



REFERENCE: 16/3/3/5/E4/5/1063/22
NEAS REFERENCE: WCP/EIA/AMEND/0000660/2022
DATE OF ISSUE: 21 NOVEMBER 2022

The Board of Directors
Astral Operations County Fair Food Ltd
P. O. Box 94
EPPINDUST
7475

Attention: Mr. H. Olivier

Tel.: (021) 423 4302
Email: Henning.olivier@countyfair.co.za

Dear Sir

APPLICATION FOR THE PART 1 AMENDMENT OF THE RECORD OF DECISION ("ROD") ISSUED ON 7 DECEMBER 2006 (REFERENCE NO.: E12/2/1-AC1-FARM 575/4, CALEDON) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED UPGRADE OF THE COUNTY FAIR REARING FARM ON PORTION 4 OF FARM NO. 575, CALEDON

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the Record of Decision ("RoD") issued on 7 December 2006 (Reference No.: E12/2/1-AC1-FARM 575/4, CALEDON), attached herewith, together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

Zaahir Toefy
Digitally signed by Zaahir Toefy
Date: 2022.11.21 16:15:13 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) P. Aplon (Overstrand Municipality)
(2) J. Pienaar (Enviro-EAO)

Email: paplon@overstrand.gov.za
Email: johmandie@enviro-eap.co.za



REFERENCE: 16/3/3/5/E4/5/1063/22
NEAS REFERENCE: WCP/EIA/AMEND/0000660/2022
DATE OF ISSUE: 21 NOVEMBER 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR THE PART 1 AMENDMENT OF THE RECORD OF DECISION ("ROD") ISSUED ON 7 DECEMBER 2006 (REFERENCE NO.: E12/2/1-AC1-FARM 575/4, CALEDON) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED UPGRADE OF THE COUNTY FAIR REARING FARM ON PORTION 4 OF FARM NO. 575, CALEDON

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. DECISION

By virtue of the powers conferred on me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), I herewith **grant** the amendment of the Record of Decision ("RoD") issued on 7 December 2006 (Reference No.: E12/2/1-AC1-FARM 575/4, CALEDON) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The RoD is amended as set out below:

1. Title of the RoD

APPLICATION: THE PROPOSED UPGRADE OF THE COUNTY FAIR REARING FARM ON PORTION 4 OF FARM NO. 575, CALEDON

is amended to read:

APPLICATION: THE PROPOSED UPGRADE OF THE COUNTY FAIR LAYING FARM ON PORTION 4 OF FARM NO. 575, CALEDON

2. SECTION A: DESCRIPTION OF ACTIVITY

The proposed project entails the addition of eight chicken laying houses at the County Fair rearing farm on Portion 4 of Farm No. 575, Caledon. The proposed activity will disturb ~12 960m² in relation to the entire size of the site which is 165.7 hectares in extent. The proposed eight additional chicken houses will accommodate ~40 000 chickens. There are three existing boreholes on site; two of which will be used for water extraction, whilst the other will not be utilised for this site. It is proposed to construct three 90m³ dams that will serve as evaporation ponds on site. The dams will hold ~50m³ of water per cycle of 42 weeks. This means that water would have a 42-week period to evaporate from the dams or to be diluted with rainwater.

It is proposed to temporarily store 1000 litres of fuel on the site during construction. An existing 22kVa power supply on site will be extended in order to accommodate the proposed additional chicken houses.

Is amended to read:

The proposed project entails the addition of eight chicken laying houses at the County Fair laying farm on Portion 4 of Farm No. 575, Caledon. The proposed activity will disturb ~12 960m² in relation to the entire size of the site which is 165.7 hectares in extent. The proposed eight additional chicken houses will accommodate ~40 000 chickens. There are three existing boreholes on site; two of which will be used for water extraction, whilst the other will not be utilised for this site. It is proposed to construct three 90m³ dams that will serve as evaporation ponds on site. The dams will hold ~50m³ of water per cycle of 42 weeks. This means that water would have a 42-week period to evaporate from the dams or to be diluted with rainwater.

It is proposed to temporarily store 1000 litres of fuel on the site during construction. An existing 22kVa power supply on site will be extended in order to accommodate the proposed additional chicken houses.

3. SECTION B: LOCATION

The proposed additional chicken houses will be located at the County Fair rearing farm on Portion 4 of Farm No. 575, Caledon.

is amended to read:

The proposed additional chicken houses will be located at the County Fair laying farm on Portion 4 of Farm No. 575, Caledon.

4. SECTION I: BIOPHYSICAL

The proposed activity will take place at an existing chicken rearing farm. The site is situated on a north facing slope, in a fairly narrow valley and about 100m from the Afdakrivier. The proposed site abuts the Main Road (R43). The indigenous vegetation typical of the site is restoid and asteraceous fynbos on a thin layer of sand over clay. The proposed activity is not expected to have significant biophysical impacts as the site is already disturbed.

is amended to read:

The proposed activity will take place at an existing chicken laying farm. The site is situated on a north facing slope, in a fairly narrow valley and about 100m from the Afdakrivier. The proposed site abuts the Main Road (R43). The indigenous vegetation typical of the site is restoid and asteraceous fynbos on a thin layer of sand over clay. The proposed activity is not expected to have significant biophysical impacts as the site is already disturbed.

5. SECTION J: DURATION AND DATE OF EXPIRY

The authorisation shall lapse if the activity does not commence **within two (2)** years of the date of issue of this authorisation.

is amended to read:

The holder must conclude with the listed activities within a period of five (5) years, from the date of this Amended Environmental Authorisation.

6. G: CONDITIONS OF AUHROISATION

The addition of the following conditions:

Condition 13:

Any changes to, or deviations from the scope of the alternative described in Section A 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.

Condition 14:

The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.

Condition 15:

The appointed Environmental Control Officer ("ECO") must conduct monthly monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within one month of the construction phase being completed.

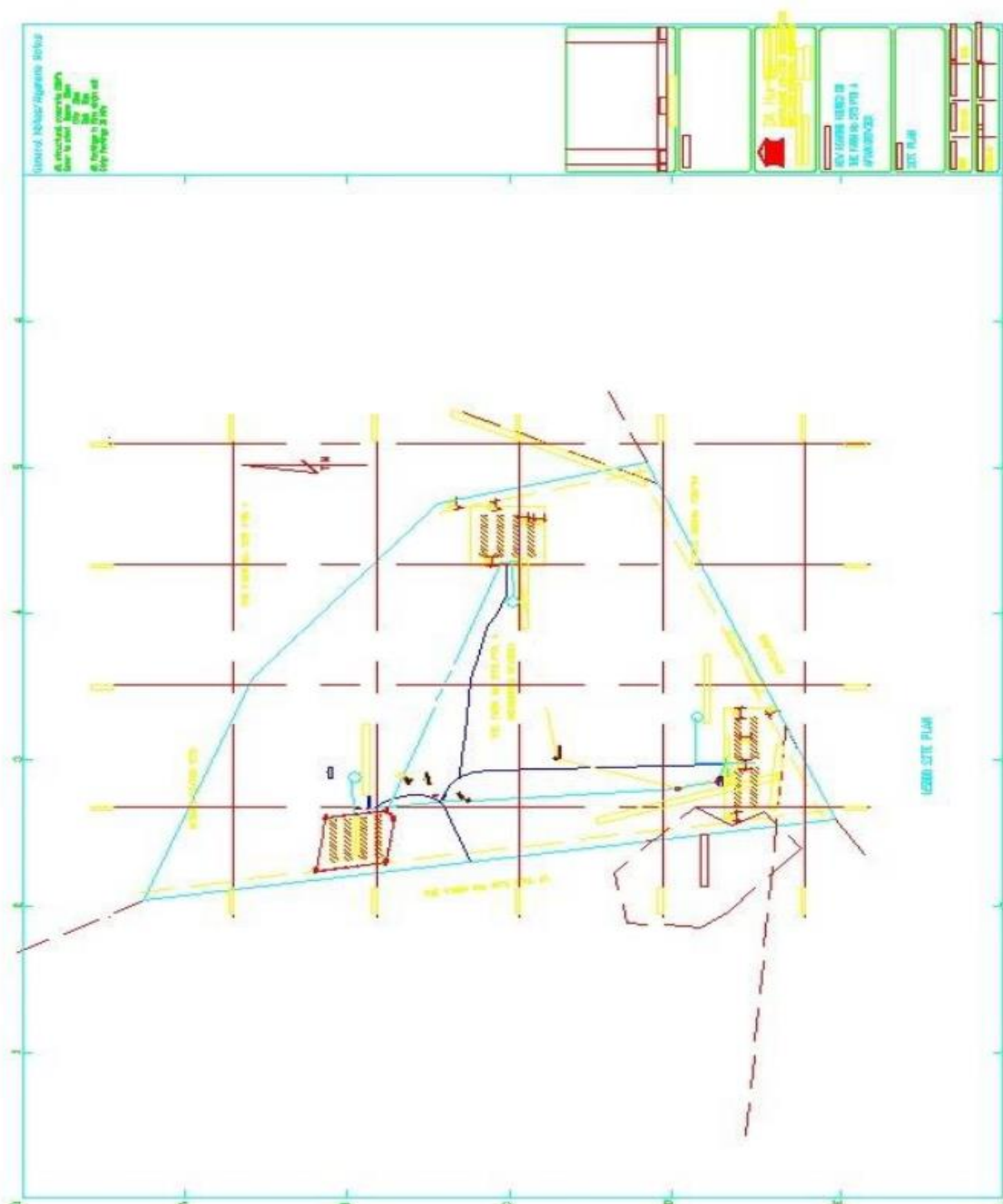
Condition 16:

In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person that is not the ECO referred to in Condition 14 or the EAP and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

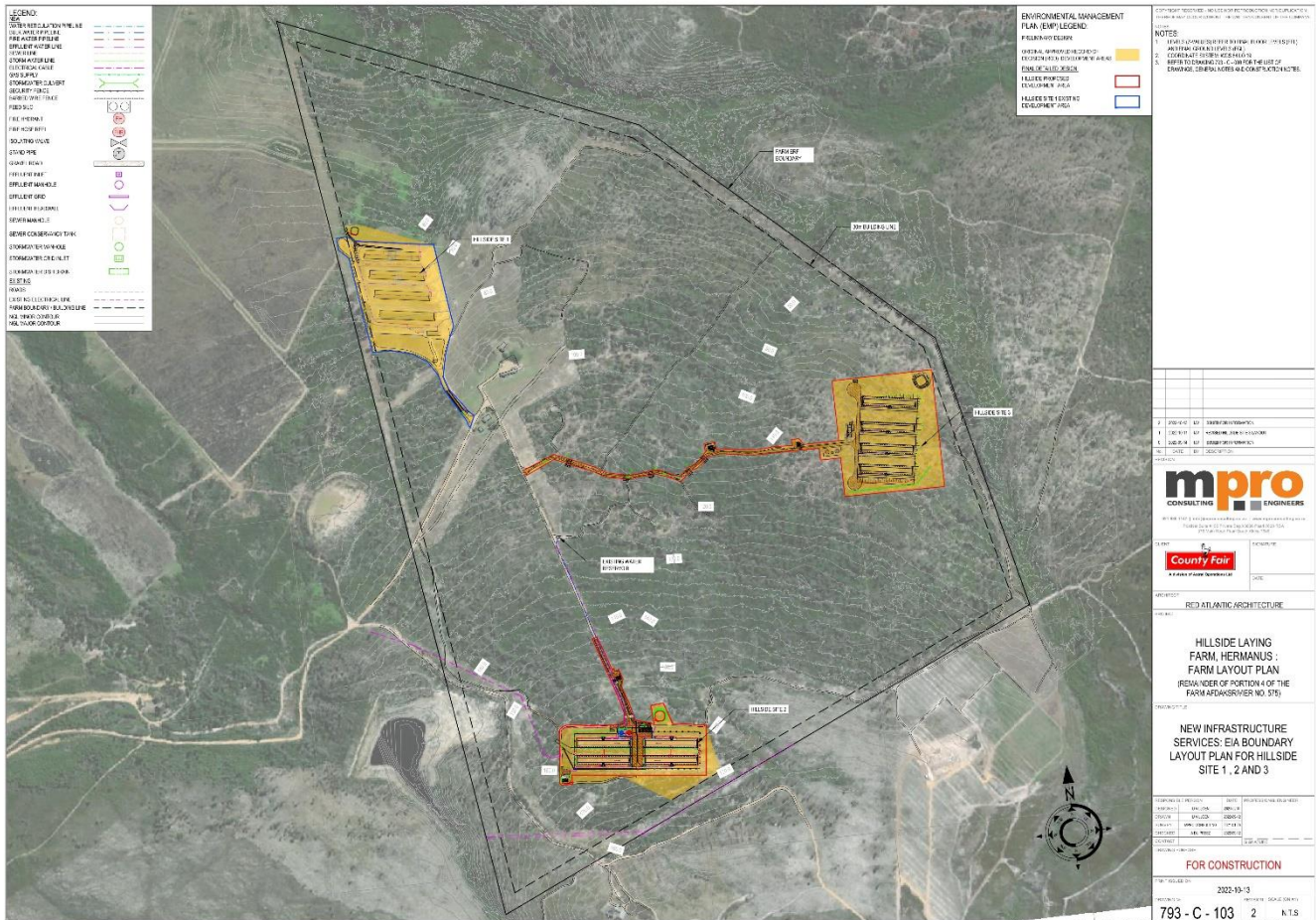
Environmental Audit Reports must be submitted to the Competent Authority during the construction phase. Environmental Audit Reports must be submitted annually after the commencement of construction activities and the last construction Environmental Audit Report must be submitted within three months after completion of construction.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

7. The Site Development Plan ("SDP") on Page 9:



is replaced with:



B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The amendment applied for is in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) and will not change the scope of the RoD issued on 7 December 2006.
2. The amendment does not trigger any new listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for Environmental Authorisation.
4. The proposed amendment to the title of the RoD will be aligned with the approved development (chicken laying houses) and the replacement of the SDP provides a distinct depiction of the development.
5. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.

C. CONDITIONS

1. All other conditions contained in the RoD issued on 7 December 2006 (Attached as Annexure A), remain unchanged and in force.

D. 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 of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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

E. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs –
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the 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. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

F. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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.

Your interest in the future of our environment is appreciated.

Yours faithfully

Zaahir
Toefy

Digitally signed by
Zaahir Toefy
Date: 2022.11.21
16:16:25 +02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 21 NOVEMBER 2022

CC: (1) P. Aplon (Overstrand Municipality)
(2) J. Pienaar (Enviro-EAO)

Email: paplon@overstrand.gov.za
Email: johmandie@enviro-eap.co.za

ANNEXURE A
RECORD OF DECISION ISSUED ON 7 DECEMBER 2006

Verwysing
Reference
Isalathiso E 12/2/1-AC1-FARM 575/4, CALEDON

Navraë
Enquiries
Imibuzo NAMHLA DONDI

Datum
Date
Umhla Of Issue

2006-12-07

Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISebe leMicimbi yeNdaio esiNgqongileyo noCwangciso loPhuhliso



The Board of Directors
Astral Operations- County Fair Foods Ltd
P O Box 94
EPPINDUST
7475

Attention: Mr Willie Strydom

Tel: (021) 884 3013
Fax: (021) 884 4027

Dear Sir

APPLICATION: THE PROPOSED UPGRADE OF THE COUNTY FAIR REARING FARM ON PORTION 4 OF FARM NO. 575, CALEDON

With reference to your application, find below the Record of Decision in respect of this application.

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The proposed project entails the addition of eight chicken laying houses at the County Fair rearing farm on Portion 4 of Farm No. 575, Caledon. The proposed activity will disturb ~ 12 960m² in relation to the entire size of the site which is 165.7 hectares in extent. The proposed eight additional chicken houses will accommodate ~40 000 chickens. There are three existing boreholes on site; two of which will be used for water extraction, whilst the other will not be utilised for this site. It is proposed to construct three 90m³ dams that will serve as evaporation ponds on site. The dams will hold ~50m³ of water per cycle of 42 weeks. This means that water would have a 42-week period to evaporate from the dams or to be diluted with rainwater.

It is proposed to temporarily store 1000 litres of fuel on site during construction. An existing 11kVa power supply on site will be extended in order to accommodate the proposed additional chicken houses.

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

Utiliteitsgebou, Dorpsstraat 1
Privaatsak X9086 Kaapstad 8000

Utilitas Building, 1 Dorp Street
Private Bag X9086 Cape Town 8000

Tel No: (021) 483 3185/2786
Fax No: (021) 483 4372
E-mail: nvdondi@ppwe.gov.za

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

Item 1(c) The construction, erection or upgrading of with regard to any substance which is dangerous or hazardous and is controlled by national legislation-

- (i) infrastructure, excluding road and rails, for the transportation of any such substance; and
- (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance; and

Item 3 The concentration of livestock, aquatic organisms, poultry and game in a confined structure for the purpose of commercial production, including aquaculture and mariculture;

hereinafter referred to as "the activity".

B. LOCATION:

The proposed additional chicken houses will be located at the County Fair rearing farm on Portion 4 of Farm No. 575, Caledon.

The co-ordinates are: 34° 22' 35" South
 19° 10' 10" East;

hereinafter referred to as "the site".

C. APPLICANT:

Astral Operations County Fair Foods Ltd.
% Mr Willie Strydom
PO Box 94
EPPINDUST
7475
Tel.: (021) 884 3013
Fax: (021) 884 4027

D. CONSULTANT:

Enviro Dinamik
% Mr Dupré Lombaard
PO Box 2470
DURBANVILLE
7551
Tel.: (021) 976 0739
Fax: (021) 975 8630

E. SITE VISIT(S):

No site visits were conducted.

F. DECISION:

In terms of Section 28A and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Applicant is hereby exempted by the relevant authority (as defined in GN No R1183 of 5 September 1997, as amended), from:

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

- (a) Providing a description of all alternatives identified in terms of Regulation 6(1)(d) GN No. R1183, dated 5 September 1997, as amended.

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No R1183 of 5 September 1997, as amended) hereby grants **authorisation with the conditions** contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires. In the case of an appeal being submitted to the competent authority, the effect of this Record of Decision will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region B), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1 and 7, & 9.
3. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
4. No surface or groundwater may be polluted due to any activity on the property/site. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
5. The fuel storage tanks must be bunded (110% of the proposed tank's capacity) to contain any possible spills and to prevent any infiltration of fuel into the ground.
6. The roof tops of the chicken houses must be painted a suitable colour to minimise any potential visual impact. Suitable trees and vegetation must be retained on the farm and between individual farms (sets of five houses).
7. A construction phase Environmental Management Plan (EMP) must be compiled and submitted to this Department for approval. The EMP must address but not be limited to the following:
 - 7.1 No-go areas must be clearly demarcated in view of the adjacent conservation areas. A botanical specialist must be consulted for input

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

during the compilation of the EMP and the EMP must be submitted to CapeNature for their comment prior to submission to the Department.

- 8. An operational phase Environmental Management Plan (EMP) must be compiled and submitted to this Department for approval. The EMP must address but not be limited to the following:
 - 8.1 Borehole monitoring equipment must be installed at each borehole to determine the long term effect on the boreholes.
 - 8.2 A Water Management System must be adopted to channel all run off from the chicken houses into the three 90m² wash water retention dams on the property.
 - 8.3 Measures must be applied to ensure that no odours or fly breeding occur as result of operation of the chicken farm, as well as the storage, transport and disposal of manure.
 - 8.4 Identify a safe area where dead chickens will be stored before being removed to a permitted landfill site.
 - 8.5 Each chicken farm of five chicken houses must be connected to the retention dams on the property and no runoff from the farm must be permitted to flow past the dams into the veld or surrounding area.
 - 8.6 The EMP must also clearly define the firebreak control measures as stipulated by CapeNature in the letter dated 18 August 2006.
- 9. The applicant must, **within five calendar days** of the date of issue of this Record of Decision:
 - Inform the relevant local authority as well as all interested and affected parties, ("I & AP's") registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;
 - Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, which reads as follows:
 - 1. An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - 2. An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them, which are certified as true by a commissioner of oaths.
 - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
 - Inform all I & AP's that a signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3721, email jedevill@pqwc.gov.za or URL <http://www.capegateway.gov.za/eadp> must accompany the appeal;

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

- If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.
10. The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
 11. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
 12. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

H. RECOMMENDATIONS:
None.

- I. KEY FACTORS AFFECTING THE DECISION:**
Sufficient information was submitted by the applicant for the relevant authority to deem the Scoping Checklist and additional information to fulfil the requirements of a scoping report as prescribed by Regulation 6 of GN No. R1183 of 5 September 1997, (as amended), in order to consider the application.

Applicant's motivation for exemption

The applicant applied for and is exempted from providing a description of all alternatives identified in terms of Regulation 6(1)(d) GN No. R1183, dated 5 September 1997, as amended. The exemption can be granted based on the following:

- The proposed development is an upgrade of an existing chicken farm with existing infrastructure.
- The site has been cleared and maintained for the construction of additional chicken houses.

Biophysical

The proposed activity will take place at an existing chicken rearing farm. The site is situated on a north facing slope, in a fairly narrow valley and about 100m from the Afdakerivier. The proposed site abuts the Main Road (R43). The indigenous vegetation typical of the site is restioid and asteraceous fynbos on a thin layer of sand over clay. The proposed activity is not expected to have significant biophysical impacts as the site is already disturbed.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

Visual

The proposed activity will have a potential visual impact due to the site's visibility. However, visibility will be restricted by the trees that surround the site and the roof tops be painted a suitable colour to blend with the surrounding environment.

Socio-economic

As result of poor soil conditions in the area, there is low agricultural potential for perennial crops and medium value for cash crops such as vegetables. The proposed development is near a similar chicken rearing farm. Contractor based jobs will be created during the construction period, which may possibly benefit the local residents from the informal settlement in Stanford, located 2.5km north of the site.

Public Participation

The public participation process included notification of the proposed activity to surrounding landowners, parastatals and various government departments, namely:

- CapeNature;
- Department of Water Affairs and Forestry (DWAF);
- The Overstrand Municipality;
- Overstrand Municipality;
- Department of Health;
- Department of Agriculture; and
- Heritage Western Cape.

CapeNature raised concerns regarding the natural vegetation (fynbos system) on the property and fire break control measures. It was recommended that a construction and operational management plan of the site be compiled with the necessary input from a botanist. The DWAF stipulated conditions with regard to possible contamination of above and underground water resources. A Water Quality Management Report dated April 2006 was compiled by MJ Theron of Mynhardt Theron Consultancies and submitted to the DWAF for comment. All the conditions and recommendations made by CapeNature and the DWAF have been incorporated as conditions into this Record of Decision.

No comments were received from Heritage Western Cape or the neighbouring landowners.

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence **within two (2) years** of the date of issue of this authorisation.

K. APPEAL:

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals **must be directed within thirty (30) days** of the date of the issuing of this Record of Decision, to:

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

Provincial Minister for Environment, Planning and Economic Development
Private Bag X9186
CAPE TOWN
8000
Fax: (021) 483 4174

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.

A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3721, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp> must accompany the appeal.

In terms of section 28A(4) of the aforesaid Act, the Minister or competent authority may in writing withdraw the exemption concerned or at his discretion determine new conditions, if any condition stipulated in the exemption granted is not being complied with. Furthermore section 28A(5) states that the Minister or a competent authority, as the case may be, may from time to time review any exemption granted or condition determined, and if he deems it necessary, withdraw such exemption or delete or amend such condition.

If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

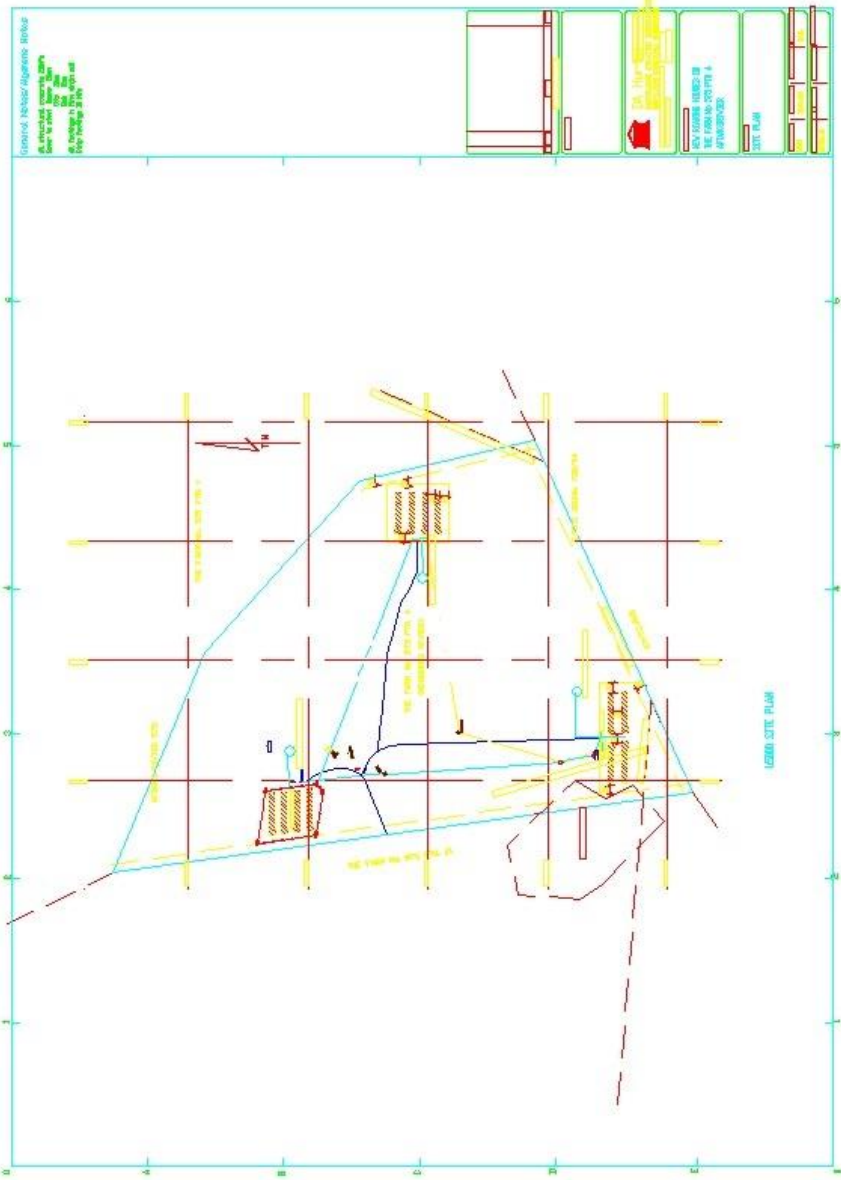


**ANTHONY BARNES
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION B)**

DATE OF DECISION: 7/12/2006

Copies to: (1) Mr Riaan Kuchar (Overstrand Municipality)
(2) Mr Dupré Lombaard (Enviro Dinamik)
(3) Mr J Rossouw (DWAF)
(4) Ms Verna Dowie (GepcoNature)

Fax: (028) 313 8128
Fax: (021) 076 8630
Fax: (021) 050 7224
Fax: (021) 866 1523



LEGEND SITE PLAN

Legend: Miscellaneous: Building

- 1.00' - 2.00' - 3.00' - 4.00' - 5.00' - 6.00' - 7.00' - 8.00' - 9.00' - 10.00'
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