



REFERENCE: 16/3/3/6/7/1/A3/54/2001/24
DATE: 22 JULY 2024

The Board of Directors
Vergelegen Wines (Pty) Ltd
P.O Box X17
SOMERSET WEST
7129

For attention: Mr. Eben Olderwagen

Tel: (021) 847 2100
Email: [REDACTED]

Dear Sir

COMMENTS ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT ("BAR") AND THE ENVIRONMENTAL MANAGEMENT PROGRAMME ("EMPR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED REPAIRS OF THE BANKS OF THE LOURENS RIVER AND ASSOCIATED INFRASTRUCTURE ON PORTIONS 0, 2, 3, 4 AND 5 OF THE FARM NO. 741, PORTIONS 0 AND 2 OF THE FARM NO. 744 AND PORTIONS 0, 1 AND 2 OF THE FARM NO. 737, SOMERSET WEST

1. The pre-application BAR, EMPr and supporting documentation, received by the Department via electronic mail correspondence on 19 June 2024, and this Directorate's acknowledgement of receipt letter (dated 28 June 2024, refer.
2. This Directorate has considered the information contained in the pre-application BAR and has the following comments:

2.1. Listed Activities

This Directorate confirms that Listed Activities 12, 19 and 27 of Listing Notice 1 and Listed Activity 12 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) are applicable to the proposed repairs of the banks of the Lourens River and associated infrastructure on Portions 0, 2, 3, 4 And 5 of the Farm No. 741, Portions 0 and 2 of the Farm No. 744 and Portions 0, 1 And 2 of the Farm No. 737, Somerset West.

2.2. Public Participation Process

You are required to submit proof of the Public Participation Process being conducted for the draft BAR. This will include, *inter alia*, the following:

- 2.2.1. Proof that the pre-application BAR was made available to all relevant and registered Interested and Affected Parties ("I&APs"), which include the following relevant authorities:

- 2.2.1.1. CapeNature;
- 2.2.1.2. Heritage Western Cape;
- 2.2.1.3. Relevant Departments of the City of Cape Town Municipality;
- 2.2.1.4. Western Cape Government: Environmental Affairs and Development Planning ("DEA&DP") Directorate: Waste Management;

- 2.2.1.5. DEA&DP: Directorate: Pollution and Chemicals Management;
 - 2.2.1.6. Western Cape Government: Infrastructure;
 - 2.2.1.7. Western Cape Government: Agriculture;
 - 2.2.1.8. Breede-Gouritz Catchment Management Agency; and
 - 2.2.1.9. The National Department of Water and Sanitation.
- 2.2.2. The proof of Public Participation Process must be attached to the draft BAR, as Appendix F and submitted to this Directorate.
- 2.2.3. A complete list of registered I&APs and the Comments and Response Report, indicating all the comments received from I&APs on the pre-application BAR and the responses thereto; and
- 2.2.4. Please ensure that all comments are adequately addressed and responded to, prior to the submission of the final BAR to this Directorate;
- 2.2.5. It is noted that the Department of Water and Sanitation has been consulted during the application for Water Use License (Reference No: WU34882) in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act No. 36 of 1998), as amended. Proof of this must be appended to the draft- and final BAR submitted to this Directorate;
- 2.2.6. It is stated that Heritage Western Cape ("HWC") has been consulted during the **Notice of Intent ("NOI")** and that HWC confirmed that the proposed development does not require further action under Section 28 of the National Heritage Resources Act (Act No. 25 of 1999). The correspondence from HWC, confirming same, must be appended to the draft- and final BAR submitted to this Directorate.
- 2.3. Specialist Reports
- 2.3.1. The recommendations of specialist professionals contained in specialist reports **must be transferred into the Environmental Management Programme ("EMPr")** to be submitted with the draft BAR for review.
- 2.3.2. Kindly be advised to ensure that the content of specialist reports complies with the relevant Protocol or Appendix 6 of the EIA Regulations, 2014 (as amended), where no Protocol exists.
- 2.4. Environmental Management Programme ("EMPr")
- The BAR make reference to the Traffic Management Plan in the EMPr to provide measures to mitigate and manage potential impacts associated with traffic incidents, however, such management plan was not provided in the EMPr. Please ensure that all necessary mitigation and management actions are outlined in the EMPr.
- 2.5. Prescribed Timeframes
- 2.5.1. Please be reminded that in accordance with Regulation 19(1) of the EIA Regulations, 2014 (as amended), the draft- and final BARs must be submitted within ninety (90) days of receipt of the application by the Competent Authority.
- 2.5.2. In terms of Regulation 45 of the EIA Regulations, 2014 (as amended), an application in terms of the EIA Regulations, 2014 (as amended) lapses and the Competent Authority will deem the application as having lapsed, if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations.
- 2.5.3. If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Competent Authority that an additional 50 days (i.e., 140 days from receipt of the Application Form for Environmental Authorisation) will be required for the submission of the final

BAR for decision-making. The additional 50 days must include a minimum commenting period of thirty (30) days to allow I&APs to comment on the revised report/additional information.

2.6. General

- 2.6.1. Your attention is once more drawn to Appendix 1 of the EIA Regulations, 2014 (as amended), for the requirements with respect to the 'Content of basic assessment reports'. Please ensure that these requirements are met.
 - 2.6.2. Your attention is drawn to Appendix 4 of the EIA Regulations, 2014 (as amended), for the requirements with respect to the 'Content of Environmental Management Programme'. Please ensure that these requirements are met.
 - 2.6.3. Please note that Documentation must be submitted via mail correspondence to the central email address (DEADPEIAAdmin@westerncape.gov.za), with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link to download the documents.
3. You are reminded that it is an offence in terms of Section 49A 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.
 4. Kindly quote the abovementioned reference number in any future correspondence regarding this application.
 5. The Directorate reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

**Ayesha
Hamdulay**

Digitally signed by Ayesha
Hamdulay
Date: 2024.07.22 14:39:30 +02'00'

pp **MR. ZAAHIR TOEFY**
DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

Copied to:

- (1) Ms. Jennipher Sakaunda (NCC Environmental Services)
- (2) Ms. Lungelo Mbandazayo (City of Cape Town Municipality)

E-mail: [REDACTED]
E-mail: [REDACTED]

