



24G Application: 14/2/4/2/3/E3/8/0016/20

ENVIRONMENTAL AUTHORISATION

The Managing Director
Heuningfontein Eiendomme (Pty) Ltd
P. O. Box 237
RIVERSDALE
6670

Tel:(021) 945 1803
Email: gwendt@progalv.co.za

Attention: Mr. Gradus Wendt

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CONSTRUCTION OF ROADS ON REMAINDER OF FARM 372, HONINGFONTEIN, RIVERSDALE

With reference to your application dated 29 January 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.

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 application and environmental assessment dated 29 January 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

Heuningfontein Eiendomme (Pty) Ltd

C/o Mr Gradus Wendt

P.O. Box 237

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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/Development Description
<p>Government Notice No. R. 1182 of 1997 – Activity Number: 1(d) Activity Description: "The construction or upgrading of roads, railways, airfields and associated structures outside the borders of town planning schemes"</p>	<p>Tracks and roads were established from 2003 and before 2006.</p>
<p>Government Notice No. R. 1182 of 1997 – Activity Number: 10 Activity Description: "The cultivation or any other use of virgin ground."</p>	<p>The roads which were constructed by means of clearing of the clearance of vegetation/virgin land. The remainder of the roads cleared is estimated at 33.6km.</p>
<p>Government Notice No. R544 of 18 June 2010 – Activity Number: 11 Activity Description: "The construction of:</p>	<p>Roads within and in watercourses = ±0.85kms amounting to ±2545m²</p>

<p>(i) canals; (ii) channels; (iii) bridges; (iv) dams; (v) weirs; (vi) bulk storm water outlet structures; (vii) marinas; (viii) jetties exceeding 50 square metres in size; (ix) slipways exceeding 50 square metres in size; (x) buildings exceeding 50 square metres in size; or (xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line"</p>	
<p>Government Notice No. R544 of 18 June 2010 – Activity Number: 18 Activity Description: "The infilling or depositing of any material of more than 5m³ into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5m³ from: (i) a watercourse."</p>	<p>Roads within and in watercourses = ±0.85kms exceeds the 5m³ threshold.</p>
<p>Government Notice No. R546 of 18 June 2010 – Activity Number: 12 Activity Description: "The clearance of an area of 300m² or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation. (a) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment</p>	<p>Roads in critical vegetation = ±0.1kms or ±306m²</p>

<p>2004; (b) Within critical biodiversity areas identified in bioregional plans."</p>	
<p>Government Notice No. R546 of 18 June 2010 – Activity Number: 19 Activity Description: "The widening of a road by more than 4m, or the lengthening of a road by more than 1kilometre. (d) In Western Cape: i. In an estuary; ii. All areas outside urban areas"</p>	<p>Additional roads of up ±19.24kms were added to the previous road network between 2006 and 2012.</p>
<p>Government Notice No. R327 of 2017 – Activity Number: 12 Activity Description: "The development of – (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100m²; or (ii) infrastructure or structures with a physical footprint of 100m² or more; Where such development occurs – (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32m of a watercourse, measured from the edge of a watercourse."</p>	<p>A length of ±1.43kms (±4297.8m²) of the expanded road constructed after July 2018 along the Goukou River and crossing non-perennial watercourses is located within 32m of the river.</p> <p>The building infrastructure of ±386m² was constructed within 32m of the edge of the Goukou River. A length of ±1.34kms (±4007.88m²) of roads was constructed within 32m of watercourses.</p>
<p>Government Notice No. R. 327 of 2017 Activity Number: 19 Activity Description: "The infilling or depositing of any material of more than 10m³ into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10m³ from a watercourse."</p>	<p>The expanded road constructed by the applicant crosses non-perennial drainage lines 7 times. No infilling of the Goukou River was evidenced, although the road lies adjacent to the river.</p>
<p>Government Notice No. R.324 of 2017- Activity Number: 18 Activity Description: "The widening of a road by more than 4m, or the lengthening of a road by more than 1km. i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. All areas outside urban areas:</p>	<p>The applicant expanded on the existing road network by adding an additional ±6kms of single-track road in order to service and maintain the game fence on the boundary of the property.</p>

(aa) Areas containing indigenous vegetation"	
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The abovementioned list is hereinafter referred to as "the listed activities".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Remainder 372 Honingfontein, Riversdale.

The SG digit code is: C06400000000037200000

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 12' 13,51" South	21° 14' 56.79" East
2	34° 11' 50,96" South	21° 16' 59.53" East
3	34° 13' 22,53" South	21° 17' 30.19" East
4	34° 13' 45,58" South	21° 15' 29.30" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 12' 34.21" South	21° 16' 55.03" East
2	34° 12' 48.76" South	21° 16' 54.44" East
3	34° 12' 48.37" South	21° 17' 03.42" East
4	34° 12' 52.52" South	21° 17' 05.56" East

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

Herein-after referred to as "the site".

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

Cape Environmental Assessment Practitioners (Cape EAPrac)

c/o Ms Melissa Mackay

P.O. Box 2070

GEORGE

6530

Cell: 071 603 4132

Email: mel@cape-eaprac.co.za

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

Commencement with the establishment of a steel game fence along the farm boundary lines. Access to the entire fence line is required for maintenance and management. The aim of replacing the fence was to remove all the internal compartments on the northern side of the property to allow free movement of game across the entire property.

The development entails the construction of approximately 6kms of roads by the holder to reach the fence line along the eastern boundary of the property. The rest of the road network and infrastructure within 32m of the Goukou river were already in place ranges in construction between 2003 and 2018. The holder has also upgraded the property fencing, with a new portion of road and fence line of approximately 6kms constructed along the Goukou River and up the southern boundary of the property. A large extent of previous existing roads will be closed and allowed to naturally rehabilitate.

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 activities specified in Section C above in accordance with and restricted to Alternative 1 described in the application and assessment report dated 29 January 2021 on the site as described in Section D above.
2. The development must be concluded within 5 years from the date of this Environmental Authorisation.
3. 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.

4. 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

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. 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 II

Written notice to the competent authority

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

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

PART III

Management of the activity/development

8. The draft Environmental Management Programme ("EMPr") dated 26 October 2020 compiled by Cape EAPrac and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

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

PART IV

Monitoring

10. A copy of the Environmental Authorisation, EMPr, 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 activities, and must be made available to anyone on request, including a publicly accessible website (if applicable).

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.

12. The holder must inspect the length of the road following significant rainfall events in order to identify erosion hotspots or areas where the road could require further maintenance.
13. Monitoring by an aquatic ecologist should take place every 6 months for the next 2 years from date of this environmental authorisation. A record of monitoring must be maintained with photographic evidence of the progress and issues that require maintenance or attention. The photographic record should include images of alien vegetation control, indigenous plant establishment and erosion control measures. Proof of compliance must be retained for compliance monitoring purposes.

PART V

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 EMPr 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 VI

Activity/ Development Specific Conditions

15. 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.

16. 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.

17. The mitigation measures with regards to erosion control, alien vegetation and maintenance of road crossings provided by the Freshwater specialist as specified in the report of April 2020 must be adhered to.

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 EMPr 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.

5. 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: 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 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, 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.

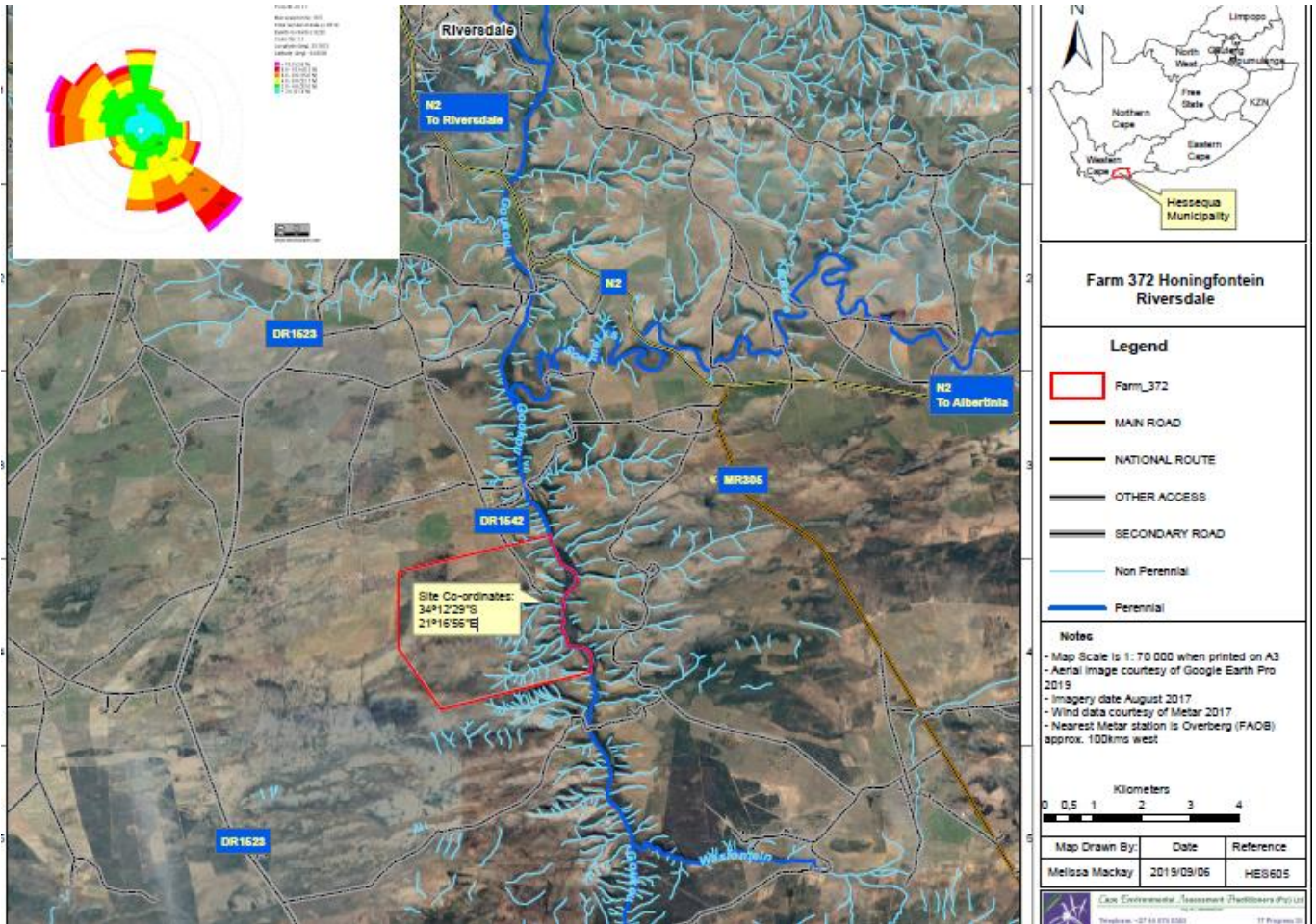
Yours faithfully

ADV. CHARMAINE MARÉ
DIRECTOR: ENVIRONMENTAL GOVERNANCE

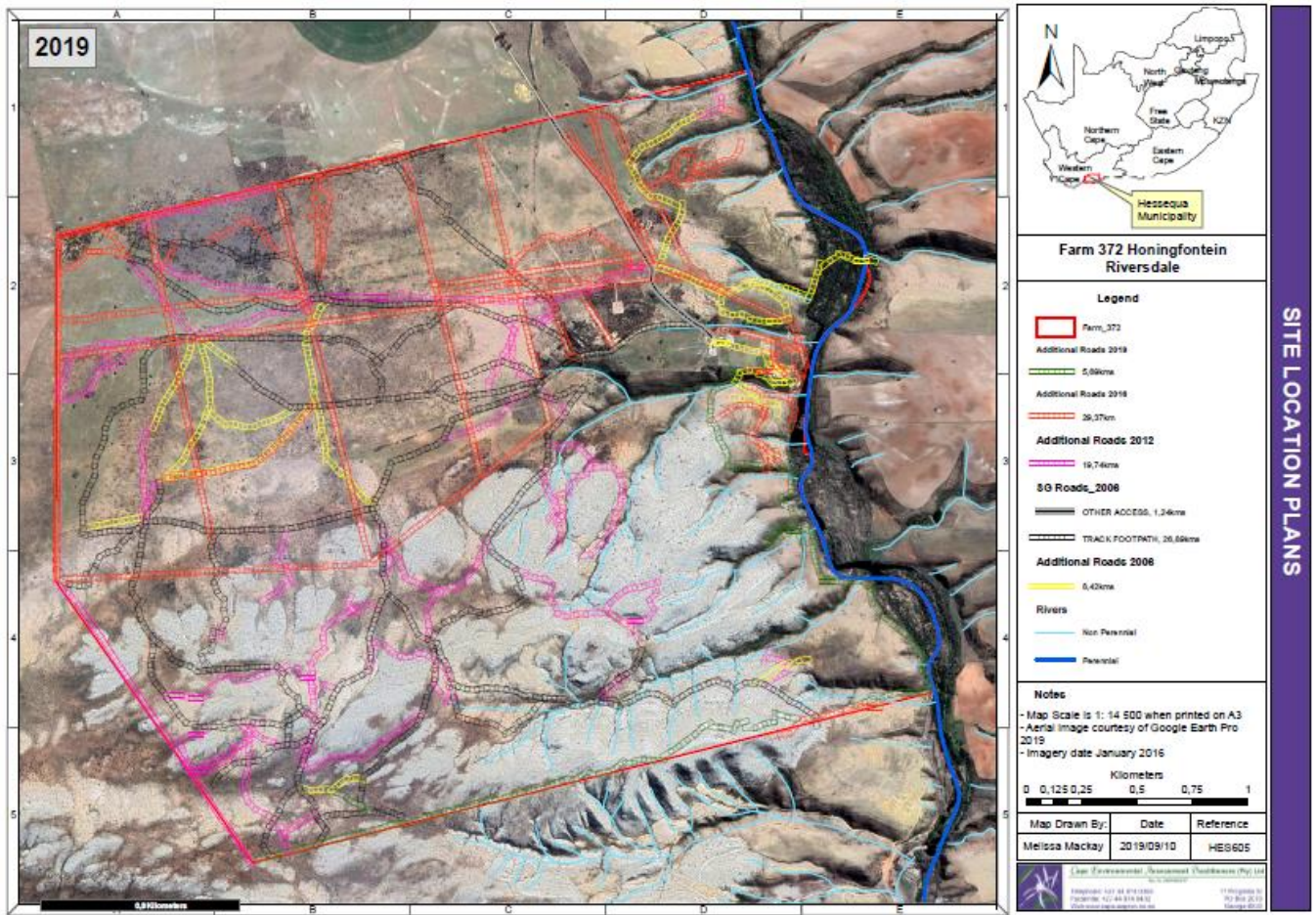
Copied to: (1) Ms Melissa Mackay (EAP)
(2) Mr Hendrik Visser (Hessequa Municipality)
(3) Rudzani Makahane (BGCMA)
(4) Megan Simons (CapeNature)

Email: mel@cape-eaprac.co.za
Email: hendrik@hessequa.gov.za
Email: Rmakahane@bgcma.co.za
Email: Msimons@capenature.co.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE LOCATION PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE: 14/2/4/2/3/E3/8/0016/20
ENFORCEMENT REFERENCE : 14/1/1/E3/8/10/3/L1051/19

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 R100 000 (One hundred 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 29 January 2021.
- b) The Environmental Management Programme ("EMPr") of October 2020 submitted together with the application.
- c) The Game Management Plan of October 2020.
- d) The Freshwater Impact Assessment of April 2020.
- e) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- g) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- h) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- i) The site visit conducted on
Date/s: 21 October 2020
Attended by: Officials from this Department.
- j) The appeal decision on the 24G administrative fine dated 21 October 2021.

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 Suidkaap Forum newspaper on 06 November 2020;
- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor.
- I&APs were afforded the opportunity to provide comments on the application.

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

The following organs of state provided comment on the application:

- Breede Gouritz Catchment Management Agency ("BGCMA")
- CapeNature ("CN")

A summary of the comments received, and the responses thereto follows below.

BGCMA

The BGCMA acknowledged that the impacts caused by the unlawful activities are irreversible and advised that the applicant draft a rehabilitation plan with specific timeframes to reinstate or mitigate the impacts on the watercourse. The BGCMA further stated that they support the recommendations of the freshwater specialist.

The EAP responded by stating that rehabilitation measures have been included in the aquatic specialist study and have been highlighted in the Water Use License Application. These should be conditional to any authorisation.

CapeNature

CapeNature stated that the construction of the unlawful roads has negatively impacted on the environment. CapeNature will not support the establishment of any firebreaks that do not consider the road as part of the firebreak along the fence line. The re-vegetation of the burned

site must be monitored, and no further construction should be done beyond the No-Go area. Aquatic buffers must be delineated, and disturbed areas must be rehabilitated according to a rehabilitation plan.

The EAP responded by stating that a follow-up study can be done within the next 5 years since only then would the vegetation pattern be more accurately evaluated. The only damaged or disturbed areas that need rehabilitation or work are; a) the areas associated with the road crossings and; b) the control of instream and riparian alien vegetation. Both of these aspects have been covered in the aquatic specialist study in terms of rehabilitation. Buffer zones are usually applied when a development has the potential to generate diffuse runoff that can pollute the watercourse, or where a development setback line needs to be established to protect habitat associated with a watercourse. No buffer zones were applied in this case because neither of the above situations is applicable, and the roads which is the primary impact, intersects the watercourses, which would render a buffer meaningless.

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 Location/Site Alternatives

Alternative 1 (Herewith authorised)

Alternative 1 entails the construction of roads and fences associated with game farming activities on the property, as well as a dwelling constructed by the previous owner. The construction of the road and the erection of the fence are requirements of the Certificate of Adequate Enclosure required by CapeNature to keep and farm game. All roads and fences constructed prior to 2018 were undertaken by previous owner.

The preferred Alternative 1 consists of the following:

- The road and fence line of approximately 6kms constructed along the Goukou River and up the southern boundary of the property;

- Implementation of the mitigation measures proposed by the freshwater specialist to minimise the impacts of the road and fence on the aquatic aspects of the drainage lines and the Goukou River;
- Existing roads created by the previous owners that may be retained for current use. A large extent of previous roads will be closed and allowed to naturally rehabilitate;
- Building infrastructure of $\pm 386\text{m}^2$ that was constructed within 32m of the edge of the Goukou River by the previous owner.

Alternative 2

The proposed Alternative 2 consists of the following:

- The road and fence line of approximately 6kms constructed by the holder along the Goukou River and up the southern boundary of the property, without the mitigation recommended by the aquatic specialist;
- Roads created by the previous owners that may be retained for current use. It must be noted that a large extent of previous roads will be closed and allowed to rehabilitate;
- Building infrastructure of $\pm 386\text{m}^2$ that was constructed within 32m of the edge of the Goukou River.

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

The proposed No Go Alternative consists of the following:

- Ceasing of activities under the holder. The removal of the roads and fence will unlikely provide and lead to full rehabilitation and improvement of the environment. This is due to the extent of the cut and fill that took place on the steep slopes associated with the drainage lines egressing into the Goukou River. This option has both unacceptable financial and environmental losses associated with it.
- The building infrastructure constructed by the previous owner, although within the 32m of the Goukou River, is outside of the 1:100 year floodline. This means it does not pose a threat and as such the holder wants to retain the structure.

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 and Planning Context

The property is zoned for Agriculture and has been utilised for game farming by the previous owner. The property is retaining its zoning and landuse for agriculture which is in line with the Provincial Spatial Development Framework (PSDF). Roads and fencing are accepted on agricultural properties and even more so in the case of game farms. Roads are part of the requirements to maintain and monitor fences as part of the Certificate of Adequate Enclosure required by CapeNature.

3.2. Biophysical and Biodiversity Impacts

The most significant impacts associated with the activities on the site are related to the sedimentation and damage to the drainage lines into the Goukou River. These activities were undertaken by the holder. The roads that were cleared by the previous owner are dirt tracks, that with lack of use, will systematically close up and naturally revegetate. The dwelling constructed on the banks of the Goukou by the previous owner remains outside of the 1:100-year flood line and has not resulted in any impact on the river since completion of construction.

The road and fence crossings adjacent to the Goukou River are considered to be aquatic Critical Biodiversity Area (CBA). Portions of the vegetation removed by the previous owners are mapped as CBA1, however on ground truthing, the botanical specialist has stated that they should be more accurately reflected as Ecological Support Areas (ESAs). Construction of the unlawful road has resulted in the degradation in ecological state of 4 drainage lines and 2 valley-bottom wetlands from an A, Largely Natural to a C, Moderately Modified state. The proposed rehabilitation measures (gabions, paving and pipelines) are aimed at improving hydrological connectivity upstream and downstream, and reducing localised erosion due to the road crossings. As construction of the unlawful road has created recent disturbance to a number of watercourse crossings, it is recommended that the landowner inspect the length of the road following significant rainfall events in order to identify erosion hotspots or areas where the road could require further maintenance.

The unlawful construction of the roads has resulted in the loss of indigenous vegetation as well as the disturbance of the aquatic habitat of the drainage lines associated with the Goukou river. However, according to the information provided in the application and the accompanying assessments, the construction of the roads was required in order to ensure adequate maintenance of the fencing that is mandatory for game farming.

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 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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