



REFERENCE NUMBER: 16/3/3/1/A1/20/3008/23
NEAS REFERENCE NUMBER: WCP/EIA/0001235/2023
DATE: 29 August 2023

The Director
Fabio Chains (Pty) Ltd
Unit 1, Longclaw Business Park
MONTAGUE GARDENS
7441

Attention: Mr. B. Katz

Tel: (021) 555 0611

Email: baruch@fabioschains.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED REPLACEMENT AND INSTALLATION OF REFINERY EQUIPMENT AT FABIO CHAINS (PTY) LTD LOCATED WITHIN LONGCLAW BUSINESS PARK, ERF 34103, MONTAGUE GARDENS.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Ms. S. Warnich-Stemmet (City of Cape Town: ERM)
(2) Ms. C. Taylor (Marang Environmental and Associates (Pty) Ltd)

Email: Sonja.WarnichStemmet@capetown.gov.za

Email: claire.taylor@maranggroup.co.za



REFERENCE NUMBER: 16/3/3/1/A1/20/3008/23

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED REPLACEMENT AND INSTALLATION OF REFINERY EQUIPMENT AT FABIO CHAINS (PTY) LTD LOCATED WITHIN LONGCLAW BUSINESS PARK, ERF 34103, MONTAGUE GARDENS.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR") dated 12 May 2023.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
Mr. B. Katz
Fabio Chains (Pty) Ltd
Unit 1, Longclaw Business Park
MONTAGUE GARDENS
7441

Tel: (021) 555 0611
Email: baruch@fabioschains.com

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

B. AUTHORISED ACTIVITIES

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 34 Activity Description:</p> <p><i>The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution, excluding—</i></p> <p>(i) <i>where the facility, infrastructure, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies;</i></p> <p>(ii) <i>the expansion of existing facilities or infrastructure for the treatment of effluent, wastewater, polluted water or sewage where the capacity will be increased by less than 15 000 cubic metres per day; or</i></p> <p>(iii) <i>the expansion is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will be increased by 50 cubic meters or less per day.</i></p>	<p>The proposed expansion to the existing facility entails the replacement of an existing 10kg furnace with a 40kg furnace and the installation of a 12kg electrolyte refining machine, which requires an amendment to the current Atmospheric Emissions Licence in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).</p>

The abovementioned list is hereinafter referred to as “**the listed activity**”.

The holder is herein authorised to undertake the following alternative that includes the listed activity relating to the development:

The existing Fabio Chains facility obtained an Environmental Authorisation (Ref. No. 16/3/3/2/A1/20/3010/20) for the refining of precious metals. The existing refinery operations consist of a refining room, a melting room, a spare room, an acid treatment room and a limited access acid storage room. Three electric furnaces, each with a different design capacity namely, 2kg, 10kg and 80kg are used during the melting process.

The proposed development entails the removal and replacement of the existing 10kg furnace, which is currently non-operational, with a new 40kg electric induction furnace; and the installation of a 12kg electrolytic refining machine to further refine silver recovered from the current refining process into a purer form. The installation and replacement of the furnace and installation of the electrolytic refining machine will occur within the existing facility and no expansion to the developed footprint will occur.

Electricity and water are provided by the City of Cape Town and no additional services are required. LPG will continue to be used for heating and moulding purposes.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take place on Erf 34103, Montague Gardens.

The 21-digit Surveyor General codes are:

Erf 34103, Montague Gardens	C01600340003410300000
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The central co-ordinate for the proposed development is:

Middle (Point) of facility	33° 51' 59.20" South	18° 30' 43.87" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Floor Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Marang Environmental and Associates (Pty) Ltd
c/o Ms. C. Taylor
P. O. Box 1369
Bromhof
Randpark Ridge
RANDBURG
2156

Tel: (011) 792 0880

E-mail: claire.taylor@maranggroup.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated March 2023 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and
 - b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity during which period the authorised listed activity for the construction phase, must be concluded.
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 description set out in Section B and Condition 2 above must be 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 such 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.

Written notice to the Competent Authority

5. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 10.

Notification and administration of appeal

6. The holder must in writing, within fourteen (14) 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 Appeal Regulations, 2014 (as amended) detailed in Section F below;
 - 6.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4. Provide the registered I&APs with:
 - 6.4.1. The name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2. The name of the responsible person for this Environmental Authorisation,
 - 6.4.3. The postal address of the holder,

- 6.4.4. The telephonic and fax details of the holder,
 - 6.4.5. The 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 (as amended).
7. The listed activity, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. 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 i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activities

- 8. The draft Environmental Management Programme ("EMPr") (compiled by Marang Environmental and Associates (Pty) Ltd, dated May 2023) 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.

Monitoring

- 10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of the installation activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
- 11. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities thereafter it must be kept at the office of the holder and must be made available to any authorised person on request.
- 12. Access to the site referred to in Section C above 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.

Auditing

- 13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), 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. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 13.1. The holder must undertake an environmental audit within three (3) months of the commencement of the installation of the infrastructure and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of the environmental audit.
 - 13.2. An Environmental Audit Report must be submitted to the Competent Authority one (1) year after the commencement of the operational phase. Thereafter, an Environmental Audit Report must be submitted to the Competent Authority every five (5) years for the duration of the operational phase.

- 13.3. The holder must, within seven (7) days of the submission of the Environmental Audit Reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to any I&APs upon request.

Specific conditions

14. The recommendations of the Air Quality Impact Assessment (compiled by Marang Environmental and Associates (Pty) Ltd and dated September 2022), as included in the EMPr, must be implemented.
15. The adjacent neighbours must be notified of the installation activities two weeks prior to the commencement of installation activities. Proof of the notification must be kept for record purposes and must be included in the Environmental Audit Reports to be undertaken.
16. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2 this Environmental Authorisation shall lapse for the activity, 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 in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted 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 NEMA 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.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. 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 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: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: 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>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, 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.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 29 AUGUST 2023

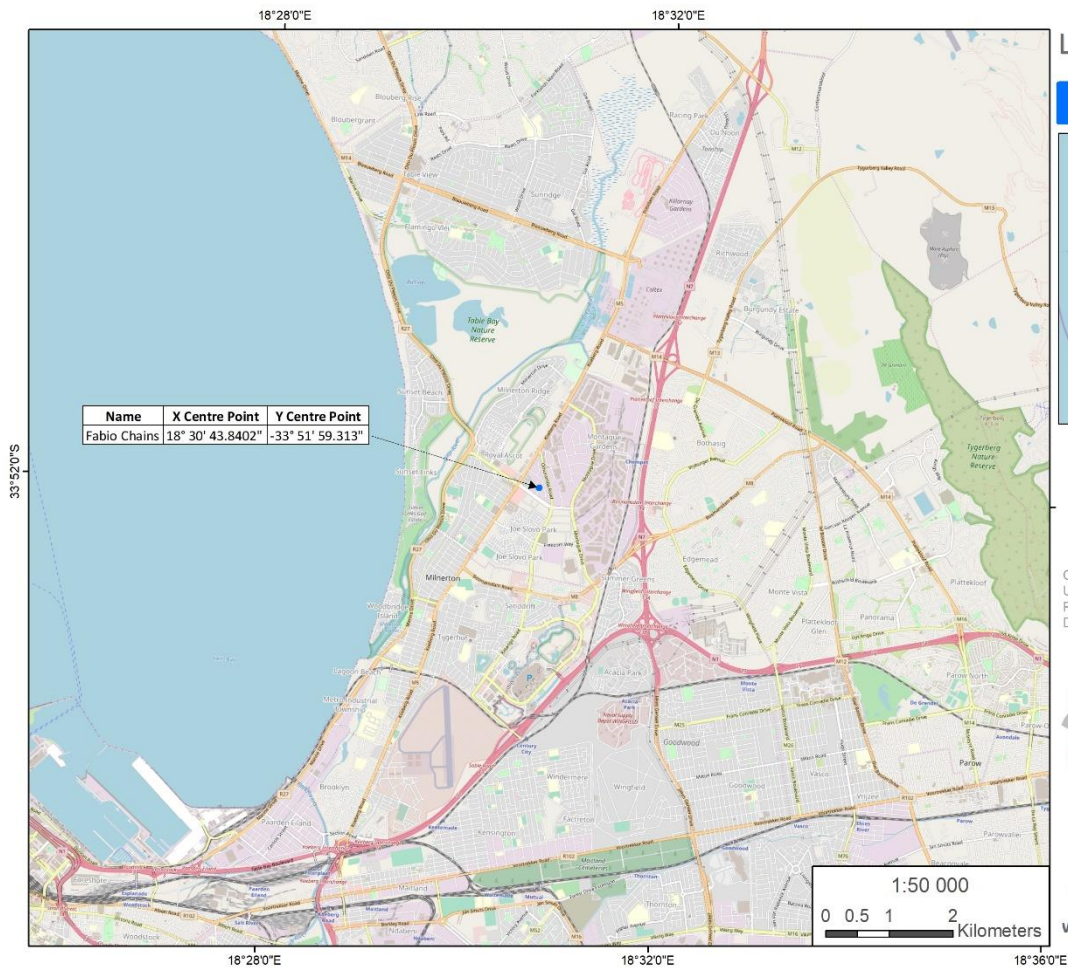
Copies to: (1) Ms. S. Warnich-Stemmet (City of Cape Town: ERM)

(2) Ms. C. Taylor (Marang Environmental and Associates (Pty) Ltd)

Email: Sonja.WarnichStemmet@capetown.gov.za

Email: claire.taylor@maranggroup.co.za

ANNEXURE 1: LOCALITY MAP



Name	X Centre Point	Y Centre Point
Fabio Chains	18° 30' 43.8402"	-33° 51' 59.313"

Legend

 Fabio Chains Refinery Plant



Coordinate System: WGS 1984
 UTM Zone 33S
 Projection: Transverse Mercator
 Datum: WGS 1984



ANNEXURE 2: FLOOR PLAN



floor plan

Unit: mm

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, *inter alia*, the following into consideration:

- a) The information contained in the Application Form dated 23 February 2023 and received by the Competent Authority on 23 February 2023 and the BAR and EMPr dated May 2023 and received by the Competent Authority on 12 May 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated May 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measure; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board to the entrance of the site on 12 January 2022;
- the placing of a newspaper advertisement in the Daily sun newspaper on 13 October 2022 and in the Table Talk newspaper on 09 November 2022;
- giving written notice to I&APs and Organs of State having jurisdiction in respect of any aspect of the listed activity on 09 November 2022 and 23 February 2023; and
- making the draft BAR available to I&APs for public review for a period of 30 days from 23 February 2023.

The concerns raised by I&APs were responded to and addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

2. Alternatives

No feasible or reasonable site alternatives were considered for the proposed expansion due to the fact that the proposed expansion is for the replacement of the furnace and the installation of a refining unit within the existing building. In terms of technology alternatives, the furnace proposed to be installed is believed to be the best technology available for this type of refining to provide the purest form of silver possible. The Preferred Alternative and the "No-go" Alternative was therefore assessed as follows:

The Preferred Alternative (herewith authorised)

The existing Fabio Chains facility obtained an Environmental Authorisation (Ref. No. 16/3/3/2/A1/20/3010/20) for the refining of precious metals. The existing refinery operations consist of a refining room, a melting room, a spare room, an acid treatment room and a limited access acid storage room. Three electric furnaces, each with a different design capacity namely, 2kg, 10kg and 80kg are used during the melting process.

The proposed development entails the removal and replacement of the existing 10kg furnace, which is currently non-operational, with a new 40kg electric induction furnace; and the installation of a 12kg electrolytic refining machine to further refine silver recovered from the current refining process into a purer form. The installation and replacement of the furnace and installation of the electrolytic refining machine will occur within the existing facility and no expansion to the developed footprint will occur.

Electricity and water are provided by the City of Cape Town and no additional services are required. LPG will continue to be used for heating and moulding purposes.

"No-Go" Alternative

The "no-go" alternative implies that the "status quo" would remain. This alternative is not preferred as it reduces the potential for the refining processes to be performed more optimally. This alternative could potentially result in additional environmental air quality impacts on the receiving environment and there would be no benefits to the local economy and affected communities. Given that the proposed development will not result in unacceptable environmental impacts, the No-Go alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Need and Desirability and Planning Context

An Environmental Authorisation (Ref. No. 16/3/3/2/A1/20/3010/20) was granted by this Department on 30 October 2020 for the establishment of the existing facility on Erf 34103, Montague Gardens. The site is currently zoned Mixed-Use 1 and will require a rezoning application in terms of the relevant planning legislation and policies applicable to the area. The proposed expansion maximises the use of existing infrastructure and facilities, which is in line with the Western Cape Spatial Development Framework. The proposed expansion will ensure that the existing refining process will be streamlined and improve the stack emissions associated with the development. The improved refining process will result in a purer form of silver, which will allow the products being available to both the domestic and international export.

Further, the proposed development is in line with City of Cape Town's Municipal Spatial Development Framework (MSDF) due to the existing facility being located within a "Medium-term Potential of Business Nodes" with an identified "Commercial Growth" (City of Cape Town, 2018) and supports the City of Cape Town's ability to sustain job creation and economic growth within these medium-term nodes. No additional municipal services will be required as a result of the proposed expansion.

3.2. Air Quality Impacts

An Air Quality Impact Assessment (compiled by Marang Environmental and Associates (Pty) Ltd and dated September 2022) was undertaken to determine the potential air quality impacts associated with the proposed expansion. The Air Quality Impact Assessment consisted of an emissions inventory and subsequent dispersion modelling simulations to determine PM10, PM2.5, NO2, SO2, chlorine (CL2), hydrogen chloride (HCL), hydrogen fluoride (HF) and ammonia (NH3) concentrations associated with current activities during the operational phase of the plant. Comparison of the modelled concentrations for PM10, PM2.5, SO2 and NO2 was made with the South African Ambient Air Quality Standards to determine compliance.

As there are no South African Air Quality Standards for CL₂, HCL, HF and NH₃, comparison of the modelled concentrations was made with the Alberta International Air Quality Guidelines to determine compliance. The study indicated that the predicted maximum incremental concentrations associated with operations at the proposed refinery plant are predicted to be low, with no exceedances of the South African National Ambient Air Quality Standards observed for PM₁₀, PM_{2.5}, NO₂ and SO₂ and Alberta Air Quality Guidelines (for CL₂, HCL, HF and NH₃), with no exceedances observed. The modelling system further revealed negligible changes to predicted concentrations for difference stack dimensions. The specialists' recommendations have been included in the EMPr.

The requirements of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) will be complied with.

3.3. Noise Impacts

The potential noise impacts are anticipated to be negligible. Noise mitigation measures have been included in the EMPr.

3.4. Traffic Impacts

The proposed expansion is not expected to significantly impact on the existing traffic in the area.

3.5. Services

No additional municipal services will be required as a result of the proposed expansion.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential air quality impacts.

Positive impacts include:

- Maximum use of the existing facility for the installation of the equipment for the refining process;
- Economic gain for the local market and the applicant;
- Improved quality of silver produced; and
- Some employment opportunities.

4. National Environmental Management Act 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.

5. Conclusion

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 proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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