

Appendix G

COMMENTS AND RESPONSE REPORT Version 1.0

THE DEVELOPMENT OF A TENTED CAMP ON FOUNDERS ESTATE 5, FARM 1685/5, PAARL (FE5)

**DEA&DP App reference: 14/2/4/2/1/E4/5/0003/22
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1 INTRODUCTION

This document is the Comments and Response Report appended to the environmental application and supporting Environmental Impact Report (EIR) for the unlawful development of a Tented Camp tourist facility on Portion 5 of Farm 1685 (FE5), Paarl.

The report has been compiled following the public review of the application and draft EIR. The documentation was subjected to a 30-day public review period from 25 March 2022 - 25 April 2022. The I&AP database exclusive 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 period have been addressed herein and in the EIR, where applicable. These comments have been captured and responded to in **Annexure 4**. The original comments have been included in **Annexure 12**.

This report describes the process used to identify and notify potential Interested and Affected Parties (I&APs) of the development, application submission and associated public review and comment period.

The report incorporates the following:

- Evidence of placement of a pre-liminary pre-application advertisement of the development in accordance with Regulation 8 of the 24G Fine Regulations;
- Evidence of the placement of a pre-application notification on the EAP's website;
- Evidence of distribution of notification letters/ emails of the application and draft EIR to potential I&APs and State Departments;
- Evidence of the placement of an advertisement for the public review period of the application and draft EIR;
- Evidence of placement of site notices, on the site boundary;
- Evidence of uploading the application and draft EIR on Chand's website for the duration of the public review period;
- I&AP Database (which has remained updated throughout the process);
- Comments received from I&APs on the application and draft EIR;
- Responses to the comments received from I&APs on the pre-application draft EIR; and
- Minutes of a meeting held with the Department of Water and Sanitation (DWS).

As per the pre-directive issued on the 22ND of March 2022 and as confirmed by the competent authority via email on 6 May 2022, the Comments & Responses Report must be subjected to a 21-day public review period and I&APs notified of the availability of the report.

1.1 Pre-application Notification

In accordance with Regulation 8 of the 24g Fine Regulations the following pre-liminary (pre-application) public participation was undertaken:

- The compilation of pre-liminary I&AP database. The database contains all necessary persons stipulated by regulation 41 of the EIA Regulations, 2014 (as amended) as well as other potential I&APs and has remained updated throughout the process (refer to **Annexure 1**). The database exclusive of contact details to protect the privacy of individuals was also included in the draft EIR which underwent public review;

- The placement of a pre-liminary advertisement in the Eikestad Nuus on 21 October 2021 (refer to **Annexure 11**). The advertisement complies with Annexure A, Section D of the Section 24G Fine Regulations, 2017; and
- The placement of a notification of the application on the EAP's website in lieu of an available website for the applicant at the time (refer to **Annexure 3**).

Refer to the next section which elaborates on the compilation and maintenance of the I&AP database.

1.2 I&AP Database Compilation and Maintenance

Chand conducted research in the area and also used the I&AP database for the recently proposed New Retreat development (the final Basic Assessment Report for the application was submitted for decision-making in February 2022 so it is a recent database) as a base because the development is located in the same vicinity (i.e., on Boschendal Farm). The following parties as required in Regulation 41 (2) (b) of the EIA Regulations, 2014 (as amended) are included in the 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
 - Nederburg Wine Farms Ltd
 - Boschendal (Pty) Ltd
 - Noble Savage Investments (Pty) Ltd owner of Plaisir De Marle
 - Goede Hoop (for whom email addresses were obtained)
- The Municipal Ward Councillor of the affected ward – Ward 1;
- Organs of the State having jurisdiction in respect of any aspect of the activity (these include Stellenbosch Municipality, The Cape Winelands District Municipality, Department of Water and Sanitation-DWS, the South African Heritage Resource Agency-SAHRA, Department of Agriculture, and CapeNature);
- Registered Heritage Conservation Bodies (i.e., Stellenbosch Interest Group, Stellenbosch Heritage Foundation, Drakenstein Heritage Foundation Stellenbosch Municipality, Pniel Heritage and Cultural Trust);
- Local Ratepayers' Associations (i.e., the Stellenbosch Ratepayers Association); and
- Boschendal Worker Forum (in order to ensure farm workers on Boschendal are aware of projects on the farm).

The I&AP database has remained updated as comments and/or registrations have been received from I&APs during the environmental application process.

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

NOTIFICATION METHODOLOGY

2.1 Environmental Application and Draft EIR

The following public participation activities were undertaken in support of the 30-day public review period (i.e., 25 March 2022 - 25 April 2022) of the application and draft EIR:

- Notification of the application and availability of the draft EIR via email and regular post (to those I&APs who do not have email addresses) to the preliminary I&AP database on 24th March 2022 (refer to **Annexure 5** for a copy of the letter and **Annexure 6** for evidence of the emailing and posting thereof). Note that separate emails were sent to State Departments to clarify the dates of the commenting period which were not aligned with the NEMA Section O notification letters issued by the DEA&DP on 15 March 2022;
- Placement of an advertisement in the Eikestad Nuus (refer to **Annexure 11** for proof of placement), one in English and one in Afrikaans;
- Placement of site notices on the site boundary, one in English and one in Afrikaans refer to **Annexure 10** for photographs;
- Uploading of the application and draft EIR to the Chand website for the duration of the public comment period (refer to **Annexure 7** for evidence thereof);
- A pre-application meeting (for the Water Use Authorisation application) was held with the Department of Water & Sanitation (DWS) on 22nd February 2022. Refer to the meeting minutes included in **Annexure 8**; and
- Maintenance of the I&AP database which is included as **Annexure 1**.

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

- 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)
- DWS
- HWC
- SAHRA
- Western Cape Department of Human Settlements
- Department of Economic Development and Tourism
- Department of Water and Sanitation
- Stellenbosch Municipality: Community & Protection Services
- Cape Winelands District Municipality: Engineering & Infrastructure Services Department
- Stellenbosch Planning and Advisory Committee - Stellenbosch Municipality
- Stellenbosch Municipality: Development (Infrastructure Services)

Comments have been received from some I&APs and State Departments and these have been included in this report, responded to (refer to the Comments & Responses included in **Annexure 4**) and addressed in the EIR.

Notification of the authorities' decision on the application for retrospective 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.

2.2 Engagement with State Departments

Although responses from all State Departments were anticipated from the public review of the application and draft EIR, this was not the case and the following Departments have not responded in spite follow-up (refer to **Annexure 9** for evidence thereof):

- Stellenbosch Municipality: Environmental Management
- Department of Environmental Affairs and Development Planning: Biodiversity
- SANParks
- Department of Agriculture, Land Reform and Rural Development (note that a site visit was arranged upon request from an official who cancelled due to illness).
- Heritage Western Cape (noting that SAHRA is the relevant heritage authority on the case and not HWC)
- Department of Environmental Affairs and Development Planning: Pollution and Chemicals Management
- Western Cape Government: Road Network Management
- National Department of Environment, forestry, and fisheries (DEFF): Biodiversity and Conservation
- Western Cape Dept. of Health
- Department of Transport and Public Works
- Department of Economic Development and Tourism
- Department of Environmental Affairs and Development Planning: Air Quality

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

SAHRA and the DWS have been consulted, as it is important to obtain SAHRA's 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.

As identified by the Heritage Impact Assessment (HIA), SAHRA confirmed that the provisions of the NHRA do not enable SAHRA to approve unauthorised work retrospectively. In their comment they acknowledge that the development of the Tented Camps work has not irreversibly damaged heritage significance and the integrity of the heritage resources also located within the Boschendal Cultural Landscape and that the reversibility and temporary nature thereof poses a very low impact as per the finding of the HIA, and states that the recommendations of the heritage specialists are supported and must be adhered to. SAHRA further listed procedures to be followed should anything of heritage importance be found on site during any further development activities, all of which have been incorporated into the Environmental Management Programme (EMPr).

A pre-application meeting was held with the DWS (refer to **Annexure 8** for the minutes thereof), with information submitted to them for further consideration. Discussions/engagement with DWS revolved around the development components nearby the watercourses on site, the potential impacts thereof, information requirements from the Department's side and the applicable process. It was indicated in the meeting that the

compliance unit may visit site, but this has not yet realised. Following the opening of the next phase of the application on the DWS eWULAAS system the WUA application was submitted. Engagement with the DWS will continue via the online platform until the water-use is registered. DWS also provided comment on the application in which they confirm the need for a water use authorisation.

Comment was received from CapeNature in which they note that they would not have supported any structures or paths within the intact and semi-intact sections of the natural vegetation remnant. They however support the recommendations of the biodiversity specialists including the rehabilitation of the site following dismantling, the immediate restoration of impacted areas, the restriction of paths and access to the dam and that no further structures be permitted in the natural or near natural vegetation.

DEA: DP Waste Management recommended a number of waste management measures which have been included in the EMP. The Directorate also asked for clarity on sewage treatment on site which has been elaborated upon in the EIR.

The Cape Winelands District Municipality recommended a number of measures related to sewage treatment and disposal, noise management, waste management and potable water provision all of which have been responded to and addressed in the EIR. It is noted that the municipality commented that wastewater streams be connected to the sewer system and that it may not be discharged above ground. For clarity, currently there is no sewer system on the farm to which the development can connect, and sewage is treated on site (within General Limits) before discharge to the surrounding environment i.e., there is not direct discharge of sewage above ground.

Refer to **Annexure 12** for the original comments from State Departments.

2.3 Engagement with I&APs

Comments on the application and draft EIR were received from the following I&APs:

- Drakeinstein Heritage Foundation
- Noble Savage Investments (Pty) Ltd owner of Plaisir De Marle

3. COMMENTS AND RESPONSES

In summary, comment has been received from the following parties:

- Cape Nature
- Department of Water and Sanitation
- South African Heritage Resources Agency (SAHRA)
- Cape Winelands District
- Department of Environmental Affairs and Development Planning: Waste Management
- Drakeinstein Heritage Foundation
- Noble Savage Investments (Pty) Ltd owner of Plaisir De Marle

Comments submitted are captured in the Comments and Responses Table in **Annexure 4**.

The issues and concerns raised during the consultation process have been addressed in the EIR and this can be summarised in Table 1.

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

No.	Category	Issue	How issue has been addressed
1.1	Terrestrial Biodiversity and vegetation	The need for a rehabilitation plan which includes determination of an appropriate fire regime and burning schedule.	The need for a Rehabilitation Plan is included in the EMPr and has been recommended as a condition of authorisation.
1.2		The need for immediate mitigation including restoration of disturbed areas immediately around the tents, paths, pipelines and other infrastructure.	A Restoration Plan for immediate implementation is included in the EMPr.
1.3		The need for erosion control measures and prevention of human-wildlife conflict.	Recommended measures have been included in the EMPr.
1.4		Agreement with botanical specialist findings that no additional tent platforms or other hard surfaces should be permitted in the natural or near natural vegetation.	Noted and included in the EIR.
2.1	Aquatic Biodiversity	Agreement with freshwater specialist findings that access to freshwater resources should be limited to the dam and paths should not be placed through wetland or riparian areas.	Noted and included in the EIR.
3.1	Heritage/ Design	No objections to the rectification application. Confirmation that the provisions of the NHRA do not enable SAHRA to approve unauthorised work retrospectively but that SAHRA do not object to the rectification application in terms of the NEMA	SAHRA's comment has been incorporated into the EIR and this C&R Report
		Support for the findings and recommendations of the HIA.	Noted - SAHRA's comment has been incorporated into the EIR and this C&R Report
		No objection to the proposal by the Drakenstein Heritage	Noted and considered by the EAP.

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		Foundation	
4.1	Services	The need for any remaining construction waste to be removed from site.	Confirmed that no more construction waste remains on site.
4.2		The need for a waste management plan for the operational phase including how vegetative waste will be handled.	This has been included in the operational EMPr.
4.3		Confirmation from the DEADP: Waste Management that all waste generated on site is managed by the owners and that waste manifest documents be kept as record of proper removal by private contractors	Noted and the need to keep waste documents included in the operational EMPr.
4.4		Request for more detail on the treatment of sewage via the BioDisk units	The components of the BioDisk units and the treatment process employed have been elaborated upon in the EIR.
5.1	Construction Management	The responsibilities and functions of the ECO must be comprehensively listed in the EMPr.	The responsibilities of the ECO are listed in section 2.2.4 of the EMPr.
5.2		Procedures to be implemented should heritage remains be unearthed during any further development activities on site.	These procedures have been included in the EMPr for the development.
5.3		The need for wastewater to be connected to the sewer system and that no sewage may be discharged to the ground,	This comment has been responded to the C&R Table, noting that there is no existing sewer system to connect to and that the direct discharge of sewage is not done on site.
5.4		The need for a fat trap in the kitchen	This comment has been responded to the C&R Table – a fat trap has been installed.
5.5		The need for the appropriate bins to be placed at the camp for female sanitation products.	The requirement has been included in the EMPr
6.1	Noise	The need to comply with noise regulations and the SABS standards for noise generation.	The requirement has been included in the EMPr

7.1	Permitting	Confirmation to continue with the water use authorisation process.	Noted. This is underway.
7.2		The need to apply for a certificate from the district municipality terms should food be prepared on site and sold to the public and to comply with Regulation 638 of 22 Junie 2018 in terms of food preparation.	The requirement has been included in the EMPr
8.1	General Issues	Town planning issues related to the Stellenbosch Municipality Land Use and Planning Ordinance and Zoning Scheme.	These issues do not fall within the provisions of NEMA and this environmental application.
8.2		Objection to the operations of the camp while application processes are still underway.	The application for retrospective environmental authorisation is for construction activities and not operational activities thus operations may continue (if not directed by the authority to stop)
8.3		Objection against visually intrusive spotlights at the camp	There are no spotlights at the camp.

4. CONCLUSIONS

The public participation process for the environmental application has been undertaken in accordance with Regulation 8 of the Section 24G Fine Regulations and Regulation 41 of the EIA Regulations, 2014 (as amended).

A 30-day public review period for the pre-application and draft EIR was undertaken from 25 March 2022 - 25 April 2022. Evidence of notification and comments received are included in this Comments and Responses report.

Engagement with State Departments confirmed no heritage application requirements and that the proposed development can be authorised under a General Authorisation in terms of the NWA.

Comment from other state departments have been incorporated, with the key parties being DEA&DP Waste Management, CapeNature and the Cape Winelands District Municipality.

Comments from I&APs related to the proposed development specifically cover issues such support for the HIA and mitigation measures therein, implementation of all mitigation measures recommended by biodiversity specialists and service requirements.

All issues raised have been addressed in this Comments and Responses Report and the final EIR, which will be submitted to the DEA&DP for decision-making following the distribution of this report for a required 21-days for comment.

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Evidence for the public review period of the Comments & Responses Report, additional comments made by I&APs during this time, as well as the responses to those comments will be included in the updated version of this report which will be included in the final EIR to be submitted for decision-making.

ANNEXURES