



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
Region 1

EIA REFERENCE: 16/3/3/1/B4/45/1063/19
NEAS REFERENCE: WCP/EIA/0000668/2019
ENQUIRIES: Ms. S. Adams
DATE OF ISSUE:

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

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE CULTIVATION OF VINEYARDS AT RUSTENBERG WINES ON THE REMAINDER OF FARM NO. 56, STELLENBOSCH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully


MR ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

DATE OF DECISION: 19/03/2020

Cc: (1) C. Geyser (EnviroAfrica cc)
(2) S. van der Merwe (Stellenbosch Municipality)
(3) N. Mkonto (DWS)
(4) C. van der Walt (Department of Agriculture)
(5) R. Smart (CapeNature)

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Directorate: Development Management
(Region 1)

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE CULTIVATION OF VINEYARDS AT RUSTENBERG WINES ON THE REMAINDER OF FARM NO. 56, STELLENBOSCH

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in Section B below with respect to Site Alternative 2 and Layout Alternative 2 described in the Basic Assessment Report ("BAR"), dated November 2019.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Rustenberg Wines (Pty) Ltd
% Mr. S. Barlow
P. O. Box 33
STELLENBOSCH
7599

Tel: 021 809 120
E-mail: simon@rustenberg.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. ACTIVITY AUTHORISED

Listed activity	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity 27 of Listing Notice 1: <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for;</i></p> <p style="padding-left: 40px;">(i) <i>the undertaking of a linear activity; or</i> (ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan."</i></p>	<p>The development requires the removal of more than 1 hectare of indigenous vegetation classified as vulnerable in terms of Section 52 of National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEM:BA").</p>

The abovementioned is hereinafter referred to as "**the listed activity**".

The holder is herein authorised to undertake the following alternative:

This alternative entails the clearance of approximately 2,9ha of indigenous vegetation, to allow for the establishment of vineyards, approximately 550m north-west of the Rustenburg Wines winery/office on the Remainder of Farm No. 56, Stellenbosch. The development also entails the development of internal irrigation infrastructure that will connect to the existing main irrigation pipelines.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activity will be undertaken is located on Remainder of Farm No. 56, Stellenbosch, and has the following co-ordinates:

Latitude: 33° 53' 28.00" S
Longitude: 18° 53' 10.10" E

The SG digit code is: C06700000000005600000

Refer to Annexure 1: Locality Map and Annexure 2: Site Layout Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

SLR Consulting (South Africa) (Pty) Ltd
% Mr. Jeremy Blood

P. O. Box 10145
CALEDON SQUARE
7905

Tel/ Fax: 021 461 1118

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with, and restricted to, Alternative 2, as described in the BAR dated November 2019 at the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.

3. The development must be concluded within **10 years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 include proof of compliance with the following conditions described herein:
Conditions: 7, 8, 9, 11 and 17

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;
 - 7.4.5 e-mail address, if any, of the holder; and
 - 7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to include:
 - a conservation management plan as an addendum to the EMPr. The conservation management plan must be determined by the outcome of CapeNature's Western Cape Protected Area Expansion and Stewardship Review Committee. The conservation area must as a minimum include the remaining portion of the originally proposed 8ha site located to the north-west of the Rustenburg Wines winery/office.

The relevant sections of the EMPr must be amended to include the conservation management plan and the associated mitigation measures. The **amended EMPr** must be submitted to and approved by the Competent Authority **prior** to commencement of construction activities.

10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), 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 (as amended).

The ECO must conduct fortnightly site audits. Bi-monthly ECO Audit Reports must be submitted to the Competent Authority for the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. The area for cultivation must be clearly demarcated prior to the commencement of site clearing activities and all areas outside the demarcated footprint must be regarded as no-go areas.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and

- 2.2. submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

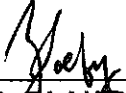
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. ZAAHIR TOEFY

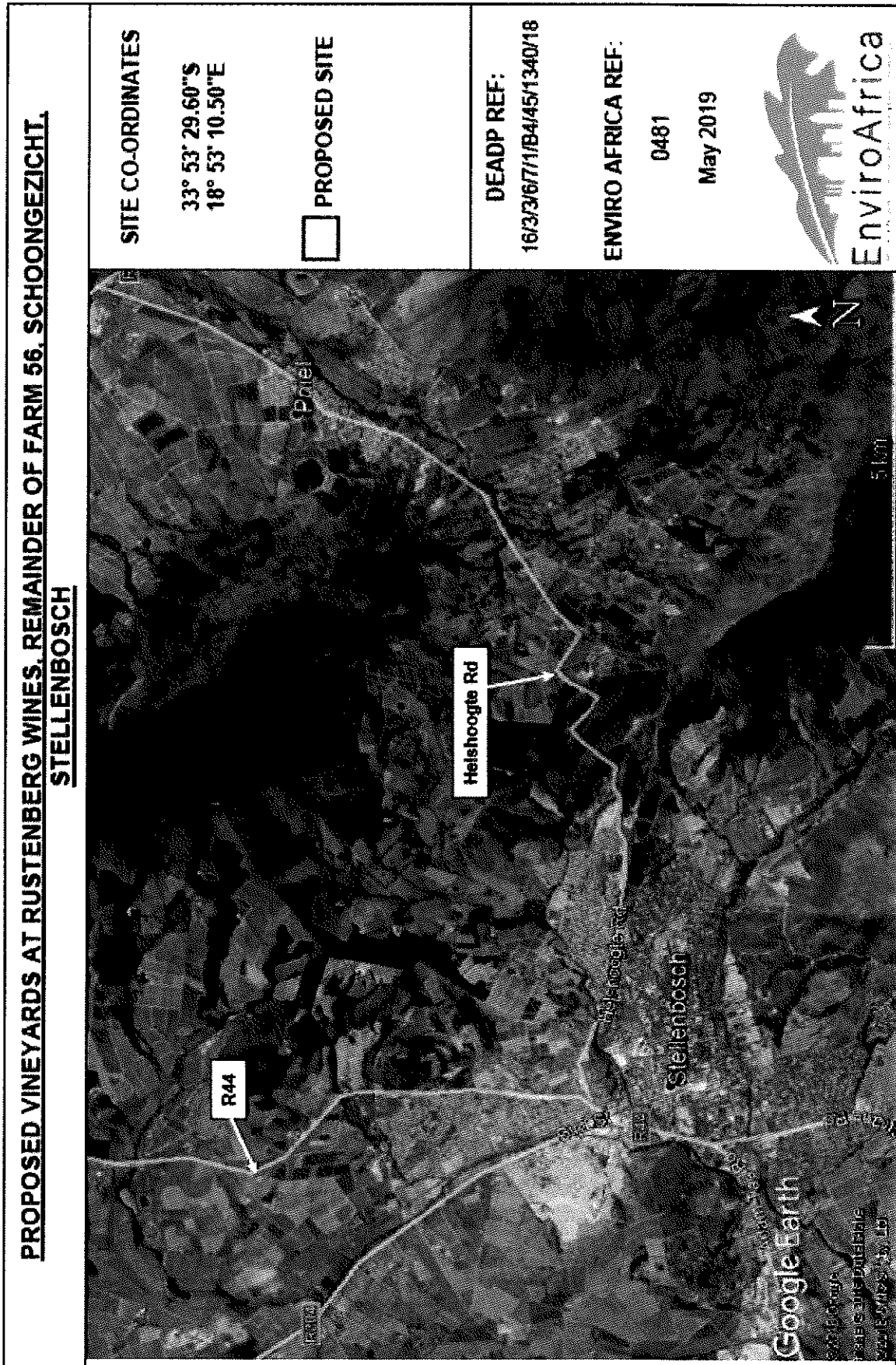
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 19/03/2020

Cc: (1) C. Geysler (EnviroAfrica cc)
(2) S. van der Merwe (Stellenbosch Municipality)
(3) N. Mkonto (DWS)
(4) C. van der Walt (Department of Agriculture)
(5) R. Smart (CapeNature)

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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN

PROPOSED VINEYARDS AT RUSTENBERG WINES, REMAINDER OF FARM 56, SCHOONGEZICHT, STELLENBOSCH



SITE CO-ORDINATES

**33° 53' 29.60" S
18° 53' 10.50" E**

POTENTIAL SUB-LINE

MAIN IRRIGATION LINE

DEADP REF:

16/3/3/6/7/1/E4/45/1340/18

ENVIRO AFRICA REF:

0481

AUGUST 2019



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form as received on 28 August 2019, the draft BAR dated August 2019, the final BAR dated November 2019 and the EMPr submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated November 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at strategic locations, i.e. entrance to the farm and the staff meeting rooms, where the listed activity is to be undertaken as well as at the Idas Valley Public Library and the Stellenbosch Municipal Offices;
- the placing of a newspaper advertisement in the 'Eikestadnuus' on 4 October 2018;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity on 2 Oct 2018, 5 Oct 2018, 28 May 2019, 30 May 2019, 31 May 2019, 5 June 2019, 13 Sept 2019;
- making the pre-application draft BAR available to I&APs for public review period from 3 June 2019; and
- making the in-process draft BAR available to I&AP's for a public review period from 16 September 2019.

All the concerns raised by I&APs were responded to and addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation EMPr in order to address the concerns raised.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

2.1 Two site alternatives for the clearance of indigenous vegetation, to establish vineyards, were investigated considered on Remainder of Farm 56, Schoongezicht, Stellenbosch and is discussed below:

- Site Alternative 1

This alternative entails the clearance of indigenous vegetation, to allow for the establishment of vineyards, approximately 650m south-west of the Rustenberg Wines winery/office.

This alternative is not preferred since the Rustenberg Wines Soil Study dated January 2019, compiled by Mr. BJ Diedericks from ReSalt Agricultural Systems and Strategies, concluded that 82% of the soil found within this site has a medium to low potential for producing quality wines. This is due to the soil being very shallow and the compact clays in the subsoil that would severely restrict the vine's root growth.

- Site Alternative 2 (herewith approved)
This alternative entails the clearance of indigenous vegetation, to allow for the establishment of vineyards, approximately 550m north-west of the Rustenberg Wines winery/office.

This alternative is preferred since the Rustenberg Wine Soil Study concluded the soil is an aerated, well-draining medium that is favorable for the cultivation of vines, will require minimum inputs in terms of nutrition and has a high potential for production quality wines.

2.2 Two layout alternative, for the cultivation of vineyard, were investigated and is discussed below:

- Layout Alternative 1
This alternative entails the clearance of approximately 6ha, of the identified 8ha, of indigenous vegetation to allow for the establishment of vineyards.

This alternative is not preferred since it is not informed by the land surveyor, that concluded that only a portion of approximately 2.9ha as approved in Layout Alternative 2 is suitable for vineyard development.

- Layout Alternative 2 (herewith approved)
This alternative entails the clearance of approximately 2.9ha of indigenous vegetation to allow for the establishment of vineyards.

This alternative is preferred since this was identified by the land surveyor as a portion within the site that is suitable for vineyard development. This alternative is also supported by the Botanical Specialist as it will ensure that a representative portion of the indigenous vegetation remaining intact and will ensure that the functioning of the Ecological Support Area, in the northern and eastern side of the site, is not impacted on.

"No-Go" Alternative

The "no-go" alternative was considered and is not preferred since it will not increase the economic viability of the farm and the socio-economic benefits in terms of job creation will not be achieved.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

The site is located outside the urban edge in a prime agricultural area and is zoned Agricultural Zone 1. The cultivation of vineyards will increase the production capacity and economic viability of the farm, which in turn will sustain existing and future employment opportunities.

3.2 Biodiversity and Biophysical Impacts

According to the Botanical Assessment dated December 2018, compiled by Dr. David J. McDonald from Bergwind Botanical Surveys and Tours, the site is comprised of Boland Granite Fynbos, an ecosystem classified as vulnerable in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004). According to the

findings of the report, the indigenous vegetation found on site is regarded as having high sensitivity. However, the cultivation of 2.9ha is supported provided that the remainder of the originally proposed 8ha site, as a minimum, be set aside as a conservation area in perpetuity. The aforementioned will result in a representative portion of Boland Granite Fynbos remaining intact and that the Ecological Support Area, located on the northern and eastern sides of the site, not to be impacted upon. With the implementation of mitigation measure to be included in the EMPr (to be submitted to the competent authority for approval, as indicated in Section E: Condition 9), the impact significance of the proposed development on the indigenous vegetation on site will be low negative.

According to the freshwater impact statement from Antonia Belcher from BlueScience, dated August 2018, the development will be located approximately 75m upstream of the natural wetland areas associated with the downstream dam and are unlikely to be impact upon.

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in a low negative impact on indigenous vegetation on site. However, with the effective implementation of the recommended mitigation measures of the specialist, this impact can be reduced to low.

Positive impacts:

- The development will allow for the establishment of a conservation area that as a minimum include the remainder of the originally proposed 8ha located to the north-west of the Rustenburg Wines winery/office. The associated conservation plan will be determined by the outcome of the CapeNature's Western Cape Protected Area Expansion and Stewardship Review Committee.
- Employment opportunities will be created during the construction and operation phases of the development.

4. National Environmental Management Act Principles

The NEMA Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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