

**REFERENCE:** 14/2/1/2/E1/3/0106/15

**ENQUIRIES:** Ziyaad Allie

The Owner  
P.O. Box 369  
BREDASDORP  
7280

**REGISTERED MAIL**  
Cell: (082) 399 0792  
Email: sum@seapod.co.za

**Attention: Mr Jahn Summs**

Dear Sir

**APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL UPGRADING AND REALIGNMENT OF AN EXISTING UNSURFACED FARM ACCESS ROAD ON PORTION 4 AND 7 OF FARM 264, DOLLAS DOWN, ARNISTON**

With reference to your application dated 20 October 2015 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 and as described in the Environmental Impact Report ("EIR") dated 27 July 2016.

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

Mr Jahn Summs  
P.O. Box 369  
BREDASDORP  
7280

Cell: (082) 399 0792  
Email: sum@seapod.co.za

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

## C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R386 of 2006 –  <b>Activity Number: 5</b>  Activity Description:  <i>"The removal or damaging of indigenous vegetation of more than 10 square metres within a distance of 100 metres inland of the high-water mark of the sea."</i></p>	<p>The activities undertaken include the removal of indigenous vegetation on parts along the new realignment of an existing access road. The access road traverses a number of dune vegetation covered areas on the property.</p>
<p>Government Notice No. R386 of 2006 –  <b>Activity Number: 6</b>  Activity Description:</p>	

<p><i>"The excavation, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 metres inland of the high-water mark of the sea."</i></p>	<p>Sections of the existing road and portions within 100 metres of the high-water mark was infilled with gravel to improve access by non 4x4 vehicles. The footprint impact of the upgrading and realignment forms part of a fraction of the total footprint of the road which is 4297.5m<sup>2</sup>.</p>
<p>Government Notice No. R386 of 2006 –  <b>Activity Number: 15</b>  Activity Description:  <i>"The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long."</i></p>	<p>Sections of the access road exceeds the thresholds of this activity. The total length of the access road is approximately 1617.3m long and averages about 2.5m wide.</p>
<p>Government Notice No. R544 of 18 June 2010 –  <b>Activity Number: 16</b>  Activity Description:  <i>"Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –</i>  <i>(i) fixed or floating jetties and slipways;</i>  <i>(ii) tidal pools;</i>  <i>(iii) embankments;</i>  <i>(iv) rock revetments or stabilising structures including stabilising walls;</i>  <i>(v) buildings of 50 square metres or more;</i>  or  <i>(vi) infrastructure covering 50 square metres or more – but excluding</i>  <i>(a) if such construction or earth moving activities will occur behind a development setback line; or</i>  <i>(b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;</i></p>	<p>The realignment requires ongoing maintenance and infilling of gravel from 2009 along sections of the access road to enable access by non 4x4 vehicles. The footprint impact of the upgrading and realignment forms part of a fraction of the total footprint of the road which is 4297.5m<sup>2</sup>.</p>

<p>(c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or  (d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies."</p>	
<p>Government Notice No. R544 of 18 June 2010 –  <b>Activity Number: 18</b>  Activity Description:  "The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:  (i) a watercourse;  (ii) the sea;  (iii) the seashore;  (iv) 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) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or  (b) occurs behind the development setback line."</p>	<p>The ongoing maintenance and infilling from 2009 to enable access by non 4x4 vehicles along sections of the access road which falls within 100 metres of the high-water mark.</p>
<p>As similarly listed in Government Notice No. R. 983 of 4 December 2014  <b>Activity Number: 15</b>  Activity Description:  "The development of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding -  (i) the development of structures within</p>	<p>The total length of the access road is approximately 1617.3m long and averages about 2.5m wide.  The footprint impact of the upgrading and realignment forms part of a fraction</p>

<p>existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(ii) the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(iii) the development of temporary structures within the beach zone where such structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared; or</p> <p>(iv) activities listed in activity 14 in Listing Notice 2 of 2014, in which case that activity applies."</p>	<p>of the total footprint of the road which is 4297,5m<sup>2</sup>.</p>
<p>As similarly listed in Government Notice No. 983 of 4 December 2014 -</p> <p><b>Activity Number: 17</b></p> <p>Activity Description:</p> <p>"Development-</p> <p>(i) in the sea;</p> <p>(ii) in an estuary;</p> <p>(iii) within the littoral active zone;</p> <p>(iv) in front of a development setback; or</p> <p>(v) if no development setback exists, within a distance of 100 metres inland of the high- water mark of the sea or an estuary, whichever is the greater; in respect of-</p> <p>(a) fixed or floating jetties and slipways;</p> <p>(b) tidal pools;</p> <p>(c) embankments;</p> <p>(d) rock revetments or stabilising structures including stabilising walls;</p> <p>(e) buildings of 50 square metres or more;</p> <p>or</p> <p>(f) infrastructure with a development footprint of 50 square metres or more - but excluding-</p> <p>(aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p>	<p>As above</p>

<p>(bb) 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;</p> <p>(cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared; or</p> <p>(dd) where such development occurs within an urban area."</p>	
<p>As similarly listed in Government Notice No. 983 of 4 December 2014 -</p> <p><b>Activity Number: 18</b></p> <p>Activity Description:</p> <p>"The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where -</p> <p>(i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or</p> <p>(ii) such planting of vegetation or placing of material will occur behind a development setback."</p>	<p>As above</p>
<p>As similarly listed in Government Notice No. 983 of 4 December 2014 -</p> <p><b>Activity Number: 19</b></p> <p>Activity Description:</p> <p>"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</p> <p>(i) a watercourse;</p> <p>(iii) the seashore; or</p>	<p>As above</p>

<p><i>(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-</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies."</i></p>	
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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 Farm 264/4 and Farm 264/7, Arniston (Dollas Down Farm).

The SG digit codes are: Farm 264/7- C01100000000026400007

Farm 264/4 - C01100000000026400004

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	34° 39' 39.18" South	20° 14' 22.15" East
2	34° 39' 11.39" South	20° 14' 19.71" East
3	34° 39' 38.15" South	20° 13' 42.25" East
4	34° 39' 6.00" South	20° 13' 43.21" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)

1	34° 39' 39.18" South	20° 13' 31.31" East
2	34° 39' 32.57" South	20° 13' 51.73" East
3	34° 39' 17.50" South	20° 14' 11.20" East
4	34° 39' 5.30" South	20° 14' 17.50" East

Refer to Annexure 1: Locality Plan  
 Herein-after referred to as "the site".

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

Braaf Environmental Practitioners  
 C/o Ms Olivia Braaf  
 P.O. Box 692  
 KUILSRIVER  
 7579

Tel: (0860) 111 382  
 Fax: (086) 658 7676  
 Email: info@braafsa.com

**F. DETAILS OF THE ACTIVITIES UNDERTAKEN**

The activities undertaken on site entails the upgrading and realignment of an existing unsurfaced farm road to improve access for residents of the property. Sections of the existing road and portions within 100 meters of the high-water mark was infilled with gravel to improve access by non 4x4 vehicles. The access road traverses a number of dune vegetation covered areas on the property. The total length of the access road is approximately 1617.3 metres long and about 2.5 metres wide. The access road crosses a section of Farm 264/4 measuring about 95.7 metres. The bulk of the road existed and was used as an access road prior to the improvements. Sections of the road were upgraded by the placement of sand and stone on the road surface. Portions of the road realignment have resulted in it being located within 100 metres or less of the high-



water mark of the sea. In steeper sections, where the road traverses a dune, material was removed or relocated in order to facilitate the construction of the road.

## **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 the implemented Alternative described in the EIR dated 27 July 2016 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 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 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**

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

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

### **PART III**

#### **Notification and administration of an appeal**

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
- 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
- 6.1.1 the outcome of the application;
  - 6.1.2 the reasons for the decision as included in Annexure 3;
  - 6.1.3 the date of the decision; and
  - 6.1.4 the date when the decision was issued.
- 6.2 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.
- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision.
- 6.4 provide the registered I&APs with:
- 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
  - 6.4.2 name of the responsible person for this Environmental Authorisation;
  - 6.4.3 postal address of the holder;
  - 6.4.4 telephonic and fax details of the holder;
  - 6.4.5 e-mail address, if any, of the holder; and
  - 6.4.6 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*.
7. 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**

8. The draft Environmental Management Programme ("EMPr") of June 2012 compiled by Olivia Braaf 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 V**

##### **Monitoring**

10. A copy of the Environmental Authorisation, EMPr, 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.

#### **PART VI**

##### **Auditing**

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

## **PART VII**

### **Activity/ Development Specific Conditions**

13. 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; shipwrecks; 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.

14. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

## **H. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or 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: 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](mailto: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 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, 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. CHARMINE MARÉ**  
**DIRECTOR: ENVIRONMENTAL GOVERNANCE**

DATE OF DECISION: 30 August 2018

Copied to:

(1) Olivia Braaf (EAP)

(2) Mr. K Norwood (Cape Agulhas Municipality)

(3) Arshaad Holliday (DEA&DP: Environmental Law Enforcement)

Fax: (086) 658 7676

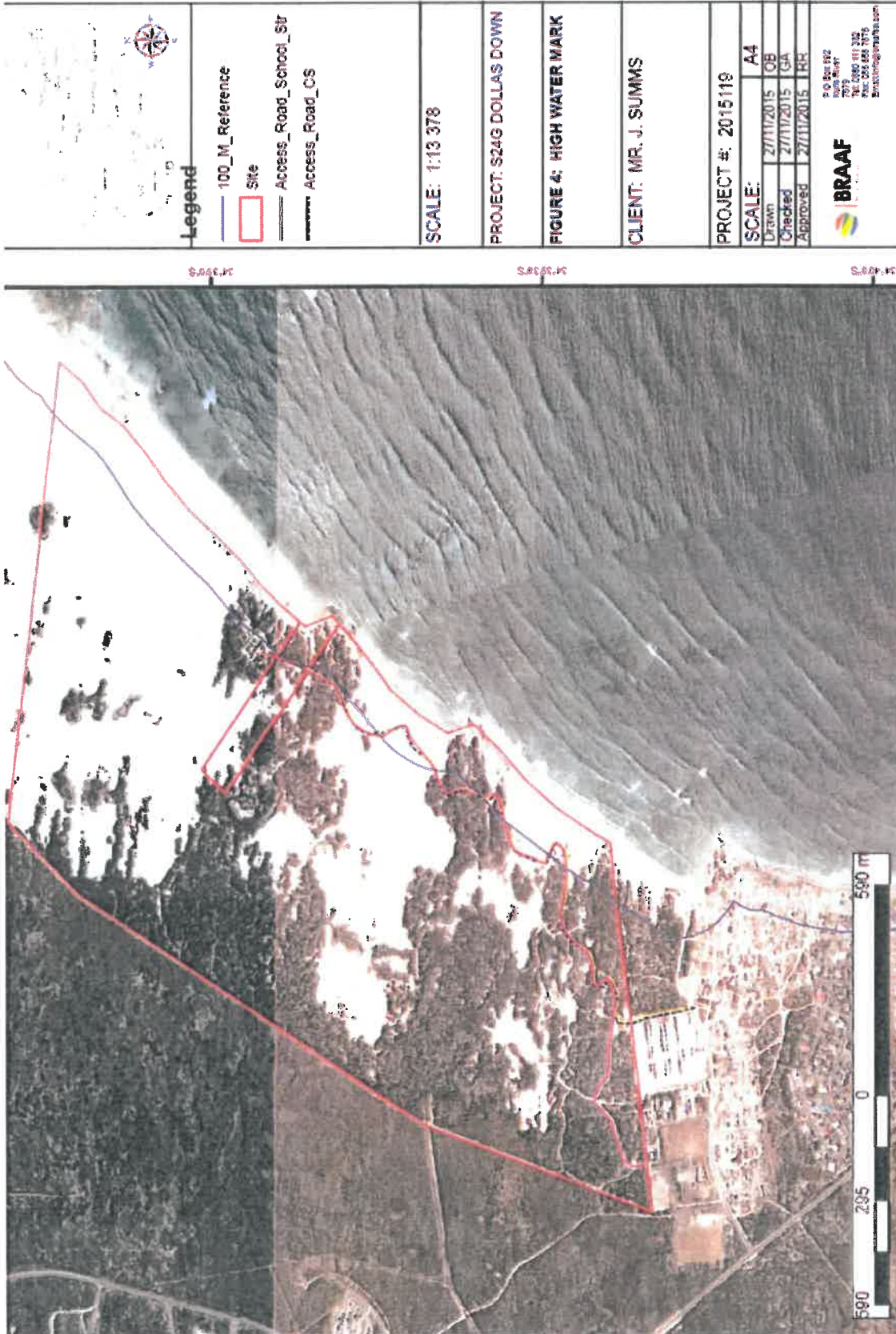
Email: [Olivia.braafsa.com](mailto:Olivia.braafsa.com)

Fax: (028) 425 1019

Email: [norwoodk@capeagulhus.gov.za](mailto:norwoodk@capeagulhus.gov.za)

Email: [Mogammad.Holliday@westerncape.gov.za](mailto:Mogammad.Holliday@westerncape.gov.za)

# ANNEXURE 1: LOCALITY MAP





### **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 R25 000 (Twenty-five thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

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

- a) The information contained in the application form dated 20 October 2015, the Environmental Impact Report ("EIR") received by the competent authority dated 27 July 2016, the EMPr submitted together with the EIR, and the additional information received by the competent authority on 25 May 2017 and the emails received on 26 July 2017.
- 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  
Date/s: 02 March 2017  
Attended by: Officials from this Department.
- g) The appeal decision on the 24G administrative fine dated 02 August 2018.

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 **Suidernuus** newspaper on 18 March 2016;
- Letters were sent to I&APs and the municipal ward councillor on 18 March 2016; and
- I&APs were afforded the opportunity to provide comments on the draft and final EIRs.

### **The following organs of state were consulted**

- CapeNature;
- Cape Agulhas Municipality;
- South African Heritage Resources Authority; and
- This Department's Coastal Impact Management and Enforcement directorates;

At the end of the public participation process, comment was received from CapeNature and the Cape Agulhas Municipality.

Cape Agulhas Municipality advised that they have no jurisdiction of roads on the premises.

CapeNature stated that the vegetation type on site is Overberg Dune Strandveld, listed as Least Threatened. The property is located on a mobile dune system and there are no watercourses or wetlands mapped for the site, although there may be minor dune slack wetlands present at a smaller scale. Buildings and surface infrastructure

should not be permitted within mobile dune systems, as it affects the functioning thereof, as well as the issues with accumulation of sand on these structures. CapeNature further stated that the gravel surfacing would not have had as much impact on nutrient status of soils.

However, this has resulted in a hard structure which will affect erosion and deposition dynamics of the mobile dune system. In terms of the road, it is likely to require maintenance due to its location within a mobile dune system which will result in regular inundation with sand. CapeNature recommended that a maintenance management plan be compiled for the road with inputs from a specialist dune ecologist.

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)

This entails the continued use of the existing access track which was upgraded and realigned. This is largely due to the fact that it:

- Largely followed the existing farm track's disturbed footprint;
- Did not result in large scale removal of vegetation;
- Does not require a hardened surface;
- Provides access to all property owners from the nearest point;
- The road is accessible by standard road vehicles.

This alternative is herewith authorised and must be implemented in conjunction with the approved EMPr.

#### Alternative 2

This would entail the construction of a new access road from School Street across Dolas Down Farm, located towards the western portion of the property. This option would impact on areas of the farm which is less disturbed and characterised by dunes and relatively intact sensitive vegetation. This access road would require additional improvements to make it suitable for standard vehicles.

This road would not cross Farm 264/4 and would enable the rehabilitation of the existing access road which crosses this farm. However, the landowner of Farm 264/4 would not be able to access his property any longer if this option is implemented.

### Alternative 3

This would entail the realignment of portions of the existing road where it falls below within/below 100 metres of the high-water mark. This would further transform undisturbed dune and vegetated areas to enable the road construction. This access road would require additional improvements to make it suitable for use by standard vehicles and is thus not the preferred alternative.

## **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 realignment of the existing road partially falls within the rights of the landowner in terms of agricultural zoning, however, where portions of the road fall below the 100m high-water mark, additional approval is required, which is the subject of this EA. The upgrading and realigned road of the farm provides access to those who work and reside on the farm property.

### 3.2. Regional/ Planning Context

The realigned road provides access to an agriculturally zoned property that is situated beyond the urban edge. In terms of the Overberg Spatial Development Framework the property is identified as a core spatial planning area. The upgrading and realigning the exiting track has eliminated the need to transform pristine areas on the farm to accommodate an access road.

### 3.3. Biophysical Impacts

The upgrading and realignment of the farm access road has had a limited impact on the physical aspects of the site where sections deviated from the existing road, crosses dunes and areas within 100m of the high-water mark. Potential soil erosion impacts are possible along sections where the road

traverses dunes. The removal of sand/infilling of stabilisation material was identified as the most significant impact on the receiving environment. The activity however has resulted in the disturbance of a portion of indigenous vegetation (Overberg Dune Strandveld and De Hoop Limestone Fynbos) during the construction phase (less than 300m<sup>2</sup>) found within an area mapped as a terrestrial CBA. The additions of fill material may pose a minimal impact on the erosion and deposition dynamics of the mobile dune system. However, with the implementation of the EMPr these impacts can be mitigated to acceptable levels.

#### 3.4. Visual / Sense of Place

The activity undertaken is in keeping with the surrounding land uses and does not negatively affect the area's sense of place or heritage. The Notice of Intent to Develop indicates that the impact on heritage resources is considered to be low. The road upgrading/realignment was simply an upgrade of an existing road and therefore the visual impact on the receiving environment can be considered to be low.

#### 3.5. Heritage / Archaeological / Built Environment Aspects

A heritage impact assessment which included an archaeological and palaeontological assessment was undertaken for the site. Both studies concluded that the road realignment has not impacted on any of these resources.

### **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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END