



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: ENVIRONMENTAL GOVERNANCE
SUB-DIRECTORATE: RECTIFICATION**

24G APPLICATION REF: 14/2/4/2/1/A6/16/0001/21

ENQUIRIES: Shafeeq Mallick

The Directors
Eagles' Nest Wines (Pty) Ltd
P.O. Box 535
CONSTANTIA
7848

Tel: (021) 794 4095
Fax: (021) 794 7113
Email: jonathan@orca-sa.com

Attention Mr. Johnathan Wilfred Mylrea

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL ALTERATIONS AND ADDITIONS TO FOREST COTTAGE, IMPORTING OF GRAVEL TO PARKING AREA, CONSTRUCTION OF A PIPED CULVERT ACROSS A STREAM AND A PAVED FOOTPATH NEAR A STREAM AT EAGLE'S NEST WINE ESTATE, ERF 11568, CONSTANTIA

With reference to your application dated 19 April 2021 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the preferred alternatives as described in the application and environmental assessment dated 19 April 2021.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Eagles' Nest Wines (Pty) Ltd
 c/o Mr Johnathan Wilfred Mylrea
 P.O. Box 535
 CONSTANTIA
 7848

Tel: (021) 794 4095
 Fax: (021) 794 7113
 Email: jonathan@orca-sa.com

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R. 327 of 7 April 2017</p> <p>Activity Number: 49</p> <p>Activity Description: <i>The expansion of:</i></p> <p><i>(iii) buildings by more than 100 square metres;</i></p> <p><i>(v) infrastructure or structures where the physical footprint is expanded by 100 square metres or more;</i></p> <p><i>Where such expansion occurs:</i></p>	<p>The expansion of infrastructure by constructing a paved footpath, using exposed aggregate pavers set on a bed of sand and secured using cement grout. The footpath is approximately 100m long and 1.5m wide, within a varying distance of 10m to 15m from the stream and provides access from the rear of the wine tasting room/ picnic pavilion to the upper/ gravel overflow parking area. This</p>

<p>a) Within a watercourse, b) In front of a development setback, c) If no development setback line exists, within 32m of a watercourse, measured from the edge of the watercourse, excluding-</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads or road reserves."</p>	<p>occurred in 2016.</p> <p>Also listed under Activity 49 is the laying of gravel on an area of more than 100m² within the vicinity of the stream, to upgrade the site to an occasional use surplus/ overflow parking area and by marginally widening the access track to the parking area.</p> <p>In January 2018 additional work was done on site. The expansion of infrastructure by extending the footprint of Forest Cottage by 71m², in addition to which earthmoving occurred, to create a level patio adjacent to the eastern end of Forest Cottage, and to extend the lawn in an easterly direction. A bank retention system of timber posts spanned by poles was installed along the eastern bank of the site to create planted terraces to retain the garden and prevent slope failure towards the stream. The total expansion of the levelled outdoor area and retained bank measures approximately 300m².</p>
<p>Government Notice No. 324 of 7 April 2017 -</p> <p>Activity Number: 14</p> <p>Activity Description: <i>The development of—infrastructure or structures with a physical footprint of 10 Square metres or more; where such development occurs—</i></p> <p>(a) within a watercourse; (b) in front of a Development setback; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>x. Outside urban areas</p>	<p>The construction of the footpath occurred within 32m of a watercourse and measures approximately 150m² in extent.</p> <p>The expansion of and associated activities at Forest Cottage constitute infrastructure and structures of more than 10m² within 32m of a watercourse.</p> <p>Laying gravel on the parking area of more than 10m² in extent, within 32m of a watercourse.</p> <p>It is proposed to replace the existing soakaway system which services Forest Cottage with a conservancy tank, which is to be sunk into the ground at a suggested location away from the</p>

	watercourse, out of the 1:100 year flood line of the watercourse. A small concrete bund is proposed to be constructed around the service cover of the conservancy tank to capture any spills of effluent which may occur during servicing/ emptying of the tank. This work does not constitute a listed activity.
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The abovementioned list is hereinafter referred to as "the listed activities".

D. PROPERTY DESCRIPTION AND LOCATION

The activities commenced on Erf 11568, Constantia.

The SG digit code is: C01600110001156800000

The co-ordinates for the site location are:

Point	Latitude (S)	Longitude (E)
1	34° 0' 57.49" South	18° 24' 51.29" East

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

Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Cameron Consulting
 c/o Mr. Ross Cameron
 29 Christiaan Street
 HOUTBAY
 7806

Tel: (021) 790 1532
 Fax: (086) 546 7986
 Email: cameron.consulting1@gmail.com

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The alterations and additions to Forest Cottage, importing of gravel to parking area, construction of a piped culvert across a stream and a paved footpath near a stream at Eagle's Nest Wine Estate, Erf 11568, Constantia. The work done on the Forest Cottage entails extensions to the building as well as extensions of the associated lawn area and the creation of a retaining bank adjacent to Forest Cottage.

The original building was constructed in the 1970's and the additions referred to in this application occurred in 2018, commencing in January 2018 and completed in June 2018.

The paved footpath and laying of the gravel in the parking area was completed in 2016, prior to the cottage upgrade in 2016.

The only additional work being contemplated is the removal of the existing soakaway system which services Forest Cottage and replacing this with a 2000 litre volume conservancy tank, similar to those in use for the Wine Tasting Room. The conservancy tank would be emptied out/ serviced regularly and fitted with a ball valve alarm, which sounds well before the tank is full, to ensure that it is emptied well before overflowing. A small concrete/ cement bund would also be constructed around the service cover of the tank, to ensure that, in the event of a spill, the effluent is captured in the bund

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to the preferred alternative described in the application and assessment report dated 19 April 2021, on the site as described in Section D above.

2. 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.
3. Any changes to, or deviations from the scope of the alternative described in Section F 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 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.

PART II

Written notice to the competent authority

4. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of the construction/maintenance activities.

6.1 The notice must make clear reference to the site details and 24G Reference number given above.

6.2 The notice must also include proof of compliance with the following conditions:
Conditions 7 and 8

PART III

Notification and administration of an appeal

5. 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* detailed in Section I below.

7.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

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 the 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 *National Appeal Regulations, 2014*.

6. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. 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.

PART IV

Management of the activity/development

7. The draft Method Statement ("MS"): '*Alien Clearing Programme for phased and selective clearing of alien invasive vegetation from the stream corridor, and reintroducing indigenous vegetation*', dated November 2020 and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

8. The draft MS: '*Removing existing soakaway/ septic tank from Forest Cottage site, and installing a conservancy tank*', dated November 2020 and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

9. Both Method Statements must be included in all contract documentation for all phases of implementation where applicable.

PART V

Monitoring

10. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before continuation of the construction/maintenance activities to ensure compliance with the MS and the conditions contained herein.

11. A copy of the Environmental Authorisation, MS, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and must be made available to anyone on request.

12. Access to the site referred to in Section D 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.

PART VI

Auditing

13. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the MS and submit Environmental Audit Reports to the competent authority annually and upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII

Activity/ Development Specific Conditions

14. 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.

15. 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.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or MS may render the holder liable to criminal prosecution.
3. 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* 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.

I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –

1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –

2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and Organ 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. This appeal and responding statement must be submitted to the address listed below

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By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs &
Development Planning
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or MS may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, 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.

Yours faithfully

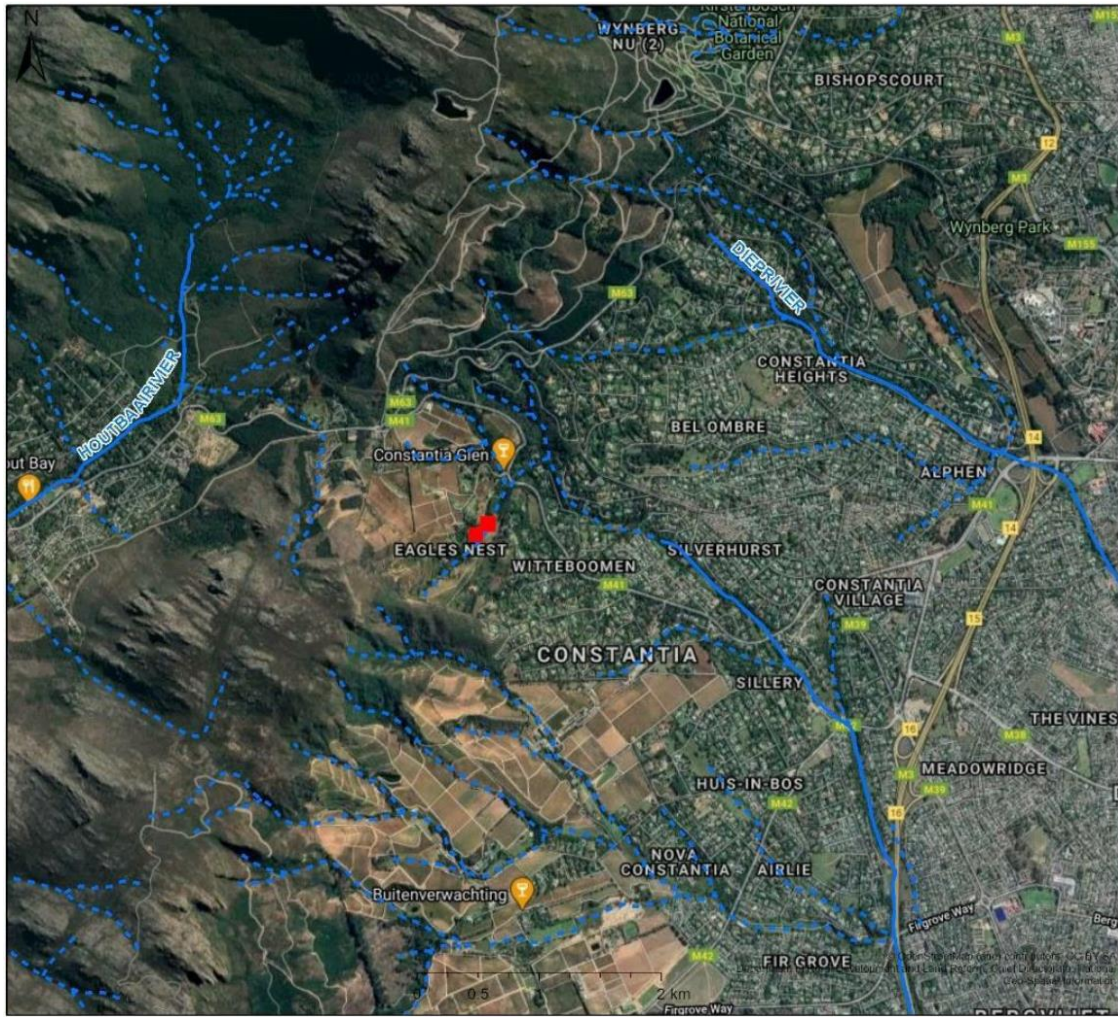
ADV. CHARMAINE MARÉ
DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE OF DECISION: _____

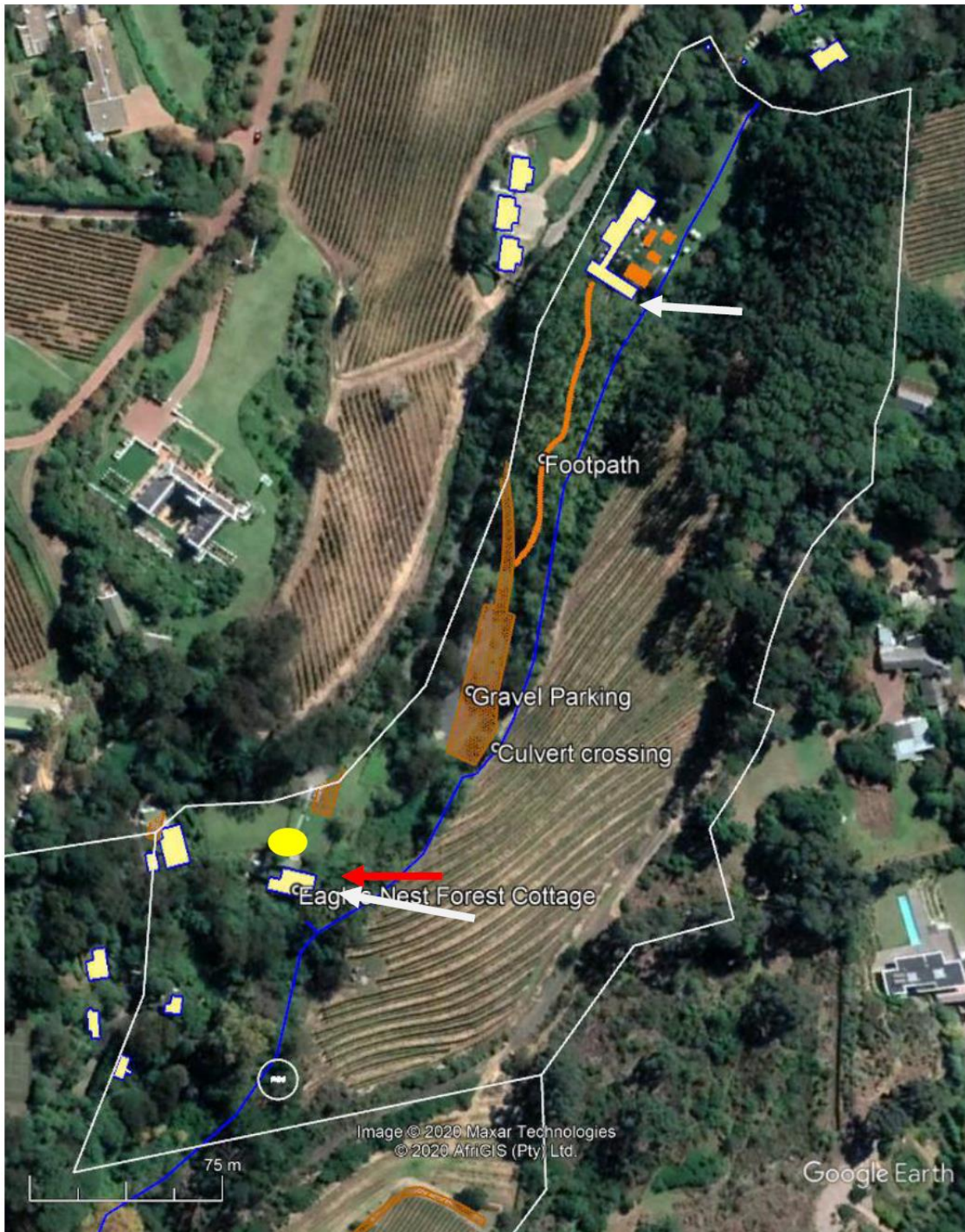
Copied to: (1) Ross Cameron (EAP)

Email: cameron.consulting1@gmail.com

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE:

14/2/4/2/1/A6/16/0001/21

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R50 000 (Fifty thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The section 24G application dated 19 April 2021 with supporting environmental impact assessment and mitigation measures.
- b) The Method Statement for alien vegetation removal of November 2020 submitted for the application.
- c) The Method Statement for the soakaway removal and conservancy tank installation of November 2020.
- d) Relevant information contained in the Departmental EIA Guideline and Information Document Series (March 2013), including, the Guidelines on Need and Desirability, Public Participation and Alternatives.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- f) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- g) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- h) The site visit conducted on 4 February 2021 attended by officials of this directorate.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- identification of and engagement with I&APs.
- fixing a notice board at the site where the listed activities unlawfully commenced.
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities were undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 15 October 2020 and 11 January 2021, respectively.
- the placing of a newspaper advertisement in the **Constantiaberg Bulletin** on 22 October 2020.

Consultation with I&APs and organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- Heritage Western Cape (HWC)
- City of Cape Town Spatial Planning and Environment: Environmental Management Department: Integrated Comment (CoCT)
- SANParks: Table Mountain National Park: Planning (TMNP)
- Mr. Pierre du Preez Owner: Beau Constantia (neighbour), situated at Erf 1043, Constantia
- Dr Horst Prader Constantia Glen (neighbour), situated at Erven 10869 and 911, Constantia
- Ms. Elizabeth Brunette, Ward Councillor

HWC indicated that, since there is no reason to believe that the development i.e. additions to Forest Cottage, importing of gravel to parking area, construction of a piped culvert across a stream and a paved footpath near a stream at Eagle's Nest Wine Estate, Erf 11568, Constantia will impact on heritage resources. No further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

The CoCT indicated that, due to the position of the unnamed tributary of the Eagle Nest stream, any work on this erf might trigger the Management of Urban Stormwater Impacts Policy & Floodplain and River Corridor Management Policy.

It was also highlighted that the unnamed tributary of the Eagle Nest stream has an ecological buffer of 30m and the position of the new additions to Forest Cottage seem to be inside the 30m buffer. However, the freshwater ecologist hired by the applicant has indicated that due to the small size of the unnamed tributary and the topography (on a relatively steep slope) at the site, a buffer of 30m is not deemed to be required and the current setback of approximately 20m is deemed to be more than adequate.

The CoCT indicated that there are no approved plans for the structures. According to CoCT records or approved land uses at present, the activities might be unlawful Land Use under the Municipal Zoning Scheme. Regarding the NEMA application, the property in question is zoned as Agricultural. The zone permits the cultivation of the land as of right but does not permit a winery (processing of grapes) without consent. In addition, tourist facilities (restaurant/wine tasting etc.) are not permitted without council's consent.

The EAP indicated that the current Development Management Scheme (DMS) does not allow a winery as of right, but the existing winery was constructed in line with the approved plans at a time when such a land use was as a primary land use right as per the former Divisional Council of the Cape Zoning Scheme (DIVCO). The need for an application for the consent of council for tourist facilities is noted and is being addressed.

The specialist reports, specifically the Freshwater study, have assessed the impacts of the expansion to be of low to very low impact and support the upgrade to the septic tank to a conservancy tank as this will reduce contamination risks on the watercourse but to ensure that this is positioned outside of the 1:100-year flood line. The remaining mentioned works seems to have a low significance, according the report, impact on the watercourse. The CoCT concurs with the recommendations and mitigation measures put forward from the Freshwater / Aquatic Biodiversity Assessment.

The TMNP reviewed the information provided and has no comment on the rectification application.

Mr du Preez, an I&AP, has no objection to the application.

Dr Horst Prader an I&AP indicated he had no objection to the rectification application but notes that the various sections of the roadway servitude which were widened by Eagles' Nest, were done so without the approval of Constantia Glen. The EAP indicated that the issue raised in terms of sections of road widening of the roadway servitude has no bearing on the rectification application and will be addressed within the ambit of the planning process for the consent use application for a tourism facility for the wine tasting room component of the Farm.

Various concerns were raised regarding possible inaccuracies in the information provided but should not have any relevance to the merits of the application. These concerns were addressed by EAP.

2. Alternatives

2.1 Activity Alternatives

Alternative 1 (Herewith authorized)

Retain all the existing infrastructure in its present form and clear the stream bed and banks (stream corridor) of alien invasive vegetation. Thereafter, maintain on a long-term basis the stream bed and banks in a condition which is free of alien invasive vegetation, in terms of the approved alien clearing programme/ method statement. Remove the existing soakaway and replace it with a conservancy tank, in accordance with the approved method statement.

2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

The "no-go" alternative entails the removal of all infrastructure which has been added without authorisation or approval and reinstate the footprint and any surrounding affected area accounted for by the added infrastructure.

The findings of the assessment indicate that the activities have not had a significant negative impact on the receiving environment from a biophysical or socio-economic perspective and find that there is no substantive reason in terms of environmental impacts which would merit obliging the applicant and owner to

remove the added infrastructure and rehabilitate the areas covered by the added footprint. All activities occurred on existing degraded areas which were already transformed by agricultural or infrastructural work. There is therefore no perceivable benefit to reverse the activities by removing the added infrastructure. Instead, gains can be made by including two important conditions in the Environmental Authorisation, being:

- Ensure that the Alien Clearing Programme (Method Statement) attached to this application is implemented to ensure the phased, selective clearing of the stream corridor and the long-term maintenance of the stream corridor; as well as the planting of suggested indigenous plants as needed, and;
- Ensure that the existing soakaway system is replaced by a conservancy tank system in accordance with the Method Statement.

3. Environmental Impact Assessment (EIA) and Mitigation Measures

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Socio-economic impact

As per the conclusions drawn by the assessment report, the activities which occurred are deemed to be of minor or limited impact, and any socio-economic impact which occurred is considered to be positive, namely:

- Benefit to the wine-maker and his family as a result of the enlarged and improved accommodation of Forest Cottage and;
- Benefit to the Farm owner in terms of the increased value of the cottage site. Marginal benefits to guests visiting the wine tasting room, in instances where they make use of the gravel/ overflow parking area (if the wine tasting room lower parking area is full) and in which case the addition of the footpath provides for a pleasant stroll through a wooded area near the stream and allows pedestrians to use a safe route away from the servitude roadway. The footpath enhances the overall experience of guests.

3.2. Biodiversity impact

As indicated in the Aquatic Biodiversity Report, there are no biodiversity impacts associated with the activities. The mitigation and remedial measures proposed would serve to provide for significant positive biodiversity impacts.

3.3. Sense of Place/ Heritage impact

The Notice of Intent to Develop (Heritage) finds that no impact on 'sense of place' or heritage occurred.

3.4. Pollution impact

The only potential for pollution identified would be a seepage event from the existing soakaway system servicing Forest Cottage. This could impact on soil and groundwater and ultimately permeate to the stream and stream corridor. It was therefore proposed to remove the soakaway system and replace it with a conservancy tank which would have essentially no threat to the environment (subject to a bund being built around it) and would be sited above the 1:100 year flood line of the stream.

4. **NEMA Principles**

The National Environmental Management 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.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the MS, the competent authority is satisfied that the listed activities 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 activities can be mitigated to acceptable levels.

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