typically in the cooler, wetter months of late autumn to early spring, from May through August. This period allows plants to be relocated when soil moisture is more stable, reducing transplant shock and giving plants a better chance to establish roots before the hotter, drier months. Additionally, it aligns with the growing season for many thicket species, particularly those adapted to the seasonal Mediterranean-type climate.</p> <p>Despite low translocation success rates for certain sensitive species, some hardy or adaptable plants can thrive with proper handling and placement in</p>


	<p>ecologically similar sites. As such, search and rescue does not substitute the lost ecosystem function, but offers a valuable contribution to conserving individual plants and propagating species of interest elsewhere. With careful planning, this strategy enhances biodiversity conservation beyond the immediate impact area, supporting a commitment to ecological responsibility even in the context of development.</p> <p>Notably the development is concentrated in areas that exclude intact thicket which significantly reduces the need for search & rescue according to the above-mentioned provisions, however despite the development avoiding the thicket areas, the ECO/botanist will still be deployed to advise on search and rescue within the Low ESI area prior to construction commencing.</p>
<p>The proposed development is within Medium and High sensitive areas. It is unclear how the mitigation hierarchy was interpreted to inform the SDP. Considering the sensitivity of the area to the west, illustrated on figure 10, surely a buffer should have been included to avoid further negative impacts to this sensitive area. Furthermore, has the development footprint been reduced to avoid high and very high sensitive areas?</p>	<p>This statement is incorrect.</p> <p>The development is proposed within Low sensitive areas. The very small portion located within Medium Sensitive Areas is limited to the eastern land parcel otherside Sowesia Avenue where an access and single erf is proposed as part of the preferred alternative and then along the services service where sewer infrastructure will be installed. Given the limited impact on medium sensitive areas, the botanist is satisfied that the mitigation hierarchy has been applied satisfactorily, noting that work along the services servitude can be undertaken by hand where deemed necessary by the ECO to further avoid/minimize impacts. The mitigation of also improving the areas classifies as having 'Medium' sensitivity (within the remnant intact thicket areas) to 'High' sensitivity through continued maintenance, management and removal of invasive alien vegetation in these areas, has also been accounted for ito the mitigation hierarchy.</p> <p>There is a 5m buffer/setback being implemented around the development in an effort to reduce the edge effect on the surrounding Highly sensitive thicket vegetation is focused on contact areas between the development and such</p>

habitat (excluding areas of Low sensitivity where it is not deemed necessary such as the erven proposed along the western subdivision line which are all a considerable distance away from the mapped Highly sensitive thicket vegetation on the neighbouring Erf 5574.



The amount of units located east of Souwesia Avenue were reduced from two(2) to only one (1) as well as the removal of the Utility Erf in order to avoid Highly Sensitive Vegetation identified by the botanical specialists.

This change to the proposal now forms part of the preferred alternative. Although there is also provision for exclusion of all erven from this land parcel, given its isolated and separated location from the eastern portion of the development, not having any eyes on this area does present a risk to illegal dumping, cutting of trees, lack of invasive alien vegetation management and unlawful land occupation unless the HOA actively fence and manage this area – realistically however, given the fact that this land parcel would not then form part of the ‘estate’ long-term operational compliance on these

	<p>aspects is likely to be reduced or absent altogether which brings with it, its own likelihood of environmental degradation.</p>  <p>Alternative 1 (preferred) with one (1) residential unit located east of Souwesia Avenue – Image on the left. Alternative 2 (not preferred) with two (2) residential erven and one (1) Utility Erf located east of Souwesia Avenue – Image on the right (FormaPlan, 2024).</p>
<p>The Vlok report (2019) referred to the lowest part of the dune slack area as a seasonal wetland which should be regarded as a sensitive area. The Freshwater Specialist could not confirm whether the wetland, which corresponds with ESA mapping, is present or not. CapeNature recommends the Breede-Olifants Catchment Management Agency should be consulted to provide comments.</p>	<p>This statement is incorrect although it is understandable how CapeNature could have arrived at this assumption (wording in the Confluent report was ambiguous).</p> <p>Dr Dabrowski has confirmed that her reference to ‘could not be confirmed’ was fully meant to mean that there is no evidence of a wetland. This statement in their report was never meant to imply that there was uncertainty about the presence or absence of a wetland.</p> <p>There are no aquatic features on either RE/2841 or Erf 5574 as confirmed by the aquatic specialist.</p> <p>The Breede-Olifants Catchment Management Agency (BOCMA) provided written comment on the Draft Basic Assessment Report in which it was stated that the BOCMA supports the proposed residential development on the</p>

	Remainder of Erf 2841 and Erf 5574 (Appendix E3 in the Final Basic Assessment Report).
<p>Figure 10 of the Terrestrial Biodiversity and Plant report illustrates the Very High Sensitivity for the western section which corresponds to the Map 7 in the Vlok report that shows the sensitivity. The ecological corridors in the area have been compromised due to the surrounding residential developments and linear infrastructure. The only conservation worthy area indicated is to the west which has been subdivided and excluded from this application. Thereby reducing the sensitive area with no authority responsible for conserving this area, which is unacceptable.</p>	<p>It is unclear why exclusion of Erf 5574 'reduces the sensitive area' when the consolidation and re-subdivision have not impacted on the land use or zoning of Erf 5574. By not developing this area and effectively excluding it from this development, there is surely compliance with the 2019 recommendation made by specialists to exclude it from development.</p> <p>Although it is not subject to a conservation zoning (presumably that is what is meant by 'with no authority responsible for conserving this area'), given the sensitivity confirmation by the 2019 as well as the 2024 specialist findings, there is nothing preventing the Mossel Bay Municipality through means of their Environmental Management Framework (EMF) which presumably CapeNature gives input to at some point in time, from incorporating this area as part of the EMF designations. The Local Municipality has that 'authority' irrespective of the outcome of the development application for RE/2841. However it is assumed that CBA and ESA designations must still be considered along with the WCBSP when the EMF is revised at which point the Local Municipality, with guidance from the likes of CapeNature and DEADP (both planning and environmental) on where changes may be deemed necessary.</p> <p>In addition to these overarching powers, should there ever be a development application on Erf 5574 (whether by the Applicant who is the current land owner) or another in the event of a change in ownership, there are even more provisions both to the NEMA and LUPA that can be used by Authorities to ensure optimal environmental outcomes.</p> <p>To therefore imply that subdivision alone has reduced the potential of Authorities somehow maintaining Erf 5574 in some form or another as a functional ecological corridor, or conservation area, is incorrect as there are means other than an environmental development application or land use</p>

	<p>planning application on RE/2841, to still achieve overarching environmental outcomes for Erf 5574 should it be deemed necessary.</p> <p>For the time being Erf 5574 remains a natural area with limited rights ito of its zoning and land use thereby continuing to function as a de facto ecological corridor.</p> <p>To strengthen and support the notion of Erf 5574 as an untransformed area, the recommendation has been made that the Applicant who is currently the land owner of both Erf 5574 as well as RE/2841 must undertaken to ensure continued connectivity between the properties, irrespective of a potential change in ownership, but within the scope still of private property rights as well.</p>
<p>Department of Environmental Affairs and Development Planning via Email on DBAR</p>	
COMMENTS	RESPONSE
<p>This Directorate previously received a development proposal for the development of a retirement estate on Portion 51 of the Farm Rensburg Estate No. 137 and Erf 2841 (Ref: 16/3/3/6/7/1/D6/35/0001/20) on 14 January 2020. However, due to unforeseen circumstances the matter did not proceed to the application phase, but specialist studies were undertaken as part of that phase (attached to the DBAR) – Appendix M). The review of the abovementioned assessments suggests that the appointed specialists at the time identified areas which is considered sensitive and worthy of conservation. The findings of the previous specialists have since been corroborated by the specialist appointed for the application for environmental authorisation. Figure 10 of the</p>	<p>It is indeed correct and deemed a good outcome to have consistency between the various specialist studies undertaken by different specialists over an extended period of time and the findings of this environmental investigation has greatly benefitted from the collective of these studies.</p>

<p>Terrestrial Biodiversity and Plant Species Impact Assessment refers in this regard.</p> <p>On 21 October 2022 this Directorate received a land use application (Municipal Ref: 15/4/34/2; 15/4/34/2 C8903192(in) 60-90/2022) for the subdivision and consolidation of Portion 51 of the Farm Rensburg Estate No. 137 and Erf 2841, the purpose of which was to split and consolidate the properties into two sections where one consists of indigenous vegetation and the other where no issues with the development proposal are foreseen. This Directorate issued a letter (Ref: 16/3/3/6/1/D6/17/0238/22) to the Mossel Bay Municipality on 13 December 2022 stating that the land use application is not supported as said application is directly linked to the development for which environmental authorisation is being sought.</p> <p>Based on the information provided in the application for environmental authorisation and the DBAR, it is understood that the application to the Mossel Bay Municipality was successful and resulted in the establishment of the Remainder of Erf 2841 ("Re/2841") (the proposed development site) and Erf 5574 on which the vegetation has been considered as sensitive and conservation worthy. The development proposal fails to demonstrate how the land, which was previously part of the proposed development, and has conservation worthy vegetation thereon, will be linked to the development (i.e., notarial tie with a conservation servitude thereon). Without such a link, the proposed development is deemed to be a form of 'leap-frog' development. In general, the latter is not supported.</p>	<p>Noted.</p> <p>This office submits that exclusion of an area i.e. Erf 5574, in this instance deemed to be more sensitive (which it appears DEADP would want to have considered as a conservation area alongside development or RE/2841) cannot be deemed leapfrogging purely based on it not having a conservation zoning/designation.</p> <p>In the absence of a definition for leapfrog in the Western Cape PSDF or the Mossel Bay PSDF, literature searches provide the following definitions:</p> <p><i>"...development that occurs when developers skip over land to obtain cheaper land further away from cities, thus, leaving huge areas empty between the city and the new development"</i>.</p> <p>(https://en.wikipedia.org/wiki/Leapfrog_development).</p> <p><i>"...is a discontinuous pattern of urbanization, with patches of developed lands that are widely separated from each other and from the boundaries of</i></p>
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<p>The development proposal will be restricted to the more transformed area, apart from the portion of the property east of the Souwesia Avenue which has also been determined to be conservation-worthy but has been identified for development (two dwelling units).</p>	<p><i>recognized urbanized areas</i> (http://efaidnbmnnnibpcajpcgclclefindmkaj/https://repository.up.ac.za/bitstream).</p> <p><i>“...the development of lands in a manner requiring the extension of public facilities and services from their existing terminal point through intervening undeveloped areas that are scheduled for development at a later time, according to the plans of the local governing body having jurisdiction for the area and which is responsible for the provision of these facilities and services”</i> (https://www.lawinsider.com/dictionary/leapfrog-development).</p> <p><i>“...where developers skip over properties to obtain land at a lower price further out despite the existence of utilities and other infrastructure that could serve the bypassed parcels”</i> https://www.lsd.law/define/leapfrog-development.</p> <p>Based on these definitions and the criteria mentioned therein, namely cheaper land away from cities/urban areas, lands widely separate from each other, lack of services, we submit that development of RE/2841 does not qualify as ‘leapfrog’ development simply because Erf 5574 is still vacant, firstly because both properties are within the defined urban edge, with existing urban development in close proximity to the property (300m to the West and 95m to the North being the closest) and with existing municipal services readily available for connection.</p> <p>To inform the preferred alternative one of the two erven, along with the utility erf, has been omitted, leaving only one erf that has been repositioned to fall within the ‘medium’ sensitive area. The biodiversity specialist concurs that this is acceptable given the alternative of no development on this land parcel that puts it at risk of illegal dumping, reduced alien vegetation management, unlawful land invasion and occupation, should the HOA not effectively manage and maintain this area. Because this land parcel is isolated and separated from the rest of the development, it is more likely that the HOA will focus on long-term maintenance and management of the open space areas immediately</p>
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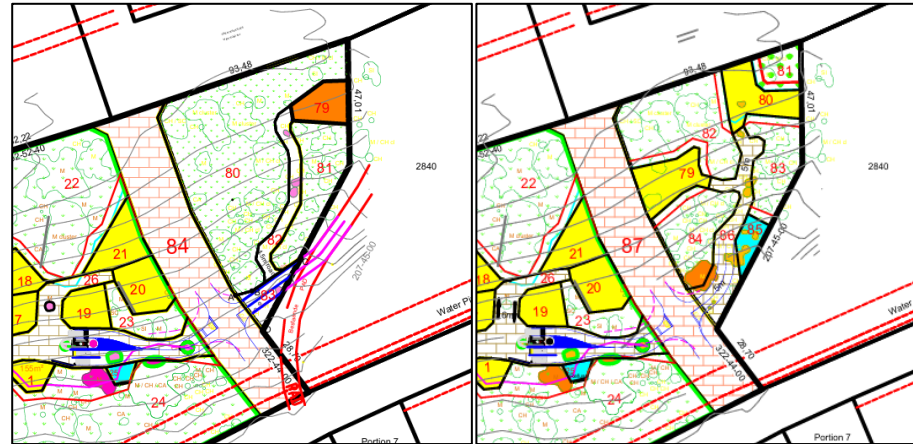
<p>In light of the above, this Directorate needs to understand what the intention is for Erf 5574 which has been determined to contain very sensitive and conservation worthy vegetation. This is also an aspect which relates to the need and desirability of the proposed development. These issues must be clarified in the BAR.</p>	<p>adjacent to the remainder of the housing development (west of Sowesia Avenue) and neglect the separated, isolated land parcel east of Sowesia Avenue. For this reason, the proposal to not remove all development from this land parcel, but to allow for at least one erf to ensure improved 'ownership' of the area with having somebody on the property as opposed to it remaining a vacant piece of (isolated) land within the urban edge.</p> <p>Erf 5574 remains in a natural condition under the current zoning and land use rights of Agriculture 1. Despite Erf 5574 being excluded from this development application, the status quo does not detract or change the ecological sensitivity of Erf 5574 which is recognized by all of the biodiversity specialists.</p> <p>Given the sensitivity confirmation by the 2019 as well as the 2024 specialist findings, there is nothing preventing the Mossel Bay Municipality through means of their Environmental Management Framework (EMF) which presumably DEADP gives input to at some point in time, from incorporating this area as part of the EMF designations. The Local Municipality has that 'authority' irrespective of the outcome of the development application for RE/2841. However it is assumed that CBA and ESA designations must still be considered along with the WCBSP when the EMF is revised at which point the Local Municipality, with guidance from the likes of CapeNature and DEADP (both planning and environmental) on where changes may be deemed necessary.</p> <p>In addition to these overarching powers, should there ever be a development application on Erf 5574 (whether by the Applicant who is the current land owner) or another in the event of a change in ownership, there are even more provisions both ito the NEMA and LUPA that can be used by Authorities to ensure optimal environmental outcomes.</p> <p>Given all of the above measures that remain available and can be applied to Erf 5574 outside of this application process, there is no reasonable or legitimate grounds for having any notarial deed, or otherwise restriction placed on Erf</p>
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	<p>5574 as part of this current environmental application process. The property retains its zoning and limited land use rights under Agriculture 1 until otherwise determined outside the scope of this application.</p> <p>To strengthen and support the notion of Erf 5574 as an untransformed area, the recommendation has been made that the Applicant who is currently the land owner of both Erf 5574 as well as RE/2841 must undertake to ensure continued connectivity between the properties, irrespective of a potential change in ownership, but within the scope still of private property rights as well.</p>
<p>It is noted that the specialists appointed for the application phase have assessed both the Re/2841 and Erf 5574. However, according to the information in the DBAR the proposed development is restricted to only Re/2841 due to the sensitivity of the vegetation on Erf 5574.</p> <p>This Directorate understands that Seegenot Estate, which borders on the west of Erf 5574 is also owned by Seebou Wonings (Pty) Ltd. In this regard, the Directorate is of the considered opinion that the development of Re/2841 will result in staggered (leapfrogging) development. This Directorate is aware that the layout considered in 2019/20 by Andrew West Environmental Consultancy included the area which is now Erf 5574. Notwithstanding the findings that Erf 5574 contains sensitive information and with due consideration that aforementioned property is owned by</p>	<p>Erf 5574, although excluded from development as part of this environmental application, was considered by the specialists in order to determine the best suitable location of the link sewer services for this application.</p> <p>Their studies reaffirmed the 2019 specialist studies that indicated that Erf 5574 is deemed more sensitive and therefore less desirable for development. Restricting development therefore on RE/2841 is deemed to have taken in account both the 2019 as well as the 2024 specialist findings by not encroaching or putting any development (apart from the link sewer services) on Erf 5574. For this reason it is logical to exclude Erf 5574 from being the subject of an environment and/or land use planning application.</p> <p>Kindly refer to the above-mentioned comment pertaining to the leapfrogging concept, as well as the reference to all of the other available measures, including the Municipal EMF, SDF, the national CBA/ESA, as well as the more detailed site specific applications of NEMA and LUPA to current and/or potential future land use change considerations for Erf 5574.</p> <p>Even though current ownership of Seegenot 1, Erf 5574 and RE/2841 is the same entity, that in no way rules out the possibility of a change in ownership, whether it be for Seegenot 1, RE/2841 or Erf 5574, in which case the argument of it currently being owned by the same entity and that current</p>

<p>Seebou Wonings (Pty) Ltd, you are advised to consider an alternative which includes Erf 5574.</p> <p>Furthermore, you are required to assess the cumulative impacts of all identified alternatives on the surrounding environment.</p>	<p>ownership alone dictating development/development restrictions, are a mute point.</p> <p>Cumulative impacts have been assessed by the specialists and reflect on in the Final BAR for consideration.</p>
<p>According to the Botanical Sensitivity Analysis undertaken by Regalis Environmental Services cc ("RES") during March 2019 an area with a minimum size of 5.5ha must be retained as open space and managed for conservation due to the sensitivity of the vegetation. Notwithstanding the fact that the Terrestrial Biodiversity and Plant Species Impact Assessment compiled by Confluent found that the conservation identified by RES has a HIGH Site Ecological Importance Sensitivity, the specialist indicates this area no longer forms part of the scope of the assessment due to the fact that the area was subdivided (now Erf 5574) from the previously considered site.</p> <p>However, it is unclear what the intention is for Erf 5574 as it is understood that the property is still owned by Seebou Wonings (Pty) Ltd. Furthermore, according to the Mossel Bay Municipality's GIS Viewer Erf 5574 has not been assigned a zoning, which compounds the uncertainty.</p> <p>In light of the above and the findings of the specialists, consideration must be given to Erf 5574 being used as open space for the residential development of Re/2841.</p> <p>Furthermore, this Directorate is of the opinion that Erf 5574 and the conservation thereof must be considered in this application for environmental authorisation. In this regard, it is</p>	<p>Kindly refer to the response in the above row pertaining to Erf 5574 being excluded from the development area and subsequently the development application.</p> <p>Notwithstanding the Municipality's GIS system that appears to not reflect the Agriculture 1 zoning of Erf 5574, the consolidation and subdivision approval confirms both properties to have retained their Agriculture 1 zoning despite the re-subdivision process.</p> <p>The Applicant maintains that Erf 5574 is not part of the development application for consideration in this manner. Apart from the link services along the services servitude along the southern boundary of Erf 5574, this property retains its Agriculture 1 zoning and land use rights. As explained, there are various other means of which the DEADP can inform a land use which it may deem as more appropriate, whether it be through the EMF, CBA/ESA designations, or ultimately with no such change in designated land use, by means of any site specific future land use change application for Erf 5574. RE/2841 retains more</p>

<p>recommended that an Open Space Zone III zoning in terms of the Furthermore, consideration must be given to the management of the open space on Re/2841 for a conservation purpose. It is recommended that CapeNature be approached regarding the possibility of some form of stewardship agreement to conserve the sensitive vegetation on Erf 5574.</p> <p>According to Figure 10 of the Terrestrial Biodiversity and Plant Species Impact Assessment compiled by Confluent the piece of Re/2841 east of Souwesia Avenue has also been mapped as having a High Site Ecological Importance. According to the proposed Site Development Plan (Drawing No: 2841 GBR 1.7; Date: 22 August 2024) drafted by Formaplan Town and Regional Planners it is proposed to development two dwelling units, a utility erf and associated infrastructure on the piece of land. With due consideration of the findings of the specialist assessment, an alternative which excludes this area should be considered in the BAR.</p>	<p>than 50% of its total site area as private open space which must be managed and maintained by the Applicant, HOA/Managing Agent in terms of potential approvals.</p> <p>There is nothing to prevent CapeNature from enter into negotiations with the owner of Erf 5574 for some form of a stewardship agreement, especially in light of the findings from the different specialists that provide detailed information about the ecological status of the site. It is likely however that such negotiations will need to be undertaken within the framework of the Municipal EMF, CBA/ESA designations as well as the WCBSP. Such negotiations need not be enforced through the development application of RE/2841 irrespective of current ownership details being the same.</p> <p>The amount of units located east of Souwesia Avenue were reduced from two (2) to only one (1) as well as the removal of the Utility Erf in order to avoid Highly Sensitive Vegetation identified by the botanical specialists.</p> <p>The botanist concurs that this mitigation measure is an improvement on having 2 erven and a utility erf, but not necessarily better with no development on the property for risks associated with vacant land within urban areas, illegal dumping, reduced alien vegetation management and illegal land invasion that becomes a reality with such a small land parcel that will be separated from the general housing development by Sowesia Avenue. Realistically, the HOA/Managing Agent is less likely to ensure continued and long-term management of such an isolated land parcel compared to the open space that forms part of the residential development node. The possible result is that the current biodiversity sensitivity may in actual fact deteriorate. However with having eyes on the property through at least one erf, this is less likely to be the case.</p>
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The preferred alternative is therefore for one erf on this land parcel although Alternative 3 does consider no development on this land parcel, but not as a preferred alternative.



Alternative 1 (preferred) with one (1) residential unit located east of Souwesia Avenue - **Image on the left**. Alternative 2 (not preferred) with two (2) residential erven and one (1) Utility Erf located east of Souwesia Avenue - Image on the right (FormaPlan, 2024).

This Directorate notes the recommendations of RES in respect of the management of vegetation on Erf 5574. In this regard, it must be demonstrated how the status of the conservation worthy areas can be promoted, inter alia the entire conservation area must be burnt prior to any development taking place. Furthermore, the RES report indicates that the sensitive dune slope area will have to be burnt periodically to retain the biodiversity of the local fynbos vegetation. However, it is unclear whether the recommendations will be implemented and what the impact on the vegetation will be in the event where the fire is excluded

The remaining intact natural vegetation on the study site (Remainder Erf 2841) is predominantly covered by thicket, with pioneering fynbos occurring only in small, fragmented patches within the cleared area. This type of thicket, dominated by species like Milkwood and Cheesewood, is not fire-prone, and regenerates primarily through vegetative growth. The recommendation to burn the entire conservation area, including areas of thicket, would therefore be inappropriate and potentially harmful to the thicket's ecological integrity. While fire is crucial for fynbos regeneration, particularly for pioneering fynbos, its use in thicket areas would likely damage these sensitive vegetation zones.

The recommendation to burn the entire conservation area made by Regalis Environmental Services CC in 2019, was aimed at the conservation area outlined on which is now known as Erf 5574 because of patch of intact fynbos

<p>from the vegetation as this has not been addressed by the current biodiversity specialist.</p> <p>Furthermore, it must be determined whether fire will and / or can be used as a management measure during the operational phase of the development. This must be informed by input from the Southern Cape Fire Protection Agency and the local Fire Chief.</p>	<p>found on the eastern portion of the site (note that at the time of the 2019 study by Vlok the majority of the eastern portion of the property, was completely covered in dense Myrtle that obstructed and prohibited proper analysis of this area. Whereas the new specialist studies from 2024 that was used to inform this development application, had the benefit of evaluating the site and vegetation after the Myrtle had been removed from the area. The level of confidence and assurance of what (vegetation) and ecological sensitivity applies to these areas (both east and west) are therefore significantly higher and much more accurate compared to the 2019 specialist findings.</p> <p>Other than the substantial effort by the Applicant to clear the Myrtle (to allow better evaluation/assessment of the area, as well as to be able to conduct a thorough protected tree survey) the properties have not been burnt and given the presence of mostly thicket which is not a fire-prone ecosystem, and the location of these sites within an urban environment, it is highly unlikely that burning of the two sites would be deemed reasonable or feasible.</p> <p>The historical absence of fire in this area (most likely due to urban expansion / lack of ecological burning) has caused the displacement of fynbos that may have occurred here, with thicket. Attempting to turn this around (from thicket which is Endangered) to Fynbos through re-establishing fire regimes is unrealistic given the sites condition and urban context.</p> <p>Vlok (2019) make reference to burning of the highly sensitive which is now referred to as Erf 5574. This property does not form part of this application for development and potential input relating to fire and burning of this property must be dealt with separately as it no longer forms part of the development application study area for development. Notwithstanding, the thicket vegetation is not fire-prone vegetation as confirmed by Confluent Consulting and burning of either property, within the urban context as a non-fire-driven system is highly unlikely. The owner of Erf 5574 is still legally obliged however</p>
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	to ensure control of invasive alien vegetation on the property irrespective of the current zoning/land use.
<p>This Directorate notes the ecological corridors envisaged as per Figure 15 of the DBAR. In this regard it is understood that fencing will be designed in accordance with the CapeNature Policy document on Fencing and Enclosures of Game, Predators and Dangerous Animals in the Western Cape (installations methods, maintenance methods, etc.). However, the DBAR recommends that fencing should be black Thru-View without electrical security on top and a maximum height of 2m.</p> <p>Notwithstanding the fact that the proposed fencing design may impede faunal movement, it has not been clarified whether the proposed fencing will be placed along the development boundary (i.e. boundary of current Re/2841) or whether the fence will be located tight around the development footprint (i.e. outer boundaries of the proposed erven within the development).</p> <p>In light of the above, this Directorate will support fencing which will be restricted to the perimeter of the development footprint in order to minimise the impact on faunal movement as a result of the proposed development. Therefore, you are strongly advised to consider alternatives for the fence location and / or design in the BAR.</p>	<p>The preferred alternative allows for new security fencing tightly around the housing node only as typical ClearVu fencing to avoid further fragmentation of the thicket as per the Department's recommendation.</p> <p>Existing fencing along the railway line and R102 (similar to farm fence wire strands type fence) must remain for safety (of the R102 traffic as well as the railway line operations) and will continue to act as a barrier to potential unlawful access or land invasion.</p>
This Directorate understands that the proposal is supported from a visual impact perspective as it is unlikely to result in a significant loss of landscape or visual resources should the proposed mitigation measures be implemented. Furthermore,	The appointment of a suitably qualified landscape architect to generate a detailed landscaping plan prior to implementation of construction have been included in the Basic Assessment Report and Environmental Management

<p>the Visual Impact Assessment (“VIA”) recommends that the proposed mitigation measures should be a condition of the authorisation. In this regard, one of the measures to minimise the visual impact of the proposed development is the compilation of a detailed landscaping plan prior to construction.</p> <p>However, this has not been addressed in the DBAR and / or the Environmental Management Programme.</p> <p>In light of the above, you are required to appoint a suitably qualified landscape architect to compile a detailed landscape plan for inclusion in the BAR. The lack of such information may prejudice the success of the application.</p>	<p>Programme that must be built around the stipulates already contained in the BAR:</p> <ul style="list-style-type: none"> • Retaining and maintaining existing climax trees and review of final design such that the encroachment onto the trees will not impact the tree growth. • Internal landscaping such that further trees can be incorporated into the design to soften the visual intrusion of the structures and enhance the R102 road and Fynbos road gateway views. • Design specific requirements and planning for construction phase such that the landscaping requirements are suitably incorporated and managed with clear identification of No-Go zones around the significant vegetation areas to be retained. • The specific No-go structure development areas to be planted with indigenous trees and shrubs such that there is visual screening from the R102 and road users (10m from boundary for R102, 5m from boundary for Fynbos Road). While these areas can be incorporated in the erven, the management and plantings of these areas should be incorporated in the Home Owners Association as not suitable for structural development and for planting of screening trees and general landscaping. <p>Additional mitigation measures identified by the Visual Impact Assessment as well as the Terrestrial Biodiversity & Botanical Impact Assessment applicable to a future Landscaping Plan to be compiled prior to construction include:</p> <ul style="list-style-type: none"> • Establishment of low hedges from indigenous shrubs such as <i>Carissa bispinosa</i>, Milkwoods (<i>Sideroxylon inerme</i>), Wild Rosemary (<i>Eriocephalus africanus</i>), Bietou (<i>Osteospermum moniliferum</i>), and Dune guarri (<i>Euclea racemosa</i>) to reduce visual intrusion of the security fencing, and along the Fynbos/R102 road areas.
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	<ul style="list-style-type: none"> • Rehabilitation of thicket species to be prioritised above gardening. Lawns must be limited to erven. • Landowners are responsible to maintain their gardens, so that plants do not overgrow. No garden waste may be dumped in any remaining natural area and must be disposed of in a responsible manner. • Fertilisers and pesticides must be avoided, and when used it must be done with caution and may not become routine practice. • Owners/Tenants bordering onto the open space areas may NOT extend any formal landscaping (gardening), or structures (i.e. children's play areas) beyond their property boundaries into these open space areas. It is the responsibility of the Holder/HoA/Managing Agent to conduct regular inspections along these interfaces / contact areas with the No-Go open space areas to ensure that no form of 'creeping' is permitted or entertained; • No invasive alien plant species may be used for any gardening landscaping purposes. All listed alien plant species must be removed from the property and may not be reintroduced through rehabilitation or landscaping. <p>Given the reasonable detail, inclusive of plant species provided, alongside the recommendation of the specific areas i.e. visual corridor, where such work must be done to landscaping/rehabilitation, it is believed sufficient for a detailed landscape plan to be drafted prior to construction commencing. As is typical with residential developments, the landscape plan will be submitted to the ECO for review and comment to make sure that it adheres to the principles already stipulated in the BAR and EMP. For this reason, it is believed that not having a detailed landscape plan contained in the FBAR, cannot reasonably prejudice the outcome of this application as sufficient information is provided for the DEADP to make an informed decision considering that is already detailed around landscaping provision.</p>
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<p>This Directorate notes the correspondence from the Mossel Bay Municipality to Mr. Cobus Louw dated 19 August 2021 regarding the bulk water and sewage infrastructure. In this regard, you are required to obtain updated correspondence from the Mossel Bay Municipality regarding the services with specific reference that there is adequate potable water availability at the relevant Water Treatment Works and sufficient treatment capacity at the relevant Wastewater Treatment Works.</p>	<p>Mossel Bay Municipality confirmed bulk services availability (water, electricity, sewerage and solid waste removal) for the proposed development (Appendix E16 of the Final Basic Assessment Report).</p>
<p>Please be informed that the Mossel Bay Municipality has compiled an Environmental Management Framework ("EMF") for the municipal area, which is available on the municipal webpage. According to the EMF the development site including Erf 5574 has been mapped as Controlled Environmental Management Zone ("EMZ") / Spatial Planning Category ("SPC"). As such you are required to demonstrate how the proposed development aligns with the objectives of the EMF for the specific EMZ / SPC.</p>	<p>According to the Mossel Bay Spatial Development Framework of 2021, Spatial Planning Categories (SPCs) are not development proposals and do not confer development rights. SPCs are rather considered tools through which the SDF clarifies the inherent land use suitability of different landscapes. According to the Mossel Bay SDF SPCs Map, the Remainder of Erf 2841 and Erf 5574 is mapped for Urban Development.</p> <p>Notwithstanding, please refer to our response with regards to Erf 5574 being excluded from this development application. The fact that the EMF already designates Erf 5574 as a EMZ/SPC is indicative of the site sensitivity of this property as have been confirmed through the 2019 as well as the 2024 specialist studies outcomes. This more than anything acknowledges the importance of not providing for development on Erf 5574 as part of this development application. Although this office cannot speak to why the Municipal GIS system does not indicate a specific zoning for Erf 5574 as yet (although the consolidation/subdivision of the properties did not change the Agriculture 1 zoning/land use), when considered that Erf 5574 is reflected as EMZ/SPC, it may be the intention of the Municipality to reflect such in their SDF more accurately with future revisions.</p>

	Irrespective, the development proposal for RE/2841 makes provision for uninterrupted minor ecological corridors between RE/2841 and Erf 5574.
Western Cape Department of Agriculture: Landuse Management via Email on DBAR	
COMMENTS	RESPONSE
From an agricultural perspective the Western Cape Department of Agriculture has no objection.	Noted.
Heritage Western Cape via Email on DBAR	
COMMENTS	RESPONSE
Please note that our previous comment still stands, no further action on is required from heritage.	Noted.
Mossel Bay Municipality: Spatial Planning via Email on DBAR	
COMMENTS	RESPONSE
The subject property is located within the Mossel Bay Urban Edge. The property is earmarked for Urban Expansion for medium density residential development. From a spatial planning perspective the proposal is supported.	Noted.
Mossel Bay Municipality: Environmental Directorate	
COMMENTS	RESPONSE
The subject properties are excluded from the Regulated OSCA area for Mossel Bay (Tergniet).	Noted.

Transnet Via Email on DBAR	
COMMENTS	RESPONSE
<p>The proposed residential development is directly adjacent to the rail reserve (Ptn 3 of Farm No. 136 – OMX0138E) located between Grootbrak Rivier and Tergniet stations on the Oudtshoorn-Mossel Bay section. Based on the information provided, the development appears to be wholly within the adjacent property and does not seem to have any bearing on Transnet land.</p> <p>However we would like to advise the developers that encroachments onto Transnet land will not be allowed and any infrastructure that crosses the rail reserve will need to be approved by Transnet.</p> <p>Application in this regard can be made to Depot Engineer – Transnet Freight Rail Infrastructure Port Elizabeth.</p>	<p>Noted.</p>