



**EIA REFERENCE:** 16/3/3/1/B2/32/1081/18  
**NEAS REFERENCE:** WCP/EIA/0000511/2018  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2019 -07- 23

The Trustees  
Vrede Trust  
P. O. Box 5150  
**WORCESTER**  
6851

**Attention: Mr. H. R. du Plessis**


Cell: 071 657 6302  
Email: nuywal@breede.co.za

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): DEVELOPMENT OF 12 CHICKEN BROILER HOUSES ON A PORTION OF FARM VREDE NO. 864, NUY VALLEY**

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

CC: (1) Mr. J. Langridge (Environmental Advisory Services (Pty) Ltd) Email: environmentaladvisorys@gmail.com  
(2) Mr. J. Steyn (Breede Valley Municipality) Fax: (023) 348 2709  
(3) Ms. E. Rossouw (BGCMA) Fax: (023) 347 2010  
(4) Ms. A. Duffel-Canham (CapeNature) Fax: (021) 866 1523  
(5) Mr. R. Roscher (Department of Agriculture) Fax: (023) 342 6779  
(6) Dr. C. Kloppers (Department of Agriculture) Email: christik@elsenburg.com



**EIA REFERENCE:** 16/3/3/1/B2/32/1081/18  
**NEAS REFERENCE:** WCP/EIA/0000511/2018  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** **2019 -07- 23**

## **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): DEVELOPMENT OF 12 CHICKEN BROILER HOUSES ON A PORTION OF FARM VREDE NO. 864, NUY VALLEY**

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

## **DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to Site Alternative 1, described in the Basic Assessment Report ("BAR"), dated 5 April 2019.

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**

Vrede Trust  
% Mr. H. R. du Plessis  
P. O. Box 5150  
**WORCESTER**  
6851

Cell: 071 657 6302  
Email: nuywal@breede.co.za

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 5: Activity 5 The development and related operation of facilities or infrastructure for the concentration of—</p> <p>(i) more than 1 000 poultry per facility situated within an urban area, excluding chicks younger than 20 days;</p> <p>(ii) more than 5 000 poultry per facility situated outside an urban area, excluding chicks younger than 20 days;</p> <p>(iii) more than 5 000 chicks younger than 20 days per facility situated within an urban area; or</p> <p>(iv) more than 25 000 chicks younger than 20 days per facility situated outside an urban area.</p>	<p>The proposal entails the development of 12 chicken broiler houses, that will host approximately 5 000 chickens per broiler house.</p>
<p>Activity Number 27: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The proposal will include the clearance of approximately 8ha of indigenous vegetation.</p>

The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative:

The proposal will entail the construction of 12 chicken broiler houses in a grid layout. Each chicken house will be approximately 750m<sup>2</sup> with an associated roaming area. Nine of the houses will be located on an area of approximately 0,5ha and the remaining three chicken broiler houses will be configured to fit the site to accommodate the 100m buffer from the watercourse. The site will be located approximately 1,3km from the R60 (Robertson road) between agricultural fields and south of an existing dam, with a development footprint of approximately 8ha.

## C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm Vrede No. 864, Worcester, at the following co-ordinates:

Alternative 1:

Latitude (S)	Longitude (E)
33° 41' 14.30"	19° 36' 46.86"

The SG digit code is: C08500000000086400000

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

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

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Environmental Advisory Services (Pty) Ltd  
% Mr. J. Langridge  
P. O. Box 44336  
**CLAREMONT**  
7735

Cell: (083) 413 0274

Email: environmentaladvisorys@gmail.com

#### **E. CONDITIONS OF AUTHORISATION**

##### **Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, Site Alternative 1, as described in the BAR dated 5 April 2019 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 years** from the date of commencement of the first 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 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**

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:

6.1 make clear reference to the site details and EIA Reference number given above; and

6.2 include proof of compliance with the following conditions described herein:

Conditions: 7, 11 and 17

### **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 Appeals 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; and
  - 7.4 provide the registered I&APs with:
    - 7.4.1 the 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; and
    - 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).
8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

### **Management of activity**

9. The draft Environmental Management Programme (“EMPr”) 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 where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.

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 and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The ECO must conduct fortnightly site audits. Monthly ECO Audit Reports must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced. The final Environmental Audit Report must include a register of mortalities that has been transported to the disposal facility and proof of disposal at the facility must be provided.

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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

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. A storm water management plan must be submitted to and approved by the Breede Valley Municipality prior to the commencement of construction activities. Proof of the approved storm water plan must be submitted to the Department prior to any construction commencing.

## **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

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

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

## **G. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date 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  
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 Appeal Authority at: Tel. (021) 483 2659, 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



**MR. ZAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 23/07/2019

CC: (1) Mr. J. Langridge (Environmental Advisory Services (Pty) Ltd)  
(2) Mr. J. Steyn (Breede Valley Municipality)  
(3) Ms. E. Rossouw (BGCMA)  
(4) Ms. A. Duffel-Canham (CapeNature)  
(5) Mr. R. Roscher (Department of Agriculture)  
(6) Dr. C. Kloppers (Department of Agriculture)

Email: environmentaladvisory@gmail.com  
Fax: (023) 348 2709  
Fax: (023) 347 2010  
Fax: (021) 866 1523  
Fax: (023) 342 6779  
Email: christik@elsenburg.com

**ANNEXURE 1: LOCALITY MAP**

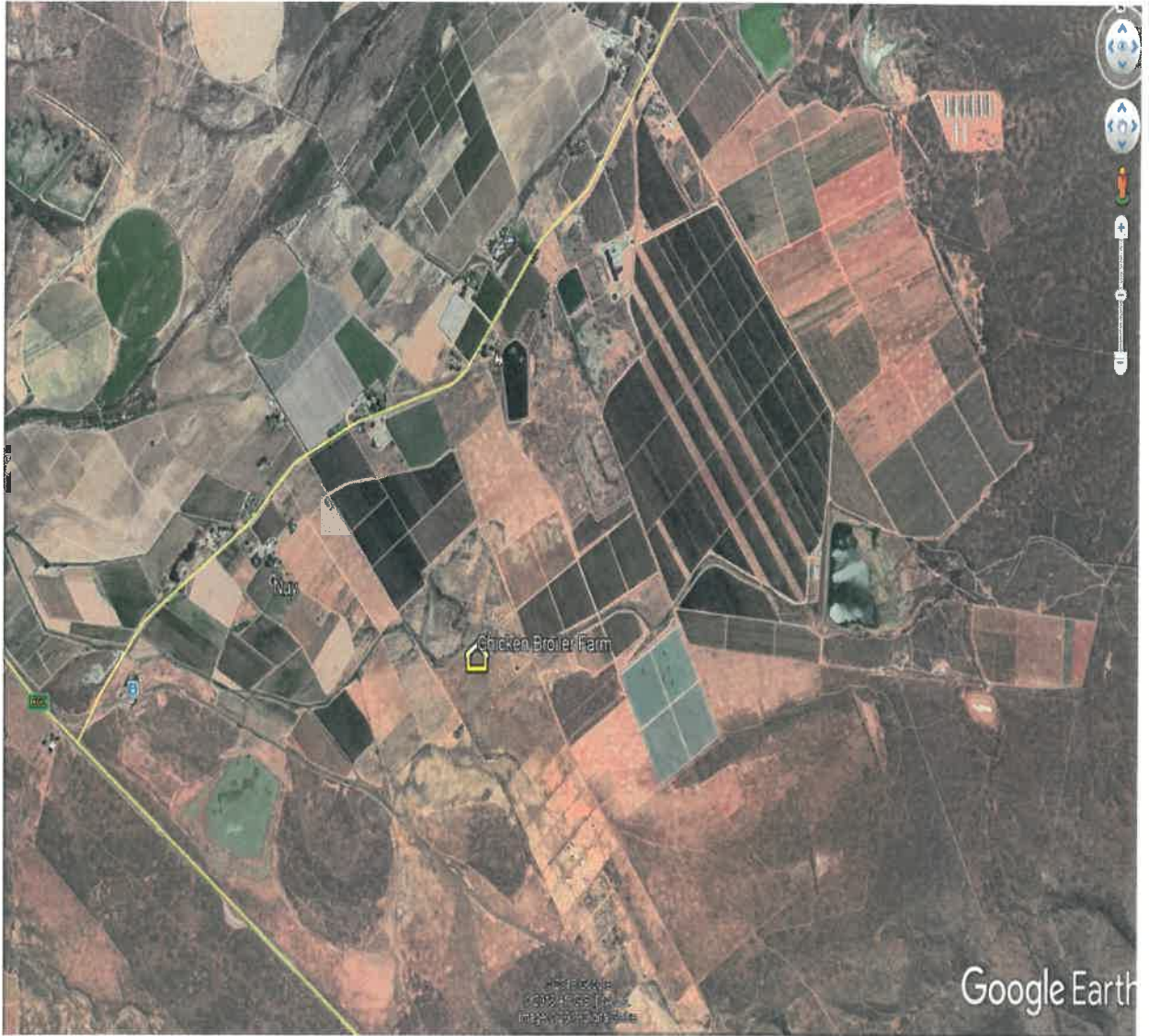


Figure 1: Locality map indicating the location of the proposed development.

**ANNEXURE 2: SITE DEVELOPMENT PLAN**

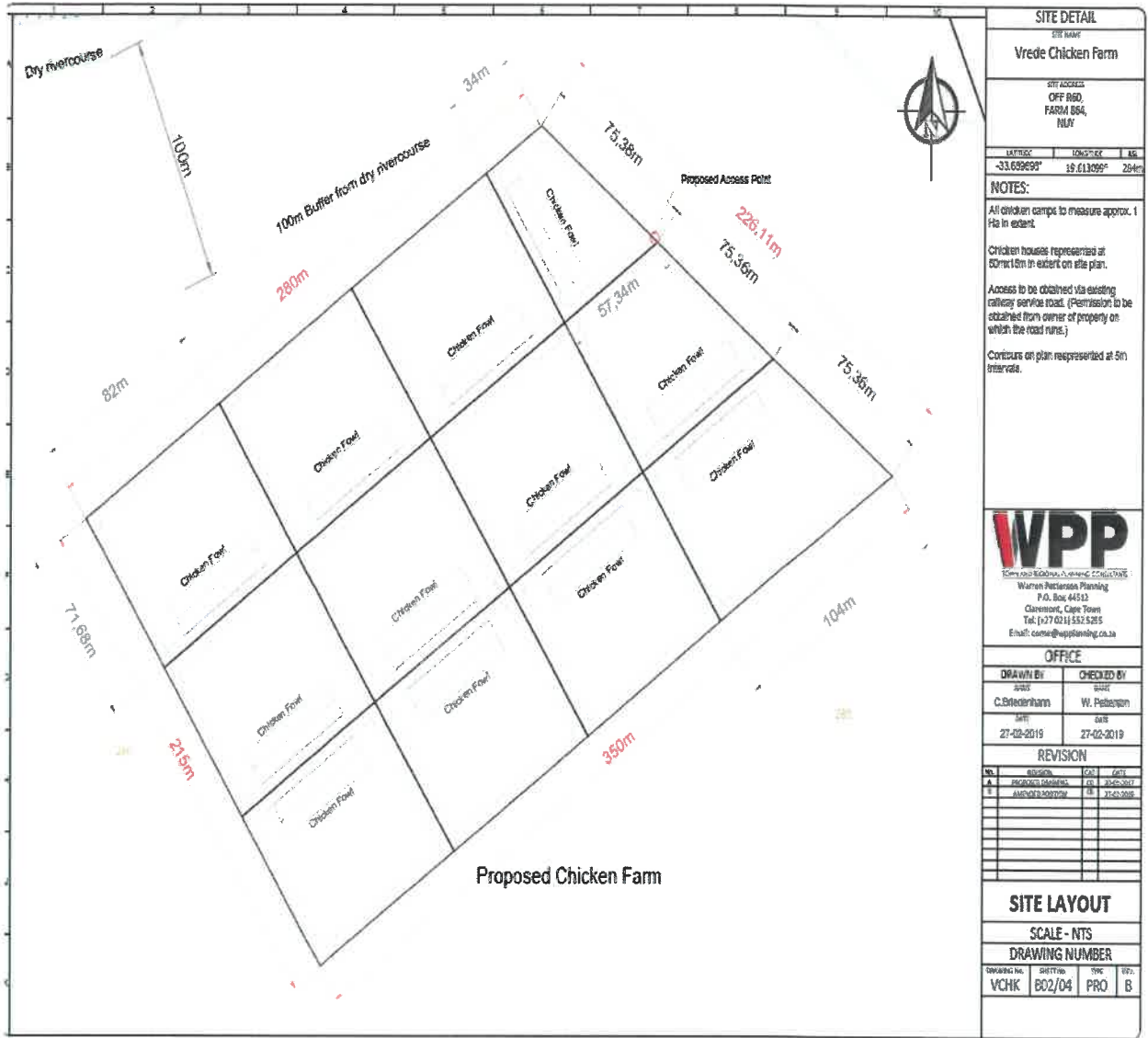


Figure 2: Indicates the site development plan for the chicken broiler houses.

## **ANNEXURE 2: REASONS FOR THE DECISION**

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

- a) The information contained in the Application Form dated 23 October 2018, the final BAR dated 5 April 2019 and the EMPr submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 5 April 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

### **1. Public Participation**

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Worcester Standard' on 29 September 2016;
- fixing notice boards at the sites where the listed activities are to be undertaken on 30 September 2016;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 6 October 2016; and
- making the pre-application draft BAR available to I&APs from 17 February 2017, making the in process draft BAR available to I&APs for public review from 23 October 2018 and the amended draft BAR from 1 March 2019.

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

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

### **2. Alternatives**

Two site alternatives and the "no-go" option for the proposal were investigated and are discussed below:

#### Site Alternative 1 (Herewith Authorised):

This alternative entails the construction of 12 chicken broiler houses and associated infrastructure in a grid layout. Each chicken house will be approximately 750m<sup>2</sup> with an associated roaming area. Nine of the houses will be located on an area of approximately 0,5ha and the remaining three chicken broiler houses will be configured to fit the site to accommodate the 100m buffer from the watercourse. The site will be located approximately 1,3km north of the R60 (Robertson road) between agricultural fields and south of an existing dam, with a development footprint of approximately 8ha.

This alternative is preferred because the site is located between agricultural fields, does not form part of an ecological corridor and has a smaller development footprint compared to Site Alternative 2. In addition, access roads to this site will not require upgrading, since all access roads are able to accommodate heavy vehicles and there is less of a visual impact because it is set back more than 1km from the R60.

#### Site Alternative 2:

The construction of 12 chicken broiler houses and associated infrastructure in a grid layout. Each chicken house will be approximately 750m<sup>2</sup> with an associated roaming area of approximately 1 750m<sup>2</sup>. The site is located approximately 500m north of the R60 on an area that is bordered on each side by natural vegetation. The development footprint of this alternative is approximately 12ha.

This alternative is not preferred because the site forms part of a continuous ecological corridor, has a larger development footprint, has a higher visual impact and requires upgrading of the access road to provide direct access to the site.

#### "No-Go" Alternative

The "no-go" option to not clear indigenous vegetation to establish chicken broiler houses was considered. However, it is not preferred because it will not enable the applicant to utilise land that is not agriculturally viable for cultivation and will not enhance the economic viability of the farm or create additional employment opportunities.

### **3. Impact Assessment and Mitigation measures**

#### **3.1 Activity Need and Desirability**

The property is located within an agricultural area, surrounded by various agricultural developments. The proposed establishment of chicken broiler houses will allow the applicant to use the property to its full agricultural potential and will increase the economic viability of the farm. Employment opportunities will be created during the construction and operational phases of the proposal.

#### **3.2 Biodiversity and Biophysical Impacts**

According to the Botanical Impact Assessment dated September 2016, compiled by Mr. G. Nicolson of Bergwind Botanical Surveys and Tours, the mapped vegetation for the site is Breede Alluvium Renosterveld, an ecosystem listed as vulnerable in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The site has been previously disturbed and although the vegetation on site has recovered, the species diversity is fairly low and is mostly represented by disturbance-tolerant indigenous species and exotic species. The site is isolated by agricultural development to the north, east and west, and

does not form part of an ecological corridor. Through the implementation of the EMPr (accepted in Section E, Condition 9), the impact on indigenous vegetation will be limited.

In addition, CapeNature has agreed with the findings of using Site Alternative 1 and has no objection with respect to the proposed development.

The development will result in both negative and positive impacts.

**Negative Impacts:**

- The proposed development will impact on indigenous vegetation, however, the vegetation on site represents fairly low species diversity and is mostly represented by disturbance-tolerant indigenous species and exotic species.

**Positive impacts:**

- Agricultural land that was previously regarded as unviable to be cultivated can now be used as a chicken broiler farm to enhance the economic viability of the farm.
- Employment opportunities will be created during the construction and operational phases.

**4. National Environmental Management Act Principles**

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

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

**5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----