

## Appendix F

### FINAL COMMENTS AND RESPONSE REPORT

#### **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**

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The following Annexures have been added since the circulation of this draft report:

- ANNEXURE 19: Notification letter of post-application draft BAR and evidence of distribution**
- ANNEXURE 20: Proof of post-application draft BAR and executive summaries (English & Afrikaans) on Chand website**
- ANNEXURE 21: Proof of placement of post-application draft BAR at Pniel Public Library and Protea Bookstore**
- ANNEXURE 22: Evidence of executive summaries, comment sheets and a comment box at Pniel Library**
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- ANNEXURE 26: Response to NID from HWC for pipeline to Lanquedoc**
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## 1. INTRODUCTION

This document is the final Comments and Response Report, appended to the Final 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 post-application draft BAR and updates have been underlined for ease of reference. The post-application draft BAR was subjected to a 30-day public review period and, by virtue of being appended to the BAR, this report also underwent the 30-day review period. It is aligned with the 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 was made and the updated PPP approved by the DEA&DP. The I&AP database inclusive of 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 periods for the pre-application and post-application draft BAR have been addressed in the BAR, and herein. These comments have been captured and responded to in Annexure 4. The original comments have been included in Annexure 26 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 was 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.

Following the public review period for the post-application draft BAR, this report has been 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 notice placement including a map of the location of notices for the post-application draft BAR;
- 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 distribution and delivery of hardcopies of the post-application draft BAR to the Pniel Library and Protea Bookstore;
- Evidence of placement of an 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; and
- Responses to the comments received from I&APs on the pre-application draft BAR.

## **1.1 Potential I&AP Database Compilation and Maintenance**

Chand 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 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).

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

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

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.

The registered I&AP database is included in **Annexure 1**. Note that, to protect privacy, the contact information of these parties was not made publicly available during the commenting periods. However, the full database, which contains contact details, has been 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 were 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 though 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 were 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.

Evidence of the above is included in this report.

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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 was updated to respond to the comments received from I&APs. The Application for Environmental Authorisation was also submitted. The post-application draft BAR was circulated for public comment for 30 days from 23 November 2021 – 13 January 2022.

The following public participation activities were 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 (refer to **Annexure 24** for proof of placement);
- Circulation of notification letters to all registered I&APs via email and post (refer to **Annexure 19** for proof of distribution);
- 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) – refer to **Annexure 23** for photographs and a map as proof of this exercise;
- Placement of hardcopies of the post-application draft BAR at the following locations (evidence of placement is appended to this report in **Annexure 21**):
  - Pniel Public Library; and
  - Protea Bookstore in Stellenbosch.
- 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 was delivered. Similarly, the Stellenbosch Library was undergoing refurbishment at the time of the commenting period and as such a hard copy was instead placed at the Protea Bookstore in Stellenbosch;
- The BAR and executive summary were also made available for download during the comment period, from Chand's website (refer to **Annexure 20**);

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- The executive summary (in English & Afrikaans), comment sheets and a comment box were also placed at the Pniel Public Library, noting that only one hard copy comment was placed in the comment box.
- Notification of the post-application draft BAR and associated MMP were also 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)

Refer to **Annexure 22** for evidence of the distribution.

It is noted that in the acknowledgement of receipt of the Draft BAR the DEA: DP instructed that a Site Sensitivity Verification (SSV) Report be completed and distributed to I&APs. In response an electronic copy of the SSV Report was uploaded onto the Chand website, hard copies placed at the Pniel Public Library and Protea Bookstore and I&APs notified of the availability of the report for review and comment. Proof of this exercise is included in Annexure 25.

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

Comments received by I&APs have been captured in this Comments and Response Report, which has been 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 once a decision is received.

### **2.3 Engagement with State Departments**

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

- Stellenbosch Municipality: Environmental Management
- Department of Environmental Affairs and Development Planning: Biodiversity
- SANParks

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- Department of Agriculture, Land Reform and Rural Development.

**In terms of Regulation 3 (4) of the EIA Regulations, 2014 (as amended), it can be assumed that the above parties have no comment.**

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**. HWC also provided a response to the NID submitted for the water supply pipeline to Lanquedoc in which they indicated that the NID recommendations were supported, and that no further heritage studies are required for this aspect of the project. The formal response is included in Annexure 25.

HWC provided an interim comment on the HIA in which they provide support for the findings of the HIA (refer to **Annexure 18**). HWC indicated that they would not provide comment on the Draft BAR and draft HIA and that a final comment would only be provided on the final HIA following the incorporation of the public participation process. The final HIA was submitted to the HWC in parallel to the final BAR submission to the DEA&DP and thus a final comment could not be included in the final BAR at the time of submission. As soon as received, the final comment will be provided to the DEA&DP for consideration within the 107 days allocated for decision-making. It is important to note that no significant changes were made to the HIA (only the PPP section was updated, and related Annexures added) since the interim comment from HWC was received. The final HIA is included in the final BAR.

Two pre-application meetings were held with the DWS (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 final BAR for evidence thereof). Further correspondence from DWS acknowledging the GA application has since been received (Refer to Appendix M of the final BAR).

CapeNature, DEA&DP: Development Management, and Western Cape Department of Transport and Public works provided 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. CapeNature confirmed during the public review period of the post-application Draft BAR that their previous comment remained applicable and noted support for the rehabilitation plan for "Stream 10" and agreed that Alternative 3 should be considered the preferred alternative.

The Western Cape Department of Transport offered to 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 all of which have been responded to.

The DEA: DP Waste Management, Air Quality and Pollution and Chemicals Management Directorate all commented on the post-application Draft BAR.

DEA: DP Waste Management asked for clarity on how refuse generated during the operational phase would be handled and disposed of and highlighted the importance of the incorporation of the hierarchy of waste. DEA: DP Pollutions and Chemical management offered their support for the Maintenance Management Plan (MMP) and highlighted the importance of implementing measures to prevent ingress of pollutants and contaminants into the watercourses and wetlands during the operational phase including the implementation of the stormwater management plan. DEA: DP Air Quality provided dust, noise and emissions control measures all of which have been incorporated into the EMPr and asked that comment also be obtained from the local Air Quality Officer. The Stellenbosch Municipality official responded that the conditions set by the DEA: DP Air Quality Management Directorate be adhered to and that the activities on site, during construction and thereafter, must comply with the Western Cape Noise Control Regulations PN200/2013, the National Dust Control Regulations and the Stellenbosch Municipality Air Quality By-Law 2018.

## **2.4 Engagement with I&APs**

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

- Pniel Community Development Forum (Lilburne Cyster); and
- Stellenbosch Interested Group (Patricia Botha, Chairperson)

The following meetings were 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:

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- 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).

Comments on the post-application Draft BAR were received from the following I&APs:

- Drakenstein Heritage Foundation (Lyn Marais); and
- Eldred Kleinschmidt (Lanquedoc CPA).

### **3. COMMENTS AND RESPONSES**

In total, comment has been received from the following I&APs:

- HWC (noting that they have responded to the relevant NIDs and have provided an interim comment on the HIA, indicating that they would only provide comment on the final 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);
- Pniel Community Development Forum (Lilburne Cyster);
- Eldred Kleinschmidt (Lanquedoc CPA);
- Stellenbosch Interested Group;
- Western Cape Department of Transport and Public works;
- Department of Water and Sanitation;
- Drakenstein Heritage Foundation;
- Stellenbosch Municipality: Air Quality Department;
- DEA&DP: Waste Management;
- DEA&DP: Pollution and Chemicals; and
- DEA&DP: Air Quality

Comments 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 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	<b>Terrestrial Biodiversity and vegetation</b>	Agreement with specialist findings with	A botanist has carried out a study and produced a Terrestrial

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		regard to the transformed nature of the site, noting that aquatic systems are the only biodiversity issue on the site.	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	<b>Aquatic Biodiversity</b>	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).
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

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			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 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.
<u>2.11</u>		<u>Support for MMP from DEA: DP Pollution &amp; Chemicals Management Directorate.</u>	<u>Noted, noting that there has been reshuffling of Method Statements between the MMP and EMPr but that no new information has been included</u>
3.1	<b>Heritage/ Design</b>	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 have been provided to HWC for comment as part of the <u>previous</u> public review period. No comment was however

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			<u>received. It is understood that HWC will only comment on the final HIA with PP included.</u>
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 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.

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3.10		<u>No objection to the proposal by the Drakenstein Heritage Foundation</u>	<u>Noted.</u>
4.1	<b>Services</b>	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 <b>not</b> 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.
4.4		<u>DEA: DP Waste Management asked for clarity on how refuse generated during the operational phase would be handled.</u>	<u>Clarity has been provided in the final BAR and C&amp;R Report and confirmation of capacity by private service provider to collect and dispose of the non-recyclable waste at the Vissershok landfill provided (refer to Appendix E16 of the BAR).</u>
4.5		<u>Need to obtain service capacity letters from private service providers.</u>	<u>Capacity letters from private service providers who will remove waste and sewage have been obtained and included in the final BAR (refer to Appendix E16 of the BAR).</u>
4.6		<u>An updated comment with respect to the progress of the required upgrades at the Pniel WWTW must be provided.</u>	<u>An updated comment has been included in Appendix E16 of the BAR. The estimated completion date for the Pniel WWTW upgrade project is June 2022.</u>
5.1	<b>Landscaping</b>	Avoidance of orthogonal patterns and other landscaping recommendations as per the HIA are supported and a note	The support from the Stellenbosch Interest Group for patterns and other landscaping recommendations is noted in the Basic Assessment Report.

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		has been made that HWC should also support this.	
5.2		Source of water for landscaping.	The source of water for the 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	<b>Stakeholder/ Public engagement</b>	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	<b>Construction Management</b>	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

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			Assessment Report.
7.3		Recommend and motivate the frequency at which environmental audits must be conducted by an independent person.	Auditing and required frequency has been stipulated in the EMPr (refer to Appendix H of the BAR).
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.
<u>7.6</u>		<u>DEA: DP Air Quality provided dust, noise and emissions control measures for the construction and operational phases and highlighted the need to adhere to relevant legislation.</u>	<u>The EMPr includes measures to control these aspects. Reference to specified regulations has been included in the EMPr as per the comment.</u>
<u>7.7</u>		<u>Need to engage with the local Air Quality Officer from Stellenbosch Municipality.</u>	<u>Comment was obtained from the relevant official and incorporated into the final BAR.</u>
8.1	<b>Roads/ Transport/Traffic</b>	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	<b>General Issues</b>	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"	Clarity on what "sensitive" environments have has provided

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		environment.	in the Basic Assessment Report.
10.1	<b>Basic Assessment Process and Administrative Matters</b>	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.
10.3		Environmental auditing	Auditing and required frequency have 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"> <li>• Department of Agriculture</li> <li>• CapeNature</li> <li>• Heritage Western Cape</li> <li>• Department of Transport and Public Works</li> <li>• DEA&amp;DP: Pollution and Chemical Management</li> <li>• DEA&amp;DP: Waste Management</li> </ul>	<p><u>Comments from all of these parties mentioned are included in the Basic Assessment Report, apart from the Department of Agriculture.</u></p> <p><u>It is 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 agricultural aspects have been considered through the agricultural compliance statement, so issues related to the mandate of this Department have not been left unaddressed in this process.</u></p> <p><u>Comment from HWC on the two NIDs have been included as well as an interim comment on the HIA. A final comment will only be available following the submission of the final HIA which has been done at the same time as the final BAR submission. The final comment will be provided to DEA&amp;DP as soon as received and before the decision-making period of 107 days lapses.</u></p>
10.5		Original signed and dated Applicant	This <u>has been included</u> final Basic Assessment Report submitted to

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		declaration must be provided with the BAR for decision-making.	the DEA&DP for decision-making.
10.6		Original signed and dated Applicant declaration must be provided with the BAR for decision-making.	This <u>has been</u> 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 WULA.	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 Authorisation.
<u>10.10</u>		<u>The need to include an SSV report in the BAR for comment.</u>	<u>An SSV report has been included in the final BAR and I&amp;APs notified of the availability thereof for comment (refer to <b>Annexure 25</b> for proof)</u>
<u>10.11</u>		<u>Details on the preferred Alternative and how it relates to Listed Activities 12, 19 &amp; 48 of LN 1 are required.</u>	<u>This has been clarified in the final BAR.</u>
<u>10.12</u>		<u>The SDP must show ecological buffers/no-go zones.</u>	<u>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 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.</u>
<u>10.13</u>		<u>The MMP must be updated to reflect maintenance related work only (not construction work related to new or</u>	<u>Noted and completed. Method statements related to the construction of new or expanded infrastructure have been removed from the MMP and included in the EMPr.</u>

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		<u>expanded structures or infrastructure beyond the existing footprint).</u>	
<u>10.14</u>		<u>Proof of compliance with all the public participation steps undertaken and a comprehensive Comments &amp; Responses with original comments and responses to comments must be provided.</u>	<u>This has been included in the final BAR.</u>
11.1	<b>Broader Issues</b>	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.
<u>11.5</u>		<u>Objection to the proposal based on mistrust of the Bertha Foundation and the Community Advice Office (CAO) who according to one commentator are causing divisions among</u>	<u>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. The Bertha Foundation supports the CAO through grant funding but do not make any strategic or managerial</u>

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	<u>local community leaders and supporting backyard dwellers in Lanquedoc instead of property-owners.</u>	<u>decisions. The CAO is currently supporting a group of people who were evicted from the trust land.</u>
11.6	<u>Objection to the proposal due to employment opportunities which would not filter down to the Lanquedoc community.</u>	<u>The requirement to make use of local labour from Lanquedoc (and other surrounding communities) for the bulk of the unskilled labour is included in the EMPr for the operational and construction phase.</u>

## 4. CONCLUSIONS

The public participation process has followed the approved amended PPP Plan. 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 was undertaken during December/January 2022. Evidence of both BAR distributions and comments received on both reports are included in this final report.

Engagement with State Departments confirmed assessment requirements for the HIA and that the proposed development can be authorised under a General Authorisation in terms of the NWA. It has also confirmed that the Department of Transport and Public Works has no objection to the proposal and comments from the DEA&DP Development Management branch provided aspects to consider in the Basic Assessment process, Maintenance Management Plan (MMP) and other related reports.

Comment from several other state departments have been incorporated, with the key parties being DEA&DP Waste Management, DEA&DP: Pollution and Chemicals Management and DEA&DP Air Quality Management. CapeNature has provided comment on the post-application Draft BAR, confirming that their comment on the pre-application Draft BAR still stands and that the rehabilitation of stream 10 is supported. Responses to NIDs and an interim comment have been received from HWC but a final comment on the final HIA remains awaited given that public participation had to be incorporated into the final HIA first. The comment will be provided to the DEA&DP as soon as received in order to be considered in their decision-making process.

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, employment opportunities as well as general environmental impacts and mitigation.

All issues raised have been addressed in the final BAR, following the last public commenting period.

Evidence for the public review period of the post-application Draft BAR, comments made by I&APs during this time, as well as the responses to those comments have been included in the updated version of this report, which has been included in the final BAR submitted for decision-making.

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## **ANNEXURES**

<b>ANNEXURE 1:</b>	<b>Database of Potential Interested and Affected Parties</b>
<b>ANNEXURE 2:</b>	<b>Revised PPP Plan</b>
<b>ANNEXURE 3:</b>	<b>DEA&amp;DP Approval of PPP Plan _ 13 October 2020</b>
<b>ANNEXURE 4:</b>	<b>Comments &amp; Response Table</b>
<b>ANNEXURE 5:</b>	<b>Notification letter of project and pre-application draft BAR _ 5 November 2020</b>
<b>ANNEXURE 6:</b>	<b>Evidence of Email &amp; Post of Notification Letter</b>
<b>ANNEXURE 7:</b>	<b>Email to DWS _ 23 November 2020</b>
<b>ANNEXURE 8:</b>	<b>Proof of pre-application draft BAR and executive summaries (English &amp; Afrikaans) on Chand website</b>
<b>ANNEXURE 9:</b>	<b>Proof of placement of the pre-application draft BAR at Pniel Museum, Pniel and Stellenbosch Public Libraries</b>
<b>ANNEXURE 10:</b>	<b>Evidence of executive summaries, comment sheets and a comment box at Pniel Museum and Pniel Public Library</b>
<b>ANNEXURE 11:</b>	<b>Affidavits for empty comment boxes</b>
<b>ANNEXURE 12:</b>	<b>Notices placed at local public places</b> c. Map showing locations, text in notice d. Photographs showing location
<b>ANNEXURE 13:</b>	<b>Meeting _ Ward Councillor of Lanquedoc _ 1 February 2021</b> c. Minutes of Meeting & attendance register d. Evidence of invitation to Mr Johnson
<b>ANNEXURE 14:</b>	<b>Pre - application meeting _ DWS _ 2 December 2020 &amp; 16 February 2021 _ Minutes of meeting</b>
<b>ANNEXURE 15:</b>	<b>FGM _ local community organisations _ 23 February 2021</b> c. Evidence of invitation & apologies d. Minutes of meeting & attendance register
<b>ANNEXURE 16:</b>	<b>Evidence of engagement with Sate Departments for comment</b>
<b>ANNEXURE 17:</b>	<b>Response to NID from HWC</b>
<b>Annexure 18:</b>	<b>Interim comment from HWC on HIA</b>

The following Annexures have been added since the circulation of this draft report:

<b>ANNEXURE 19:</b>	<b>Notification letter of post-application draft BAR and evidence of distribution</b>
<b>ANNEXURE 20:</b>	<b>Proof of post-application draft BAR and executive summaries (English &amp; Afrikaans) on Chand website</b>
<b>ANNEXURE 21:</b>	<b>Proof of placement of post-application draft BAR at Pniel Public Library and Protea Bookstore</b>
<b>ANNEXURE 22:</b>	<b>Evidence of executive summaries, comment sheets and a comment box at Pniel Library</b>
<b>ANNEXURE 23:</b>	<b>Proof of placement of notice boards at the site</b>
<b>ANNEXURE 24:</b>	<b>Proof of placement of advertisements</b>
<b>ANNEXURE 25:</b>	<b>Proof of distribution of Site Sensitivity Verification Report and placement of a hard copy at the Pniel Public Library and Protea Bookstore</b>
<b>ANNEXURE 26:</b>	<b>Response to NID from HWC for pipeline to Lanquedoc</b>
<b>ANNEXURE 27:</b>	<b>Original comments received</b>