



24G Application: 14/2/4/2/3/D6/18/0010/22

ENVIRONMENTAL AUTHORISATION

The Board of Directors
Topup Property Investments
PO Box 12
MOSSEL BAY
6500

Email: sean@topupsa.co.za

Attention: Mr Sean Owen Ekstrom

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 CLEARING OF VEGETATION AND CREATION TRACKS ON PTN 66,130 AND 101 OF FARM 217, HARTENBOS, MOSSELBAY

With reference to your application dated 20 May 2022 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 in accordance with the preferred alternative as described in the application and environmental assessment dated 20 May 2022.

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

Topup Property Investments

c/o Mr Sean Owen Ekstrom

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MOSSEL BAY

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Cell: (083) 261 0443

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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/Project Description
<p>Government Notice No. R. 324 of 7 April 2017</p> <p>Activity Number: 11</p> <p>Activity Description: <i>The development of tracks or routes for the testing, recreational use or outdoor racing of motor-powered vehicles excluding conversion of existing tracks or routes for the testing, recreational use or outdoor racing of motor powered vehicles.</i></p> <p><i>i. Western Cape</i></p>	<p>New tracks were developed within areas where no pre-existing tracks were found. The tracks were developed for alien clearing as well as being used for recreational purposes as a quad bike track. A portion of the tracks lie within the estuarine functional zone of the Hartenbos River (under the 5m contour level). The landowner would like to retain the existing tracks for recreational purposes (educational quadbike and train tours).</p>

<p>iv. Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined;</p> <p>v. Seawards of the development setback line or within 200 metres of the high-water mark of the sea if no such development setback line is determined; or</p> <p>vi. Areas of indigenous vegetation outside urban areas.</p>	
<p>Government Notice No. R. 324 of 7 April 2017</p> <p>Activity Number: 12</p> <p>Activity Description: <i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>i. Western Cape</p> <p>iv. <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></p>	<p>New tracks were developed within areas where no pre-existing tracks were found. The tracks were developed for alien clearing as well as being used for recreational purposes as a quad bike track. A portion of the tracks lie within the estuarine functional zone of the Hartenbos River (under the 5m contour level). The landowner would like to retain the existing tracks for recreational purposes (educational quadbike and train tours).</p>

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

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Ptn 66,130 and 101 of Farm 217, Hartenbos, Mossel bay.

The SG digit codes are: Portion 66 of Farm 217- C05100000000021700066

Portion 130 of Farm 217 - C05100000000021700130

Portion 101 of Farm 217 - C05100000000021700101

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 06' 37.88" South	22° 06' 18.94" East
2	34° 06' 36.42" South	22° 06' 22.84" East
3	34° 06' 37.97" South	22° 06' 23.50" East
4	34° 06' 39.86" South	22° 06' 21.22" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 06' 55.07" South	22° 06' 10.15" East
2	34° 06' 54.48" South	22° 06' 16.70" East
3	34° 06' 57.61" South	22° 06' 17.35" East
4	34° 06' 58.68" South	22° 06' 10.68" East
5	34° 06' 49.64" South	22° 06' 23.78" East
6	34° 06' 42.31" South	22° 06' 23.54" East
7	34° 06' 42.85" South	22° 06' 27.20" East
8	34° 06' 38.35" South	22° 06' 26.44" East
9	34° 06' 38.50" South	22° 06' 21.77" East
10	34° 06' 40.16" South	22° 06' 18.41" East
11	34° 06' 42.85" South	22° 06' 16.52" East
12	34° 06' 44.46" South	22° 06' 19.18" 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”)

HillLand Environmental (Pty) Ltd

c/o Mr Cathy Avierinos

PO BOX 590

GEORGE

6530

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Email: cathy@hilland.co.za / admin@hilland.co.za

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

Unlawful clearing of vegetation and creation tracks on Ptn 66,130 and 101 of Farm 217, Hartenbos, Mossel Bay.

The applicant commenced with the creation of tracks (where there were no pre-existing tracks) during September 2020 (based on Google Earth Aerial images) which constitutes of a new activity on the property. These tracks were developed for alien clearing (by implementing approved methods of clearing), and which are now used for recreational purposes (educational bike rides and mini-train track).

An additional short track for recreational train rides was created on Portion 101 of Farm 217. The train track was created on land that was previously transformed agricultural land.

The new tracks and the use of the tracks for recreational purposes constituted a listed activity in terms of *NEMA: EIA Regulations (2014, as amended)* and as such a Section 24G rectification will be required. The tracks lie within the Estuarine Functional Zone of the Hartenbos River (under the 5m contour level) and within areas of “indigenous vegetation” outside urban areas – where the topsoil has not been lawfully disturbed in the past 10 years.

The landowner would like to retain the existing tracks for recreational and management purposes.

G. CONDITIONS OF AUTHORISATION

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

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to the preferred alternative described in the application and assessment report dated 20 May 2022 on the site as described in Section D above.
2. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

4. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement for maintenance purposes.
 - 4.1 The notice must make clear reference to the site details and 24G Reference number given above.
 - 4.2 The notice must also include proof of compliance with the following condition:
Condition 5

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. The listed activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

7. The draft Maintenance Management Programme ("MMP") dated April 2022 compiled by HillLand Environmental and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
8. The MMP must be included in all contract documentation for the relevant maintenance phase of implementation.

PART V

Monitoring

9. A copy of the Environmental Authorisation, MMP, 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.
10. 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

11. 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 MMP 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

12. 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.

13. 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.
14. A 60-meter building restriction measured from the N2 road reserve boundary must be demarcated and maintained.
15. A 2m high brick wall/fence must be erected on the boundary of the land development area and the N2 road reserve.

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, including non-compliance with the MMP may render the holder liable to criminal prosecution.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

I. APPEALS

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

1. An appellant (if the holder) must –
 - 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.
2. An appellant (if NOT the holder) must –
 - 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.
3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. This appeal and responding statement must be submitted to the address listed below -
 - 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 MMP 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

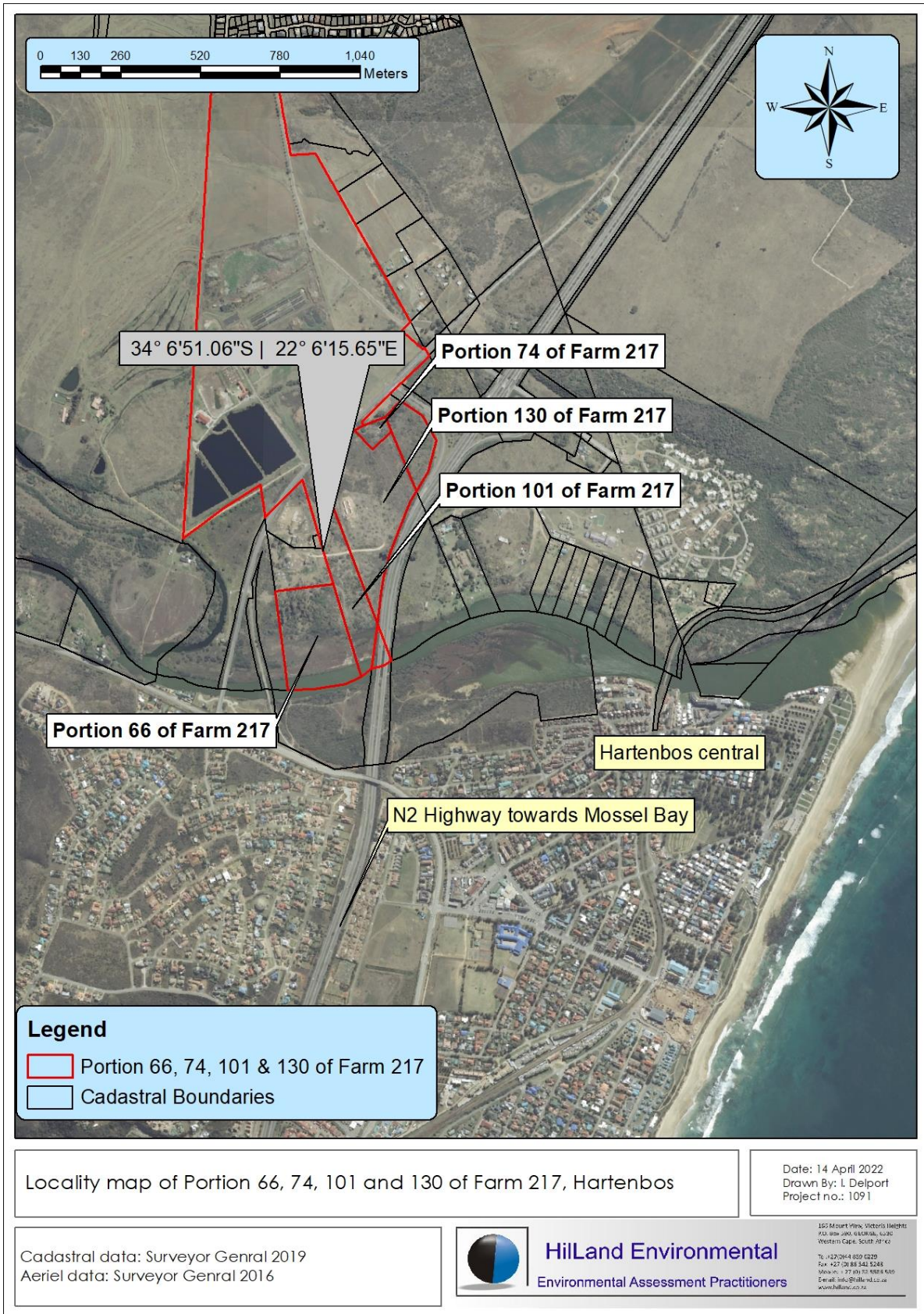
MRS Z TOEFY

ACTING DIRECTOR: ENVIRONMENTAL GOVERNANCE

Copied to: (1) Cathy Avierinos (EAP)

Email: cathy@hilland.co.za/admin@hilland.co.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN

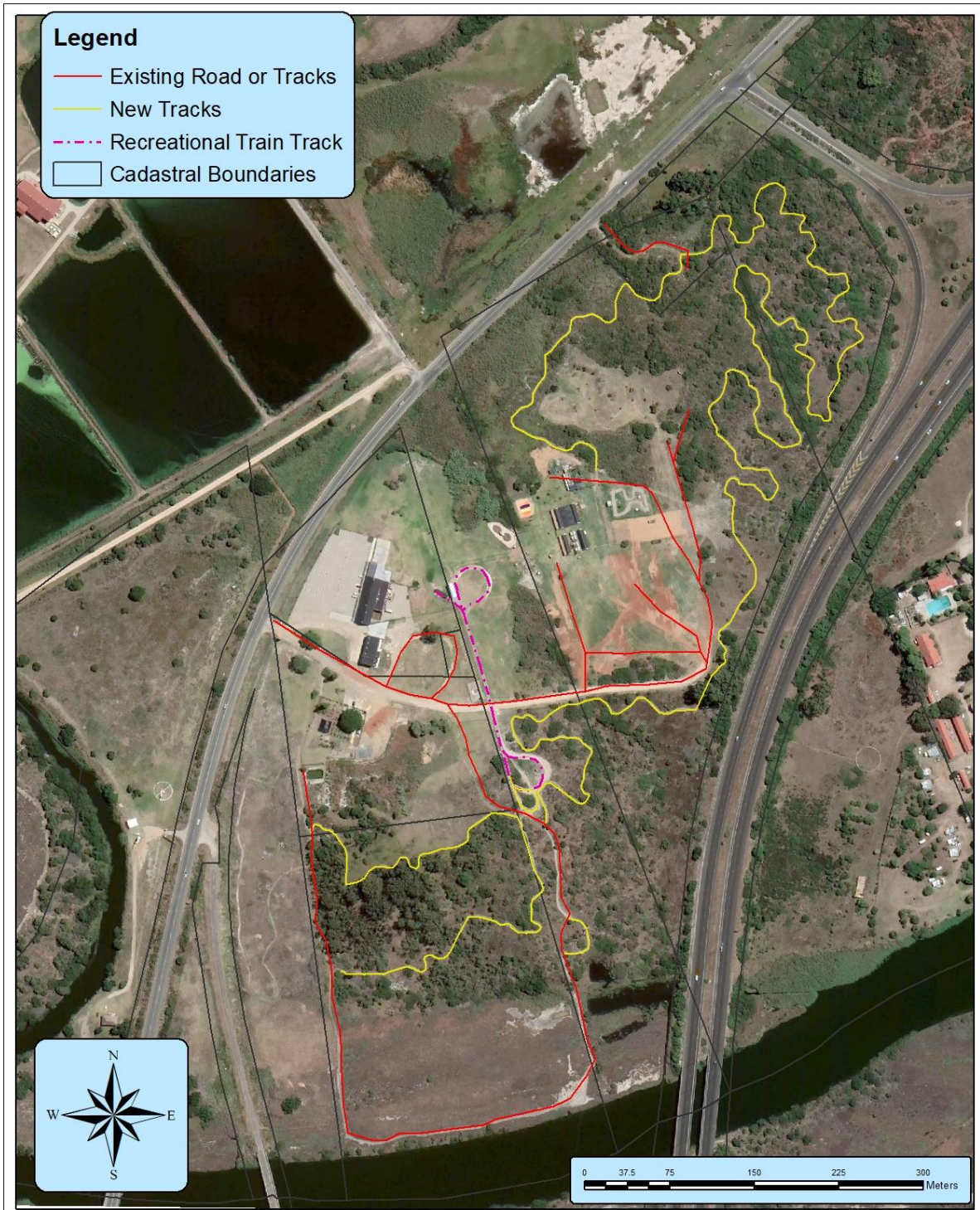


Figure 1b: Activity Mapping (February 2021), Hartenbos, Mossel Bay

Date: 07 June 2021
 Drawn By: S. Delpont
 Project no.: 1091

Cadastral data: Surveyor General 2019
 Aerial data: Google Earth February 2021



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S24G REFERENCE:

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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 R250 000 (Two hundred and fifty thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

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

- a) The section 24G application dated 20 May 2022 with supporting environmental impact assessment and mitigation measures.
- b) The Maintenance Management Plan dated April 2022.
- c) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- g) The site visit conducted on 8 September 2022 attended by officials of the Directorate: Environmental Governance.
- h) The appeal decision on the 24G administrative fine dated 06 June 2023.

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

1. Public Participation Process

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

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

- identification of and engagement with I&APs.
- fixing a notice board at the site where the listed activities unlawfully commenced on 20 May 2022.
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities were undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 20 May 2022.
- the placing of a newspaper advertisement in the **Mossel Bay Advertiser** on 20 May 2022.

Support for the application was received from an I&AP, the Hartenbos River Forum who indicated that there would be no tangible reason for any objection to the intended project that they could foresee and would welcome the development.

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

The following organs of state provided comment on the application:

- Heritage western Cape
- Garden Route District Municipality
- SANRAL
- CapeNature
- Department of Agriculture
- Department of Forestry

Heritage Western Cape indicated that there is no reason to believe that the activity had impacted on heritage resources and therefore no action under Section 38 of the *National Heritage Resources Act, 1999 (Act 25 of 1999)* is required. Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

The Garden Route District Municipality (GRDM) suggested adding a clause within the Lease Agreement stating that no negative impact on the flood plain or estuary is allowed, and the assessment that a part of this development falls within the estuarine functional zone of the Hartenbos River.

Since some of the quad bike tracks are within the estuarine functional zone, the GRDM requested indication of the impact of the dust/sand particles loosened by the biking activity. Will these airborne particles be displaced and settle on nearby salt march area/sensitive areas, or cause an increased turbidity in the estuary water and could this dust impact on air pollution levels?

The EAP indicated that continuation of the use of the tracks will not have a negative impact on the flood plain/estuary. Any potential negative impacts are being mitigated through the implementation of the Maintenance Management Plan (MMP), as included in the application. The tracks located within the flood plain were pre-existing tracks and are not subject to the S24G application.

Within the Report it is mentioned that indigenous vegetation occurring in the tracks was damaged due to the activity but will re-appear when the activity is ceased. The GRDM was concerned that this might however not be possible as the activity causes soil compaction and related soil structure losses, which will make the reappearance of natural vegetation impossible.

The EAP highlighted the specialist conclusions, in terms of the following:

1. No original terrestrial vegetation occurs on site, only secondary vegetation in previously disturbed areas, which is heavily invaded by alien plants.
2. The quad bike track does not appear to be excessive for the purpose of managing the vegetation on site, especially for alien vegetation clearing.

The EAP concluded that the use of the tracks is essential for maintenance management of the property. Rehabilitation and alien clearing on the property is ongoing and being done in accordance with the MMP. In the event that the use of a track is ever discontinued, the compacted tracks will be uncompacted and natural vegetation from the site and surrounding area will assist in rehabilitation.

The GRDM requested clarity on the impacts associated with pollution/disturbance be on the estuarine water bird/marine/mud life, as well as the impact of environmental aesthetic disturbances on tourism. The EAP indicated that the tracks are only suited for slow (walking pace) driving and there are no overtaking lanes. Noise and nuisance are limited. There are no dust or pollution impacts. Tourists are using the quad bikes to access, see, experience, learn about and enjoy the local environment. The tracks have been in the estuary zone for many years and the estuarine life has not been disrupted.

What will the impact of the development be on Public Coastal Access, and the right of the public to access the estuarine public coastal zone, i.e., will the access routes to the estuary be cordoned off? If so, was these routes previously open for use by the public to reach the estuary? The EAP confirmed that the routes do not intersect any public access routes. They are existing tracks that have been in this area for many years.

SANRAL received an application from Marike Vreken Town Planners for permission for a tourism facility in October 2020. SANRAL were informed to hold back as a new application was to be submitted. To date no application has been received by SANRAL. The initial application was submitted for consent use as a tourist facility. However, after public participation the municipality required an amendment application to include additional requirements.

SANRAL indicated that the developer needs to take note of the following requirements:

- A 60-meter building restriction measured from the N2 road reserve boundary.
- A 2m high brick wall/fence must be erected on the boundary of the land development area and the N2 road reserve.
- No freestanding advertising signs to be visible from the N2.
- Access to be obtained via the R102.

The EAP indicated that a 60m building restriction from the N2 road reserve boundary would not be a problem as none of the land use are proposed in that area. The amendment application required a Traffic Impact Assessment (TIA), which recommended a turning lane (access) to the property. This has huge financial implications for the client. The client with the EAP has tried to negotiate with Provincial Roads (as they are the controlling authority regarding the access), but they will not allow access for the proposed uses without the required turning lane. There is currently a standstill in this regard as the amendment application cannot proceed without a solution regarding the access.

CapeNature indicated that the Western Cape Biodiversity Spatial Plan (*Pool-Stanvliet et.al. 2017*) has specific guidelines regarding Critical Biodiversity Area (CBA) loss and their sensitivity and conservation objectives. The impact of the proposed activity must minimise the loss on natural vegetation and should not compromise the objectives and ecological functioning of CBAs.

Some of the mentioned species are listed as important taxa for Groot Brak Dune Strandveld. At the time of the site inspection some elements of the mapped vegetation unit may not have been present due to the historical agricultural activities or the infestation by invasive alien vegetation. Furthermore, it is important to note that numerous local botanical specialists have mentioned the inaccurate vegetation mapping for Mossel Bay.

The EAP reiterated that the species mentioned above (as confirmed by the specialist) are secondary vegetation species and do not represent intact indigenous fynbos or renosterveld. Although the property has been infested with alien invasive vegetation; CapeNature would like to remind the applicant that in terms of the *Conservation of Agricultural Resources Act, 1983* (Act No. 43 of 1983) ("CARA") the level of alien infestation must not be seen as reducing the site sensitivity, nor is the subsequent removal of alien vegetation from a property regarded as a mitigation measure as this is a legal requirement. Control methods for the eradication of alien invasive species must be implemented in such a way that it prevents harm to the surrounding environment. The compilation of a Fire Management Plan is also supported by CapeNature. The continuation of this activity (i.e., using the tracks for quad bike riding) must not negatively impact on the surrounding biodiversity (i.e., both terrestrial and aquatic). The applicant must ensure that park runners not trampling on indigenous vegetation and must only use (i.e., walk/run) within the existing tracks.

The Department of Agriculture provided a letter of no objection and the Department of Forestry indicated that, according to the information provided, the Department of Forestry's mandate is not affected by the application.

2. Alternatives

2.1 Location/Site Alternatives

Alternative 1 (Herewith authorized)

The activity that was commenced followed a route of least disturbance. No clearance of sensitive vegetation was required for the creation of the tracks. The activity did not result in any unavoidable negative impacts and the continued management and rehabilitation of the property will be done in accordance with the MMP.

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

The No-Go alternative entails not utilising the tracks for recreational purposes. However, they would still all be required for management purposes to eradicate the alien vegetation on the property and to remove the accumulated dumped material on the property. This would have resulted in no additional positive socio-economic benefits which are attached to the recreational use of the property. These include additional job creation and educational benefits of the quadbike track.

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. Regional/ Planning Context

The property has been earmarked for urban expansion in accordance with the Spatial Development Framework (SDF) as such the activity is in line with the future use of the property and added to the socio-economic value of the property. In addition, it added to the tourism attractions on the property and provided a desired activity in close proximity to the town.

3.2. Biodiversity Impacts

At the time of the specialist/ EAP investigation, some elements of the mapped vegetation unit may not have been present due to the historical agricultural activities or the infestation by invasive alien vegetation. Furthermore, according to the information provided, numerous local botanical specialists have mentioned inaccurate vegetation mapping for the Mossel Bay area. This was confirmed by CapeNature. The unlawful commencement of the activity has however, resulted in the clearance of natural vegetation, and thus a localized biodiversity impact was afforded for the application.

3.3. Visual / Sense of Place

The activity does not detract from the surrounding land uses and does not negatively impact on the affected area's sense of place.

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 MMP, 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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