

NOTIFICATION OF THE PUBLIC PARTICIPATION PROCESS (PPP) AND AVAILABILITY OF A PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (BAR), INCLUDING THE DRAFT HERITAGE IMPACT ASSESSMENT REPORT, AND EXECUTIVE SUMMARY FOR PUBLIC REVIEW AND COMMENT AS PART OF THE BASIC ASSESSMENT PROCESS FOR THE PROPOSED DEVELOPMENT OF A "NEW RETREAT" AND ASSOCIATE MAINTENANCE MANAGEMENT PLAN ON A PORTION OF PORTION 11 OF FARM 1674, PAARL, AND ASSOCIATED INFRASTRUCTURE

**DEA&DP PRE-APPLICATION REFERENCE NUMBER: 16/3/3/6/7/1/B4/12/1086/20
DEA&DP APPLICATION REFERENCE NUMBER: 16/3/3/1/B4/12/1068/21**

COMMENTS FROM PRE-APPLICATION DBAR;				
No.	Name:	Comment:	Respondent:	Response:
1.	Alana Duffell-Canham Cape Nature 10 November 2020	<p>Dear Ms Penwarden</p> <p>RE: Proposed development of new retreat on portion of portion 11 of Farm 1674, Boschendal – Pre-application Draft Basic Assessment Report. DEA Ref: 16/3/3/1/B4/45/1064/19</p> <p>CapeNature would like to thank you for the opportunity to comment on the Pre-application Draft Basic Assessment Report (DBAR) and wish to make the following comments:</p> <ol style="list-style-type: none"> 1. According to the South African Vegetation Map, the proposed development site is in an area which historically supported Swartland Alluvium Fynbos, which is listed as an Endangered vegetation type (NBA, 2018). However, the general area has been largely transformed and degraded due agriculture and related activities and very little natural vegetation is remaining. 2. Therefore, the main concern from a biodiversity perspective is linked to the watercourse (Stream 10) and the wetlands on the site. We are pleased to note that a detailed freshwater specialist study was undertaken as part of this application process. 3. Parts of the study area has been mapped as Ecological Support Area 2 (ESA 2) which are areas that are acknowledged as being degraded or even transformed but which should, where possible be restored. In this instance, the main reason for the determination is related to water course protection. 	CHAND	<p>Agreed. This is confirmed in the study by Mr. Nick Helme, which is appended to the BAR.</p> <p>Agreed.</p> <p>Agreed.</p>

		<p>4. The freshwater specialist has provided detailed mitigation measures for protection of the stream and wetlands on site and CapeNature support these measures. The implementation of the calculated buffer areas is especially important for both the construction and operational phases of the development. We also support the recommendation of allowing water to flow in stream 10 below the diversion channel. Providing all of the mitigation measures are strictly implemented, CapeNature does not object to this application.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p> <p>Yours sincerely</p> <p>Alana Duffell-Canham</p>		<p>The requirements and recommendations from the freshwater report have been included in the EMPr and would be legally binding upon the Applicant. Note that the recommendation from the freshwater report regarding allowing water to flow into stream 10 below the diversion channel has been removed from the updated freshwater report because there are rehabilitation measures included in the proposed development for the current project and the diversion channel is not related to the current project scope. The channel does, however, also feed two dams which are critical to the supply of water to the crops on the farm.</p> <p>Noted.</p>
2.	Stephanie-Anne Barnardt HWC - Heritage Officer 9 November 2020	The draft BAR and HIA will not be reviewed by HWC for an interim comment. HWC can only provide interim comment after the initial PP is complete and comments have been integrate into the final HIA. HWC, therefore, awaits the final HIA in order to provide a comment.		Noted. The post-application draft BAR will be distributed to HWC for comment and this would include comments from Interested and Affected Parties (I&APS), including those registered heritage conservations bodies (noting that, in this regard, comment was received from SIG).
3.	Lilburne Cyster 10 December 2020	<p>At this stage I cannot approve of this development. More discussions around this development should take place between the communities and the owners/developers. The impact it will have on the environment and the communities should be properly discussed. According to me there was no consultation with members of communities.</p> <p>Kind regards Lilburne Cyster</p>		<p>Noted. The pre-application draft BAR was distributed to local communities and this is considered to be consultation with communities.</p> <p>Furthermore, a Focus Group Meeting with key community groups was held on 23 February 2021 to discuss the proposal, Basic Assessment Report (BAR) and this EIA process.</p>

4.	Lilburne Cyster Pniel Community Development Forum 10 December 2020	<p>More discussions around this development should take place. There was no consultation with communities. All communities in the Dwars River Valley have OFFICIAL structures (Community Development Forums) through which discussions on various issues / developments should be addressed. We want you to honour this. Various issues should be extensively addressed, for example the impact of this development on our communities; how we would benefit from this development; the impact this development will have on the environment/nature etc.</p> <p>It is important that future Consultation should include all communities via the official structures, the Community Development Forums. All contact details of these Forums are available from Boschendal.</p> <p>Your cooperation and respect regarding this will be highly appreciated.</p> <p>Your sincerely Lilburne Cyster CHAIRPERSON: PNIEL COMMUNITY DEVELOPMENT FORUM</p>		Refer above, noting that the Pniel Community Development Forum was included in the distribution of the Draft BAR and this does constitute consultation in terms of the EIA Regulations, 2014 (as amended).
5.	Patricia Botha (Chairperson) Stellenbosch Interest Group 10 December 2020	<p>Dear Marielle Penwarden</p> <p>Proposed Development of a New Retreat on a Portion of Portion 11 of Farm 1674, Stellenbosch (Paarl Division) HWC Case number 20032005SB0331E DEA&DP Pre-Application Ref Number 16/3/3/6/7/1/B4/12/1086/20</p> <p>The Stellenbosch Interest Group supports the integrated recommendations as set out in Section 12 of the Heritage Impact Assessment dated 27 August 2020, prepared by Rennie Scurr Adendorff on behalf of Boschendal (Pty) Ltd for the Bertha Foundation.</p> <ul style="list-style-type: none"> • It is recommended that the HIA be endorsed as fulfilling the terms of Section 38(3) of the National Heritage Resources Act (No. 25 of 1999). • The strategy of hybrid redevelopment nodes across the site should be employed, such that the reception/community centre is retained in largely unaltered form, and simply made fit for purpose. Other cottages can then be more freely adapted 		Support of the HIA and recommendations is noted. The requirements of the HIA have been incorporated into the EMP and would be legally binding upon the Applicant.

		<p>without sacrificing the integrity and authenticity of the original settlement.</p> <ul style="list-style-type: none"> • Detailing should be low key to prevent misrepresentation of the significance of form and fabric. HWC should endorse the designs presented in this HIA, namely: - SK 100 (24/07/2020) - SK 102 (14/08/2020) - SK 103 (17/08/2020) - SK 104 (17/08/2020) - SK 105 (17/08/2020). • Landscaping should avoid orthogonal layouts and geometric planting patterns, and reflect the untended, less formal character of this part of the farm. • HWC should endorse the Landscape Concept Plan of August 2020 presented in this HIA (Figure 56), subject to detailed plans being provided for review and endorsement by HWC. • The development team/site foreman should be advised of the type of archaeological materials that could occur on site. • An appropriately experienced archaeologist should conduct a site visit, once during and again after any deep excavation activities on site, prior to backfilling or construction, to identify any evidence for in situ, subsurface LSA material. • Should any significant, in situ material be encountered on site, work in that area must stop immediately, and HWC should be notified so that they can advise of the appropriate way forward; this may include further inspection and mitigation by an archaeologist; and • Should any human burials, or potential burials be encountered, all work should cease in that area, and HWC should be notified immediately to determine the appropriate course of action. <p>Kind regards Patricia Botha (Chairperson)</p>		
6.	<p>Harry Thompson Department of Transport and Public Works WCG 10 December 2020</p>	<p>Good day,</p> <p>This Branch approves in principle the proposed retreat centre on Farm 1674/11, as described in documents accessed from your Company website.</p> <p>Kind regards,</p>		<p>The support from the Department of Transport and Public Works is noted.</p>

		<p>Harry Thompson PrEng</p> <p><i>On behalf of:</i> Chief Engineer: Land Transport</p> <p>Chief Directorate: Road Planning Department of Transport and Public Works WESTERN CAPE GOVERNMENT</p>		
7.	<p>Andrea Thomas Department of Environmental Affairs and Development Planning 14 December 2020</p>	<p>Dear Sir</p> <p>COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT ("DBAR") FOR THE PROPOSED DEVELOPMENT OF A "NEW RETREAT" ON PORTION 11 OF FARM NO 1674, BOSCHENDAL, FRANSCHHOEK</p> <p>1. The electronic copy of the above-mentioned document dated 5 November 2020, refer.</p> <p>2. Please find herewith the Department's comment on the DBAR:</p> <p>2.1. If 100m² or more of the physical footprint of the new structures or infrastructure that will be added to the proposed development components are located within 32m of the watercourse, Activity 12 of Listing notice ("LN") 1 will be triggered. If applicable, it must include the list of activities applied for.</p> <p>2.2. Since water will be supplied by the municipality and electricity will be supplied by Eskom, you are required to provide this office with written confirmation that the relevant authority has sufficient capacity to provide the necessary services to the proposed development. Confirmation of the availability of services from the service providers must be provided together with the final BAR.</p> <p>2.3. Water supply from a borehole or farm dam is proposed as an alternative if municipal confirmation of available water supply capacity to service the proposed development is not received. If required, confirmation of the preferred water supply alternative and proof of adequate</p>		<p>Noted, this has been included in the Application Form.</p> <p>Noted, this has been included in the BAR.</p> <p>Note that water supply from the dam or a borehole will not be required at this stage. Confirmation of water supply from Stellenbosch Municipality is included in the BAR.</p>

		<p>water supply from the alternative source must be provided.</p> <p>2.4. Confirmation from the Department of Water and Sanitation ("DWS") whether a General Authorisation or a Water Use License Application ("WULA") is required, must be obtained. If a WULA is required, proof of submission of the WULA to DWS and the WULA information must be provided in the BAR. In addition, the DWS comment must include input with respect to the use of treated effluent as irrigation water on site.</p> <p>2.5. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended). Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.</p> <p>2.6. In light of the fact that Activity 19 of LN 1 is triggered, it is recommended that a Maintenance Management Plan ("MMP") forms a component of the EMPr. Should this Department agree to the MMP, future maintenance work specified in the MMP would not require an Environmental Authorisation prior to the undertaking of such future maintenance activities. The Department encourages the inclusion of a MMP for applications that involve work within watercourses. Therefore, a MMP for future maintenance work within a watercourse must be compiled and submitted with the final BAR to this Department. Please refer to the attached information document for a Maintenance Management Plan for a Watercourse.</p>	<p>Comment from DWS is now included in the BAR and they have confirmed that a GA is required. Note that the provision of services to the proposed development has been further clarified subsequent to the publication of the pre-application draft BAR. Treated effluent will no longer be used for irrigation and sewage would be pumped directly into the existing municipal line for the preferred alternative. The BAR states that the construction period would be approximately 8 to 12 months. The EMPr also contains information on required audit frequency, however this has been updated to provide a motivation in this regard.</p> <p>An MMP has been incorporated into the operational phase component of the EMPr. This has been informed by the freshwater ecologist who did the freshwater impact assessment.</p> <p>Comment from CapeNature, Heritage Western Cape and Department of Transport and Public Works is included in the post-</p>
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		<p>recommended within the report with respect to this application.</p> <p>2.11. In addition to the above, please ensure that the original signed and dated EAP and specialist declarations are also submitted with the BAR for decision-making.</p> <p>2.12. Please note that omission of any required information in terms of Appendices 1 & 7 of the EIA Regulations, 2014 (as amended) with respect to the final submission to the Department of the BAR and EMPr respectively, may result in the application for Environmental Authorisation being refused.</p> <p>3. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>4. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>5. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.</p> <p>Yours faithfully Andrea Thomas Head of Component</p> <p>Environmental Impact Management Services: Region 1 Department of Environmental and Development Planning</p>		<p>The original signed EAP and specialist declarations will be included in the final BAR.</p> <p>This is noted. All information required in terms of these Appendices to the EIA Regulations, 2014 (as amended) is included in the BAR and EMPr, along with additional information required by the DEA&DP (refer above to the responses to DEA&DP comments).</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
8.	<p>Nelisa Ndobeni Department of Water and Sanitation 15 March 2021</p>	<p>Dear Madam</p> <p>DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF A NEW RETREAT ON A PORTION OF PORTION 11 OF FARM 1674, PAARL</p>		<p>Noted. A Water Use Authorisation application (General Authorisation) has been lodged with the Department.</p> <p>Note however that the use of treated effluent for toilet flushing and on-site containment and</p>

		<p>Reference is made to the above-mentioned document dated 3 November 2021.</p> <p>This Department has perused the document and has the following comments:</p> <ul style="list-style-type: none"> • The proposed activity will trigger the following water uses in terms of <i>Section 21 of the National Water Act, 1998 (Act 36 of 1998) (NWA)</i>: <ul style="list-style-type: none"> c) Impeding or diverting the flow of water in watercourses. e) Engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1). i) Altering the bed, banks, course and characteristics of a water course of the NWA. • Kindly advise your client to apply for Water Use Authorisation from this Department prior to commencing with any activities. • This Department notes that a pre – application water use enquiry meeting has been submitted to the Department via e – wulaas. <p>Please do not hesitate the above office should there be any queries.</p> <p>Yours sincerely Nelisa Ndobeni</p>		<p>infiltration of stormwater, would avoid the need to apply for a Section 21 (e) water use (as confirmed by Snaddon, 2021).</p>
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