



REFERENCE: 14/2/1/1/A5/20/0007/16

ENQUIRIES: Ziyaad Allie

REGISTERED MAIL

The Managing Director
Arun Properties (Pty) Ltd
P. O. Box 43
SOMERSET MALL
7137

Tel: (021) 850 9680
Fax: (021) 850 0357
Email: johan@arun.co.za

Attention: Mr Johan Albert Laubscher

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL INFILLING OR DEPOSITING OF ANY MATERIAL OF MORE THAN 5 CUBIC METRES WITHIN A WATERCOURSE ON PORTION 18 OF CAPE FARM 159, HOOGGELEGEN ROAD, DURBANVILLE

With reference to your application dated 09 May 2016 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 as described in the Environmental Impact Report ("EIR") dated 22 January 2018.

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

Arun Properties
C/o Mr Johan Albert Laubscher
P.O Box 43
SOMERSET MALL
7137

Tel: (021) 850 9680
Fax: (021) 850 0357
Email: john@arun.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
<i>Government Notice No. R. 983 of 4 December 2014</i> Activity Number: 19 Activity Description: <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</i>	The activity entailed the infilling of approximately 2ha of material (soil) on the subject property. The subsequent infilling resulted in the infilling of more

rock of more than 5 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."	than 5 cubic metres onto an area considered to be a watercourse. This was done in order to create a level paddock space for horses on the property. The infilling resulted in removal of vegetation and modification of the drainage patterns on the site.
As similarly listed in - Government Notice No. R. 327 of 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	The activity entailed the infilling of approximately 2ha of material (soil) on the subject property. The subsequent infilling resulted in the infilling of more than 5 cubic metres onto an area considered to be a watercourse. This was done in order to create a level paddock space for horses on the property. The infilling resulted in removal of vegetation and modification of the drainage patterns on the site.

<i>maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <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>	
--	--

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

D. PROPERTY DESCRIPTION AND LOCATION

The listed activity commenced on Cape Farm 159/18, Hooggelegen Road, Durbanville.

The SG digit code is: C01600000000015918

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 48' 52.45" South	18° 37' 19.86" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 48' 52.45" South	18° 37' 19.86" 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")

Johan Neethling Environmental Services cc

c/o Mr Johan Neethling

P.O. Box 16594

VLAEBERG

8018

Tel: (021) 461 4386

Fax: (086) 449 3920

Email: info@jnes.co.za

F. DETAILS OF THE ACTIVITY UNDERTAKEN

The activity undertaken involves the infilling of approximately 2ha of material onto a previously disturbed area. This was done in order to create a level paddock space for horses on the property. The infilling resulted in removal of vegetation and modification of the drainage patterns on the site. Two channels leading from an artificial freshwater impoundment further upstream bisect the neighbouring property. One of the channels has been excavated and shows signs of pollution from surrounding households. The other channel has been formalised and concreted, with various outlet pipes from the surrounding households leading into the channel, both channels are culverted before entering the site, where they diverge into one system.

The proposed remediation and continued works which is to be undertaken in accordance with the preferred alternative which includes three distinct zones entails the following:

- Upper Wetland area. This zone will consist of a permanently wet area, with between 0.5m and 1.5m depth of water in the pond. This area will serve as a collection point for flows entering from three points. It is envisaged that the wetland will be vegetated and will serve both as a peak flow attenuation buffer and as a water quality improvement area.
- Middle Rock-lined swale. Due to the gradient being approximately 2% in this reach, it will be necessary to provide a rock lining to prevent erosion. A trapezoidal cross

section is envisaged, with a base width of 4m and sides at 1:3 slope. The maximum depth of flow will be less than 1m during a 100-year flood event.

- Lower: Rock lined swale/Stepped Gabion Channel. Three Gabion weirs, each of approximately 1.2m high are envisaged. These are required to cater for the drop in elevation on this reach. Each weir will be provided with a stilling basin on the downstream side to dissipate the energy.

The volume of water held in channel storage within the property during a 100-year flood event, after the proposed remediation, will be over 1000m³, i.e. at least as much as would have existed prior to the infilling activity.

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 Alternative 1 described in the EIR as Option A on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision.
3. The development must be concluded within **five years** from the date of continuation of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section 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 in order to evaluate the significance and impacts of such

changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

6. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of the listed activity.

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 condition 7.

PART III

Notification and administration of an appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

7.1 notify all registered Interested and Affected Parties ("I&APs") of –

7.1.1 the outcome of the application;

7.1.2 the reasons for the decision as included in Annexure 3;

7.1.3 the date of the decision; and

7.1.4 the date when the decision was issued.

7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* 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*.

8. The listed activity, including site preparation, may not continue to 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

9. The Final Environmental Remediation and Management Plan ("ERMP") of January 2018 compiled by Johan Neethling and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

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

PART V

Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") or site agent where appropriate, before continuation of commencement of any land clearing or construction activities to ensure compliance with the ERMP and the conditions contained herein.

12. A copy of the Environmental Authorisation, ERMP, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website (if applicable).

13. 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

14. 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 ERMP and the closure plan (where applicable) 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*.

PART VII

Activity/ Development Specific Conditions

15. The Rehabilitation Measures as outlined in the Freshwater Assessment of February 2016 compiled by Scientific Aquatic Services CC must be adhered to and implemented.
16. The Surface Water Rehabilitation and Management Plan of August 2017 compiled by Water Use Licence Associates (Pty) Ltd must be adhered to and implemented.

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. Of particular relevance is the requirements of the *National Water Act, 1998 (Act 36 of 1998)*.
2. Non-compliance with a condition or term of this Environmental Authorisation may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* 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:

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

Yours faithfully



ADV. CHARMAINE MARÉ

DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE OF DECISION: 5 November 2018

Copied to: (1) Johan Neethling (EAP)

(2) Johann Terblanche (CoCT)

(3) Clarissa Fransman (CoCT: EHRM)

(4) Rhett Smart (CapeNature)

(5) Warren Dreyer (DWS)

Fax: (086) 65444868

Email: info@jnes.co.za

Fax: (021) 400 4554

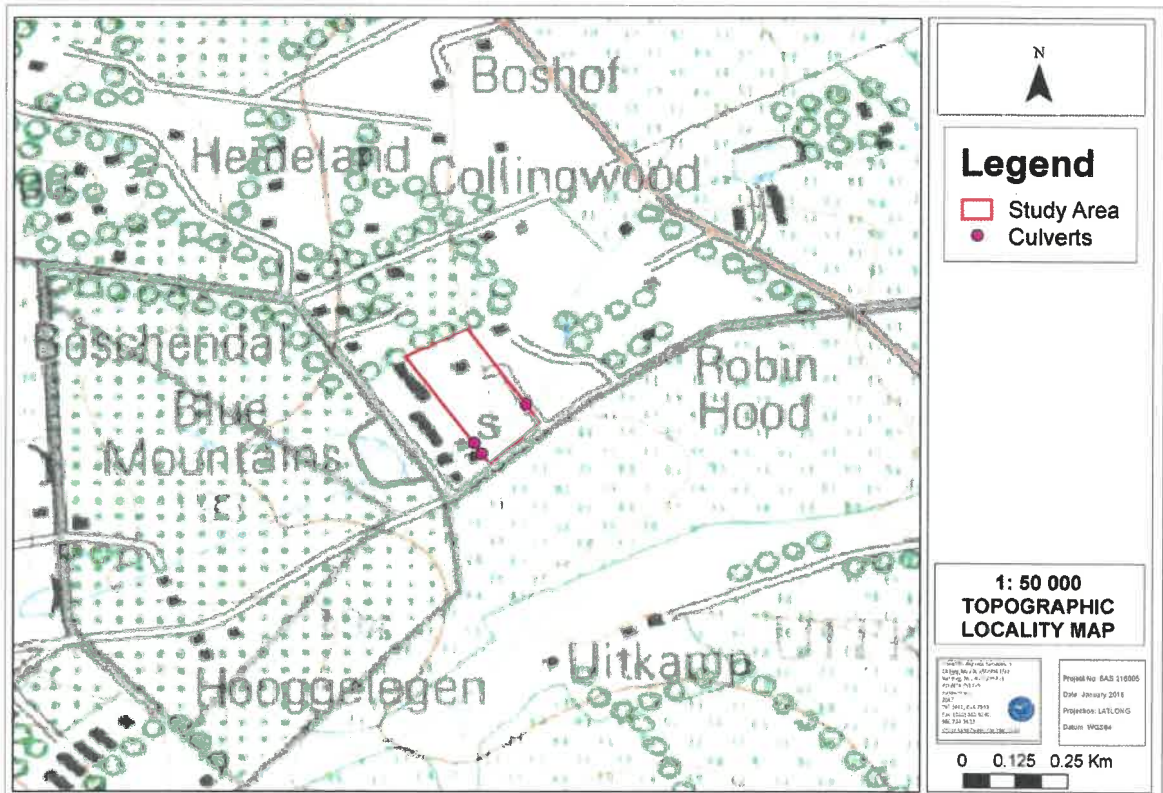
Email: Johann.terblanche@capetown.gov.za

Email: Clarissa.fransman@capetown.gov.za

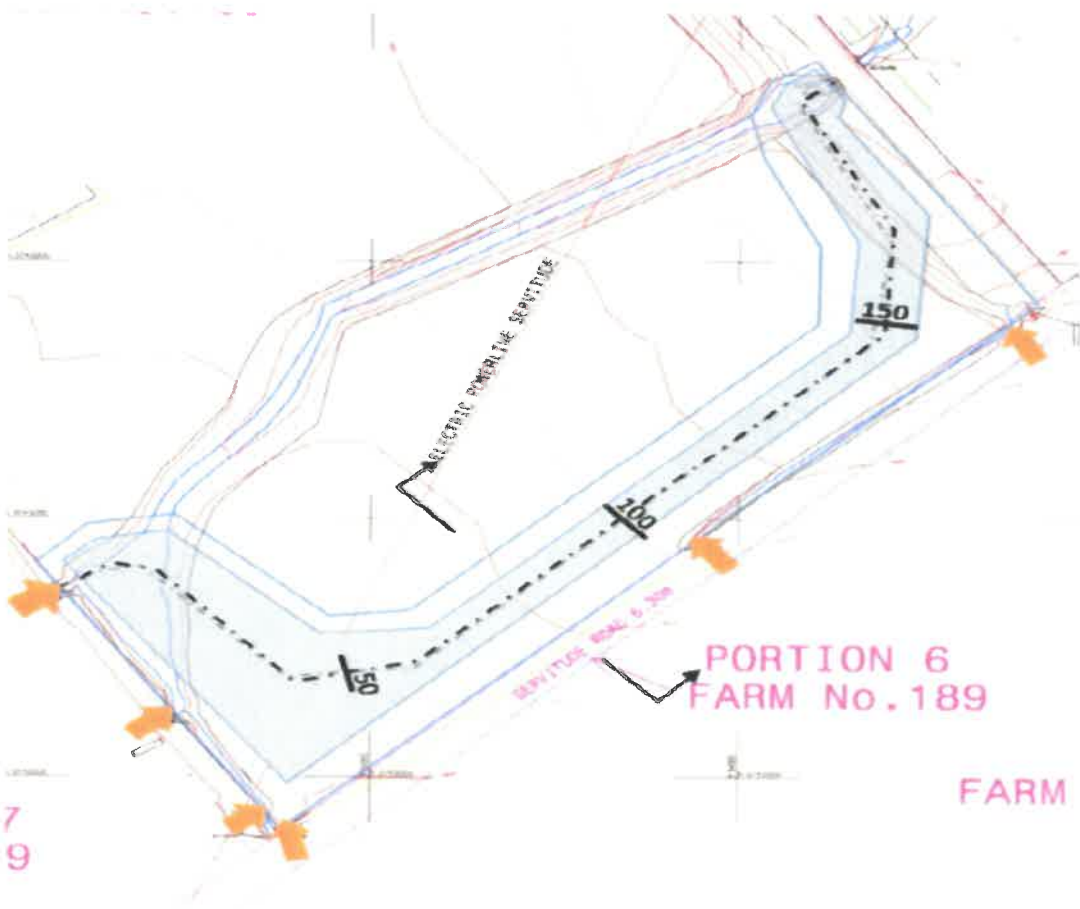
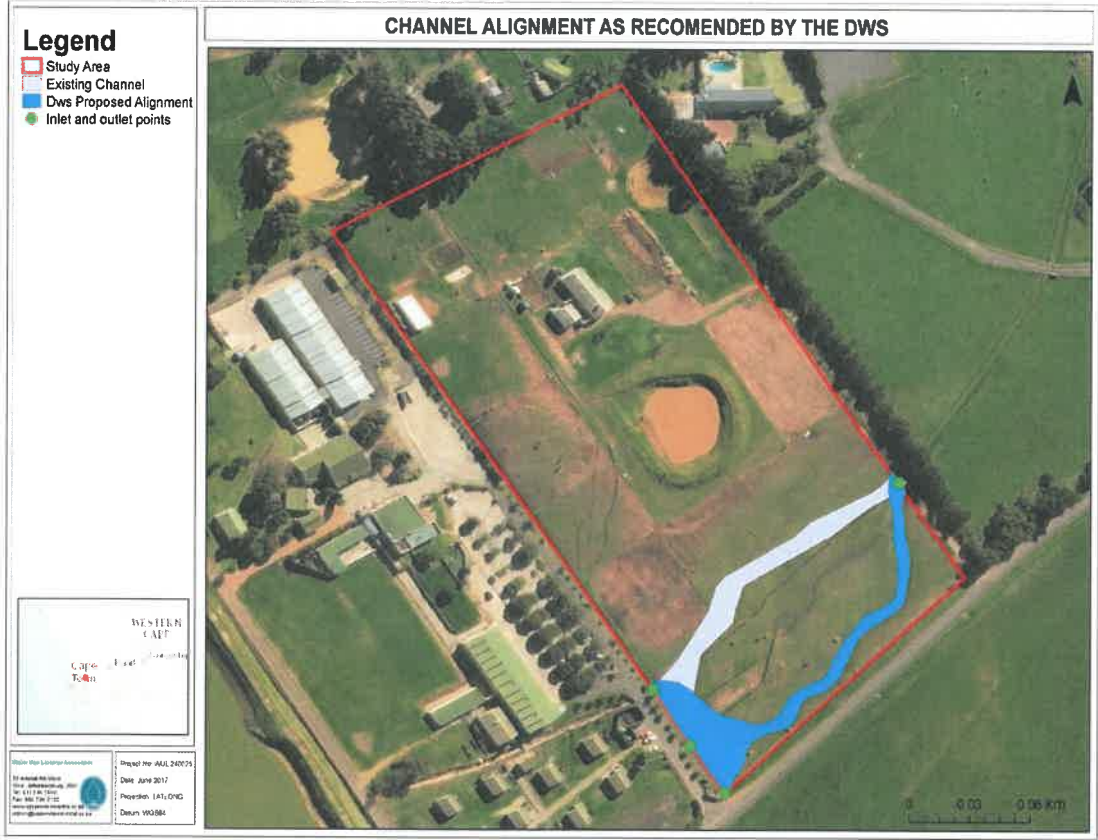
Email: landuse@capenature.co.za

Email: dreyer@dws.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE:

14/2/1/1/A5/20/0007/16

ENFORCEMENT REFERENCE :

14/1/1/E1/5/3/1/0275/15

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 R10 000 (Ten 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 24G Application Form dated 09 May 2016, the Environmental Impact Report ("EIR") dated 22 January 2018 with supporting information; including the Freshwater Assessment of February 2016, the Surface Water Rehabilitation and Management Plan of August 2017 and the Environmental Remediation and Management Plan ("ERMP") of January 2018 submitted together with the EIR.
- 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 sense of balance of the negative and positive impacts and proposed mitigation measures.
- f) The site visit conducted on 15 February 2018 attended by officials from this Department.

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:

- An advertisement was placed in the **TygerBurger** newspaper on 19 July 2017;
- A site notice was erected on 19 July 2017; and
- Letters were sent to interested and affected parties and the municipal ward councillor on 19 July 2017.
- I&APs were afforded the opportunity to provide comments on the draft and final EIRs.

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

The following organs of state were consulted to provide comment on the application:

- CapeNature
- Department of Agriculture ("DoA")
- Heritage Western Cape ("HWC")
- City of Cape Town ("CoCT")
- Department of Water and Sanitation ("DWS")

At the end of the public participation process, comments were received from CapeNature, DoA, HWC and the City of Cape Town. A summary of their comments follows below:

CapeNature

CapeNature stated that their comments only relate to the biodiversity related impacts associated with the activities undertaken. Furthermore, they stated that they support the contents of the rehabilitation plan and that it must be implemented appropriately.

DoA and HWC

The DoA stated that they have no comment. HWC stated that they believe the activities undertaken will not impact on any heritage resources.

City of Cape Town

The CoCT recommended that an Environmental Control officer ("ECO") must be appointed and that regular audit reports are essential for the success of the rectification process. The CoCT must be notified of the appointment of the ECO prior to any work commencing on site and, all ECO and audit reports must be circulated to the CoCT. Furthermore, the conclusions and recommendations given by the freshwater specialist are agreed with and must be implemented. The CoCT also stated that a property survey must be submitted prior to any work being undertaken on site. The survey must include, the volume of material brought onto the site and, the height of fill from the original natural ground level to the new platform height constructed as a result of the fill material. The impact of the 1:50 year and 1:100-year flood lines must be shown on the final reshaped landscape. A silt trap/basin must be installed at the entry point of the wetland reach before the culvert leaving the property to reduce the level of silt entering the downstream system. This system must be maintained regularly in order to maintain a functional system. Furthermore, the CoCT stated that a landscaping plan which encompasses the full rehabilitation of the site must be submitted. The plan must align with the stormwater management plan for the site and use suitable locally indigenous plant species. It was recommended that an experienced horticulturist be engaged to assist with the initial establishment, monitoring, and ongoing maintenance of the facility so as to ensure the continued functioning and performance with respect to the quality improvement objectives. Lastly the CoCT stated that the applicant must maintain the newly vegetated stormwater attenuation and treatment facilities until fully established and that the landscaping plan must be approved by the CoCT.

DWS

A site meeting was held on 5 June 2017 with the DWS to which they suggested the proposed preferred alternative remediation for the watercourse be implemented. The indicated that the specifications for the swale are that it should not have embankments that are steeper than the 1:3 ratio, and it must meander so as to allow for the creation of ecological pockets. These recommendations have been incorporated into the preferred and approved layout alternative, as outlined in section F of this environmental authorisation.

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 ERMP 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 ERMP.

2. Alternatives

2.1 A number of design or layout alternatives were considered that focussed on some restoration of the fresh water and hydrological system.

Alternative 1 (Option A) (Herewith authorised)

This entails re-routing the watercourse around the edge of the property. This alternative would have the advantage of also collecting the discharges from the other small outlets from Hooggelegen Road, and would allow better utilization of the remaining property. The watercourse would need to have some rock or gabion lining and would need to include small pools for ecological reasons and to limit flow velocity and erosion. The proposed preferred layout (Annexure 2) includes three distinct zones/reaches:

- Upper Wetland area. This zone will consist of a permanently wet area, with between 0.5m and 1.5m depth of water in the pond. This area will serve as a collection point for flows entering from three points. It is envisaged that the wetland will be vegetated and will serve both as a peak flow attenuation buffer and as a water quality improvement area.
- Middle Rock-lined swale. Due to the gradient being approximately 2% in this reach, it will be necessary to provide a rock lining to prevent erosion. A trapezoidal cross section is envisaged, with a base width of 4m and sides at 1:3 slope. The maximum depth of flow will be less than 1m during a 100-year flood event.
- Lower Stepped Gabion Channel. Three Gabion weirs, each of approximately 1.2m high are envisaged. These are required to cater for the drop in elevation on this reach. Each weir will be provided with a stilling basin on the downstream side to dissipate the energy.

The volume of water held in channel storage within the property during a 100-year flood event, after the proposed remediation, will be over 1000m³, i.e. at least as much as would have existed prior to the infilling activity.

Alternative 2 (Option B)

This entails the creation of a small pond at the upstream end and opening up of the watercourse along the existing alignment. The watercourse would again need to have some rock or gabion lining and would probably need to include small pools for ecological reasons and to limit flow velocity and erosion. Side slopes of 1 in 3, in addition, the channel along some of Hooggelegen Road would need to be retained/restored. This option would result in a loss of usable area from the infilling due to the 1 in 3 side slopes.

Alternative 3 (Option C)

This would entail the creation of a detention/infiltration/water quality improvement pond at the upstream, end and provision of a pipeline/culvert along the existing alignment so as to allow optimal utilization of the land. In addition, the channel along some of Hooggelegen Road would need to be retained/restored. This option was not acceptable to both the Department of Water and Sanitation and the City of Cape Town.

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

The "no-go" alternative would suggest that all activities on the site would be completely ceased and that full rehabilitation of the site would be a requirement. According to the assessment, this alternative would result in medium to high negative environmental impacts.

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 infilling activity which occurred on the site was undertaken in order to enhance the use of the property for equestrian purposes.

3.2. Regional/ Planning Context

The property is zoned for agricultural use and cultivation and soil preparation is part of the land use rights. the site is located outside of the urban edge. It is not proposed to change the existing land use rights for the property.

3.3. Cumulative

According to the EAP there are no negative cumulative impacts associated with the activity, provided that the ERMP and the proposed rehabilitation is implemented. Positive cumulative impacts centred on a better level area for equestrian use. The preferred alternative will also better serve the water management aims for the area.

3.4. Biophysical Impacts

The watercourse occurring on the site is considered to be severely modified. The channelled valley bottom wetland was calculated to have a low ecological importance and sensitivity. Due to livestock and agricultural farming within the surrounding area, no rare and unique species can be anticipated. The area is not listed as protected and no critical biodiversity areas were identified. High levels of grazing as well as cultivation have resulted in a reduction in natural vegetation. The subject property had very little natural vegetation pre-infilling. Due to the artificial freshwater impoundment and modification of the channel upstream of the site, as well as the impaired water quality, it is not anticipated that the watercourse on the site formed a corridor for migratory species.

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 ERMP, 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-----

