

Appendix F

DRAFT COMMENTS AND RESPONSE REPORT #2

Basic Assessment Process for the Proposed Development of a “New Retreat” and Associated Infrastructure and Maintenance Management Plan on a portion of Portion 11 of Farm 1674, Paarl

DEA&DP Pre-app reference: 16/3/3/6/7/1/B4/12/1086/20

DEA&DP App reference: 16/3/3/1/B4/12/1068/21

Heritage Western Cape Case Number: 20032005SB0331E

DWS GA reference: WU17609

November 2021

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Further Annexures will be added to updated versions of this report as the Basic Assessment process progresses, noting that I&AP contact information is obscured in documentation out for public review, but that the full documentation will be provided to DEA&DP with the final BAR.

1. INTRODUCTION

This document is the second draft Comments and Response Report, appended to the post-application draft Basic Assessment Report (BAR), for the proposed development of a “New Retreat” on a portion of Portion 11 of Farm 1674, Paarl. It has been updated following the public review of the pre-application draft BAR. The post-application draft BAR is currently being subjected to a 35-day public review period and, by virtue of being appended to the BAR, this report is also under the 35-day review period. It is aligned with the Revised PPP Plan (refer to **Annexure 2**) approved by the Department of Environmental Affairs and Development Planning (DEA&DP) on 13 October 2020 (refer to **Annexure 3**), noting that a further revision to the PPP Plan has been made and the updated PPP Plan is also included in this appendix. Note that the I&AP database appended to the PPP Plan and submitted to the DEA&DP had contained contact information of I&APs and, to protect the contact information, this has not been made public, but the I&AP database exclusive of the contact information is included in **Annexure 1**. Note that this database has been updated with registrations from the aforementioned public review period.

Comments that were raised during the public review period for the pre-application draft BAR have been addressed in the BAR, and herein. These comments are included in **Annexure 4**.

All comments raised in relation to the post-application draft BAR will be considered, and where appropriate, changes will be incorporated into the final BAR for submission to the competent authority (the DEA&DP) for their final decision-making.

This report describes the process used to identify and notify potential Interested and Affected Parties (I&APs) of the proposal, BAR and associated public review and comment periods.

This report has been updated following the public review period of the pre-application draft BAR and incorporates the following:

- Evidence of distribution of notification letters/ emails of the pre-application Draft BAR to potential I&APs;
- Evidence of notification notice placement including a map of the location of notices for the pre-application draft BAR;
- Evidence of distribution and delivery of hardcopies of the pre-application draft BAR to Pniel Museum and Pniel and Stellenbosch Public Libraries (as well as any other deliveries if requested);
- Evidence of placement of executive summary, comment sheets and comment boxes at the Pniel Museum and Pniel Public Library;
- Evidence of uploading the pre-application draft BAR and Executive Summary to Chand's website for the duration of the public review period;
- Updated I&AP Database (following registration of I&APs);
- Comments received from I&APs on the pre-application draft BAR;
- Responses to the comments received from I&APs on the pre-application draft BAR; and
- Minutes of meetings held with the Department of Water and Sanitation (DWS), the Municipal Ward Councillor, as well as a Focus Group Meeting (FGM) with local community representatives.

Note that, regarding evidence of the above, in certain cases the private contact information of individual I&APs has been obscured to protect said information. Comprehensive evidence, including all contact information, will be made available in the final BAR to DEA&DP and will all form part of the public record.

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Following the current public review period for the post-application draft BAR, this report will be updated as follows, as part of the submission of the final BAR to the DEA&DP for decision-making:

- Evidence of distribution of notification letters/ emails of the post-application Draft BAR to registered I&APs;
- Evidence of placement of site notices, on the site boundary, at the main entrance to the farm, as well as at the approximate mid- and end-points of the proposed potable water line route as per requirements of Regulations 41 (3) and (4) of the EIA Regulations, 2014 (as amended).
- Evidence of the newspaper advertisements placed in the Eikestad Nuus and Cape Times as per the requirements of Regulation 41 (3) of the EIA Regulations, 2014 (as amended);
- Evidence of notification notice placement including a map of the location of notices for the post-application draft BAR;
- Evidence of distribution and delivery of hardcopies of the post-application draft BAR to the Pniel Library and Protea Bookstore (as well as any other deliveries if requested);
- Evidence of placement of executive summary, comment sheets and comment box at the Pniel Public Library;
- Evidence of uploading the post-application draft BAR and Executive Summaries to Chand's website for the duration of the public review period;
- Updated I&AP Database (following any further registration of I&APs);
- Comments received from I&APs on the post-application draft BAR;
- Responses to the comments received from I&APs on the pre-application draft BAR; and
- Minutes of meetings held, if any.

1.1 Potential I&AP Database Compilation and Maintenance

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 and the Ward Councillors of both Pniel and Lanquedoc have been engaged through meetings held on site, the Ward Councillors have also served 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-DWS, Heritage Western Cape-HWC, Department of Agriculture, and CapeNature);
- Registered Heritage Conservation Bodies (i.e., Stellenbosch Interest Group, Stellenbosch Heritage Foundation, Stellenbosch Municipality, Pniel Heritage and

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Cultural Trust, the former York Farm residents who were interviewed by Bertha, HWC, 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 have been identified and their representatives added to the I&AP database:

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

Previous families or relatives thereof who lived on site have also been considered through their connection through Mr. Manuel, the Ward Councillor for Lanquedoc.

The I&AP database has been updated as comments and/or registrations have been received from I&APs during the Basic Assessment process, and this will continue until submission of the final BAR to the DEA&DP.

The registered I&AP database is included in **Annexure 1**. Note that, to protect privacy, the contact information of these parties has not been made publically available. However, the full database, which would contain contact details, will be included in the final submission to the DEA&DP and will become part of the public record.

2. NOTIFICATION METHODOLOGY

2.1 Pre-Application Draft BAR

The following public participation activities have been undertaken in support of the 35-day public review period (i.e., 6 November 2020 to 10 December 2020) of the pre-application draft BAR:

- Notification of project and pre-application draft BAR via email and regular post (to those I&APs who do not have email addresses) to the preliminary I&AP database on 5 November 2020 (refer to **Annexure 5** for a copy of the letter and **Annexure 6** for evidence of the emailing and posting thereof). Note that a separate email was also sent to the DWS (after the EAP was informed that an additional branch over and above the licensing unit also needs to comment) on 23 November 2020 (refer to **Annexure 7**) and a response remains outstanding at the time of writing;
- Uploading of the pre-application draft BAR and executive summaries (in English and Afrikaans) to the Chand website for the duration of the public comment period (i.e., 6 November 2020 to 10 December 2020) (refer to **Annexure 8** for evidence thereof);
- Placement of the pre-application draft BAR at the Pniel Museum, as well as the Pniel and Stellenbosch Public Libraries (refer to **Annexure 9** for evidence of placement through photographs and a delivery note);
- Placement of executive summaries, comment sheets and a comment box at Pniel Museum and Pniel Public Library for I&APs to deposit written comment (refer to **Annexure 10** for evidence). It should be noted that the comment boxes were collected at the end of the comment period, and they were empty (refer to relevant affidavits in this regard included in **Annexure 11**);
- Placement of notices for notification of the project and availability of documentation for review at local public places (refer to Annexure 12(a) for a map showing location of notices, Annexure for the text in the notices, and Annexure 12(b) for photographs indicating location of notices placed);
- A meeting was held with the Ward Councillor of Lanquedoc, Mr Manuel, on 1 February 2021. Note that the Ward Councillor of Pniel, Mr. Johnson, was also invited, but was unresponsive/unreachable and did not attend (he did, however, attend another meeting). Refer to **Annexure 13(a)** for the minutes of the meeting and attendance register, as well as to **Annexure 13(b)** for evidence of having invited Mr. Johnson as well.
- Two pre-application meetings have been held with the DWS, on 2 December 2020 and 16 February 2021 (refer to **Annexure 14** for minutes of meetings, noting that the attendance register for the meeting of 2 December 2020 was misplaced by DWS and the second meeting was held via MS Teams and there was thus no attendance register);
- An FGM was held with local community organisations on 23 February 2021, outside normal working hours and on site in order to facilitate easy attendance for the I&APs. Note that representatives from the Pniel Heritage and Cultural Trust, the Dwarsrivier Valley Community Trust, and the Pniel Community Development Forum, as well as the Ward Councillor for Pniel (Mr. Johnson) were present, with other groups such as the Kylemore Community Development Forum and those parties and families thereof who used to live on site were also invited but either did not attend or gave apologies on the day. Refer to **Annexure 15(a)** for evidence of invitation and those who tendered apologies on the day, as well as to **Annexure 15(b)** for the minutes of the meeting and attendance register.

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Evidence of the above is included in this report, however personal contact of individual I&APs has been obscured. Comprehensive evidence, including I&AP contact information, will be included in the final BAR submitted to the DEA&DP and will form part of the public record.

Note that the following state departments were notified of the opportunity to comment on the pre-application draft BAR:

- Department of Environmental Affairs and Development Planning: Planning
- Department of Environmental Affairs and Development Planning: Pollution Management
- Department of Environmental Affairs and Development Planning: Waste Management
- Department of Environmental Affairs and Development Planning: Biodiversity
- Department of Environmental Affairs and Development Planning: Air Quality
- National Department of Environment, forestry, and fisheries (DEFF): Biodiversity and Conservation
- CapeNature
- SANParks
- National Department of Transport and Public Works
- Department of Agriculture, Land Reform and Rural Development
- Stellenbosch Municipality: Environmental Management
- District Municipality (Cape Winelands District Municipality)
- Department of Water & Sanitation
- HWC

Comments have been received from some I&APs and these, as well as the issues raised during meetings, have been included in this report and the BAR. These issues have also been addressed (refer to section 3).

2.2 Post-Application Draft BAR

Following the public review period of the pre-application draft BAR, the report has been updated to respond to the comments received from I&APs. The Application for Environmental Authorisation has now been submitted. The post-application draft BAR has been circulated for public comment and is currently available for a 30-day review period.

The following public participation activities have been undertaken in support of the public review period of the post-application draft BAR:

- Maintenance of the I&AP database which is included as **Annexure 1**;
- Placement of an advertisement in the Eikestad Nuus and the Cape Times;
- Circulation of notification letters to all registered I&APs via email and post;
- Placement of site notice on the site boundary, at the main entrance to the farm, as well as at the approximate mid- and endpoints of the proposed potable water line routes (for the temporary and permanent line);
- Placement of hardcopies of the post-application draft BAR (and comment sheets for I&APs to fill in, if they desired) at the following locations (note that evidence of placement will be appended to the final version of this report):
 - Pniel Public Library; and
 - Protea Bookstore.
- Note that while the Pniel Museum was identified as a potential venue in the public participation plan, the Museum confirmed that they are closed on the Monday that the BAR would be delivered. Similarly, the Stellenbosch Library is undergoing refurbishment and as such a hard copy was instead placed at the Protea Bookstore.
- The BAR and executive summary will also be made available for download during the comment period, from Chand's website (note that evidence of placement will be included in the final version of this report);

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- The executive summary, comment sheets and a comment box will also be located at the Pniel Public Library.
- Notification of the post-application draft BAR and associated MMP has also been distributed to the following state departments:
 - Stellenbosch Municipality: Environmental Management (i.e., Local Municipality);
 - CapeNature;
 - Department of Water & Sanitation;
 - HWC;
 - Department of Environmental Affairs and Development Planning: Planning;
 - Department of Environmental Affairs and Development Planning: Pollution Management;
 - Department of Environmental Affairs and Development Planning: Waste Management;
 - Department of Environmental Affairs and Development Planning: Biodiversity;
 - Department of Environmental Affairs and Development Planning: Air Quality;
 - National Department of Environment, forestry, and fisheries (DEFF): Biodiversity and Conservation;
 - CapeNature;
 - SANParks;
 - National Department of Transport and Public Works;
 - Department of Agriculture, Land Reform and Rural Development;
 - Western Cape Department of Agriculture, Directorate: Sustainable Resource Management
 - District Municipality (Cape Winelands District Municipality)
 - Irrigation Board / Water Users Association (Berg River Irrigation Board)

Evidence of the above will be included in the final BAR, to be submitted to the DEA&DP for decision-making.

2.3 Decision

Following the public review of the post-application draft BAR, comments received by I&APs during the current 30-day public comment period will be considered and the BAR will be revised appropriately.

Comments received by I&APs will be captured in this Comments and Response Report, which will be appended to the final BAR submitted to the DEA&DP for decision-making.

Notification of the authorities' decision on the application for environmental authorisation, as well as information on the manner in which the decision may be appealed, will be distributed to all registered I&APs.

2.4 Engagement with State Departments

Although responses from all State Departments were anticipated from the public review of the pre-application draft BAR, this was not the case and the following Departments have not responded to-date in spite of regular follow-up (refer to **Annexure 16** for evidence thereof):

- Stellenbosch Municipality: Environmental Management
- Department of Human Settlements, Water & Sanitation
- HWC (other than noting that they would only comment on the post-application Draft BAR/ HIA)
- Department of Environmental Affairs and Development Planning: Pollution Management

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- Department of Environmental Affairs and Development Planning: Waste Management
- Department of Environmental Affairs and Development Planning: Biodiversity
- Department of Environmental Affairs and Development Planning: Air Quality
- National Department of Environment, forestry, and fisheries (DEFF): Biodiversity and Conservation
- SANParks
- Department of Agriculture, Land Reform and Rural Development.

In terms of Regulation 3 (4) of the EIA Regulations, 2014 (as amended), it can thus far be assumed that the above parties have no comment (other than HWC who indicated they would comment on a further iteration of the HIA).

Thus far, HWC and the DWS have been consulted, as it is important to obtain HWC comment in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) and to confirm the triggers and requirements in terms of the National Water Act (No. 36 of 1998) (NWA) respectively.

HWC has provided a response to the NID submitted for the New Retreat (main site) which advised on the contents and nature of the HIA. The response to the NID is included in **Annexure 17**. While a formal response to the NID submitted for the water supply pipeline to Lanquedoc is still awaited, the HWC has indicated that the Pipeline NID recommendations were supported, and no further heritage studies are required for this aspect of the project (K Smuts, *pers comms.*, 16/11/2021). The formal response will be included in the final iteration of this report.

HWC also provided an interim comment on the HIA in which they provide support for the findings of the HIA (refer to **Annexure 18**). The updated HIA is included in the post-application draft BAR which is currently out for a 30-day public review period. HWC have confirmed that they will still provide a final comment.

Two pre-application meetings have been held with the DWS to-date (refer to **Annexure 14** for the minutes thereof), with information submitted to them for further consideration. Discussions/ engagement with DWS revolved around the proposed development components nearby the watercourses on site, the potential impacts thereof, information requirements from the Department's side and the necessary applicable NWA process. Following confirmation from DWS that a General Authorisation process be followed, an application for registration was lodged via the DWS eWULAAS system (refer to **Appendix M** of the post-application draft BAR for evidence thereof).

CapeNature, DEA&DP: Development Management, and Western Cape Department of Transport and Public works did, however, provide comment on the pre-application draft BAR. In their comment, CapeNature indicated general alignment with the findings of the botanical and freshwater specialists, as well as support for the various mitigation measures put forward by the freshwater specialist. The Western Cape Department of Transport offered no objection to the proposed development and approves the proposal in principle. Comment from the DEA&DP: Development Management branch provided feedback on the administrative requirements of the Basic Assessment process and requirements for the final BAR.

Further engagement with State Departments would be carried out as indicated in section 2.2. Responses from all State Departments are anticipated from the public review of the post-application draft BAR.

2.5 Engagement with I&APs

Comments on the pre-application BAR have been received from the following I&APs:

- Lilburne Cyster;
- Pniel Community Development Forum; and
- Stellenbosch Interested Group.

The following meetings have also been held on site with I&APs:

- A meeting was held with the Ward Councillor of Lanquedoc, Mr Manuel, on 1 February 2021. Note that the Ward Councillor of Pniel, Mr. Johnson, was also invited, but was unresponsive/unreachable and did not attend (he did, however, attend another meeting). Refer to Annexure 13(a) for the minutes of the meeting and attendance register, as well as to Annexure 13(b) for evidence of having invited Mr. Johnson as well.
- An FGM was held with local community organisations on 23 February 2021, outside normal working hours and on site in order to facilitate easy attendance for the I&APs. Note that representatives from the Pniel Heritage and Cultural Trust, the Dwarsrivier Valley Community Trust, and the Pniel Community Development Forum, as well as the Ward Councillor for Pniel (Mr. Johnson) were present, with other groups such as the Kylemore Community Development Forum and those parties and families thereof who used to live on site were also invited but either did not attend or gave apologies on the day. Refer to Annexure 15(a) for evidence of invitation and those who tendered apologies on the day, as well as to Annexure 15(b) for the minutes of the meeting and attendance register.

Issues raised during the one-on-one meeting with the Lanquedoc Ward Councillor include the following:

- How to reach potential I&APs in the local community;
- Setting up an FGM for local community organisations/ representatives and the best place and time to have an FGM with local community representatives;
- Details of any potential I&AP groups in the community;
- Suggestions for memorialisation and honouring the memory of the past that can be incorporated into the proposed development; and
- Lives and experiences of people who used to live on site, or near the site as well as the experience of the general community with the site.

Issues raised during the FGM with the local community representatives include the following:

- Clarity regarding the Cape Winelands Cultural Landscape (CWCL) grading of the site and how it relates to being nominated (and status of) as a UNESCO World Heritage Site (WHS);
- Heritage Impact Assessment methodology, particularly related to gradings considered and commensurate recommendations of mitigation measures made;
- Concern regarding environmental impacts in general;
- Mechanisms to ensure the proposal is developed and managed as proposed;
- The concept of "sensitivity" and how it is applied in the Basic Assessment Process;
- Previous/other issues outside of the project regarding communication/engagement and trust between the community, Boschendal, Bertha Foundation and Community Advice Office;
- Sewage treatment for the proposal;
- Source of water for the proposed development; and
- Engagement with communities in the Basic Assessment process (i.e., public participation process).

3. COMMENTS AND RESPONSES

In total, some comment has been received by the following I&APs to-date:

- HWC (noting that they have merely responded to the relevant NIDs at this stage and have indicated that they would provide comment on the updated HIA with the public participation reflected);
- CapeNature;
- DEA&DP: Development Management;
- Pniel Heritage and Cultural Trust;
- Dwarsriver Valley Community Trust;
- Pniel Community Development Forum;
- Ward Councillors for Pniel (Mr. Johnson) and Lanquedoc (Mr. Manual);
- Lilburne Cyster;
- Pniel Community Development Forum;
- Stellenbosch Interested Group; and
- Development Management, and Western Cape Department of Transport and Public works.

Comment submitted are captured in the Comments and Responses Table in Annexure 4, while those provided through meetings are captured in the meeting minutes included in Annexure 13(a), 14 & 15(b).

The issues and concerns raised during the consultation process thus far have been addressed in the Basic Assessment Report and this can be summarised in Table 1.

Table 1 Summary of Issues Raised to-date and how they have been addressed

No.	Category	Issue	How issue has been addressed
1.1	Terrestrial Biodiversity and vegetation	Agreement with specialist findings with regard to the transformed nature of the site, noting that aquatic systems are the only biodiversity issue on the site.	A botanist has carried out a study and produced a Terrestrial Biodiversity Compliance Statement which is included in Appendix G(c) of the BAR. It confirms there is no significant flora on site or along the proposed potable water line route. CapeNature's agreement with the findings of the Terrestrial Biodiversity Compliance Statement is noted in this report.
2.1	Aquatic Biodiversity	Support for findings of the freshwater assessment.	The findings of the freshwater assessment have been updated following the pre-application draft Basic Assessment Report. CapeNature's agreement with the findings of the Freshwater Assessment is noted in this report.
2.2		Importance of adhering to freshwater buffer areas.	The freshwater buffer areas and mitigation measures are incorporated into the EMPr as measures which must be implemented as a condition of Environmental Authorisation (if granted).

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2.3		No objection to proposed development, provided mitigation measures are implemented.	Mitigation measures provided to reduce impacts to acceptable levels are incorporated into the EMPr, which must be implemented as a condition of Environmental Authorisation (if granted).
2.4		An MMP for future maintenance work within a watercourse must be compiled and submitted with the final BAR (note this is an issue raised by the DEA&DP and DWS)	An MMP has been included in the EMPr (this is an update to the EMPr following the circulation of the pre-application draft Basic Assessment Report for public review.
2.5		Query regarding the location of the site relative to the confluence with the Berg River.	It has been confirmed (in a meeting, and in this BAR) that the site is located below the confluence and so General Limits should apply.
2.6		Mapping of the flood line for Stream 10 is required.	This has been conducted and a flood line report is included in Appendix G(i) of the BAR. The confirmation of the flood line has also led to the inclusion of flood management measures and a stream rehabilitation plan in the design and scope of the proposed development. These are available in the site plans in Appendix B1(a) of the BAR and the freshwater impact assessment report in Appendix G(e) of the BAR. The rehabilitation plan is also captured in the EMPr and MMP in Appendix H of the BAR.
2.7		Query regarding original purpose of the berms alongside the stream.	This not known for certain but has been clarified in the site description in this report.
		Risks associated with the berms and the erosion of the composite material must be considered and detail of the proposed berms must be provided (i.e., height, slope, planting, extent, replacement vs new, anticipated traffic, whether they are necessary).	These are considered and addressed in the freshwater assessment report, stream rehabilitation plan and flood management measures proposed.
2.8		Risk assessment must consider water velocity and downstream impacts.	These aspects are considered and included in an updated Risk Assessment Matrix appended to the Freshwater Impact Assessment

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			report in Appendix G(e) of the BAR.
2.9		Rehabilitation must cover stream and wetland.	These aspects are considered and included in the rehabilitation plan in the Freshwater Impact Assessment report in Appendix G(e) of the BAR.
2.10		Updated Risk Assessment Matrix is required.	The initial Risk Assessment Matrix (that was appended to the pre-application draft Basic Assessment Report) has been updated with the flood management measures and rehabilitation considerations and is appended to the Freshwater Impact Assessment Report in Appendix G(e) of the BAR.
3.1	Heritage/ Design	Draft BAR will not be reviewed by HWC, as interim comment can only be provided after PP.	The post-application draft Basic Assessment Report and associated updated HIA has been provided to HWC for comment as part of the current public review period.
3.2		Support by one registered conservation body (i.e., the Stellenbosch Interest Group) for the findings of the HIA and that the findings of the HIA be endorsed as fulfilling the terms of Section 38 (3) of the NHRA.	The support from the Stellenbosch Interest Group for the HIA and associated findings is noted in the Basic Assessment Report. Furthermore, the requirement from the HIA are included in the EMPr (refer to Appendix H of the BAR) which must be adhered to as part of the conditions of Environmental Authorisation (if granted).
3.3		Support for the hybrid strategy of development such that reception/community centre is retained in largely unaltered form and other cottages are adapted.	The support from the Stellenbosch Interest Group for the proposed hybrid strategy for development is noted in the Basic Assessment Report.
3.4		Low key detailing as per the designs presented is supported.	The support from the Stellenbosch Interest Group for the low-key detailing as per the proposed design is noted in the Basic Assessment Report.
3.5		Query whether the site is a UNESCO heritage site.	The heritage baseline description of the site and context in the Basic Assessment Report includes clarification regarding the heritage status, noting that the CWCL is not yet recognised as a WHS, but the Heritage Impact Assessment

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			recommendations align as if it were.
3.6		Query regarding whether the HIA takes all grading requirements into account.	The assessment methodology for the HIA is included in the HIA Report and clarified in the Basic Assessment Report.
3.7		Mechanisms to embed the memory of the site into the proposed development such as through the use of plaques and old photographs to be displayed throughout the development.	These are noted and included as design suggestions/considerations in the EMPr.
3.9		Stories of past experiences of the site and farm were provided by one I&AP.	These are noted and described in the BAR.
4.1	Services	Confirmation of services proposed must be provided and confirmation of available capacity from the service provider must also be provided.	Confirmation of the preferred servicing approach is proposed and assessed in the Basic Assessment Report, noting that confirmation of capacity for provision of water and electricity has been provided and appended to the Basic Assessment Report (refer to Appendix E16 of the BAR).
4.2		DWS comment must include input with respect to the use of treated effluent as irrigation water on site.	This request from the DEA&DP is noted and engagement with DWS has been included in the Basic Assessment Report, however the use of treated effluent for irrigation is assessed but is not within the preferred alternative.
4.3		Water quality for treated effluent.	The system that is considered in Alternatives 1 and 2 (which are not preferred and has been scoped out) has been used on other sites and data is available for those, but the expectation is that water would be treated to General Limits.
5.1	Landscaping	Avoidance of orthogonal patterns and other landscaping recommendations as per the HIA are supported and a note has been made that HWC should also support this.	The support from the Stellenbosch Interest Group for patterns and other landscaping recommendations is noted in the Basic Assessment Report.
5.2		Source of water for	The source of water for the

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		landscaping.	landscaping would be a combination of municipal supply, rainfall, and stormwater run-off (infiltration)
5.3		Note that irrigation of landscaping and/or road verges with treated effluent water would trigger a WULA.	This is noted and is not the intention of the preferred alternative.
5.4		Making use of indigenous plants in the landscaping.	The proposed landscape plan contains some indigenous fynbos areas.
6.1	Stakeholder/ Public engagement	One I&AP stated that no consultation with members of communities has taken place.	The Comments and Responses Report includes details of public participation carried out as part of this Basic Assessment process, noting that full evidence of the current public review period and details of I&APs will be appended to the final Basic Assessment Report to be submitted to the DEA&DP for decision-making.
6.2		One I&AP highlighted that communication must occur through community development forums, as these are the official community communication structures.	This has been noted and the various community development forums are on the I&AP database and have been notified of the availability of this report for comment.
6.3		Proof of compliance with the Public Participation Plan and Regulation 41 of the EIA Regulations, 2014 must be included in the BAR.	The Comments and Responses Report includes details of public participation carried out as part of this Basic Assessment process, noting that full evidence of the current public review period and details of I&APs will be appended to the final Basic Assessment Report to be submitted to the DEA&DP for decision-making.
7.1	Construction Management	Measures have been suggested to safeguard potential archaeological finds during construction.	Measures to identify and safeguard potential archaeological finds during construction are included in the EMPr (refer to Appendix H of the BAR).
7.2		Query regarding duration of the construction phase.	The approximate anticipated duration of the construction phase has been clarified in the Basic Assessment Report.
7.3		Recommend and motivate the frequency at which environmental	Auditing and required frequency has been stipulated in the EMPr (refer to Appendix H of the BAR).

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		audits must be conducted by an independent person.	
7.4		The need to protect topsoil during construction.	Measures for protection and handling of topsoil are included in the EMPr.
7.5		Note that there are snakes in the area, such as the Cape Cobra and Puff Adder.	Measures to deal with interactions with/ finding of local fauna are included in the EMPr, including that related to snakes.
8.1	Roads/ Transport/Traffic	Support from Western Cape Department of Transport and Public Works.	The support from the Western Cape Department of Transport and Public Works is noted in the Basic Assessment Report.
9.1	General Issues	One I&AP stated they cannot support the proposal until more discussions occur between communities and developers/owners.	This is noted and a public participation process has been undertaken for this Basic Assessment process, noting that this also included a Focus Group Meeting to which local community development forums were invited.
9.2		General impact on environment and communities should be considered and discussed.	The impacts on the environment (including socio-economic impacts) are unpacked in the Basic Assessment Report, which has been made available for public review and comment.
9.3		How is the environment managed and how can I&APs make sure that what is promised is how the project is developed and managed?	Clarity on how the mitigation measures and project description is applied has been provided in the Basic Assessment Report, and this is primarily achieved through implementation of the EMPr.
9.4		Query regarding what is considered a "sensitive" environment.	Clarity on what "sensitive" environments have been provided in the Basic Assessment Report.
10.1	Basic Assessment Process and Administrative Matters	Consider including Listed Activity 12 of Listing Notice 1 in the application for Environmental Authorisation.	This is included in the Application Form and Basic Assessment Report.
10.2		Provide confirmation of required process from DWS and if it is a WULA, proof of application and WULA information must be provided in the BAR.	Evidence of engagement with DWS has been included in the Basic Assessment Report, and the advice provided by the DWS has also been noted in the Basic Assessment Report. Note that they have confirmed a General Authorisation applies, hence there is no WULA documentation to be included in the Basic Assessment Report as a WULA is not necessary.

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10.3		Environmental auditing	Auditing and required frequency has been stipulated in the EMPr (refer to Appendix H of the BAR).
10.4		<p>Comment from, but not limited to, the following Organs of State must be obtained and included in the BAR:</p> <ul style="list-style-type: none"> • Department of Agriculture • CapeNature • Heritage Western Cape • Department of Transport and Public Works • DEA&DP: Pollution and Chemical Management • DEA&DP: Waste Management 	<p>Comments from some of those parties mentioned are included in the Basic Assessment Report, while any outstanding comments will be sourced during the current public review period for this report and will be provided with the final Basic Assessment Report. If same are not provided, it will be assumed, as per Regulation 3 (4) of the EIA Regulations, 2014 (as amended) that they have no comment. It should be noted, however, that issues pertaining to waste management and pollution management are included in the EMPr and that agricultural aspects have been considered through the agricultural compliance statement, so issues related to the mandate of those Departments which have yet to comment have not been left unaddressed in this process.</p>
10.5		Original signed and dated Applicant declaration must be provided with the BAR for decision-making.	This will be included in the final Basic Assessment Report submitted to the DEA&DP for decision-making.
10.6		Original signed and dated Applicant declaration must be provided with the BAR for decision-making.	This will be included in the final Basic Assessment Report submitted to the DEA&DP for decision-making.
10.7		Information as required by Appendices 1 & 7 of the EIA Regulations, 2014 (as amended) must be provided in the BAR.	All information in this regard is included in the Basic Assessment Report.
10.8		It is an offence to commence with a listed activity without Environmental Authorisation from the Competent Authority.	This is noted by the Applicant and in the Basic Assessment Report.
10.9		If any single component/aspect of the proposed development triggers a WULA, then the whole process would be a	This is noted, however would not apply to the proposed development, given that the DWS has now confirmed that the proposed development can be authorised under a General

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		WULA.	Authorisation.
11.1	Broader Issues	Tension within communities against Boschendal, related to lack of trust from communities for Boschendal.	This is noted and it has been communicated in the Focus Group Meeting of 22 February 2021 that there are staff within the Bertha Foundation who will continue to engage and build a relationship with the local community.
11.2		Perception of Boschendal, the Bertha Foundation and Community Advice Office in terms of their role in the valley, as perceived by the local communities.	An explanation of the Bertha Foundation, Boschendal and Community Advice Office in terms of clarification of their role has been included in the Basic Assessment Report.
11.3		Access to the farm in general for local communities and how it has changed since the past. Access for the communities to the mountains within Boschendal is now restricted.	This is noted as a broader issue, and not directly linked to the proposed development.
11.4		In future DWS would ask for a Maintenance Management Plan for the entire farm, but this does not need to be developed in detail for the New Retreat project.	This is noted by Boschendal.

Regarding the Maintenance Management Plan (MMP), no specific comment has been delivered thereon, given that it is included in the post-application draft BAR for the first time, but comment in this regard will be added to this report when received.

Further issues raised during the current public review period on the post-application draft BAR will also be included in the final version of this report.

4. CONCLUSIONS

The public participation process has thus far followed the approved PPP Plan, noting that it has since been slightly amended given the addition of the proposed temporary and permanent potable water line routes. A 35-day public review period for the draft pre-application BAR was undertaken during November/December 2020 and a 30-day public review period for the post-application draft BAR is currently underway. Evidence of the pre-application draft BAR distribution and comments received is included in this report, with I&AP contact information obscured.

Engagement with State Departments to-date has confirmed assessment requirements for the HIA and that the proposed development can be authorised under a General Authorisation in

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terms of the NWA. It has also confirmed that the Department of Transport and Public Works has no objection to the proposal and comment from the DEA&DP Development Management branch provides aspects to consider in the Basic Assessment process and related reports. Final comment from HWC remains awaited, as well as comment from several other state departments, with the key parties being the Stellenbosch Municipality, DEA&DP Waste Management, DEA&DP: Pollution and Chemicals Management and the Department of Agriculture. Although comment from CapeNature has been provided on the pre-application Draft BAR, their comment on the post-application Draft BAR is also sought given that there is an addition to the scope and it details more flood management measures, stream rehabilitation and an MMP.

Comments from I&APs related to the proposed development specifically cover issues such as heritage consideration, the cultural landscape, landscaping and development design, support for the HIA and mitigation measures therein, community engagement and the public participation process, implementation of all mitigation measures and proposed development as described, provision of services, as well as general environmental impacts and mitigation.

Issues raised thus far have been addressed in the post-application draft BAR, however this report is currently subject to a 30-day public review period.

Evidence for the current public review period, comments made by I&APs during that time, as well as the responses to those comments will be included in the updated version of this report that will accompany the final version of this report, which would accompany the final BAR submitted for decision-making.

ANNEXURES

ANNEXURE 1:	Database of Potential Interested and Affected Parties
ANNEXURE 2:	Revised PPP Plan
ANNEXURE 3:	DEA&DP Approval of PPP Plan _ 13 October 2020
ANNEXURE 4:	Comments & Response Table
ANNEXURE 5:	Notification letter of project and pre-application draft BAR _ 5 November 2020
ANNEXURE 6:	Evidence of Email & Post of Notification Letter
ANNEXURE 7:	Email to DWS _ 23 November 2020
ANNEXURE 8:	Proof of pre-application draft BAR and executive summaries (English & Afrikaans) on Chand website
ANNEXURE 9:	Proof of placement of the pre-application draft BAR at Pniel Museum, Pniel and Stellenbosch Public Libraries
ANNEXURE 10:	Evidence of executive summaries, comment sheets and a comment box at Pniel Museum and Pniel Public Library
ANNEXURE 11:	Affidavits for empty comment boxes
ANNEXURE 12:	Notices placed at local public places <ul style="list-style-type: none">c. Map showing locations, text in noticed. Photographs showing location
ANNEXURE 13:	Meeting _ Ward Councillor of Lanquedoc _ 1 February 2021 <ul style="list-style-type: none">c. Minutes of Meeting & attendance registerd. Evidence of invitation to Mr Johnson
ANNEXURE 14:	Pre - application meeting _ DWS _ 2 December 2020 & 16 February 2021 _ Minutes of meeting
ANNEXURE 15:	FGM _ local community organisations _ 23 February 2021 <ul style="list-style-type: none">c. Evidence of invitation & apologiesd. Minutes of meeting & attendance register
ANNEXURE 16:	Evidence of engagement with Sate Departments for comment
ANNEXURE 17:	Response to NID from HWC
Annexure 18:	Interim comment from HWC on HIA

Further Annexures will be added to updated versions of this report as the Basic Assessment process progresses