

COMMENTS & RESPONSE REPORT

OFF-SITE WETLAND REHABILITATION AND MAINTENANCE MANAGEMENT PLAN FOR THE ELGIN POULTRY ABATTOIR ON ERF 8611, GRABOUW

Opened 1 August 2024 at PHS Consulting Offices

Name	Presenting Unit	COMMENT	RESPONSE
Draft Rehabilitation and Maintenance Management Plan (Circulated from 20 June 2024 to 25 July 2024)			
Vhengani Ligudu	BOCMA	<p><i>Letter recived via email dated 22 July 2024:</i></p> <p>With reference to the above-mentioned document received by this office with DEADP reference 16/3/1/1/E4/11/2068/14 on the 04/07/2024 requesting comments. This office has reviewed the above-mentioned report and has the following comments:</p> <ol style="list-style-type: none"> 1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered. 2. This office supports the rehabilitation plan of the offset site, however clarity must be provided regarding the following: <ol style="list-style-type: none"> a. How will the site be protected from the impacts that will be rehabilitated to ensure it is going to be kept in the desired state? b. On whose property is the offset site? 3. This office reserves the right to amend and revise its comments as well as to request any further information. 4. The onus remains on the registered property owner to confirm adherence to any relevant legislation concerning the activities that might trigger and/or need authorization. <p>Please do not hesitate to contact the above official should there be any queries.</p>	<ol style="list-style-type: none"> 1. This comment is noted. The wetland portion proposed for rehabilitation is located on erf 8308 owned by the Theewaterskloof Municipality The proposed development activities therefore fall within the ambit of GN no. 1198 of December 2009 – General Authorisation in terms of Section 39 of the National Water Act (Act no 36 of 1998) in terms of Section (c) and (i) for the purpose of rehabilitating a wetland for conservation purposes. The relevant requirements will be adhered to. 2. <ol style="list-style-type: none"> a. The wetland portion proposed for rehabilitation is located on erf 8308, owned by the Theewaterskloof Municipality, and is bordered by private property. The Maintenance Management Plan (MMP) is a continuous strategy designed to ensure the rehabilitated wetland remains in optimal condition. To sustain the rehabilitated state, ongoing maintenance and

			<p>monitoring, as detailed in the MMP, will be carried out. This includes:</p> <ul style="list-style-type: none"> • Monthly solid waste inspections and clean-up. • Periodic removal of excess plant material and accumulated sediment at the outlet point, if necessary. • Monthly manual weeding of invasive grasses throughout the operational phase of the wetland. • Ongoing monitoring and control of alien invasive vegetation, with inspection and removal occurring at least annually. • Regular inspections for signs of canalization or erosion, with prompt reporting of any illegal canalization activities to local authorities. • A 3-year follow-up audit post-rehabilitation completion, with subsequent audits every 15 years. • Ongoing water quality sampling aligned with audits. • Fixed-point photography aligned with audits. <p>b. The wetland portion proposed for rehabilitation is located on erf 8308 owned by the Theewaterskloof Municipality.</p> <p>3. This comment is noted.</p> <p>4. This comment is noted.</p>
Rhett Smart	Cape Nature	<p><i>Letter recived via email dated 26 July 2024:</i></p> <p>1. CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.</p>	<p>1. This comment is noted.</p> <p>2. This comment is noted.</p> <p>3. This comment is noted.</p>

		<p>2. The Wetland Rehabilitation and Maintenance Management Plan has been compiled to meet Condition 19 of the environmental authorisation in 2015 for the expansion of the abattoir. The condition relates to the establishment of an off-site wetland as a remedy for the loss of the wetlands on the poultry abattoir property and the manage the stormwater flow from the site and surrounding catchment. An agreement was signed between the applicant and the Theewaterskloof Municipality in this regard, and requires that wetland engineering design diagrams, a maintenance management plan and a wetland habitat revegetation plan are compiled. The report and appendices include the requirements in terms of Condition 19 and the letter of commitment between the two parties.</p> <p>3. The condition does not refer to a wetland offset, however the result will be aligned to the outcomes for a wetland offset, both in terms of the impacts incurred and the proposed remedy. We will therefore not review the report in term of the Wetland Offset Best Practice Guideline, however it is highly likely that the proposed mitigation would meet the requirements of the guideline, including the results from the wetland offset calculator (Macfarlane 2016).</p> <p>4. In general, the proposed actions included within the rehabilitation and maintenance management plan are supported whereby the end result will potentially be an improvement in the ecological function and ecosystem services of the freshwater features, in particular with regards to water quality which is the aspect of greatest concern. However, as the plan is termed a maintenance management plan (MMP), it is assumed that this is an MMP in terms of the Environmental Impact Assessment (EIA) Regulations and therefore there should be explicit reference to the activities which allow for exclusion from environmental authorisation if undertaken in terms of an adopted MMP. In this regard, Listing Notice 1 Activity 19 and Listing Notice 3 Activity 12 would be relevant. Although the footprint is highly degraded to transformed, it will meet the definition of indigenous vegetation according to our interpretation. The proposed activities in Section 3 should be linked to the listed activities as</p>	<p>4. This comment is noted. This rehabilitation and maintenance management plan will be undertaken in terms of Listing Notice 1 Activity 19 and Listing Notice 3 Activity 12. The report has been amended to include the relevant listed activities.</p> <p>5.</p> <p>5.1. This comment is noted. The report has been amended to indicate that solid waste inspections and manual clean-ups should be conducted monthly.</p> <p>5.2. This comment is noted. The report has been amended to indicate that cleaning of litter from the inlet and outlet should take place monthly along with the general solid waste inspections. Ad hoc inspections prior to and following heavy rainfall events have also been recommended.</p> <p>5.3. This comment is noted. It has been included as a requirement for both activity 2 and activity 3 that all machinery used to carry out rehabilitation activities must be kept in good working order and may not have any leaks to ensure that there are no spillages of contaminants into the wetland.</p> <p>5.4. This comment is noted. Appendix A is referenced for both the plant list and replanting methods and guidelines. There are various nurseries in the area. The site is centrally located and nurseries from Somerset-Wes, Grabouw, Botrivier; Kleinmond and Hermanus will be used. This approach not only lowers the costs associated with establishing a new nursery but also addresses the lack of secure space on-site for nursery establishment.</p> <p>5.5. This comment is noted. An additional water quality sampling has been included in the report and should take place immediately prior to the commencement of any rehabilitation</p>
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		<p>applicable. The MMP has included maintenance activities which will be undertaken into perpetuity, aligned to the purpose of an MMP.</p> <p>5. With regards to specific actions in the MMP we wish to note the following:</p> <p>5.1. Activity 1: Recommend that the solid waste inspections and manual clean-ups are conducted monthly rather than quarterly.</p> <p>5.2. Activity 1: Recommend that clearing of litter from the inlet and outlet should be conducted either monthly, or if quarterly, then also after every high rainfall event.</p> <p>5.3. Activity 2&3: It must be ensured that the machinery used for skimming of the lawn grasses and excavation of the wetland does not have any leaks and ensure that there are no spillages of hydrocarbons or other contaminants into the wetland.</p> <p>5.4. Activity 4: Appendix A should not only be referenced for the plant list but also the methodology for revegetation of the wetland. Appendix A does not make reference to a temporary nursery for holding of the plants prior to planting out as there will be a time lag in between. The location of the temporary nursery will also need to be indicated.</p> <p>5.5. Activity 5: Water quality monitoring is strongly supported as this is one of the key concerns that the wetland rehabilitation aims to address. However, we recommend that water quality monitoring should commence before rehabilitation in order to establish a baseline against which to measure the success of water quality improvement as a result of the establishment of the wetland. We further recommend that <i>Escherichia coli</i> should be included in the list of variables to be measured.</p> <p>6. The roles and responsibilities for the implementation of the activities will be outlined in a contract between the applicant and the Theewaterskloof Municipality which needs to be submitted to the Department of Environmental</p>	<p>activities onsite. <i>Escherichia coli</i> has been included as a variable to be measures during water sampling analysis.</p> <p>6. This comment is noted.</p> <p>7. This comment is noted. Erf 291 Portion 10 is now called Erf 8308 where the works will apply. The initial report indicated that the off-site wetland area to be improved would extend across both Erf 8308 and Erf 8309. However, Erf 8309 is private property, and no active rehabilitation activities will be undertaken on the property. This has been corrected within the current version of the report. Nevertheless, it is highly likely that the rehabilitation actions proposed for Erf 8308 will positively impact the wetland hydrology within the existing wetland portions located on Erf 8309.</p> <p>8. This comment is noted. While the potential benefits of subdividing and rezoning the rehabilitated wetland area for long-term conservation security are recognized, the practical implications must also be considered. The process of subdivision and rezoning is both costly and time-consuming, and it was not identified as a mitigating requirement during the initial Basic Assessment Report (BAR) process, during which the Rehabilitation and Maintenance Management Plan was made a condition of approval. The success of the proposed works mainly relate to implementation of the plan and long term maintenance. Therefore, it is proposed to continue with the current rehabilitation plan, which includes long-term operational phase management of the rehabilitated wetland to achieve the required levels of mitigation.</p> <p>9. This comment is noted and supported. The sampling could identify potential polluters, and these operations must then be reported to the Municipalities Environmental Department who must then take the required action.</p>
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D'mitri Matthews	DEADP	<p><i>Letter recived via email dated 29 July 2024:</i></p> <p>1. The draft MMP dated June 2024, as received by the Directorate: Development</p>	<p>1. This comment is noted.</p>

		<p>Management Region 1 (herein after referred to as “this Directorate”) on 20 June 2024, refers.</p> <p>2. Following review of the information submitted to this Directorate notes the following:</p> <p>2.1. An Environmental Authorisation (EA) for the extension of the Elgin Poultry Abattoir in Grabouw Industria (Figure 1) was granted on 24 February 2015.</p> <p>2.2. The approved extension entails the expansion of existing buildings and infrastructure in two phases. Phase 2 of the project will result in the infilling and loss of two wetland portions located in the north-eastern corner of the property.</p> <p>2.3. In order to compensate for the loss of onsite wetland functionality, the Freshwater Assessment Report compiled by BlueScience (Grobler & Belcher, 2014) recommended that a portion of the wetland area located north and east of the property should be rehabilitated.</p> <p>2.4. The current report details the rehabilitation and long-term maintenance management actions that need to be implemented for the required mitigation to be realised, as per Condition 19.2 of the EA issued on 24 February 2024.</p> <p>3. Departmental comments:</p> <p>3.1. This Directorate agrees with the objectives and implementation of the Wetland Rehabilitation and Maintenance Report dated June 2024, as it is based on the recommendation of the Freshwater Assessment dated 16 September 2014.</p> <p>3.2. The report did not indicate in terms of which listed activity (i.e. Activity 19 of Listing Notice 1) the Wetland Rehabilitation and Maintenance Report must be adopted. You are required to amend your report to include the relevant listed activity/ies.</p>	<p>2.</p> <p>2.1. This comment is noted.</p> <p>2.2. This comment is noted.</p> <p>2.3. This comment is noted.</p> <p>2.4. This comment is noted. The current report details the rehabilitation and long-term maintenance management actions that need to be implemented onsite. It addresses all the requirements outlined in Condition 19 of the Environmental Authorisation issued on 20 February 2024, including the specific directives in sections 19.1, 19.2, and 19.3.</p> <p>3.</p> <p>3.1. This comment is noted.</p> <p>3.2. This comment is noted. This rehabilitation and maintenance management plan will be undertaken in terms of Listing Notice 1 Activity 19 and Listing Notice 3 Activity 12. The report has been amended to include the relevant listed activities.</p> <p>3.3. This comment is noted. The report has been amended to include the necessary maintenance actions associated with the proposed berm/embankment and overflow point including regular inspections, repair of any structural damages, and clearing of debris, to ensure uninhibited flow at the predetermined outflow level</p> <p>4. Please refer to Annexure A below for a detailed response regarding Point 4 – Regulatory Requirements. This letter was sent to DEADP on 2 August 2024.</p>
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		<p>specialist declarations are also submitted with the final MMP.</p> <ol style="list-style-type: none">5. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.6. This Department reserves the right to revise or withdraw its comments and request further information based on any information received. <p><i>Email dated 21 August 2024 in response to the letter send by PHS on 2 August 2024:</i></p> <p>Thank you for your email.</p> <p>This Directorate agrees that since the MMP was a condition of approval, that the PPP undertaken is adequate and the draft MMP was only required to be sent to organs of state to provide comment.</p> <p>This Directorate therefore awaits the submission of the final MMP for adoption.</p>	
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Annexure A – Response Letter to DEADP dated 2 August 2024



2 August 2024

Attention: Marbe Coetzee and D'mitri Matthews

Reference: 16/3/3/6/3/e4/11/1338/24

Per email: Marbe.Coetzee@westerncape.gov.za and Dmitri.Matthews@westerncape.gov.za

RESPONSE TO COMMENTS ON THE DRAFT OFF-SITE WETLAND REHABILITATION AND MAINTENANCE MANAGEMENT PLAN FOR THE ELGIN POULTRY ABATTOIR ON ERF 8611, GRABOUW

We refer to your comments dated 29 July 2024, regarding the draft Off-Site Wetland Rehabilitation and Maintenance Management Plan (MMP) for the Elgin Poultry Abattoir on Erf 8611, Grabouw. We appreciate the feedback provided and are committed to making the necessary amendments to the body of the MMP as per technical inputs.

However, regarding the steps for public participation (PP) outlined in Point 4 - regulatory requirements, we would like to address the following:

1. The Environmental Authorisation (EA) for the development underwent a thorough Basic Assessment Report (BAR) process. This comprehensive process included public advertisements, site notices, consultation with stakeholders, and opportunities for appeal. The need for and the inclusion of the MMP as a condition in the application was made clear during the PP, and there were no objections raised against it by I&AP's. All Interested and Affected Parties (IAPs) were fully informed that the rehabilitation and maintenance management plan was a mandatory condition for approval.
2. Condition 19 within the EA clearly specifies who needs to be consulted regarding the MMP, namely Cape Nature, BOCMA, Theewaterskloof Municipality, and DEADP. There is no mandate for broader consultation beyond these entities. This is because the initial BAR process already encompassed extensive consultation with relevant Organs of State, neighbours and the general public, ensuring thorough engagement and input.
3. Given the extensive initial consultation and the clear directives in Condition 19, we do not believe it is necessary to advertise in the newspaper, notify neighbours, or install notice boards onsite. We propose to continue our consultation solely with Cape Nature, BOCMA, DEADP, and Theewaterskloof Municipality, as stipulated in the EA. The rehabilitation and MMP is applicable to the erf owned by the

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Fynbosland 323 CC t/a PHS Consulting Reg 2005/081216/23

Theewaterskloof Municipality. This approach will ensure that the MMP remains comprehensive, addressing all necessary technical and environmental requirements.

We hereby request your approval to proceed with the consultation as outlined above, limiting it to the specified entities. We believe this approach is in line with the EA requirements and will ensure the MMP is comprehensive and ecologically sound.

Thank you for your attention to this matter.

Regards,

Olivia Brunings