

THE PROPOSED LA GARONNE SPARKLING WINE PRODUCTION FACILITY ON REMAINDER OF FARM 1610 AND FARM 1772, PAARL, STELLENBOSCH MUNICIPALITY.

RIVER MAINTENANCE MANAGEMENT PLAN

Prepared For:

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November 2023

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ACRONYMS

BAR	Basic Assessment Report
BPG	Best Practice Guideline
CBA	Critical Biodiversity Area
DEA&DP	Department of Environmental Affairs & Development Planning
DWS	Department of Water & Sanitation
EAP	Environmental Assessment Practitioner
ECO	Environmental Control Officer
EIA	Environmental Impact Assessment
EMP	Environmental Management Programme
GA	General Authorisation, in terms of the National Water Act, 1998 (Act No. 36 of 1998)
GN	Government Notice
IB	Irrigation Board
MEC	Member of Executive Council
MMP	Maintenance Management Plan
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998)
NEMBA	National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
NFEPA	National Freshwater Ecosystem Priority Areas
NWA	National Water Act, 1998 (Act No. 36 of 1998)
RE	Resident Engineer
PES	Present Ecological State
SANParks	South African National Parks Authority
SUDS	Sustainable Urban Drainage Systems
WUA	Water Users Association
WULA	Water Use Licence Application

DEFINITIONS OF TERMS

"Activity" means an activity identified in any notice published by the Minister or MEC in terms of section 24D(1)(a) of the Act as a listed activity or specified activity. Activity in this document refers to the activities as listed in Listing Notice 1, 2 and 3 of the Environmental Impact Assessment Regulations, 2014 (as amended).

"Bush Encroachment" means stands of plants of the kinds specified in column 1 of Table 4 of the Conservation of Agricultural Resources Act (Act No. 43 of 1983) where individual plants are closer to each other than three times the mean crown diameter.

"Diverting" as defined in the General Authorisation, in terms of section 39 of the National Water Act, 1998 (Act no 36 of 1998) for Water Uses as defined in Section 21(c) and 21(i) (GN. 509 of 26 August 2016), means to, in any manner, cause the instream flow of water to be rerouted temporarily or permanently.

"Ecological Infrastructure" refers to naturally functioning ecosystems that deliver valuable services to people, such as water and climate regulation, soil formation and disaster risk reduction.

"Estuary" has the meaning assigned to it in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)

"Flood event" is the event where land is inundated by the overflowing of water from a river channel and where this event causes significant damage to infrastructure or results in watercourse erosion and/or sediment deposition.

NOTE that flooding can be a natural phenomenon in many river or wetland systems which, due to encroachment and human modification of the form and function of the affected system, may have evolved into a potential hazard to life or property.

"Flow-altering" as defined in the General Authorisation, in terms of section 39 of the National Water Act, 1998 (Act no 36 of 1998) for Water Uses as defined in Section 21(c) and 21(i) (GN. 509 of 26 August 2016), means to, in any manner, alter the instream flow route, speed or quantity of water temporarily or permanently.

"General Authorisation" in this document refers to the General Authorisation in terms of section 39 of the National Water Act, 1998 (Act no 36 of 1998) for Water Uses as defined in Section 21(c) or Section 21(i) (GN. 509 of 26 August 2016).

"Impeding" as defined in the General Authorisation, in terms of section 39 of the National Water Act, 1998 (Act no 36 of 1998) for Water Uses as defined in Section 21(c) and 21(i) (GN. 509 of 26 August 2016), means to, in any manner, hinder or obstruct the instream flow of water temporarily or permanently, but excludes the damming of flow so as to cause storage of water.

“Indigenous vegetation” refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years.

“Maintenance” means actions performed to keep a structure or system functioning or in service on the same location, capacity and footprint.

“Maintenance Management Plan” means a management plan for maintenance purposes defined or adopted by the competent authority.

“River Management Plans” as defined in the General Authorisation, in terms of section 39 of the National Water Act, 1998 (Act no 36 of 1998) for Water Uses as defined in Section 21(c) and 21(i) (GN. 509 of 26 August 2016), any river management plan developed for the purposes of river or storm water management in any municipal/metropolitan area or described river section, river reach, entire river or sub quaternary catchment that considers the river in a catchment context.

“River reach”, a length of river characterised by a particular channel pattern and channel morphology, resulting from a uniform set of local constraints on channel form. A river reach is typically hundreds of meters in length.

“Stretch” a section of watercourse, delineated between two or more mapped coordinates, within which proposed maintenance activities are to take place as guided by a MMP.

“Thalweg” refers to the line of lowest elevation within a valley or watercourse.

“Watercourse” means:

- (a) a river or spring;
- (b) a natural channel in which water flows regularly or intermittently;
- (c) a wetland, lake or dam into which, or from which, water flows; and
any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998);
and

a reference to a watercourse includes, where relevant, its bed and banks.

“Wetland” means, land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

REFERENCES

Ecosystem Guidelines for Environmental Assessment in the Western Cape, Edition 2, 2016.
Available at: www.bgis.org.za

General Authorisation, in terms of Section 39 of the National Water Act, 1998 (Act No. 36 of 1998) for water uses as defined in Section 21(c) or Section 21(i).

National Water Act, 1998 (Act No. 36 of 1998). Available at:
<http://www.gov.za/documents/national-water-act>

Preliminary guideline for the determination of buffer zones for rivers, wetlands and estuaries, 2014. Available at: <http://www.wrc.org.za>

Scientific Aquatic Services, 2019, Watercourse Assessment for the proposed mixed-use development on Portion 1 of the Farm 717, Klapmuts, Western Cape Province.

Wetland offsets: A best practice guideline for South Africa, 2016. Available at:
<http://www.wrc.org.za>



Request for the relevant Competent Authority to define or adopt a Maintenance Management Plan for a watercourse in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), Environmental Impact Assessment Regulations, 2014 (as amended).

File Reference Number:
Date Received by Department:
Date Received by Component:
Form Duly Signed and Dated:

(For official use only)	
	Yes No

PROJECT TITLE

PROPOSED LA GARONNE SPARKLING WINE PRODUCTION FACILITY ON REMAINDER OF FARM 1610 AND FARM 1772, PAARL, STELLENBOSCH MUNICIPALITY.

A. SCOPE AND IMPORTANT INFORMATION

- 1) This document is to be used to ensure that the request for adopting or defining a Maintenance Management Plan (MMP) in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), Environmental Impact Assessment (EIA) Regulations, 2014 (as amended) is undertaken to the sufficient standard and requirements as defined by the competent authority, the Department of Environmental Affairs and Development Planning of the Western Cape Government (henceforth the Department). It is advised that the determination of applicability regarding the scale of the proposed maintenance/management activity(ies) be undertaken through a pre-application consultation with the Department.
- 2) The geographical scope of the MMP is limited to watercourses as defined in the EIA Regulations, 2014(as amended). The document does not relate to coastal activities or activities to be undertaken in an estuary.
- 3) The use of this document for the development of a MMP for a watercourse **will only** be considered when the proposed maintenance activities constitute any one of the following listed activities identified in terms of the NEMA EIA Regulations, 2014 (as amended):

EIA Regulations Listing Notice 1 of 2014 (as amended)

- **Activity 19, Listing Notice 1: The infilling or depositing of any material of more than 10 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving- (a) will occur behind a development setback;**

(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
(N.B. Points (d) and (e) does not apply as these activities fall within the coastal zone)

- Activity 27, Listing Notice 1: 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. The undertaking of a linear activity; or
 - ii. Maintenance purposes undertaken in accordance with a MMP.

EIA Regulations Listing Notice 2 of 2014 (as amended)

- Activity 15, Listing Notice 2: The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-
 - I. The undertaking of a linear activity; or
 - II. Maintenance purposes undertaken in accordance with a MMP.
- Activity 24, Listing Notice 2: The extraction or removal of peat or peat soils, including the disturbance of vegetation or soils in anticipation of the extraction or removal of peat or peat soils, but excluding where such extraction or removal is for the rehabilitation of wetlands in accordance with a MMP.

EIA Regulations Listing Notice 3 of 2014 (as amended)

- Activity 12, Listing Notice 3: The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a MMP.
 - i. Western Cape
 - i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
 - ii. Within critical biodiversity areas identified in bioregional plans;
 - iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
 - v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.
- (NB. Point iii does not apply as this activity falls within the coastal zone)

- 4) In deciding the request, the competent authority may define conditions related to auditing compliance with the MMP; monitoring requirements; reporting requirements, review; updating and amending the document and period for which the MMP is defined/adopted.
- 5) The purpose of the MMP is to maintain both man-made and ecological infrastructure in a manner that either improves the current state of, and/or reduces the negative impacts on a watercourse to ensure that ecosystems services are preserved/improved and to prevent further deterioration of the watercourse.

- 6) Notwithstanding the MMP possibly being defined or adopted by the Competent Authority, any other applicable statutory requirement must still be complied with (e.g. any obligations under the National Water Act, 1998 (Act 36 of 1998) or the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)).
- 7) The proponent must note that a MMP for a watercourse **must** be undertaken through consultation with the Department of Water and Sanitation and/or the relevant Catchment Management Agency (responsible water authority). This is to ensure compliance in terms of a Permissible Water Use as set out in the National Water Act, 1998 (Act No. 36 of 1998). It is recommended that this process for authorisation in terms of the National Water Act be clarified prior to the drafting and submission of the MMP.
- 8) The development of this document has been done in such a way so as to meet the requirements of both this Department as the competent authority in terms of the NEMA EIA Regulations, 2014 (as amended), as well as the requirements of the delegated water authority, regarding general authorisation considerations for sections 21(c) and (i) of the National Water Act, 1998 (Act No. 36 of 1998), to ensure alignment between the two authorities when defining or adopting the MMP.
- 9) In situations where a Water Use Licence Application (WULA) is required by the water authority regarding the proposed activities within a MMP, this will not prevent the proponent from submitting a request for a MMP to be defined or adopted by the Department.
- 10) Unless protected by law, all information contained in, and attached to this document, shall become public information on receipt by the competent authority.
- 11) A duly dated and originally signed copy of this document together with one hard copy and one electronic copy of the MMP must be posted, to the Department at the postal address given below, or delivered to the Registry Office of the Department.
- 12) A copy of the final defined/adopted MMP and cover letter **must** be submitted to the responsible water authority.
- 13) **NOTE: Adopting or defining the MMP does not absolve the proponent from complying with any applicable legislation or the general “duty of care” set out in Section 28(1) of the NEMA that states, “Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.” (Note: When interpreting this “duty of care” responsibility, cognisance must be taken of the national environmental management principles contained in Section 2 of the NEMA.**
- 14) **NOTE: This document can be used as a template to assist in the information required and is to be filled out in full. The Department reserves the right to request any additional information during the initial development and submission of the draft MMP.**
- 15) **NOTE: The Department reserves the right to not adopt the MMP and require that an application be submitted to obtain Environmental Authorisation for the respective activities. Furthermore, consideration for the review should also be aligned to the periodic reviews of the General**

Authorisation for sections 21 (c) and (i) of the National Water Act, 1998 (Act No. 36 of 1998) to ensure continued alignment and compliance.

RELEVANT LEGISLATION AND POLICIES

This RIVER MAINTENANCE MANGEMENT PLAN includes **Activity 19 of Listing Notice 1 (GN R 983, 7 April 2017):**

Activity 19 Listing Notice 1 (GN R 983, 7 April 2017)

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from-

- (i) a watercourse;*
- (ii) the seashore; or*
- (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving-*
 - (a) will occur behind a development setback;*
 - (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or*
 - (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;*
 - (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or*
 - (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.*

B. MAINTENANCE MANAGEMENT PRINCIPLES

- 1) The following are overarching principles to be used by landowners and managers when considering the development and implementation of a MMP:
 - a. The anticipation and prevention of negative impacts and risks, then minimisation, rehabilitation or 'repair', where a sequence of possible mitigation measures to avoid, minimize, rehabilitate and/or remedy negative impacts is explicitly considered;
 - b. Avoid and reduce unnecessary maintenance;
 - c. Maintenance and management of a watercourse must be informed by the condition of the physical and ecological processes that drive and maintain aquatic ecosystems within a catchment, relative to the desired state of the affected system;
 - d. Management actions must aim to prevent further deterioration to the condition of affected watercourses and, overall, be guided by a general commitment to improving and maintaining ecological infrastructure for the delivery of ecosystem services;
 - e. Managers and organs of state must identify, address and, where feasible, eliminate the factors that necessitate intrusive, environmentally-damaging maintenance; and
 - f. A process of continuous management improvement be applied, namely Planning; Implementing; Checking (monitoring, auditing, determine corrective action) and Acting (management review).

- 2) The following table provides a simple overview for the determination of the need for a MMP:

	Question	If the answer to any of the questions is YES, then a MMP may be applicable.
2.1	Is there a watercourse on or adjacent to the property?	YES
2.2	Has there been a history of flood damage or vandalism to the existing infrastructure or watercourse – erosion and/or sedimentation?	NO
2.3	Is there infrastructure or any community at risk of being damaged by flooding?	NO
2.4	Is the design of infrastructure considered inadequate in terms of managing the risk of flooding, erosion and/or sedimentation?	NO
2.5	Would you consider an improved design to existing infrastructure to reduce maintenance needs?	YES
2.6	Are there specific incidences where the watercourse is obstructed, or blockages occur that alter the flow of the river during floods?	NO
2.7	Is there an existing obstruction in the watercourse that has changed the flow of the river under normal conditions?	NO
2.8	Is there a marked increase in the rate of erosion/sedimentation being experienced, which threatens operations and assets?	NO
2.9	Is there a presence of alien or bush encroachment vegetation within the watercourse and/or the presence of woody debris after flooding?	YES

- 3) It is important to consider that the type of maintenance required will impact on the level of assessment needed in terms of the impact the activity will have on the system and how best to mitigate the impact. Types of maintenance can broadly be classified in the

following categories, with recognition that maintenance activities vary across the rural and urban context:

Maintenance Category	Types of maintenance activities (examples only)
Category A: Sediment removal as a result of deposition or sediment deposition as a result of erosion	- Clearing sediment or placing sediment at: - Pump hole/trench - Return flow (irrigation) - Off-take weir - Stormwater outfall - Detention/retention ponds - Canalized urban rivers - Bridges, culverts and drifts - Prevent formation of islands in the channel of the river - Dredging of in-stream dams
Category B: Emergency repairs – urgent action required to manage risk and damage to assets	- Repair to erosion of river bank or servicing infrastructure (e.g. pipelines/roads) - Removal of material built up as a result of flooding/sedimentation and increasing risk to infrastructure - Address damage or replacement of infrastructure (e.g. bridge, pipeline, pump house) - Manage the condition of flood protection berms, and existing structures such as gabions, canalized and stormwater systems - Installing temporary gravel approaches at flood-damaged river crossings
Category C: Managing alien invasive and bush encroachment plant species	- Clearing of alien invasive vegetation out of a watercourse to reduce maintenance requirements as they relate to erosion and sedimentation - Management of indigenous species categorized as bush encroachment, to improve hydrological flow and reduce associated flooding impacts
Category D: Rehabilitation and restoration activities for maintaining ecological infrastructure	- Development and maintenance of ecological buffering systems to improve and/or restore functioning (e.g. wetlands and stormwater detention ponds) - Actively rehabilitating riparian zones through planting of locally indigenous species - Bank grading and movement/removal of berms and barriers to flow

4) The development of appropriate method statements to mitigate the impact of the maintenance needs, should be aligned within the framework of these considerations:

- a. Watercourses experience a natural process of sedimentation and erosion, with varying rates depending on the geomorphology and the integrity of the land-uses within the catchment;
- b. Manipulation of the watercourse results in increased erosion and/or deposition being experienced further downstream, perpetuating greater need for manipulation and more drastic and costly maintenance interventions;

- c. Locally indigenous riparian and wetland vegetation assists in the stabilization of river banks through effective root structures, while contributing to improve in-stream habitat and water quality conditions;
 - d. Invasive alien and bush encroachment vegetation significantly impacts on the functioning of a watercourse, often leading to increased flood associated damage, with further implications and a reduction in water quality and availability;
 - e. Persons undertaking maintenance activities have a responsibility to ensure a sense of duty of care is applied as prescribed within NEMA Section 28(1).
- 5) It is recognized that within urban areas, sedimentation and erosion rates are significantly amplified as a result of development in urban areas and thus systems associated with watercourses in such areas can no longer be considered as 'natural'. In such a context, the drivers of such a process are often located outside the control of the landowner or responsible authority (i.e. Municipality). Therefore, the response taken to address the needs of a maintenance management plan for a watercourse within the urban environment may be limited in mitigating the requirement for maintenance to be undertaken.

C. REQUEST FOR THE COMPETENT AUTHORITY TO DEFINE OR ADOPT A MAINTENANCE MANAGEMENT PLAN FOR A WATERCOURSE IN TERMS OF THE NEMA, EIA REGULATIONS 2014 (AS AMENDED).

The following information must be submitted as part of the request for the competent authority to define or adopt the MMP:

1. PERSONAL DETAILS

Highlight the Departmental Sub-Region(s) in which the maintenance is to be undertaken. (mark the appropriate box with an 'X'). For Departmental, details see Annexure A.

REGION 1 (City of Cape Town Metropolitan and West Coast District)		REGION 2 (Cape Winelands District, Overberg District)		REGION 3 (Eden & Central Karoo Districts)	
Name of person/authority who will undertake responsibility for the activity:		Anthonij Rupert Wines (Pty) Ltd			
Contact person (if other):		Francois Malan			
Postal address:		P.O Box 435 Franschhoek			
Telephone:			Postal code:	7690	
Fax:			Cell:	072 710 2772	
Email:		fmalan@deleeuw.co.za/js@rupertwines.com			
Name of person who has prepared the MMP:		Cahlan Williams			
Contact Person (if other):		Euonell Visagie			
Postal address:		P.O. Box 2632, Paarl			
Telephone:		(021) 870 1874	Postal code:	7620	
Fax:		(021) 870 1873	Cell:	076 684 6566	
E-mail:		cahlan@gnec.co.za / eg@gnec.co.za			
Name of landowner(s) on whose behalf the plan has been developed:*		Same as applicant			
Contact person(s):					

Postal address:			
Telephone:		Postal code:	
Fax:		Cell:	
E-mail:			
Municipality for proposed project:	Stellenbosch Municipality		
Farm name(s), erf(s) and portion number(s) etc*:	Remainder of Farm 1610 and Farm 1772, Paarl.		
Magisterial District or Town:	The farms are located 8.5 km north-west of Franschhoek town centre and immediately south of the R45 and Bridge House School.		
Name(s) of watercourse(s) in question:	Unknown		
*In instances where there is more than one landowner, please attach a list of landowners with their full names, contact details, farm name, farm number, portion number, Erf number, coordinates and signed declaration confirming approval for development and responsibility of the MMP			

2. DECLARATION- As per signature attached within the BAR.

THE PERSON THAT WILL BE UNDERTAKING THE MAINTENANCE

I, in my **personal capacity** or **duly authorised** (please circle the applicable option) by (name of legal entity) thereto hereby declare that I/we:

- Request the MMP to be adopted by the Competent Authority;
- Regard the information contained herein to be true and correct for this Maintenance Management Plan;
- Am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 ("NEMA") (Act No. 107 of 1998) and that, notwithstanding the adoption of this MMP, I/we shall comply with any other statutory requirement applicable, which may include, but not limited to the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), the National Water Act, 1998 (Act No. 36 of 1998) and the Environmental Impact Assessment Regulations, 2014 (as amended) ("EIA Regulations"), in terms of NEMA;
- Am fully aware that the proposed maintenance constitutes a listed activity in terms of the NEMA EIA Regulations, 2014 (as amended) and that an environmental assessment for environmental authorisation may be required for any other listed activities not included as part of this MMP;
- Acknowledge that any activity undertaken that does not form part of the defined and adopted MMP, will be subject to the Section 24(F) of NEMA and that appropriate enforcement and compliance requirements will follow;
- Shall undertake only those tasks described in the MMP, failing which environmental authorisation will be required, where applicable;
- Shall provide the competent authorities with access to all information at my disposal that is relevant to this request;
- Shall be responsible for any costs incurred in complying with environmental legislation;
- Hereby indemnify the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, any loss or damage to property or person as a consequence of undertaking this MMP; and
- Am aware that a false declaration is an offence in terms of Regulation 48(1)(a) GN No. R. 982 of 4 December 2014 (as amended).

Signature of the proponent:

Date:

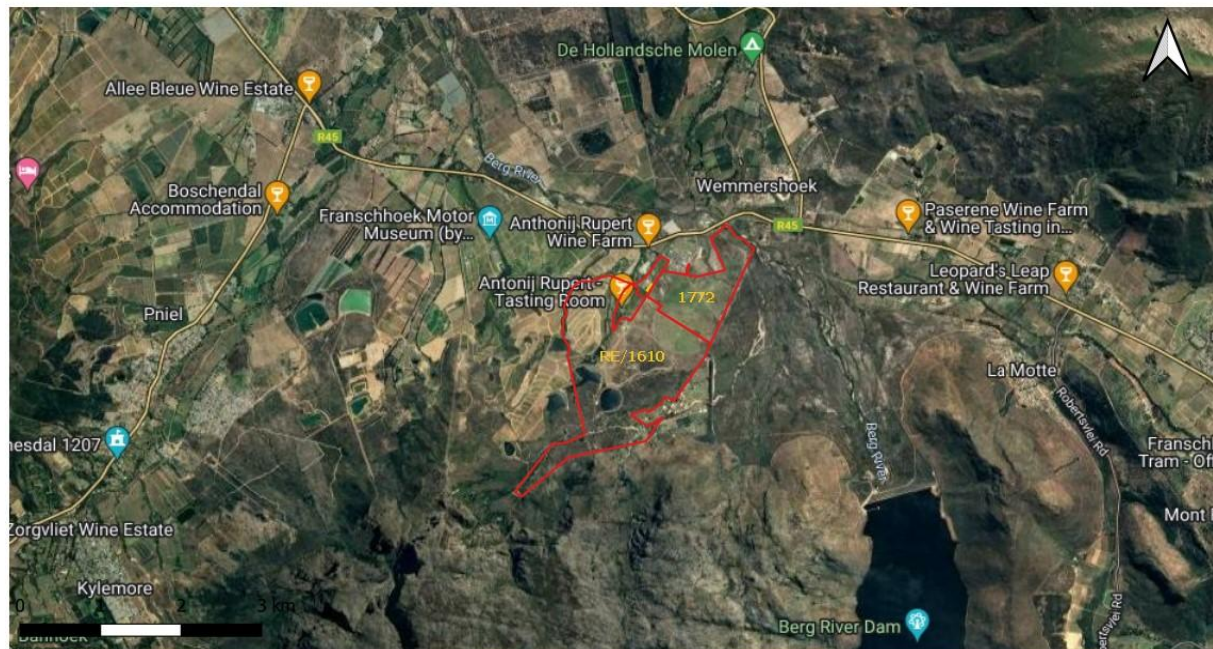
Name of institution/company:

3. BACKGROUND AND INTRODUCTION

Guillaume Nel Environmental Consultants were appointed by Anthonij Rupert Wines (Pty) Ltd to facilitate the Basic Assessment Process in terms of the National Environmental Management Act, 1998 ("NEMA") for the proposed La Garonne sparkling wine production facility on Remainder Farm 1610 and Farm 1772, Paarl. An application for a Water Use Licence will also be submitted to the Department of Water and Sanitation (DWS) in terms of Section 21 (c) and (i) of the National Water Act, 1998 (Act 36 of 1998).

The farms are located 8.5 km north-west of Franschhoek town centre and immediately south of the R45 and Bridge House School.

The proposed sparkling wine production facility is approximately 3 420 m² in extent. The applicant also proposes the expansion of ± 460 m² the existing shed immediately north of the proposal, the expansion will however not trigger any NEMA listed activities.



THE PROPOSED LA GARONNE SPARKLING WINE PRODUCTION
FACILITY ON REMAINDER OF FARM 1610 AND FARM 1772,
STELLENBOSCH.

LOCALITY MAP

Guillaume Nel
environmental consultants

Figure 1: Locality map.

4. ENGAGEMENT PROCESS

4.1 AUTHORITY ENGAGEMENT

Please indicate (with an 'x') which of the following authorities have been consulted to provide input based on the proposed maintenance activities:

- ☐ **Department of Water and Sanitation**
- ☒ ~~Catchment Management Agency~~
- ☐ **Cape Nature**
- ☒ ~~SANParks~~
- ☐ **Western Cape Department of Agriculture, Directorate: Sustainable Resource Management**
- ☐ **District Municipality**
- ☐ **Local Municipality**
- ☒ ~~Irrigation Board / Water Users Association~~
- ☐ **Heritage Western Cape**
- ☐ **Department of Agriculture, Forestry and Fisheries**
- ☐ **Department of Environmental Affairs & Development Planning**
- ☐ Other (please list):

For each of the indicated authorities, please provide an explanation as to their required involvement. Details of interactions with each of the respective authorities should be captured by providing an attendance register and minutes of meetings attended with the authority in question. Comments received from the authorities must be submitted and referenced within the final application.

The Draft RMMP was submitted to the following Authorities:

- Department of Environmental Affairs and Development Planning
- Cape Nature
- Stellenbosch Municipality
- Cape Winelands Municipality
- Heritage Western Cape (HWC)
- Western Cape Government: Department of Agriculture
- Department of Water and Sanitation
- Department of Agriculture, Forestry and Fisheries

For a MMP where multiple property owners are involved or a plan is developed for members of an association, it is recommended that a Project Liaison Committee is setup, to achieve the following objectives:

- Present the project work plan and objectives for approval;

- Present the initial findings and draft of the plan for discussion and approval;
- Present the final accepted plan for agreement and clarification.

In cases where the Municipality is the proponent, it is advised that the Project Liaison Committee represent the multiple departments involved with the maintenance and management of watercourse, which could include but is not limited to departments of, Stormwater, Water and Sanitation, Environment, Parks and Wastewater. Such an approach seeks to ensure alignment and an understanding of the roles and responsibilities of the varying maintenance requirements within the Municipality.

4.2 PUBLIC PARTICIPATION

You are required to notify any and all potential interested and affected party(ies) of the proposed activity(ies) and allow them the opportunity to comment on the MMP for a watercourse. The detail required is outlined below, however this can be further discussed and determined as part of the pre-consultative meeting with the Department, which would ensure due diligence and good governance principles are applied.

It is noted, that for the development of MMPs for watercourses within the urban area, by Municipalities, public notice can be undertaken through the advertisement of the development of a MMP within local/community newspapers for the respective areas, with the relevant evidence of such an advertisement included in the final submission.

The following public participation recommendations, regarding the different scale or geographical extent of the request, are as follows. If no, then motivation must be given as to why a particular process was not undertaken.

Single property / maintenance and management activities along a watercourse occurring along a stretch of no more than 1 kilometer (≤1000 meters):

(i) Given written notice to the owner or person in control of that land if the person undertaking the maintenance activity is not the owner or person in control of the land.	N/A	Written notice will be given to the property owner.
(ii) Given written notice to adjacent landowners (up to 500m upstream and downstream from furthest upstream and downstream maintenance site and opposite side of the banks) of the development of the MMP.	N/A	Site notices were placed at the entrance of the site.
(iii) Stakeholder meeting held for adjacent landowners, in which MMP is presented. This must include an opportunity for adjacent landowners to provide comment.	N/A	No stakeholder meeting has been held.
(iv) Given written notice to any organ of state having jurisdiction in respect of any aspect of the activity(ies) proposed within the development of the MMP.	N/A	The following Organs of State will be given notice: • Department of Environmental Affairs and Development Planning • Cape Nature

		• City of Cape Town Municipality • Heritage Western Cape • Western Cape Government: Department of Agriculture • Department of Water and Sanitation • Department of Agriculture, Forestry and Fisheries
(v) Provided written notice and confirmation to the relevant Water Users Association (WUA) or Irrigation Board (IB) of the development of the MMP, if applicable.	N/A	The Department of Water and Sanitation were notified of the 1 st Public Participation Period and will be notified of the 2 nd Pubic Participation Period.

Single or Multiple properties / WUA / IB / local authority applying for a single MMP to cover a stretch of a watercourse longer than 1 kilometer (>1000 meters) OR a catchment or sub-catchment area

(i) Given written notice to the owner(s) or person(s) in control of the land if the person(s) undertaking the maintenance activity(ies) is not the owner or person in control of the land.	N/A	N/A
(ii) Given written notice to non-participating adjacent landowners (up to 1km upstream and downstream from furthest upstream and downstream maintenance site and opposite side of the riverbanks) of the development of the MMP. <i>This must also include general notice to adjacent WUA or IB of the proposed MMP development if application is made by a WUA or IB.</i>	N/A	N/A
(iii) Stakeholder meeting held for all participating and non-participating landowners, in which details and methodology of MMP is presented. A minimum of two meetings are required, to present on the development of the plan and a final draft version of the plan.	N/A	N/A
(iv) Given written notice to any organ of state having jurisdiction in respect of any aspect of the activity(ies) proposed within the development of the MMP.	N/A	N/A
(v) Provide written notice and confirmation to the relevant Water Users Association (WUA) or Irrigation Board (IB), of the	N/A	N/A

development of the MMP (if a MMP is not requested and managed through a WUA/IB).		
(vi) Describe any other measures taken to inform the public about this MMP. A complete list of measures that are in place to deal with interactions with the public, if it becomes necessary and required by the competent authority during implementation of the project, must be provided for.	N/A	N/A

Please circle the appropriate answer above to indicate the public participation process that has been followed to give notice of this request to potential interested and affected parties and attach any comments and/or objections received, with evidence provided and referenced.

5. DATA COLLECTION AND ASSESSMENT

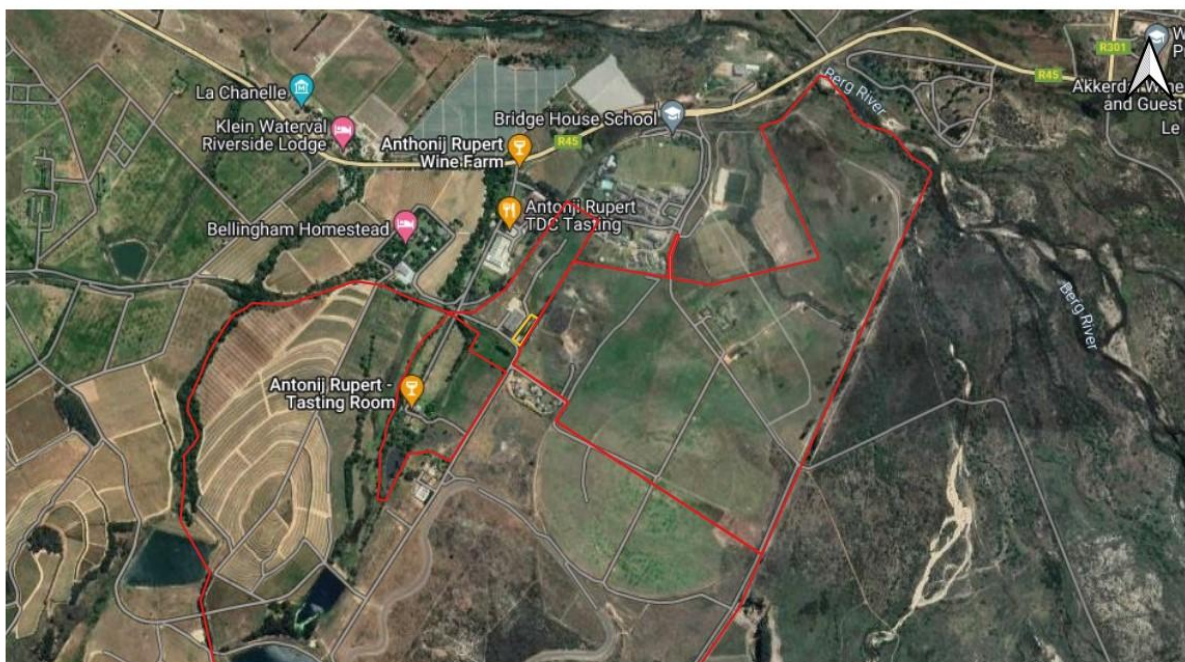
Information required for maintenance and management activities for a single/ multiple owner along a watercourse.

Site Location and Activity Description

33°53'6.11"S " 19° 1'27.69"E

Site Location

The farms are located 8.5 km north-west of Franschhoek town centre and immediately south of the R45 and Bridge House School.



THE PROPOSED LA GARONNE SPARKLING WINE PRODUCTION FACILITY ON
REMAINDER OF FARM 1610 AND FARM 1772, STELLENBOSCH SITE
INDICATED BY YELLOW RECTANGLE.

AERIAL IMAGE

Guillaume Nel
environmental consultants

Figure 2: Aerial Image of the proposed development.

Activity description

The applicant proposes a sparkling wine facility of approximately 3 420 m² and the expansion of ± 460 m² of the existing shed immediately north of the proposal. The proposed building footprint encroaches onto the watercourse identified by the Freshwater specialists.

Environmental Management Programme (EMPr)

An environmental management Programme (EMPr) has been compiled and will be implemented by an environmental consultant to mitigate the risk of construction related pollutants.

The following section was extracted from The Freshwater Impact Assessment Report compiled by EverWater Freshwater Consulting Services.

EverWater was appointed by Guillaume Nel Environmental Consultants (Pty) Ltd to compile a freshwater constraints assessment for a proposed new development on Farm RE/1610, La Garonne, Stellenbosch Municipality, Western Cape. The applicant (Anthonij Rupert Wines (Pty) Ltd) wishes to construct a new sparkling wine facility. The freshwater constraints assessment aims to identify and delineate freshwater features, determine the conservation value of these features and provide information on the way forward in terms of the proposed development to ensure the ongoing ecological functioning of freshwater features.

The study site falls within the larger Franschhoek agricultural zone, just off the R45, approximately 10 km North-west of Franschhoek CBD. The area is located within the Quaternary catchment G10C, which falls within the Berg River WMA.

Freshwater features found on site included a historical larger valley bottom wetland together with associated wetland seeps. Only sections of the wetland seeps (especially Wetland A and B) will possibly be impacted on by the proposed development.

Wetland A, a permanently wet hillslope seep and Wetland B, which now act more as seasonal hillslope seep, are the only remaining wetland seeps that will be directly impacted on by the proposed development (as delineated and indicated in Figure 1 below). Both wetlands have undergone significant changes from their natural state where Wetland A was found to be in a Moderately modified state, and wetland B in a Seriously modified state. Both wetland seeps are regarded to have a Low Ecological Importance and Sensitivity and general low (wetland B) to medium (wetland A) conservational value.



6. METHOD STATEMENT

The following serves as a general guide required to minimise the spatial impact of the maintenance activity:

- Repairs and maintenance should be undertaken within the dry season, except for emergency maintenance works.
- Where at all possible, existing access routes should be used. In cases where none exist, a route should be created through the most degraded area avoiding sensitive/indigenous vegetation areas.
- Responsible management of pollutants through ensuring handling and storage of any pollutants is away from the watercourse. When machinery is involved, ensure effective operation with no leaking parts and refuel outside of the riparian area, at a safe distance from the watercourse to manage any accidental spillages and pose no threat of pollution.
- At no time should the flow of the watercourse be blocked (temporary diversions may be allowed) nor should the movement of aquatic and riparian biota (noting breeding periods) be prevented during maintenance actions.
- No new berms can be created.
- In circumstances which require the removal of any topsoil, this must be sufficiently restored through sustainable measures and practices.
- Concerted effort must be made to actively rehabilitate repaired or reshaped banks with indigenous local vegetation.

- No deepening of the watercourse beyond the original, pre-damage determined thalweg, unless such deepening is directly related to the natural improved functioning and condition of such a watercourse.
- Where at all possible, limit the disturbance to the zone of the thalweg. This is due to the ecological importance of the low flow channel and respective habitat being allowed to re-establish improving the ecological condition.
- The build-up of debris/sediment removed from a maintenance site may:
 - be utilised for the purpose of in-filling or other related maintenance actions related to managing erosion, which form part of an adopted MMP;
 - not be used to enlarge the height, width or any extent of existing berms;
 - not be deposited anywhere within the watercourse or anywhere along the banks of a river where such action is not part of the proposed maintenance activity (ies). Material that cannot be used for maintenance purposes must be removed out of the riparian area to a suitable stockpile location or disposal site. Further action and consideration may be required where the possibility of contaminated material may occur, such as in urban watercourses.
- The use of foreign material, such as concrete, rubble, woody debris and/or dry land-based soil, is strictly prohibited from being used in maintenance actions, unless for the specific purpose of repairs to existing infrastructure, coupled with appropriate mitigation measures.
- On completion of the maintenance action, the condition of the site in terms of relative topography should be similar to the pre-damaged state (i.e. the shape of the river bank should be similar or in a state which is improved to manage future damage). This ultimately dictates that the channel, banks and bed cannot be made narrower, higher or deepened respectively. Exceptions are considered for systems involved with the management of stormwater and improvements for water quality within the urban context.

The roles and responsibilities of the various role players involved in the maintenance phase should be noted. The possible role players include the Proponent, Project Manager, Contractor, Environmental Control Officer (ECO) (if applicable) and Civil Engineer (if applicable).

Proponent

The holder of the RMMP, in this case Anthonij Rupert Wines, will be the responsible party in ensuring that all mitigation measures are implemented. The proponent will consequently be responsible for the appointment of a suitably qualified independent Environmental Control Officer (ECO) for works where Activity 19 of Listing Notice 1 of GN Reg. No. 983 (as amended 07 April 2017), is applicable. Hence, the appointment of an independent ECO for minor maintenance activities will not be required.

The proponent will be responsible for ensuring that all Contractors receive a copy of the RMMP and understands its contents.

The proponent can be the Project Manager should they not wish to appoint a separate project manager.

Project Manager

The Project Manager must ensure a clear communication line between all parties working on the project, to ensure all environmental concerns and measures, as stipulated in this RMMP, are implemented.

The Project Manager should have direct communication with the Proponent.

The Project Manager must ensure that there are sufficient funding and resources for an ECO to adequately perform their role (should the appointment of an ECO be required).

Registered Civil Engineer (if applicable)

Provide all relevant instructions / drawings to the Contractor.

Must immediately inform the Project Manager and ECO if any changes to the project are envisaged.

Must immediately inform the Project Manager and ECO if any aspects of this RMMP cannot be complied with.

Must remain in communication with the ECO and the Project Manager to ensure that any design changes required are issued to the Contractor.

Environmental Control Officer (ECO) (if applicable)

As mentioned, the appointment of a suitably qualified independent Environmental Control Officer (ECO) is only required for works where Activity 19 of Listing Notice 1 of GN Reg. No. 983 (as amended 07 April 2017), is applicable. Hence, the appointment of an ECO for minor maintenance activities will not be required.

The ECO is the person responsible for the monitoring of the implementation of this RMMP during the implementation of the activities and for reporting on the degree of compliance.

The ECO is mandated to do the following:

- Ensure that all contractors / subcontractors / employees / construction workers are fully aware of their environmental responsibilities. The ECO is responsible in ensuring everyone on site is given an environmental awareness induction session which not only clearly defines what the environment is and specifics detailing the local environment but outlines the requirements of the RMMP as a management tool to protect the environment.
- Monitor site activities on a regular basis (Monthly) (fortnightly site visits) to ensure that there are minimal environmental impact due to the proposed maintenance activities. An environmental audit report should be submitted to the DEA&DP and local municipality on a monthly basis.

- The ECO has the authority to stop works if in his / her opinion there is / may be a serious threat to or impact on the environment caused directly by the maintenance activities.
- The ECO must be competent, independent and suitably qualified.

Contractor

The Contractor/s, in this case, refers to any contractor/s on site.

Such contractor/s will take full responsibility for each of his / her employees and any penalties imposed.

The Contractor must immediately inform the Project Manager and ECO if any changes to the project are envisaged and if any aspects of this RMMP cannot be complied with.

It is the responsibility of the Contractor/s to ensure that the measures stipulated within this RMMP are adhered to.

Should the Contractor/s require clarity on any aspect of the RMMP the Contractor must contact the ECO for advice.

The steps followed before development activities are undertaken, will be the same for all related development activities.

The following should be determined before any works within the freshwater system transpires:

- *Identify risk.*

The proposed maintenance will be periodic, therefore occurring at intervals as and when required. Extreme weather conditions, such as flooding, can also damage road infrastructure, which might require maintenance activities. The appointed consultant will inspect the road infrastructure in order to determine the need for maintenance activities.

- *Determine whether the development activities will impact on sensitive natural habitat, i.e., will the maintenance impact on watercourses or natural vegetation.*

If the development activities will have an impact on natural habitat, the implementation of the mitigation measures stipulated in this RMMP is imperative.

- *Before any maintenance activities are conducted, it should be determined whether the proposed works are classified as maintenance activities.*

This RMMP is compiled for maintenance related activities. If the scope of the proposed works falls outside of the definition of maintenance, the relevant authorisations should be obtained before construction activities commences.

- *Timing of development*

It is considered imperative that the proposed development activities occur during the drier summer periods, to minimise any impact on the hydrological functioning of the watercourses. An exclusion can be made for emergency related maintenance activities.

General Mitigation Measures during development activities

It should be noted that the implementation of the mitigation measures will ensure that potential impacts on the receiving environment is prevented / minimised.

Construction Phase:

- Construction activities should preferably take place during the dryer summer months.
- It would be proposed that the store is moved to fall outside of the 10m buffer zone of Wetland A.
- The water quality impacts during the construction and operational phase should be addressed in the EMPr.
- Contaminated runoff from the construction site should be prevented from entering either.
Wetland A or B.

Operational Phase:

- Should any natural areas be disturbed during the construction phase, these areas should be rehabilitated and vegetated with indigenous vegetation.
- Installation of subsoil drains as proposed in the geotechnical report, would be strongly supported.
- A buffer area of 10m should be kept from both wetland areas for all future activities.

Method Statements for the proposed maintenance activities

Operational Phase:

<u>Proposed Maintenance Activity</u>	Maintenance of development areas encroaching into identified watercourses.
<u>Responsible Parties</u>	Contract Manager: The contracts Manager's responsibility is to ensure that all procedures and requirements are in place in order to execute the work needed within the requested or available limitations. Foreman/Supervisor: The Foreman/Supervisor's responsibility is to make sure that all works being done adhere to the stipulated method statements and specifications put in place for the relevant works. Safety Officer: The safety manager's responsibility is to ensure that all works and activities on site are done in a safe and responsible manner and according to the safety regulations that are put in place. Project Quality Manager / Site Quality Representative: The project Quality Manager / Site Quality Representative's responsibilities are to ensure that all works being done on site adhere to all the quality control plans put in place.
<u>Specific Actions</u>	Clearing of Vegetation: - Identify vegetation species to be cleared. These species may potentially need to be logged as per the Environmental Management Programme (EMPr) (should it be required). - Clear vegetation by hand, branches cut or sawed off, tree stumps and roots removed and excavated pits backfilled. - The clearing of vegetation must remain within the dedicated footprint area and may not exceed beyond this area.

	- The removed vegetation must be stockpiled outside of the delineated boundary of the watercourse, within the road reserve or further east in the development area. The footprint area of these stockpiles should be kept to a minimum; and - The cleared vegetation must be disposed of at a registered garden refuse site, by transporting it off site and may not be burned or mulched on site or disposed in the surrounding terrestrial area. Clearing of Litter: - Remove litter and unnatural debris by hand; - The removed material must be stockpiled outside of the delineated boundary of the watercourse, within the road reserve or on the developable area. These stockpiles should not exceed 2m in height; and - All waste removed must be disposed of at a registered disposal facility, which must be transported off site by means of a vehicle.
<u>Frequency</u>	As required.
<u>Impacts</u>	- Removal of vegetation and associated disturbances to soils (silt, boulders etc). - Proliferation of alien and/or invasive vegetation as a result of disturbances.
<u>Mitigation measures</u>	- Soils can be stockpiled adjacent to but outside of the delineated modified watercourse, but stockpiles may not exceed 1m in height and all trenches must be backfilled as soon as feasibly possible. - No vehicles are permitted to enter into identified watercourses. Any maintenance works for the stormwater infrastructure must be undertaken by foot or the relevant authorizations obtained beforehand; - As much indigenous vegetation as possible/feasible should be included into the landscape plan for the open space areas. Indigenous vegetation will reduce the irrigation requirements as well as fertilizers. It is important to note that the Department of Water and Sanitation do not consider irrigation of exotic garden ornamentals as a beneficial use; and - Care must be taken when using herbicides and pesticides in gardens and open space areas, especially during the raining season when stormwater runoff is high. These chemicals must be used in accordance with the prescribed quantities to prevent contamination of surface water.

7. MONITORING AND REPORTING

It is important to note that any and all activities undertaken outside the scope of the adopted MMP, in terms of the action outlined within the given method statement, the responsible person(s) will be subject to Section 24(F) of NEMA and that appropriate enforcement and compliance requirements will follow.

The specific reporting information required by the competent authority should be discussed during the consultation phase between the proponent and the Department. The relevant information required should be considered on a case-by-case basis.

The following Forms A and B are to be considered as a guideline in terms of the type of information required. It is proposed that Form A below must be completed by the relevant person(s) before maintenance activities are undertaken and Form B after a maintenance activity has been completed. A copy of each completed Form A & B must be sent to the relevant WUA/IB/local authority management if they have undertaken the development of the MMP. For any individual landowner applications, the landowner is responsible to ensure a record of all maintenance activities is recorded as per Form A & B below. Form A and B must also be sent to the Provincial Department of Agriculture, Directorate: Sustainable Resource Management.

The Department may, within a reasonable notice period, request to evaluate the maintenance activities and assess the maintenance sites as per the adopted MMP.

Form A should be completed at least 7 working days before the commencement of any maintenance activity and Form B at least 3 working days following the completion of the maintenance activity(ies). At least two photographs are required from two different points of perspective (A and B) looking at the site (coordinates of these points are required). When listing the type and reference code, this must be done by specifically listing the relevant detail within the adopted MMP.

REPORTING FOR INTENT TO UNDERTAKE MAINTENANCE ACTIVITIES – FORM A				
Section A: Landowner Details				
Name	Surname	Farm No.	Erf No.	Today's Date
Section B: Details of proposed maintenance activity				
WUA/GA reference number and DEA&DP reference number for MMP.	Activity Type:	Reference code (<i>make reference to MMP</i>)	Footprint area (m ²)	Volume of material (m ³)
Equipment to be used:	Description of method for planned activity:			Date when work will commence:
Date of last flood event for site:	Note any further damage and comments regarding the state of the site			
Section C: Photographs of activity location before maintenance				
Before A Coordinates: S E				
Before B Coordinates: S E Date of photos taken:				

REPORTING FOR COMPLETION OF MAINTENANCE ACTIVITIES – FORM B				
Section A: Landowner Details				
Name	Surname	Farm No.	Erf No.	Today's Date
Section B: Details of proposed maintenance activity				
WUA/GA reference number and DEA&DP reference number for MMP.	Activity Type:	Reference code (<i>make reference to MMP</i>)	Footprint area (m ²)	Volume of material (m ³)
Equipment that was used:	Description of method for completed activity and if commence date changed			Date activity completed
Date of last flood event for site:	Note any challenges or difficulties experienced in following the MMP method statement			
Section C: Photographs of activity location after maintenance				
After A Coordinates: S E				
After B Coordinates: S E Date of photos taken:				

ANNEXURES

ANNEXURE A

DEPARTMENTAL DETAILS

CAPE TOWN OFFICE: REGION 1 (City of Cape Town & West Coast District)	CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District)	GEORGE OFFICE: REGION 3 (Central Karoo District & Eden District)
Requests for competent authority to adopt an MMP must be sent to the following details: Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 1) Private Bag X 9086 Cape Town, 8000 Registry Office 1 st Floor Utilitas Building 1 Dorp Street, Cape Town Queries should be directed to the Directorate: Development Management (Region 1) at: Tel: (021) 483-5829 Fax (021) 483-4372	Requests for competent authority to adopt an MMP must be sent to the following details: Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 2) Private Bag X 9086 Cape Town, 8000 Registry Office 1 st Floor Utilitas Building 1 Dorp Street, Cape Town Queries should be directed to the Directorate: Development Management (Region 2) at: Tel: (021) 483-5842 Fax (021) 483-3633	Requests for competent authority to adopt an MMP must be sent to the following details: Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 3) Private Bag X 6509 George, 6530 Registry Office 4 th Floor, York Park Building 93 York Street George Queries should be directed to the Directorate: Development Management (Region 3) at: Tel: (044) 805-8600 Fax (044) 8058650

WESTERN CAPE DEPARTMENT OF AGRICULTURE DETAILS

Francis Steyn
 Director: Sustainable Resource Management, LandCare Programme
 Western Cape Department of Agriculture
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 Email: franciss@elsenburg.com