



REFERENCE: 14/2/4/2/1/A5/20/0006/18

ENQUIRIES: Moe'mina Hoosain

The Managing Director
Spirito Trade 82 (Pty)Ltd
PO Box 466
DURBANVILLE
7551

BY REGISTERED MAIL

Tel: 021 941 9877

Fax: 021 941 6535

Email: juliant@uvestmail.co.za

Attention: Julian Theron

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") FOR THE UNLAWFUL INFILLING OF A CHANNEL ON PORTION 1 OF FARM 1471, BLOEMENDAL WINE ESTATE, DURBANVILLE

With reference to your application dated 9 May 2018, and your revised application dated 19 February 2019, 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 B below, in accordance with your application dated 9 May 2018, and your revised application dated 19 February 2019.

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

Spirito Trade 82 (Pty)Ltd

c/o Mr Julian Theron

PO Box 466

DURBANVILLE

7551

Tel: (021) 941 9877

Fax: (021) 941 6535

Email: juliant@uvestmail.co.za

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><u>Government Notice No. R544 of 18 June 2010</u></p> <p>Activity Number: 18</p> <p><i>Activity Description:</i></p> <p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</i></p> <p><i>(i) a watercourse;</i></p>	<p>The unlawful construction of a barn of approximately 378m² and subsequent infilling of material along a minor tributary of the Elsiekraal River. The infilling was undertaken during the laying of the foundation on 25 November 2011. The tributary has been redirected in the process.</p> <p>The barn has a concrete floor and is contained within a fenced and</p>

(ii) the sea;
 (iii) the seashore;
 (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving;
 (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
 (b) occurs behind the development setback line.

Similarly listed as Government Notice No. R. 327 of 7 April 2017

Activity Number: 19

Activity Description:

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 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;

(d) occurs within existing ports or harbours

concreted yard of approximately 2000m². The structure comprises of a large storage area, with an office, workshop, wash-up area and spray store as well as toilet facilities.

Conservancy tanks (2 x 6500l tanks) as well as a sewer line have been constructed to the northwest of the yard to service the store. The tanks will be pumped, and the sewage will be taken offsite. The barn also has two diesel storage tanks with a combined capacity of 3000 liters (2 x 1500l tanks) to be used for farm vehicles.

<p><i>that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(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.</i></p>	
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The abovementioned list is hereinafter referred to as "the listed activity".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activity commenced on Portion 1 of Farm Bloemendal No. 1471, Durbanville.

The SG digit code is: C0160000000147100001

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 50' 40.46" South	18° 35' 45.49" East
2	33° 50' 35.43" South	18° 35' 47.33" East
3	33° 50' 19.63" South	18° 35' 46.19" East
4	33° 50' 22.18" South	18° 36' 19.19" East
5	33° 50' 37.93" South	18° 36' 16.19" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 50' 25.66" South	18° 35' 47.12" East
2	33° 50' 25.54" South	18° 35' 48.62" East
3	33° 50' 26.54" South	18° 35' 48.70" East

4	33° 50' 26.48" South	18° 35' 47.17" East
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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")

Doug Jeffery Environmental Consultants

C/o Mr Marais Geldenhuys/Doug Jeffery

P.O. Box 44

KLAPMUTS

7625

Tel: (021) 875 5272

Fax: (086) 660 2635

Cell: (083) 269 0496

Email: marais@dougjeff.co.za

F. DETAILS OF THE ACTIVITY UNDERTAKEN

The application relates to the unlawful construction of a barn of approximately 378m² and subsequent infilling of material along a minor tributary of the Elsiekraal River. The infilling was undertaken during the laying of the foundation on 25 November 2011. The tributary has been redirected in the process.

The barn has a concrete floor and is contained within a fenced and concreted yard of approximately 2000m². The structure comprises of a large storage area, with an office, workshop, wash-up area and spray store as well as toilet facilities. Conservancy tanks consisting of (2 x 6500l tanks) as well as a sewer line have been constructed to the northwest of the yard to service the store. The tanks will be pumped, and the sewage will be taken offsite. The barn also has two diesel storage tanks with a combined capacity of 3000 liters (i.e. 2 x 1500l tanks) to be used by farm vehicles.

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 specified in Section C above in accordance with and restricted to the activity description described in the revised application dated 19 February 2019 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 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. Written notice, which includes proof of compliance with conditions 5, 6, and 9, must be provided upon receiving such request in writing from the Department.

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–
 - 5.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 5.1.1 the outcome of the application;
 - 5.1.2 the reasons for the decision as included in Annexure 3;

- 5.1.3 the date of the decision; and
- 5.1.4 the date when the decision was issued.

5.2 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.

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

5.4 provide the registered I&APs with:

- 5.4.1 the name of the holder (entity) of this Environmental Authorisation;
- 5.4.2 name of the responsible person for this Environmental Authorisation;
- 5.4.3 postal address of the holder;
- 5.4.4 telephonic and fax details of the holder;
- 5.4.5 e-mail address, if any, of the holder; and
- 5.4.6 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. 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 Environmental Management Programme ("EMPr") compiled by Doug Jeffery Environmental of February 2019 and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

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

PART V

Monitoring

9. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") to ensure compliance with the EMPr and the conditions contained herein.
10. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity.
11. 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

12. 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, the EMPr and submit Environmental Audit Reports to the competent authority, 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*.

The holder must, within 7 (seven) days of the submission of the report to the competent authority, notify all registered I&APs of the submission and make the report available to such registered I&APs upon request.

PART VII

Activity/ Development Specific Conditions

13. The recommendations of the Freshwater Assessment of October 2017 must be complied with. The recommendations must commence within one year of the date of this environmental authorisation.
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 activity.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr 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.

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

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:

By post: Attention: Jaap de Villiers
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 Jaap de Villiers (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>.

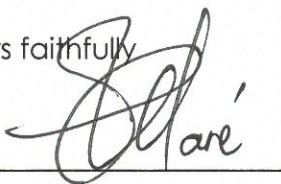
J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr 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 shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where 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: 17 OCTOBER 2019

CC: (1) Marais Geldenhuys (EAP)

Fax: (086) 660 2635

Email: marais@dougjeff.co.za

ANNEXURE 1: LOCALITY MAP (BLOEMENDAL SECTION 24G APPLICATION, 2019)

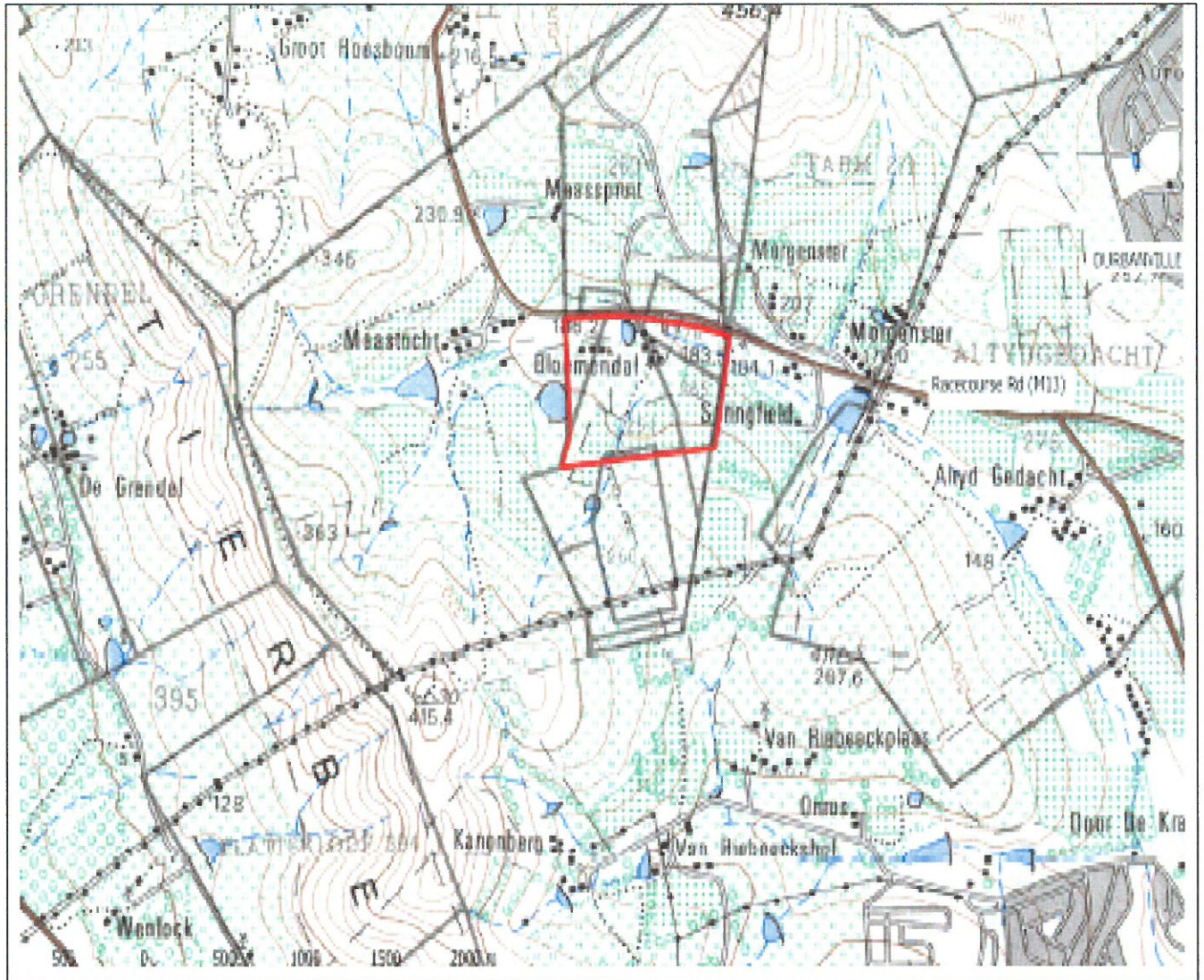


Figure 1: Bloemendal Farm Locality Map

ANNEXURE 2: SITE PLAN (BLOEMENDAL SECTION 24G APPLICATION, 2019)

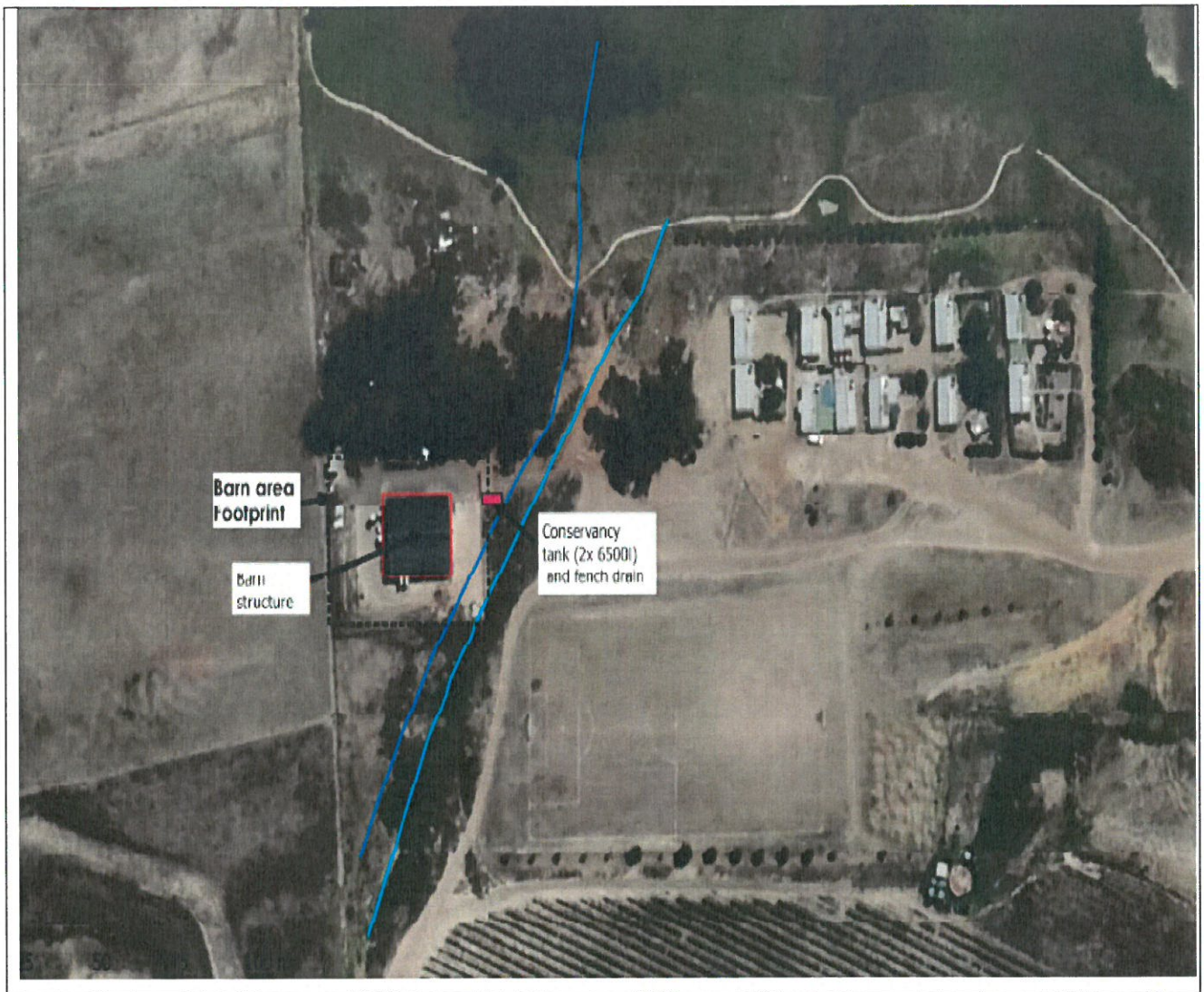


Figure 2: Bloemendal Farm Site Plan

FOR OFFICIAL USE ONLY:

S24G REFERENCE:

14/2/4/2/1/A5/20/0006/18

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the aforementioned unlawfully commenced 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 R125 000 (One hundred and twenty-five 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 information contained in the application form dated 9 May 2018, the revised application dated 19 February 2019, as well as the Environmental Management Programme ("EMPr") of February 2019 submitted together with the revised application.
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- e) The site visit conducted on 30 November 2018

Attended by: Ms Moe'mina Hoosain and Jamie lee van Zyl

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 activity unlawfully commenced on 27 February 2019.
- Public participation conducted for the application by the Environmental Assessment Practitioner ("EAP") on 28 February 2018 and 30 May 2018.
- the placing of a newspaper advertisement in the **Tygerburger** on 28 February 2018.

Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- CapeNature
- City of Cape Town
- Department of Water and Sanitation

CapeNature supported the comments of the Freshwater Assessment of October 2017 and that the minor tributary of Elsiekraal River should be rehabilitated.

City of Cape Town ("CoCT") commented on the heavy infestation of alien vegetation within the channel and supported alien clearing during the re-shaping of the channel. An alien clearing method statement was to be compiled and the site plan was to depict the minor tributary, in relation to the barn, septic tank and French drain. The EAP stated that the alien clearing method statement will be compiled upon approval. The CoCT stated that the Durbanville/Tygervalley Rd is a scenic route, however, the application does not refer to the visual impact of the barn. The EAP responded that the visual impact is shielded by a stand of gum trees. The CoCT also stated that the EMPr should include the procedure for heritage/archaeological discovery. Pesticide and herbicide storage must comply with local bylaws.

The CoCT stated that a method statement is required for each invasive species identified in the specialist study, as the method of removal will differ according to the

species. The EAP stated that a consultant will include a detailed methodology for the removal of alien plant species. The CoCT stated that the impact of a potential dam rupture on the housing camp located immediately downstream and south of the Elsiekraal River, must be considered by means of a dam break analysis. An engineering company was subsequently appointed to analyse a possible breach of the Maastricht Dam and delineate the extent of the subsequent flooding event.

Confirmation of approval of building plans were requested, whereupon the EAP responded that the building plans have been submitted to council for approval but have not yet been approved. The CoCT commented on adequate erosion protection measures, stormwater runoff and sewage systems on site.

The Department of Water and Sanitation stated that any development within the 1:100-year flood line or 100m from the riparian habitat, whichever is the greatest, or within a 500m boundary of a wetland or water resource, triggers water uses in terms of sections 21(c) and (i) of the *National Water Act, 1998 (Act no. 36 of 1998)*. The application will be referred to Compliance and Enforcement for further investigation.

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

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

2.1 Site Alternatives

The barn has already been constructed, and therefore no site alternatives have been considered.

2.2 Activity Alternatives

No activity alternatives were considered as the barn has already been constructed and is in operation. The purpose of the barn is for the storage of farm equipment as well as the storing and servicing of farm vehicles.

2.3 Design/Layout alternatives

No design or layout alternatives were considered.

2.4 Technology alternatives

No design or layout alternatives were considered.

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

This alternative entails ceasing the activity and rehabilitating the site to pre-construction conditions. This alternative is not preferred as the unlawful activity has already been undertaken and completed.

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. Activity Need and Desirability

The barn forms part of a wine estate, which is already existing and in operation. The barn is on the same property for the wine estate and is used as a storage facility. The construction of the barn is not necessarily a societal priority. According to the application, Bloemendal Wine Estate provides valuable employment opportunities and contributes towards tourism and utilizes the agricultural potential of the area.

3.2. Regional/ Planning Context

The barn area is zoned Agriculture and forms part of a facility which is being utilised for agricultural purposes. The barn is within the urban edge of the City of Cape Town and is in the spatial planning category: High potential and unique agricultural land.

3.3. Services/ Bulk Infrastructure

Sufficient capacity exists to supply the barn with services. The barn forms part of the existing Bloemendal Wine Estate and therefore no addition services were needed to be provided. Conservancy tanks (2 x 6500l tanks) as well as a sewer line have been constructed to the north-west of the yard to service the store. The

tanks will be pumped and the sewage taken offsite. The barn has a 60amp 3-phase electricity from the transformer at the labourer's cottages.

3.4. Biodiversity Impacts

The application relates to the unlawful construction of a barn of approximately 378m² and subsequent infilling of material along a minor tributary of the Elsiekraal River in 2011. The tributary has also been redirected as part of the activity. According to the Freshwater Assessment of October 2017, the minor tributary has been significantly modified and was diverted to accommodate the barn and yard area. The channel of the minor tributary comprises of mostly alien weedy vegetation and invasive kikuyu grass. The area adjacent to the river comprises of a valley-bottom wetland, and an instream dam has been constructed upstream of the site.

The identified fauna and flora features identified in the vicinity of the site were hydrophilic sedges and grasses, and bird life such as the yellow billed ducks, coots, dabchicks, egrets and herons. Due to the already modified state of this river system, most of the biota occurring in the river system are relatively hardy species. Indigenous fish species were also identified.

Although localised, the most significant impact to the minor tributary is the modification of its bed and banks, the large-scale loss of indigenous wetland riparian vegetation, and the proliferation of invasive alien plants. The unlawful activity has resulted in confinement of the active channel and the diversion of flow, partially from hardening of surfaces at the site. Furthermore, the activity has resulted in increased erosion downstream of the infilled area, increased sedimentation and turbidity. Dumping of building material and soil in the riparian zone and river bed decreases water quality and increases sediment load.

It was recommended that waste material and rubble be removed from the riparian zone and that the channel be shaped correctly to improve the capacity of the tributary to convey runoff and prevent erosion. The removal of invasive alien plants from (and along) the stream channel is paramount, and this must be monitored and managed on an ongoing basis. The cleared and reshaped channel should then be planted with suitable indigenous plants.

With effective rehabilitation of the watercourse, as recommended by Freshwater Assessment of October 2017, the risk of impacts to the downstream Elsiekraal River ecosystem can be reduced and the aquatic environment can be improved.

3.5. Visual / Sense of Place

The activity may have resulted in temporary visual impacts during the construction phase. The design of the barn blends in with the surrounding architecture of the rural landscape. The visual impact of the barn, viewed from the Durbanville Road/Tygervally Road was considered negligible, as it is shielded by a windrow of trees.

3.6. Waste/Pollution Impacts

No water quality impacts are foreseen, provided the septic tanks are properly maintained and the sewage routinely removed. The ecological condition of the minor tributary must be improved by removing waste material and rubble.

3.7. Noise Impacts

The activity resulted in limited construction-related noise during the disposal of the fill on site.

3.8. Socio-economic Impacts

The activity is not expected to result in any negative socio-economic impacts. The purpose of the construction of the barn is for the storage of farm equipment and temporary storage of herbicides, the store will also be used for maintenance of farm vehicles. No negative socio-economic impacts are therefore foreseen.

3.9. Heritage Impacts

The barn that was erected is located on the same property as the Bloemendal historic farm complex which has intrinsic heritage value and associated contextual significance. The farm is one of the original early 18th century grants in the Tygerberg with evidence of historic layering spanning the late 18th/early 19th century (outbuildings) to the early 20th century (main house). It has been afforded a grade IIIA heritage grading and forms a significant component in the larger Durbanville Hills Cultural Landscape. However, no cultural or historical

aspects were impacted on when the barn was constructed. No activities in term of the *National Heritage Resources Act, 1999 (Act No. 25 of 1999)* were triggered.

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 EMPr, the competent authority is satisfied that the listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

-----END-----

Nabeelah Khan

From: Nabeelah Khan
Sent: Friday, October 18, 2019 11:50 AM
To: juliant@uvestmail.co.za
Cc: Moe'mina Hoosain (Moe'mina.Hoosain@westerncape.gov.za); marais@dougjeff.co.za
Subject: 14/2/4/2/1/A5/20/0006/18 - Environmental Authorisation Farm 1471, Bloemendal Wine Estate. Durbanville
Attachments: EA Farm 1471 Bloemendal Wine Estate Durbanville.pdf

Importance: High

Tracking: **Recipient** **Delivery**
juliant@uvestmail.co.za
Moe'mina Hoosain (Moe'mina.Hoosain@westerncape.gov.za) Delivered: 10/18/2019 11:54 AM
marais@dougjeff.co.za

Good day Mr. Julian Theron

I trust you are well.

Please find the attached letter for your attention.

Kind Regards

Nabeelah Khan

From: Microsoft Outlook
To: Moe'mina Hoosain
Sent: Friday, October 18, 2019 11:52 AM
Subject: Delivered: 14/2/4/2/1/A5/20/0006/18 - Environmental Authorisation Farm 1471, Bloemendal Wine Estate. Durbanville

Your message has been delivered to the following recipients:

[Moe'mina Hoosain \(Moe'mina.Hoosain@westerncape.gov.za\)](mailto:Moe'mina.Hoosain@westerncape.gov.za)

Subject: 14/2/4/2/1/A5/20/0006/18 - Environmental Authorisation Farm 1471, Bloemendal Wine Estate. Durbanville

Nabeelah Khan

From: Microsoft Outlook
To: juliant@uvestmail.co.za
Sent: Friday, October 18, 2019 11:51 AM
Subject: Relayed: 14/2/4/2/1/A5/20/0006/18 - Environmental Authorisation Farm 1471, Bloemendal Wine Estate. Durbanville

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

juliant@uvestmail.co.za (juliant@uvestmail.co.za)

Subject: 14/2/4/2/1/A5/20/0006/18 - Environmental Authorisation Farm 1471, Bloemendal Wine Estate. Durbanville

Addressee	Start Time	Time	Prints	Result	Note
*00866602635	18-10 13:20	00:04:16	000/020	NG	
*00219416535	18-10 13:35	00:00:57	000/020	No Ans	

Note TMR:Timer TX, POL:Polling, ORG:Original Size Setting, FME:Frame Erase TX, DPG:Page Separation TX, MIX:Mixed Original TX, CALL:Manual TX, CSRC:CSRC, FWD:Forward, PC:PC-FAX, BND:Double-Sided Binding Direction, Sp:Special Original, FCODE:F-code, RTX:Re-TX, RLY:Relay, MBX:Confidential, BUL:Bulletin, SIP:SIP Fax, IPADR:IP Address Fax, I-FAX:Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, CONT: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full, LOVR:Receiving length over, POVR:Receiving page Over, FIL:File Error, DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error, PRINT:Compulsory Memory Document Print, DEL:Compulsory Memory Document Delete, SEND:Compulsory Memory Document Send.



Western Cape
Government
Environmental Affairs and
Conservation Department

DIRECTORATE: ENVIRONMENTAL GOVERNANCE
SUB-DIRECTORATE: RECTIFICATION

REFERENCE: 14/2/4/2/1/A5/20/0006/18
ENQUIRIES: Moe'mina Hoosain

The Managing Director
Spirito Trade 82 (Pty)Ltd
PO Box 466
DURBANVILLE
7551

BY REGISTERED MAIL

Tel: 021 941 9877
Fax: 021 941 6535
Email: jullant@uvestmail.co.za

Attention: Julian Theron

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") FOR THE UNLAWFUL INFILLING OF A CHANNEL ON PORTION 1 OF FARM 1471, BLOEMENDAL WINE ESTATE, DURBANVILLE

With reference to your application dated 9 May 2018, and your revised application dated 19 February 2019, 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 B below, in accordance with your application dated 9 May 2018, and your revised application dated 19 February 2019.

Nabeelah Khan

From: Microsoft Outlook
To: marais@dougjeff.co.za
Sent: Friday, October 18, 2019 12:23 PM
Subject: Relayed: 14/2/4/2/1/A5/20/0006/18 - Environmental Authorisation Farm 1471, Bloemendal Wine Estate. Durbanville

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

marais@dougjeff.co.za (marais@dougjeff.co.za)

Subject: 14/2/4/2/1/A5/20/0006/18 - Environmental Authorisation Farm 1471, Bloemendal Wine Estate. Durbanville

