



EIA REFERENCE NUMBER: 16/3/3/1/D1/14/0013/19
NEAS REFERENCE: WCP/EIA/0000623/2019
ENQUIRIES: Mr Steve Kleinhans
DATE OF ISSUE: 19 MAR 2020

The Managing Director
JJ van der Schyff & Seun T/A Dagbreek Eiers
PO Box 1853
Plettenberg Bay
6600

Attention: Mr. J. van der Schyff

Fax: (044) 533 9172

E-mail: dagbreekeiers@vodamail.co.za

Dear Sir

NOTICE OF DECISION: APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED EXPANSION OF DAGBREEK EIERS TO INCLUDE AN ADDITIONAL FOUR CHICKEN HOUSES ON PORTION 59 OF THE FARM ROODEFONTEIN NO. 440, PLETTENBERG 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, 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, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref: 16/3/3/1/D1/8/0007/19

Copied to:

(1) HillLand Environmental cc
(2) HillLand Environmental cc
(3) Bitou Municipality

Mrs. Cathy Avierinos
Mr. Stefan Delpont
Ms. Anje Taljaard

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED EXPANSION OF DAGBREEK EIERS TO INCLUDE AN ADDITIONAL FOUR CHICKEN HOUSES ON PORTION 59 OF THE FARM ROODEFONTEIN NO. 440, PLETTENBERG 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) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative** (*viz. Alternative 1*), described in the Final Basic Assessment Report ("FBAR"), dated 13 January 2020 as prepared and submitted by *HillLand Environmental*, the appointed environmental assessment practitioner ("EAP").

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Managing Director
JJ van der Schyff & Seun T/A Dagbreek Eiers
% Mr. J. van der Schyff
PO Box 1853
Plettenberg Bay
6600

Tel: (044) 533 9172
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E-mail: dagbreekeiers@vodamail.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)	
<p>Activity Number: 27 Activity Description:</p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. 	<p>The footprint of the facility within the berms is approximately 1.4 hectares. The vegetation within this area will be cleared and managed during the operational phase.</p>
<p>Activity Number: 40 Activity Description:</p> <p>The expansion and related operation of facilities for the concentration of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by—</p> <ul style="list-style-type: none"> (i) more than 1 000 poultry where the facility is situated within an urban area; or (ii) more than 5 000 poultry per facility situated outside an urban area. 	<p>Four additional chicken houses will be constructed at the existing DAGBREEK EIERS facility, which currently consists of nine chicken houses. Each chicken house will be able to house a maximum of 30 000 chickens. The expansion will therefore enable the facility to house an additional 120 000 (max.) chickens.</p>
Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014 (as amended)	
<p>Activity Number: 4 Activity Description:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <ul style="list-style-type: none"> i. Western Cape <ul style="list-style-type: none"> i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; <ul style="list-style-type: none"> (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority. 	<p>Internal roads will be developed to gain access to the new chicken houses. The new internal roads will be between 3.9 metres and 5 metres wide.</p>

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

The Holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

The construction of four additional chicken houses with a construction footprint of 700.89 square metres per chicken house and a total footprint of approximately 2800 square metres. The total area to be transformed for the proposed expansion is approximately 1.4 hectares on Portion 59 of the Farm Roodefontein No. 440 near Plettenberg Bay. The proposed additional chicken houses will link with the existing *DAGBREEK EIERS* facility on Portion 10 of the Farm Kranshoek No. 432. The existing facility consist of an office block (that includes the grading and packing store), a free-standing "hangar" and nine chicken houses.

JJ van der Schyff & Seun (Pty) Ltd t/a *DAGBREEK EIERS* is an existing fully licensed and functional egg processing facility which meets the South African Poultry Association's Code of Practice (2018) for Pullet Rearing and Table Egg Production. Furthermore, all aspects of Housing Poultry, Preparation of the houses, Health Safety and Sanitation, Management Practices and Health Controls are covered in the Industry Code of Practice. The expansion will conform to these codes.

C. SITE DESCRIPTION AND LOCATION

The site is located west of the town of Plettenberg Bay on Portion 59 of the Farm Roodefontein No.440 and lies approximately one kilometre north-east of Kranshoek. The property is situated directly adjacent to the light industrial park on Portion 10 of the Farm Roodefontein No.440.

Access to the site is gained off the District Road DR1770 through the existing facility on Erf 1743 (a portion of Portion 10 of the Farm Roodefontein No.440), Plettenberg Bay.

A non-perennial watercourse (wetland) runs through the property and is set aside as a wetland buffer. The proposed expansion does not encroach into this area. A 30-metre vegetation buffer will be maintained along the eastern boundary which will also not be developed in order to enhance the natural indigenous vegetation in the remainder of the property.

Coordinates of the site:

Latitude (S)			Longitude (E)		
34°	04'	44.77"	23°	18'	18.77"

SG digit code: C03900000000044000059

Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plan of this Environmental Authorisation.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

HILLAND ENVIRONMENTAL
% Mrs. Cathy Avierinos
PO Box 590
George
6560

Tel: 044 889 0229
Fax: 086 542 5248
E-mail: info@hilland.co.za / cathy@hilland.co.za
URL: <http://hilland.co.za/>

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **31 March 2040**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

Further to the above, the Environmental Authorisation is subject to the following:

- 1.1. The non-operational component of the Environmental Authorisation (i.e. construction phase) is granted for a period from date of issue until **31 March 2025**, during which period the holder must commence with and conclude the expansion activities (construction phase) of the authorised listed activities.

Note: Failure to complete the post construction rehabilitation and monitoring requirements at least three months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.

- 1.2. The operational aspects of this Environmental Authorisation are granted until 31 March 2040 or until the facility is decommissioned prior to said date, during which period all rehabilitation and monitoring requirements and final environmental auditing and reporting must be finalised.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 13 January 2020 on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the Preferred Alternative which entails:

The construction of four additional chicken houses with a construction footprint of 701 square metres per chicken house and a total footprint of 2804 square metres (or less). The total area to be transformed for the proposed expansion of the facility on Portion 59 of the Farm Roodefontein No. 440 Plettenberg Bay, is 1.4 hectares (or less). The proposed additional chicken houses will link with the existing *DAGBREEK EIERS* facility on Erf 1743 (a portion of Portion 10 of the Farm Kranshoek No. 432). The existing facility consist of an office block (that includes the grading and packing store), a free-standing "hangar", nine chicken houses and associated infrastructure (including roads, a parking area, boreholes).

The expansion will conform to the codes prescribed in the South African Poultry Association's Code of Practice (2018) for Pullet Rearing and Table Egg Production.

A 30-metre vegetation buffer will be maintained along the eastern boundary which will be set aside as a wetland buffer. The proposed expansion does not encroach into this area.

The proposed expansion will be in accordance with Plan No. Pr18/46F440Ptn59SDP04A compiled by *Marika Vreken Urban and Environmental Planners*, dated 12 August 2019, attached as Annexure 2 of the environmental authorisation.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
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.

Notification and administration of appeal

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the decision reached on the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. provide the registered I&APs with the:
 - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the Holder,
 - 6.4.4. telephonic and fax details of the Holder,
 - 6.4.5. e-mail address, if any, of the Holder,
 - 6.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
 - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.
 - 6.6. 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.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities on site.

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

Condition no.: 6, 9 and 11

8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

Management of activity/activities

9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to address the following aspects and must then be re-submitted to the Competent Authority and approved prior to commencement of construction.

- 9.1. The amended EMPr must —

- 9.1.1. Incorporate all the conditions given in this Environmental Authorisation;
- 9.1.2. Indicate that all compliance reports must be submitted to this Directorate;
- 9.1.3. Provide clear management instruction for guidance and can be easily measured and enforced. Terminology such as "should" and "may", ought to be avoided;
- 9.1.4. Address the referencing as the appendices do not include any dividers, making to document difficult to read.
- 9.1.5. Include an alien invasive species management plan for the control and eradication of alien invasive species. The management plan must:
 - Detail the methodology for the removal of alien invasive species; and
 - Indicate the frequency of follow-up monitoring
- 9.1.6. Address the management of indigenous vegetation in the 30-metre-wide vegetation strip and the berm.

Note: Failure to submit the amended/ revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process the amended EMPr prior to the intended date of commencement.

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"), for the duration of the construction and rehabilitation phases of implementation contained herein.

12. The ECO must—

- 12.1. be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing);
- 12.2. ensure compliance with the EMPr and the conditions contained herein;
- 12.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 12.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.

13. The Holder must, for the duration of the operational phase, monitor the odour levels on site associated with the operation of facilities for the concentration of poultry.

Further to the above, the Holder must—

- 13.1. monitor the odour levels routinely from fixed points and monitor in response to specific complaints regarding offensive odours or weather conditions;
 - 13.2. maintain a register of complaints received regarding offensive odours and the responses to those complainants;
 - 13.3. maintain a record of the outcome of any odour assessment. Whereas, an Odour Assessment must be performed in accordance with an approved odour assessment protocol; and
 - 13.4. maintain a record of the reasons for any offensive odours being caused (i.e. such as mechanical malfunction; operational failure, climatic conditions, etc.).
14. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
 15. 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.

Environmental Auditing

16. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.

Further to the above, the frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the approved EMPr must comply with the following—

- 16.1. during the non-operational phase (construction phase), the holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority.
- 16.2. the final construction phase Environmental Audit Report(s) must be submitted to the Competent Authority within sixty (60) days of completion of construction activities;
- 16.3. during the operational phase, the holder must ensure that environmental audit(s) are performed regularly and submit these Environmental Audit Report(s) to the Competent Authority.

During the operational phase the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr may not exceed intervals of 5-years;

17. The Environmental Audit Report, must –

- 17.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 17.2. provide verifiable findings, in a structured and systematic manner, on–
 - 17.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 17.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 17.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.4. evaluate the effectiveness of the EMPr;
 - 17.5. identify shortcomings in the EMPr;
 - 17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 17.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 17.9. include a photographic record of the site applicable to the audit; and
 - 17.10. be informed by the ECO reports.
18. The Holder must, within 7 calendar days of the submission of the audit report 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

19. The Holder must take all reasonable steps to prevent or control the emission of any offensive odour caused by any activity on the site.
20. A 30-metre vegetation buffer must be retained along the eastern boundary of the property and must be managed as a buffer for the wetland/watercourse situated on this boundary.

Further to the above—

 - 20.1. The vegetation buffer must be maintained and managed for a conservation use;
 - 20.2. The proposed expansion may not encroach into this buffer area;
 - 20.3. The buffer must be rehabilitated; cleared of alien invasive plant species and may only be rehabilitated / vegetated with locally indigenous plant species.
21. No surface or ground water may be polluted due to any actions on the site related to the authorised activities and no effluent may be discharged into any watercourse.
22. The edges of the internal road network must be demarcated to prevent tread creep. The width of the surface of the internal roads may not exceed five metres.

23. 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

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.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
- (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information 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.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

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

- (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
- (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

- 5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

- 6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
- 7. Failure to comply with all the peremptory conditions (i.e. 6, 7, 9 or 11) prior to the physical implementation of the activities (including site preparation) is an offence. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and may be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
- 8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
- 9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

- 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 Appeal Administrator at 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: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

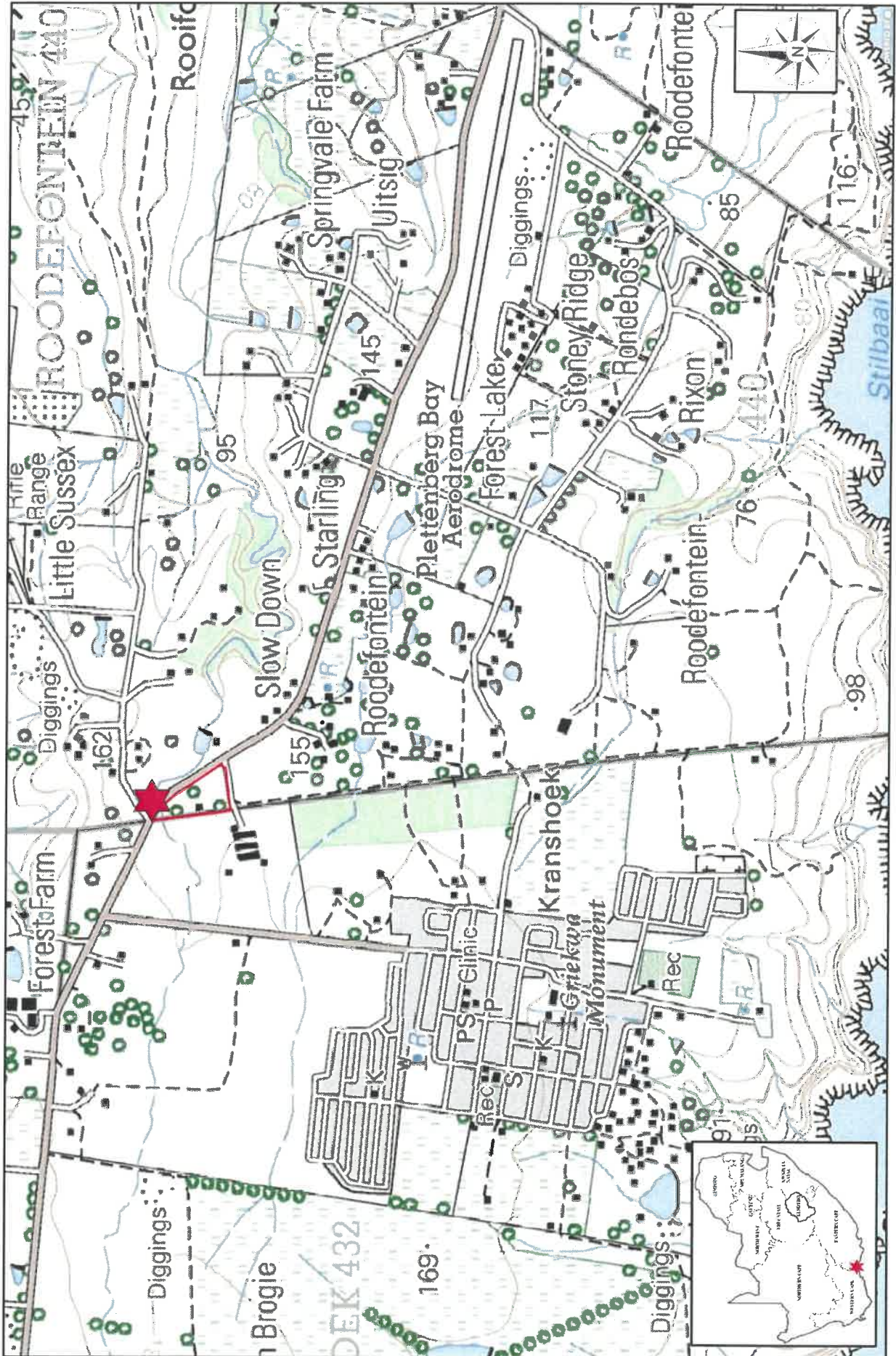
DATE OF DECISION: 19/03/2020

FOR OFFICIAL USE ONLY:

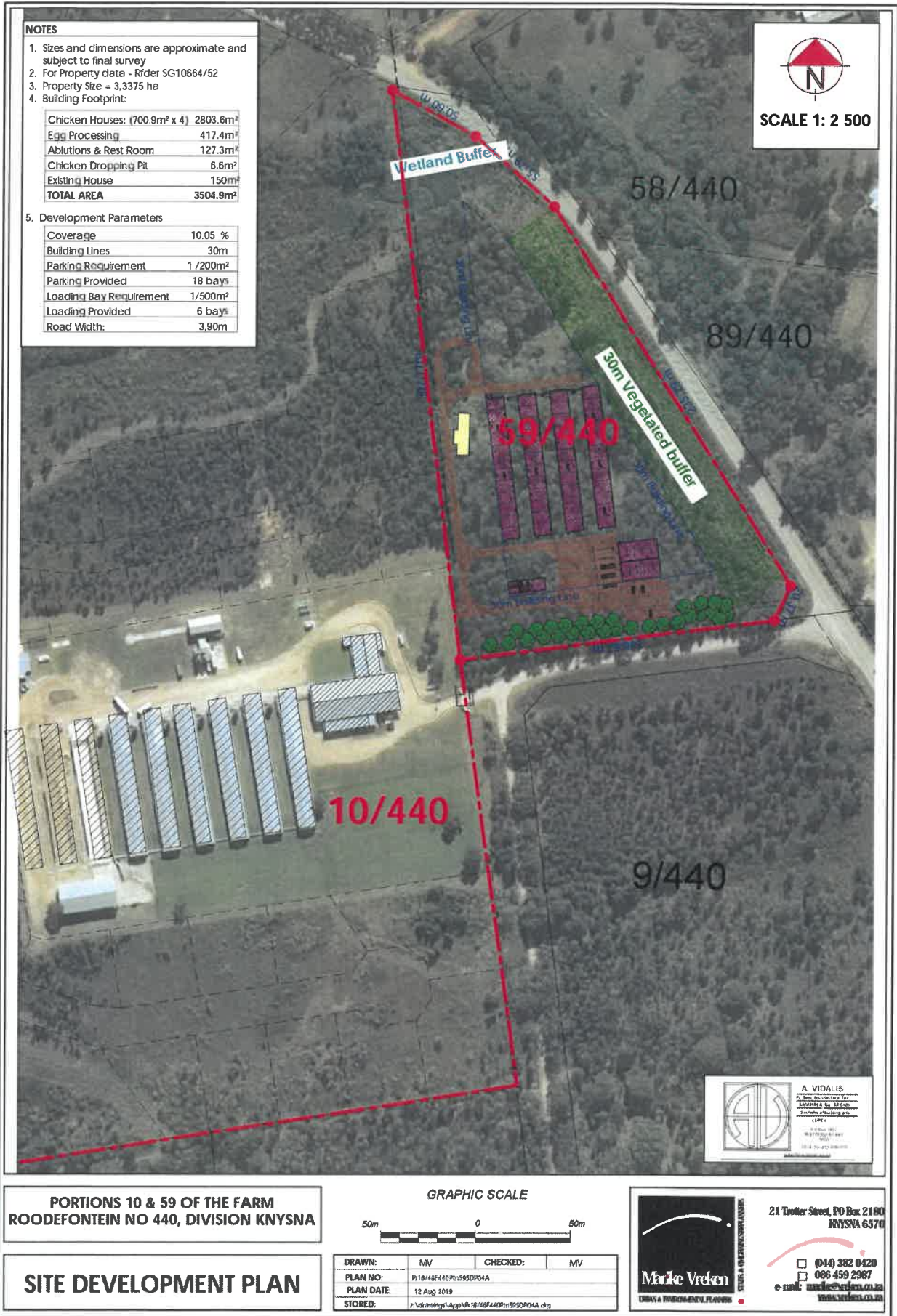
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NEAS REFERENCE: WCP/EIA/0000623/2019

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLANS FOR THE PROPOSED ADDITIONAL CHICKEN HOUSES ON PORTION 59 OF THE FARM ROODEFONTEIN NO. 440, PLETTENBERG BAY



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 received on 8 July 2019, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 13 January 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, 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 FBAR dated 13 January 2020;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.

A site inspection was conducted by Messrs. Steve Kleinhans, Francois Naudé and Danie Swanepoel from the Directorate Development Management (Region 3); Mrs. Cathy Avierinos of HillLand Environmental; and Mr. Johan van der Schyff of JJ van der Schyff & Seun t/a DAGBREEK EIERS on 4 October 2019.

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. Legislative Aspects

According to the FBAR the internal roads for the expansion site are planned to be 3.90 metres wide. However, an analysis of available GIS / aerial photography and a site inspection confirmed that the existing roads are already wider than four metres. The Applicant/EAP was requested to include Activity 4 of Listing Notice 3 in the application and assessment. The EAP confirmed that the roads will be 3.90 metres wide but that the listed activity is included in the event where roads wider than four metres but no more than five metres wide are required. Given the width of the existing internal road network it is reasonable to suspect that the internal road network will exceed the four-metre width. The activity is therefore authorised for the establishment of internal roads of no more than five (5) metres wide.

2. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site on 18 September 2018;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative 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 25 March 5 June 2019;
- the placing of newspaper advertisements in the 'Knysna-Plett Herald' on 4 October 2018 and 5 September 2019; and
- making the draft Basic Assessment Report available to I&APs for public review from 5 September 2019 to 7 October 2019; an additional 30-day commenting period for neighbouring property owners of the original Portion 10 of the Farm No. 432 from 9 October 2019 to 8 November 2019 and the revised draft Basic Assessment Report from 13 November 2019 to 13 December 2019.

The following State Departments / Organs of State provided comment on the proposal:

- ❖ *Heritage Western Cape*
- ❖ *Western Cape Government: Department of Agriculture*
- ❖ *Breede-Gouritz Catchment Management Agency*
- ❖ *CapeNature*
- ❖ *Bitou Municipality*
- ❖ *Department of Health*
- ❖ *Garden Route District Municipality*

- ❖ *General Public / Interested & Affected Parties (I&APs) included:*
 - *Plettenberg Bay Community Environmental Forum*
 - *Yvonne Raath*
 - *Kathy Green*
 - *The Aurum Mykel Trust*
 - *Liesje Hirschberg*
 - *Rob and Sue Windsor*
 - *J Durrheim*
 - *Dominic Erasmus*
 - *Charl Bruiners*

All the comments and issues raised by the respective *Organs of State* and *Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to these other organs of state and I&APs.

3. Alternatives

Preferred Alternative – Alternative 1: Construction of four additional chicken houses (Herewith Approved):

The construction of four additional chicken houses with a construction footprint of 700.89 square metres per chicken house and a total footprint of approximately 2800 square metres. The total area to be transformed for the proposed expansion is approximately 1.4 hectares on Portion 59 of the Farm Roedfontein No. 440 near Plettenberg Bay. The proposed additional chicken houses will link with the existing *DAGBREEK EIERS* facility on Portion 10 of the Farm Kranshoek No. 432. The existing facility consists of an office block (that includes the grading and packing store), a free-standing "hangar" and nine chicken houses.

The expansion will conform to the codes prescribed in the South African Poultry Association's Code of Practice (2018) for Pullet Rearing and Table Egg Production.

The proposed expansion will be in accordance with Plan No. Pr18/46F440Ptn59SDP04A compiled by Marike Vreken Urban and Environmental Planners, dated 12 August 2019, attached as Annexure 2 of the environmental authorisation.

Alternatives considered:

The activity alternative explored and rejected was the option of developing a free range chicken egg production facility. Only one layout alternative was considered which fit into the suitable available space using the modular design. Technology alternatives which were considered include the design of the tiers, feeding, ventilation and manure collection. The current technology was motivated to be the best available technology at present.

An acceptable motivation was provided in the BAR for not considering the alternatives further that were found to be infeasible and unreasonable, including considering a site alternative.

"No-Go" Alternative

This alternative entails that the four additional chicken houses will not be constructed, and that the status quo would remain. The temporary and permanent job opportunities envisaged as a result of the additional chicken houses will therefore not be realised. Furthermore, the positive impact on food production and meeting the current demand for eggs will also not be realised.

4. Impact Assessment and Mitigation Measures

4.1 Activity need and desirability

JJ van der Schyff and Seun (Pty) Ltd t/a *DAGBREEK EIERS* own and manage an existing large-scale egg production facility on Erf 1732 (a portion of Portion 10 of the Farm No. 432) near Kranshoek, Plettenberg Bay. The demand for eggs in the region has increased and with the current limitations in terms of productions at the existing facility, there is a need to expand. The four additional chicken houses on Portion 59 of the Farm Roodefontein No. 440 will enable the applicant to increase egg production and accommodate part of the growing demand in the region.

Portion 59 of the Farm Roodefontein No. 440 is zoned Agriculture Zone I in terms of the Section 8 Zoning Scheme Regulations (1988) and according to the Bitou Municipality's Spatial Development Framework has been earmarked for intensive agriculture. The proposed expansion of the existing egg production and processing facility will therefore not compromise the integrity of the Bitou Municipality's Spatial Development Framework or Integrated Development Plan.

4.2 Biophysical Impacts

The area to be disturbed for the proposed expansion will be cleared of topsoil. The topsoil will be used to create a low berm. This berm will create a barrier along a 30-metre vegetation strip situated along the Airport Road (DR1770). Both the barrier and indigenous vegetation in the 30-metre vegetation strip will create a buffer between the DR1770 and the proposed expansion of the facility, which in turn will improve the biodiversity on a portion of the property. The buffer area will be rehabilitated with indigenous vegetation and managed to enhance the composition of the indigenous vegetation.

The site for the proposed expansion is located within 500 metres from a wetland. An aquatic assessment was undertaken to determine the risk of the activities associated with the proposed expansion. According to the aquatic report, since the managers of *DAGBREEK EIERS* has expressed their intention to operate the expanded facility in the same manner as the existing facility with very little impact on the wetland and because the proposed expanded area is well away from the wetland itself, the outcome of the risk assessment is determined to be LOW. An application for water use authorisation in terms of the General Authorisation (Government Notice 509) under Section 39 of the National Water Act, Act No. 36 of 1998 was submitted on the eWULAAS system of the Department of Water and Sanitation and the water use was subsequently registered / authorised on 10 February 2020.

It is not anticipated that there will be significant impacts on terrestrial and aquatic resources during the construction or operational phases of the facility.

4.3 Biodiversity

The vegetation on the affected property has been mapped as LEAST THREATENED South Outeniqua Sandstone Fynbos. However; the site has been transformed through historical afforestation and subsequent alien infestation. The alien vegetation was burnt in the fires of 2017. An area of approximately 14 000 square metres will be transformed for the development of the chicken houses

and associated infrastructure. The vegetation affected by the transformation can be described as having low ecological value.

The vegetation will be cleared prior to construction commencing and since the ecosystem is not classified as threatened and has been previously transformed, the impact is considered to be negligible and the significance as low.

4.4 Biosecurity and diseases

As a fully licensed and functional egg production and processing facility, *DAGBREEK EIERS* must adhere to the South African Poultry Associated Code of Practice. A regular vaccination programme is being implemented for diseases such as Salmonella, Newcastle Disease and Avian Influenza. Avian influenza is controlled by the State Veterinarian and takes control of the situation should an outbreak occur. To prevent / minimise the risk of diseases biosecurity dips are provided at all entry points for footwear to prevent the spread of any contaminants.

The biosecurity controls are already in place at the existing facility and will also be implemented at the expanded facility. Furthermore, the Garden Route District Municipality: Health Services monitors the facility on a bi-monthly basis, which includes taking water and egg samples for bacteriological analysis.

Considering the above it is not expected that the expanded facility will have an increased risk to biosecurity issues and disease outbreak as long as the biosecurity control are being strictly adhered to.

4.5 Noise

Noise from the generator and ventilation fans of chicken houses has been highlighted as an issue during the public participation process. According to the information contained in the FBAR the generator switches on and off automatically during power outages and has been enclosed as far as possible since it requires ventilation. Furthermore, there will be no change to the current generator noise levels as the same back-up generator will serve the proposed expansion.

According to the FBAR each chicken house is ventilated by means of 10 large extractor fans and depending on the temperature, not all 10 fans operate at the same time. The ventilation fans are required to regulate the temperature inside the chicken houses; as such are required for the operations at the facility.

In light of the above it is not expected that there will be a significant increase in noise levels as a result of the expanded facility.

4.6 Odour

An odour assessment was conducted on 25 October 2019 of the existing facility. This assessment was performed as a result of various submissions highlighting the issue of odour. Various monitoring points were identified around the facility. According to the outcome of the assessment it was determined that the odours were generally low and non-offensive.

Additionally, as a result of a previous odour assessment the method of chicken manure handling was changed to a dry brushing method to ensure that the manure stays dry which minimises the odour. The method of manure removal also ensures that exposure to outside air conditions are minimised as manure is loaded directly onto collection trucks from the chicken houses.

4.7 Heritage / Archaeological Aspects

No significant impacts on heritage / archaeological resources are expected as a result of the proposed development. This was confirmed in the Final Comment issued by Heritage Western Cape, dated 26 September 2019.

4.8 Other Impacts

No other significant cultural and visual impacts have been identified.

5. Scope and Validity of the Environmental Authorisation

The Environmental Authorisation includes operational aspects. A distinction has been made between the portions of the environmental authorisation and EMPr that deal with operational and non-operational aspects respectively and the respective periods for which the distinct portions of the environmental authorisation/EMPr is granted. A period of 5-years has been granted for the non-operational aspects (construction phase). Due consideration has been given to the validity period for the operational phase, and a period from the date of issue until 31 March 2040 (approximately 20-years) has been granted with the provision to extend the period on application. This period is deemed adequate for the holder to establish the new facility and this period coincides with the operational phase for the existing facility on the property.

6. 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.

7. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved 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 National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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