

PROOF OF PUBLIC PARTICIPATION

PROPOSED VINEYARD

RE585, Hemel and Aarde Valley, Caledon RD

October 2023

Updated February 2025

Consultant:

Michelle Naylor | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPASA
cell: 083 245 6556 | michelle@lornay.co.za | www.lornay.co.za
Unit 5/1F, Hemel and Aarde Wine Village, Hermanus
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

CONTENTS

CONTENTS	2
1. INTRODUCTION	3
2. LIST OF INTERESTED AND AFFECTED PARTIES AND ORGANS OF STATE	4
3. WRITTEN NOTICE TO I&APS AND ORGANS OF STATE OF DRAFT BAR:	5
4. PROOF OF NOTICE TO I&APS AND ORGANS OF STATE	7
5. NEWSPAPER ADVERTISEMENT	8
6. NOTICEBOARDS	11
7. COMMENTS AND RESPONSE REPORT AND REGISTER FOR I&APS	13
8. COMMENTS RECEIVED DURING DRAFT / PRE-APPLICATION PUBLIC PARTICIPATION.....	38
9. FINAL ROUND OF PUBLIC PARTICIPATION	49
10. REGISTERED INTERESTED AND AFFECTED PARTIES.....	50
11. NOTICE OF FINAL PUBLIC PARTICIPATION.....	50
12. PROOF OF NOTICE OF FINAL ROUND OF PPP	50
13. COMMENTS RECEIVED DURING THE FINAL ROUND OF PUBLIC PARTICIPATION	50

1. INTRODUCTION

The Public Participation Process was conducted in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended). All potential interested and affected parties (I&APS) and applicable organs of state were notified of the DRAFT / pre-application Basic Assessment Report (BAR). The DRAFT BAR was made available for a 30-day period to I&APS and organs of state, to register and comment. Noticeboards were placed on site and a newspaper advertisement was placed in the local newspaper. All comments were recorded in a comments and response report and a register for I&APS was opened. Once the 30-day public participation on the DRAFT BAR was complete, all comments made were attended to and the FINAL BAR amended as required. The Application for Environmental Authorisation was then submitted to the Department of Environmental Affairs and Development Planning (DEA&DP), and the mandatory fee payment was made.

Please note that a Notice of Intent to Develop was submitted to Heritage Western Cape and after additional specialist input, HWC have confirmed that no further Heritage Assessment is required for the proposal.

The FINAL BAR was circulated to all registered I&APS and organs of state for a further 30-day public participation period. All comments received during this period were recorded and responded to in the Comments and Response Report and Register for I&AP's. This document serves as proof of the public participation carried out in line with Section 41 of the EIA Regulations (2014).

2. LIST OF INTERESTED AND AFFECTED PARTIES AND ORGANS OF STATE

In line with the requirements of NEMA, all potential Interested and Affected Parties (I&APS) were notified of the project and provided with an opportunity to comment. This included applicable organs of state. See list of I&AP's identified for the project:

<u>PRE-APPLICATION PUBLIC PARTICIPATION</u>	
WC Government Env Affairs & Dev Planning	
Development Management	
Bernadette Osbourne	
Registry Office	
1st Floor, Utilitas Building	
1 Dorp Street	
8001	
1 HC, 1 CD	
Cape Nature	Overberg District Municipality
Rhett Smart	F. Kotze / R. Volschenk
rsmart@capenature.co.za	Private Bag x 22
	Bredasdorp
	7280
	F. Kotze
	Email
BGCMA	Overstrand Municipality
R. Le Roux	Penelope Aplon
Private Bag x3055	PO Box 20
Worcester	Hermanus
<u>6850</u>	7200
023 346 8000	paplon@overstrand.gov.za
1 HC, CD	
DOA Plough Permit	Department of Agriculture, Forestry and Fisheries
Grant Jephthas	Land Management
Samantha Asia	Cor van Der Walt
	Private Bag x 1
Heritage Western Cape	Elsenburg
Ayanda Mdludlu	7607
Protea Assurance Building	CorvdW@elsenburg.com
Green Market Square	Letter
Cape Town	Tel: 021 808 5099
8001	Fax: 021 808 5092

021 483 9689 Ayanda.Mdludlu@westerncape.gov.za	
IAPS	
Re/586 BOUCHARD FINLAYSON accounts@bouchardfinlayson.co.za	6/586 BOUCHARD FINLAYSON accounts@bouchardfinlayson.co.za
1/586 VOLMOED TRUST admin@volmoed.co.za	13/585 BRAEMAR TRUST christolene@hamiltonrussellvineyards.com
Re/19/585 ASHBOURNE VINEYARDS PTY LTD christolene@hamiltonrussellvineyards.com	20/585 FERNKLOOF FARM CC niblos320@gmail.com
16/587 HEMEL & AARDE PTY LTD P/A SAAIMAN LJ PO BOX 469 ONRUS 7201	65/587 GAF FAMILY TRUST shakerley@worldonline.co.za
100/587 HEMEL & AARDE COUNTRY RETREAT PTY LTD collin@bishopcf.co.za	81/587 NEWTON JOHNSON VINEYARDS PTY LTD wine@newtonjohnson.com
2/591 Re/591 Overstrand Municipality	

3. WRITTEN NOTICE TO I&APS AND ORGANS OF STATE OF DRAFT BAR:

The I&AP's identified above were given written notice of the proposed development, via registered mail or courier, as appropriate. The written notice included details of the applicable legislation, the proposed expansion and means to provide comment or register as I&AP. See written notice below:



12 October 2022

DEA&DP Ref. No.: 16/3/3/6/7/1/E2/27/1169/22
Lornay Ref. No.: RE585

**NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS:
PROPOSED ESTABLISHMENT VINEYARD BLOCKS, REMAINDER OF FARM 585, CALEDON**

Notice is hereby given of a Public Participation Process in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended).

Proposal: Establishment of new vineyard blocks

Location: Remainder of Farm 585, Hemel and Aarde Valley, Hermanus, Caledon RD

Applicant: Hermann Boeddinghaus

Environmental Authorisation is required in terms of NEMA for the following Listed Activities:

Listing Notice 1

(27) The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation

Listing Notice 3

(6) The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more (i) in the Western Cape (ii) outside urban areas (bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve

(12) The clearance of an area of 300 square metres or more of indigenous vegetation

A Basic Assessment Process is applicable. A copy of the Basic Assessment Report is available for download on our website or upon request. Interested and Affected Parties (I&AP's) are hereby invited to register as an Interested and Affected Party (I&AP) and / or comment on the proposed activity on / or before **11 November 2022** via the following contact details:

LORNAY ENVIRONMENTAL CONSULTING

ATT. Michelle Naylor

PO Box 1990, Hermanus, 7200

Tel. 083 245 6556 | Fax. 086 585 2461

Email. michelle@lornay.co.za | Website. www.lornay.co.za

Michelle Naylor | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPSA
cell: 083 245 6556 | fax: 086 585 2461 | michelle@lornay.co.za | www.lornay.co.za
PO Box 1990, Hermanus, 7200
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

4. PROOF OF NOTICE TO I&APS AND ORGANS OF STATE

Written notice was provided to I&APs and Organs of State via registered mail or courier, as indicated in the proofs below:

Michelle Naylor

From: Michelle Naylor <michelle@lornay.co.za>
Sent: Tuesday, 11 October 2022 14:01
To: 'accounts@bouchardfinlayson.co.za'; 'admin@volmoed.co.za';
'christolene@hamiltonrussellvineyards.com'; 'niblos320@gmail.com';
'shakerley@worldonline.co.za'; 'collin@bishopcf.co.za'; 'wine@newtonjohnson.com'
Subject: NOTICE OF PPP: PROPOSED REMOVAL OF INDIGENOUS VEGETATION FOR THE
ESTABLISHMENT OF VINEYARDS ON A PORTION OF REMAINDER OF FARM NO.
585, HEMEL EN AARDE VALLEY, CALEDON
Attachments: Notice of Draft PPP re585.pdf

Dear I&AP

DEADP Ref: 16/3/3/6/7/1/E2/27/1169/22

Kindly see attached notice of first round of public participation on the Draft / Pre-Application Basic Assessment for the proposed establishment of vineyards on a portion of the Remainder of Farm 585, Caledon. Please see download link for access to the documents: <https://we.tl/t-d0ULA22VrB>

Please contact me with any queries.

Kind regards



Michelle Naylor
LORNAY ENVIRONMENTAL CONSULTING
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIA
T +27 (0) 83 245 6556 | F 086 585 2461
E michelle@lornay.co.za | W www.lornay.co.za
PO Box 1990, Hermanus, 7200, South Africa
Reg No. 2015/445417/07

Michelle Naylor

From: Michelle Naylor <michelle@lornay.co.za>
Sent: Tuesday, 11 October 2022 13:58
To: 'Bernadette Osborne'; 'Rulien Volschenk'; 'Rafeeq le Roux'; 'P Aplon'; 'corvdw@elsenburg.com'; 'Ayanda Mdludlu'; 'Gary Jones'; 'Rhett Smart'
Subject: NOTICE OF PPP: PROPOSED REMOVAL OF INDIGENOUS VEGETATION FOR THE ESTABLISHMENT OF VINEYARDS ON A PORTION OF REMAINDER OF FARM NO. 585, HEMEL EN AARDE VALLEY, CALEDON
Attachments: Notice of Draft PPP re585.pdf

Dear Organ of State,

DEADP Ref: 16/3/3/6/7/1/E2/27/1169/22

Kindly see attached notice of first round of public participation on the Draft / Pre-Application Basic Assessment for the proposed establishment of vineyards on a portion of the Remainder of Farm 585, Caledon. Please see download link for access to the documents: <https://we.tl/t-d0ULA22VrB>.

Please contact me with any queries.

Kind regards



Michelle Naylor
LORNAY ENVIRONMENTAL CONSULTING
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAAs
T +27 (0) 83 245 6556 | F 086 585 2461
E michelle@lornay.co.za | W www.lornay.co.za
PO Box 1990, Hermanus, 7200, South Africa
Reg No. 2015/445417/07

5. NEWSPAPER ADVERTISEMENT

An advertisement was placed in the local newspaper, the Hermanus Times, regarding the proposed development:

2 Hermanus Times NIUS NEWS 12 Oktober 2022

Netwerk24: Vir die jongste niuus Times Spillage managed

**NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS
REMAINDER OF THE FARM NO. 585, HEMEL AND AARDE VALLEY, HERMANUS**
DEA&DP Ref.: 16/3/3/6/7/1/E2/27/1169/22

Notice is hereby given of a Public Participation Process in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended).


Proposal: Establishment of new vineyard blocks
Location: Remainder of the Farm 585, Hemel and Aarde Valley, Hermanus, Caledon RD
Applicant: Hermann Boeddinghaus

Environmental Authorisation is required in terms of NEMA for the following Listed Activities:

Listing Notice 1
(27) The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation

Listing Notice 3
(12) The clearance of an area of 300 square metres or more of indigenous vegetation i. Western Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004

A Basic Assessment Process is applicable. A copy of the Basic Assessment Report is available for download on our website or upon request. Interested and Affected Parties (I&AP's) are hereby invited to register as an Interested and Affected Party (I&AP) and / or comment on the proposed activity on / or before **11 November 2022** via the following contact details:



LORNAY ENVIRONMENTAL CONSULTING
For Att. Michelle Naylor
PO Box 1990, Hermanus, 7200
Tel: 083 245 6556 | Fax: 086 585 2461
Email: michelle@lornay.co.za | www.lornay.co.za

LORNAY-PHLY21022

PUBLIC NOTICE CALLING FOR INSPECTION OF THE SUPPLEMENTARY VALUATION ROLL 2021/2022 AND

6.

6. NOTICEBOARDS

Noticeboards were placed on site, as required in terms of the legislation:

NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS
REMAINDER OF THE FARM NO. 585, HEMEL AND AARDE VALLEY, HERMANUS

DEA&DP Ref.: 16/3/3/6/7/1/E2/27/1169/22

Notice is hereby given of a Public Participation Process in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended).

Proposal: Establishment of new vineyard blocks

Location: Remainder of the Farm 585, Hemel and Aarde Valley, Hermanus, Caledon RD

Applicant: Hermann Boeddinghaus

Environmental Authorisation is required in terms of NEMA for the following Listed Activities:

Listing Notice 1

(27) The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation

Listing Notice 3

(12) The clearance of an area of 300 square metres or more of indigenous vegetation i. Western Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004

A Basic Assessment Process is applicable. A copy of the Basic Assessment Report is available for download on our website or upon request. Interested and Affected Parties (I&AP's) are hereby invited to register as an Interested and Affected Party (I&AP) and / or comment on the proposed activity on / or before **11 November 2022** via the following contact details:



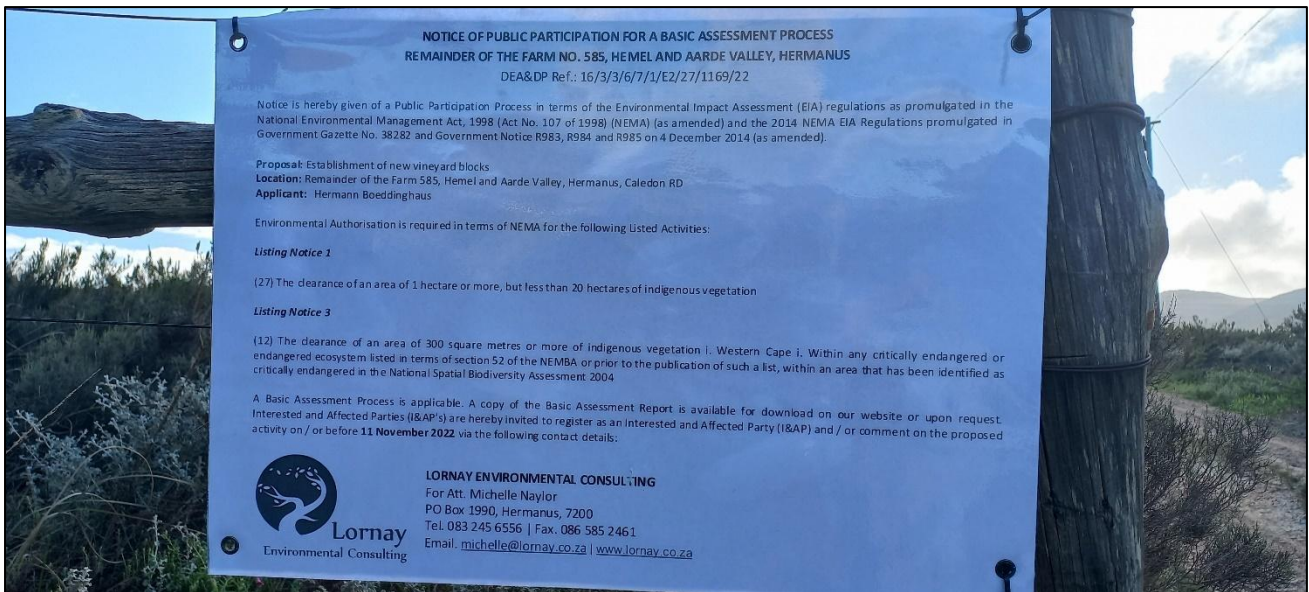
LORNAY ENVIRONMENTAL CONSULTING

For Att. Michelle Naylor

PO Box 1990, Hermanus, 7200

Tel. 083 245 6556 | Fax. 086 585 2461

Email. michelle@lornay.co.za | www.lornay.co.za



7. COMMENTS AND RESPONSE REPORT AND REGISTER FOR I&APS

A Register was opened during the first round of public participation, to list all I&APs which wished to be registered as such. The Register included contact details, date and comment made.

A Comments and Response report was also opened at the onset of the public participation. This report contains the comment made by the I&AP, as well as formal response by the Environmental Assessment Practitioner (EAP).



COMMENTS AND RESPONSE REPORT

PROJECT: Mountain Rose

DRAFT BAR / PRE APPLICATION

NAME:	COMMENT:	RESPONSE:	DATE & REF:
Dr Dianne Marais	<p>Email dated 15/10/2022</p> <p>Dear Michelle, Please register me as an Interested and Affected party with regards the proposed development on Mt Rose as described below. Thanking you. Kind regards, Dr Dianne Marais Upper Cottage Fernkloof Farm Hemel en Aarde Valley Hermanus maraisdianne@gmail.com 028 312 1162</p>	Noted – no further action required	15/10/2022
Jozua Rossouw	<p>Email dated 03/11/2022</p> <p>Good day Michelle</p>	Noted and added as IAP	11/03/2022

	<p>I trust this email finds you well.</p> <p>I would like to query and comment on the proposal in the application made by Mountain Rose before the 11th of November. How do I register as a participant?</p> <p>I am a resident on Fernkloof Farm and in the process of becoming an owner of one of the dwellings.</p> <p>I have no problem with the proposed vineyards being planted but have a concern regarding the Listing notice 3 of the application for residencies and a hotel. There is no indication of where on the property that will be developed. There is also no indication where the 300 square metres of indigenous vegetation is.</p> <p>Can you please lodge this query or let me know how to proceed?</p> <p>Your's truly, Jozua Rossouw +27 (0)83 2288 651</p>	<p>The only activity proposed is for the establishment of the vineyard. No tourism overnight is proposed or applied for. The listing notices have been amended accordingly.</p>	
<p>Brandon Layman / Cor van Der Walt</p>	<p>Email dated 14/11/2022</p> <p>PROPOSED ESTABLISHMENT VINEYARD BLOCKS – DIVISION CALEDON REMAINDER OF THE FARM NO 585</p> <p>Your application of 12 October 2022 has reference</p> <p>The Western Cape Department of Agriculture: Land Use Management has no objection to the clearing of natural vegetation for cultivation purposes</p> <p>Please note</p> <ul style="list-style-type: none"> - Kindly quote the above mentioned reference number in any future correspondence in respect of the application - The Department reserves the right to revise initial comments and request further information based on the information received. 	<p>Noted – no further action required</p>	<p>20/9/2/4/2/315</p>
<p>Rhett Smart Cape Nature</p>	<p>Email dated 11/11/2022</p> <p>Draft Basic Assessment Report and Cultivation Permit for the Proposed Vineyards, Remainder of Farm 585, Mountain Rose Farm, Hemel-en-Aarde Valley, Hermanus</p>		<p>LS14/2/6/1/7/2/585_cultivation_Hemel-en-Aarde</p>

	<p>CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development. This comment will serve the purposes for both the Draft Basic Assessment Report in terms of the National Environmental Management Act (NEMA) process and the cultivation permit in terms of the Conservation of Agricultural Resources Act (CARA).</p> <p>Two areas of cultivation for vineyards are proposed. The proposed larger western cultivation area consists mainly of No Natural according to the Western Cape Biodiversity Spatial Plan (WCBSP) with minor encroachment of Ecological Support Area 2 (ESA) and Critical Biodiversity Area 2 (CBA) on the southern boundary. The south eastern half of the smaller eastern cultivation area consists of CBA 2 and the northern section is No Natural. The natural vegetation that would have occurred on these footprints is Elim Ferricrete Fynbos. There are no watercourses or wetlands mapped within the footprints, with the Antjies River forming the southern boundary of the site. There is an unchanneled valley bottom wetland mapped along the Antjies River according to the National Wetland Mapping.</p> <p>A botanical assessment and conservation management plan (BA&CMP) was compiled in 2019 for the property. The purpose was to inform the conservation management of the property and was not compiled to assess the potential for development of vineyards. The BA&CMP includes a map of the vegetation occurring on the property which can be used to inform the application for cultivation. The two cultivation areas are occupied by the unit mapped as old lands in the process of rehabilitation with two patches of dense aliens. We note that the most recent Google Earth imagery indicates that some of these dense alien patches have already been cleared and therefore the conservation management plan is already being implemented. The BA&CMP indicates that Elim Ferricrete Fynbos will never return once it has been ploughed and that the vegetation that re-establishes is dominated by weedy pioneer species. The area proposed for cultivation has not been ploughed within the previous 10 years and is therefore classified as indigenous vegetation according to the NEMA definition. CapeNature undertook a site visit with the Department of Agriculture LandCare and our observations concur regarding the dominance of weedy pioneer species within the proposed cultivation area.</p>		
--	---	--	--



Figure 1: View from the road of the larger western cultivation area indicating that it is dominated by a few weedy pioneer species such as *Anthospermum aethiopicum* and *Seriphium plumosum*

The BA&CMP indicates that the old lands are considered as low conservation value, however they do have functional and ecological value, which would include faunal habitat. The mapping mainly correlates with the WCBSP, however the section of CBA 2 in the smaller eastern cultivation area is mapped as old lands. This section has the same appearance on the aerial imagery as the area mapped as Elim Ferricrete Fynbos which has not been ploughed and could possibly be the reason for the mapping on the WCBSP. This section of the old lands may have become invaded by alien invasive species. The Elim Ferricrete Fynbos is recommended for a management burn and is therefore likely old dense growth resulting in the similar appearance (these two areas were not visited during the site visit). The encroachments of CBA and ESA on the larger western cultivation area are related to the aquatic features.

Wetlands have been mapped in the BA&CMP based on the vegetation community, however this would not have been in accordance with the Department of Water and Sanitation standard wetland delineation methodology. As indicated above, there is an

	<p>unchanneled valley bottom wetland associated with the Antjies River along the southern boundary. While the Basic Assessment Report (BAR) indicates that the cultivation areas are located outside of a 32 m buffer from any watercourses, there is a possibility that the southern section of the western cultivation area encroaches into the 32 m buffer of the Antjies River wetland.</p> <p>The results from the screening tool indicate a very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant species. A site sensitivity verification report has not been provided and is required in order to motivate for the undertaking or not of specialist assessments or compliance statements for each of the themes reported upon. We recommend that there is consultation with the competent authority prior to submission of the BAR regarding the compliance with the protocols associated with the screening tool, including the use of the BA&CMP.</p> <p>While the BA&CMP does not assess the impact of the proposed vineyards, it provides sufficient information to function as a botanical constraints analysis. In this regard we are satisfied that the proposed vineyards are located on old lands which are of low conservation value. However, the cultivation area should be located outside of a 32 m buffer from the Antjies River unchanneled valley bottom wetland, which should be delineated. Further confirmation is required regarding the area mapped as CBA 2 in the eastern cultivation area as described above.</p> <p>CapeNature supports the compilation of the BA&CMP for the property for the purposes of managing the natural areas. As indicated in the report, the property borders on to Fernkloof Nature Reserve with a large proportion of the property containing high conservation value, good condition natural vegetation. The report further indicates that the natural areas are currently well managed for which the landowner is commended. We would further support that the landowner puts measures in place to ensure the long term security of the natural areas for successors in title. While the higher lying extensive area of Overberg Sandstone Fynbos is of very high conservation value, the patch of unploughed Elim Ferricrete Fynbos is of highest vulnerability due to its location, surrounding alien vegetation and arability. The landowner can contact CapeNature for further information in this regard. It should be noted that portion of the natural area is located within the Protected Area Buffer Environmental Management Overlay Zone (EMOZ) and most of it is located within the Mountain Catchment EMOZ of the Overstrand Municipality</p> <p>In conclusion, for the NEMA process a site sensitivity verification report must be compiled for the environmental themes and it must be ensured that there is</p>	<p>A Freshwater Specialist was appointed to delineate the site relative to the proposed vineyards. See delineation attached under Appendix G. As a result of this finding, the applicant has amended the proposed vineyard layout plan. The new preferred alternative vineyard layout (Alternative 3) avoids all delineated wetland areas in line with the Freshwater Specialist findings. The SSVR has been updated and contained under APP I of the BAR.</p> <p>The vineyard area has been moved outside the delineated wetland area which includes a buffer. This is reflected in the new preferred alternative (Alternative 3).</p> <p>No further action required</p> <p>The applicant appointed Sean privett to assess the conservation potential of the property before the NEMA application commenced. This shows the llingness of the landowner to commit to such. It is recommended that Cape Nature approach the landowner regarding long term conservation efforts for the remainder of the farm.</p> <p>Updated under Appendix I.</p>	
--	--	---	--

	<p>compliance with the associated protocols, which may require additional or supplementary specialist reports.</p> <p>For the CARA process, CapeNature does not object to the proposed cultivation permit, subject to the potential amendment of the southern boundary in relation to the Antjies River wetland.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>		
Di Marais	<p>Email dated 11/11/2011</p> <p>DEA&DP Ref. No.: 16/3/3/6/7/1/E2/27/1169/22</p> <p>Lornay Ref. No.: RE585</p> <p>RE: NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS: PROPOSED ESTABLISHMENT VINEYARD BLOCKS, REMAINDER OF FARM 585, CALEDON</p> <p>Dear Michelle,</p> <p>I hereby wish to comment on the proposal for the clearing of indigenous vegetation to make provision for proposed vineyard blocks on the neighbouring farm to our property, Mountain Rose (Mt Rose) as per APP F Notice of Draft PPP re585</p> <p>No mention in the Listing Notice 3 of resort etc development could be found in the accompanying documentation on the link provided, therefore we were unable to comment. Please clarify this proposal.</p> <p>Fernkloof Farm where we reside, borders on Mountain Rose to its South. We therefore have a vested interest in proceedings on Mt Rose. We are familiar with the layout and topography of Mt Rose. I have personally led botanical walks for the Hermanus Botanical Society in the Overberg Sandstone fynbos areas on the eastern side of Mt Rose up to their border with the Fernkloof Nature Reserve. I fully understand the importance of the preservation of this critical biodiversity area. Possibly more important is the critical nature of the Elim Ferricrete Fynbos on the lower slopes of Mt Rose as there is so little of this veld type remaining.</p> <p>We have no objection to the placing of vineyards on the western side of the property as per the Vineyard plan. This would be in old disturbed lands. However, we strongly oppose the development of vineyards in the proposed south facing, smaller block to the east. Here there is undisturbed Elim Ferricrete Fynbos and an ecotone between the latter and Overberg Sandstone Fynbos. Fynbos in a southern facing aspect is always more biodiverse, lush and productive than in hotter, drier, northern and western aspects. This veld therefore requires conserving.</p>	<p>Listing Notice 3 – Activity 6 (Resorts / tourism) is not being applied for and was erroneously referred to in the notice to I&APS. No reference is made in the reports and the notice has been amended. The application is for the establishment of a vineyard only.</p> <p>Please refer to the amended site plan. The Botanical assessment has confirmed that these areas are suitable for the proposed vineyard development and extend north of the internal road to alongside Bouchard Finlayson.</p>	

	<p>South facing is not an ideal aspect for vineyards. We suggest this vineyard area could be placed on the norther border with Bouchard Finlayson where there are old disturbed lands and alien vegetation.</p> <p>It is recommended that the Mt Rose Overberg Sandstone Fynbos area be declared a stewardship area with a biodiversity agreement by CapeNature to fully protect this critically endangered veld type.</p> <p>Yours sincerely, Dr DJ Marais maraisdianne@gmail.com 028 312 1162</p>	Noted	
BOCMA	<p>Email dated 06/12/2022</p> <p>NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS: PROPOSED ESTABLISHMENT OF VINEYARDS BLOCKS, REMAINDER OF FARM 585, CALEDON</p> <p>With reference to your letter dated 12/10/2022, with Lornay Reference Number: RE585 and DEA&DP Reference Number: 16/3/3/6/7/1/E2/27/1169/22, with electronic information including a BAR Pre-Application, Vineyard Planning and Screening tool report, herewith the following:</p> <p>The BGCMA supports Alternative 2, whereby the development of 18.78ha of vineyards is suggested. However, the following are also important:</p> <ol style="list-style-type: none"> 1. It was explained that the property was cultivated about 40 years ago. It however is unclear whether the suggested 18.78ha formed part of this original cultivation. 2. Considering all the existing water use authorization(s) for the property, kindly furnish a water balance for the i) current irrigation, as well as ii) the planned 18.78ha. 3. The development of 18.78ha of vineyards should not have an impact on the Antjes River, a tributary of the Onrus River. Development which could potentially encroach on this river should be prevented. <p>In addition, the following General Conditions:</p> <ol style="list-style-type: none"> 4. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use should be adhered to. 5. Polluted storm water should be contained and managed in such a way that it does not pose an additional threat to surface- and groundwater resources. 6. Any future development should not have a detrimental impact on water resources, both surface- and groundwater resources. <p>Please be advised that the comment provided is in the interest of responsible water resource management. The BGCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.</p> <p>Please do not hesitate to contact this office if you have any further queries.</p> <p>Please ensure to quote the above reference in doing so.</p>	<ol style="list-style-type: none"> 1. The areas proposed for cultivation are part of former disturbed areas as confirmed by both the Botanist and Freshwater Specialist 2. The vineyards only use water during planting. 3. The Freshwater Specialist has delineated the wetland and the proposed development has been shifted outside the wetland delineated area plus makes provision for the buffer 4. Noted 5. Noted 6. Noted 	

	Yours faithfully. JAN		
DEADP BERNADETTE OSBOURNE	<p>Email Dated 07/12/22</p> <p>COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (“BAR”) 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 REMOVAL OF VEGETATION FOR THE ESTABLISHMENT OF VINEYARDS ON A PORTION OF REMAINDER OF FARM NO. 585, HEMEL EN AARDE VALLEY, CALEDON.</p> <p>1. The electronic copy of the pre-application Draft BAR received by the Department on 11 October 2022, refers.</p> <p>2. This serves as an acknowledgement of receipt of the abovementioned report and to provide comment on the pre-application draft BAR.</p> <p>3. Following the review of the information submitted to this Department, the following is noted:</p> <ul style="list-style-type: none"> • The proposal entails the removal of vegetation for the establishment of vineyards on a portion of Remainder of Farm No. 585, Hemel and Aarde Valley, Caledon. • The proposed vineyards will have a development footprint of 19ha. • According to the available mapping resources a watercourse is present on the site. • The site is mapped to contain Elim Ferricrete Fynbos vegetation and Overberg Sandstone Fynbos vegetation, which is both classified as Critically Endangered. • Existing access to the site. • The site is zoned for agricultural purposes and is located outside the urban area of Hermanus. <p>4. The Department’s comment is as follow:</p> <p>4.1. Page 10 indicates that the proposed development will have a development footprint of 19ha, however, pages 29 and 30 indicates 20ha. This must be corrected in the BAR by using the correct development footprint consistently throughout the report. Please also note that the removal of indigenous vegetation of 20ha or more will trigger Activity 15 of Listing Notice 2 of the NEMA EIA Regulations, 2014, which will require a Scoping/EIA application.</p> <p>4.2. Page 14 under the consideration of alternatives, it was indicated that only the preferred alternative and the no-go alternative will be considered. Please be advised that in terms of the EIA Regulations and NEMA, the investigation of alternatives is mandatory. Every EIA process must identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after having</p>	<p>1. Noted</p> <p>2. Noted</p> <p>3. Noted</p> <p>4.1. Corrected accordingly with the new preferred layout included.</p> <p>4.2. Additional alternative has been added in line with the wetland delineation findings therefore there are now three alternatives assessed.</p>	16/3/3/6/7/1/E2/27/1169/2 2

	<p>identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternatives and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist must be provided to the Competent Authority. Refer to the Department's Guideline on Alternatives available on the Department's website http://eadp-westerncape.kznsshf.gov.za/your-resource-library).</p> <p>4.3. This Directorate notes that a Screening Report was appended to the Draft BAR. As per this Directorate's comment (dated 1 June 2022) as Site Sensitivity Verification Report ("SSVR") in terms of the Protocols had to be submitted. However, this has not been included in the pre-application draft BAR. Please ensure that a SSVR that conform to the requirements of the Protocols is submitted as a matter of urgency in order for this Directorate to agree to the specialist studies to be conducted.</p> <p>4.4. Final comment from Heritage Western Cape must be obtained and included in the BAR.</p> <p>4.5. Comments from the following authorities must be obtained and included in the BAR:</p> <ul style="list-style-type: none"> • Overstrand Municipality, • Heritage Western Cape, • Breede-Gouritz Catchment Management Agency. ✓ • Department of Agriculture, and ✓ • CapeNature. ✓ <p>4.6. The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR e.g a cut-out of the newspaper article and photos of the site notices.</p> <p>4.7. You are reminded that a summary of the issues raised by Interested and Affected Parties ("I&APs") must be included and addressed in a comments and response report. As well as an indication of the manner in which the issues were incorporated, or the reasons for not including them.</p>	<p>4.3. SSVR submitted and specialist input verified with DEADP</p> <p>4.4. HWC has confirmed that no further Heritage Assessment is required (See Appendix J)</p> <p>4.5. Comments:</p> <ul style="list-style-type: none"> • Overstrand Municipality – requested, comment not yet received • Heritage Western Cape – confirmed no further assessment required (App J) • Breede-Gouritz Catchment Management Agency. ✓ • Department of Agriculture, and ✓ • CapeNature. ✓ <p>4.6. Noted</p> <p>4.7. Added</p> <p>4.8. Noted</p>	
--	--	--	--

	<p>4.8. It is noted that the preferred layout plan in the Construction Environmental Management Programme ("EMPr") and in Operational EMPr are not the same. This must be corrected in the BAR.</p> <p>4.9. The EMPr must include a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including any buffers.</p> <p>4.10. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.</p> <p>4.11. Omission of any required information in terms of Appendices 1 and 4 of the EIA Regulations 2014, with regards to the final submission of the BAR and EMPr, respectively to the Department, may result in the application for Environmental Authorisation being refused.</p> <p>4.12. Be advised that an original / electronically signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by 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>4.13. In addition to the above, please ensure that the duly dated and signed Environmental Assessment Practitioner ("EAP") declaration is also submitted with the final BAR for decision-making.</p> <p>5. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>6. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. A person convicted of an</p>	<p>4.9. Noted</p> <p>4.10. Noted</p> <p>4.1. Noted</p> <p>4.12. Noted</p> <p>4.13. Noted</p>	
--	--	--	--

	<p>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>7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p>		
IN PROCESS PUBLIC PARTICIPATION			




REGISTER FOR INTERESTED AND AFFECTED PARTIES

PROJECT: Mountain Rose

NAME:	ORGANISATION:	POSTAL ADDRESS:	TEL:	EMAIL:	COMMENT:	DATE & REF:
Dr Dianne Marais Upper Cottage Fernkloof Farm Hemel en Aarde Valley Hermanus	Private	-	028 312 1162	maraisdianne@gmail.com	Email dated 15/10/2022 Dear Michelle, Please register me as an Interested and Affected party with regards the proposed development on Mt Rose as described below. Thanking you. Kind regards, Dr Dianne Marais Upper Cottage Fernkloof Farm Hemel en Aarde Valley Hermanus maraisdianne@gmail.com 028 312 1162	15/10/2022
Jozua Rossouw	-	-	-	info@rossouwmo dern.com	Email dated 03/11/2022 Good day Michelle	03/11/2022

					<p>I trust this email finds you well.</p> <p>I would like to query and comment on the proposal in the application made by Mountain Rose before the 11th of November. How do I register as a participant?</p> <p>I am a resident on Fernkloof Farm and in the process of becoming an owner of one of the dwellings.</p> <p>I have no problem with the proposed vineyards being planted but have a concern regarding the Listing notice 3 of the the application for residencies and a hotel. There is no indication of where on the property that will be developed. There is also no indication where the 300 square metres of indigenous vegetation is.</p> <p>Can you please lodge this query or let me know how to proceed?</p> <p>Your's truly, Jozua Rossouw +27 (0)83 2288 651</p>	
Brndon Layman / Cor van Der Walt	Department of Agriculture (DOA) Land Management	-	021 808 5099	Cor.vanderwalt@westerncape.gov.za Brandon.Layman@westerncape.gov.za	<p>Email dated 14/11/2022</p> <p>PROPOSED ESTABLISHMENT VINEYARD BLOCKS – DIVISION CALEDON REMAINDER OF THE FARM NO 585</p> <p>Your application of 12 October 2022 has reference</p> <p>The Western Cape Department of Agriculture: Land Use Management has no objection to the clearing of natural vegetation for cultivation purposes</p> <p>Please note</p> <ul style="list-style-type: none"> - Kindly quote the above mentioned reference number in any future correspondence in respect of the application - The Department reserves the right to revise initial comments and request further information based on the information received. 	09/11/2022 20/9/2/4/2/315

Rhett Smart	Cape Nature	-	-	rsmart@capenature.co.za	<p>Email dated 11/11/2022</p> <p>Draft Basic Assessment Report and Cultivation Permit for the Proposed Vineyards, Remainder of Farm 585, Mountain Rose Farm, Hemel-en-Aarde Valley, Hermanus</p> <p>CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development. This comment will serve the purposes for both the Draft Basic Assessment Report in terms of the National Environmental Management Act (NEMA) process and the cultivation permit in terms of the Conservation of Agricultural Resources Act (CARA).</p> <p>Two areas of cultivation for vineyards are proposed. The proposed larger western cultivation area consists mainly of No Natural according to the Western Cape Biodiversity Spatial Plan (WCBSP) with minor encroachment of Ecological Support Area 2 (ESA) and Critical Biodiversity Area 2 (CBA) on the southern boundary. The south eastern half of the smaller eastern cultivation area consists of CBA 2 and the northern section is No Natural. The natural vegetation that would have occurred on these footprints is Elim Ferricrete Fynbos. There are no watercourses or wetlands mapped within the footprints, with the Antjies River forming the southern boundary of the site. There is an unchanneled valley bottom wetland mapped along the Antjies River according to the National Wetland Mapping.</p> <p>A botanical assessment and conservation management plan (BA&CMP) was compiled in 2019 for the property. The purpose was to inform the conservation management of the property and was not compiled to assess the potential for development of vineyards. The BA&CMP includes a map of the vegetation occurring on the property which can be used to inform the application for cultivation. The two cultivation areas are occupied by the unit mapped as old lands in the process of rehabilitation with two patches of dense aliens. We note that the most recent Google Earth imagery indicates that some of these dense alien patches have already been cleared and therefore the</p>	LS14/2/6/1/7/2/5 85_cultivation_Hemel-en-Aarde
-------------	-------------	---	---	--	--	---

					<p>conservation management plan is already being implemented. The BA&CMP indicates that Elim Ferricrete Fynbos will never return once it has been ploughed and that the vegetation that re-establishes is dominated by weedy pioneer species. The area proposed for cultivation has not been ploughed within the previous 10 years and is therefore classified as indigenous vegetation according to the NEMA definition. CapeNature undertook a site visit with the Department of Agriculture LandCare and our observations concur regarding the dominance of weedy pioneer species within the proposed cultivation area.</p>  <p>Figure 1: View from the road of the larger western cultivation area indicating that it is dominated by a few weedy pioneer species such as <i>Anthospermum aethiopicum</i> and <i>Seriphium plumosum</i></p> <p>The BA&CMP indicates that the old lands are considered as low conservation value, however they do have functional and ecological value, which would include faunal habitat. The</p>	
--	--	--	--	--	--	--

					<p>mapping mainly correlates with the WCBSP, however the section of CBA 2 in the smaller eastern cultivation area is mapped as old lands. This section has the same appearance on the aerial imagery as the area mapped as Elim Ferricrete Fynbos which has not been ploughed and could possibly be the reason for the mapping on the WCBSP. This section of the old lands may have become invaded by alien invasive species. The Elim Ferricrete Fynbos is recommended for a management burn and is therefore likely old dense growth resulting in the similar appearance (these two areas were not visited during the site visit). The encroachments of CBA and ESA on the larger western cultivation area are related to the aquatic features.</p> <p>Wetlands have been mapped in the BA&CMP based on the vegetation community, however this would not have been in accordance with the Department of Water and Sanitation standard wetland delineation methodology. As indicated above, there is an unchanneled valley bottom wetland associated with the Antjies River along the southern boundary. While the Basic Assessment Report (BAR) indicates that the cultivation areas are located outside of a 32 m buffer from any watercourses, there is a possibility that the southern section of the western cultivation area encroaches into the 32 m buffer of the Antjies River wetland. The results from the screening tool indicate a very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant species. A site sensitivity verification report has not been provided and is required in order to motivate for the undertaking or not of specialist assessments or compliance statements for each of the themes reported upon. We recommend that there is consultation with the competent authority prior to submission of the BAR regarding the compliance with the protocols associated with the screening tool, including the use of the BA&CMP.</p> <p>While the BA&CMP does not assess the impact of the proposed vineyards, it provides sufficient information to function as a botanical constraints analysis. In this regard we are satisfied that the proposed vineyards are located on old lands which are of low conservation value. However, the cultivation area should be located outside of a 32 m buffer from the Antjies River unchanneled valley bottom wetland, which should be delineated.</p>	
--	--	--	--	--	---	--

					<p>Further confirmation is required regarding the area mapped as CBA 2 in the eastern cultivation area as described above. CapeNature supports the compilation of the BA&CMP for the property for the purposes of managing the natural areas. As indicated in the report, the property borders on to Fernkloof Nature Reserve with a large proportion of the property containing high conservation value, good condition natural vegetation. The report further indicates that the natural areas are currently well managed for which the landowner is commended. We would further support that the landowner puts measures in place to ensure the long term security of the natural areas for successors in title. While the higher lying extensive area of Overberg Sandstone Fynbos is of very high conservation value, the patch of unploughed Elim Ferricrete Fynbos is of highest vulnerability due to its location, surrounding alien vegetation and arability. The landowner can contact CapeNature for further information in this regard. It should be noted that portion of the natural area is located within the Protected Area Buffer Environmental Management Overlay Zone (EMOZ) and most of it is located within the Mountain Catchment EMOZ of the Overstrand Municipality</p> <p>In conclusion, for the NEMA process a site sensitivity verification report must be compiled for the environmental themes and it must be ensured that there is compliance with the associated protocols, which may require additional or supplementary specialist reports. For the CARA process, CapeNature does not object to the proposed cultivation permit, subject to the potential amendment of the southern boundary in relation to the Antjies River wetland.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	
Dr Dianne Marais Upper Cottage Fernkloof Farm Hemel en Aarde Valley Hermanus	Private	-	028 312 1162	maraisdianne@gmail.com	<p>Email dated 11/11/2011</p> <p>DEA&DP Ref. No.: 16/3/3/6/7/1/E2/27/1169/22 Lornay Ref. No.: RE585 RE: NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS:</p>	

					<p>PROPOSED ESTABLISHMENT VINEYARD BLOCKS, REMAINDER OF FARM 585, CALEDON</p> <p>Dear Michelle,</p> <p>I hereby wish to comment on the proposal for the clearing of indigenous vegetation to make provision for proposed vineyard blocks on the neighbouring farm to our property, Mountain Rose (Mt Rose) as per APP F Notice of Draft PPP re585</p> <p>No mention in the Listing Notice 3 of resort etc development could be found in the accompanying documentation on the link provided, therefore we were unable to comment. Please clarify this proposal.</p> <p>Fernkloof Farm where we reside, borders on Mountain Rose to its South. We therefore have a vested interest in proceedings on Mt Rose. We are familiar with the layout and topography of Mt Rose. I have personally led botanical walks for the Hermanus Botanical Society in the Overberg Sandstone fynbos areas on the eastern side of Mt Rose up to their border with the Fernkloof Nature Reserve. I fully understand the importance of the preservation of this critical biodiversity area. Possibly more important is the critical nature of the Elim Ferricrete Fynbos on the lower slopes of Mt Rose as there is so little of this veld type remaining.</p> <p>We have no objection to the placing of vineyards on the western side of the property as per the Vineyard plan. This would be in old disturbed lands. However, we strongly oppose the development of vineyards in the proposed south facing, smaller block to the east. Here there is undisturbed Elim Ferricrete Fynbos and an ecotone between the latter and Overberg Sandstone Fynbos. Fynbos in a southern facing aspect is always more biodiverse, lush and productive than in hotter, drier, northern and western aspects. This veld therefore requires conserving.</p> <p>South facing is not an ideal aspect for vineyards. We suggest this vineyard area could be placed on the norther border with Bouchard Finlayson where there are old disturbed lands and alien vegetation.</p> <p>It is recommended that the Mt Rose Overberg Sandstone Fynbos area be declared a stewardship area with a biodiversity</p>	
--	--	--	--	--	--	--

					<p>agreement by CapeNature to fully protect this critically endangered veld type. Yours sincerely, Dr DJ Marais maraisdianne@gmail.com 028 312 1162</p>	
<p>Breede Oliphants Catchment Management Agency (BOCMA) Fabion Smith</p>	BOCMA	-	-	fsmith@bocma.co.za	<p>Email dated 06/12/2022</p> <p>NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS: PROPOSED ESTABLISHMENT OF VINEYARDS BLOCKS, REMAINDER OF FARM 585, CALEDON</p> <p>With reference to your letter dated 12/10/2022, with Lornay Reference Number: RE585 and DEA&DP Reference Number: 16/3/3/6/7/1/E2/27/1169/22, with electronic information including a BAR Pre-Application, Vineyard Planning and Screening tool report, herewith the following:</p> <p>The BGCMA supports Alternative 2, whereby the development of 18.78ha of vineyards is suggested. However, the following are also important:</p> <ol style="list-style-type: none"> 1. It was explained that the property was cultivated about 40 years ago. It however is unclear whether the suggested 18.78ha formed part of this original cultivation. 2. Considering all the existing water use authorization(s) for the property, kindly furnish a water balance for the i) current irrigation, as well as ii) the planned 18.78ha. 3. The development of 18.78ha of vineyards should not have an impact on the Antjes River, a tributary of the Onrus River. Development which could potentially encroach on this river should be prevented. <p>In addition, the following General Conditions:</p> <ol style="list-style-type: none"> 4. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use should be adhered to. 5. Polluted storm water should be contained and managed in such a way that it does not pose an additional threat to surface- and groundwater resources. 6. Any future development should not have a detrimental impact on water resources, both surface- and groundwater resources. <p>Please be advised that the comment provided is in the interest of responsible water resource management. The BGCMA reserves the right to revise initial comments and request further</p>	<p>4/10/1/G40H/Farm 585 REM, Caledon RD</p>

					<p>information based on any additional information that might be received.</p> <p>Please do not hesitate to contact this office if you have any further queries.</p> <p>Please ensure to quote the above reference in doing so.</p> <p>Yours faithfully.</p> <p>JAN</p>	
<p>Department of Environmental Affairs and Development Planning</p> <p>Bernadette Osborne</p> <p>Directorate: Development Management, Region 1</p>	Case officer	021 483 3679	-	Bernadette.Osborne@westerncape.gov.za	<p>Email Dated 07/12/22</p> <p>COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT ("BAR") 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 REMOVAL OF VEGETATION FOR THE ESTABLISHMENT OF VINEYARDS ON A PORTION OF REMAINDER OF FARM NO. 585, HEMEL EN AARDE VALLEY, CALEDON.</p> <p>1. The electronic copy of the pre-application Draft BAR received by the Department on 11 October 2022, refers.</p> <p>2. This serves as an acknowledgement of receipt of the abovementioned report and to provide comment on the pre-application draft BAR.</p> <p>3. Following the review of the information submitted to this Department, the following is noted:</p> <ul style="list-style-type: none"> • The proposal entails the removal of vegetation for the establishment of vineyards on a portion of Remainder of Farm No. 585, Hemel and Aarde Valley, Caledon. • The proposed vineyards will have a development footprint of 19ha. • According to the available mapping resources a watercourse is present on the site. • The site is mapped to contain Elim Ferricrete Fynbos vegetation and Overberg Sandstone Fynbos vegetation, which is both classified as Critically Endangered. • Existing access to the site. • The site is zoned for agricultural purposes and is located outside the urban area of Hermanus. <p>4. The Department's comment is as follow:</p> <p>4.1. Page 10 indicates that the proposed development will have a development footprint of 19ha, however, pages 29 and 30</p>	16/3/3/6/7/1/E2/27/1169/22

					<p>indicates 20ha. This must be corrected in the BAR by using the correct development footprint consistently throughout the report. Please also note that the removal of indigenous vegetation of 20ha or more will trigger Activity 15 of Listing Notice 2 of the NEMA EIA Regulations, 2014, which will require a Scoping/EIA application.</p> <p>4.2. Page 14 under the consideration of alternatives, it was indicated that only the preferred alternative and the no-go alternative will be considered. Please be advised that in terms of the EIA Regulations and NEMA, the investigation of alternatives is mandatory. Every EIA process must identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternatives and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist must be provided to the Competent Authority. Refer to the Department's Guideline on Alternatives available on the Department's website http://eadp-westerncape.kznshf.gov.za/your-resource-library).</p> <p>4.3. This Directorate notes that a Screening Report was appended to the Draft BAR. As per this Directorate's comment (dated 1 June 2022) as Site Sensitivity Verification Report ("SSVR") in terms of the Protocols had to be submitted. However, this has not been included in the pre-application draft BAR. Please ensure that a SSVR that conform to the requirements of the Protocols is submitted as a matter of urgency in order for this Directorate to agree to the specialist studies to be conducted.</p> <p>4.4. Final comment from Heritage Western Cape must be obtained and included in the BAR.</p> <p>4.5. Comments from the following authorities must be obtained and included in the BAR:</p> <ul style="list-style-type: none"> • Overstrand Municipality, • Heritage Western Cape, • Breede-Gouritz Catchment Management Agency. v • Department of Agriculture, and v 	
--	--	--	--	--	--	--

					<ul style="list-style-type: none"> • CapeNature. v <p>4.6. The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR e.g a cut-out of the newspaper article and photos of the site notices.</p> <p>4.7. You are reminded that a summary of the issues raised by Interested and Affected Parties ("I&APs") must be included and addressed in a comments and response report. As well as an indication of the manner in which the issues were incorporated, or the reasons for not including them.</p> <p>4.8. It is noted that the preferred layout plan in the Construction Environmental Management Programme ("EMPr") and in Operational EMPr are not the same. This must be corrected in the BAR.</p> <p>4.9. The EMPr must include a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including any buffers.</p> <p>4.10. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.</p> <p>4.11. Omission of any required information in terms of Appendices 1 and 4 of the EIA Regulations 2014, with regards to the final submission of the BAR and EMPr, respectively to the Department, may result in the application for Environmental Authorisation being refused.</p> <p>4.12. Be advised that an original / electronically signed and dated applicant declaration is required to be submitted with the final</p>	
--	--	--	--	--	--	--

					<p>BAR to this Department for decision-making. It is important to note that by 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>4.13. In addition to the above, please ensure that the duly dated and signed Environmental Assessment Practitioner ("EAP") declaration is also submitted with the final BAR for decision-making.</p> <p>5. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>6. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. 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>7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p>	
--	--	--	--	--	--	--

8. COMMENTS RECEIVED DURING DRAFT / PRE-APPLICATION PUBLIC PARTICIPATION



BREEDDE-GOURITZ
CATCHMENT MANAGEMENT AGENCY

Corner Mountain Mill & East Lake Roads, Worcester, 6850 | Private Bag X3055 Worcester 6850

Enquiries: F Smith

Tel: 023 348 8000

Fax: 023 347 2012

E-mail: fsmith@bgcma.co.za

Our Reference no: 4/10/1/G40H/Farm 585 REM, Caledon RD

Date: 5 December 2022

LORNAY ENVIRONMENTAL CONSULTANTS
P. O. BOX 1990
HERMANUS
7200

For Attention: M. Naylor

Madam,

NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS: PROPOSED ESTABLISHMENT OF VINEYARDS BLOCKS, REMAINDER OF FARM 585, CALEDON

With reference to your letter dated 12/10/2022, with Lornay Reference Number: RE585 and DEA&DP Reference Number: 16/3/3/6/7/1/E2/27/1169/22, with electronic information including a BAR Pre-Application, Vineyard Planning and Screening tool report, herewith the following:

The BGCMA supports Alternative 2, whereby the development of 18.78ha of vineyards is suggested. However, the following are also important:

1. It was explained that the property was cultivated about 40 years ago. It however is unclear whether the suggested 18.78ha formed part of this original cultivation.
2. Considering all the existing water use authorization(s) for the property, kindly furnish a water balance for the i) current irrigation, as well as ii) the planned 18.78ha.
3. The development of 18.78ha of vineyards should not have an impact on the Antjes River, a tributary of the Onrus River. Development which could potentially encroach on this river should be prevented.

In addition, the following General Conditions:

4. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use should be adhered to.
5. Polluted storm water should be contained and managed in such a way that it does not pose an additional threat to surface- and groundwater resources.
6. Any future development should not have a detrimental impact on water resources, both surface- and groundwater resources.

Please be advised that the comment provided is in the interest of responsible water resource management. The BGCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.

www.bgcma.co.za

Please do not hesitate to contact this office if you have any further queries.

Please ensure to quote the above reference in doing so.

Yours faithfully.

A handwritten signature in black ink, appearing to read 'J. van Staden', with a stylized flourish at the end.

JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)



Department of Environmental Affairs and Development Planning
Bernadette Osborne
Directorate: Development Management, Region 1
Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/6/7/1/E2/27/1169/22
DATE: 7 December 2022

Mr Hermann Boeddinghaus
29 Canterbury Drive
BISCHOPSCOURT
7708

Tel: (021) 761 2095
E-mail: hb@4stonebuildings.com

Dear Sir

COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT ("BAR") 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 REMOVAL OF VEGETATION FOR THE ESTABLISHMENT OF VINEYARDS ON A PORTION OF REMAINDER OF FARM NO. 585, HEMEL EN AARDE VALLEY, CALEDON.

1. The electronic copy of the pre-application Draft BAR received by the Department on 11 October 2022, refers.
2. This serves as an acknowledgement of receipt of the abovementioned report and to provide comment on the pre-application draft BAR.
3. Following the review of the information submitted to this Department, the following is noted:
 - The proposal entails the removal of vegetation for the establishment of vineyards on a portion of Remainder of Farm No. 585, Hemel and Aarde Valley, Caledon.
 - The proposed vineyards will have a development footprint of 19ha.
 - According to the available mapping resources a watercourse is present on the site.
 - The site is mapped to contain Elim Ferricrete Fynbos vegetation and Overberg Sandstone Fynbos vegetation, which is both classified as Critically Endangered.
 - Existing access to the site.
 - The site is zoned for agricultural purposes and is located outside the urban area of Hermanus.
4. The Department's comment is as follow:
 - 4.1. Page 10 indicates that the proposed development will have a development footprint of 19ha, however, pages 29 and 30 indicates 20ha. This must be corrected in the BAR by using the correct development footprint consistently throughout the report. Please also note that the removal of indigenous vegetation of 20ha or more will trigger Activity 15 of Listing Notice 2 of the NEMA EIA Regulations, 2014, which will require a Scoping/EIA application.

- 4.2. Page 14 under the consideration of alternatives, it was indicated that only the preferred alternative and the no-go alternative will be considered. Please be advised that in terms of the EIA Regulations and NEMA, the investigation of alternatives is mandatory. Every EIA process must identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternatives and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist must be provided to the Competent Authority. Refer to the Department's Guideline on Alternatives available on the Department's website <http://eadp-westerncape.kznshf.gov.za/your-resource-library>).
- 4.3. This Directorate notes that a Screening Report was appended to the Draft BAR. As per this Directorate's comment (dated 1 June 2022) as Site Sensitivity Verification Report ("SSVR") in terms of the Protocols had to be submitted. However, this has not been included in the pre-application draft BAR. Please ensure that a SSVR that conform to the requirements of the Protocols is submitted as a matter of urgency in order for this Directorate to agree to the specialist studies to be conducted.
- 4.4. Final comment from Heritage Western Cape must be obtained and included in the BAR.
- 4.5. Comments from the following authorities must be obtained and included in the BAR:
 - Overstrand Municipality,
 - Heritage Western Cape,
 - Breede-Gouritz Catchment Management Agency.
 - Department of Agriculture, and
 - CapeNature.
- 4.6. The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR e.g a cut-out of the newspaper article and photos of the site notices.
- 4.7. You are reminded that a summary of the issues raised by Interested and Affected Parties ("I&APs") must be included and addressed in a comments and response report. As well as an indication of the manner in which the issues were incorporated, or the reasons for not including them.
- 4.8. It is noted that the preferred layout plan in the Construction Environmental Management Programme ("EMPr") and in Operational EMPr are not the same. This must be corrected in the BAR.
- 4.9. The EMPr must include a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including any buffers.
- 4.10. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the

Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.

- 4.11. Omission of any required information in terms of Appendices 1 and 4 of the EIA Regulations 2014, with regards to the final submission of the BAR and EMP, respectively to the Department, may result in the application for Environmental Authorisation being refused.
- 4.12. Be advised that an original / electronically signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by 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.
- 4.13. In addition to the above, please ensure that the duly dated and signed Environmental Assessment Practitioner ("EAP") declaration is also submitted with the final BAR for decision-making.
5. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
6. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. 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.
7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

Melanes
Schippers
pp

Digitally signed by
Melanes Schippers
Date: 2022.12.07
08:00:34 +02'00'

HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Michelle Naylor (Lornay Environmental Consulting)
(2) Penelope Apion (Overstrand Municipality)

E-mail: michelle@lornay.co.za
E-mail: pmichaels@overstrand.gov.za



**Western Cape
Government**

Cor Van Der Walt
LandUse Management
Email: Cor.VanderWalt@westerncape.gov.za
tel: +27 21 808 5099 fax: +27 21 808 5092

OUR REFERENCE : 20/9/2/4/2/315
YOUR REFERENCE : RE585
DEA&DP REFERENCE : 16/3/3/6/7/1/E2/27/1169/22
ENQUIRIES : Cor van der Walt

Lornay Environmental Consulting
PO Box 1990
HERMANUS
7200

Att: Michelle Naylor

**PROPOSED ESTABLISHMENT VINEYARD BLOCKS: DIVISION CALEDON
REMAINDER OF THE FARM NO 585**

Your application of 12 October 2022 has reference.

The Western Cape Department of Agriculture: Land Use Management has no objection to the clearing of natural vegetation for cultivation purposes.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT
2022-11-09

Copies:

Department of Environmental Affairs & Development Planning
1 Dorp Street
Cape Town
8000

Overstrand Municipality
PO Box 20
HERMANUS
7200



CONSERVATION INTELLIGENCE

postal 16 17th Avenue, Voëlklip, Hermanus, 7200
physical 16 17th Avenue, Voëlklip, Hermanus, 7200
website www.capenature.co.za
enquiries Rhett Smart
telephone 087 087 866 8017
email rsmart@capenature.co.za
reference LS14/2/6/1/7/2/585_cultivation_Hemel-en-Aarde
date 11 November 2022

Lornay Environmental Consulting
P.O. Box 1990
Hermanus
7200

Attention: Michelle Naylor
By email: michelle@lornay.co.za

Dear Michelle

Draft Basic Assessment Report and Cultivation Permit for the Proposed Vineyards, Remainder of Farm 585, Mountain Rose Farm, Hemel-en-Aarde Valley, Hermanus

CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development. This comment will serve the purposes for both the Draft Basic Assessment Report in terms of the National Environmental Management Act (NEMA) process and the cultivation permit in terms of the Conservation of Agricultural Resources Act (CARA).

Two areas of cultivation for vineyards are proposed. The proposed larger western cultivation area consists mainly of No Natural according to the Western Cape Biodiversity Spatial Plan (WCBSP) with minor encroachment of Ecological Support Area 2 (ESA) and Critical Biodiversity Area 2 (CBA) on the southern boundary. The south eastern half of the smaller eastern cultivation area consists of CBA 2 and the northern section is No Natural. The natural vegetation that would have occurred on these footprints is Elim Ferricrete Fynbos. There are no watercourses or wetlands mapped within the footprints, with the Antjies River forming the southern boundary of the site. There is an unchanneled valley bottom wetland mapped along the Antjies River according to the National Wetland Mapping.

A botanical assessment and conservation management plan (BA&CMP) was compiled in 2019 for the property. The purpose was to inform the conservation management of the property and was not compiled to assess the potential for development of vineyards. The BA&CMP includes a map of the vegetation occurring on the property which can be used to inform the application for cultivation. The two cultivation areas are occupied by the unit mapped as old lands in the process of rehabilitation with two patches of dense aliens. We note that the most recent Google Earth imagery indicates that some of these dense alien patches have already been cleared and therefore the conservation management plan is already being implemented.

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghul, Mr Paul Slack

The BA&CMP indicates that Elim Ferricrete Fynbos will never return once it has been ploughed and that the vegetation that re-establishes is dominated by weedy pioneer species. The area proposed for cultivation has not been ploughed within the previous 10 years and is therefore classified as indigenous vegetation according to the NEMA definition. CapeNature undertook a site visit with the Department of Agriculture LandCare and our observations concur regarding the dominance of weedy pioneer species within the proposed cultivation area.



Figure 1: View from the road of the larger western cultivation area indicating that it is dominated by a few weedy pioneer species such as *Anthospermum aethiopicum* and *Seriphium plumosum*

The BA&CMP indicates that the old lands are considered as low conservation value, however they do have functional and ecological value, which would include faunal habitat. The mapping mainly correlates with the WCBSP, however the section of CBA 2 in the smaller eastern cultivation area is mapped as old lands. This section has the same appearance on the aerial imagery as the area mapped as Elim Ferricrete Fynbos which has not been ploughed and could possibly be the reason for the mapping on the WCBSP. This section of the old lands may have become invaded by alien invasive species. The Elim Ferricrete Fynbos is recommended for a management burn and is therefore likely old dense growth resulting in the similar appearance (these two areas were not visited during the site visit). The encroachments of CBA and ESA on the larger western cultivation area are related to the aquatic features.

Wetlands have been mapped in the BA&CMP based on the vegetation community, however this would not have been in accordance with the Department of Water and Sanitation standard wetland delineation methodology. As indicated above, there is an unchanneled valley bottom wetland associated with the Antjies River along the southern boundary. While the Basic Assessment Report (BAR) indicates that the cultivation areas are located outside of a 32 m buffer from any watercourses, there is a possibility that the southern section of the western cultivation area encroaches into the 32 m buffer of the Antjies River wetland.

The results from the screening tool indicate a very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant species. A site sensitivity verification report has not been provided and is required in order to motivate for the undertaking or not of specialist assessments or compliance statements for each of the themes reported upon. We recommend that there is consultation with the

competent authority prior to submission of the BAR regarding the compliance with the protocols associated with the screening tool, including the use of the BA&CMP.

While the BA&CMP does not assess the impact of the proposed vineyards, it provides sufficient information to function as a botanical constraints analysis. In this regard we are satisfied that the proposed vineyards are located on old lands which are of low conservation value. However, the cultivation area should be located outside of a 32 m buffer from the Antjies River unchanneled valley bottom wetland, which should be delineated. Further confirmation is required regarding the area mapped as CBA 2 in the eastern cultivation area as described above.

CapeNature supports the compilation of the BA&CMP for the property for the purposes of managing the natural areas. As indicated in the report, the property borders on to Fernkloof Nature Reserve with a large proportion of the property containing high conservation value, good condition natural vegetation. The report further indicates that the natural areas are currently well managed for which the landowner is commended. We would further support that the landowner puts measures in place to ensure the long term security of the natural areas for successors in title. While the higher lying extensive area of Overberg Sandstone Fynbos is of very high conservation value, the patch of unploughed Elim Ferricrete Fynbos is of highest vulnerability due to its location, surrounding alien vegetation and arability. The landowner can contact CapeNature for further information in this regard. It should be noted that portion of the natural area is located within the Protected Area Buffer Environmental Management Overlay Zone (EMOZ) and most of it is located within the Mountain Catchment EMOZ of the Overstrand Municipality

In conclusion, for the NEMA process a site sensitivity verification report must be compiled for the environmental themes and it must be ensured that there is compliance with the associated protocols, which may require additional or supplementary specialist reports. For the CARA process, CapeNature does not object to the proposed cultivation permit, subject to the potential amendment of the southern boundary in relation to the Antjies River wetland.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely



Rhett Smart
For: Manager (Landscape Conservation Intelligence)

cc. Gary Jones, Department of Agriculture LandCare

Our Ref: HM / OVERBERG / THEEWATERSKLOOF/ CALEDON / REMAINDER OF FARM 585
Case No: 22051606AM0518E
Enquiries: Stephanie Barnardt
E-mail: Stephanie.Barnardt@westerncape.gov.za
Tel: 021 829 3315



Heritage Consultant (Applicant): Jonathan Kaplan
jonathan@acrm.co.za;

RESPONSE TO HERITAGE IMPACT ASSESSMENT: DECISION
In terms of Section 38(4) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
Provincial Gazette 6061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: PROPOSED ESTABLISHMENT OF VINEYARDS ON REMAINDER FARM 585 CALEDON, OVERSTRAND LOCAL MUNICIPALITY HEDEL EN AARDE VALLEY, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

The matter above has reference.

This matter was discussed at the Heritage Officer Committee Meeting (HOMs) held on 25 January 2024.

DECISION

The Committee resolved to endorse the HIA prepared by ACRM dated January 2024 and the recommendations on page 18:

1. No archaeological mitigation is required prior to any construction excavations commencing.
2. Due to the unfossiliferous nature of the bedrock saprolite and thin soil no further palaeontological interventions are required.
3. Due to the low level of visual impact, no mitigation measures are required.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.


Stephanie Barnardt
Acting Assistant Director: Professional Services



www.westerncape.gov.za/cas

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** P.O. Box 1665, Cape Town, 8000
• **Tel:** +27 (0)21 483 5959 • **E-mail:** ceoheritage@westerncape.gov.za

Straatadres: Protea Assuransie-gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Posbus 1665, Kaapstad, 8000
• **Tel:** +27 (0)21 483 5959 • **E-pos:** ceoheritage@westerncape.gov.za

Idilesi yendawo: kumgangatho 3, kwisakhiwo iprotea Assurance, Greenmarket Square, eKapa, 8000 • **Idilesi yeposi:** Inombolo yebhokisi yeposi 1665, eKapa, 8000 • **Iinombolo zomnxeba:** +27 (0)21 483 5959 • **Idilesi ye-imeyile:** ceoheritage@westerncape.gov.za

9. FINAL ROUND OF PUBLIC PARTICIPATION

The final round of public participation was conducted on the final In Process Basic Assessment Report:

10. REGISTERED INTERESTED AND AFFECTED PARTIES

<u>In process PUBLIC PARTICIPATION</u>	
WC Government Env Affairs & Dev Planning	Overberg District Municipality
Development Management	F. Kotze / R. Volschenk
Bernadette Osbourne	Private Bag x 22
Registry Office	Bredasdorp
1st Floor, Utilitas Building	7280
1 Dorp Street	
8001	Department of Agriculture, Forestry and Fisheries
	Private Bag x 1
Cape Nature	Elsenburg
Rhett Smart	7607
rsmart@capenature.co.za	CorvdW@elsenburg.com
BOCMA	Overstrand Municipality
F. Smith	Penelope Aplon
Private Bag x3055	PO Box 20
Worcester	Hermanus
6850	7200
023 346 8000	paplon@overstrand.gov.za
1 HC, CD	
IAPS	
Dr Dianne Marais	
maraisdianne@gmail.com	
Jozua Rossouw	
info@rossouwmodern.com	

11. NOTICE OF FINAL PUBLIC PARTICIPATION

To be added

12. PROOF OF NOTICE OF FINAL ROUND OF PPP

To be added

13. COMMENTS RECEIVED DURING THE FINAL ROUND OF PUBLIC PARTICIPATION

To be added

*Please see section 7 above for final Comments and Response Report and Register for I&APS