



REFERENCE: 16/3/3/1/B5/14/1051/22
NEAS REFERENCE: WCP/EIA/0001148/2022
DATE OF ISSUE: 13 FEBRUARY 2023

The Board of Directors
Lumbri Compost (Pty) Ltd
P.O Box 236
CERES
6835

Attention: T. Vorster

Cell: 073 084 1886
Email: tiaan.v@zz2.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED DEVELOPMENT AND OPERATION OF AN ORGANIC COMPOST PLANT ON THE REMAINDER OF THE FARM LEEUW RIVIER 240, TULBAGH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment 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 summarized in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) H. Botha (GroenbergEnviro (Pty) Ltd) Email: helene@groenbergenviro.co.za
(2) H. Taljaard (Witzenberg Municipality) Email: htaljaard@witzenberg.gov.za
(3) A. Duffel-Canham (CapeNature) Email: aduffel-canham@capenature.co.za
(4) C. van der Walt (Department of Agriculture) Email: cor.vanderwalt@westerncape.gov.za
(5) A. Makhosonke (Department of Water and Sanitation) Email: makhosonkea@dws.gov.za



REFERENCE: 16/3/3/1/B5/14/1051/22
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED DEVELOPMENT AND OPERATION OF AN ORGANIC COMPOST PLANT ON THE REMAINDER OF THE FARM LEEUW RIVIER 240, TULBAGH

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 activities specified in Section B below with respect to the Alternative A, described in the Basic Assessment Report ("BAR"), dated October 2022.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Lumbri Compost (Pty) Ltd

% T. Vorster

P.O Box 236

CERES

6835

Cell: 073 084 1886

Email: tiaan.v@zz2.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 27: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. 	<p>The development entails the clearing of more 1ha of indigenous vegetation.</p>
<p>Activity Number 28 Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The proposal entails the development of a composting facility, which will cover an area of approximately 19,8ha. The end product will be sold commercially.</p>
<p>EIA Regulations Listing Notice 3 of 2014: Activity Number 12: The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <ul style="list-style-type: none"> i. Western Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal 	<p>The proposed compost plant will require the removal of more than 300m² of endangered indigenous vegetation.</p>

<p>will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the development in respect of the following alternative:

The development will include the following:

- Clearance of a maximum of 19.8ha of indigenous vegetation for compost processing and the construction of a 30m long service road;
- A Site Office in a temporary container structure;
- Septic tanks will be used to store sewerage effluent and will be emptied by a service provider;
- A 160mm pipeline from the borehole to a corrugated zinc (or similar material) dam and pump station; and
- Stormwater infrastructure which includes two small storm water retention ponds with a capacity of 1000m³ each. These retention ponds will prevent potential erosion outside the property boundary over the medium-term and will form part of the Preferred Alternative area. Over the long-term, a larger retention pond will be constructed on the North-Western corner of the preferred development area, to capture all stormwater run-off for the entire 19,8ha development area. The retention pond will be constructed at the low point of the property, to ensure that any potential run-off from the composting area will be collected before exiting the property boundary.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on the Remainder of Farm No. 240, Tulbagh, at the following co-ordinates:

Latitude (S)			Longitude (E)		
33°	20'	28.81"	19°	09'	31.29"

The SG digit code is: C07500000000024000000

Refer to Annexure 1: Locality Map and Annexure 2: Site Development Plan.

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

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

GroenbergEnviro (Pty) Ltd
% H. Botha
P.O. Box 1058
WELLINGTON
7654

Cell: 079 111 7378
Email: helene@groenbergenviro.co.za

E. Conditions of authorisation

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, the Alternative A, described in the BAR, dated October 2022, at the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities 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 activities.
 - (b) A period of 10 years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities 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 alternative described in Section B 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.

Written notice to the Competent Authority

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 5.1 make clear reference to the site details and EIA Reference number given above; and
 - 5.2 include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10 and 11

Notification and administration of 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 (as amended) detailed in Section G 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 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 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 2014 National Appeals Regulations (as amended).
7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant 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 activities, including site preparation, must not commence until the appeal is decided.

Management of activity

8. The draft Environmental Management Programme (“EMPr”) 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.
10. A Stormwater Management Plan must be submitted to the Witzenberg Municipality for approval. The approved Stormwater Management Plan must be submitted to this Department prior to the commencement of site preparation activities on the site.

Monitoring

11. 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.
12. The ECO must conduct one site visit prior to the commencement of construction and site clearance activities. Monthly monitoring inspections must be undertaken during the construction phase. Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority every second month for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within one month of construction having been completed.
13. 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.
14. Access to the site referred to in Section C 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

15. 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 10 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. The first Environmental Audit Report must be submitted three months after the commencement of construction activities and every six (6) months thereafter. A final Environmental Audit Report must be submitted within three months of the construction phase having been completed.

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).

Specific Conditions

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or

antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. 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.

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 activities.
2. Non-compliance with a 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 activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity/ies, 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. 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.

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 (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 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>.

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 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

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 13 FEBRUARY 2023

CC: (1) H. Botha (GroenbergEnviro (Pty) Ltd)
(2) H. Taljaard (Witzenberg Municipality)
(3) A. Duffel-Canham (CapeNature)
(4) C. van der Walt (Department of Agriculture)
(5) A. Makhosonke (Department of Water and Sanitation)

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Email: makhosonkea@dws.gov.za

ANNEXURE 1: LOCALITY MAP

Re/240

Legend



Map Center: Lon: 19°8'42.6"E
Lat: 33°19'7.9"S

Scale: 1:72 224

Date created: January 27, 2023



Figure 1: Location of the proposed development.

ANNEXURE 2: SITE DEVELOPMENT PLAN

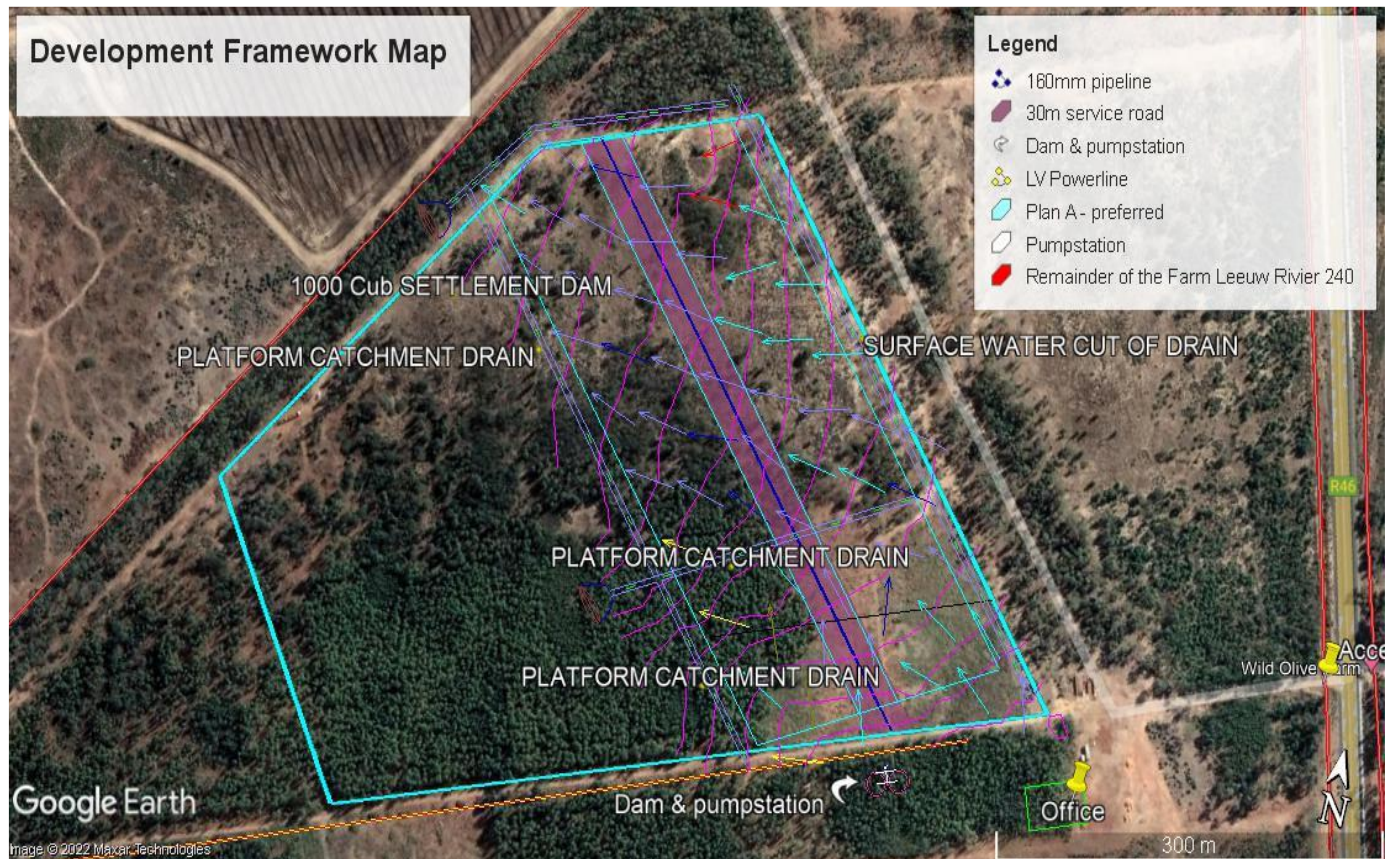


Figure 2: Site development plan for the proposed development.

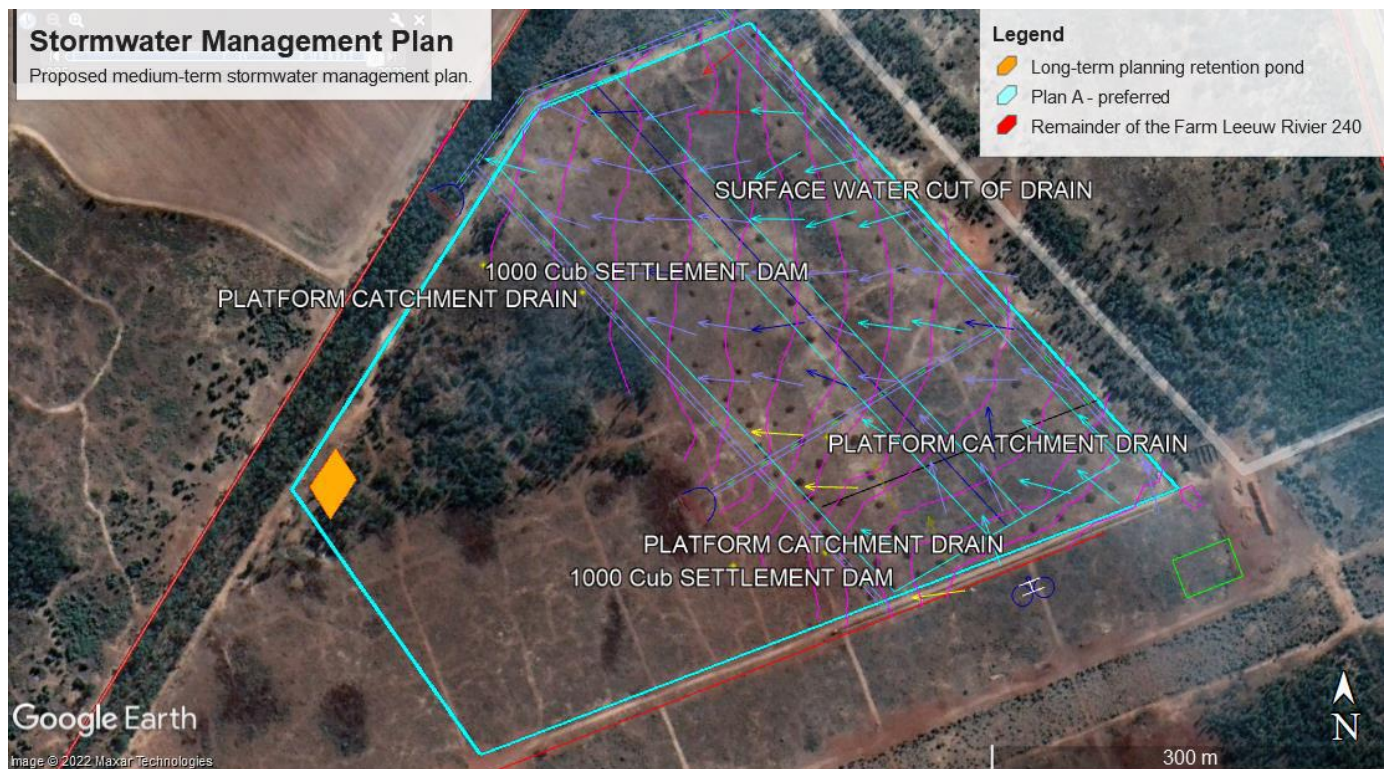


Figure 3: Proposed medium-term stormwater management plan

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 26 June 2022, the final BAR dated October 2022 and the EMPr submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated October 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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 during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant 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 at a location within and around the area where the listed activities are to be undertaken on 18 August 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 18 August 2022;
- the placing of a newspaper advertisement in the 'Witzenberg Herald' on 19 August 2022; and
- making the in-process draft BAR available for comment from 19 August 2022.

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 alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

The proposed development entails the establishment of a compost facility. The alternatives assessed as part of this application relate to different layouts and the "no-go" alternative, and are discussed below.

Layout Alternative 1 (Herewith Authorised)

This alternative will include the following:

- Clearance of a maximum of 19.8ha of indigenous vegetation for compost processing and the construction of a 30m long service road;
- A Site Office in a temporary container structure;
- Septic tanks will be used to store sewerage effluent and will be emptied by a service provider;
- A 160mm pipeline from the borehole to a corrugated zinc (or similar material) dam and pump station; and
- Stormwater infrastructure which includes two small storm water retention ponds with a capacity of 1000m³ each. These retention ponds will prevent potential erosion outside the property boundary over the medium-term and will form part of the Preferred Alternative area. Over the long-term, a larger retention pond will be constructed on the North-Western corner of the preferred development area, to capture all stormwater run-off for the entire 19,8ha development area. The retention pond will be constructed at the low point of the property, to ensure that any potential run-off from the composting area will be collected before exiting the property boundary.

This alternative is preferred for the following reasons:

- The applicant will be able to operate an economically viable development that will secure income for the company and retain job opportunities, after the relocation from the current facility.
- This alternative will be able to produce more organic compost when compared to Alternative 2. This in turn will also ensure that the facility is financially viable.
- This alternative will provide more employment opportunities than Alternative 2.
- This alternative will have a higher contribution to the economy compared to Alternative 2.
- Stormwater management will be minimised, as stacks will not be watered during wet periods and only when additional moisture is necessary.
- The facility is situated between 500 m to 1 000m away from a watercourse, located to the north-east and south of the development area.

Layout Alternative 2

This alternative will include the following:

- Clearance of a maximum of 10.3ha of indigenous vegetation for compost processing and the construction of a 30m wide service road,
- Site Office and ablution facilities in a temporary container structure,
- Two retention dams and pump station, temporary in nature, and
- A 160mm pipeline from the borehole to the temporary dam and pump station.

This alternative is not preferred for the following reasons:

- The applicant will not be able to gain maximum economic benefit from the proposed organic compost facility.
- The facility will not be able to meet the demand to produce enough compost for farms and it will not be economically viable.
- Fertiliser would be needed to offset the compost deficit, which is not viable from a soil condition and environmental perspective.
- This alternative will provide less employment opportunities than Alternative 1.
- This alternative will have a smaller contribution to the economy than Alternative 1.

"No-Go" Alternative

The "no-go" option was considered and is not preferred because the applicant will not be able to relocate the existing compost facility and continue with the composting business. Additionally, existing employment opportunities will be lost and no new employment opportunities will be created.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

The applicant currently operates a composting facility near Ceres, but due to the owners of the property requiring the property, the facility needs to be relocated to Farm Leeuw River No. 240. The applicant would like to continue investing in the composting operation in order to sustain and improve farming practices within the surrounding area. Compost is generated through a natural process and improves soil conditions over time, whereas fertilisers are created through a chemical process and if used continually, degrade soil condition over time. By creating this composting facility, it will improve the sustainability of farming activities and utilise an environmentally friendly method in ensuring that the soil condition is kept optimal for growth. The site is located on land zoned for agricultural use and a departure application for the proposed development will be required. The proposed development will sustain existing employment opportunities as well as create additional employment opportunities in both the construction and operational phases.

3.2 Biodiversity and Biophysical Impacts

According to the Freshwater Compliance Statement dated July 2022, compiled by C. Granger of FEN Consulting, the proposed composting facility is located approximately 500m to the south of Leeu River. The riparian zone is described in the Compliance Statement as being dominated by alien invasive vegetation and the instream aquatic vegetation is limited. Unnamed tributaries of the Boontjies River are located between 500m to 1 000m to the north of the compost facility. The unnamed tributaries were ground-truthed and is described as dry cobble beds and not wetlands. Therefore, no further assessment was required. The specialist concluded that the proposed composting facility is located on land with low aquatic biodiversity and is outside the zone of impact of the watercourses. Through the implementation of the specialist's recommendations and the EMPr (accepted in Condition 8), the impacts on aquatic features will be mitigated.

According to the Botanical Compliance Statement dated July 2022, compiled by T. Martin of Biodiversity Africa, the site falls within two vegetation types i.e. Breede Alluvium Fynbos and Breede Shale Renosterveld, ecosystems listed as endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The site was used as Pine and Eucalyptus plantations since the early 2000's. Although there are small patches of degraded near natural vegetation east of the two alternative sites, the vegetation present in these areas is degraded and does not represent Breede River Valley Fynbos. There are, however, elements of Breede Shale Renosterveld within the degraded vegetation. The overall diversity is generally low within the site, with no Species of Conservation Concern recorded. The specialist concluded that the site is considered to be of low sensitivity for plants due to the transformed nature of the site and that the proposed development will have a low to negligible impact on the ecology of the site. Through the implementation of the specialist's recommendations and the EMPr (accepted in Condition 8), the impacts on vegetation will be mitigated adequately.

3.3 Heritage Impacts

In a comment dated 19 July 2022 received from Heritage Western Cape, it was confirmed that no additional studies are required since no impacts on heritage resources are anticipated.

3.4 Traffic Impacts

According to the Transport Impact Statement dated July 2022, compiled by LOUD Consulting Engineers, the composting facility will generate 6 trips during peak hours at full capacity and the delivery of raw material and loading of compost (three to four trucks per day) will occur on an ad-hoc basis during off-peak hours. Access to the site is adequate and no upgrades to the external road network will be required. Through the implementation of the specialist's recommendations and the EMPr (accepted in Condition 8), the traffic impacts will be mitigated.

The development will result in both negative and positive impacts.

Negative Impacts:

- Impacts of low significance are anticipated for degraded areas of indigenous vegetation.
- There will be a slight increase in traffic as a result of the implementation of the development.
- The proposed development will produce odours, however, mitigation measures for these impacts are addressed in the EMPr.

Positive impacts:

- The proposal will allow the applicant to strengthen the financial sustainability of the property.
- The proposal will allow ongoing investment in the composting operation in an effort to maintain and advance local farming practises.
- There will be a continued economic contribution to the local and provincial economical sector.
- Employment opportunities will be sustained, and new opportunities will be created during the construction and operational phase.

4. National Environmental Management Act Principles

The NEMA 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 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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