

**EIA REFERENCE NUMBER:** 16/3/3/1/F5/16/2007/21  
**NEAS REFERENCE:** WCP/EIA/0000871/2021  
**ENQUIRIES:** Bernard Kgosana  
**DATE OF ISSUE:** 28 July 2021

The Board of Directors  
Labelle Street Properties (Pty) Ltd. trading as Winelands Pork  
P.O. Box 121  
**BELLVILLE**  
7535

**Attention: Mr. H. Shaw**

Tel.: (021) 946 4275  
Email: [henry@wlpork.co.za](mailto:henry@wlpork.co.za)

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED DEVELOPMENT OF A NEW AIRSTRIP ON THE REMAINDER OF THE FARM NO. 771, MALMESBURY.**

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

Yours faithfully

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

Copied to: (1) Mr. L. Eichstadt (Resource Management Service)  
(2) Ms. K. van Zyl (Resource Management Services)  
(3) Mr. PJ Van Der Westhuizen (Land Owner)  
(4) Mr. J. Scholtz (Swartland Municipality)

Email: [larry@rmsenviro.co.za](mailto:larry@rmsenviro.co.za)  
Email: [kim@rmsenviro.co.za](mailto:kim@rmsenviro.co.za)  
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## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED DEVELOPMENT OF A NEW AIRSTRIP AND ASSOCIATED INFRASTRUCTURE ON A PORTION OF THE REMAINDER OF THE FARM NO. 771, MALMESBURY.

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) 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 Preferred Alternative as described in the Final Basic Assessment Report ("BAR") dated April 2021.

The granting of this Environmental Authorisation is subject to compliance with the conditions set out in section E below.

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors  
Mr Henry Shaw  
Labelle Street Properties (Pty) Ltd. trading as Winelands Pork  
P. O. Box 121  
**BELLVILLE**  
7535

Tel: (021) 948 1821  
Email: [henry@wlpork.co.za](mailto:henry@wlpork.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	Activity/Project description
Listing Notice 3 of the EIA Regulations, 2014, (as amended):  Activity Number: 7 Activity Description:  <i>The development of aircraft landing strips and runways 1,4 kilometres and shorter.</i>  <b>i. Western Cape</b> <i>i. All areas outside urban areas.</i>	The proposed airstrip will be 8m wide and 750m long outside of the urban area of Malmesbury, on a portion of Remainder of Farm No. 771, Malmesbury.

The abovementioned is hereinafter referred to as "the listed activity".

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

The authorised development entails the development of an airstrip on a Portion of the Remainder of the Farm No. 771, Malmesbury. The proposed airstrip will be approximately 750m long and approximately 8m wide. The development will also include the following:

- A new fence line around the airstrip;
- A new gravel access road of approximately 1.7km long and 5.5m wide;
- New water reservoir tanks; and
- Associated infrastructure.

The total development footprint will be approximately 3.75ha in extent.

## C. PROPERTY DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on a portion of the Remainder of the Farm No. 771, Malmesbury.

The 21-digit Surveyor General Code for the proposed site is:

A portion of the Remainder of the Farm No. 771	C04600000000077100000
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Site co-ordinates for the proposed site are as follows:

Start point	33° 29' 12.29" South	18° 42' 38.68" East
Middle point	33° 29' 21.75" South	18° 42' 19.72" East
End point	33° 29' 30.49" South	18° 42' 19.72" East

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

The said section of land is hereinafter referred to as "**the site**".

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Resource Management Service (RMS)  
Mr Larry Eichstadt  
P. O. Box 4296  
**DURBANVILLE**  
7551

Tel: (021) 975 7396  
Email: [larry@rmsenviro.co.za](mailto:larry@rmsenviro.co.za)

## E. CONDITIONS OF AUTHORISATION

### Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR dated April 2021 on the site described in Section C above.
2. The holder must commence with the listed activity on the site within a period of **5 (five) years** from the date of issue of this Environmental Authorisation.
3. The development activities must be **concluded** within **10 (ten) years** from the date of commencement of the listed activity.
4. 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.
5. Any changes to, or deviations from the scope of the Preferred Alternative described in section B above must be approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request 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

6. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
  - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 11 and 16.

### 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 outcome of 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:
  - 7.4.1. the name of the holder (entity) of this Environmental Authorisation;
  - 7.4.2. the name of the responsible person for this Environmental Authorisation;
  - 7.4.3. the postal address of the holder;
  - 7.4.4. the telephonic and fax details of the holder;
  - 7.4.5. the e-mail address if any, of the holder; and
  - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not be commenced with within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided, i.e., the listed activities, including site preparation, must not be commenced with until the appeal is decided.

### **Management of activity**

9. The Environmental Management Programme ("EMPr") (compiled by Resource Management Services and dated April 2021) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. 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"), or site agent, before the commencing of the listed activity to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation and the EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site office of the holder and must be made available to any authorised person on request.
13. Access to the site referred to in Section C above must be granted and, the environmental reports mentioned above must be produced to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

14. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
  - 14.1. The holder must undertake an environmental audit within 3 (three) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority upon completion of the environmental audit.
  - 14.2. A final Environmental Audit Report must be submitted to the Competent Authority within 1 (one) month after the completion of the development/construction activities.

- 14.3. The holder must, within 7 (seven) days of the submission of the Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to an authorised person on request.

### **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.
  - 15.1. 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; 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. The development area must be clearly demarcated and all areas outside these areas must be demarcated as “no-go” areas prior to the commencement of the development phase.
17. Employment opportunities must be afforded to the local community (as far as possible).
18. Dust suppression methods must be used to mitigate dust during the development phase. No potable water must be used for dust suppression. Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation, etc.) must be implemented instead.
19. The use of all generators, vehicles and any movable equipment (including aircraft refuelling truck) that use fuel must include the use of drip trays.

## **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 specified in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

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

Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the 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 must –
  - 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 form/s must be submitted by means of one of the following methods:

By post: Attention: Mr. M. Venter  
Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
**CAPE TOWN**  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. M. Venter (Tel: 021 483 3721)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## H. DISCLAIMER

The Western Cape Government, the holder, 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 greatly appreciated.

Yours faithfully

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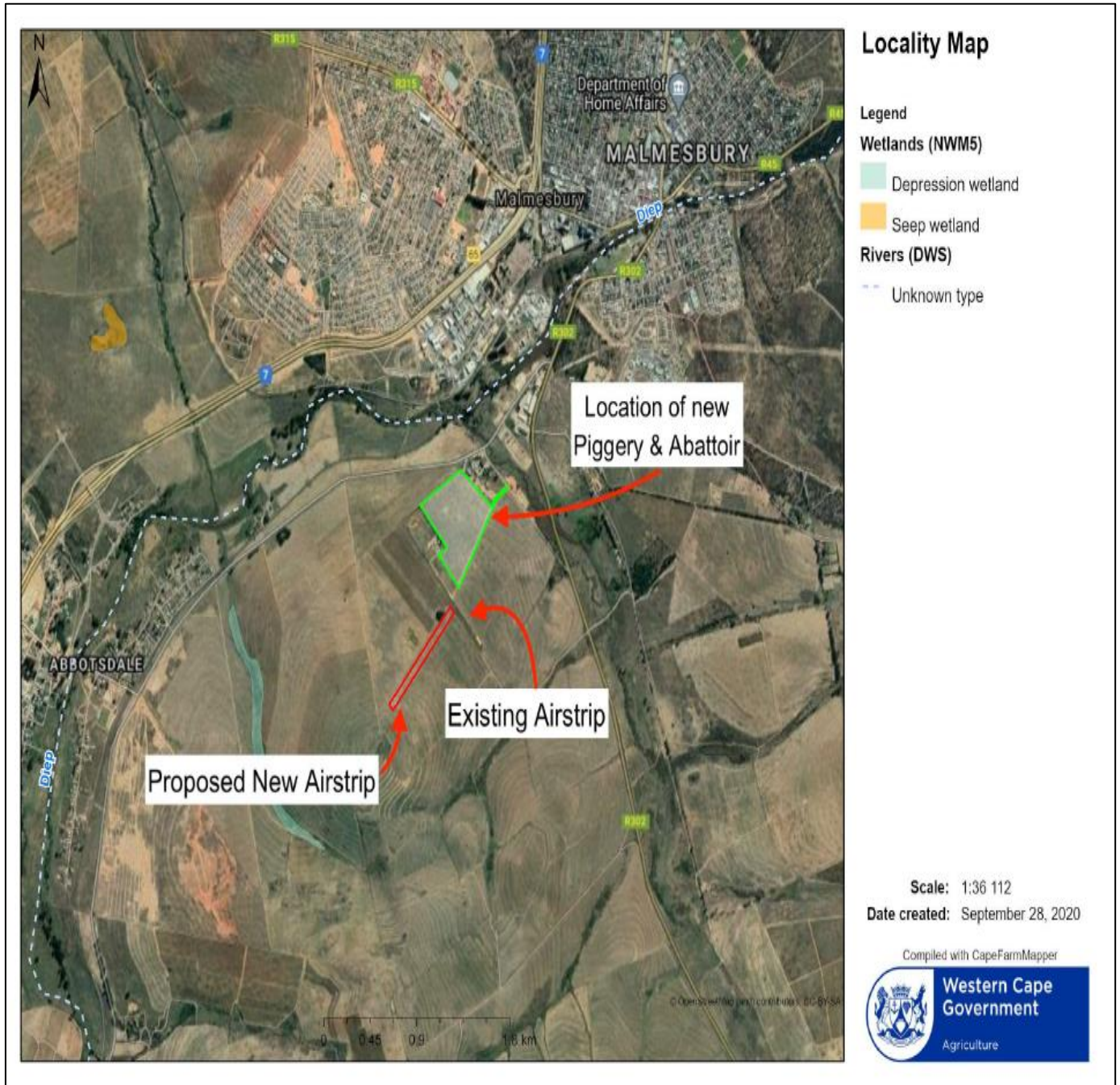
**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DATE OF DECISION: 28 JULY 2021**

Copied to: (1) Mr. L. Eichstadt (Resource Management Service)  
(2) Ms. K. van Zyl (Resource Management Services)  
(3) Mr. PJ Van Der Westhuizen (Land Owner)  
(4) Mr. J. Scholtz (Swartland Municipality)

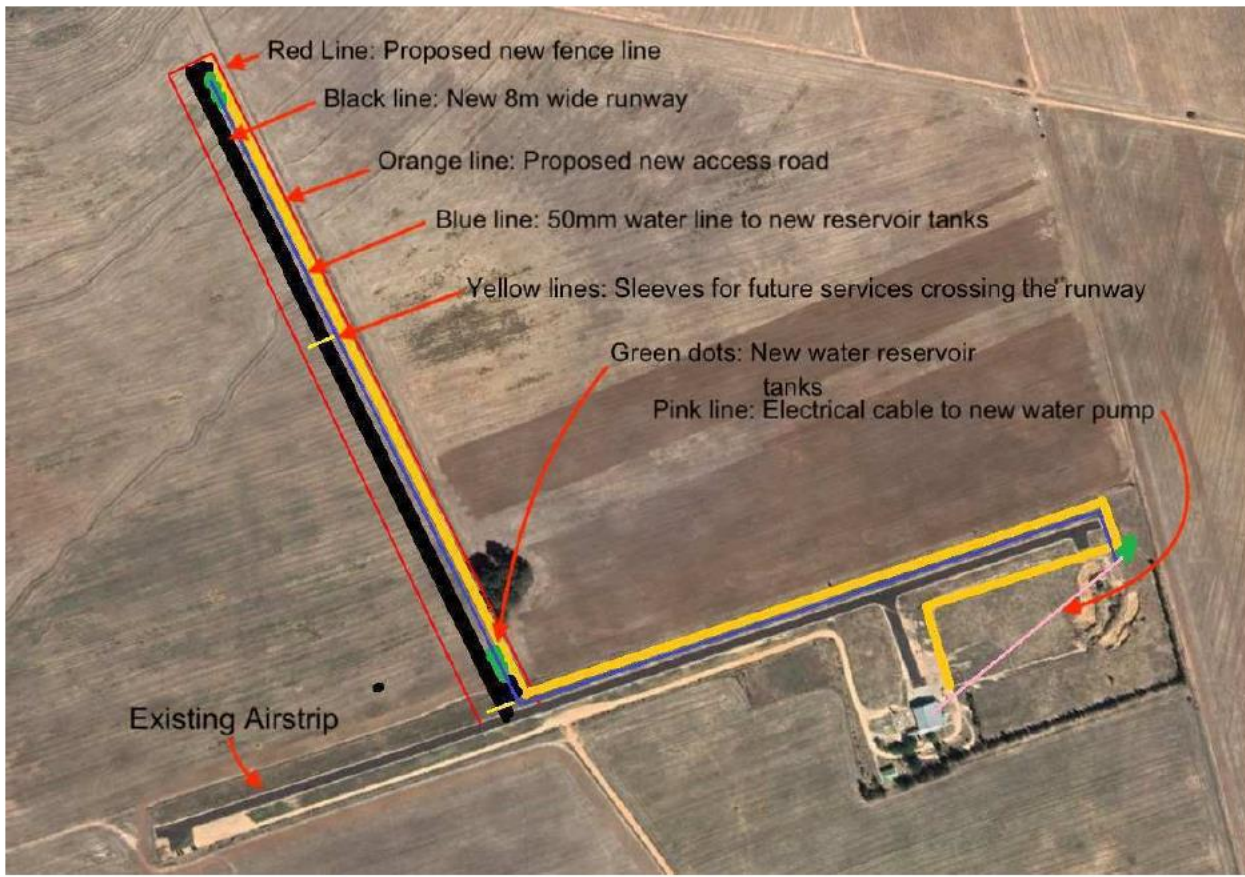
Email: [larry@rmsenviro.co.za](mailto:larry@rmsenviro.co.za)  
Email: [kim@rmsenviro.co.za](mailto:kim@rmsenviro.co.za)  
Email: [kitsmure@comergate.com](mailto:kitsmure@comergate.com)  
Email: [joggies@swartland.org.za](mailto:joggies@swartland.org.za)



ANNEXURE 1: LOCALITY MAP:



## ANNEXURE 2: SITE DEVELOPMENT PLAN



## 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 dated and received by the Competent Authority on 01 February 2021, the BAR and EMPr dated April 2021 and received by the Competent Authority on 09 April 2021;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses to these, as included in the BAR received by the Department on 09 April 2021.
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

### 1. Public Participation

The public participation process ("PPP") was undertaken in accordance with an approved Public Participation Plan (approved on 08 February 2021) and entailed the following:

- identification of and engagement with I&APs;
- Fixing a site notice on the site where the listed activity is to be undertaken on 29 September 2020;
- Giving electronic written notice to the owners and occupiers of land adjacent to the site 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 activities on 29 September 2020;
- The placing of a newspaper advertisement in the "Swarthland Gazette" 29 September 2020; and
- The availability of BAR for commenting on the EAP website for 30 days review and commenting period and in hard copy at the Malmesbury public library; and
- Making an electronic copy of BAR available and a hard copy of the BAR available on request.

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

### 2. Alternatives

The preferred alternative and the "no-go" alternative were identified and assessed.

The Preferred Alternative - herewith authorised

The Preferred Alternative entails the development of an airstrip on a Portion of the Remainder of the Farm No. 771, Malmesbury. The proposed airstrip will be approximately 750m long and approximately 8m wide. The development will also include the following:

- A new fence line around the airstrip;
- A new gravel access road of approximately 1.7km long and 5.5m wide;
- New water reservoir tanks; and
- Associated infrastructure.

The total development footprint will be approximately 3.75ha in extent.

The Preferred Alternative takes cognisance of the location of the existing airstrip located perpendicular to the Preferred Alternative. The Preferred Alternative further takes cognisance of the optimal safety, design, layout, technology and operational aspects specified for the proposed development.

#### “No-Go” Alternative

The “no-go” alternative will result in the *status quo* being maintained. Since the proposed development will not result in unacceptable environmental impacts, the “no-go” alternative was not warranted.

### **3. Impacts, assessment and mitigation measures**

#### 3.1. Activity Need and Desirability

The proposed development is needed for the provision of facilities to enable crop spraying activities to occur within the area. It will complement the existing airstrip and provide for increased flexibility of available flight paths, with variability in wind direction, for the crop spraying aircrafts. In addition, the new flightpaths associated with the proposed new airstrip will increase the safety to surrounding landowners, by enabling increased flying over agricultural land, thereby reducing risk. Although the proposed development is not directly in line with the planning policies applicable to the area, the proposed development will contribute to food security as crops will be regularly sprayed.

#### 3.2. Agricultural Impacts

According to the Screening Report (generated from the Screening Tool developed by the National Department of Environmental Affairs and dated 03 September 2020) the proposed site was mapped to be located in a high sensitivity area from an agricultural perspective. Based on the site sensitivity verification undertaken by the Environmental Assessment Practitioner, the sensitivity was disputed and deemed to be of low sensitivity since the proposed development is deemed to be in line with the existing agricultural activities located on the property. No further assessment was deemed necessary. The Western Cape Department of Agriculture was provided an opportunity to comment on the proposed development. However, no comment was provided.

#### 3.3. Civil Aviation

According to the Screening Report (generated from the Screening Tool developed by the National Department of Environmental Affairs and dated 03 September 2020) the proposed site was mapped to be located in a high sensitivity area from a civil aviation perspective. The Civil Aviation Authority indicated (in their correspondence dated 05 September 2020) that since the proposed airstrip is a small landing strip, the registration process for the airstrip is a voluntary process. No further assessment was therefore required.

#### 3.4. Terrestrial and Aquatic Biodiversity and Plant and Animal Species

Although the Screening Report (generated from the Screening Tool developed by the National Department of Environmental Affairs and dated 03 September 2020) indicated that these sensitivities were present, the Environmental Assessment Practitioner verified that the aforementioned sensitivities were not applicable to the proposed site since the proposed site has been transformed by agricultural activities.

### 3.5. Heritage/Archaeological Impacts

According to the Screening Report (generated from the Screening Tool developed by the National Department of Environmental Affairs and dated 03 September 2020) the proposed site was mapped to be located in a medium sensitivity area from an archaeological and cultural heritage perspective.

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC") on 13 September 2020. HWC indicated (in their comment dated 30 September 2020) that since there is no reason to believe that the proposed crop spraying airstrip on the proposed site will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) will be required.

### 3.6. Dust and Visual Impacts

No significant dust and visual impacts are anticipated. Potential dust and visual impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

### 3.7. Noise Impacts

Potential noise impacts are anticipated during the operational phase of the proposed development. However, the potential noise impacts associated with the crop spraying activities are anticipated to be limited to June and October each year when crop spraying activities are required. No significant noise impacts are therefore anticipated.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential visual and dust impacts during the construction phase;
- Potential noise impacts during the operational phase; and
- A limited loss in agricultural land.

Positive impacts include:

- Additional infrastructure required for crop spraying activities;
- Some employment opportunities;
- Economic gain for the applicant; and
- Improve food security.

## 4. National Environmental Management Act Principles

The National Environmental Management Act Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;

- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

## 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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

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