



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 2)

**REFERENCE:** 16/3/3/1/B3/32/1036/17  
**ENQUIRIES:** BERNADETTE OSBORNE  
**DATE OF ISSUE:** 2018 -06- 1 1

The Board of Directors  
RCL Food Consumer (Pty) Ltd  
Private Bag 612  
**WORCESTER**  
6850

**Attention: Richard Trollip**

Tel: (023) 347 4500  
Fax: (023) 347 1277

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE CONSTRUCTION OF STONE-PACKED LOW WATER CROSSINGS ASSOCIATED WITH THE EXPANSION OF A MAINTENANCE TRACK AND THE ESTABLISHMENT OF A SECURITY FENCE ON PORTION 1 OF FARM NO. 363, WORCESTER.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and **adopt** the Maintenance Management Plan, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA 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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Jaco Steyn (Breede Valley Municipality)  
(2) Wayne Marnewil (Boland Environmental Consultants)

Fax: (023) 348 2637  
Fax: (086) 668 0241



**REFERENCE:** 16/3/3/1/B2/32/1036/17  
**NEAS REFERENCE:** WCP/EIA/0000311/2017  
**ENQUIRIES:** Bernadette Osborne  
**DATE OF ISSUE:** 2018 -06- 1 1

## 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 CONSTRUCTION OF STONE-PACKED LOW WATER CROSSINGS ASSOCIATED WITH THE EXPANSION OF A MAINTENANCE TRACK AND ESTABLISHMENT OF A SECURITY FENCE ON PORTION 1 OF FARM NO. 363, WORCESTER.**

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 preferred Alternative 2, described in the Basic Assessment Report ("BAR"), dated May 2018.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (Government Notice ("GN") No. 324, 325, 326 and 327 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby adopts the Maintenance Management Plan for the low water crossings associated with the expansion of a maintenance track and the establishment of a security fence on Portion 1 of Farm No. 363, Worcester.

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

RCL Foods Consumer (Pty) Ltd  
c/o Mr Richard Trollip  
PO Box 612  
**WORCESTER**  
6850

Tel: (023) 347 4500  
Fax: (023) 347 1277

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Project Description
<p>Government Notice No. 327 of 7 April 2017 – <b>Activity Number: 19</b> The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <p>(a) Will occur behind a development setback; (b) Is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) Falls within the ambit of activity 21 in this Notice, in which case that activity applies. (d) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) Where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The expansion of the maintenance track and establishment of the security fence will cross several wetlands and ephemeral drainage lines, which will require the construction of stone-packed low water crossings.</p>

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 proposed development:

The establishment of 11 stone-packed low water crossings associated with the expansion of a maintenance track and the establishment of a security fence around the perimeter of Portion 1 of Farm No. 363, Worcester. The low water crossings will each have a width of 3 meters and range in length between 8 meters and 31 meters.

### C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Portion 1 of Farm No. 363, Worcester, at the following co-ordinates:

	Latitude (S):			Longitude (E):		
Unit 1.1	33°	39'	41.84"	19°	29'	53.41"
Unit 1.2	33°	39'	43"	19°	29'	55.34"
Unit 1.3	33°	40'	1.23"	19°	30'	25.7"
Unit 1.4	33°	39'	21.23"	19°	30'	9.17"
Unit 1.5	33°	39'	24.4"	19°	30'	22.88"
Unit 1.6	33°	39'	29.76"	19°	30'	45.16"
Unit 1.7	33°	39'	33.4"	19°	31'	0.98"
Unit 1.8	33°	39'	30.35"	19°	30'	49.15"
Unit 1.9	33°	39'	22.29"	19°	30'	14.92"
Unit 1.10	33°	39'	20.23"	19°	30'	5.67"
Unit 1.11	33°	39'	34.82"	19°	31'	9.31"

The SG digit code:

Portion 1 of Farm No. 363: C08500000000036300001

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

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

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Boland Environmental Consultants CC

c/o Mr Wayne Marnewil

PO Box 250

**WORCESTER**

6849

Tel: (023) 347 0336

Fax: (086) 668 0241

### 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 preferred Alternative 2 described in the BAR dated May 2018 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten 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.
  - 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: 6, 7, 12 and 18.

#### **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 detailed in Section F 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 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 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 2014 National Appeals Regulations.

8. The listed activity, including site preparation, may 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.

### **Management of activity**

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The Maintenance Management Plan ("MMP") adopted as part of this Environmental Authorisation must be implemented.
11. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

### **Monitoring**

12. 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 provisions of the EMPr, MMP and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, 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 a publicly accessible website.
14. 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**

15. 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, MMP 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 holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

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

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

Heritage remains include: meteorites, archaeological and/or 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.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
18. The natural corridor that will be maintained adjacent to the western boundary of the security fence must be clearly demarcated as a no-go area before construction commences.
19. The northern boundary of the security fence and maintenance track must be located as close as possible to the R60 to prevent the establishment of unsustainable vegetation or habitat fragments between the security fence and R60.

## 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 a listed activity 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 the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post:                      Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile:              (021) 483 4174; or

By hand:                      Attention: Mr Jaap de Villiers (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 [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).



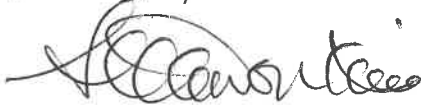
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

#### 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. HENRI FORTUIN**

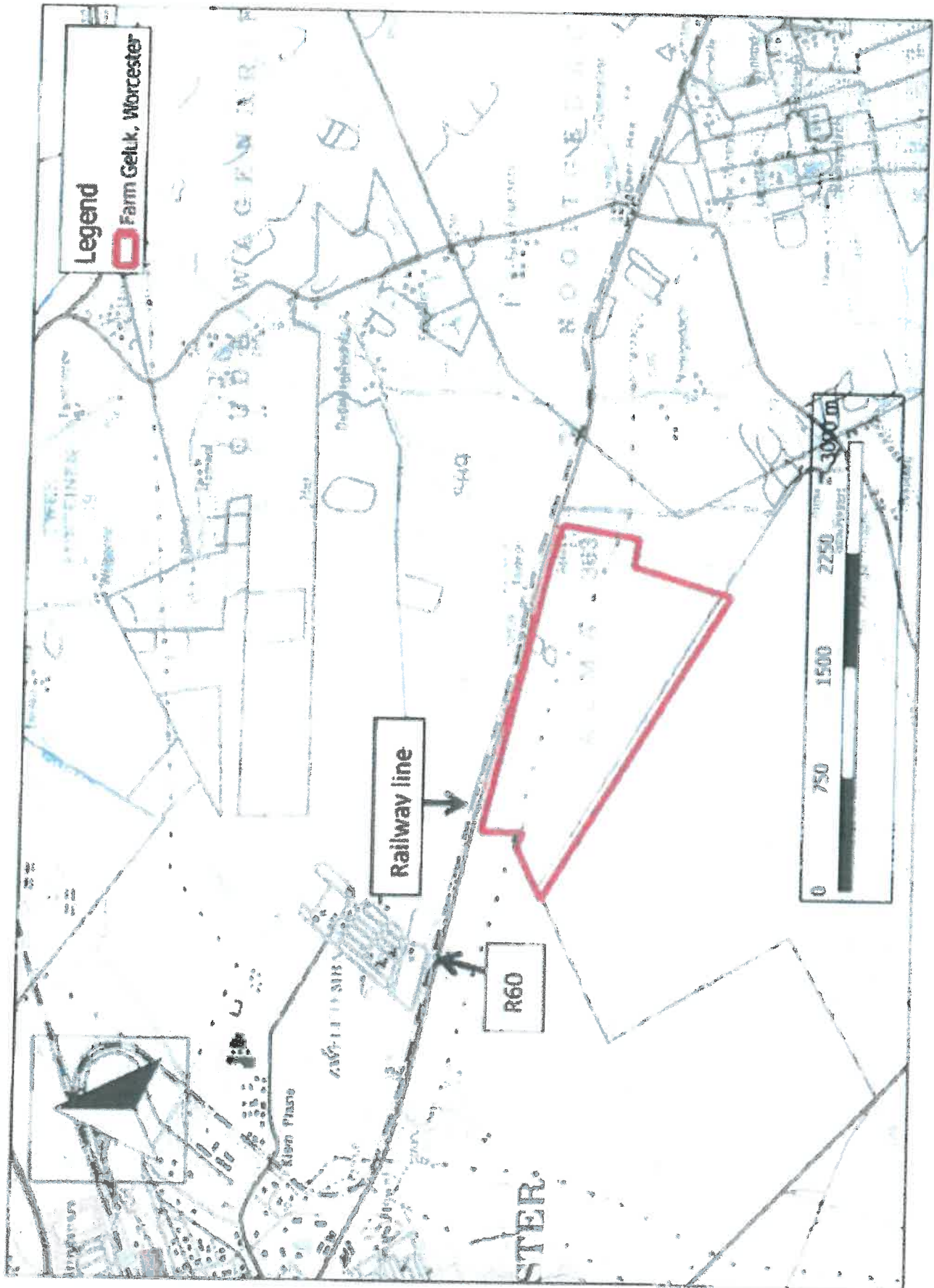
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**

DATE OF DECISION: 11-6-18

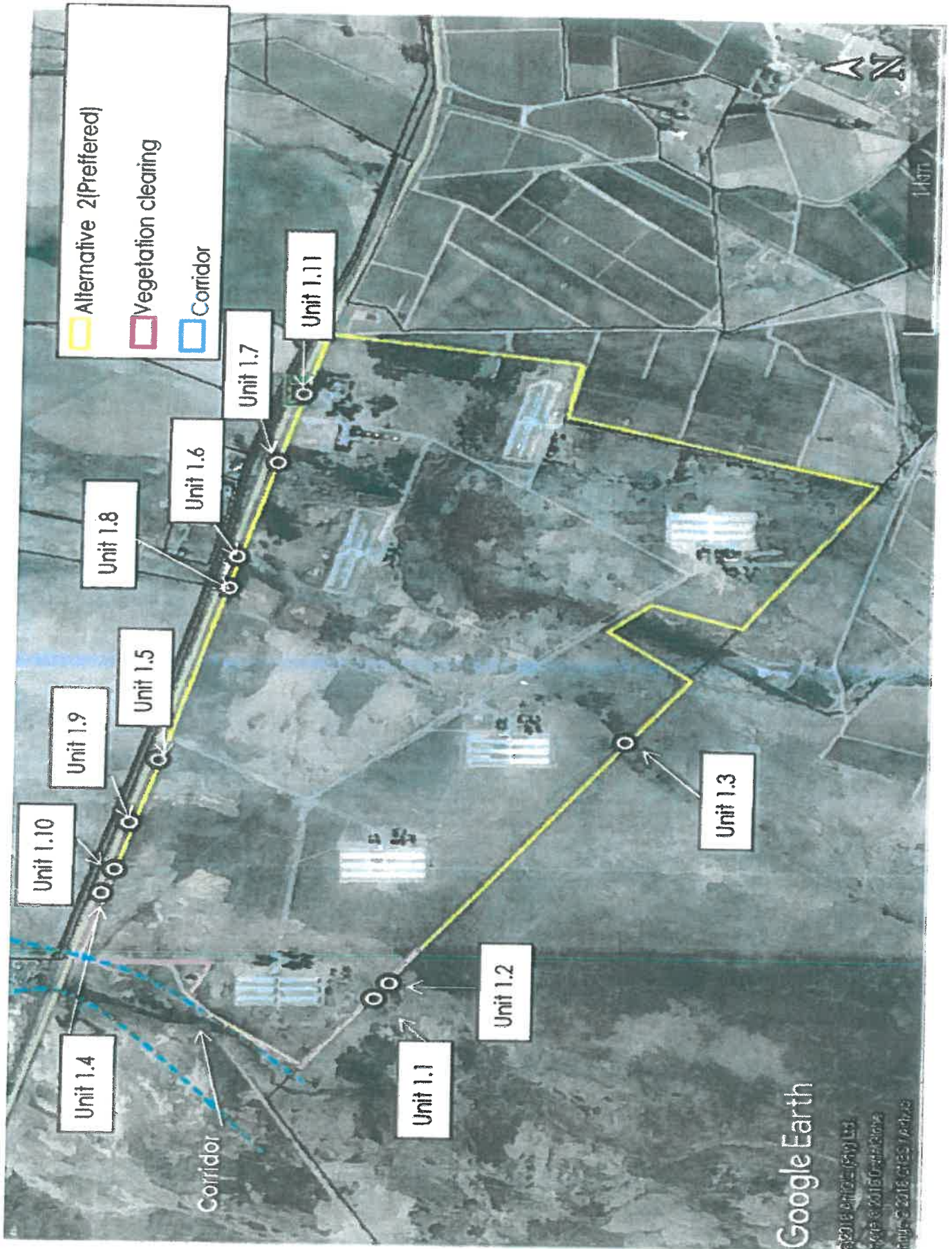
Cc: (1) Jaco Steyn (Breede Valley Municipality)  
(2) Wayne Marnewil (Boland Environmental Consultants)

Fax: (023) 348 2637  
Fax: (086) 668 0241

# ANNEXURE 1: LOCALITY MAP



# ANNEXURE 2: SITE 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 29 September 2017, the draft Basic Assessment Report received by the Department on 31 October 2017, the EMPr submitted together with the final Basic Assessment Report on 21 February 2018 and the additional information included in the amended final Basic Assessment Report dated May 2018, received on 1 June 2018;
- 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 Basic Assessment Report received on 21 February 2018 and the additional information included in the amended final Basic Assessment Report dated May 2018, received on 1 June 2018; 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 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. 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 19 October 2017;
- giving 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 activity on 23 October 2017;
- fixing a notice board at the site where the listed activity is to be undertaken;
- making the draft Basic Assessment Report available to I&APs for public review from 23 October 2017; and
- making the amended draft Basic Assessment Report available to I&APs for public review from 23 January 2018.

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 to adequately address the concerns raised.

The Competent Authority concurs with 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

### Design alternatives

The project initially considered various designs for the watercourse crossings. These included:

- 1) Concrete pipe culverts;
- 2) Flat top culverts: Due to the limited footprint and surrounding landscape at the crossings, the culverts were not deemed necessary or feasible.
- 3) Lose stone-packed low water crossing (**preferred**): This is option is preferred since it will minimise flow disruption and is more cost effective.

### Alternative 1

This alternative entails the construction of concrete crossings (culverts and pipes) at the identified sites associated with expansion of the maintenance track and the establishment of a security fence on Portion 1 of Farm No. 363, Worcester. This alternative was not preferred since it does not consider the recommendations in the Botanical Assessment and Wetland Impact Assessment. Concrete crossings were also not considered as a feasible option at the majority of the watercourse crossings and it is more expensive to establish.

### Alternative 2 (preferred layout and design alternative herewith authorised)

This alternative entails the construction of 11 stone packed low water crossings associated with the expansion of the maintenance track and the establishment of a security fence on Portion 1 of Farm No. 363, Worcester. This alternative was preferred since the alignment was amended to limit vegetation clearance, minimise flow disruption and it is more cost effective. This alternative took into consideration the recommendations made in the Botanical Assessment and Wetland Impact Assessment, thereby providing a natural uninterrupted corridor for intact natural areas located south-west of the farm towards the natural habitat remnant north of the farm.

### No-go Option

This alternative represents the *status quo*, meaning no construction of the crossings at the wetlands and the ephemeral drainage lines and the vegetation and ecological processes would remain in their present state. This alternative was however not preferred since it does not address the security issues currently experienced on site and the vandalism and theft of stock and infrastructure will persist.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity need and desirability

The Breede Valley Municipality identifies food security as one of the four main objectives which is linked to their comprehensive rural development strategy. The applicant is a leading food producer, contributing to food security on a local, provincial and national level. RCL Foods Consumer (Pty) Ltd, Worcester, is however experiencing major setbacks and losses due to burglaries, vandalism and theft. A need for upgraded security and control measures was thus identified to prevent the unauthorised access into the site. A security fence of about 7 km around the perimeter of the site and the expansion of the maintenance track inside the fence was therefore proposed. The project will help establish more stringent safety and security control measures to reduce theft and vandalism of stock and infrastructure on the site and keep trespassers

at bay. The maintenance track located immediately inside the electrified security fence, will allow for the maintenance of the fence and rapid access to the boundary for security and fire control purposes.

### 3.2 Biophysical Impacts

The farm is located directly south of the R60 towards Robertson, approximately 4 km south-east of Worcester. According to the fine-scale vegetation map the indigenous vegetation present on the site mainly comprises of *Overhex Renosterveld Karoo* vegetation and *Worcester Fynbos Renosterveld* vegetation, both these vegetation types are classified as Vulnerable. A large portion of the property forms part of a Critical Biodiversity Area ("CBA"). Natural vegetation occurs within the northern portion of the site but the vegetation within the proposed footprint is mostly degraded. Based on the findings of the Botanical Assessment, dated 17 October 2016 and compiled by Johlene Krige, the security fence and maintenance track will not have a significant impact on vegetation and habitat due to its limited footprint. It will however cut off animal movement between a significant natural habitat fragment north of the farm and extensive natural areas towards the south-west. It was therefore recommended that the western boundary of the fence line be moved eastward to exclude a portion of the natural area and a watercourse, thereby allowing an uninterrupted corridor between the adjacent natural areas. This was incorporated into the preferred alternative.

A number of wetlands (aquatic CBAs) occur on the site and the four ephemeral drainage lines traversing the site are recognized as Ecological Support Areas. The wetlands are located on an alluvial fan created by the Hex River before its confluence with the Breede River. The security fence and maintenance track traverse six wetland units and four drainage lines. The preferred alternative for the watercourse crossings entails the construction of loose stone-packed low water crossings. This option was selected to minimise flow disruption and it is more cost effective. Based on the findings of the Freshwater Impact Assessment, dated November 2017 and compiled by Dr D C Kotze, the Ecological Importance and Sensitivity of the affected freshwater features ranged from intermediate to moderately high. The Present Ecological State ranged between moderately modified to extensive loss of natural habitat, biota and basic ecosystem functions. The recommendations incorporated into the preferred alternative include excluding the two crossings located on the south-western portion of the site (unit 1.1 and 1.2 on the layout plan) and aligning the crossing at unit 1.6 with the existing crossing 300m upstream thereof. The impacts associated with the watercourse crossings were mitigated satisfactorily in the preferred alternative. The Breede-Gouritz Catchment Management Area has also provisionally confirmed in an electronic correspondence dated 23 May 2015, that the proposed works can be Generally Authorised.

Furthermore, a MMP has also been compiled as part of the EMP to address routine maintenance activities taking place in the affected wetland and drainage line areas. The maintenance of the crossings authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that "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."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

The development will result in both negative and positive impacts.

**Negative Impacts:**

- The proposed construction works will result in elevated noise and dust levels during the construction phase.
- Loss of indigenous vegetation and ecological process during site preparation and construction.
- Potential impact on wetland and drainage lines through contamination and run-off.

**Positive impacts:**

- A natural corridor will be maintained from the vegetation remnant north of the farm to the intact natural areas located south of the farm.
- The project will improve security control and reduce theft and vandalism of stock and infrastructure.
- Temporary employment opportunities during the construction phase will be provided.

**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, 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.

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