

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 ON PRE-APPLICATION DRAFT BAR November 2020				
No.	Name:	Comment:	Respondent:	Response:
1.	DEADP: Development Management Samornay Smidt 11 November 2020	<p>Dear Sir</p> <p>ACKNOWLEDGEMENT OF RECEIPT OF THE DRAFT BASIC ASSESSMENT REPORT ("DBAR") FOR THE PROPOSED DEVELOPMENT OF A "NEW RETREAT" ON PORTION 11 OF FARM NO 1674, BOSCHENDAL, FRANSCHHOEK</p> <ol style="list-style-type: none"> 1. The electronic copy of the above-mentioned document dated 5 November 2020, as received by the Department on the same day, refers. 2. This letter serves as an acknowledgement of receipt of the above-mentioned document by this Department. 3. Kindly quote the above-mentioned reference number in any future correspondence in respect of this application. 4. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. <p>Yours faithfully</p> <p>HEAD OF COMPONENT ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1 DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING</p>	CHAND	All noted.
2.	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>	CHAND	

		<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. 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. 		<ol style="list-style-type: none"> 1. Agreed. This is confirmed in the study by Mr. Nick Helme, which is appended to the BAR. 2. Agreed. 3. Agreed. 4. 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>Noted.</p>
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3.	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 integrated into the final HIA. HWC, therefore, awaits the final HIA in order to provide a comment.	CHAND	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).
4.	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.</p> <p>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>	CHAND	<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>
5.	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>	CHAND	<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).</p> <p>Furthermore, the commenter was present at the FGM in February 2021.</p>

		<p>Your cooperation and respect regarding this will be highly appreciated.</p> <p>Your sincerely Lilburne Cyster CHAIRPERSON: PNIEL COMMUNITY DEVELOPMENT FORUM</p>		
6.	<p>Patricia Botha (Chairperson) Stellenbosch Interest Group 10 December 2020</p>	<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 without sacrificing the integrity and authenticity of the original settlement. • 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), 	CHAND	<p>Support of the HIA and recommendations is noted. The requirements of the HIA have been incorporated into the EMPr and would be legally binding upon the Applicant.</p>

		<p>subject to detailed plans being provided for review and endorsement by HWC.</p> <ul style="list-style-type: none"> • 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>		
7.	<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>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>	CHAND	<p>The support from the Department of Transport and Public Works is noted.</p>
8.	<p>Andrea Thomas Department of Environmental Affairs and Development Planning</p>	<p>Dear Sir</p> <p>COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT ("DBAR") FOR THE PROPOSED DEVELOPMENT OF A "NEW</p>	CHAND	

	<p>14 December 2020</p>	<p>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 100 m² of 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 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>2.1 Noted, this has been included in the Application Form.</p> <p>2.2 Noted, this has been included in the BAR.</p> <p>2.3 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>2.4 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.</p>
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		<p>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>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>3. Noted.</p> <p>4. Noted.</p> <p>5. Noted.</p>
9.	<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>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 Section 21 of the National Water Act, 1998 (Act 36 of 1998) (NWA): 	CHAND	

		<p>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.</p> <ul style="list-style-type: none"> 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>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 infiltration of stormwater, would avoid the need to apply for a Section 21 (e) water use (as confirmed by Snaddon, 2021).</p>
COMMENTS ON POST-APPLICATION DRAFT BAR (NOVEMBER 2021):				
10.	DEADP: Development Management, Region 1 Samornay Smidt 29 November 2021	ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM FOR BASIC ASSESSMENT AND DRAFT BASIC ASSESSMENT REPORT (“DBAR”) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS FOR THE PROPOSED DEVELOPMENT OF A “NEW RETREAT” AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF PORTION 11 OF FARM 1674, PAARL <ol style="list-style-type: none"> The electronic copies of the above-mentioned documents dated 16 November 2021 and 22 November 2021, respectively, refer. Please note that the Department will consider the DBAR and provide a comment within the 30-day commenting period ending on 13 January 2022. The Department hereby approves the updated PPP Plan dated 16 November 2021, submitted in terms of the Department’s Circular (CIRCULAR: DEA&DP NO 0001/2021). All of the measures highlighted in the PPP Plan must be implemented to meet the requirements of Regulations 41 of the NEMA EIA Regulations 2014 (as amended). 	CHAND	<ol style="list-style-type: none"> Noted Noted Noted

		<p>4. It is also noted that that Site Sensitivity Verification Report ("SSVR") was not included as one of the DBAR appendices. Be advised that in accordance with the Protocols this must form part of the draft report and supporting information that is circulated during the commenting period. A copy of the SSVR must therefore be included when the 30-day commenting period notification is submitted.</p> <p>5. Kindly quote the above-mentioned reference number in any future correspondence in respect of this application.</p> <p>Yours faithfully PPHEAD OF COMPONENT ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1 DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING</p>		<p>4. The SSVR was distributed to the I&AP database following receipt of this acknowledgement. Please see proof of distribution included in Comments & Responses Report (Refer to Appendix F of the BAR).</p> <p>5. Noted.</p>
11.	Alana Duffell-Canham Cape Nature 24 November 2021	<p>Email:</p> <p>Dear Laila</p> <p>Thank you for the opportunity to comment on the in-process Draft Basic Assessment Report for this application.</p> <p>Our previous comments dated 10 November 2020 on the pre-application Draft Basic Assessment Report remain applicable. In addition, we note and support the rehabilitation plan for "Stream 10" included in the freshwater specialist report and agree that should development be allowed to proceed that Alternative 3 should be considered the preferred alternative.</p> <p>Please consider this email as official correspondence.</p> <p>Kind regards, Alana</p> <p>Alana Duffell-Canham Conservation Intelligence Manager – Landscape Central</p>	CHAND	<p>CapeNature's support for the rehabilitation of Stream 10 and Alternative 3 as the preferred Alternative are noted. It is further noted that the previous comment still stands.</p>
12.	Lyn Marais Drakenstein Heritage Foundation 9 December 2021	<p>Ref: Farm 1674/11, Paarl</p> <p>Dear Ms Senaturo</p>	CHAND	Noted.

		<p>The DHF has no objection to the proposal for Farm 1674/11, Paarl.</p> <p>Regards Lyn Marais DHF Secretary</p>		
13.	<p>Lance McBain-Charles Department: Environmental Affairs and Development Planning Waste Management 12 January 2022</p>	<p>COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT (BAR), INCLUDING THE UPDATED 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 ASSOCIATED INFRASTRUCTURE AND MAINTENANCE MANAGEMENT PLAN ON A PORTION OF PORTION 11 OF FARM 1674, PAARL.</p> <ol style="list-style-type: none"> 1. The Department of Environmental Affairs and Development Planning's Sub-directorate: Waste Management Licensing received the correspondence relating to the report on 22 November 2021 and provided the following comments. 2. The development is of a scale that minimal impact on the surrounding environment and the accommodation will house approximately 34 people, the report focuses on the key environmental impact regulation triggers, water and heritage management. 3. It is noted that refuse will be taken up by the normal system, clarity on the “Refuse generated by the operational phase of the proposed development would be incorporated into existing systems at Boschendal” is needed, the ideal waste management operations need to be incorporating the disposal of waste at the licenced waste disposal facility within the municipality. 	CHAND	<ol style="list-style-type: none"> 1. Noted 2. Noted 3. Refuse will be collected at the Retreat by the farm management and disposed of with the refuse generated on the larger farm as per existing practices. With respect to the entire farm, refuse is collected by Boschendal's maintenance department and bins cleaned at the “Droëbaan” site (on the farm), where some recycling for the entire farm takes place. The remainder of the waste is collected by a private contractor and delivered to The Vissershok Landfill. Refer to Appendix E16 of the BAR for a letter from the refuse removal provider

		<p>4. Systems need to be put in place at the facility which will support sustainable development and promote the hierarchy of waste which includes reduce, re-use and recycle.</p> <p>5. The burning of waste or the burial of waste on site are generally unacceptable and this practice is not promoted.</p> <p>6. The Department reserves the right to comment and request further information based on any information received.</p>		<p>confirming capacity to service the Retreat site.</p> <p>4. The waste generated by the proposed development would be incorporated into the system of the overall farm, which engages in recycling and composting. Details on the waste management hierarchy have been included in the EMPr and would guide waste management during the construction phase of the proposed development. These measures included for example, waste sorting, recycling, careful temporary stockpiling, disposal, etc. There are also waste management measures to encourage avoidance, reduction, minimisation, re-uses, and recycling in for the operational phase. Examples include recycling and awareness/education (refer to Appendix H of the BAR for the EMPr)</p> <p>5. The burning and burial of waste is prohibited by the EMPr.</p> <p>6. Noted.</p>
14.	<p>Andrea Thomas Department of Environmental Affairs and Development Planning Control Environmental Officer 13 January 2022</p>	<p>COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT (“DBAR”) FOR THE PROPOSED DEVELOPMENT OF A “NEW RETREAT” AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF PORTION 11 OF FARM NO. 1674, PAARL</p> <p>1. The electronic copy of the above-mentioned document dated 22 November 2021, as received by the Department on the same day and this Department's correspondence dated 29 November 2021, refer.</p> <p>2. The response provided to this Directorate's comment dated 14 December 2020 on the DBAR that was circulated during the first round of the Public Participation Process is noted and acknowledged.</p>	CHAND	<p>1. Noted 2. Noted</p>

		<p>3. Please find herewith the Department's comment on the DBAR:</p> <p>3.1 As previously advised in the acknowledgement of the submission of the draft report, this Department noted that that Site Sensitivity Verification Report ("SSVR") was not included as one of the DBAR appendices. Be advised that in accordance with the Protocols this must form part of the draft report and supporting information that is circulated during the commenting period.</p> <p>3.2 The components of the preferred alternative that relates to Activities 12,19 and 48 of Listing Notice 1 is limited and vague and does not include the required detail. To further clarify, please note that adequate details are required about the portion of the proposed development that: <u>- will result in the infilling or removal of 10m3 or of material into or from the identified watercourses; and</u> <u>- will exceed 100m² in size and will be located within or within 32m of the identified watercourses.</u></p> <p>It is important to note that the preferred alternative proposed for environmental authorisation must include a detailed description of all the development components as it relates to the triggered listed activities, since this is what requires environmental authorisation. In addition, the description provided for the preferred alternative is the description that will be included in the Environmental Authorisation that will be issued, should the proposed development be approved. It is therefore critical that the preferred alternative description includes all the relevant details</p> <p>3.3 The comment from the Stellenbosch Municipality dated 26 January 2021 specifies that the Priel Wastewater</p>		<p>3.1 The SSVR was distributed to the I&AP database following instruction from the Department in response to the Draft BAR. Please see proof of the distribution included in Comments & Responses Report (Refer to Appendix F of the BAR).</p> <p>3.2 The BAR has been updated to clarify the components of the preferred Alternative and how these relate to the relevant Listed Activities.</p> <p>Noted. Clarity has been provided.</p> <p>3.3 An updated comment has been obtained from the Stellenbosch Municipality (Refer to Appendix E16 of</p>
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		<p>Treatment Works ("WWTW") does not have sufficient capacity to accommodate the proposed development but that upgrades are underway with an estimated completion date of December 2021. An updated comment with respect to the progress of the required upgrades at the Pniel WWTW must be provided. If the upgrades are completed, written municipal confirmation must be provided that sufficient capacity is now available to service the proposed development.</p> <p>3.4 Further to the above, written confirmation from all the relevant service providers are required, including written confirmation from a registered service provider that they have available capacity to regularly empty the conservancy tanks until the municipal connection is in place.</p> <p>3.5 The Site Development Plan ("SDP") of the preferred alternative must include all the components of the proposed, <u>including any buffer /no-go areas that will be incorporated, as recommended by the specialists</u>. The SDP must be updated accordingly.</p> <p>3.6 The abovementioned updated SDP must also be included in the Environmental Management Programme.</p> <p>3.7 "Maintenance" means actions performed to keep a structure or system functioning or in service in the same location, capacity and footprint and a "maintenance management plan" means a management plan for maintenance purposes defined or adopted by the competent authority". The MMP is a legislative tool enabling the applicant to</p>		<p>the BAR) who have confirmed that the current estimated completion date for the Pniel WWTW upgrade project is June 2022.</p> <p>3.4 Written confirmation has been obtained from the refuse removal service provider and the private service provider who will empty the conservancy tanks (refer to Appendix E16 of the BAR)</p> <p>3.5 The preferred service layout drawings have been updated to include the freshwater ecological buffer zones. No-Go maps have also been provided and included in the BAR (Refer to Appendix B2) and EMPr. The SDP drawing could not be updated due to a change in architects and corruption of CAD files. The site layout is however included in the preferred services layout.</p> <p>3.6 See comment above.</p> <p>3.7 Noted. The MMP and EMPr has been updated accordingly.</p>
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		<p>undertake certain permissible activities pertaining to <u>maintenance related work only (not construction work related to new or expanded structures or infrastructure beyond the existing footprint and triggers listed activities that require environmental authorisation prior to commencement)</u>. Any reference and method statements related to the construction of new or expanded infrastructure must be removed from the MMP and included in the EMP, as required. The relevant method statements must be amended to guide the implementation of the future maintenance related activities on the infrastructure located in the watercourse that is being applied for in this basic assessment application, and not the construction thereof.</p> <p>3.8 Comments from all the relevant Organs of State must be obtained, included and responded to in the BAR.</p> <p>3.9 A comprehensive Comments and Response Report that includes all the comments received and the responses thereto must be included in the BAR. In addition, please ensure that copies of all the comments received are attached to the BAR.</p> <p>3.10 Proof of compliance with all the public participation steps undertaken, as required in terms of the accepted Public Participation Plan and Regulation 41 of the NEMA EIA Regulations, 2014 (as amended) must be included in the BAR.</p> <p>3.11 Please be advised that an original or electronically signed and dated applicant declaration is required to be submitted with the BAR to this Department for decision-making. It is important to note that by</p>		<p>3.8 All comments received from Organs of State have been included and responded to in this Comments & Responses (C&R) Table and incorporated into the BAR and Comments & Responses report (Refer to Appendix F of the BAR).</p> <p>3.9 Noted. A comprehensive Comments & Responses Report (refer to Appendix F of the BAR) has been prepared which includes all original comments received, responses to the comments (as per this C&R Table) and evidence of all public participation undertaken.</p> <p>3.10 Refer to the Comments & Responses Report included in Appendix F of the BAR.</p> <p>3.11 Noted. An electronically signed applicant declaration has been included.</p>
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		<p>signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.</p> <p>3.12 In addition to the above, please ensure that original or electronically signed and dated EAP and specialist declarations are also submitted with the BAR for decision-making.</p> <p>3.13 Please note that omission of any required information in terms of Appendices 1 & 4 of EIA Regulations, 2014 (as amended) with respect to the final submission to the Department of the BAR and EMPr.</p> <p>4. Kindly quote the above-mentioned reference number in any future correspondence in respect of this application.</p> <p>5. 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>6. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.</p>		<p>3.12. All required declarations have been included.</p> <p>3.13. Noted.</p> <p>4. Noted</p> <p>5. Noted.</p> <p>6. Noted.</p>
15.	Arabel McClelland	COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF A "NEW RETREAT" AND	CHAND	

	<p>Department of Environmental Affairs and Development Planning Pollution and Chemicals Management 13 January 2022</p>	<p>ASSOCIATED INFRASTRUCTURE ON A PORTION OF PORTION 11 OF FARM NO. 1674, PAARL</p> <p>The Directorate: Pollution and Chemicals Management (D: PCM) acknowledges receipt of the Draft Basic Assessment Report (DBAR) on 22 November 2021. Please find comment from the D: PCM as follows:</p> <ol style="list-style-type: none"> 1. The proposed measures detailed in the Environmental Management Programme (EMPr) with respect to prevention and mitigation of potential pollution impacts are supported and should be strictly implemented and adhered to. 2. It is essential that measures are implemented to prevent ingress of pollutants and contaminants into the watercourses and wetlands during the operational phase of the development, and that these systems are adequately maintained. The effective implementation of the Maintenance Management Plan (MMP) is considered key to ongoing protection of water resources on-site, as well as downstream, and is supported. In addition, stormwater management and the implementation of the stormwater management plan is integral to prevention of pollution, as well as maintenance of stormwater-related infrastructure, which should be regularly inspected, cleaned and repaired where required, as per the MMP. 3. Please amend the EMPr to include reference to section 30 of the National Environmental Management Act, as amended (NEMA) (Act No. 107 of 1998), pertaining to the control of incidents. In the event of a significant spill or leak of hazardous substances (e.g. petrol, diesel, etc.) used during the proposed activities, such an incident(s) must be reported to the relevant authorities, including this Directorate, in accordance with section 30 of the NEMA. <p>Please direct any enquiries to Shehaam Brinkhuis should you require clarity on the comments provided.</p>		<ol style="list-style-type: none"> 1. Noted and agreed. 2. Noted and agreed. 3. Reference to section 30 of the NEMA has been included in the EMPr. <p>Noted.</p>
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		The Department reserves the right to revise or withdraw comments or request further information based on any information received.		
16.	Peter Harmse Department of Environmental Affairs and Development Planning Air Quality Management 12 January 2022	<p>COMMENT ON THE POST-APPLICATION DRAFT BASIC ASSESSMENT REPORT (BAR) AND ENVIRONMENTAL MANAGEMENT PROGRAMME REPORT (EMPr) FOR THE PROPOSED DEVELOPMENT OF A NEW RETREAT AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF PORTION 11 OF FARM 1674, NEAR STELLENBOSCH IN THE DRAKENSTEIN LOCAL MUNICIPALITY, WESTERN CAPE PROVINCE.</p> <p>The Post-Application draft BAR and EMPr for the above-mentioned project, dated November 2021 which was received by the Department of Environmental Affairs and Development Planning (DEA&DP), has reference.</p> <p>The Directorate: Air Quality Management (D: AQM) has the following comments on the draft BAR and EMPr in terms of the National Environmental Management: Air Quality Act No. 39 of 2004 (NEM: AQA):</p> <p>1. DUST CONTROL MANAGEMENT</p> <p>1.1 It is noticed in the draft Bar that dust may be created from cleared, bare and excavated areas as well as from large vehicles and equipment traversing and operating on site during construction phase.</p> <p>1.2 The D: AQM recommend that:</p> <p>1.2.1 measures to monitor and prevent fugitive dust emissions be implemented strictly as per the EMPr</p> <p>1.2.2 construction activities be limited on days where there are high winds.</p> <p>1.3 Dust generated from all the phases of the proposed activities must comply with the NEM: AQA, National Dust Control Regulations (Government Notice No. R. 827) of 1 November 2013)</p> <p>1.3.1 These regulations prohibit a person from conducting any activity in such a way as to give rise to dust in such quantities and concentrations that the dust, or dust fallout, has a detrimental effect on the environment, including human health.</p> <p>2 NOISE CONTROL MANAGEMENT</p>	CHAND	<p>1.2.1 Noted and agreed. Dust control measures are included in the EMPr and must be strictly implemented.</p> <p>1.2.2. This requirement is included in the EMPr.</p> <p>1.3 Reference to the Regulations is included in the EMPr.</p>

		<p>2.1 Operational activities on site in the form of large vehicles and machinery being used may cause significant noise on site during construction; these activities may become a noise nuisance and/or disturbance to the surrounding communities.</p> <p>2.2 The D: AQM recommend the following:</p> <p>2.2.1 noise monitoring be conducted during operations and measures put in place to minimise disturbing noise emissions; and</p> <p>2.2.2 construction activities be conducted during the day-time hours.</p> <p>2.2.3 measures stipulated in the EMPr of the proposed development must be implemented strictly during the construction phase.</p> <p>2.3 Noise generated on site from all the proposed activities must comply with the Western Cape Noise Control Regulations Provincial Notice 200/2013.</p> <p>3 AIR EMISSION IMPACT MANAGEMENT</p> <p>3.1 Potential air emissions will be in the form of dust pollution, exhaust fumes from vehicles and machinery as well as potential noise pollution from the proposed new retreat construction.</p> <p>3.2 All potential air pollutants on site need to be monitored and if causing significant emissions must be mitigated strictly as per the recommendations stipulated in the EMPr.</p> <p>4. GENERAL</p>		<p>2.1 Noted and agreed.</p> <p>2.2.1 Significant noise impacts are not anticipated for the operational phase of the development thus specific noise monitoring methods are not deemed necessary. Should the applicant consider the installation and operation of a generator, the EMPr requires that the noise aspect should be considered and appropriately mitigated regarding the operation of a generator. The need for the development to comply with the Western Cape Noise Control Regulations Provincial Notice 200/2013 during operations has also been included in the EMPr.</p> <p>2.2.2. This requirement is included in the EMPr.</p> <p>2.2.3. Noted and agreed. This will be monitored by an ECO.</p> <p>2.3 This requirement has been included in the EMPr for both the construction and operational phases.</p> <p>3.1 Noted.</p> <p>3.2. Noted. Control measures have been included in the EMPr as indicated.</p>
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		<p>4.1 Kindly be advised that the Air Quality Officer (AQO) for the Stellenbosch Local Municipality (Mr. Martin van As) must also be engaged regarding the proposed activity as it falls within his jurisdictional area. Mr. Martin van As can be reached on 021 808 8679 or martin.vanas@stellenbosch.gov.za.</p> <p>4.2 The Department would like to draw your attention to Section 28 of the National Environmental Management Act No. 107 of 1998 (NEMA), i.e. <i>"Duty of Care" which states that: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorized by law or cannot reasonably be avoided or stopped, to minimize and rectify such pollution or degradation of the environment."</i></p> <p>4.3 Please note that the above-mentioned recommendations do not pre-empt the outcome of the application.</p> <p>4.4 No information provided, views expressed and/or comments made by the DEA&DP, D: AQM should in any way be seen as an indication or confirmation:</p> <p>4.4.1 that additional information or documents will not be requested; or</p> <p>4.4.2 of the outcome of any application submitted to the authorities.</p> <p>Kindly be informed that the D: AQM reserves the right to review the above-mentioned comments, should additional information come to light. Please contact Mr. Peter Harmse on 021 483 8343 or Peter.Harmse@westerncape.gov.za, should you have any further queries in this regard.</p>		<p>4.1 Mr van As has been added to the I&AP database and a comment was solicited from him on the proposal. The comment has been responded to in this this C&R Table (refer to next comment) and the original comment included in the C&R Report.</p> <p>4.2 Noted. Section 28 has been considered throughout the BA process. The Duty of Care principle has also been incorporated into the EMPr for the attention of all parties involved in the implementation of the project (if authorised).</p> <p>4.3 Noted.</p> <p>4.4 Noted.</p> <p>Noted.</p>
17.	<p>Martin van As Air Quality & Noise Control Officer Community & Protection Services Stellenbosch Municipality</p>	<p>The above application for the proposed development of a "new retreat "and associated infrastructure on portion 11 of farm 1674 refers.</p> <p>1. The conditions set by the Department of Environmental Affairs and Development Planning, Directorate Air Quality Management on the draft BAR and EMPr in terms of the National</p>	CHAND	<p>1. Noted, the comment from the DEA&DP AQM Directorate has been included and responded to.</p>

		<p>Environmental Management: Air Quality Act No. 39 of 2004 (NEM:AQA) must always be adhered to.</p> <ol style="list-style-type: none"> 2. Activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations PN200/2013. 3. During construction the owner, developer or any agent acting on his/her behalf, must take all reasonable steps to prevent nuisance caused by dust in accordance with the National Dust Control Regulations and the Stellenbosch Municipality Air Quality By-Law 2018. <p>Kindly, be informed that the local authority reserves the right to impose any other measures that may be found hereafter, or during operations, which may be deemed reasonable to apply to reduce noise and or dust emissions, either as determined by the applicant and / or the local authority</p>		<ol style="list-style-type: none"> 2. Noted, this requirement is included in the EMPr. 3. Noted, this requirement is included in the EMPr. <p>Noted.</p>
18.	<p>Eldred Kleinschmidt Resident/CPA/Property owner 5 Akker Lane, Lanquedoc</p>	<p>Ek teken APPEL aan teen ontwikkeling van Bertha foundation op York farm. Rede vir dit is dat hulle het ons gemenskap nog verder uit mekaar kom skeer. Hulle raad pleeg nie eienaars nie, maak gebruik van organisasies wat nie verstaan. Toe Babara Hosking die saadjies vir Berta kom le het was dit goed, toe kom haar groep verder en skeur ons leiers uit mekaar in Dwars Rivier.</p> <p>Die jong span onkundig word deur hulle misbruik. Hulle praat met back yarders, sommige wat eers nie verstaan van waar hulle kom nie. By vorige plek op Rachelsfontein was ons mense nie eers deel van dit.</p> <p>Die nuwe plek is vir mense van buite ek sien <i>booklet?</i> (<i>illegible</i>). Die mense met wie hulle praat is met mense wat nie wil nie aan will werk met leiers in vallei. Ons beskik oor ons eie grond waarvoor moet ons loop tot by nuwe plek. Hoekom <i>spandeer?</i> (<i>illegible</i>) hulle nie in kinders hier nie. Hulle maak ons deel van hulle projekte sodat mense kan sien hulle doen iets in gemeenskap maar hulle bly aanstuur. Die advies kantoor is gestig uit trust. Hulle het dit weggeskuif uit gemeenskap gebou omdat hulle nie verskille kan uitwerk met leiers hulle nou op payroll van Berta.</p>	CHAND	<p>The objection to the proposal based on mistrust of the Bertha Foundation and the Community Advice Office (COA) who according to the commentator are causing divisions among local community leaders is noted. This issue is however not specific to the environmental process. There also appears to be conflation</p> <p>Rachelsfontein is not applicable to this environmental application.</p> <p>It is highlighted that there has been extensive public participation specifically for the New Retreat proposal with multiple community organisations (refer to the C&R Report):</p> <ul style="list-style-type: none"> • A meeting was held with the Ward Councillor for Lanquedoc who advised on the key Interested and Affected Parties (I&APs) from the community who should be engaged with. • A representative from the Dwarsrivier Valley Community Trust attended the Focus Group Meeting held with local community organisations. • Representatives from the Lanquedoc Community Development Forum are registered I&APs

		<p>Die kinders word art? geleer met hulle kultuur daar buite ons is meestal Khoisan mense. Hulle skend ons heritages van voor ouers. Ons klaar omhein deur Boschendal waar Tony voorsitter is van Berta foundation. Ons sal nooit vrye toe gang he nie tot natuur want nuwe plek grens aan berg voet. Berta wil ons mense mislei met ??? (illegible) na York toe. Hulle het geld gegee om hofsaak te help om ons ou mense nog verder in vrees te lei maar ons is sterk daarvoor. Hulle het kospakkies aan back yarders voorsien wat reed werke het en fotos geneem van ons wat daar was gedurende Covid 19. Hulle skend ons menswaardigheid met foto's lyk ons soos honger mense. Die advises kantoor en die in beheer aan hulle vriende van goed uit gedeel. Ek voorsitter? (illegible) van behuisig teken appel aan want ons was nie ??? (illegible) nie.</p> <p>Ek heg 'n lys aan van wat vir ek verteenwoordig op die platform. Ons menses al nooit werke kry as kontrakte nie. Hulle maak ??? (illegible) weet dis net op papier. Die huidige mense klaar geskryf op Boschendal se boeke. Nuwe plek nie dan sit ons net met meer plakkers huise in Lanquedoc. Waar gaan julle werkers bly. Hulle maak mos met mense buite ons Vallei gebuik. Net die orige sal van ons mense gebruik. Ons mense is nie ten volle ingelig oor skryf. Raads?? (illegible) hoe was nie in my plek, met huiseienaars nie. Boschendal soek n ???punt (illegible) met gebruik hulle Retreat as dit. As ons ontwikkel kan ons nie aansluit by noodstelsel? (illegible) nie dan te klein so ons bly agter. Hulle dink ons is dom leiers. Hulle vat nie ons hand, hulle skeur ons verder uit mekaar.</p> <p>Ons sal aanhou veg wat hulle besig om ons vallei se rustigheid te skend die Berta Foundasie. En ons huiseienaars sal ons nooit die projek steun nie want dit sal ons kinders se toekoms skend. Ophou om saam verkeerde rol spelers te praat. Die trust was gestig om namens onse mense op te tree maar die Berta leiers het ons verskeer nog verder uit mekaar.</p>	<p>The issue of access restriction by Boschendal Estate is not applicable to this project and environmental application which is specific to the New Retreat Site. From a social history perspective, the site is well placed along a historic route and would serve to reconnect the farm with local communities in a positive way.</p> <p>The HIA furthermore notes the following:</p> <p><i>“While not strictly a matter pertaining to the heritage resources of the York Farm cottages proposed for redevelopment, this comment is illustrative of the degree of alienation local people feel from the land and history of Boschendal Farm, and the present-day processes of its management and development. It is this imbalance that the process of Restorative Redevelopment seeks to address. As such, while achieving social justice is beyond the bounds of expectation for the New Retreat development in isolation, it can be seen within the framework of Restorative Redevelopment, and the principles of that vision have informed the design process.”</i></p> <p>The perception that the Bertha Foundation is supporting people in Lanquedoc who are erecting shacks on community land, was also raised at the FGM. This is however related to the CAO who is currently supporting a group of people who were evicted from the trust land. To clarify the context of the comment, it should be noted there is a difference between Bertha Foundation and the CAO. While the CAO is funded by the Bertha Foundation (as a grantee and in order for the CAO to fulfil its mandate to support the community with legal matters related to human rights issues), it was not Bertha Foundation supporting this group of people, but rather the CAO. The Bertha Foundation supports the CAO through grant funding but do not make any strategic or managerial decisions.</p>
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			<p>Such decisions rest solely with the CAO. Bertha Foundation has no authority or oversight of the CAO. The CAO is overseen by an independent board of trustees consisting of Stephen Muller, Glyn Williams, Deena Bosch, Vusi Pikoli and Pearlie Joubert, and all of their legal advice is made through a partnership with Chennels Albertyn Attorneys. This issue is however not directly related to this project or Basic Assessment process and this clarification is provided for information purposes. An explanation of the Bertha Foundation, Boschendal and Community Advice Office in terms of clarification of their role was also included in the Draft BAR.</p> <p>The requirement to make use of local labour (i.e., from Kylemore, Pniel, Lanquedoc, etc.) and of previously disadvantaged individuals for the bulk of the unskilled labour is included in the EMPr for the operational and construction phase. The EMPr also includes requirements for regular auditing and reporting to authorities, as well as fines for non-implementation of specifications.</p> <p>It is noted that the commentator attached a list of all members of the CPA which consists of 600+ residents. It is understood that the commentator, as chairperson of the CPA, will disseminate any further information on the proposal to its members.</p>
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