

**PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT COMMENTS RECEIVED - RUSTENBERG WINES**

Date	Issue	Comment	I&AP	Response	Respondent
General					
19/07/2019		Having considered the information contained in the Draft Pre-Application BAR, you are hereby advised that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the EIA process. Omission of any activity may invalidate the application	Saa-rah Adams - Department of Environmental Affairs and Development Planning: Development Management Region 1	Noted	EnviroAfrica
		The department notes the inclusion of Listed Activity 12 of Listing Notice 3. Based on available mapping information sources, the indigenous vegetation is categorised as Vulnerable in terms of Section 52 of NEMBA and no critical biodiversity areas, or ecosystem service areas or systematic biodiversity plans have been adopted by the competent authority. For these reasons, the aforementioned activities will not be triggered.		Noted. Activity 12 of Listing Notice 3 will be excluded from the NEMA Application Form and the Post-Application Basic Assessment Reports	EnviroAfrica
		The department notes "water for irrigation will be sourced from existing farm dam and the majority of the main irrigation lines are already developed, with only the sub lines for irrigation needing to be constructed." You are required to amend the site layout map to include the existing and proposed components of the irrigation network.		This is difficult to say for sure as one would need to pay an irrigation expert to make out an irrigation block plan, but without consent to plant there just yet, this would not make financial sense for us to get someone out in case we cannot go ahead with the development of this site. We can only give a suggestion of where the sub-line might be placed. Please see the google KMZ attached.	Rustenberg Wines
		The department notes that water will be sourced from water sources on the property. You are required to provide this Department confirmation from the DWS or BGCMA with regard to the existing lawful water use rights of the property.		Noted. Comment from DWS and BGCMA was received, please see below. BGCMA is not the commenting authority, and DWS confirmed that no WULA is required.	EnviroAfrica
		In addition, you are required to, indicate how much of the existing lawful use is being utilised on existing cultivated lands on the property.		We are allocated 200 000m3 per year. We don't have an exact indication of how much is currently used because the majority of the water goes into the dams and from there we irrigate the vineyards. Whatever is not used, we allocate to the pastures. There will however be enough for the new development.	Rustenberg Wines
		Indicate how much of the existing lawful use will be used for the proposed development of cultivated area.		Approximately 3551.23m3 based on the adjacent block as it is very difficult to say and depends largely on seasonal rains, vine spacing, row spacing, slope, cover crops, cultivar and rootstock, as well as the dripper spacing and delivery (m3 rate per hour).	Rustenberg Wines
		Note a WULA in terms of the NWA, 1998 may be required should the existing lawful use not be sufficient to establish an additional area of 18ha.		Noted. DWS has confirmed that no WULA is required. See comments below and attached. The proposed additional area is not 18ha, but rather 2.9ha	EnviroAfrica
		Please ensure that the relevant water management authority provides comment on the proposed development specifically, and not only regarding the status of the property's existing lawful water use.		Noted. DWS was provided with an opportunity to view and comment on the Draft Pre-Application BAR. Their comment is noted below	EnviroAfrica
		Please ensure the Construction and Operational Management Programme contains more detail with respect to the methods that will be used for implementation, the frequency at which it will be implemented and the parties responsible for the required actions. In addition, the expected outcome for the on-going maintenance activities must be quantified.		Noted. This will be addressed in the EMPr	EnviroAfrica
		The public participation process must comply with the requirements of Regulation 41 of the EIA Regulations 2014, and proof of compliance with all the steps undertaken must be included in the Final BAR.		Noted. The EAP is of the opinion that all necessary steps have been taken. Proof of PPP is included in Appendix F of the BAR.	EnviroAfrica
		The department notes the specialist input from the freshwater and botanical specialists. Please ensure that the recommendations and mitigation measures pertaining to the assessments are incorporated in the Final BAR and EMPr.		Noted. The specialist recommendations and mitigation measures have been noted, and they have been included in both the BAR and the EMPr.	EnviroAfrica



		<p>It should be noted that the Rustenberg Wine Estate does occupy a large area with a significant proportion of natural vegetation which would be considered favourably for conservation. The remainder of the study area alone would however only be small in extent and not contribute significantly to achieving conservation goals in isolation. It should further be noted that Rustenberg Wine Estate is part of the functional and active Greater Simonsberg Conservancy and that the natural areas across the full landholdings have been presented to the Western Cape Protected Area Expansion and Stewardship Review committee with WWF-SA as the lead agent. The recommendation was for an agreement with WWF and follow-up review at a later stage. Lastly, the upper slopes of the property are declared Mountain Catchment Area in terms of the Mountain Catchment Areas Act (Act 63 of 1970), which is a category of protected area which will be further defined and refined in legislation currently under review.</p>		Noted	EnviroAfrica/ Paul Emms
		<p>CapeNature is in agreement with the recommendation of the botanical assessment, as the loss of the small area of restoring fynbos can be compensated through the management and protection of the remaining natural vegetation, including alien clearing. This would not be considered as a biodiversity offset in terms of the relevant national policy and provincial guidelines, however this would be an on-site set aside secured through reactive stewardship and accordingly subject to CapeNature's approach for reactive stewardship. Therefore, the botanical assessment should clarify the recommendations regarding the area to be secured and we recommend that the applicant consults with CapeNature regarding taking stewardship forward.</p>		<p>I support CapeNature's recommendation for a stewardship agreement and suggest that we engage with them on a way forward. They may have an envisioned plan for the greater area and adjoining properties. This area can then be indicated in the report as the recommended stewardship site and mention made that CapeNature has been consulted. The proposed stewardship site must be made in consultation with the landowner and will need to be presented to CapeNature's stewardship review committee. <b>The landowner/Applicant is also open to the idea of and further discussions on a stewardship agreement.</b></p>	Paul Emms. <b>EnviroAfrica</b>