

COMMENTS RECEIVED ON THE SECTION 24G REPORT:

THE UNLAWFUL CONSTRUCTION ACTIVITIES ON PORTION 1 OF FARM 1471 (BLOEMENDAL WINE ESTATE), DURBANVILLE:

Comment period: Wednesday 28th of February – Tuesday, 3 April 2018

NO	DATE	COMMENT	I&AP	RESPONSE	RESPONDENT	
1.	6 April 2018	Cape Nature				
		The application is for the rectification of the construction of a barn within a watercourse without receiving an environmental authorisation. The barn is not located within any wetlands or watercourses which are mapped on the Biodiversity Network (BioNet) for City of Cape Town, Western Cape Biodiversity Spatial Plan (WCBSP) or NFEPA, however the valley bottom wetlands associated with the Elsiekraal River are located a short distance to the north. From a terrestrial perspective, the site is classified as No Natural according to the WCBSP and the BioNet.	Rhett Smart	Noted.	Marais Geldenhuys	
		The freshwater specialist study identified a minor ephemeral tributary of the Elsiekraal River which was impacted by the construction of the barn. The feature is in a highly modified state with limited ecological value and function and was further impacted by the barn including diversion. CapeNature supports the contents of the freshwater specialist report, which indicates that the impacts incurred were not highly significant.		Noted.	Marais Geldenhuys	
		The recommendations are however that the tributary should be rehabilitated, which is supported by CapeNature and should be taken into account in the assessment of the application. No additional rectification measures are considered necessary. Ideally the rehabilitation should also include the Elsiekraal River, which is a higher order watercourse and of higher ecological function and is adjacent to most of the facilities on the property; however this is not related to this application.		An EMP has been formulated, incorporating the recommendations of the freshwater assessment.	Marais Geldenhuys	
2.	28 March 2018	City of Cape Town Municipality				
		1.1. The DEA&DP Reference number has not been provided. This is to be included.	Pat Titmuss – Environmental Management Department	A reference number has been provided by DEADP and will be included in future correspondence.	Marais Geldenhuys	
		1.2. Page 22: Figure 12 is labelled incorrectly – it should indicate “...after		Noted and corrected.	Marais	

	construction of barn..."			Geldenhuys
	1.3. The report indicates heavy infestation of alien vegetation within the channel. Rehabilitation measures and recommendation by the EAP include alien clearing during the re-shaping of the channel. An Alien clearing Method Statement is to be formulated and included in the Draft Section 24G Report and EMPr.		An alien clearing method statement has been included in the Draft Section 24G report EMPr.	Marais Geldenhuys
	1.4. The removal of waste material and rubble from the stream is to be done manually by hand.		Any waste material and building rubble will be manually removed as per the EMPr	Marais Geldenhuys
	1.5. Appendix B: Site Plan – project No. 009/11; Sheet No. 4 of 4, dated September 2011 as compiled <i>Ben Van Rensburg Architectural Designs cc</i> is to indicate the tributary on the plan in relation to the store, septic tanks and French drain.		The updated Site Plan will be included in the revised report.	Marais Geldenhuys
	<u>Freshwater Assessment</u>			
	1.6. The conclusions and recommendations given by the freshwater specialist are agreed with and should be incorporated as conditions of approval.		Recommendations provided by the freshwater specialist have been incorporated into the EMPr and will be included as conditions of approval.	Marais Geldenhuys
	<u>EMPr</u>			
	1.7. Under Section 1.7.2 it erroneously indicates Galtea Investments Pty Ltd as the applicant/ employer; this is to be amended to reflect the correct applicant.		Corrections have been made.	Marais Geldenhuys
	1.8. Under Sections 1.7.5 and 1.10.1 (last bullet point): The City of Cape Town's Environmental Management Department: Northern District is to be included to the circulation and submission list of all ECO and audit reports.		This department has been included in the circulation and submission list.	Marais Geldenhuys
	<u>Heritage</u>			
	1.9. The barn that was erected is located on the same property as the Bloemendal historic farm complex which has intrinsic heritage value and associational and contextual significance. The farm is one of the original early 18 th century grants in the Tygerberg with evidence of historic layering spanning the late 18 th /early 19 th century (outbuildings) to the early 20 th century (main house). It has been afforded a grade IIIA heritage grading and forms a significant		Mention was made to the historic and cultural significance of the site. However no activities requiring a Notice of Intent to develop, in terms of section 38 of the National Heritage Resource Act, No. 25 of 1999, was triggered.	Marais Geldenhuys

		component in the larger Durbanville Hills Cultural Landscape. The report does not make reference to the heritage status or significance of the farm.			
		1.10. The Durbanville Road/Tygervalley Road is a Scenic Route, as per the Cultural & Recreational Resources Zone Map, Nothern District Plan (February 2012). In this regard, the report does not make reference to the visual impact of the barn on the scenic route (page 8 of the S24G Report) but states that the visual impact is “ <i>shielded by a stand of gum trees</i> ”.		The visual impact of the barn on the scenic route has been evaluated and the impact is determined to be negligible. There are no further mitigation measures proposed. Please see page 29 and 30 of the Section 24 G report.	Marais Geldenhuys
		1.11. The following general note is to be included in the EMPr: Should any archaeological deposits or remains be uncovered during activities, work must stop immediately and Heritage Western Cape (HWC) be informed. Herewith the contact details of the HWC archaeologist, Mr Andrew September: Email: Andrew.september@westerncape.gov.za Tel: 021 483 9543.		This has been included.	Marais Geldenhuys
		1.12. The Environmental Management Department is aware of a previous heritage process on the property which required a Phase II Heritage Impact Assessment that which also had to address, amongst other matters, the unauthorised work in the stables building.		The barn did not form part of the heritage process for the unauthorised work in the stables building.	Marais Geldenhuys
		2.1. This Department does not support septic tanks (French drains). The current septic tanks are to be demolished and removed and replaced with water tight conservancy tanks.	Tiaan Wright – Water and Sanitation	Effluent from the barn is disposed of into a conservancy tank and is serviced by Boland Waste.	Marais Geldenhuys
		2.2. The conservancy tanks are to be placed in areas where no waterborne sewer services are available.		No waterborne sewer services are currently available on the estate.	Marais Geldenhuys
		2.3. The conservancy tanks are to be easily accessible and emptied by a private service provider periodically.		The conservancy tank is emptied by Boland Waste every second day.	Marais Geldenhuys
		2.4. An accurate plan indicating the placing of the new conservancy tanks, their volume, the access to the tanks for emptying, and the position of the water course must be provided.		This has been included in the updated report. See Figure 7.	Marais Geldenhuys
		3.1. The following policies are to be included under Section A 6 <i>Applicable Legislation, policies and/or Guidelines</i> (page 13): <ul style="list-style-type: none"> • Management of Urban Stormwater Impacts Policy, Approved 	Johan Terblanche/ Alistair Lee –	These policies have been included in the updated report.	Marais Geldenhuys

	<ul style="list-style-type: none"> by Council: 27 May 2009 • Floodplain and River Corridor Management Policy, Approved by Council: 27 May 2009 • By-law Relating to Stormwater Management, Approved by Council: 30 August 2005 	Catchment and Stormwater Management		
	3.2. Appropriate measures be taken to prevent the discharge of silt from the minor channel (tributary) entering the Elsieskraal river. A silt trap/ silt barrier be constructed across the minor channel, as a gabion or similar structure, upstream of the confluence with the Elsieskraal river. This system must be maintained regularly in order to prevent the build-up of silt behind the structure.		This has been included in the EMPr.	Marais Geldenhuys
	3.3. Ensure that appropriate stormwater vegetation included in the “proposed plant species list”, for the channel section is approved and listed within the City’s “SUSTAINABLE URBAN DRAINAGE SYSTEMS: Landscape and Indigenous Plant Species Guideline, dated 28 February 2011” (Obtainable from this Office), to facilitate implementation of Sustainable Urban Drainage Systems (SUDS).		It should be noted that the channel is not a stormwater channel but a tributary of the Elsieskraal River. Approximately 50% of the plant list suggested for the channel rehabilitation is from the SUDS list. The list however also includes other plant species that are indigenous to the area and in particular includes a number of grasses that are recommended to mitigate the potential for erosion of the channel.	Toni Belcher
	4.1. The pesticide and herbicide storage is to comply with the Environmental Health legislation under the City of Cape Town Environmental Health By-law P.N 200 of 2013 and Department of Agriculture’s National Health Act (61/2003).	Jackie Hintenaus – Environmental Health	Herbicide storage does comply with the mentioned legislation. The farm is in compliance with provisions of the Wine and Spirits board as well as The Wine and Agricultural Ethical Trading Association. The certificates are attached as Appendix F2 of the revised Section 24G report.	Marais Geldenhuys
	5.1. The property is zoned Agricultural Zone. As such, a bona fide farm store/ shed is permitted as a primary right within the zoning, provided	Development Management	Noted.	Marais Geldenhuys

		that it complies with the relevant development parameters.	Department		
		5.2. The site plan indicates that the structure is set back at least 30m from the site boundaries. On this basis, it complies with the relevant building lines.		Noted.	Marais Geldenhuys
		5.3. The ridge height of the building is not indicated on the plans. However, from the indicated wall plate height, it appears that the structure does not exceed 11m in height, and therefore complies with the maximum height requirement.		Noted.	Marais Geldenhuys
		5.4. The applicant is to confirm whether the structure is used as a farm shed/ store and/or other activities.		The store area is used for storage of farm equipment, and for the servicing of farm vehicles. Herbicides are also temporarily stored on site.	Marais Geldenhuys
		5.5. The structure requires building plan approval. It is not clear from this Department's records whether building plan approval has been sought and/or obtained – it is advised that confirmation be obtained with the Building Development Management Department.		The building plans have been submitted to council for approval but have not been approved yet.	Marais Geldenhuys
3.	28 March 2018	Department of Water and Sanitation			
		According to the report the construction of a barn lead to the infilling of a tributary of the Elsieskraal River and resulted in the channel being redirected. Please note that any development within the 1:100 year flood line or 100m from the riparian habitat whichever is the greatest or within a 500m boundary of a wetland or water resource triggers water uses in terms of sections 21 (c) "impeding or diverting the flow of water in a watercourse" and (i) "altering the bed, banks, course or characteristics of a watercourse" of the National Water Act, 1998 (Act no. 36 of 1998).	F. Rhoda	This is noted. An application for Section 21 (c) and (i) has been submitted to the Department of Water and Sanitation. See Appendix F1 for proof of submission.	Marais Geldenhuys
		Please note that your water use activity should have been authorised before commencement and that using water without an authorisation constitutes an offence in terms of section 151 of the National Water Act, 1998 (Act 36 of 1998). Your application will therefore be referred to the Compliance and Enforcement Sub-Directorate in the Department for further investigation.		Noted.	Marais Geldenhuys