

EIA REFERENCE: 16/3/3/1/E4/5/1041/22
NEAS REFERENCE: WCP/EIA/0001125/2022
DATE OF ISSUE: 17 March 2023

The Board of Directors
EFRC Agri Operations (Pty) Ltd
P.O. Box 1176

GRABOUW
7160

Attention: Ms L Cameron

E-mail: linka@efrc.co.za

Dear Madam

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): THE EXPANSION OF AN EXISTING CHICKEN FARM ON PORTION 5 OF FARM KLEIN STEENBOKS RIVIER NO. 487, CALEDON

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) Mr P Slabbert (PHS Consulting)

(2) Mr J Viljoen (Theewaterskloof Municipality)

(3) Mr R Smart (CapeNature)

(4) Mr R Le Roux (Breede-Gouritz Catchment Management Agency)

(5) Mr C van der Walt (Department of Agriculture: LandCare)

(6) Mr M Baderoon (DEA&DP: Waste Management Licensing) E-mail: muneeb.baderoon@westerncape.gov.za

E-mail: paul@phsconsulting.co.za

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EIA REFERENCE: 16/3/3/1/E4/5/1041/22
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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): THE EXPANSION OF AN EXISTING CHICKEN FARM ON PORTION 5 OF FARM KLEIN STEENBOKS RIVIER NO. 487, CALEDON

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 Layout Alternative, described in the Basic Assessment Report ("BAR"), dated November 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

The Board of Directors
 % Ms L Cameron
 EFRC Agri Operations (Pty) Ltd
 P.O. Box 1176
GRABOUW
 7160

E-mail: linka@efrc.co.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Project Description
Listing Notice 1 of 2014- Activity Number: 40 <i>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-</i>	The expansion of a chicken farm by an additional four chicken houses, accommodating a maximum of 35 000 chickens per house, and two mobile chicken houses accommodating 3000 chickens per mobile chicken house, outside an urban area.

(i)	more than 1000 poultry where the facility is situated within an urban area; or	
(ii)	more than 5000 poultry per facility situated outside an urban area.	

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 development of four additional chicken houses and two mobile chicken houses on Portion 5 of Farm Klein Steenboks River No. 487, Caledon. The four chicken houses will accommodate a maximum of 35 000 chickens per house and each chicken house will be 2 025 square metres in extent with free range pasture on either side of the chicken house. The two mobile chicken houses will accommodate 3000 chickens per mobile chicken house. The mobile chicken houses will run in 10-metre-wide lanes with a 5-meter buffer between the lanes. Each lane will be a maximum of 240 metres long. Access is existing, however internal roads will be constructed as part of the development. The disposal of chicken mortalities will be accommodated by the existing mortality pit.

C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Portion 5 of Farm Steenboks River No. 487, Caledon, at the following co-ordinates:

Western internal road:	Latitude (S)	Longitude (E)
Starting point	34° 18' 6.70"	19° 27' 54.42"
Middle point	34° 18' 3.43"	19° 27' 53.76"
End point	34° 18' 1.25"	19° 27' 53.24"

Eastern internal road:	Latitude (S)	Longitude (E)
Starting point	34° 18' 6.56"	19° 28' 0.94"
Middle point	34° 18' 1.81"	19° 28' 1.34"
End point	34° 17' 58.04"	19° 28' 0.56"

Chicken houses	Latitude (S)	Longitude (E)
	34° 18' 4.61"	19° 27' 59.59"

The SG21 digit code is: C0130000000048700005,

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

The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

PHS Environmental, Heritage, Eco-Tourism and Land-Use Consulting
 % Mr P Slabbert
 PO Box 1752
HERMANUS
 7200

E-mail: paul@phsconsulting.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 Layout Alternative, described in the BAR dated November 2022 at 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.
 - (b) A period of then (**10**) years, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity, 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 farm details and EIA Reference number given above; and
 - 5.2 also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10 and 17.

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 activity, including site preparation, must not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activities

8. The draft Construction Environmental Management Programme ("CEMPr") and the draft Operational Environmental Management Programme ("OEMPr"), both dated October 2022, submitted as part of the application for Environmental Authorisation, are hereby approved and must be implemented.
9. The CEMPr and OEMPr (hereinafter referred to as 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 commencement of any clearing activities to ensure compliance with the EMPr.
11. The ECO must conduct monthly compliance monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and submitted to the Competent Authority. A final Environmental Compliance Report must be submitted to the Competent Authority within three months after the completion of the development.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.
13. 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

14. 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, the EMPr. The Environmental Audit Report must be prepared by an independent person (which is not the ECO or the EAP for this application) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

An Environmental Audit Report must be submitted to the Competent Authority every **six (6)** months during the construction phase. A final Environmental Audit Report must be submitted to the Competent Authority six months after construction is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports 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

15. 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 palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts 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.

16. 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.
17. The construction site must be clearly demarcated prior to commencement of construction activities. All areas outside the development footprint must be treated as no-go areas for 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 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 activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse, 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 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 on which 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 on which 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 Organs 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 Organs 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

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 e-mail to DEADP.Appeals@westerncape.gov.za

- 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 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

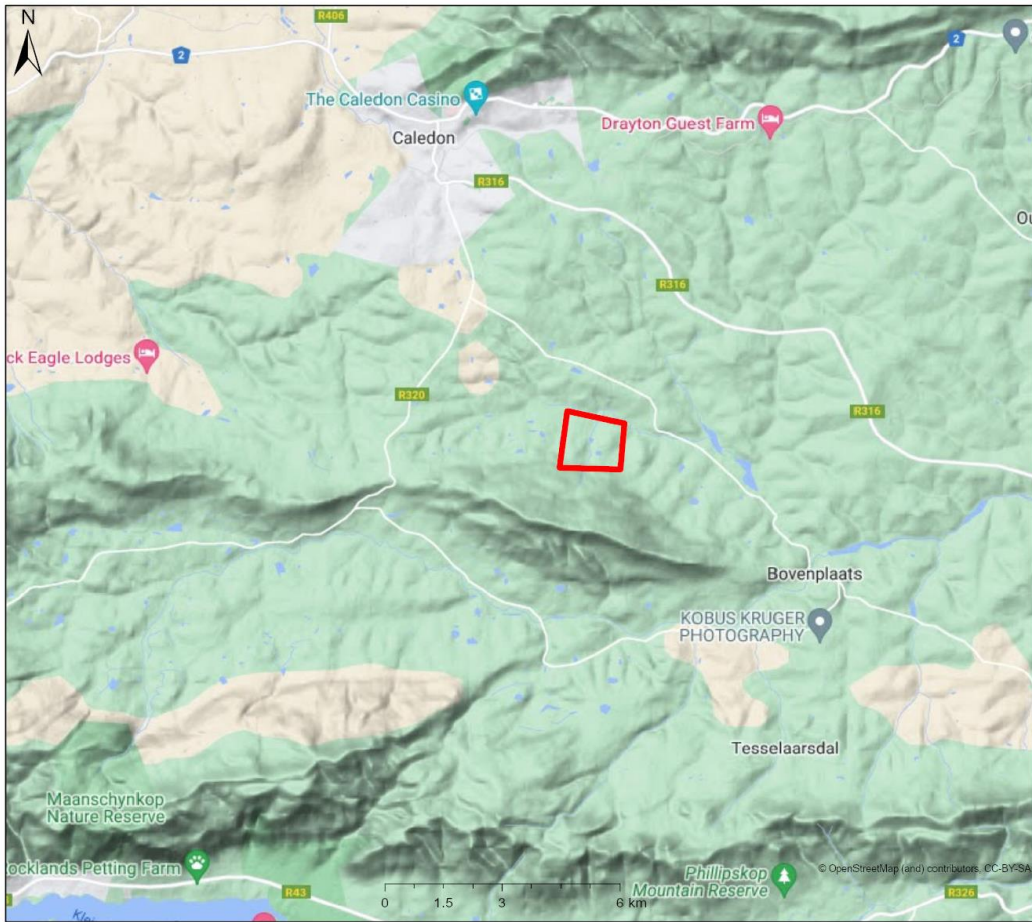
MR ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 17 MARCH 2023

CC: (1) Mr P Slabbert (PHS Consulting) E-mail: paul@phsconsulting.co.za
(2) Mr J Viljoen (Theewaterskloof Municipality) E-mail: johanvi@twk.gov.za
(3) Mr R Smart (CapeNature) E-mail: rsmart@capenature.co.za
(4) Mr R Le Roux (Breede-Gouritz Catchment Management Agency) E-mail: rleroux@bgcma.co.za
(5) Mr C van der Walt (Department of Agriculture: LandCare) E-mail: corvdw@elsenburg.com
(6) Mr M Baderoon (DEA&DP: Waste Management Licensing) E-mail: muneeb.baderoon@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



**Locality Map - 5/487
Klein Steenboks Rivier**
Legend

Map Center: Lon: 19°27'6.3"E
Lat: 34°18'27.5"S
Scale: 1:144 448
Date created: July 22, 2022



Figure 1: Locality map of Portion 5 of Farm Klein Steenboks River No. 487, Caledon.

ANNEXURE 2: SITE PLAN

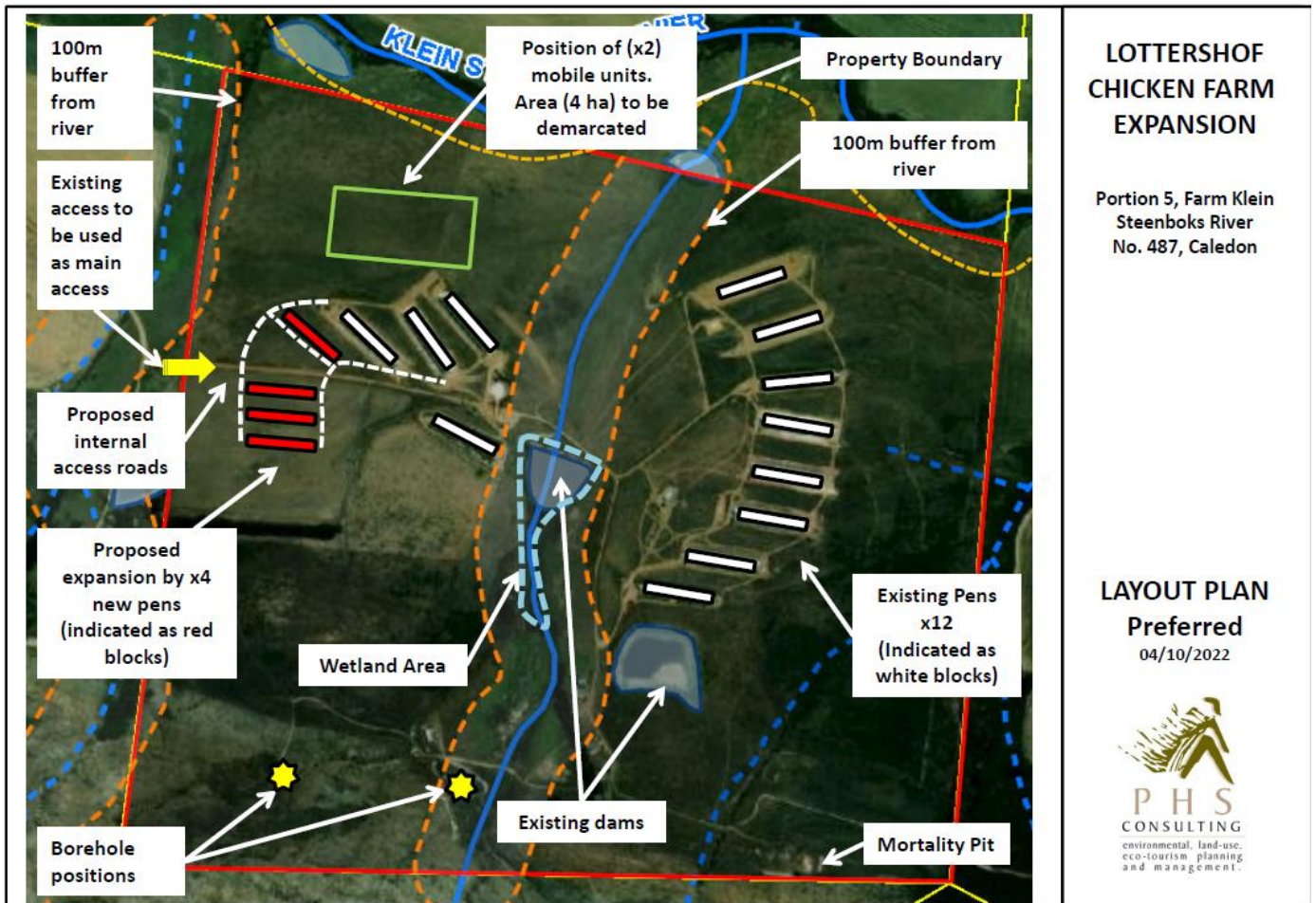


Figure 2: Site Plan for the expansion of the chicken farm on Portion 5 of Farm Klein Steenboks River No. 487, Caledon.

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 submitted on 11 July 2022, the BAR dated November 2022 and the EMPr submitted together with the BAR on 11 November 2022 and the additional information dated 9 March 2023;
- 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 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 BAR dated November 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.

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

1. Public Participation

The Public Participation Process included:

- Giving written notice to the owners and occupiers of land adjacent to the properties where the listed activity is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity on 28 July 2022;
- Placing site notices at the site where the listed activity is to be undertaken;
- Placing an advertisement in the "Hermanus Times" newspaper;
- Circulating the in-process draft BAR to I&APs for public review on 3 August 2022;
- Circulating the amended in-process draft BAR Report to I&APs for public review on 10 October 2022.

All the concerns raised by I&APs were responded to, and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation, and in the EMPr, in order to adequately address the concerns raised.

2. Alternatives

The following layout alternatives and the "no-go" alternative were considered:

2.1 Preferred Layout Alternative (herewith authorised):

This alternative entails the development of four additional chicken houses and two mobile chicken houses on Portion 5 of Farm Klein Steenboks River No. 487, Caledon. The four chicken houses will accommodate a maximum of 35 000 chickens per house and each chicken house will be 2 025 square metres in extent with free range pasture on either side of the chicken house. The two mobile chicken houses will accommodate 3000 chickens per mobile chicken house. The mobile chicken houses will run in 10-metre-wide lanes with a 5-meter buffer between the lanes. Each lane will be a maximum of 240 metres long. Access is existing, however internal roads will be constructed as part of the development. The disposal of chicken mortalities will be accommodated by the existing mortality pit.

This alternative is preferred since it will be located within an area of the development site that falls well outside the 100-metre watercourse buffer zone and within an area with minimal slope. It will therefore not encroach into the watercourse and will not pose a pollution risk.

2.2 Layout Alternative 1:

This alternative is similar to the Preferred Layout Alternative, except that it will be located within close proximity of the existing chicken houses as well as within close proximity of the 100-metre watercourse buffer and will pose a pollution risk. For these reasons, this alternative was not preferred.

2.3 "No-go" Alternative:

The 'no-go' alternative was considered. However, it is not preferred since it will not provide an opportunity to increase the economic viability of the farm and will not contribute to the socio-economic benefits for the region in terms of job creation and food security.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

Portion 5 of Farm Steenboks River No. 487, Caledon, is zoned Agriculture Zone I and comprises of 12 chicken houses. The intention is to increase the current production of free-range chickens in response to the growing market need for free-range chicken. The expansion of the chicken farm will result in the farm becoming more economically viable. The region's socio-economic benefits in terms of job creation and food security will also be enhanced by the expansion of the chicken farm. All required services are existing and available on the property. The proposed expansion will take place in an active farming area on transformed land.

3.2 Biodiversity and Biophysical Impacts

The proposed expansion will be located in an area previously used for agricultural purposes. No natural vegetation occurs on the development site. No development is proposed within 100 metres of any watercourse on the site. A 100-metre buffer area between the development footprint and the delineated watercourses is incorporated into the preferred layout plan. The potential impacts that may result from the proposed expansion will also be mitigated by the implementation of the EMPr (accepted in Condition 8).

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in construction related impacts such as dust, visual impact and noise. However, these impacts will be mitigated to a satisfactory level.

Positive impacts:

- The development will provide employment opportunities during the construction phase.
- Employment, training and skills development opportunities will result from the operational phase of the development.

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, 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.

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