



EIA REFERENCE NUMBER: 16/3/3/1/D6/13/0018/22  
NEAS REFERENCE: WCP/EIA/0001116/2022  
DATE OF ISSUE: 12 December 2022

## 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: THE PROPOSED EXPANSION OF FREE HEIM EGGS POULTRY FACILITY AND ASSOCIATED INFRASTRUCTURE ON PORTION 14 OF FARM NO.317, FRIEMERSHEIM

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, the Competent Authority herewith—

- (a) **grants** Environmental Authorisation to the applicant to undertake the listed activities specified in section B below with respect **a part of the preferred alternative** which relates to the expansion of the existing egg laying facility located on Portion 14 of the Farm No. 317, Friemersheim, described in the Final Basic Assessment Report ("FBAR"), dated September 2022, as prepared and submitted by *Cornerstone Environmental Consultants*, the appointed environmental assessment practitioner ("EAP"); and
- (b) **refuses** Environmental Authorisation to the applicant to undertake the development of a new egg laying facility (identified as Activity No. 5 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014) with respect to the Alternatives proposed on either Portion 7 or Portion 8 of the Farm No. 317, Friemersheim, as described in the Basic Assessment Report ("BAR"), dated September 2022 as prepared and submitted by the EAP.

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

The Managing Director  
FREE HEIM EGGS PRIMARY CO-OP LTD  
PO Box 96  
**FRIEMERSHEIM**  
6526

E-mail: [josephdorothy7@gmail.com](mailto:josephdorothy7@gmail.com)  
Mobile: 083 682 5008

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<b>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)</b>	
Activity Number: 40  Activity Description:  The expansion and related operation of facilities for the concentration of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by— <ul style="list-style-type: none"> <li>(i) more than 1 000 poultry where the facility is situated within an urban area; or</li> <li>(ii) more than 5 000 poultry per facility situated outside an urban area.</li> </ul>	The proposal includes the expansion and related operation of the existing facility on Portion 14 of Farm No. 317 in Friemersheim. The current facility will be expanded to accommodate an additional 10 000 hens.

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 as it relates to the development:

The proposal entails the expansion of the existing 2 200-hen egg layer facility on Portion 14 of Farm No. 317, Friemersheim. The expansion entails the development of two additional layer houses with a combined footprint of 500m<sup>2</sup> in order to increase the hen-capacity to 10 000. The expansion will be undertaken on an already transformed area. Use will be made of the existing office and egg sorting area. Therefore, no additional disturbance will occur within the proposed expansion site.

## C. SITE DESCRIPTION AND LOCATION

The proposed expansion will occur on Portion 14 of Farm No. 317, Friemersheim which is located approximately 16km northwest on Great Brak River. Access to the proposed site can be obtained by driving along Divisional Road 01578 (DR1578) in a northerly direction from Great Brak River. At Geelhout Street a left turn (east) must be taken. The road is followed for approximately 600m to the site.

Coordinates of the site:

Latitude (S)			Longitude (E)		
33°	57'	16.33"	22°	08'	55.49"

SG digit codes: C05100000000031700014

Refer to Annexure 1 of this Environmental Authorisation for the Locality Plan.

Refer to Annexure 2 of this Environmental Authorisation for the development area on the Site.

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

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

CORNERSTONE ENVIRONMENTAL CONSULTANTS (PTY) LTD.

% Ms. Annemarie Hurter  
Crossmaloof Farm  
PO Box 12606  
Die Boord  
**STELLENBOSCH**  
7613

E-mail: [annemarie@cornerstoneenviro.co.za](mailto:annemarie@cornerstoneenviro.co.za) | [info@cornerstoneenviro.co.za](mailto:info@cornerstoneenviro.co.za)  
Tel: 021 887 9099  
Web: <https://www.cornerstoneenviro.co.za/>

## E. CONDITIONS OF AUTHORISATION

### **Scope and Validity Period of authorisation**

1. This Environmental Authorisation is granted for the period from date of issue until **31 January 2033**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

Further to the above, the Environmental Authorisation is subject to the following:

- 1.1. The non-operational component of the Environmental Authorisation (i.e. construction phase) is granted for a period from date of issue until **31 January 2028**, during which period the holder must ensure that the:

- (a) physical implementation of all the authorised listed activity is started with and concluded at the site;
- (b) construction monitoring and reporting requirements are undertaken at the site and submitted to the Competent Authority in time to allow said authority to process such documents timeously; and
- (c) post construction rehabilitation and monitoring requirements is undertaken and completed at the site.

- 1.2. The operational aspects of this Environmental Authorisation are granted until the facility is decommissioned, during which period the holder must ensure that the:

- (a) the operation of the facility and biosecurity measures are undertaken in accordance with an approved EMPr;
- (b) operational monitoring requirements is undertaken at the site; and
- (c) environmental auditing requirements are complied with for the sites.

2. The construction phase of the Environmental Authorisation is subject to the following:

- 2.1. The Holder must finalise the post construction rehabilitation and monitoring requirements within a period of 3-months from the date the development activity (construction phase) is concluded at the site.

**Note:** Failure to complete the post construction rehabilitation and monitoring requirements at least three-months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact

Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

3. The Holder is authorised to undertake the listed activity specified in Section B above in accordance with a part of the preferred alternative described in the FBAR, dated September 2022, on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of a part of the *preferred alternative* which entails:

The proposal entails the expansion of the existing 2 200-hen egg layer facility on Portion 14 of Farm No. 317, Friemersheim. The expansion entails the development of two additional layer houses with a combined footprint of 500m<sup>2</sup> in order to increase the total hen-capacity to 10 000. The expansion will be undertaken on an already transformed area. Use will be made of the existing office and egg sorting area. Therefore, no additional disturbance will occur within the proposed expansion site.

4. This Environmental Authorisation may only be implemented in accordance with the approved Environmental Management Programme ("EMPr").
5. 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.
6. 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.

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

7. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
  - 7.1. notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1. the decision reached on the application;
    - 7.1.2. the reasons for the decision as included in Annexure 3;
    - 7.1.3. the date of the decision; and
    - 7.1.4. the date when the decision was issued.
  - 7.2. 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 G below;
  - 7.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 7.4. provide the registered I&APs with the:
    - 7.4.1. name of the Holder (entity) of this Environmental Authorisation,
    - 7.4.2. name of the responsible person for this Environmental Authorisation,
    - 7.4.3. postal address of the Holder,
    - 7.4.4. telephonic and fax details of the Holder,
    - 7.4.5. e-mail address, if any, of the Holder,

7.4.6. 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).

7.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.

7.6. 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.

#### **Written notice to the Competent Authority**

8. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities on site.

8.1. The notice must make clear reference to the site details and EIA Reference number given above.

8.2. The notice must also include proof of compliance with the following conditions described herein:

**Condition no.: 7, 10 and 12**

9. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

#### **Management of activity/activities**

10. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is herewith **approved**, subject to the following amendments:

10.1. The amended EMPr must —

10.1.1. incorporate all the conditions given in this environmental authorisation;

10.1.2. provide clear management instruction for guidance and can be easily measured and enforced. Terminology such as "should", "shall" and "may", ought to be avoided;

10.1.3. be submitted to the competent authority at least 30 days prior to the commencement of the site preparation activities.

**Note:** The EMPr must be included in all contract documentation for all phases of implementation.

#### **Monitoring**

11. The Holder must appoint a suitably experienced environmental control officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.

12. The ECO must—

12.1. be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing);

12.2. ensure compliance with the EMPr and the conditions contained herein;

12.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;

12.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.

13. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on

request, and where the Holder has website, such documents must be made available on such 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.

### **Environmental Auditing**

15. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.
16. Further to the above, the frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the approved EMPr must comply with the following—
  - 16.1. during the non-operational phase (construction phase), the holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority.
  - 16.2. the final construction phase Environmental Audit Report(s) must be submitted to the Competent Authority within sixty (60) days of completion of construction activities;
  - 16.3. during the operational phase, the holder must ensure that environmental audit(s) are performed regularly and submit these Environmental Audit Report(s) to the Competent Authority.
  - 16.4. During the operational phase the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr may not exceed intervals of 5-years;
17. The Environmental Audit Report, must –
  - 17.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
  - 17.2. provide verifiable findings, in a structured and systematic manner, on—
    - 17.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
    - 17.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
  - 17.3. identify and assess any new impacts and risks as a result of undertaking the activity;
  - 17.4. evaluate the effectiveness of the EMPr;
  - 17.5. identify shortcomings in the EMPr;
  - 17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

- 17.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
  - 17.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
  - 17.9. include a photographic record of the site applicable to the audit; and
  - 17.10. be informed by the ECO reports.
18. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

### **Specific Conditions**

19. The development of facilities on either Portion 7 or Portion 8 of the Farm 317, to accommodate additional laying hens; may not be undertaken on said properties without the written approval from the Competent Authority.
20. The Holder must take all reasonable steps to prevent or control the emission of any offensive odour caused by any activity on the site.
21. No surface or ground water may be polluted due to any actions on the site related to the authorised activities and no effluent may be discharged into any watercourse, unless authorised in writing by the competent authority.
22. 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

### **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.

#### **Amendment of Environmental Authorisation and EMPr**

2. If the Holder does not start with the listed activities and exceed the thresholds of the listed activities within the period referred to in Section G, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

**Note:**

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
- (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.

3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

**Note:** An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
- (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
  - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

**Compliance with Environmental Authorisation and EMPr**

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is subject to compliance with all the peremptory conditions. Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.



8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

## G. APPEALS

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;
  - 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; and
  - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:  
[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za);  
[Zaahir.Toefy@westerncape.gov.za](mailto:Zaahir.Toefy@westerncape.gov.za); and copied to  
[DEADPEIAAdmin.George@westerncape.gov.za](mailto:DEADPEIAAdmin.George@westerncape.gov.za)
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.
  - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:  
[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za);  
[Zaahir.Toefy@westerncape.gov.za](mailto:Zaahir.Toefy@westerncape.gov.za); and copied to  
[DEADPEIAAdmin.George@westerncape.gov.za](mailto:DEADPEIAAdmin.George@westerncape.gov.za)
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 Appeal Administrator at the address listed below:

By post: 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: Appeal Administrator

Attention: Mr Marius Venter (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> 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 e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto: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

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**DIRECTOR: DEVELOPMENT MANAGEMENT**

**WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

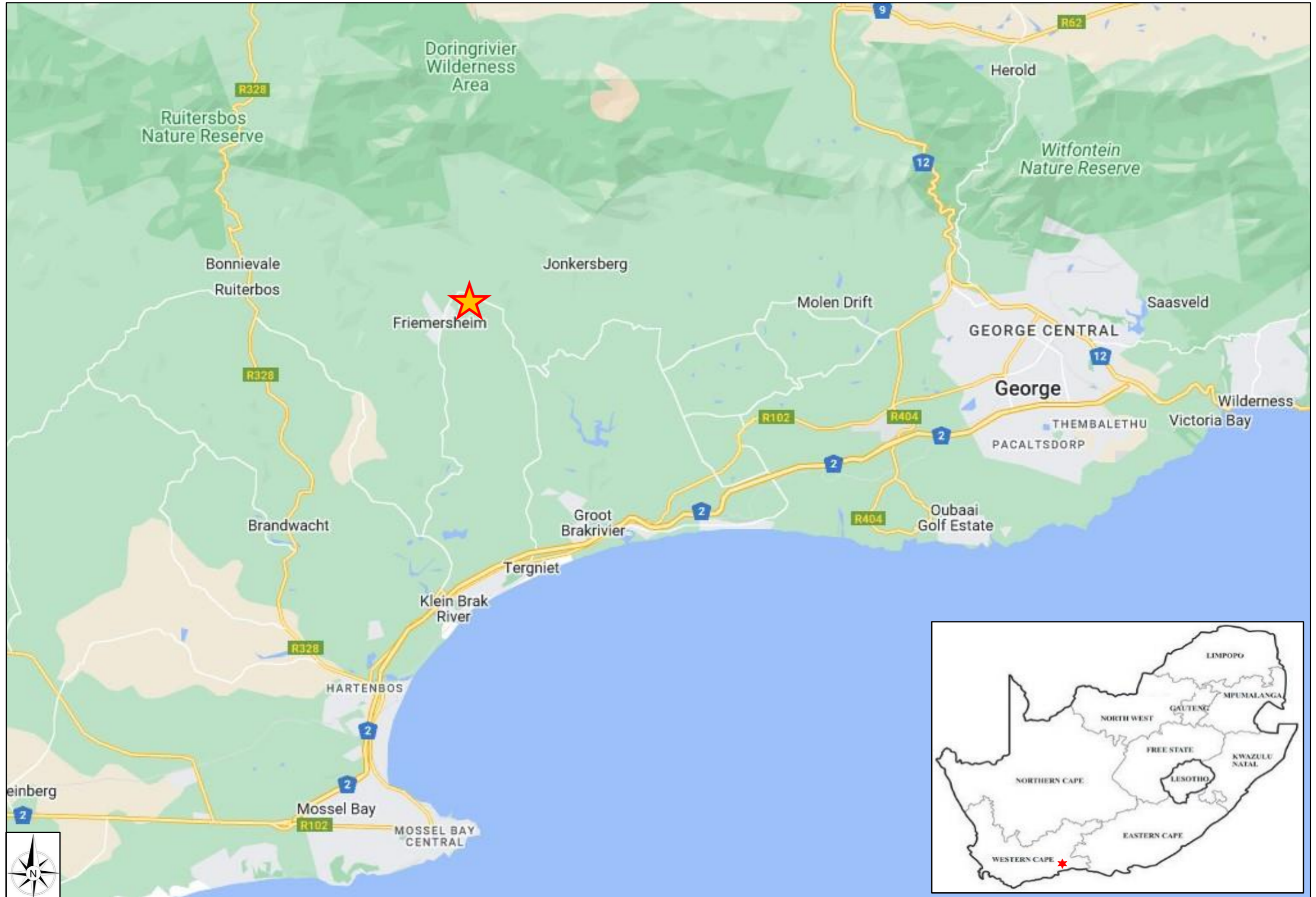
DATE OF DECISION: 12 DECEMBER 2022

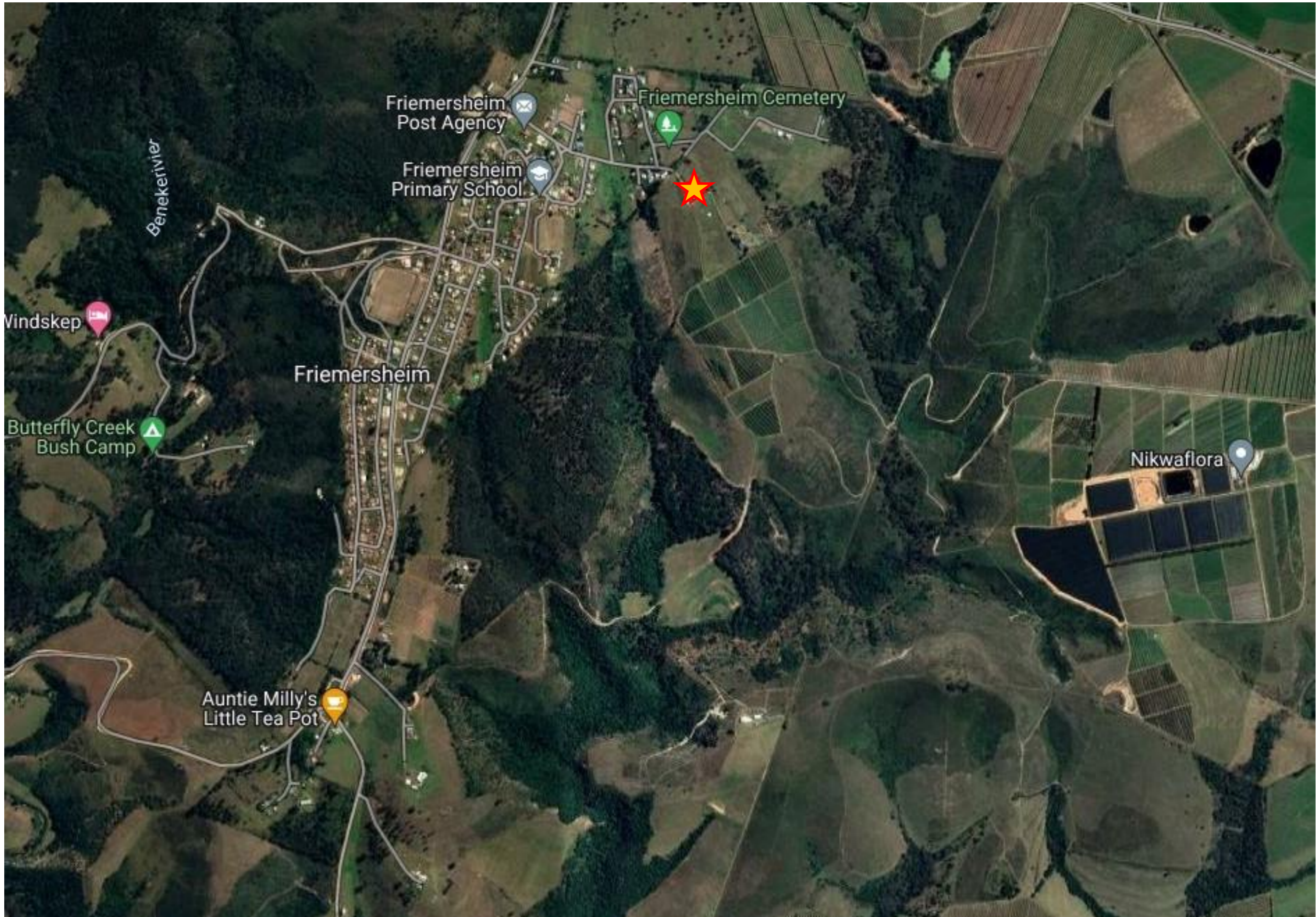
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**EIA REFERENCE NUMBER:** 16/3/3/1/D6/13/0018/22

**NEAS REFERENCE:** WCP/EIA/0001116/2022

ANNEXURE 1: LOCALITY MAPS





ANNEXURE 2: SITE DEVELOPMENT AREA



- Legend
- Farm Portions
  - Development Area

PORTION 14 OF THE FARM NO. 317 (SITE)

Map Center: Lon: 22°8'55.8"E  
Lat: 33°57'16.3"S  
Scale: 1:564  
Date created: November 28, 2022

0 0.01 0.01 0.03 km

Mossel Bay Municipality  
Chief Surveyor-General (DRDLR)  
Esri South Africa, Esri, HERE, Garmin



## ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form, received on 22 June 2022, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 16 September 2022;
- 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 National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR submitted on 16 September 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.
- g) A site visit by officials of the Directorate: Development Management (Region 3).
  - Messrs. Francois Naudé and Steve Kleinhans; and Ms. Jessica Christie

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 that were considered to be the most significant for the decision is set out below.

### 1. Other relevant legislative considerations

The listed activities not authorised in this Environmental Authorisation are:

- Activity 5 of Listing Notice 1 (GN No. R983 of 4 December 2014, as amended):

*Reason:*

- *The facility will be in close proximity (ca. 150m) from an existing private residential dwelling;*
- *a Site Development Plan has not been provided in order to adequately assess the impact of the proposed new layer houses and associated operations, inter alia manure drying area, possible composting, etc. on the environment.*
- *The facility's Water availability confirmation has not been provided.*

### 2. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board on 18 February and 21 June 2022 at each site. The site notices were present for the duration of the public participation process.
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative 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 29 June 2022;
- the placing of a newspaper advertisement in the "Mossel Bay Advertiser" on 1 July 2022; and

- making the Draft Basic Assessment Report available to I&APs for public review and comment from 1 July to 1 August 2022, respectively. The BAR was made available at the following link: <https://www.cornerstoneenviro.co.za/>.

The following State Departments / Organs of State provided comment on the proposal during the application phase:

- ❖ *Breede-Gouritz Catchment Management Agency*
  - The BGCMA provided confirmation that the water use activities can be generally authorised in terms of Section 40 of the National Water Act, Act No. 36 of 1998 and that the required registration must be submitted.
  - The General Authorisation (Ref:WU24431) was issued on 7 July 2022.
- ❖ *Heritage Western Cape*
  - The Heritage Western Cape indicated (Case No: 19120303AS1205E; Date: 23 January 2020) that since there is no reason to believe that the proposed poultry farm clearing will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, Act No. 25 of 1999) is required.
- ❖ *CapeNature*
  - CapeNature does not oppose to the expansion on Portion 14 of Farm No. 317 due to the disturbed nature of the property; and also does not oppose the development of the northern sections on Portions 7 and 8 of Farm No. 317, subject to the layer houses being 100m outside the non-perennial drainage line.
  - The remnant natural vegetation on Portion 7 must be excluded from the development footprint and any negative disturbances and agrees to the remnant natural vegetation as sensitive / No-Go areas, which must be clearly demarcated.
  - Stormwater runoff must not be permitted to flow into the non-perennial watercourse.
  - A fire management plan must be included in the EMPr;
  - Alien invasive plant species management must be undertaken without the use of heavy machinery.
- ❖ *National Department of Agriculture, Land Reform and Rural Development*
  - The stripped topsoil must be stockpiled and managed for later use in the rehabilitation or other areas of the farm;
  - The cultivated land must be protected from excessive soil loss as a result of erosion;
  - A 32m buffer from the maintained from the watercourse;
  - An ongoing clearing alien invasive clearing programme must be implemented
- ❖ *Western Cape Government: Department of Agriculture – Land Use Management*
  - The waste management area for the existing poultry facility must have the capacity to accommodate the additional waste from the expansion;
  - A layout map of the new poultry facilities with its waste management area must be provided;
  - The northern portion of the preferred site is suitable for the location of the waste management area as the odour is restricted by the forested area north and east and is in close proximity to the existing farm track for transport;
  - Mortality composting is useful for maintaining biosecurity, minimising spread of pathogens and produces organic fertiliser. The applicant must consult the local authority if future mortality trends justify the need for a mortality composting facility.

- ❖ *Comment from registered Interested and Affected parties*  
*Comment was submitted by the occupier / owner of Portion 9 of Farm No. 317.*  
*This property adjoins Portion 8 and the existing residence lies within ca. 150m from the potential site on Portion 7. The I&AP is not opposed to the preferred location on Portion 7 but raised concerns with regard to noise, hygiene and odour. The I&AP recommends planting an indigenous shrub hedge to mitigate the above concerns.*

All the comments and issues raised by the respective *Organs of State* and *Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to these other organs of state and I&APs.

### 3. Alternatives

#### Part of the Preferred Alternative (Herewith Approved):

The proposal entails the expansion of the existing 2 200-hen egg layer facility on Portion 14 of Farm No. 317, Friemersheim. The expansion entails the development of two additional layer houses with a combined footprint of 500m<sup>2</sup> in order to increase the hen-capacity to 10 000. The expansion will be undertaken on an already transformed area. Use will be made of the existing office and egg sorting area. Therefore, no additional disturbance will occur within the proposed expansion site.

#### **ALTERNATIVES ASSESSED**

##### Location: Preferred alternative

The proposal entails the expansion of the existing 2 200-hen egg layer facility on Portion 14 of Farm No. 317, Friemersheim. The expansion entails the development of two additional layer houses with a combined footprint of 500m<sup>2</sup> in order to increase the hen-capacity to 10 000. The expansion will be undertaken on an already transformed area. Use will be made of the existing office and egg sorting area. Therefore, no additional disturbance will occur within the proposed expansion site.

Furthermore, the alternative includes the development of a new egg laying facility in the north-western corner of Portion 7 of Farm No. 317, which is owned by the applicant. The development entails two egg layer houses with a capacity of 5 000 hens each. The property was previously used for cultivation / pasture and currently there are no infrastructure present on the property. The total area to be disturbed is approximately 2 000m<sup>2</sup> in extent which will consist of the layer houses (300m<sup>2</sup>), office, waste management area and water tanks.

This is the applicant's preferred alternative as Portion 7 of Farm No. 317 is owned by the applicant. However, no SDP illustrating the layout and mitigation measures has been provided in support of the application. Other limiting factors such as the availability of an adequate potable water supply are key aspects in refusing this component of the Preferred Alternative.

##### Location Alternative for proposed new layer facility: Portion 8 of Farm No. 317

This alternative entails the proposed expansion and development as the described in the preferred alternative but proposes the development of two new egg layer houses on Portion 8 of Farm No. 317. This is not the applicant's preferred alternative as the property is not owned by the applicant. Furthermore, the location of the layer houses on Portion 8 is within 20m of the neighbouring residence on Portion 9 of the Farm No. 317. The expected impacts related to noise, hygiene and odour in such close proximity to the existing residence are deemed to be significant and are unlikely to be mitigated to an acceptable level and must therefore be avoided.



### "No-Go" Alternative

This alternative implies that entire proposal (i.e. expansion option and new development alternative) is not implemented, and the status quo remains. The proposed project is funded by the Cape Agency for Sustainable Integrated Development in Rural Areas SOC Ltd ("Casidra") – Farmer Support and Development sub-programme, which aims to "facilitate and implement agricultural projects for agrarian beneficiaries through government funding". Not implementing this project, (i.e. the no-go option), is not considered viable as it will lead to a loss in opportunity costs and future income for both the applicant and the surrounding affected community.

## **4. Impact Assessment and Mitigation Measures**

### *4.1 Activity need and desirability*

The project is funded by the Cape Agency for Sustainable Integrated Development in Rural Areas SOC Ltd ("Casidra") – Farmer Support and Development sub-programme. The programme aims to facilitate and implement agricultural projects for agrarian beneficiaries through government funding. According to the applicant they produce eggs to the local market and due to market growth want to increase their egg production.

In light of the above, the proposed expansion on Portion 14 (leased by the applicant) alone will increase production five-fold of the current production.

The applicant also applied to develop a 10 000 hen-capacity layer facility with associated structures and infrastructure on Portion 7 or Portion 8. In this regard, the Department requested that a Site Development Plan be included in the BAR in order to determine the spatial arrangement of the facility on the respective properties and to determine the proximity of the various structures (e.g. manure collection areas, waste storage area, etc.) to any sensitive features such as the remnant natural vegetation. In addition, the provision of adequate water supply (i.e. from groundwater) was identified as a significant issue which required further clarity. The response from the applicant / EAP was that the Department of Agriculture (CASIDRA), as the funder, want certainty whether the proposal is authorised before spending more funds on the proposal. These uncertainties and that sustainable development requires the consideration of all relevant factors including that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions; has been key to this part of the decision.

### *4.2 Agricultural aspects*

The property is currently zoned Agriculture Zone I. According to the Agricultural Compliance Statement, on Portion 14, the footprint of the expansion has no potential for agricultural production because it is within the disturbed footprint of an existing facility. Furthermore, with regard to Portion 7 of Farm 317, the impact of the proposed development on the agricultural production capability of the site is assessed as being acceptable because the site is not currently utilised or intended for other agricultural production; it does involve the agricultural production of eggs and agricultural income generation; and it will exclude only a very small area of land (0.2ha) from other potential agricultural production.

In light of the above, the Department is of the considered view that the agricultural aspects have been adequately addressed in the BAR and that the proposed development will result in insignificant impact on the agricultural potential of the area.

### *4.3 Terrestrial Biodiversity aspects*

A description of the terrestrial biodiversity issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk,

cumulative impacts of the proposed development and levels of acceptable change have been considered.

According to the information provided in the BAR and corroborated by aerial photography and the site inspection held on 21 September 2022, Portion 14 of Farm No. 317 has been totally transformed by the existing facility. The proposed expansion on Portion 14 will therefore not have any detrimental impact on biodiversity.

Portion 7 of Farm No. 317 was previously cultivated but has not been used recently. Alien invasive tree species have invaded the property but the Botanical Survey which has been included in the BAR confirmed that a patch of natural vegetation comprising of Garden Route Shale Fynbos is present on the property. The information in the BAR indicates that this patch of indigenous vegetation is sensitive but falls outside the target development area. Notwithstanding this, the remnant natural vegetation has been included as No-Go area.

Portion 8 of Farm No. 317 has been completely transformed as a result of the historic agricultural activities.

In considering the above it is accepted that there will not be significant impact on the receiving terrestrial biodiversity as a result of the expansion and development activities as proposed in the BAR.

#### 4.4 *Aquatic Biodiversity aspects*

A description of the aquatic biodiversity issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

Portion 14 of Farm No. 317 has been transformed and there are no aquatic features on the property. The proposed expansion of the existing facility on Portion 14 is therefore not expected to have any impact on aquatic features.

The proposed development on Portion 7 and Portion 8 of Farm No. 317 will be located within 500m of a watercourse. Therefore, a Freshwater Assessment was undertaken to inform the BAR. According to the assessment the proposal will be located within 500m of a wetland, as confirmed by the Breede-Gouritz CMA. The freshwater assessment concluded that the watercourses present within 500m of the properties are in a Moderately to Largely Modified ecological state and that the risk posed to the watercourse is considered to be low. Therefore, the assessment recommended that the water uses be Generally Authorised. The BGCMA confirmed that the proposed development is Generally Authorised for water use activities specified in Section 21(c) (i.e. impeding or diverting the flow of water in a watercourse) and Section 21(i) (i.e. altering the bed, banks, course or characteristic of a watercourse) of the National Water Act, Act No. 36 of 1998 for development within the regulated area of the watercourse.

In considering the above it is accepted that the proposed expansion and development activities will have a low impact on the aquatic biodiversity; however, no information could be provided on the water source and the potential to abstract sufficient groundwater for the proposed development on Portion 7 or 8 of Farm No. 317.

#### 4.5 Water provision

According to the BAR the operation of the proposed expansion and development activities will require approximately 290 000ℓ / month, based on 0.5ℓ per chicken per day. It is understood that water for the current facility on Portion 14 is currently provided by the Mossel Bay Municipality as well as rainwater collection by means of tanks.

According to the BAR the applicant is proposing to drill a borehole for the provision of water. However, the BAR indicates that the borehole will require a Water Use Authorisation but that the required application process has not yet commenced, and that the application will not be undertaken in parallel to the basic assessment process. The BAR does not include any geohydrological information whether a borehole on the property will be able provide sufficient water to the proposed new facility. Furthermore, no confirmation of adequate water availability from the Mossel Bay Municipality has been provided for the new facility.

Based on the lack of information in the BAR with regard to the provision of water, the Department cannot make an informed decision on the proposed development activities on Portions 7 and 8 of Farm No. 317. As such, the development activities associated with Portion 7 and Portion 8 cannot be considered in terms of water provision at this stage.

#### 4.6 Heritage / Archaeological Aspects

No significant impacts on heritage / archaeological resources are expected as a result of the proposed development. This was confirmed in the response to the Notice of Intent to Develop (Case No: 19120303AS1205E) issued by Heritage Western Cape, dated 23 January 2020.

#### 4.7 Biosecurity and diseases

Since the proposal entails the expansion of an existing poultry related facility and the development of a new poultry related facility, biosecurity measures need to be in place to prevent the spread of diseases such as Salmonella, Newcastle Disease and Avian Influenza. In this regard a description of the biosecurity measures has been included BAR and the EMPr. It is noted that the measures relate to requirements for a poultry export farm, which is presumed to be stricter.

Notwithstanding the above, from previous similar applications it is understood that Avian influenza is controlled by the State Veterinarian who takes control of the situation should an outbreak occur. A procedure for the testing of influenza and Salmonella has been provided. Furthermore, from the biosecurity measures included in the BAR and EMPr it is noted that a procedure regarding visitors, workers and entry to layer houses have been included.

Considering the above it is not expected that there is a significant risk to the biosecurity of the facility as long as the biosecurity control are being strictly adhered to.

#### 4.8 Odour

In accordance with Section 35(2) of the National Environmental Management: Air Quality Act, Act No. 39 of 2004 (as amended) the occupier of any premises must take all reasonable steps to prevent the emission of any offensive odour caused by any activity on such premises.

In this regard the EMPr provides measures to address any odours which may emanate from the facility. These include *inter alia* the management of manure, management of waste (including composting). In this regard it is noted manure from the layer houses is raked up and removed daily and is placed on impervious sheets of plastic for drying purposes. Furthermore, it is understood that a manure storage

area (covered shed-like structure) will be developed to enable manure drying during inclement weather and also prevents runoff of manure downslope. Once the manure is dry enough, the manure is put through a pellet-making machine which is then sold to the neighbours and the local market as fertiliser. The BAR indicates that the manure drying process is a small-scale and relatively simple process.

With due consideration of the proximity of the proposed layer facility on Portion 8 of Farm No. 317 (ca. 20m), the Department considers the location of the layer facility on Portion 8 as inappropriate and ill-advised in terms of the odour impact of the residential dwelling on Portion 9.

Notwithstanding the above, the Department is of the considered view that odour will be emitted from the proposed expanded facility on Portion 14 but that the implementation of the management measures provided in the BAR could minimise the impact of the odour.

#### 4.9 Noise

Due to the proximity of the proposed development of new layer houses on Portion 7 or Portion 8 to the property owner on Portion 9, a concern was raised regarding the noise from the chickens in the layer houses during the day. GIS analysis suggests that the residential dwelling on Portion 9 is located within 20m on the proposed location on Portion 8 and within 160m of the location of the proposed new layer houses on Portion 7 of Farm No. 317.

The Department notes that the EAP is of the opinion that noise and visual impacts will only be temporary as surrounding land users and animals get used to the new levels of noise and change in scenery in a relatively short amount of time. While it is acknowledged that the EAP did not respond to the neighbour, the Department does not accept the response as mitigation and is of the view that the expected noise will continue to impact on the neighbour.

In considering the above the Department holds the view that the development of new layer houses on Portion 7 or even Portion 8 of Farm No. 317 will result in noise impact on the neighbouring properties. With due consideration of the proximity of the proposed layer facility on Portion 8 of Farm No. 317 (ca. 20m), the Department considers the location of the layer facility on Portion 8 as inappropriate and ill-advised in terms of the noise impact of the residential dwelling on Portion 9.

### 5. Scope and Validity of the Environmental Authorisation

The Environmental Authorisation includes operational aspects. A distinction has been made between the portions of the environmental authorisation and EMPr that deal with operational and non-operational aspects respectively and the respective periods for which the distinct portions of the environmental authorisation/EMPr is granted. A period of 5-years has been granted for the non-operational aspects (construction phase). Due consideration has been given to the validity period for the non-operational phase, and a period from the date of issue until 31 January 2028 (approximately 5-years) has been granted with the provision to extend the period on application. This period is deemed adequate for the holder to expand the facility on Portion 14. The operational aspects of the EA are valid until such time as the facility is decommissioned.

Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

## 6. 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.

## 7. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved 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 National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

----- **END** -----