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# PROPOSED NEW RETREAT, PORTION 11 OF FARM 1674 AT BOSCHENDAL: PUBLIC PARTICIPATION PLAN

11/16/2021

Revised v 2: Proposed Public Participation Plan as Part of the Basic Assessment Process for the Proposed Development of a “New Retreat” and Associated MMP on a portion of Portion 11 of Farm 1674, Paarl, and Associated Infrastructure (NOI Ref: 16/3/3/6/7/1/B4/12/1086/20)

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## Contents

<b>1. INTRODUCTION.....</b>	<b>2</b>
<b>2. ASSUMPTIONS AND LIMITATIONS.....</b>	<b>3</b>
<b>3. PROPOSED PRE-APPLICATION PUBLIC PARTICIPATION ACTIVITIES.....</b>	<b>4</b>
3.1 Identification of I&APs.....	4
3.2 Public Review of Pre-Application Draft Basic Assessment Report .....	4
<b>4 PROPOSED POST-APPLICATION PUBLIC PARTICIPATION ACTIVITIES .....</b>	<b>5</b>
4.1 Public Review of Post-Application Draft Basic Assessment Report.....	5
4.2 Notification of DEA&DP Decision .....	7
<b>5 CONCLUSION .....</b>	<b>7</b>
<b>APPENDICES .....</b>	<b>8</b>
<b>APPENDIX A: PRELIMINARY I&amp;AP DATABASE.....</b>	<b>8</b>

## Appendices

<b>Appendix A</b>	Preliminary I&AP Database
<b>Appendix B</b>	Gantt Chart for Preliminary Programming of the Basic Assessment Process

## Acronyms and Abbreviations

<b>BAR</b>	Basic Assessment Report
<b>BID</b>	Background Information Document
<b>DBAR</b>	Draft Basic Assessment Report
<b>DEA&amp;DP</b>	Department of Environmental Affairs and Development Planning
<b>DHSWS</b>	Department of Human Settlements, Water and Sanitation
<b>EA</b>	Environmental Authorisation
<b>EAP</b>	Environmental Assessment Practitioner
<b>EIA</b>	Environmental Impact Assessment
<b>FBAR</b>	Final Basic Assessment Report
<b>HWC</b>	Heritage Western Cape
<b>I&amp;AP</b>	Interested and Affected Party
<b>NOI</b>	Notification of Intent
<b>NEMA</b>	National Environmental Management Act (No. 107 of 1998), as amended
<b>NHRA</b>	National Heritage Resources Act (No. 25 of 1999)
<b>NWA</b>	National Water Act (No. 36 of 1998), as amended
<b>PPP</b>	Public Participation Process

## List of Tables

Table 1 Summary of Proposed PPP Plan relative to Statutory Requirements .....	7
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# Proposed New Retreat, Portion 11 of Farm 1674 at Boschendal: Public Participation Plan

**REVISED V 2: PROPOSED PUBLIC PARTICIPATION PLAN AS PART OF THE BASIC ASSESSMENT PROCESS FOR THE PROPOSED DEVELOPMENT OF A “NEW RETREAT” AND ASSOCIATED MMP ON A PORTION OF PORTION 11 OF FARM 1674, PAARL, AND ASSOCIATED INFRASTRUCTURE (NOI REF: 16/3/3/6/7/1/B4/12/1086/20)**

## 1. INTRODUCTION

The Applicant proposes to convert existing derelict worker cottages into tourist accommodation and tourist facilities for the establishment of a Retreat for the Bertha Foundation on a portion of Portion 11 of Farm 1674 on the Boschendal Estate. The Department of Environmental Affairs and Development Planning (DEA&DP) has confirmed that Environmental Authorisation through a Basic Assessment process is required for the proposed development. The following Listed Activities of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended) may be relevant (noting that final applicability will be confirmed in the Application Form):

- Activities 19, 12 and 48 of Listing Notice 1; and
- Activities 6, 12, and 17 of Listing Notice 3.

The DEA&DP acknowledged receipt of the Notification of Intent (NOI) submitted by Chand in their letter dated 3 June 2020 and referenced 16/3/3/6/7/1/B4/12/1086/20.

The DEA&DP’s latest State of Disaster-related Circular dated 30 September 2020 (No. 0024/2020) still requires that a Public Participation Plan be submitted to the DEA&DP prior to the commencement of any public participation in order to ensure that reasonable notice is given to potential interested and affected parties (I&APs).

The Department of Environment, Forestry and Fisheries (DEFF) published revised EIA Directions for conducting EIAs and other permitting processes under the National State of Disaster and association lockdown conditions (i.e. the “revised EIA Directions”) on 5 June 2020, but the period in which they were effective has passed and no directions are currently in place. Therefore, no extensions under these directions are contemplated in this report and no extensions would be applied to post-application timeframes.

Relevant to this Basic Assessment process, there is also a Standard Operating Procedure (SOP), dated December 2015, between DEA&DP and Heritage Western Cape (HWC) which also advises on the process to be followed, with a lot of guidance on the PPP, for applications that trigger Section 38 (1) of the National Heritage Resources Act (No. 25 of 1999) (NHRA). It should be noted that the Department of Water and Sanitation (DWS) has confirmed that the proposed development can be authorised under a General Authorisation, therefore the One Environmental System would not apply as a Water Use License is not necessary. Note that a General Authorisation does not require a public participation process.

This PPP Plan is, therefore submitted to the DEA&DP in terms of the abovementioned Circular and SOP for feedback and advice.

On a general note, the municipality within which the proposed development is located has a Gini coefficient of 0.62<sup>1</sup>, which indicates a large degree of income inequality and, therefore, access to resources and information. The local nearby communities of Pniel, Kylemore, and Lanquedoc are relatively small communities with an estimated 497 households in Pniel<sup>2</sup>, 944 households in Kylemore<sup>3</sup> and 946 households in Lanquedoc<sup>4</sup> (as per the 2011 census, so numbers would likely be somewhat higher today). Most residents in the nearby local communities do not have access to the internet, but the large majority (averaging about 89%) has access to cellphones. Given that this data is from the 2011 census, there may be an improvement in the access to internet since then, but it is still important to make use of community structures to accommodate those potential I&APs who may not. All State Departments, registered heritage conservation bodies, and community leadership do, however, have access to the internet and are also able to receive emails and documents for download.

By way of an update, the application has now been submitted and the post-application Draft Basic Assessment Report (BAR) will be published for public review following the receipt of an application reference number from the DEA&DP. In terms of the programming of the Basic Assessment process, a draft Gantt chart is included in **Appendix B**.

This public participation plan has furthermore been updated to include the additional scope of the proposed interim (temporary) potable water supply pipeline and the final (long-term solution) pipeline to Lanquedoc.

## 2. ASSUMPTIONS AND LIMITATIONS

This report has been compiled with the following assumptions and limitations:

- This PPP Plan has been devised at the beginning of the Basic Assessment process and, although certain issues and I&APs can be predicted, others will emerge through the process which may necessitate departure from this PPP Plan. Those departures would, however, be discussed with the DEA&DP prior to implementation and would relate to additional activities beyond those required in terms of Regulation 41 of the EIA Regulations, 2014 (as amended).
- Additional meetings/engagement with certain I&APs or groups thereof may be required, however this would come to light through the process. Should any meetings be necessary, these would be done via video conference for as long as lockdown persists, or a site meeting with any authorities where any social distancing requirements applicable at the time would be observed (at the moment, this would entail wearing of face masks, sanitising hands on site with a sanitizer that is 80% alcohol or more and maintaining a physical distance of 1.5m between people, with all attempts to be made to meet outdoors rather than indoors).
- Public comment periods for documents associated with this process have been devised to adhere to the minimum statutory timeframes as contemplated in the EIA Regulations 2014 (as amended) as well as to provide an additional days (where applicable) in order to accommodate the various lockdown scenarios in terms of the COVID-19 State of Disaster. However, it is understood that the revised EIA Directions of 5 June 2020 are no longer in effect and no other directions are currently in place, therefore all post-application timeframes would comply with the minimum statutory commenting periods as contemplated in the EIA Regulations, 2014 (as amended).
- It is assumed that all relevant State Departments, surrounding farm representatives, and Heritage Conservation bodies can receive emails and documents for download.
- It is assumed that community leaders would pass on any relevant information to their constituents, particularly the I&APs/ constituents who may not have access to the internet for download of documents.
- It is assumed postage can occur under all Alert Levels apart from Level 4.
- All notification letters, adverts, and site notices published and distributed as part of this PPP would refer to a “combined PPP in terms of NEMA, the NHRA and the NWA”, as well as making specific reference to the availability of the Heritage Impact Assessment Report, in order to make it clear that there are environmental, heritage and water use aspects incorporated into a single process.

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<sup>1</sup> [https://www.westerncape.gov.za/assets/departments/treasury/Documents/Socio-economicprofiles/2017/wc024\\_stellenbosch\\_2017\\_socio-economic\\_profile\\_sep-lq\\_-\\_22\\_december\\_2017.pdf](https://www.westerncape.gov.za/assets/departments/treasury/Documents/Socio-economicprofiles/2017/wc024_stellenbosch_2017_socio-economic_profile_sep-lq_-_22_december_2017.pdf)

<sup>2</sup> [http://www.statssa.gov.za/?page\\_id=4286&id=100](http://www.statssa.gov.za/?page_id=4286&id=100)

<sup>3</sup> [http://www.statssa.gov.za/?page\\_id=4286&id=110](http://www.statssa.gov.za/?page_id=4286&id=110)

<sup>4</sup> [http://www.statssa.gov.za/?page\\_id=4286&id=102](http://www.statssa.gov.za/?page_id=4286&id=102)

- Where posting of notifications/documentation is mentioned, this refers only to regular mail and **not registered mail**. Chand does not believe it is prudent to force I&APs to queue in a post office to collect a letter during a global pandemic.

### 3. PROPOSED PRE-APPLICATION PUBLIC PARTICIPATION ACTIVITIES

#### 3.1 Identification of I&APs

A preliminary database of I&APs has been compiled and included in **Appendix A**. Chand has conducted research in the area and has also used the I&AP database for the recent Agterdam development (Environmental Authorisation was granted in March 2020, so it is a recent database) as a base because the Agterdam development is similar to the proposed development in that it is also a redevelopment of existing structures to tourist accommodation on Boschendal Estate. As a result, the following parties as required in Regulation 41 (2) (b) of the EIA Regulations, 2014 (as amended) are included in the preliminary I&AP database:

- Owners and Occupiers of the site where the activity is to be undertaken (noting that the Applicant is the landowner and that there are no occupiers of the site);
- Owners and Occupiers of the land adjacent to the site where the activity is to be undertaken. This includes Boschendal (Pty) Ltd, Applemint Properties 99 (Pty) Ltd (there is a physical and postal address), and Transnet SOC Ltd (there is a postal and email address);
- The Municipal Ward Councillor and Sub-Council Manager (the latest contact information has been obtained from the Agterdam Basic Assessment I&AP database, the Ward Councillor would also serve as the point of contact with the local community, particularly those who may not have access to internet/documents for download);
- Organs of the State having jurisdiction in respect of any aspect of the activity (these include Stellenbosch Municipality, Department of Human Settlements, Water and Sanitation-DHSWS, HWC, Department of Agriculture, and CapeNature);
- Registered Heritage Conservation Bodies (i.e. Stellenbosch Interest Group, Stellenbosch Heritage Foundation, Stellenbosch Municipality, Pniel Heritage and Cultural Trust, the former York Farm residents who were interviewed by Bertha, Heritage Western Cape, and the Pniel Museum- note the relevant bodies have been included on the advice of the Heritage Practitioner who is conducting the Heritage Impact Assessment);
- Local Ratepayers' Associations (i.e. the Stellenbosch Ratepayers Association);
- Boschendal Worker Forum (in order to ensure farm workers on Boschendal are aware of projects on the farm); and
- Local groups which could facilitate community engagement (i.e. Groot Drakenstein Community Policing Forum, Dwars River Valley Community Development Trust, the Community Advice Office, the Pniel Museum) (in order to reach I&APs who may not have access to email, but to also adhere to social distancing requirements to slow the spread of the COVID-19 virus).

During the public review period for the post-application draft BAR, the following local community organisations were identified, and their representatives added to the I&AP database:

- Pniel Community Development Forum; and
- Kylemore Community Development Forum.

Furthermore, the Berg River Irrigation Board has been added to the I&AP database for comment on the MMP (which was requested by the DEA&DP in their comment on the pre-application BAR). The I&AP database would be updated as comments are received from I&APs during the Basic Assessment process.

#### 3.2 Public Review of Pre-Application Draft Basic Assessment Report

Notification of the Pre-Application Draft BAR, with a cover letter which also clearly states that the Heritage Impact Assessment (HIA) Report is included in the DBAR, would be distributed to the preliminary I&AP database via email to those I&APs who have email addresses (this includes state departments, as well as the DEA&DP) and via post (note, regular post, **not** registered post) to those who do not have email addresses. The report itself would be made available for download from Chand's website. No hardcopies would be delivered to I&APs, as the documentation would be available for download. Exceptions would be if state Departments (or I&APs with reasonable requests) specifically request hardcopies.

There would also be a detailed executive summary, which would contain sufficient information for I&APs to achieve a fair idea of the project for commenting purposes, without needing to review the entire BAR. This would be devised in order to allow for I&APs with minimal data to access the information. The executive summary will also be available on Chand's website for download.

Hard copies of the DBAR would be left at the Pniel Museum, as well as the Pniel and Stellenbosch Public Libraries. The Pniel Museum and Pniel Public Library are both located within the affected community and, to improve commenting opportunity for those I&APs who do not have access to the internet, hardcopies of the executive summary, comment sheets and a comment box will be left at these locations. I&APs would be able to take an executive summary and would be able to deposit their written comment in the comment box. The comment boxes would be collected from the Pniel Museum and the Pniel Public Library at the end of the comment period and comments and registrations would be captured as part of the Basic Assessment process.

Notices of the project and availability of information for review would also be distributed/ put up at key public places in the community such as clinics and shops. These notices would encourage I&APs to visit the Pniel Museum and Pniel Public Library to collect an executive summary and deposit a comment in the comment box.

The suggested comment period for the BAR would be **35 days** (i.e. the typical legislated comment period with an additional 5 days to accommodate lockdown).

Registrations resulting from the DBAR distribution would be added to the I&AP Database and comments from the DBAR distribution would be included in an updated Comments and Response Report and updated DBAR.

This step is particularly important in terms of the SOP between HWC and DEA&DP, such that it would allow for registered heritage conservation bodies to provide their comments during the pre-application PPP and therefore, HWC would be able to review those comments and the responses thereto during the post-application DBAR public review period.

## 4 PROPOSED POST-APPLICATION PUBLIC PARTICIPATION ACTIVITIES

The BAR would be updated following the pre-application PPP and all specialist and project team inputs. Then the application form would be completed and submitted (and application fee paid) to the DEA&DP. It is anticipated that the formal application for a WUL (if required) would be made to the DHSWS at the same time.

### 4.1 Public Review of Post-Application Draft Basic Assessment Report

Notification of the Post-Application DBAR would be distributed to the preliminary I&AP database via email to the I&APs which have email addresses (this includes state departments, as well as the DEA&DP) and via standard post (i.e. **not** registered post) to those who do not. No hardcopies would be delivered to I&APs, as the documentation would be available for download, unless specifically requested by a state department (or reasonable request made by I&APs). Hard copies of the post-application DBAR would, however, be left at the Pniel Museum, as well as the Pniel and Stellenbosch Public Libraries, or a combination thereof, whatever is most accessible and permitted under lockdown.



A comprehensive executive summary would also be provided for download (to provide those I&APs with limited data access to still achieve a fair idea of the project for comment) and would be left at the Pniel Museum and Pniel Public Library for I&APs to take home. In addition, comment sheets and a comment box will be left at these locations. I&APs would be able to take an executive summary and would be able to deposit their written comment in the comment box. The comment boxes would be collected from the Pniel Museum and the Pniel Public Library at the end of the comment period and comments (as well as any new I&AP registrations) would be captured as part of the Basic Assessment process.

The report itself as well as the comprehensive executive summary would be made available for download from Chand's website (noting that the executive summary would have a separate link). Notification of the availability of the Post-Application DBAR would also be done through the following:

- Distribution of a notification letter to the preliminary I&AP database (which includes parties required in terms of Regulation 41 (2) (b) of the EIA Regulations, 2014 (as amended)) via email to those who have email addresses and standard post to those who only have postal addresses;
- Placement of one notice board on the site where the proposed activities are to be undertaken on the site boundary, as well as a second notice board at the main entrance to the farm, facing Helshoogte Road, with further site notices also being placed at the approximate mid-points and end-points of the proposed potable water pipeline routes (noting that contents and size would adhere to requirements of Regulations 41 (3) and (4) of the EIA Regulations, 2014 (as amended));
- Written notification via a mail-out, email and knock-and-drop exercise to occupiers/owners adjacent to the boundary of the site (noting that the Applicant is the landowner and there are no occupiers of the site);
- Compilation and placement of one advertisement (in English) in the Eikestad Nuus (which is a local newspaper) and the Cape Times (which is a regional newspaper) (noting that contents would adhere to requirements of Regulation 41 (3) of the EIA Regulations, 2014 (as amended)); and
- Notices of the project and availability of information for review would also be distributed/ put up at key public places in the community such as clinics and shops. These notices would encourage I&APs to visit the Pniel Museum and Pniel Public Library to collect an executive summary and deposit a comment in the comment box

The above means of notification (as well as notification of the decision described in section 4.2) would provide for adherence to Regulation 41 of the EIA Regulations 2014 (as amended). The above documentation would also refer to a "combined PPP in terms of NEMA and the NHRA", as well as making specific reference to the availability of the Heritage Impact Assessment Report. Given the change in scope through addition of the proposed potable water lines to service the site, it is suggested that additional site notices be published at four strategic points along the routes.

The permanent pipeline route to Lanquedoc is within the road and road reserve and the Stellenbosch Municipality has required this as one of the conditions of approval in the town planning process. They are also then, by virtue of it being their requirement, aware of it as the "landowner" given that roadways and road reserves are within their mandate. There are no homes along the route and so it is believed that the additional site notices would be an adequate form of notification, along with the remaining initially planned notification such as newspaper adverts, notification letters and report distribution.

The suggested comment period for the BAR would be 30 days (i.e. the typical legislated comment period).

If possible, the post-application DBAR would be submitted to HWC before other I&APs in order to afford HWC more time to review. If this can be achieved, it would likely occur at the time the Application Form is submitted to the DEA&DP, but this cannot be guaranteed at this stage.

Registrations resulting from the Post-Application DBAR distribution would be added to the I&AP Database and comments from the Post-Application DBAR distribution would be included in an updated Comments and Response Report and Final Basic Assessment Report (FBAR) for submission to the DEA&DP.

Should the Post-Application DBAR require substantive amendments as per S19(1)(b) of the EIA Regulations, 2014 (as amended), the update DBAR would be distributed to the Registered I&APs for a further 30 days (as per EIA Regulations, 2014, as amended). It is not anticipated that this would be likely, given the extensive public review proposed for the BAR.

## 4.2 Notification of DEA&DP Decision

Once the DEA&DP has reviewed the FBAR and issued their decision, the decision, date, reasons for decision, means to access the decision, and an explanation regarding the way the decision may be appealed, as well as any further requirements stipulated therein would be distributed to the I&AP database via email for those who have email addresses and post for those who have only postal addresses. It would also be uploaded onto Chand's website so it would be accessible for download. The applicable appeal period would be explained in accordance with that included in the decision.

## 5 CONCLUSION

The proposed PPP is summarized in Table 1 and indicates which activities would meet minimum statutory requirement in terms of Regulation 41 of the EIA Regulations, 2014 (as amended) and those which are additional.

TABLE 1 SUMMARY OF PROPOSED PPP PLAN RELATIVE TO STATUTORY REQUIREMENTS

PPP: Task/Activity	Regulatory Requirements	Additional
<b>Compilation of Preliminary I&amp;AP Database</b>	X <sup>5</sup>	
<b>Public Review of Pre-Application DBAR (30 + 5 days)- report and executive summary on Chand's website and via email to the I&amp;APs which have email addresses and via post to those who do not. Leave hardcopies of the report at Pniel Museum, as well as the Pniel and Stellenbosch Public Libraries, or a combination thereof. Executive summaries, comment sheets and comment box for deposit of written comments to be left at Pniel Museum and Pniel Public Library.</b>		X <sup>6</sup>
<b>Public Review of Post-Application DBAR (30 days)- report on Chand's website and via email to the I&amp;APs which have email addresses and via post to those who do not, site notice at site boundary, newspaper advert (local), hardcopies only delivered to state departments if requested, Where possible and allowable under lockdown, leave hardcopies of the report at Pniel Museum, as well as the Pniel and Stellenbosch Public Libraries, or a combination thereof. Executive summaries, comment sheets and comment box for deposit of written comments to be left at Pniel Museum and Pniel Public Library.</b>	X	
<b>As part of the public review above, an additional regional newspaper advert would be placed, and an additional site notice would be put up at the farm entrance along Helshoogte Road, mid-points and endpoints of the two proposed potable water line routes</b>		X
<b>Notification of Decision to Registered I&amp;APs via email, and post to those who do not have email addresses, decision would be uploaded to Chand's website</b>	X	

<sup>5</sup> in so far as necessary parties would be on there

<sup>6</sup> Although not a formal requirement in terms of Regulation 41 of the EIA Regulations, this is recommended in terms of the SOP between HWC and DEA&DP, December 2015.

## APPENDICES

### APPENDIX A: PRELIMINARY I&AP DATABASE