



**REFERENCE:** 16/3/3/6/7/1/B4/45/1340/18

**ENQUIRIES:** Ms. Saa-rah Adams

**DATE:** 19.07.2019

The Board of Directors  
Rustenberg Wines (Pty) Ltd  
P. O. Box 33  
STELLENBOSCH  
7599

**Attention: Mr. S. Barlow**

Tel: 021 809 1200

E-mail: [simon@rustenberg.co.za](mailto:simon@rustenberg.co.za)

Dear Sir

**COMMENT ON THE PRE- APPLICATION BASIC ASSESSMENT REPORT ("BAR") FOR THE CULTIVATION OF VINEYARDS AT RUSTENBERG WINES ON THE REMAINDER OF FARM NO. 56, STELLENBOSCH**

1. The pre-application draft BAR and letter dated 28 May 2019, as received by this Department on 30 May 2019 and the Department's acknowledgement thereof dated 10 June 2019, refer.
2. According to the information submitted to this Department, it is noted that the proposal entails the following:
  - 2.1. The cultivation of new vineyards on the Remainder of Farm No. 56, Stellenbosch.
  - 2.2. The area targeted for cultivation is approximately 2.9ha and comprises of Boland Granite Fynbos, which is a Critical Biodiversity Area categorised as Vulnerable in terms of Section 52 of the National Environmental Management: Biodiversity Act, 2004.
3. This Department's comments are as follows:
  - 3.1. 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 Environmental Impact Assessment ("EIA") process. Omission of any activity may invalidate the application.
  - 3.2. 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.
  - 3.3. The Department notes, "water from 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.

3.4. The Department notes that water will be sourced from water sources on the property. You are required to provide this Department confirmation from the Department of Water and Sanitation or the Breede-Gouritz Catchment Management Agency ("BGCMA") with regard to the existing lawful water use rights of the property.

3.5. In addition to the above, you are required to:

3.5.1. Indicate how much of the existing lawful use is being utilised on existing cultivated lands on this property.

3.5.2. Indicate how much of the existing lawful use will be used for the proposed development of cultivated areas.

3.5.3. Note a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA") may be required should the existing lawful use not be sufficient to establish an additional area of 18ha. In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and 163A of the NWA) the processes for a Water Use Licence Authorisation and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014 (as amended), as well as the 2017 WULA Regulations. Should an application be submitted to the Department of Water and Sanitation ("DWS"), its delegated authority, the Breede Gouritz Catchment Management Agency ("BGCMA") or the relevant water management authority, proof of submission to the relevant water management authority and all information related to the WULA must be included in the Final BAR.

3.5.4. 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.

3.6. 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 (targets) for the on-going maintenance activities must be quantified.

3.7. 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.

3.8. 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.

3.9. Comments from, but not limited to, the following relevant authorities must be obtained during the Public Participation Process and included in the BAR submitted for decision-making:

- CapeNature;

- Heritage Western Cape;
  - Department of Agriculture;
  - Department of Water and Sanitation or the relevant water management authority;
- and
- Stellenbosch Municipality.

3.10. 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.

3.11. Be advised that an original 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.

3.12. In addition to the above, please ensure that original signed and dated Environmental Assessment Practitioner ("EAP") declaration is also submitted with the final BAR for decision-making.

4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
5. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. 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.
6. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT ASSESSMENT SERVICES: REGION 1**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) C. Geyser (EnviroAfrica cc)  
 (2) S. van der Merwe (Stellenbosch Municipality)  
 (3) Ms. E. Rossouw (BGCMA)  
 (4) Mr. C. van der Walt (Department of Agriculture)

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