



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT  
REGION 1**

**EIA REFERENCE NUMBER:** 16/3/3/1/F3/3/3002/20  
**NEAS REFERENCE:** WCP/EIA/0000722/2020  
**ENQUIRIES:** Ms. M. Schippers  
**DATE OF ISSUE:** **25/06/2020**

The Director  
Doring Bay Abalone (Pty) Ltd.  
P. O. Box 181  
**DORING BAY**  
8151

**Attention: Mr.W. Cooke**

Tel: (027) 215 1107  
Fax: (086) 527 9322

Dear Sir

**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 EXPANSION OF THE ABALONE FARM AND THE DEVELOPMENT OF ASSOCIATED INFRASTRUCTURE ON PORTION 1 OF FARM NO. 421, DORING BAY.**

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 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 Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copies to: (1) Ms. M. Naylor (Lornay Environmental Consulting)  
(2) Mr. B. Smit (Matzikama Municipality)

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**ENQUIRIES:** Ms. M. Schippers  
**DATE OF ISSUE:** 25 JUNE 2020

### ENVIRONMENTAL AUTHORISATION

**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 EXPANSION OF THE ABALONE FARM AND THE DEVELOPMENT OF ASSOCIATED INFRASTRUCTURE ON PORTION 1 OF FARM NO. 421, DORING BAY.**

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 Regulations, 2014 as amended on 07 April 2017 ("NEMA EIA Regulations, 2014") 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 alternative described in the Basic Assessment Report ("BAR") dated March 2020.

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

Doring Bay Abalone (Pty) Ltd.  
c/o Mr. W. Cooke  
P. O. Box 181  
**DORING BAY**  
8151

Tel: (027) 215 1107  
Fax: (086) 527 9322

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

**B. LISTED ACTIVITY AUTHORISED**

The listed activity in terms of the NEMA EIA Regulations as amended on 07 April 2017.

Listed activity	Activity/Project description
<p>Listing Notice 1</p> <p>Activity Number: 34 Activity Description:</p> <p><i>The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution, excluding-</i></p> <p>(i) <i>where the facility, infrastructure, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies;</i></p> <p>(ii) <i>the expansion of existing facilities or infrastructure for the treatment of effluent, wastewater, polluted water or sewage where the capacity will be increased by less than 15 000 cubic metres per day; or</i></p> <p>(iii) <i>the expansion is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will be increased by 50 cubic metres or less per day.</i></p>	<p>The proposed activity will result in the expansion of an existing facility which will result in the need for an amended permit for the release of effluent.</p>

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

The applicant is herein authorised to undertake the following alternative related to the listed activity:

The proposed development entails the expansion of the existing abalone farm and associated infrastructure on Portion 1 of Farm No. 421, Doring Bay. The production output of the existing farm will be increased from 60 tons to 80 tons (wet weight). The increase in tonnage will be accommodated within the existing farm. An additional discharge point will be developed for the release of effluent. The release of the additional effluent will result in the need to amend the existing Coastal Waters Discharge Permit ("CWDP"). The competent authority issued an amendment of the CWDP on 15 November 2019.

**C. PROPERTY DESCRIPTION AND LOCATION**

The proposed activity will take place on Portion 1 of Farm No. 421, Doring Bay.

Co-ordinates: 31° 49' 01.46" South  
18° 14' 00.48" East

SG 21 Digit code: C07800000000042100001

Refer to Annexure 1: Map of the site

hereinafter referred to as "the site".

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

Lornay Environmental Consulting  
c/o Ms. M. Naylor  
P. O. Box 1990  
**HERMANUS**  
7200

Cell: (028) 316 1769

Fax: (086) 585 2461

**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 January 2020.
2. The holder must commence with 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.
3. This Environmental Authorisation is granted for a period of **ten (10) years**, from the date of issue, during which period the holder must commence with the authorised 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 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. A minimum of seven calendar days notice, in writing, must be given to the Competent Authority before commencement of the activity.

- 6.1. The notice must make clear reference to the details of the site and EIA Reference number given above.
- 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7 and 13.

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

7. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (2) –
  - 7.1. Notify all registered interested and affected parties 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 of issue of the decision;
  - 7.2. Draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 detailed in section F below;
  - 7.3. Draw the attention of all registered interested and affected parties to the manner in which they may access the decision;
  - 7.4. Provide the registered Interested and Affected Parties 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; 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 2014 National Appeals Regulations.

#### **Commencement**

8. The listed activity, including preparation of the site, must not be commenced with within twenty (20) calendar days from the date the applicant notified the registered I&APs of this decision.
9. 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**

10. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for an amendment to the outcomes of the EMPr must be submitted to the Competent Authority if any amendments are to be made to the EMPr other than those

required by this Environmental Authorisation, and this may only be implemented once the amended EMPr has been authorised by the Competent Authority.

12. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), or site agent where appropriate to ensure compliance with the EMPr and the conditions contained herein.
14. A copy of the Environmental Authorisation and the EMPr, audit reports and compliance monitoring reports must be kept at the site office and must be made available to any authorised official on request.
15. Access to the site referred to in section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

### **Auditing**

16. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct an environmental audit to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit the environmental audit report to the Competent Authority.
  - 16.1. The 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);
  - 16.2. An audit report must be submitted to the Competent Authority within **six (6) months** of the operational phase, thereafter every **five (5) years**.
  - 16.3. The audit report must indicate compliance with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management;
  - 16.4. The holder must, within 7 days of the submission of an audit report to the Competent Authority, notify potential and registered I&APs of the submission and make the report available to anyone on request; and
  - 16.5. If the audit report is not submitted, the Competent Authority may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.

### **Specific conditions**

17. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings and graves or unmarked human burials.
18. Employment opportunities must be afforded to the local community (as far as possible).
  19. All noise and sounds generated during the proposed activity must comply with the relevant SANS codes and standards and the relevant noise regulations.
  20. The applicant must ensure that the effluent discharge meets the standard(s) as set out in the discharge permit issued by the relevant authority.

**F. GENERAL MATTERS**

1. The holder is 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.
2. Any changes to, or deviations from the scope of the description set out 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 such information as it deems necessary 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.
3. The applicant must notify the Competent Authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
4. The applicant must submit an application for amendment in terms of Chapter 5 of the NEMA EIA Regulations, 2014 (as amended) of the Environmental Authorisation to the Competent Authority where any detail or scope with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.
5. 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.
6. Non-compliance with a condition of this Environmental Authorisation or EMPr may result in suspension of this Environmental Authorisation and may render the holder liable for criminal prosecution.

**G. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder) must –
  - 1.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the Competent Authority of this decision.
2. An appellant (if NOT the holder) must –
  - 2.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&AP, any Organ of State



with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of the decision.

3. The holder (if not the appellant), the decision-maker, I&AP and 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. This appeal and 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 3721)  
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where development or operation subsequent to development 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: **25 JUNE 2020**

Copies to: (1) Ms. M. Naylor (Lornay Environmental Consulting)  
(2) Mr. B. Smit (Matzikama Municipality)

Fax: (086) 585 2461  
Fax: (027) 213 3238

**FOR OFFICIAL USE ONLY:**

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**ANNEXURE 1: PLAN OF THE ROUTE**

**ANNEXURE 1: MAP OF THE SITE AND LOCATION OF THE ADDITIONAL DISCHARGE POINT**



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

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

- a) The listed activity applicable in terms of the NEMA EIA Regulations as amended on 07 April 2017.
- b) The information contained in the application form received by the Competent Authority on 17 January 2020, the BAR received by the Competent Authority on 05 March 2020 and the EMPr submitted together with the BAR;
- c) The assessment of the activity in the BAR received by the Competent Authority on 05 March 2020;
- d) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- e) 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);
- f) The comments received from interested and affected parties and the responses provided thereon, as included in the BAR received by the Department on 20 December 2019; and
- g) No site visits were conducted where the proposed activity will be located. The Competent Authority had sufficient information before it to make an informed decision.

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") included, *inter alia*, the following:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site where the listed activity is to be undertaken on 23 October 2019;
- giving written notice to the owners of the land and 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 2019; and
- the placing of a newspaper advertisement in the 'Ons Kontrei' on 25 October 2019.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

Specific management and mitigation measures have been considered in this environmental authorisation and in the EMPr to adequately address significant concerns raised.

### **2. Alternatives**

#### Preferred Alternative (herewith authorised)

This alternative entails the expansion of the existing abalone farm and associated infrastructure on Portion 1 of Farm No. 421, Doring Bay. The production output of the existing farm will be increased from 60 tons to 80 tons (wet weight). The increase in tonnage will be accommodated within the existing farm. An additional discharge point will be developed for the release of effluent. The release of the additional

effluent will result in the need to amend the existing Coastal Waters Discharge Permit ("CWDP"). The competent authority issued an amendment of the CWDP on 15 November 2019.

#### "No-Go" Alternative

The "no-go" alternative will result in the status quo being maintained. The preferred alternative will not result in unacceptable environmental impacts, therefore the "no-go" alternative was not warranted.

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

#### 3.1. Activity Need and Desirability

An abalone facility is currently operating on the site and this application is for the expansion thereof and the development of an additional effluent discharge point. The applicant has identified a need to expand the existing facility as there is a growing demand for abalone. The expansion of the facility will contribute to the growing demand for abalone.

No additional services and infrastructure is required from the local authority. The local authority's IDP has identified aquaculture as important to create more jobs and investment opportunities in the area. The expansion of the existing facility will therefore allow for job creation and investment in the area.

#### 3.2. Biophysical Impacts

The site is located within 100m of the high-water mark of the sea. The site does not contain indigenous vegetation as the site has been transformed as a result of the existing buildings. The surrounding area comprises of an industrial area, old harbour area and a medium density residential area. It is expected that the impacts on the marine environment as a result of effluent discharge will be of low negative significance as the water quality will be governed by standards. This will be ensured through regular monitoring. With the implementation of the conditions of the EA and the EMP, potential environmental impacts will be managed to acceptable levels.

#### 3.3. Impact Assessment and significance rating

Potential pollution of the marine environment as a result of effluent discharge during the operational phase of the proposed development has been identified in the BAR as being of low negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMP and conditions of this environmental authorisation.

### **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.

The activity will result in both negative and positive impacts.

Negative Impacts Include:

- Potential impacts on the marine environment as a result of effluent discharge.

Positive impacts Include:

- The proposed development will allow for investment opportunities in the area;
- The proposed development will allow for an increase in production output of the facility;
- The proposed development will have economic benefits for the general area; and
- The proposed development will create some employment opportunities during the operational phase.

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."*

-END