12 October 2026

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PHS CONSULTING
environmental, land-use, eco-tourism planning and management.

# NEMA Section 24G Application

## UNAUTHORISED ESTABLISHMENT OF FREE-RANGE CHICKEN HOUSES ON PORTION 349 OF FARM 811, TESLAARSDAL (CALEDON DIVISION)




**EAP Responsible for the application:**

Paul Slabbert (EAP) - EAPASA Reg. No. 2019/1036

Josie Howard (Candidate EAP) - EAPASA Reg. No. 2025/19917

Contact Details: Tel: 028 312 1734 | Cell: 082 740 8046 | Email: paul@phsconsulting.co.za | josie@phsconsulting.co.za

Postal Address: PO Box 1752, Hermanus, 7200

Department of Environmental Affairs and Development Planning

Western Cape Government

## NEMA 24G APPLICATION FORM AND COMPLETENESS CHECKLIST

**IMPORTANT: Kindly ensure that this checklist is completed and attached to the NEMA SECTION 24G Application.**

**Please indicate by ticking the following below to serve as confirmation that the required information has been included in the application.**

| No. | Application Requirements | Please tick for confirmation |
|---|---|---|
| 1. | Requirements of Preliminary Advertisement (pre-application public participation requirements including register of all I&APs), in accordance with Annexure A, Section D of the Section 24G Fine Regulations. **(Note: Failure to meet the Regulation 8 will result in rejection of the application)** | ✓ |
| 2. | Application form has been completed and attached, which includes among others: | |
| | 2.1. A list of all listed activities and/or waste management activities that was triggered when the development activity was commenced with. | ✓ |
| | 2.2. A list of all **similarly listed** activities in terms of the current EIA regulations (if applicable). | ✓ |
| | 2.3. A description of the receiving environment **before** commences of the activity(ies). | ✓ |
| | 2.4. A description of the receiving environment **after** commences of the activity(ies). | ✓ |
| | 2.5. All appendices and annexures: | |
| | 2.5.1. Locality map | ✓ |
| | 2.5.2. Site plans or/and Layout plan | ✓ |
| | 2.5.3. Building plans (if applicable) | **N/A** |
| | 2.5.4. Colour photographs | ✓ |
| | 2.5.5. Biodiversity overlay map | ✓ |
| | 2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality | ✓ |
| | 2.5.7. Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information | ✓ |
| | 2.5.8. Environmental Management Programme | ✓ |
| | 2.5.9. Certified copy of Identity Document of Applicant | ✓ |
| | 2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities) | ✓ |
| | 2.6. Signed declaration forms. | ✓ |
| 3. | Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic? | **Y** / N |
| | 3.1. If yes, has the specialist assessment report been attached to the application? | ✓ |
| 4. | An assessment of the impacts of the activity or activities in terms of the following categories: | |
| | • Socio-economic | ✓ |
| | • Biodiversity | ✓ |
| | • Sense of place &/or Heritage/ Cultural | ✓ |
| | • Any pollution or environmental degradation which has been, is being, is being or may be caused | ✓ |
| 5. | A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken. | ✓ |

| | | |
|---|---|---|
| 6. | Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations:<br>Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii). | ✓ |
| 7. | Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations. | ✓ |
| 8. | Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4). | ✓ |
| | Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP) | ✓ |
| 9. | Compliance history of the applicant: | |
| | 9.1. Completed Annexure A, Section C, Part 2 and 3; namely: | ✓ |
| | 9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA). | ✓ |
| | 9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA; | ✓ |
| | 9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and | ✓ |
| | 9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm") | ✓ |
| | 9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies; | ✓ |
| | 9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1.- 9.1.3.) may apply. | ✓ |
| 10. | Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA. | |
| | 10.1 Proof of Consultation with relevant State departments, including, *inter alia*, notices, adverts etc. | ✓ |
| | 10.2 Copies of comments and responses included in the application. | ✓ |
| | 10.2 Comments and Response report attached to the application. | ✓ |
| 11. | Public Participation Process undertaken in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") *(GN No. R.326 of 7 April 2017)* **(if conducted/undertaken)** | ✓ |

**NOTE:** ALL CHANGES MADE TO THIS REPORT AFTER THE PRE-APPLICATION PPP IS BLUE/UNDERLINED.

**Section 24G Application Form for the consequences of unlawful commencement of listed activity/ies in terms of the:**

- **National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA");**
- **National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM: WA")**

**OCTOBER 2022**

**Form Number S24GAF/10/2022**

**Kindly note that:**

1. This application must be submitted where a person has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1) of NEMA (i.e. where the person commenced with an activity listed or specified in terms of section 24(2) (a) or (b) of NEMA - the activities contained in the EIA Listing Notices) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the NEM:WA.

2. This **Application Form** must be completed for all section 24G applications, by an Independent and Registered Environmental Assessment Practitioner ("EAP").

**3.** This Application Form is current as of 10 October 2022. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the Application Form have been published or produced by the competent authority. Note that this Application Form replaces all the previous versions. This updated Application Form must be used for all new applications submitted from 10 October 2022.

**4.** **<u>The contents of this Application Form include the following:</u>**

**PART 1 -**
**Section A: Background Information**
**Section B: Activity Information**
**Section C: Description of Receiving Environment**
**Section D: Need and Desirability**
**Section E: Alternatives**
**Section F: Impact Assessment, Management, Mitigation and Monitoring Measures**
**Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties**
**Section H: Recommendations of the EAP**
**Section I: Representations - Response to an Incident or Emergency Situation**
**Section J: Public Participation Process**

**PART 2 –**
**ANNEXURE A of Fine Regulations**
**Section A: Directives**
**Section B: Deferral of the Application**
**Section C: Quantum of the section 24G fine**
**Section D: Preliminary advertisement**

**PART 3 –**
**Appendices and Declarations**
**PART 4 –**
**ANNEXURE B: Waste Management Activity Supporting Information (if relevant)**

5. An **Independent and Registered EAP** must be appointed to complete the required sections (in terms of NEMA and its Regulations) of the Application Form on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this Application Form. If a specialist report is required, the specialist will also be required to complete the declaration of independence. **Copies of the EAPS and Specialists Registration Certificates be submitted with this application.**

6. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must be submitted. Email copies to be submitted

7. The required information must be typed within the spaces provided. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The space provided extend as each space is filled with typing. **A legible font type and size must be used when completing the form.** A digital copy of the Application Form is available on the Department's website https://www.westerncape.gov.za/eadp/

8. The use of "not applicable" in the Application Form must be done with circumspection.

9. Unless protected by law, all information contained in and attached to this application will become public information on receipt by the competent authority. Please note that, unless exemption has been granted in terms of the National Exemption Regulations published under GN R994 in GG 38303 of 8 December 2014, any Interested and Affected Party should be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted.

10. This Application Form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.

**PROCESS TO BE FOLLOWED:**

a) **Prior to submission of an Application Form,** the applicant is required to undertake a pre-application public participation process in terms of Regulation 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G published in the Government Gazette on 20 July 2017, Gazette No 40994, No. R. 698 ("Section 24G Fine Regulations").

b) Together with the submission of a section 24G Application Form, the form **must include Proof of compliance of with Regulation 8** of the Section 24G Fine Regulations, including, but not limited to, proof of the pre-application advertisement in a local newspaper and register of I&APs.

c) The Department will acknowledge receipt of the application (within 14 days) and provide the Applicant / EAP with the relevant application reference number to be used in all future correspondence and the application public participation processes.

d) Upon receipt of the application, the MEC/Competent Authority may direct the applicant in terms of section 24G of the NEMA (as amended).

e) After submission of the application, **consultation with organs of state in terms of section 24O of the NEMA** will be required and public participation with interested and affected parties to inform the application. Any comments received must be compiled in a Comments and Response Report.

f) In terms of the provisions of section 24G of NEMA, the applicant must pay an administrative fine up to a maximum of R5 million before the MEC/Competent Authority decides on the application.

g) The applicant **must within 14 days** of receipt of the determination of the quantum of the fine, ensure that all registered interested and affected parties are notified of the determination of the quantum of the fine, including the reasons and provided with access to the determination.

h) The administrative fine **must be paid within the time period stipulated** in the determination. Failure to pay the fine within the specified period, will result in the lapse of the application and any partial amounts paid in will not be refunded.

i) **Proof of payment of the fine must be submitted to the Department**. Upon payment of the administrative fine, the MEC/Competent Authority may-

- refuse to issue an environmental authorisation; or
- issue an environmental authorisation to such person to continue, conduct or undertake the activity subject to such conditions as may be deemed necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or
- direct the applicant to provide further information or take further steps prior to making a decision provided for above;
- together with the above decision the MEC/Competent Authority may direct a person to rehabilitate the environment within such time and subject to such conditions as may deem necessary or take any other steps necessary under the circumstances.

**CIRCULARS, GUIDELINES AND TOOLS:**

1. The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations and guidelines must be taken into account when completing this Application Form.

2. The Screening Tool developed by the National Department of Environmental Affairs must be used to generate a screening report. Please use the Screening Tool link https://screening.environment.gov.za/screeningtool to generate the Screening Report. The Screening Report must be attached to this Application Form as an Appendix.

**PLEASE NOTE THE FOLLOWING:**

1. Failure to comply with a directive may result in the institution of appropriate legal action as is deemed necessary and as provided for in the legislation.

2. The submission of an application or the granting of an environmental authorisation shall in no way derogate from—

   (a) the environmental management inspector's or the South African Police Services' authority to investigate any transgression in terms of NEMA or any specific environmental management Act;
   (b) the National Prosecuting Authority's legal authority to institute any criminal prosecution.

3. If, at any stage after the submission of an application it comes to the attention of the Minister, Minister for mineral resources or MEC that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1) or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)*, the Minister, Minister for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time that the investigation is concluded and—
   (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
   (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or
   (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

4. A person is guilty of an offence if that person:
   - Prior to submission of a section 24G application:
     - fails, in terms of Regulation 8(1), to place a preliminary advertisement in a local newspaper in circulation in the area in which the activity was, or activities were, commenced and on the applicant's website, if any or
     - fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
     - fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties)); or
     - fails, in terms of Regulation 8(4), to attach to the application form the register of interested and affected parties, which must be included in the report, or form part of the information submitted in terms of section 24G(1) of NEMA.

   - Provides incorrect, false or misleading information in any form, including in any document submitted to a competent authority in terms of the Section 24G Fine Regulations or omits information that may have an influence on the outcome of a recommendation of the fine committee or determination of the competent authority.

5. A person convicted of an offence in terms of these Regulations is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

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**DISCLAIMER**

With regards to the Protection of Personal Information Act, 2013 (Act 4 of 2013) (POPIA), please note that all personal information is being voluntarily submitted for the purposes of your participation in this environmental application process. The information will be held by EAP on behalf of the Applicant and will be submitted to the Competent Authority for the decision on the application. Personal information may also be made available to the Appellant/s so that they may participate in the appeal process in the event that the decision on the application is appealed. Personal information may also be made available to third-party auditors so that you can be notified of future audits of the environmental decision.

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**DEPARTMENTAL DETAILS**

The Application Form must be sent to the following details:

Western Cape Government
Department of Environmental Affairs and Development Planning
Attention: Directorate: Environmental Governance
Private Bag X 9086
Cape Town,
8000

Registry Office
1st Floor Utilitas Building
1 Dorp Street,
Cape Town

Queries should be directed to the Sub-directorate: Rectification at:
Tel: (021) 483-5827
Fax (021) 483-4033

**DEPARTMENTAL REFERENCE NUMBER(S)** (for official use)

| | |
|---|---|
| File Reference number (S24G) | |
| Administrative Fine Reference | |

**DEPARTMENTAL REFERENCE NUMBER(S)** (to be completed by the EAP)

| | |
|---|---|
| File Reference number (Enforcement), if applicable | |
| File reference number (EIA), if applicable: | |
| File reference number (Waste), if applicable: | |
| File reference number (Other (specify)): | |

**View the Department's website on http://www.westerncape.gov.za/eadp for the latest version of the documents**

# PART 1

## PROJECT TITLE AND GENERAL DESCRIPTION OF THE DEVELOPMENT

**UNAUTHORISED ESTABLISHMENT OF FREE-RANGE CHICKEN HOUSES ON PORTION 349 OF FARM 811, TESSELAARSDAL (CALEDON)**

## RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

Cross out the appropriate box "☒" in which region the unlawful activity/ies has commenced.

| REGION 1<br><br>City of Cape Town and West Coast District | **REGION 2**<br><br>**Cape Winelands District and Overberg District** | REGION 3<br><br>Central Karoo District and Eden District |
|---|---|---|
| | **X** | |

## SECTION A: BACKGROUND INFORMATION

### 1. APPLICANT PROFILE INDEX

Cross out the appropriate box "☒".

| | | | | | | |
|---|---|---|---|---|---|---|
| 1.1 | The applicant is a Natural Person (individual) | | | | | x |
| 1.2 | The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state) | | | | | |
| 1.2.1 | If a firm, please tick the relevant box below: | | | | | |
| | Body Corporate | Partnership | Trust | Parastatal | Organ of State | |
| | Directors of a Company | Members of a Board | Other, please specify | | | |

| | | | |
|---|---|---|---|
| **Applicant's details** (duplicate this section where there is more than one applicant) | | | |
| Applicant Name: | Mr Graham Grindley-Ferris | | |
| Name of Firm (if applicable): | N/A | | |
| Firm Registration Number: | N/A | | |
| Contact Person at the Firm: | N/A | | |
| List of all (as applicable at the relevant time): | Please insert the names and RSA ID numbers of the relevant persons below – **(In the list below, delete the firms that are not applicable to this application)** | | |
| ● Natural Person | 7111015118084 | | |
| Postal address: | Private Bag x15, Suite 138 | | |
| | Hermanus | Postal code: | 7200 |
| Telephone: | 082 787 2291 | Cell: | 082 787 2291 |
| E-mail: | grahamgferris@gmail.com | Fax: | |
| | | | |
| **Project Consultant** | | | |
| Contact person: | | | |
| Postal address: | | | |
| | | Postal code: | |
| Telephone: | ( ) | Cell: | |
| E-mail: | | Fax: | ( ) |

| | | | |
|---|---|---|---|
| **Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:** | Paul Slabbert (EAP) & Josie Howard (Candidate EAP) | | |
| Company name (if any): | PHS Consulting | | |
| Postal address: | PO Box 1752 | | |
| | Hermanus | Postal code: | 7200 |
| Telephone: | 028 312 1734 | Cell: | 082 740 8046 |
| E-mail: | paul@phsconsulting.co.za<br>josie@phsconsulting.co.za | Fax: | 086 508 3249 |
| EAP Qualifications | Paul Slabbert - B Art Et Science<br>Josie Howard - MSc Plant Sciences | | |
| EAP Registrations/Associations and registration number/s | Paul Slabbert - EAPASA Reg 2019-1036 (EAP)<br>Josie Howard – EAPASA Reg 2025-19917 (Candidate EAP) | | |
| | | | |
| **Name of the Landowner:** | SOLITAIRE FREE RANGE PTY LTD | | |
| Name of the contact person for the land owner (if other): | Mr Graham Grindley-Ferris | | |
| Postal address: | Private Bag x15, Suite 138 | | |
| | Hermanus | Postal code: | 7200 |
| Telephone: | 082 787 2291 | Cell: | 082 787 2291 |
| E-mail: | grahamgferris@gmail.com | Fax: | ( ) |
| | | | |
| Person in control of land: | Mr Graham Grindley-Ferris | | |
| Contact person: | Mr Graham Grindley-Ferris | | |
| Postal address: | Private Bag x15, Suite 138 | | |
| | Hermanus | Postal code: | 7200 |
| Telephone: | 082 787 2291 | Cell: | 082 787 2291 |
| E-mail: | grahamgferris@gmail.com | Fax: | ( ) |

**Please note:**

**In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this form.**

**A certified copy of the applicant's (if natural person), alternatively a director's (as defined), Identity Document must be attached to the application.**

**A certified copy of the title deed of the property/s on which the unlawful listed activity/ies has commenced must be attached to the application.**

| | | | |
|---|---|---|---|
| Municipality in whose area of jurisdiction the activity falls: | Theewaterskloof Local Municipality | | |
| Contact person, if known: | Municipal manager - Mr Johan Viljoen | | |
| Postal address: | PO Box 24 | | |
| | Caledon | Postal code: | 7230 |
| Telephone | 028 214 3300 | Cell: | 082 499 5024 |
| E-mail: | johanvi@twk.org.za | Fax: | ( ) |

**Please note:**

**In instances where there is more than one Municipality involved, please attach a list of Municipalities with their respective contact details to the form.**

| | |
|---|---|
| Property location(s): | The property is located inside the proclaimed Tesselaarsdal local area, 3 km northeast of Tesselaarsdal. |
| Farm/Erf name(s) & number(s) including portion(s) | Portion 349 of Farm 811, Caledon |
| Property size(s) ($m^2$) | 5.78 ha (57800 $m^2$) |
| Development footprint size(s) ($m^2$) | Built structures and outside pen areas measure approximately 2.7 ha in total. |
| SG21 Digit code(s) | C01300000000081100349 |

**Property boundary:**

| Point | Latitude (S) | Longitude (E) |
|---|---|---|
| A | 34°20'45.43"S | 19°30'37.19"E |
| B | 34°20'44.95"S | 19°30'45.49"E |
| C | 34°20'51.34"S | 19°30'49.48"E |
| D | 34°20'45.73"S | 19°30'53.31"E |
| E | 34°20'53.46"S | 19°30'52.98"E |
| F | 34°20'53.41"S | 19°30'48.60"E |
| G | 34°20'50.57"S | 19°30'41.84"E |




***Figure 1: Property boundary***

**The co-ordinates for the site boundary are:**

| Point | Latitude (S) | Longitude (E) |
|---|---|---|
| A | 34°20'51.49"S | 19°30'48.72"E |
| B | 34°20'53.14"S | 19°30'49.13"E |
| C | 34°20'51.54"S | 19°30'52.13"E |
| D | 34°20'53.19"S | 19°30'52.36"E |
| E | 34°20'46.33"S | 19°30'40.99"E |
| F | 34°20'49.15"S | 19°30'41.46"E |
| G | 34°20'45.86"S | 19°30'45.56"E |
| H | 34°20'46.94"S | 19°30'46.84"E |




*Figure 2: Activity locations*

**Please note:**

**Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses to the consultation form.**

| | | | |
|---|---|---|---|
| Street address: | Off the DR1257, Tesselaarsdal Area | | |
| Magisterial District or Town: | Caledon | | |
| Closest City/Town: | Tesselaarsdal | Distance | 12 (km) |
| Zoning of Property: | Agriculture Zone 1 | | |

**Please note:**

**In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Application Form.**

| | | |
|---|---|---|
| Was the property rezoned after commencement of activities? | YES | **NO** |
| If yes, what was the previous zoning? | | |
| Site is zoned Agriculture 1 but a Consent Use application is to be submitted for Intensive Animal Farming. | | |
| Is a rezoning application required? | YES | **NO** |
| Is a consent use application required? | **YES** | NO |

| | |
|---|---|
| Locality map:<br><br>(Appendix A) | A locality map must be attached to the Application Form as an appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following:<br>• an accurate indication of the project site position as well as the positions of the alternative sites, if any;<br>• road names or numbers of all the major roads as well as the roads that provide access to the site(s)<br>• a north arrow;<br>• a legend;<br>• the prevailing wind direction; and |

| | |
|---|---|
| | • GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection) |
| Landowner(s) Consent: | If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix G. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.<br><br>**Note:**<br>The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the *Infrastructure Development Act, 2014 (Act No. 23 of 2014)*. |

## 2. APPLICATION HISTORY

(Cross out the appropriate box "☒" and provide a description where required).

| | | |
|---|---|---|
| Has any national, provincial or local authority considered any development applications on the property previously? | Yes | **No** |
| If so, please give a brief description of the type and/or nature of the application/s as well as a reference number, if applicable: (In instances where there was more than one application, please attach a list of these applications) | | |
| | | |
| Which authority considered the application: | | |
| | | |
| Has <u>any</u> one of the previous application/s on the property been approved **or** refused?<br>If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s). | Yes | **No** |
| | | |
| Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc. | | |
| | | |

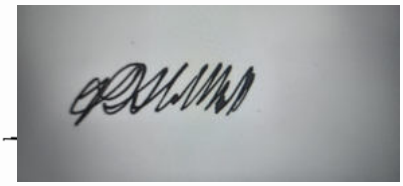
## SECTION B: ACTIVITY INFORMATION

### 1. ACTIVITIES APPLIED FOR

**I hereby apply in terms of section 24G of the National Environmental Management Act (Act 107 of 1998) for the regularisation of the unlawful commencement or continuation of the listed or waste management activities as specified in Section B:1 below.**

**Applicant (Full names):** Graham Grindley-Ferris **Signature:** _____

**Place:** Hermanus **Date:** 08/05/2026

**EAP (Full names):** Paul Slabbert **Signature:** 

**Place:** Hermanus **Date:** 08/05/2026

All listed activities associated with the development must be indicated below.

1.1 Applicable EIA listed activities

| | | | |
|---|---|---|---|
| **ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002** | | | |
| **Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the ECA, Act 73 of 1989** | | | |
| Government Notice No. ("GN") R1182 Activity No(s): | Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997 | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
| N/A | | | |
| **ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006** | | | |
| **Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989** | | | |
| N/A | | | |
| **NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010** | | | |
| **Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA** | | | |
| GN R386 Activity No(s): **(Listing Notice 1 of 2006)** | Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies") | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
| N/A | | | |
| Government Notice No. R387 Activity No(s): | Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies") | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |

| | | | |
|---|---|---|---|
| **(Listing Notice 2 of 2006)** | | | |
| N/A | | | |
| **NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014** | | | |
| **Activities unlawfully commenced with on or after 02 August 2010 and before end 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,** | | | |
| GN No. R. 544 Activity No(s): **(Listing Notice 1 of 2010)** | Describe the relevant listed activity(ies) in writing as per GN No. R. 544 of 2010 ("NEMA 2010 Basic Assessment listed activity/ies") | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
| 32 | The **expansion** of facilities for the *concentration* of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by:<br>(i) More than 1000 poultry where the facility is situated within an urban area; or<br>(ii) More than 5000 poultry per facility situated outside an urban area. | In 2012, two chicken houses were established which housed approximately 2000 to 3000 hens. This facility did not trigger any listed activities in terms of the EIA Regulations of 2010. In 2013/2014, prior to December 2014, two additional chicken houses were developed which housed an additional 5500 hens in total. | 2013 and 2014 (before December 2014) |
| GN No. R. 545 Activity No(s): **(Listing Notice 2 of 2010)** | Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies") | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
| N/A | | | |
| GN No. R. 546 Activity No(s): **(Listing Notice 3 of 2010)** | Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010 | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
| N/A | | | |
| **NEMA EIA Contraventions: on or after 08 December 2014** | | | |
| **Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,** | | | |
| GN No. R. 983 Activity No(s): **(Listing Notice 1 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies") | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
| 40 | 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-<br>(i) more than 1 000 poultry where the facility is situated within an urban area; or<br>(ii) more than 5 000 poultry per facility situated outside an urban area. | An additional two chicken houses were constructed in 2016 which housed roughly 5000 hens each. Thereafter, the facility was expanded by a further 4 chicken houses between 2020 and 2024. Each pen houses 5000 chickens each. | 2016/2017 – additional 15 000 hens<br>2020 – additional 5000 hens<br>2022 – additional 5000 hens<br>2024 – additional 5000 hens |
| 48 | The **expansion** of- | From 2022 to 2024 two additional chicken houses (houses 8 and 9 – see figure 5) were constructed within 32m | 2022 |

| | | | |
|---|---|---|---|
| | **(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more;**<br><br>or<br><br>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; where such expansion occurs-<br><br>(a) within a watercourse;<br>(b) in front of a development setback; or<br>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding-<br>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;<br>(bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;<br>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 23 in Listing Notice 3 of 2014, in which case that activity applies;<br>(dd) where such expansion occurs within an urban area; or<br>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves. | of the Hartbees River. The expansion of the physical footprint was ±1500m$^2$. | |
| GN No. R. 984 Activity No(s): **(Listing Notice 2 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies") | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
| N/A | | | |
| GN No. R. 985 Activity No(s): **(Listing Notice 3 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014 | Describe the portion of the development as per the project description that relates to the applicable listed activity. | State the date of commencement of each activity |
| 23 | The expansion of-<br>(i) dams or weirs where the dam or weir is expanded by 10 square metres or more; or<br>**(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs-**<br>(a) within a watercourse; | From 2022 to 2024 two additional chicken houses (houses 8 and 9 – see figure 5) were constructed within 32m of the Hartbees River. The expansion of the physical footprint was ±1500m$^2$. | 2022 |

| | | | |
|---|---|---|---|
| | (b) in front of a development setback adopted in the prescribed manner; or<br>**(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse, excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.**<br><br>**(i) Western Cape**<br>(i) Outside urban areas:<br>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;<br>(bb) National Protected Area Expansion Strategy Focus areas;<br>(cc) World Heritage Sites;<br>(dd) Sensitive areas as identified in an environmental management framework as contemplated in Chapter 5 of the Act and as adopted by the competent authority;<br>(ee) Sites or areas listed in terms of an international convention;<br>(ff) Critical biodiversity areas or ecosystem service areas as identified<br>in systematic biodiversity plans adopted by the competent authority or in bioregional plans;<br>(gg) Core areas in biosphere reserves; or<br>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined. | | |

Please ensure that you have provided the similarly listed activities if the listed activities were commenced before the period the EIA Regulations came into effect, i.e. before 08 December 2014.

1.2 Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

| **Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013**<br>**Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008** | | | |
|---|---|---|---|
| GN No. 718 – Category A Activity No(s): | Describe the relevant Category A waste management activity/ies in writing. | Describe the portion of the development as per the project description that relates to the applicable waste activity. | State the date of commencement of each activity |
| N/A | | | |
| GN No. 718 – Category B Activity No(s): | Describe the relevant Category B waste management activity/ies in writing. | Describe the portion of the development as per the project description that relates to the applicable waste activity. | State the date of commencement of each activity |
| N/A | | | |

| Waste Management Activity Contraventions: On or after 29 November 2013 | | | |
|---|---|---|---|
| **Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008,** | | | |
| GN No. 921 - Category A Activity No(s): | Describe the relevant Category A waste management activity/ies in writing. | Describe the portion of the development as per the project description that relates to the applicable waste activity. | State the date of commencement of each activity |
| N/A | | | |
| GN No. 921 – Category B Activity No(s): | Describe the relevant Category B waste management activity/ies in writing. | Describe the portion of the development as per the project description that relates to the applicable waste activity. | State the date of commencement of each activity |
| N/A | | | |

**Please note:**

**The National Department of Environmental Affairs is the competent authority for activities regarded as hazardous waste. Such activities must be indicated as hazardous waste in the abovementioned lists.**

**Only those activities listed above shall be considered for authorisation. The onus is on the applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, an application for amendment or a new application for Environmental Authorisation will have to be submitted.**

1.3 Activities listed similarly in terms of the EIA Regulations

Kindly indicate the listed activities in terms of the EIA Regulations that is listed similar to the unlawfully commenced activities. The descriptions provided below must clearly state why the activity/development is still similarly listed in terms of the EIA Regulations, 2014.

| The similarly listed activities in terms of the EIA Regulations promulgated in terms of the NEMA, Act 107 of 1998, | | |
|---|---|---|
| GN No. R. 327 Activity No(s):<br><br>**(Listing Notice 1 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014<br><br>("NEMA 2014 Basic Assessment listed activity/ies") | Describe the portion of the development as per the project description that relates to the applicable listed activity. |
| 40 | 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-<br><br>(i) more than 1 000 poultry where the facility is situated within an urban area; or<br>more than 5 000 poultry per facility situated outside an urban area. | The free-range chicken farm was established in 2012 with a capacity to house 3000 hens. The facility has expanded over the years, from 2013 to 2024 by an additional 35 500 hens. |
| GN No. R. 325 Activity No(s):<br><br>**(Listing Notice 2 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014<br><br>("NEMA 2014 Scoping/EIA listed activity/ies") | Describe the portion of the development as per the project description that relates to the applicable listed activity. |
| N/A | | |

| GN No. R. 324 Activity No(s):<br><br>**(Listing Notice 3 of 2014)** | Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014 | Describe the portion of the development as per the project description that relates to the applicable listed activity. |
|---|---|---|
| N/A | | |

**Please note:**

**Where approvals for the activity have been obtained in terms of any other legislation (e.g. National Water Act, Act 36 of 1998), certified copies of such approvals must be attached to this form.**

## 2. ACTIVITY DESCRIPTION

(Cross out the appropriate box "☒" and provide a description where required).

| Is/are the activity(ies) complete or is/are the activity(ies) still to be completed? | **Completed** | Incomplete |
|---|---|---|
| (a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced as well as the original date of commencement if the application is an upgrade. | New | **Upgrade** |
| In 2012, two chicken houses were established which housed approximately 2000 to 3000 hens. This facility did not trigger any listed activities in terms of the EIA Regulations of 2010. In 2013/2014 (before December 2014), an additional two chicken houses were developed which housed an additional 5500 hens in total. At this point, the expansion activity required environmental authorisation. A further three chicken houses were constructed in 2016/2017 which housed roughly 5000 hens each. Thereafter, the facility was expanded by a further 3 hen houses between 2020 and 2024. Each hen house holds 5000 chickens. | | |

| (b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed. |
|---|
| The activity is complete.<br><br>The Applicant expanded his free-range hen operation from 3000 hens to 38 500 hens. Currently, there are 10 chicken houses on the property. 8 of these 10 houses are considered unlawful and require Environmental Authorisation. The unauthorised chicken houses can house approximately 35 500 hens. All chicken houses include a free-range grazing area that is grassed with yellow wood trees.<br><br>Non-infectious mortalities are fed to the pigs. There are 8 pigs on the farm, they are kept in a pen between hen houses 9 and 10 **(see figure 5 below)**. Infectious mortalities are disposed of in a pre-designated area (concrete lined composting area), 10 m to right of the pigs. The volumes are very low (up to 5 a day).<br><br>Pens are cleaned at the end of each 80-week cycle, by means of dry sweeping. The manure and hay mixture is then collected by farmers who use it to supplement their fertiliser since it is a valuable resource. Floor areas are then rinsed with a high-pressure hose. The wash water is directed onto the adjacent grassed and planted area used by the free-range chickens. Should these areas be saturated, any additional water is directed via stormwater channels to a retention area/pond.<br><br>New gravel farm roads provide access to each hen house.<br><br>Water usage is low and is calculated at approximately 6 000 to 7 500 litres per day. Rainwater is collected from the various roofs and stored in jo-jo tanks adjacent to the chicken houses. Approximately 20 tanks (5 000 or 10 000 litre tanks) are located on the property for the collection of rainwater from the various hen house roofs and pack shed. It is estimated that roughly 300m³ of rainwater is harvested per annum. |

The rainwater is supplemented by water that is pumped from the river into two dams are the property. Approximately 2000m³ of water is pumped into the two dams per annum. The water is then pumped from the dams to three tank reticulation systems located close to the chicken houses. These tanks can store approximately 80 000 to 100 000 litres of water.

Each hen house has an additional 2000 litre doser tank which is filled from either the rainwater tanks or the main tanks.

(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).

| Buildings | **YES** | NO |
|---|---|---|

Provide brief description:

There are 10 chicken houses on the property. 8 of these 10 houses are considered unlawful and form part of this application. On the Site Plan included as **Appendix B and Figure 5**, these pens are marked as numbers 3 to 10. Chicken houses 3 and 4 measure approximately 320m² in size and can house 2500 and 3000 hens respectively and chicken houses 5 to 10 measure 500m² each and can house up to 5000 hens each. Chicken feed is kept in small feed silos adjacent to each chicken house. All chicken houses include a free-range grazing area that is grassed with yellow wood trees. See **Figures 3 to 4.**

A packing shed/storeroom is located below chicken house 2. Adjacent to this shed are two toilets with septic tank for staff use.

There are two farm worker's cottages on the property (**Figure 5**).



***Figure 3: Chicken houses 8 and 9.***



*Figure 4: Chicken houses 3 and 4.*

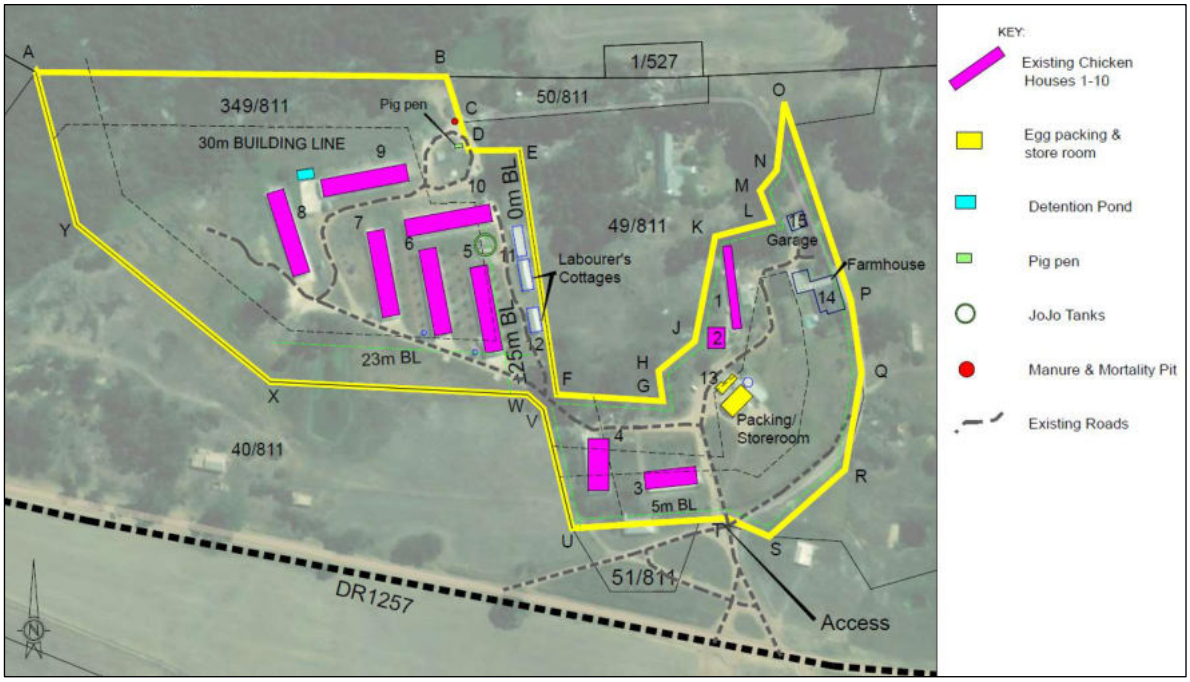



*Figure 5: Site Development Plan (SDP). This plan has been updated to include XXX.*

| | | |
|---|---|---|
| Infrastructure (e.g. roads, power and water supply/ storage) | **YES** | NO |
| Provide brief description: | | |
| New gravel farm roads provide **access** to each hen house as shown in **Figure 6**. | | |




*Figure 6: Access roads, existing dams and retention area.*

**Electricity** for the development is primarily obtained from ESKOM, but there are also generators in case of power outages. Electricity consumption is low and mostly used for lighting.

**Water** usage is low and is calculated at approximately 6 000 to 7 500 litres per day. Rainwater is collected from the various roofs and stored in Jo-jo tanks adjacent to the chicken houses. Approximately 20 tanks (5 000 or 10 000 litre tanks) are located on the property for the collection of rainwater from the various hen house roofs and packing shed. It is estimated that roughly 300m³ of rainwater is harvested per annum.

The rainwater is supplemented by water that is pumped from the river into two dams on the property. One of the dams is shared with a neighbour and together store 2000m³ of the Applicant's water **(Figure 6)**. Approximately 2000m³ of water is pumped annually from the Hartebees River into the two dams. The water is then pumped from the dams to three tank reticulation systems located close to the chicken houses. These tanks can store approximately 80 000 to 100 000 litres of water. See **Figure 7**.

Each hen house has an additional 2000 litre doser tank which is filled from either the rainwater tanks or the main tanks.

The water abstraction and storage falls under the ambit of a General Authorisation (GA) since the Applicant is allowed to abstract 2000m³/a of surface water and store 2000m³ of surface water (**Appendix F**).




*Figure 7: Jojo tanks used to store water.*

| | | |
|---|---|---|
| Processing activities (e.g. manufacturing, storage, distribution) | YES | **NO** |
| Provide brief description: | | |
| | | |
| Storage facilities for raw materials and products (e.g. volume and substances to be stored) | | |
| Provide brief description | YES | **NO** |
| Eggs are collected and removed from the site daily. | | |
| Storage and treatment facilities for solid waste and effluent generated by the project | Yes | **No** |
| Provide brief description | | |

Pens are cleaned at the end of each 80-week cycle, by means of dry sweeping (**Figure 8**). The manure and hay mixture is then collected by farmers who use it to supplement their fertiliser since it is a valuable resource. Floor areas are then rinsed with a high-pressure hose. The rinse water is directed onto the adjacent grassed and planted area used by the free-range chickens. Should these areas be saturated, any additional water is directed via stormwater channels to a retention area (see **Figure 6**).



*Figure 8: Sweeping of the chicken houses at the end of a cycle.*

Approximately 2 to 3 wheelie bins of general waste are produced per week, mainly from packaging. This is removed twice a week to the Tesselaarsdal municipal skip. Waste is recycled where possible. Any cracked eggs are fed to the pigs.

| (d) Other activities (e.g. water abstraction activities, crop planting activities) | **Yes** | No |
|---|---|---|
| Provide brief description | | |
| Water is abstracted from the Hartebees River and stored within two existing dams on the property.<br>Grass and trees are planted between the chicken houses to serve as grazing for the chickens. | | |

## 3. PHYSICAL SIZE OF THE ACTIVITY

| | |
|---|---|
| Indicate the physical spatial size of the activity as well as associated infrastructure (footprints): | 2.3ha |
| Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure | 2.7ha |
| Total area: | 2.7ha |

## 4. SITE ACCESS

| Was there an existing access road? | YES | **NO** |
|---|---|---|
| If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road. | (Length) | 578 m |
| | (width) | 4-5 m |
| Describe the type of access road constructed: | | |
| The access roads are gravel farm roads within an agricultural area – refer to **Figure 6**. | | |

**Please Note:**

**Indicate the position of the access road on the site plan (See Section 5 below)**

## 5. SITE PHOTOGRAPHS

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph, must be attached to this application. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date and source of photographs must be included. Photographs must be attached as an **appendix** to this form.

**See Appendix D.**

**Please note:**

**Should the relevant photographs not be included in the application, the application may be deemed insufficient and further information in this regard will be requested.**

## 6. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES

Please list all legislation, policies and/or guidelines that were or are relevant to this activity.

| LEGISLATION | ADMINISTERING AUTHORITY | TYPE<br>Permit/ license/ authorisation/comment | DATE<br>(if already obtained): |
|---|---|---|---|
| Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of S24G (GN 40994 dated 20 July 2017) | DEA&DP | For consideration | Pending this process |
| National Environmental Management Act 107 of 1998, as amended (NEMA) | DEA&DP | Environmental Authorisation | Pending this process |

| | | | |
|---|---|---|---|
| Environmental Impact Assessment Regulations | DEA&DP | Environmental Authorisation | Pending this process |
| National Heritage Resources Act 25 of 1999 (NHRA) | HWC | Comment on NID | Pending |

| POLICY/ GUIDELINES | ADMINISTERING AUTHORITY |
|---|---|
| Guidelines for EMP's (June 2015) | DEA&DP |
| Guidelines on Alternatives (March 2013) | DEA&DP |
| Guideline for involving Biodiversity Specialists in the EIA process (2005) | DEA&DP |
| Circular EADP 0028/2014: One Environmental Management System | DEA&DP |
| Western Cape Provincial Spatial Development Framework (PSDF) (2014) | DEA&DP |
| Guideline on Public Participation (2017) | DEA&DP |
| Guideline for involving a Heritage Specialist in an EIA process (2005) | DEA&DP |
| Guideline for the review of Specialist Input in the EIA process (June 2005) | DEA&DP |
| Guideline on Need and Desirability (2017) | DEA&DP |
| BGIS | SANBI |
| Theewaterskloof SDF (November 2019) | Theewaterskloof Local Municipality |
| Theewaterskloof IDP (2006 – 2010/11 & 2022 - 2027) | Theewaterskloof Local Municipality |

## 7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS ("SEMAs")

| | | |
|---|---|---|
| If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)? | YES | **NO** |
| If yes, has an application been submitted to the licensing authority? | YES | NO |
| Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)? | **YES** | NO |
| If yes, has an application been submitted to the licensing authority? | **YES** | NO |
| If no, please provide evidence of existing water use rights (if applicable) with this application form. | | |
| Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)? | YES | **NO** |
| If yes, has an application been submitted to the licensing authority? | YES | NO |
| Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act ("NEM: ICMA")? | YES | NO |
| If yes, has an application been submitted to the relevant competent authority? | YES | **NO** |
| If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA | | |
| | | |

## 8. APPLICATIONS IN TERMS OF OTHER LEGISLATION

| Is any permission, licence or other approval required in terms of any other legislation? (Please tick) | **YES** | NO |
|---|---|---|

If yes, please complete the table below:

| Type of approval required (List the applicable legislation & approval required): | Name of the authority responsible for administering the applicable legislation | Application submitted (Yes / No) | Status of application (e.g. pending/ granted/ refused) |
|---|---|---|---|
| Consent Use for 'Intensive Animal Farming', is required on agricultural land. | Theewaterskloof Municipality | No | Pending |

# SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

## Site/Area Description

For linear activities (pipelines, etc.) as well as activities that cover very large sites, it may be necessary to complete copies of this section for each part of the site that has a significantly different environment. In such cases please complete copies of Section C and indicate the area which is covered by each copy No. on the site plan.

Section C Copy No. (e.g. 1, 2, or 3): 

### 1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE (Tick the appropriate box)

| | | | |
|---|---|---|---|
| GRANITE | | QUARTZITE | |
| **SHALE** | **X** | DOLOMITE | |
| SANDSTONE | | DOLERITE | |
| OTHER (specify) | | | |

### 2. GRADIENT OF THE SITE

Indicate the general gradient of the site(s) (cross out the appropriate box).

| Flat | **Flatter than 1:10** | **1:10 – 1:5** | Steeper than 1:5 |
|---|---|---|---|

### 3. LOCATION IN LANDSCAPE

Indicate the landform(s) that best describes the site (cross out ("☒") the appropriate boxes).

| Ridgeline | Plateau | **Side slope of hill/mountain** | Closed valley | Open valley | Plain | Undulating plain/low hills | Dune | Sea-front | Other |
|---|---|---|---|---|---|---|---|---|---|

| If other, please describe |
|---|
| The site is located on the slopes of a very small hill with a slight gradient. |

## 4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

### 4.1 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (PRE-COMMENCEMENT)

Is the site(s) located on or near any of the following (cross out ("☒") the appropriate boxes)?

| | | | |
|---|---|---|---|
| Shallow water table (less than 1.5m deep) | YES | **NO** | UNSURE |
| Seasonally wet soils (often close to water bodies) | YES | **NO** | UNSURE |
| Unstable rocky slopes or steep slopes with loose soil | YES | **NO** | UNSURE |
| Dispersive soils (soils that dissolve in water) | YES | **NO** | UNSURE |
| Soils with high clay content | YES | **NO** | UNSURE |
| Any other unstable soil or geological feature | YES | **NO** | UNSURE |
| An area sensitive to erosion | YES | **NO** | UNSURE |

### 4.2 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (POST-COMMENCEMENT)

| | | | |
|---|---|---|---|
| Shallow water table (less than 1.5m deep) | YES | **NO** | UNSURE |
| Seasonally wet soils (often close to water bodies) | YES | **NO** | UNSURE |
| Unstable rocky slopes or steep slopes with loose soil | YES | **NO** | UNSURE |
| Dispersive soils (soils that dissolve in water) | YES | **NO** | UNSURE |
| Soils with high clay content | YES | **NO** | UNSURE |
| Any other unstable soil or geological feature | YES | **NO** | UNSURE |
| An area sensitive to erosion | YES | **NO** | UNSURE |

If any of the answers to the above are "YES" or "unsure", specialist input may be requested by the Department.
(Information in respect of the above will often be available at the planning sections of local authorities. Where it does not exist, the 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

## 5. SURFACE WATER

### 5.1 SURFACE WATER (PRE-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") the appropriate boxes)?

| | | | |
|---|---|---|---|
| Perennial River | **YES** | NO | UNSURE |
| Non-Perennial River | YES | **NO** | UNSURE |
| Permanent Wetland | **YES** | NO | UNSURE |
| Seasonal Wetland | YES | **NO** | UNSURE |

| | | | |
|---|---|---|---|
| Artificial Wetland | YES | **NO** | UNSURE |
| Estuarine / Lagoonal wetland | YES | **NO** | UNSURE |

### 5.2 SURFACE WATER (POST-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") the appropriate boxes)?

| | | | |
|---|---|---|---|
| Perennial River | **YES** | NO | UNSURE |
| Non-Perennial River | YES | **NO** | UNSURE |
| Permanent Wetland | **YES** | NO | UNSURE |
| Seasonal Wetland | YES | **NO** | UNSURE |
| Artificial Wetland | YES | **NO** | UNSURE |
| Estuarine / Lagoonal wetland | YES | **NO** | UNSURE |

## 1. VEGETATION AND/OR GROUNDCOVER

**Please note:** The Department may request specialist input/studies depending on the nature of the biodiversity occurring on the site and potential impact(s) of the activity/ies. To assist with the identification of the biodiversity occurring on site and the ecosystem status consult http://bgis.sanbi.org.za or BGIShelp@sanbi.org.za. Information is also available on compact disc ("cd") from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant/ EAP's responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an **appendix** to this form.

### 6.1 VEGETATION AND/OR GROUNDCOVER (PRE-COMMENCEMENT)

Cross out ("☒") the block **and** describe (where applicable) the vegetation types / groundcover present on the site before commencement of the activity.

| | | |
|---|---|---|
| Indigenous Vegetation - good condition | Indigenous Vegetation with scattered aliens | Indigenous Vegetation with heavy alien infestation |
| Describe the vegetation type above: | Describe the vegetation type above: | Describe the vegetation type above: |
| Provide ecosystem status for above: | Provide ecosystem status for above: | Provide Ecosystem status for above: |
| Indigenous Vegetation in an ecological corridor or along a soil boundary / interface | Veld dominated by alien species | Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe |
| Bare soil | **Building or other structure** | Sport field |
| **Other (describe below)**<br>**Old, grassed farmlands** | Cultivated land | Paved surface |

(a) Highlight the applicable pre-commencement biodiversity planning categories of all areas on site and indicate the reason(s) provided in the biodiversity plan for the selection of the specific area as part of the specific category.

| Systematic Biodiversity Planning Category | | | | If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan |
|---|---|---|---|---|
| **Critical Biodiversity Area (CBA)** | Ecological Support Area (ESA) | Other Natural Area (ONA) | No Natural Area Remaining (NNR) | CBA: Terrestrial covers some areas of the site (**Figure 9**) however the presence of this is disputed as the land has been largely transformed for more than 20 years (**Figure 11**). |

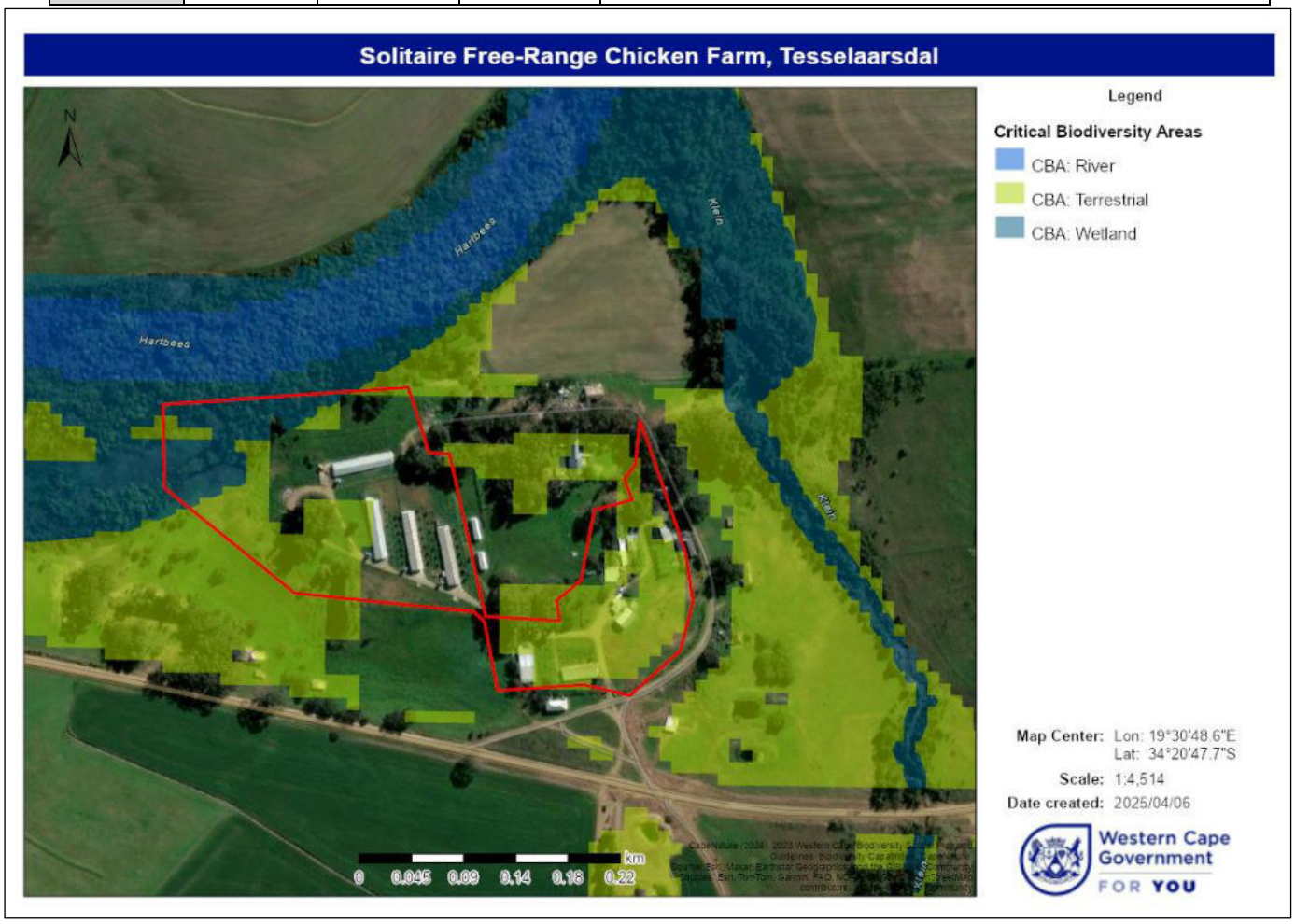



*Figure 9: Western Cape Biodiversity Spatial Plan, 2023.*

(b) Highlight and describe the habitat condition on site.

| Habitat Condition | Percentage of habitat condition class (adding up to 100%) | Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc). |
|---|---|---|
| Natural | 5% | A small section in the northwestern corner of the site is natural but is excluded from any development. |

| | | |
|---|---|---|
| | | <br>***Figure 10: 2012 Google Earth Image showing the small patch of riverine habitat on the property.*** |
| Near Natural (includes areas with low to moderate level of alien invasive plants) | 0% | |
| Degraded (includes areas heavily invaded by alien plants) | 0% | |
| Transformed (includes cultivation, dams, urban, plantation, roads, etc) | 95% | The site consisted of transformed grassed agricultural land (see **Figure 10** above) with a few agricultural buildings and structures. The earliest available Google Earth Imagery, which is dated 2004, shows the site as transformed agricultural fields/grassed lands (**Figure 11**).<br><br>***Figure 11: Google Earth image, 2004.*** |

(c) Complete the table to indicate:
(i) the type of vegetation, including its ecosystem status, that was previously present on the site; and
(ii) whether an aquatic ecosystem was previously present on site.

| **Terrestrial Ecosystems** | | **Aquatic Ecosystems** | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Ecosystem threat status as per the National Environmental Management: Biodiversity Act,2004 (Act No. 10 of 2004) | **Critical** | **Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)** | | | Estuary | | Coastline | |
| | Endangered | | | | | | | |
| | Vulnerable | | | | | | | |
| | Least Threatened | | | | | | | |
| | | **YES** | NO | UNSURE | YES | **NO** | YES | **NO** |

(d) Please provide a description of the vegetation type and/or aquatic ecosystem present on site, including any important biodiversity features/information identified on site (e.g. threatened species and special habitats)

According to the SANBI Vegetation Map of 2018, Western Rûens Shale Renosterveld would historically have been present within the development footprint. At the time of development, this vegetation type was listed as 'Critically Endangered'.

It should however be noted that the earliest available Google Earth Imagery which is dated 2004 (**Figure 11**) shows the site as transformed agricultural fields/grassed lands. As such, no natural vegetation was present within the development footprint at the time of construction of the chicken houses.

The Hartebees River is located 10m to the north of the site and the Klein River is located roughly 100m to the east of the site (**Figure 12**). The affected wetland is classified as a channelled valley-bottom system. Unauthorised activities occurred outside of the riparian and wetland zones. See **Appendix H** – Freshwater Compliance Statement for further description of freshwater ecosystems.

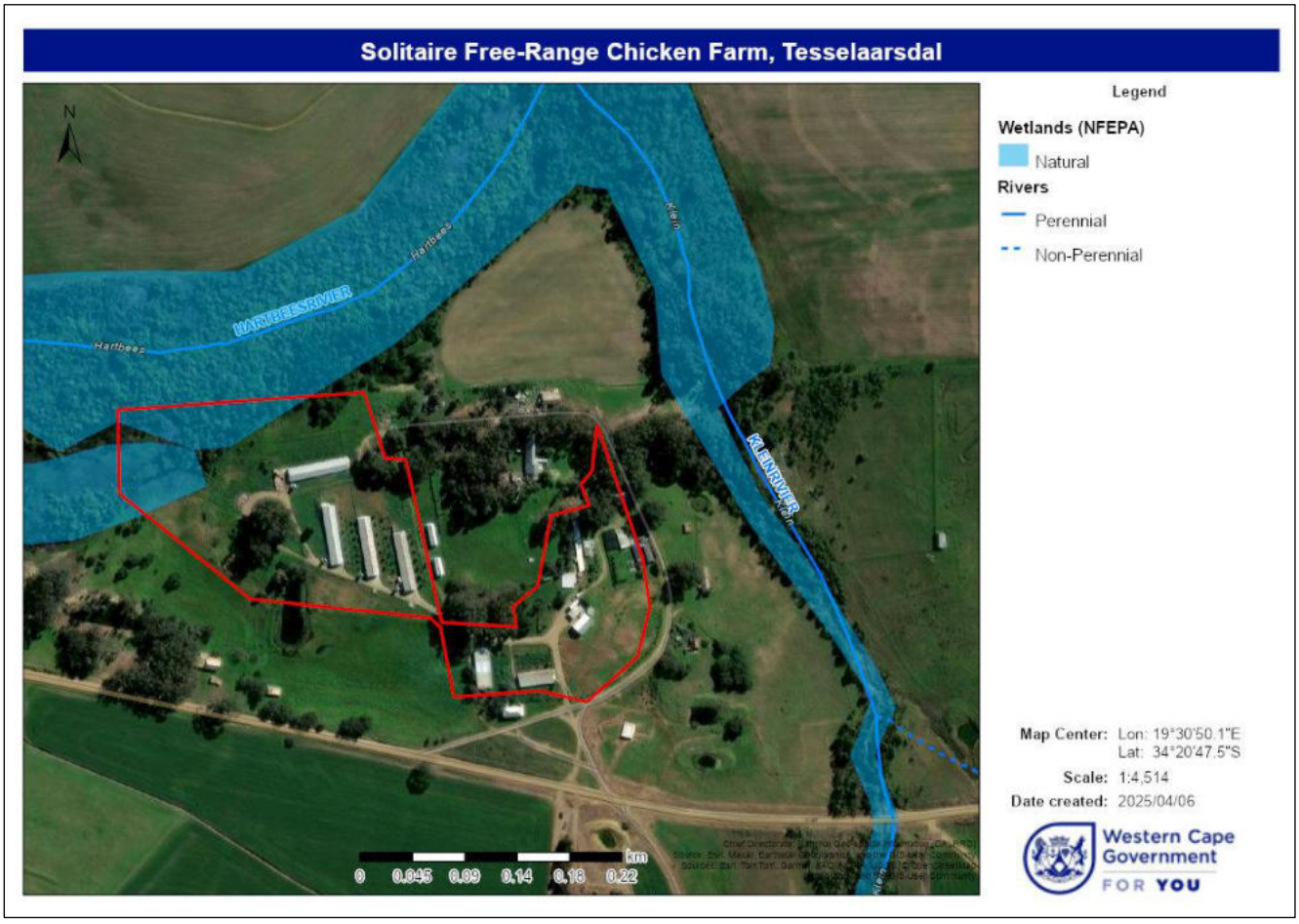



***Figure 12: Watercourses surrounding the property.***

## 6.2 VEGETATION AND/OR GROUNDCOVER (POST-COMMENCEMENT)

Cross out ("☒") the block **and** describe (where required) the vegetation types / groundcover present on the site after commencement of the activity.

| | | | | | |
|---|---|---|---|---|---|
| Indigenous Vegetation - good condition | | Indigenous Vegetation with scattered aliens | | Indigenous Vegetation with heavy alien infestation | |
| Describe the vegetation type above: | | Describe the vegetation type above: | | Describe the vegetation type above: | |
| Provide ecosystem status for above: | | Provide ecosystem status for above: | | Provide Ecosystem status for above: | |
| Indigenous Vegetation in an ecological corridor or along a soil boundary / interface | | Veld dominated by alien species | | Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe | |
| Bare soil | | **Building or other structure** | | Sport field | |
| **Other (describe below)**<br><br>**Old, grassed farmlands and grazing areas for chickens with grass and trees.** | | Cultivated land | | Paved surface | |

(a) Highlight and describe the post-construction habitat condition on site.

| Habitat Condition | Percentage of habitat condition class (adding up to 100%) | Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc). |
|---|---|---|
| Natural | 5% | A small section of the northwestern corner of the site remains natural but is excluded from any development (See **Figure 13**).<br><br>***Figure 13: Most recent Google Earth image, 2023.*** |
| Near Natural (includes areas with low to moderate level of alien invasive plants) | 0% | |
| Degraded | 0% | |

| | | |
|---|---|---|
| (includes areas heavily invaded by alien plants) | | |
| Transformed (includes cultivation, dams, urban, plantation, roads, etc) | 95% | The site consists of transformed grassed agricultural land (see **Figure 13**) with a dwelling, pack shed and 10 chicken houses. |

(b) How have the vegetation and/or aquatic ecosystem(s) present on site (including any important biodiversity features identified on site (e.g. threatened species and special habitats)) been affected by the commencement of the listed activity(ies)?

No natural vegetation was present within the project's footprint, prior to the construction of the chicken houses.

The chicken houses are adequately setback from any river. The construction of the houses had no effect on any watercourses. The nearest chicken house to the Hartebees River is roughly 80m away and 220m from the Kleinrivier. See **Appendix H** for full Freshwater Compliance Statement.

### 6.3 VEGETATION / GROUNDCOVER MANAGEMENT

(a) Describe any mitigation/management measures that were adopted and the adequacy of these:

No natural vegetation was removed for the establishment of the development, and no mitigation measures have been taken yet.

## 7. LAND USE OF THE SITE (PRE-COMMENCEMENT)

**Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and potential impact(s) of the activity/ies.

| | | | | |
|---|---|---|---|---|
| Untransformed area | Low density residential | Medium density residential | High density residential | Informal residential |
| Retail | Commercial & warehousing | Light industrial | Medium industrial | Heavy industrial |
| Power station | Office/consulting room | Military or police base/station/compound | Casino/entertainment complex | Tourism & Hospitality facility |
| Open cast mine | Underground mine | Spoil heap or slimes dam | Quarry, sand or borrow pit | **Dam or reservoir** |
| Hospital/medical centre | School | Tertiary education facility | Church | Old age home |
| Sewage treatment plant | Train station or shunting yard | Railway line | Major road (4 lanes or more) | Airport |
| Harbour | Sport facilities | Golf course | Polo fields | Filling station |
| Landfill or waste treatment site | Plantation | **Agriculture** | **River, stream or wetland** | Nature conservation area |
| Mountain, koppie or ridge | Museum | Historical building | Graveyard | Archaeological site |
| Other land uses (describe): | | | | |

(a) Please provide a description.

| |
|---|
| Prior to commencement of the unlawful expansion of the then existing chicken houses, the site contained two agricultural dams and was used for agricultural activities such as a small dairy with grazing cattle. |

## 8. LAND USE CHARACTER OF SURROUNDING AREA (PRE-COMMENCEMENT)

Cross out ("☒") the block that reflects the past land uses and/or prominent features that occur/red within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

| | | | | |
|---|---|---|---|---|
| Untransformed area | Low density residential | Medium density residential | High density residential | Informal residential |
| Retail | Commercial & warehousing | Light industrial | Medium industrial | Heavy industrial |
| Power station | Office/consulting room | Military or police base/station/compound | Casino/entertainment complex | Tourism & Hospitality facility |
| Open cast mine | Underground mine | Spoil heap or slimes dam | Quarry, sand or borrow pit | **Dam or reservoir** |
| Hospital/medical centre | School | Tertiary education facility | Church | Old age home |
| Sewage treatment plant | Train station or shunting yard | Railway line | Major road (4 lanes or more) | Airport |
| Harbour | Sport facilities | Golf course | Polo fields | Filling station |
| Landfill or waste treatment site | Plantation | **Agriculture** | **River, stream or wetland** | Nature conservation area |
| **Mountain, koppie or ridge** | Museum | Historical building | Graveyard | Archaeological site |
| Other land uses (describe): | | | | |

## 9. LAND USE CHARACTER OF SURROUNDING AREA (POST-COMMENCEMENT)

Cross out ("☒") the block that reflects the current land uses and/or prominent features that occur(s) within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

| | | | | |
|---|---|---|---|---|
| Untransformed area | Low density residential | Medium density residential | High density residential | Informal residential |
| Retail | Commercial & warehousing | Light industrial | Medium industrial | Heavy industrial |
| Power station | Office/consulting room | Military or police base/station/compound | Casino/entertainment complex | Tourism & Hospitality facility |
| Open cast mine | Underground mine | Spoil heap or slimes dam | Quarry, sand or borrow pit | **Dam or reservoir** |

| | | | | |
|---|---|---|---|---|
| Hospital/medical centre | School | Tertiary education facility | Church | Old age home |
| Sewage treatment plant | Train station or shunting yard | Railway line | Major road (4 lanes or more) | Airport |
| Harbour | Sport facilities | Golf course | Polo fields | Filling station |
| Landfill or waste treatment site | Plantation | **Agriculture** | **River, stream or wetland** | Nature conservation area |
| **Mountain, koppie or ridge** | Museum | Historical building | Graveyard | Archaeological site |
| Other land uses (describe): | | | | |

## 10. SOCIO-ECONOMIC CONTEXT

### 10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

Describe the pre-commencement social and economic characteristics of the community in order to provide baseline information.

The Integrated Development Plan for the Theewaterskloof Municipality for the time period of 2006-2010/11 was consulted:

Demographic Profile:

In 2006 the population of the Theewaterskloof Local Municipality totalled 101 804 persons with a growth rate of 1,8% from 2001-2006. This growth rate is considerably lower than the district rate of 2,8%. It should also be noted that from 1996-2001 the region experienced a relatively high growth rate of 5,1%. The growth rate thus declined from the 1996-2001 to the 2001-2006 cycle and estimates suggest that the declining trend will continue. The region is steadily undergoing urbanisation which is resulting in a substantial increase in the urban population while the rural population is declining. In 2001 the age dependency ratio for the area was 49,38%, which is lower than the district average of 52,56%. The ratio was projected to decline marginally to 49,03% by 2006. Despite this, the dependency ratio can still be regarded as very high. It implies that almost half of the population of the area is either too young or too old to fend for themselves. This places a huge burden on both the working-age population and on the area's dependency on social grants.

Education:

In the Theewaterskloof municipal area, the average learner-teacher ratio for 2006 was estimated at 37:1 which is relatively high given that the recommended upper limits are 35:1-40:1. The illiteracy rate in the Theewaterskloof area is 32%, which is higher than the district average of 27%. Almost 40,3% of the age group 5 – 24 does not attend any educational facilities. Only 15% of the Theewaterskloof population aged 20+ have attained a matric certificate. This is considerably lower than the district rate of 19,4% and the provincial rate of 23,4%. An estimated 58% of the workers in the Theewaterskloof area are low-skilled individuals. The high percentage of low-skilled workers corresponds with high illiteracy rates registered in the area, as well as poor educational attainment. The dominance of the agricultural sector, which, in most cases, does not demand high skills, is one of the major reasons for the low skills levels in the area.

Poverty:

The Theewaterskloof area has low-income levels compared to the district and provincial average. This is indicative of high levels of poverty. In 2001 31,09% of households received income of less than R9 600 per annum. This is higher than the district average of 28,3% of households in this income bracket. Furthermore, the proportion of households with no income at all was at 10,8% the highest in the Overberg district.

Employment:

Theewaterskloof had an unemployment rate of 18,6% in 2001 indicating a drastic increase in unemployment from 1996 during which time the unemployment rate was 8,9%. Between 1996 and 2001 the Theewaterskloof labour force increased by 10 432 people (an annual average rate of 5,7%), whereas the jobs created over the same period only reached 5 299 people. Employment creation thus did not keep pace with the labour force growth in the area. The major causes of unemployment are the shrinking agricultural sector, capital intensity of agricultural activities, poor labour absorption in the manufacturing sector, seasonal nature of employment in the agricultural sector and the low industrial base in some of the areas in the Theewaterskloof. The agricultural sector has been declining rapidly since 1996. From 1996 to 2001 the agricultural sector's share in employment dropped from 53,7% to 50,09 and although still high, the high reliance on this sector for employment thus poses a risk for the Theewaterskloof workforce and new immigrants.

Local Economy

Agriculture, as the major economic activity, contributed 34,95% of the total GDPR of the Overberg in 2004. It is furthermore important to note that in 2004 agricultural activities in Theewaterskloof contributed a massive 67,9% of the total agrarian sector of the Overberg. Despite its high contribution to GDPR, the agriculture and forestry sector projects one of the slowest growth rates (1,23% in 2001-2004). This poses a threat to the Theewaterskloof economy and again illustrates the sector's susceptibility to downside risks. The agricultural sector is extremely vulnerable to factors beyond the control of any person or institution. Droughts and other negative natural occurrences, exchange rate fluctuations and world market trend can have an immediate detrimental effect on the sector. As such diversification could play an important role in the long-term viability of the local agricultural sector.

### 10.2 SOCIO-ECONOMIC CONTEXT (POST-COMMENCEMENT)

Describe the post commencement social and economic characteristics of the community in order to determine any change. Where differences between pre- and post-commencement exist, state which are as a result of the activity(ies) for which rectification is being applied for.

The socio-economic context post-commencement remains much the same as that stated above although the development does allow for an increase in the number of both temporary and permanent job opportunities available onsite during the construction and operational phases of the development. The characteristics of the community have not been affected by the commencement of activities, nor are any negative changes anticipated as a result of the activities.

The establishment of the free-range egg facility on the property has increased the income generating opportunity of the property and will contribute to the overall economic viability of the farm. The development has also contributed to social upliftment by generating new permanent job opportunities within the local rural economy, which is generally dominated by seasonal employment.

An increase in produce will boost the local and regional economy. In addition, food security will also be positively impacted as well as the growing free range egg market.

## 11. HISTORICAL AND CULTURAL ASPECTS

(a) Please be advised that every application for Environmental Authorisation including an application for a Waste Management Licence, must include, where applicable the investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act.

Please be further advised that if section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to your application, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process. Section 38 of the Act states as follows: "*38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-*

*(a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;*

*(b) the construction of a bridge or similar structure exceeding 50m in length;*

*(c) any development or other activity which will change the character of a site-*

*(i) exceeding 5 000 m² in extent; or*

*(ii) involving three or more existing erven or subdivisions thereof; or*

*(iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or*

*(iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;*

*(d) the re-zoning of a site exceeding 10 000 m² in extent; or*

*(e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority,*

*must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.*"

(b) The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows: "*3(2) Without limiting the generality of subsection (1), the national estate may include—*

*(a) places, buildings, structures and equipment of cultural significance;*

*(b) places to which oral traditions are attached or which are associated with living heritage;*

*(c) historical settlements and townscapes;*

*(d) landscapes and natural features of cultural significance;*
*(e) geological sites of scientific or cultural importance;*

*(f) archaeological and palaeontological sites;*

*(g) graves and burial grounds, including—*

*(i) ancestral graves;*

*(ii) royal graves and graves of traditional leaders;*

*(iii) graves of victims of conflict;*

*(iv) graves of individuals designated by the Minister by notice in the Gazette;*

*(v) historical graves and cemeteries; and*

*(vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);*

*(h) sites of significance relating to the history of slavery in South Africa;*

*(i) movable objects, including—*

*(i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;*

*(ii) objects to which oral traditions are attached or which are associated with living heritage;*

*(iii) ethnographic art and objects;*

*(iv) military objects;*

*(v) objects of decorative or fine art;*

*(vi) objects of scientific or technological interest; and*

*(vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).*"

| | | | | |
|---|---|---|---|---|
| Is section 38 of the National Heritage Resources Act, 1999, applicable to the development? | | **YES** | NO | |
| | | UNCERTAIN | | |
| If YES, explain: | *S38 (1) (c) any development or other activity which will change the character of a site exceeding 5 000m² in extent* | | | |
| | A NID will be submitted to HWC. | | | |
| Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999? | | YES | **NO** | |
| | | UNCERTAIN | | |
| If YES, explain: | | | | |
| Was any building or structure older than 60 years affected in any way? | | YES | **NO** | UNCERTAIN |
| If YES, explain: | | | | |

**Please Note:**

**If uncertain, the Department may request that specialist input be provided. If, yes, a copy of the Notice of Intent submitted to Heritage Western Cape must be submitted with this form.**

## 12. COASTAL ASPECTS (SEAFRONT/SEA ENVIRONMENT)

(a) Is the site(s) located within any of the following areas? (highlight the appropriate boxes).

If the site or alternative site is closer than 100m to such an area, please provide the approximate distance in (m).

| AREA | YES | NO | UNSURE | If "YES": Distance to nearest area (m) |
|---|---|---|---|---|
| An area within 100m of the high water mark of the sea | YES | **NO** | UNSURE | |
| An area within 100m of the high water mark of an estuary/lagoon | YES | **NO** | UNSURE | |
| An area within the littoral active zone | YES | **NO** | UNSURE | |
| An area in the coastal public property | YES | **NO** | UNSURE | |
| Major anthropogenic structures | YES | **NO** | UNSURE | |
| An area within a Coastal Protection Zone | YES | **NO** | UNSURE | |
| An area seaward of the coastal management line | YES | **NO** | UNSURE | |
| An area within the high risk zone (20 years) | YES | **NO** | UNSURE | |
| An area within the medium risk zone (50 years) | YES | **NO** | UNSURE | |
| An area within the low risk zone (100 years) | YES | **NO** | UNSURE | |
| An area below the 5m contour | YES | **NO** | UNSURE | |
| An area within 1km from the high water mark of the sea | YES | **NO** | UNSURE | |
| A rocky beach | YES | **NO** | UNSURE | |
| A sandy beach | YES | **NO** | UNSURE | |

(b) If any of the answers to the above is "YES" or "UNSURE", specialist input may be requested by the Department. (The 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

## 13. REGIONAL PLANNING CONTEXT

| Is the activity permitted in terms of the property's existing land use rights? | **YES** | NO | Please explain |
|---|---|---|---|
| Yes, the property is zoned Agriculture I and has been operating as a farm in the past. In terms of the Theewaterskloof Municipality Zoning Scheme By-Law of 2020, a Consent Use on Agriculture for 'Intensive Animal Farming', is required. | | | |
| Will the activity be in line with the following? | | | |
| Provincial Spatial Development Framework (PSDF) | **YES** | NO | Please explain |
| The Western Cape PSDF is a planning document that guides district and local spatial initiatives such as IDP's and SDF's. It aims to create a coherent framework for the province's urban and rural areas. The PSDF aims to guide the location and form of public investment in the Western Cape's urban and rural areas. Whilst it cannot influence private sector investment patterns, it has an important contribution in terms of reducing business risk by providing clarity and certainty on where public infrastructure investment will be targeted, thereby opening new economic opportunities in these areas. The current economic state with increasing levels of unemployment, and recent job losses in agriculture, all add to the high levels of rural poverty and unemployment. The Provincial SDF emphasizes the importance and need for economic growth, job creation and poverty alleviation. The development currently under evaluation has created new direct and indirect, temporary and permanent job opportunities during the construction and operational phase of the development. | | | |

The PSDF promotes sustainable development which requires that economic, social, and environmental aspects relating to a development proposal are considered. Agricultural output is foundational to the rural economy in the Western Cape. However, there is limited suitable land available for the expansion of agricultural activities and using these land areas without compromising biodiversity, heritage, and scenic resources, remains a key challenge. The property on which the development activities have been undertaken is a working farm located within a broader agricultural landscape. The location of the facility is on old agricultural fields, set back from public roads, and does not coincide with archaeological and cultural heritage resources. There are existing water use rights for the property and sufficient water is available to support the desired agricultural activities.

The development has played an important role in increasing the agricultural potential of the property and the long-term economic viability of the existing farming operation – which will help to sustain existing and future employment opportunities. Furthermore, through implementation of suitable mitigation and management measures, potential environmental impacts related to the ongoing operation of the development can be suitably addressed. As such, all three pillars of sustainability can be incorporated into the development. The development activity is thus in line with the PSDF in that it has facilitated economically, socially and environmentally sustainable expansion of agriculture within the Western Cape.

| Urban edge / Edge of Built environment for the area | YES | **NO** | Please explain |
|---|---|---|---|

The site is not located within any urban edge.

| Integrated Development Plan of the Local Municipality | **YES** | NO | Please explain |
|---|---|---|---|

The Theewaterskloof Municipality IDP encourages local economic development with a focus on creating employment opportunities for residents. Agricultural development is one of the 4 strategic pillars that has been outlined to support local economic development. The objective for agriculture within the region is to improve agricultural diversity, including participants and offerings.

The IDP recognises that employment within the agricultural sector is largely seasonal and recently, the sector has been affected by drought (& at a macro level, climate change). The main commodities in the region include fruit (apples, pears & grapes), vegetables and grains. The development site is a working farm located within an agriculturally dominated landscape. The location of the property is thus suitable for the expansion of agricultural activities that will support local economic development and generate employment opportunities within the agricultural sector.

Furthermore, the agricultural activity developed onsite (free-range egg production) is not currently a main commodity in the region and has assisted in diversifying the local agricultural sector. The current agricultural development also runs year-round and provides more permanent job opportunities compared to the traditional forms of agriculture in the region.

Lastly, chicken facilities produce a valuable byproduct in the form of nutrient rich manure which can be used in the existing vegetable and grain farming on the property thereby facilitating the implementation of sustainable, circular agricultural practices. The development is thus well aligned with the IDP of the local municipality.

| Spatial Development Framework of the Local Municipality | **YES** | NO | Please explain |
|---|---|---|---|

The Theewaterskloof SDF states that the agricultural sector is the largest source of employment in the Theewaterskloof Municipality and this sector has traditionally been the basis of economic development within the region. Objectives of the SDF therefore include the following as is relevant to the development:

- Protect agriculture as the primary land use in the rural landscape,
- Protect, maintain, and enhance viable agricultural units and encourage sustainable farming practices,
- Improve the economic viability of farms through the intensification and diversification of agricultural production and improve enterprise opportunities within the food system.

From the SDF it is clear that agricultural development is encouraged. However, it is also clear that the development should be both economically viable and environmentally sustainable. The development site was already a working farm and the expansion of the free-range egg operation on non-productive land assisted in maintaining, enhancing, and diversifying, sustainable onsite agricultural activities. The chicken houses have proven to be economically viable and sustainable. The development thus aligns well with the objectives outlined in the Theewaterskloof SDF.

| | | | |
|---|---|---|---|
| Approved Structure Plan of the Municipality | **YES** | NO | Please explain |
| Agriculture is one of the largest economic activities in the municipal area and the Theewaterskloof SDF and IDP encourages further agricultural development with an objective of maintaining agriculture as the primary land use in the rural landscape. | | | |
| An Environmental Management Framework (EMF) adopted by the Department | YES | NO | **Please explain** |
| There is no specific EMF outlined for the region. | | | |
| Any other Plans | YES | **NO** | Please explain |
| | | | |

# SECTION D: NEED AND DESIRABILITY

**Please Note:** Before completing this section, first consult this Department's *Guideline on Need and Desirability* (March 2013) available on the Department's website (**http://www.capegateway.gov.za/eadp**).

| | | | |
|---|---|---|---|
| 1. Was the activity permitted in terms of the property's land use rights at the time of commencement? | **YES** | NO | Please explain |
| Yes, the property is zoned Agriculture I and has been an operating farm for several years. In terms of the Theewaterskloof Municipality Zoning Scheme By-Law of 2020, a Consent Use on Agriculture for 'Intensive Animal Farming', is however required. | | | |

| | | | |
|---|---|---|---|
| 2. Was the activity in line with the following? | | | |
| (a) Provincial Spatial Development Framework (PSDF) | **YES** | NO | Please explain |
| The Western Cape PSDF is a planning document that guides district and local spatial initiatives such as IDP's and SDF's. It aims to create a coherent framework for the province's urban and rural areas. The PSDF aims to guide the location and form of public investment in the Western Cape's urban and rural areas. Whilst it cannot influence private sector investment patterns, it has an important contribution in terms of reducing business risk by providing clarity and certainty on where public infrastructure investment will be targeted, thereby opening new economic opportunities in these areas. The current economic state with increasing levels of unemployment, and recent job losses in agriculture, all add to the high levels of rural poverty and unemployment. The Provincial SDF emphasizes the importance and need for economic growth, job creation and poverty alleviation. The development currently under evaluation has created new direct and indirect, temporary and permanent job opportunities during the construction and operational phase of the development.<br><br>The PSDF promotes sustainable development which requires that economic, social, and environmental aspects relating to a development proposal are considered. Agricultural output is foundational to the rural economy in the Western Cape. However, there is limited suitable land available for the expansion of agricultural activities and using these land areas without compromising biodiversity, heritage, and scenic resources, remains a key challenge. The property on which the development activities have been undertaken, is a working farm located in a broader agricultural landscape. The location of the facility is on old agricultural fields, set back from public roads, does not coincide with archaeological and cultural heritage resources. There is existing water use rights for the property and sufficient water is available to support the desired agricultural activities.<br><br>The development has played an important role in increasing the agricultural potential of the property and the long-term economic viability of the existing farming operation – which will help to sustain existing and future employment opportunities. Furthermore, through implementation of suitable mitigation and management measures, potential environmental impacts related to the ongoing operation of the development can be suitably addressed. As such, all three pillars of sustainability can be incorporated into the development. The development activity is thus in line with the PSDF in that it has facilitated economically, socially and environmentally sustainable expansion of agriculture within the Western Cape. | | | |
| (b) Urban edge / Edge of Built environment for the area | YES | NO | **Please explain** |
| The site is not located within any urban edge. It is a rural farming area, and therefore consistent with the intended land use. | | | |

| | | | |
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| (c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?). | **YES** | NO | Please explain |

The Theewaterskloof Municipality IDP encourages local economic development with a focus on creating employment opportunities for residents. Agricultural development is one of the 4 strategic pillars that has been outlined to support local economic development. The objective for agriculture within the region is to improve agricultural diversity, including participants and offerings. The IDP recognises that employment within the agricultural sector is largely seasonal and recently, the sector has been affected by drought (& at a macro level, climate change). The main commodities in the region include fruit (apples, pears & grapes), vegetables and grains. The development site is a working farm located within an agriculturally dominated landscape. The location of the property is thus suitable for the expansion of agricultural activities that will support local economic development and generate employment opportunities within the agricultural sector. Furthermore, the agricultural activity developed onsite (free-range egg production) is not currently a main commodity in the region and has assisted in diversifying the local agricultural sector. The current agricultural development also runs year-round and provides more permanent job opportunities compared to the traditional forms of agriculture in the region. Lastly, chicken facilities produce a valuable byproduct in the form of nutrient rich manure which can be used in the existing vegetable and grain farming on the property thereby facilitating the implementation of sustainable, circular agricultural practices. The development is thus well aligned with the IDP of the local municipality.

The Theewaterskloof SDF states that the agricultural sector is the largest source of employment in the Theewaterskloof Municipality and this sector has traditionally been the basis of economic development within the region. Objectives of the SDF therefore include the following as is relevant to the development:

- Protect agriculture as the primary land use in the rural landscape,
- Protect, maintain, and enhance viable agricultural units and encourage sustainable farming practices,
- Improve the economic viability of farms through the intensification and diversification of agricultural production and improve enterprise opportunities within the food system.

From the SDF it is clear that agricultural development is encouraged. However, it is also clear that the development should be both economically viable and environmentally sustainable. The development site was already a working farm and the expansion of the free-range egg operation on non-productive land assisted in maintaining, enhancing, and diversifying, sustainable onsite agricultural activities. The chicken houses have proven to be economically viable and sustainable. The development thus aligns well with the objectives outlined in the Theewaterskloof SDF.

| | | | |
|---|---|---|---|
| (d) Approved Structure Plan of the Municipality | **YES** | NO | Please explain |

Agriculture is one of the largest economic activities in the municipal area and the Theewaterskloof SDF and IDP encourages further agricultural development with an objective of maintaining agriculture as the primary land use in the rural landscape.

| | | | |
|---|---|---|---|
| (e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?) | YES | NO | **Please explain** |

There is no specific EMF outlined for the region.

| | | | |
|---|---|---|---|
| (f) Any other Plans (e.g. Guide Plan) | YES | **NO** | Please explain |
| | | | |

| 3. Was the land use (associated with the activity for which rectification is sought) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. was the development in line with the projects and programmes identified as priorities within the relevant IDP)? | **YES** | NO | Please explain |
|---|---|---|---|
| Theewaterskloof Municipality recognises agricultural development as one of the 4 strategic pillars to facilitate local economic development. The objective for agriculture within the region during this time was to improve agricultural diversity, including participants and offerings. The current IDP and SDF for the Theewaterskloof Local Municipality also recognises the importance of the agricultural sector and its importance to stimulate the local economy in addition to job creation. The free-range egg producing operation diversifies the agricultural produce of the area and it increases the agricultural potential of the property. The development activities are thus well aligned to the priorities of the region. | | | |

| 4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) have occurred here when activities commenced? | **YES** | NO | Please explain |
|---|---|---|---|
| The site on which the development activities have taken place is zoned Agriculture I and is located within an agriculturally dominated landscape. The chicken houses are located on old fallow fields and have no significant environmental impacts. The operation increases the agricultural potential of the property and provides free-range eggs to a growing market.<br><br>The site is also relatively well placed in terms of access to the N2 for transport of the product.<br><br>The agricultural activities are in line with the land use zoning and relevant SDP and IDP documents. The location of the property and the development footprint is therefore suitable for the nature of the development activities undertaken. | | | |

| 5. Did the community/area need the activity and the associated land use concerned (was it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.) | **YES** | NO | Please explain |
|---|---|---|---|
| The development activities that commenced onsite are consistent with the character of the broader area (agricultural land use). The local economy is largely based on the agricultural sector which has the greatest capacity to generate employment opportunities. However, the agricultural industry provides primarily seasonal employment opportunities and is highly vulnerable to external impacts such as climate change, weather events and economic changes. The development proposal will play an important role in diversifying the agricultural practices of the region and allow for a sustainable increase in the agricultural potential of the property - which will help to generate and sustain much needed existing and future employment opportunities. The development also contributes towards sustainable food production. | | | |

| 6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the Application Form / additional information as an **appendix**, where applicable.) | **YES** | NO | Please explain |
|---|---|---|---|
| **Electricity** for the development is primarily obtained from ESKOM, but there are also generators in case of power outages and two 10kW Solar Systems. Electricity consumption is low and is mostly used for lighting.<br><br>**Water** usage is low and is calculated at approximately 6000 litres per day. Rainwater is collected from the various roofs and stored in jo-jo tanks adjacent to the chicken houses. Approximately 20 tanks (5 000 or 10 000 litre tanks) are located on the property for the collection of rainwater from the various hen house roofs and packing shed. It is estimated that roughly 300m³ of rainwater is harvested per annum.<br><br>The rainwater is supplemented by water that is pumped from the river into two dams on the property. One of the dams is shared with a neighbour and together store 2000m³ of the Applicant's water. Approximately 2000m³ of water is pumped annually from the Hartebees River into the two dams (see **Appendix F** for ELU). The water is then pumped from the dams to three tank reticulation systems located close to the chicken houses. These tanks can store approximately 80 000 to 100 000 litres of water.<br><br>Each hen house has an additional 2000 litre doser tank which is filled from either the rainwater tanks or the main tanks.<br><br>The water abstraction and storage falls under the ambit of a General Authorisation (GA) since the Application is allowed to abstract 2000m³/a of surface water and store 2000m³ of surface water (see **Appendix F2** for GA).<br><br>**Sewage:** Existing ablution facilities are used at the packing shed. The ablutions facilities have septic tanks.<br><br>**Waste**: Non-infectious mortalities and cracked eggs are fed to the pigs. There are 8 pigs on the farm and they live in a pen near hen houses 9 and 10. Infectious mortalities are disposed of in a pre-designated area (concrete lined composting area), 10 m to right of the pigs. The volumes are very low (up to 5 a day).<br><br>Pens are cleaned at the end of each 80-week cycle, by means of dry sweeping. The manure and hay mixture is then collected by farmers who use it to supplement their fertiliser since it is a valuable resource. Floor areas are then rinsed with a high-pressure hose. The rinse water is directed onto the adjacent grassed and planted area used by the free-range chickens. Should these areas be saturated, any additional water is directed via stormwater channels to a retention area.<br><br>Approximately 2 to 3 wheelie bins of general waste is produced per week, mainly from packaging. This is removed twice a week to the Tesselarsdal municipal skip. Waste is recycled where possible.<br><br>**Access:** New gravel farm roads provide access to each hen house. | | | |

| 7. Is/was this development provided for in the infrastructure planning of the municipality, and if not what was/will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)? (Comment by the relevant Municipality in this regard must be attached to the Application Form / additional information as an **appendix**, where applicable.) | YES | **NO** | Please explain |
|---|---|---|---|
| This development does not form part of the infrastructure planning of the municipality. The application relates to the development of hen houses and associated free-range enclosures for the production of free-range eggs. | | | |

| 8. Was this project part of a national programme to address an issue of national concern or importance? | YES | **NO** | Please explain |
|---|---|---|---|

| |
|---|
| This project was not listed as part of a national programme. |

| 9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.) | **YES** | NO | Please explain |
|---|---|---|---|
| The site on which the additional hen houses were developed is zoned Agriculture. Two small hen houses were initially developed on site which housed roughly 3000 chickens together. The site is located within the agricultural area of Tesselaarsdal.<br><br>The site consisted of old fallow fields with little to no natural vegetation. There are no natural wetlands or watercourses on the site. The adjacent Hartebees River and Klein River will not be affected by the proposal (see **Appendix H**).<br><br>Furthermore, there are two existing dams on site that are used to provide water to the chicken houses when the rainwater is depleted. | | | |

| 10. How did/does the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)? | YES | **NO** | Please explain |
|---|---|---|---|
| The enlarged free-range egg facility was constructed on old fallow agricultural lands that consisted of grass. Refer to the photographs in **Appendix D**. The earliest Google Earth Imagery dated 2004 shows the site as fallow grassed lands – see SSVR attached as **Appendix M1**.<br><br>The chicken houses were constructed within 32m of a wetland system and the Hartbees River and within 100m of the Klein River. Activities took place outside the freshwater ecosystems. Freshwater specialist – Jeanne Snyman of Ever Water – determined that the development caused no direct impacts on the aquatic habitat, biodiversity, or hydrological functioning observed during the construction phase. Potential impacts are limited to indirect effects during the operational phase which are largely mitigated. See **Appendix H** for full Freshwater Compliance Statement. | | | |

| 11. How did/does the development impact on people's health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc.)? | YES | NO | **Please explain** |
|---|---|---|---|
| The chicken houses are deep cleaned every 80 weeks, and all chicken manure is removed from the site. This reduces the chance of pests occurring and odours. Furthermore, the site is located within an agricultural area where dwellings are sporadically located at an adequate distance from the houses.<br><br>The land use of the property and surrounding area is primarily agricultural in nature, and the chicken houses are in keeping with the area. The existing structures are not visually intrusive within the agricultural landscape due to their layout, visual screening of the grassed and treed outside pen areas and the topography of the site.<br><br>Noise from agricultural activities on site is deemed acceptable in the agricultural setting of the site and surrounding area.<br><br>No notable noise or odour was observed at the facility during the site assessment.<br><br>The traffic generated by the facility is unlikely to have significant traffic associated impacts. One truck delivers hens on Day 1 of the new 80-week cycle and then returns to remove them again at the end of the cycle. Three to eight trucks, depending on volume of manure and size of the truck (usually a 10 or 30 cube truck) collect the manure at the end of the cycle. One truck and two bakkies will enter and leave the site daily for deliveries/collections. Chicken feed is also delivered by means of a truck once every 5-8 days (approximately 5 times per month). | | | |

| 12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs? | YES | **NO** | Please explain |
|---|---|---|---|
| No unacceptable opportunity costs are expected. | | | |

| 13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for? | YES | NO | **Please explain** |
|---|---|---|---|

**Positive:**

1) Direct and indirect, temporary and permanent job creation
2) Training and skills transfer to new employees
3) Production of free-range eggs for ever increasing market
4) Productive utilisation of old agricultural lands

**Negative:**

1) Minimal increase in traffic to and from the site.

| 14. Is/was the development the best practicable environmental option for this land/site? | **YES** | NO | Please explain |
|---|---|---|---|
| The land use proposal is considered the best economic proposal for the property, as it is an existing working farm and the land consisted of old fallow agricultural fields. There are existing dams to supplement the rainwater required for the operation and the site is accessible off existing farm roads. The development does not result in any significant ecological impacts. | | | |

| 15. What are/were the benefits to society in general and to the local communities? | Please explain |
|---|---|

The additional chicken houses generates:

- New job opportunities both permanent and temporary,
- Job security,
- On the job skills training and transfer of skills,
- Chicken manure for local farmers which is considered a valuable resource in terms of fertiliser
- The agricultural potential of the farm is improved
- Improved economic development of the region

| 16. Any other need and desirability considerations related to the activity? | Please explain |
|---|---|
| The development activities that commenced on the property do not impact or restrict surrounding landowners to exercise their legal rights. | |

| 17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account: |
|---|

The purpose of Section 23 of NEMA to promote the application of appropriate environmental management tools in order to ensure the integrated environmental management of activities. This report investigates, assesses, and communicates all existing and potential impacts of the project. All potential impacts are identified and rated, and any suitable alternatives to mitigate, manage or eliminate these impacts will be explored. Impacts to the environment and socio-economic aspects are assessed for the alternative options. A detailed, site-specific Environmental Management Programme (EMPr) that includes all required mitigation and management activities has been compiled (**Appendix I**). Implementation of the EMPr will be carried out onsite and will ensure ongoing management of the operation in line with suitable environmental practices.

A public participation process (PPP) will be implemented as per the 2014 EIA Regulations, as amended, and DEA&DP's guidelines on PPP which allows sufficient opportunity for public consultation. An advertisement will be placed in a newspaper, informing members of the public of the application and available information. Details on how members of the public can register as interested and affected parties (I&APs) will be included. Other stakeholders (ward councillor, local authorities, adjacent landowners, organs of state, state departments, etc.) will be identified and will be notified of the process. A site notice will be placed on site. Proof of PPP will be included in **Appendix G** once completed.

18. Please describe how the **principles of environmental management** as set out in section 2 of NEMA were taken into account:

Section 2 of the NEMA provides principles of environmental management to serve as a framework for environmental management implementation and decision making. The main and applicable principles of environmental management as set out in Section 2 of NEMA emphasizes the following:

**Environmental management placing people and their needs at forefront of its concern, and serve their physical, physiological, developmental, cultural and social interests equitably.**

- Potential pollution aspects can be mitigated successfully through the implementation of the EMPr.
- I&APs and Stakeholders are allowed the opportunity to consider and submit comment and have the opportunity to become involved in the process, thereby ensuring that all people's needs, rights and concerns will be addressed through this process.

**Socially, environmentally and economically sustainable development.**

- The proposed activities are considered social, environmentally and economically sustainable provided all mitigation measures are implemented.
- Consideration for ecosystem disturbance and loss of biodiversity.
- No vegetation or watercourses are present on site.

**Pollution and environmental degradation.**

- The potential pollution impacts and environmental degradation have been considered and mitigation measure proposed. It is anticipated that with the diligent implementation of these measures, pollution will be avoided to a great extent.

**Landscape disturbance.**

- The proposed activities are considered in line with the current character of the area.

**Avoidance, minimisation and remedying of environmental impacts.**

- The 24G Report will provide mitigation measures to minimise any potential impacts. No ecological impacts have been identified.

**Interests, needs and values of interested and affected parties.**

- This process provides potential interested & affected parties (I&APs) and other key stakeholders with sufficient opportunity for review, comment and input into the process. Details of the public participation process undertaken are included in **Appendix G** of this report.

**Access of information.**

- Registered I&APs are all provided with access to the relevant documentation.

# SECTION E: ALTERNATIVES

**Please Note:** Before completing this section, first consult this Department's *Guideline on Alternatives* (March 2013) available on the Department's website (**http://www.capegateway.gov.za/eadp**).

"Alternatives", in relation to an activity, means different means of meeting the general purposes and requirements of the activity, which may include alternatives to –

(a) the property on which, or location where, it is to undertake the activity/the activity was undertaken;

(b) the type of activity to be undertaken;

(c) the design or layout of the activity;

(d) the technology to be used in the activity;

(e) the operational aspects of the activity; and

(f) the option of not implementing the activity.

The NEMA prescribes that the procedures for the investigation, assessment and communication of the (potential) consequences or impacts of activities on the environment must, *inter alia*, with respect to every application for environmental authorisation –

- ensure that the general objectives of integrated environmental management laid down in NEMA and the National Environmental Management Principles set out in NEMA are taken into account; and (where applicable)
- include an investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity.

The general objective of integrated environmental management is, *inter alia*, to "*identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management*" set out in NEMA.

1. In the sections below, please provide a description of any considered alternatives and alternatives that were found to be feasible and reasonable.

**Please note:**

- Detailed written proof of the investigation of alternatives must be provided. If no reasonable or feasible alternative exists, a motivation must be provided.

- Alternatives considered for a Section 24G application are used to determine if the development was the best practicable alternative (environmentally, socially and economically) for the site or property.

- In respect of a section 24 application, the option of not implementing the activity ("no-go"), includes the option of ceasing the activity, not implementing continuation of the activity, refusal of the commenced activity and complete rehabilitation of the affected site.

(a) Property and location/site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No property/ location/ site alternatives were considered since this activity has already commenced.

The property consists of transformed/disturbed agricultural lands. Location of the chicken houses are considered appropriate and adequately setback from the adjacent rivers. In addition, there were two chicken houses originally, therefore expansion of the free-range egg production on that particular property was considered reasonable.

(b) Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

There are no activity alternatives. The development comprises a free-range chicken farm for the production of free-range eggs.

(c) Design or layout alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

The chicken houses have already been developed. As such, the current layout and design of thereof is the only feasible and reasonable design and layout alternative available for investigation.

At the time of development, due consideration was given to the layout, design, and orientation of the chicken houses in relation to the prevailing wind direction to allow for optimal ventilation while minimising potential odour and noise impacts.

Other factors that were considered when the location and layout of the chicken houses were considered:
- Site accessibility.
- Biosecurity considerations.
- Proximity to service provision.
- The units are required to be placed a certain distance from each other for biosecurity and grazing allowances.

(d) Technology alternatives (e.g. to reduce resource demand and resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts or detailed motivation if no reasonable or feasible alternatives exist:

The technology used within the facility is continuously being upgraded as technology improves to ensure all resources are used as efficiently as possible. However, no technology alternatives have been considered in this application.

Water usage has been reduced through the implementation of dry cleaning and the use of a high-pressure hose when cleaning the houses at the end of a cycle.

(e) Operational alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

There are no operational alternatives. The development site is a working farm. The chicken houses are in operation. The applicant wishes to continue to utilize the existing chicken houses for their intended purposes.

The following aspects will however be incorporated into the free-range egg production facility to avoid and mitigate potential negative impacts:

- Pens will be dry swept to minimise water usage for washing purposes, at the end of each cycle.
- After the pens have been dry cleaned, a high-pressure hose is used to wash the floor area of the pens. The wash water produced will be directed to the grassed outside area of each pen. Should these areas become saturated, any additional water is directed via stormwater channels to a retention area.
- The manure and hay mixture is collected by farmers who use it to supplement their fertiliser since it is a valuable resource
- Onsite recycling and waste separation will be maximised, and no waste will be burnt onsite.
- Workers will be educated regarding the onsite recycling and waste minimisation measures.
- Non-infectious mortalities will be fed to the pigs on the property as well as any broken or damaged eggs.
- Infectious mortalities will be disposed of in a mortality pit.
- Trees have been planted to provide shade within the free-roaming area outside the pens which in turn improves the visual screening of the chicken houses.
- Various biosecurity measures are in place (see section C below)

(f) The option of ceasing the activity (the refusal of the activity(ies) and/or rehabilitation of the site):

Decommissioning the existing chicken houses and re-establishing a similar facility elsewhere, is not economically feasible. Since the free-range egg production operation has no significant ecological impacts and results in socio-economic benefits, it is not considered reasonable to decommission the operation. The applicant therefore wishes to apply for a retrospective environmental authorisation for the existing facility by means of this Section 24G application process.

(g) Any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No further alternatives were considered.

(h) Please provide a summary of the alternatives investigated and the outcomes of such investigation:

**Please note:** If no feasible and reasonable alternatives exist, the description and proof of the investigation of alternatives, together with motivation of why no feasible or reasonable alternatives exist, must be provided.

No property/ location/ site alternatives were considered since the chicken houses are existing and in operation. The property consists of transformed/disturbed agricultural lands. Location sites of the chicken houses are considered appropriate and adequately setback from the adjacent rivers. In addition, there were two chicken houses originally, therefore expansion of the free-range egg production on that particular property was considered reasonable.

At the time of development, due consideration was given to the layout, design, and orientation of the chicken houses in relation to the prevailing wind direction to allow for optimal ventilation while minimising potential odour and noise impacts.

Any development layout alternatives would have occupied approximately the same footprint area, would have had the same capacity, and would have been operated in the same manner. All alternatives would thus have had similar impacts.

No activity alternatives were considered. The development comprises a free-range chicken farm for the production of free-range eggs.

The chicken houses are existing and operational. The design and layout have thus been finalised. As such, the current site locations, activity type, layout and design thereof are the only feasible and reasonable alternative available for investigation.

There were no reasonable and feasible alternatives identified in terms of location or operational aspects. The property is a working farm and the development footprints within the property are well located from an environmental, economic, and social perspective. Furthermore, measures have been and will be put in place throughout the operation of the development to ensure that any environmental impacts associated with the operation of the facility is avoided and/or minimised as far as possible. The technology used within the poultry rearing facility is being and will continue to be upgraded as technology improves to ensure all resources are used as efficiently as possible.

## SECTION F: IMPACT ASSESSMENT, MANAGEMENT, MITIGATION AND MONITORING MEASURES

**Please note, the impacts identified below refer to general impacts commonly associated with development activities. The list below is not exhaustive and may need to be supplemented. Where required, please append the information on any additional impacts to this application.**

**Please note: The information in this section must be duplicated for all the feasible and reasonable alternatives (where relevant).**

### 1. PLEASE DESCRIBE THE MANNER IN WHICH THE DEVELOPMENT HAS IMPACTED ON THE FOLLOWING ASPECTS:

(a) Geographical and physical aspects:

It is the opinion of the EAP that there were no significant impacts on the geographical or physical aspects of the environment, purely because the site was already disturbed by agricultural activities.

(b) Biological aspects:

| | | |
|---|---|---|
| Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)? | YES | **NO** |
| If yes, please describe: | | |
| No CBAs or ESAs are located within the disturbed footprint of the hen houses and associated infrastructure. | | |
| Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)? | YES | **NO** |
| If yes, please describe: | | |
| The earliest available Google Earth Imagery which is dated 2004 shows the site as transformed agricultural fields/grassed lands. As such, no natural vegetation was present within the development footprint at the time of construction of the chicken houses.<br><br>The chicken houses were constructed within 32m of a wetland system and the Hartbees River and within 100m of the Klein River. Activities took place outside the freshwater ecosystems. Freshwater specialist – Jeanne Snyman of Ever Water – determined that the development caused no direct impacts on the aquatic habitat, biodiversity, or hydrological functioning observed during the construction phase. Potential impacts are limited to indirect effects during the operational phase which are largely mitigated. See **Appendix H** for full Freshwater Compliance Statement. | | |
| Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species? | YES | **NO** |
| If yes, please describe: | | |
| No natural vegetation or natural areas were present on site when the hen pens were developed. | | |
| Please describe the manner in which any other biological aspects were impacted: | | |
| No biological aspects were impacted by the development of the chicken houses and the operation thereof. | | |

(c) Socio-Economic aspects:

| | | |
|---|---|---|
| What was the capital value of the activity on completion? | R 3-4 million | |
| What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity? | R 10-12 million | |
| Has/will the activity have contributed to service infrastructure? | YES | **NO** |
| How many new employment opportunities were/will be created in the construction phase of the activity? | 30 | |
| What was the value of the employment opportunities during the construction phase? | R 1.5 million | |
| What percentage of this accrued to previously disadvantaged individuals? | 80% | |
| How was this ensured and monitored (please explain): | | |
| How many permanent new employment opportunities were/will be created during the operational phase of the activity? | 35 | |
| What is the current/expected value of the employment opportunities during the first 10 years? | R 20-25 million | |
| What percentage of this accrued/will accrue to previously disadvantaged individuals? | 70% | |
| How was/will this be ensured and monitored (please explain): | | |
| Members of the local community will be given job opportunities, where possible. | | |

| Any other information related to the manner in which the socio-economic aspects was/will be impacted: |
|---|
| Impacts on socio-economic aspects:<br><br>➢ **Potentially negative impacts**<br>• Limited impact on traffic flows<br>• Nuisance factors (noise, odour)<br><br>➢ **Potentially positive impacts**<br>• Improvement in local economy<br>• Provision of free-range eggs to the market<br>• Direct and indirect employment opportunities (temporary and permanent)<br>• Job security<br>• Skills transfer to new employees |

(d) Cultural and historic aspects:

| |
|---|
| There are no cultural or historic aspects that will be affected by the proposal. A Heritage NID will be submitted for confirmation from Heritage Western Cape. |

## 2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

| Did the activity produce waste (including rubble) during the construction phase? | **YES** | NO |
|---|---|---|
| If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type? | **Unknown** $m^3$ | |
| General Construction waste/rubble, nothing hazardous. | | |

| Does the activity produce waste during its operational phase? | **YES** | NO |
|---|---|---|
| If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type? | **Manure:** 90 – 240 $m^3$ per 80-week cycle<br>**General waste:** 0.72$m^3$ per week | |

| Where and how was/will the waste be treated / disposed of (describe)? | | |
|---|---|---|
| **General waste** is removed twice a week by a municipal skip.<br>**Manure** and hay mixture is collected by 3 farmers at the end of an 80-week cycle, which is used to supplement fertiliser.<br>Diseased mortalities that cannot be fed to the pigs are added to a small compost system (concrete lined composting area). | | |
| Has the municipality or relevant authority confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority | YES | **NO** |
| Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream? | YES | **NO** |
| If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility: | YES | NO |

| | | |
|---|---|---|
| Does the facility have an operating license? (If yes, please attach a copy of the license.) | YES | NO |
| Facility name: | | |
| Contact person: | | |
| Postal address: | | |
| | Postal code: | |
| Telephone: | Cell: | |
| E-mail: | Fax: | |

| |
|---|
| Describe the measures that were/will be taken to reduce, reuse or recycle waste: |
| Manure is reused as a fertiliser supplement by nearby farmers.<br>General waste will be recycled where possible. |

(b) Emissions into the atmosphere

| | | |
|---|---|---|
| Does/will the activity produce emissions that will be disposed of into the atmosphere? | YES | **NO** |
| If yes, does it require approval in terms of relevant legislation? | YES | NO |
| Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated: | | |

## 3. WATER USE

Please indicate the source(s) of water for the activity by ticking the appropriate boxes)

| Municipal | Water board | Groundwater | **River, Stream, Dam or Lake** | **Other** | The activity did/does/will not use water |
|---|---|---|---|---|---|
| | | | | | |

| | |
|---|---|
| If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate | |
| the volume that was extracted per month: | Approximately 2000m³ of water is pumped annually from the Hartebees River into the two dams. Roughly 166.67 m³ per month (**Appendix F**) |

| | | |
|---|---|---|
| Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole) **Appendix F** | | |
| Did/does the activity require a water use permit / license from DWA? | **YES** | NO |
| If yes, please submit a certified copy of the water use permit/license or submit the necessary application to Department of Water Affairs and attach proof thereof to this application, whichever is applicable.<br><br>Proof of General Authorisation registration is included in the 24G Report (see Appendix F2). | | |
| Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water: | | |
| Rainwater will be harvested to provide water to the operation.<br>Pens are dry cleaned and only the floor area is washed with water at the end of a cycle. | | |

| |
|---|
| When the pens are washed down it is done with a high-pressure hose thereby reducing water usage. |

## 4. POWER SUPPLY

Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source

| |
|---|
| Eskom supply is currently used and supplemented with generators and solar power when needed. |

| |
|---|
| If power supply is not available, where will power be sourced from? |
| Generators |

## 5. ENERGY EFFICIENCY

| |
|---|
| Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient: |
| The units have been orientated such to ensure that they fully make use of the natural elements for cooling and heating. |

Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:

| |
|---|
| There are two 10kW Solar Systems. |

## 6. DESCRIPTION AND ASSESSMENT OF THE SIGNIFICANCE OF IMPACTS prior to and after MITIGATION

**Please note:**

- While sections are provided for impacts on certain aspects of the environment and certain impacts, the sections should also be copied and completed for all other impacts.
- Mitigation measures that were implemented and mitigation measures that are to be implemented should be clearly distinguished.

(a) **Impacts that resulted from the planning, design and construction phases (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.**

| **Impacts on geographical and physical aspects:** | |
|---|---|
| Nature of impact: | No significant impacts are expected. |
| Extent and duration of impact: | |
| Probability of occurrence: | |
| Degree to which the impact can be reversed: | |
| Degree to which the impact may cause irreplaceable loss of resources: | |
| Cumulative impact prior to mitigation: | |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | |

| | |
|---|---|
| Degree to which the impact can be mitigated: | |
| Proposed mitigation: | |
| Cumulative impact post mitigation: | |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | |

| **Impact on biological aspects:** | |
|---|---|
| Nature of impact: | No significant impacts are expected. |
| Extent and duration of impact: | |
| Probability of occurrence: | |
| Degree to which the impact can be reversed: | |
| Degree to which the impact may cause irreplaceable loss of resources: | |
| Cumulative impact prior to mitigation: | |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | |
| Degree to which the impact can be mitigated: | |
| Proposed mitigation: | |
| Cumulative impact post mitigation: | |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | |

| **Impacts on socio-economic aspects:** | |
|---|---|
| Nature of impact: | Employment opportunities during the construction phase - the development led to temporary employment opportunities during construction. |
| Extent and duration of impact: | Local; short term |
| Probability of occurrence: | Highly probable |
| Degree to which the impact can be reversed: | Not required |
| Degree to which the impact may cause irreplaceable loss of resources: | Not likely |
| Cumulative impact prior to mitigation: | Low positive |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Low to medium positive |
| Degree to which the impact can be mitigated: | Not required |
| Proposed mitigation: | Not required |
| Cumulative impact post mitigation: | Low positive |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Low to medium positive |

| **Impacts on cultural-historical aspects:** |
|---|

| | |
|---|---|
| Nature of impact: | No significant impacts are expected. |
| Extent and duration of impact: | |
| Probability of occurrence: | |
| Degree to which the impact can be reversed: | |
| Degree to which the impact may cause irreplaceable loss of resources: | |
| Cumulative impact prior to mitigation: | |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | |
| Degree to which the impact can be mitigated: | |
| Proposed mitigation: | |
| Cumulative impact post mitigation: | |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | |

| **Dust impacts:** | |
|---|---|
| Nature of impact: | A degree of dust would have been generated during construction. |
| Extent and duration of impact: | Local; short term |
| Probability of occurrence: | Probable |
| Degree to which the impact can be reversed: | Possible |
| Degree to which the impact may cause irreplaceable loss of resources: | Low |
| Cumulative impact prior to mitigation: | Low negative |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Low negative |
| Degree to which the impact can be mitigated: | Medium |
| Proposed mitigation: | Already implemented:<br>- Minimise area to be cleared around each unit to prevent unnecessary exposure of bare ground.<br>- Clear land areas in phases as required for construction purposes to minimize unnecessary exposure of bare ground.<br>- Establish planted pastures and boundary landscaping.<br>Impact occurred in an agricultural context on a large farm, not possible to reach receptors. |
| Cumulative impact post mitigation: | Negligible |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Very Low negative |

| **Noise impacts:** |
|---|

| | |
|---|---|
| Nature of impact: | Limited noise would have been generated during construction. |
| Extent and duration of impact: | Local; short term |
| Probability of occurrence: | Probable |
| Degree to which the impact can be reversed: | Possible |
| Degree to which the impact may cause irreplaceable loss of resources: | Low |
| Cumulative impact prior to mitigation: | Low negative |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Low negative |
| Degree to which the impact can be mitigated: | Medium |
| Proposed mitigation: | Impact occurred in an agricultural context on a large farm, not likely to reach receptors. |
| Cumulative impact post mitigation: | Low negative |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Low negative |

| **Visual impacts / Sense of Place:** | |
|---|---|
| Nature of impact: | Visual Impact during construction activities |
| Extent and duration of impact: | Local and short term |
| Probability of occurrence: | Possible |
| Degree to which the impact can be reversed: | Likely |
| Degree to which the impact may cause irreplaceable loss of resources: | No Loss |
| Cumulative impact prior to mitigation: | Low negative to negligible |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Low negative |
| Degree to which the impact can be mitigated: | Medium |
| Proposed mitigation: | - Minimise additional area to be cleared around each unit to prevent cleared areas being noticeable.<br>- The developed area is surrounded by vegetation and trees and the site not on the skyline.<br>The development took place on a large farm with limited to no direct receptors. |
| Cumulative impact post mitigation: | Negligible |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Negligible |

(b) **Impacts that result from the operational phase (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the operational phase.**

| **Impacts on the geographical and physical aspects:** | |
|---|---|
| Nature of impact: | No significant impacts are expected. |
| Extent and duration of impact: | |
| Probability of occurrence: | |
| Degree to which the impact can be reversed: | |
| Degree to which the impact may cause irreplaceable loss of resources: | |

| | |
|---|---|
| Cumulative impact prior to mitigation: | |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | |
| Degree to which the impact can be mitigated: | |
| Proposed mitigation: | |
| Cumulative impact post mitigation: | |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | |

| **Impact on biological aspects:** | |
|---|---|
| Nature of impact: | Indirect impacts on wetland and riparian ecosystems -Water quality risks associated with washing of chicken houses |
| Extent and duration of impact: | Local; long term |
| Probability of occurrence: | Medium |
| Degree to which the impact can be reversed: | High |
| Degree to which the impact may cause irreplaceable loss of resources: | Low |
| Cumulative impact prior to mitigation: | Low |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Medium-Low |
| Degree to which the impact can be mitigated: | High |
| Proposed mitigation: | Mitigation in place:<br>• Chicken houses are dry-cleaned/swept and manure removed prior to washing therefore reducing the contaminants in the wash water<br>• Wash water is discharged into grassed swales, where it typically infiltrates or evaporates before reaching the riparian zone, thereby minimising the risk to the receiving freshwater system<br><br>Additional Mitigation:<br>• Construction of a small, vegetated settling/attenuation pond at the end of the grass swale, to further polish wash water before infiltration.<br>• Ensure that clean stormwater is diverted away from contaminated areas to prevent unnecessary mixing and mobilisation of pollutants during rainfall events.<br>• Concrete base/lining of composting area must be expanded to accommodate any potential spill over.<br>• Swale-like retention area to be constructed around composting area to catch any run-off from composting area.<br>• Use biodegradable, low-toxicity cleaning agents where possible, and strictly control quantities used during washing operations.<br>• Continue with dry-cleaning practices and ensure that all manure is promptly removed and |

| | |
|---|---|
| | stored/handled in a manner that prevents leaching or runoff.<br>• Engage with the Working for Water Programme to facilitate the phased removal of invasive alien tree species within the broader wetland and riparian zone, thereby improving ecosystem functioning and resilience to potential future impacts. Given the extensive scale and density of the infestation within the broader wetland area, such clearing efforts are beyond the reasonable capacity of the landowner to undertake independently and will require institutional support.<br>• Regularly inspect and maintain drainage pathways, swales, and infiltration areas to prevent blockages, erosion, or preferential flow paths towards the wetland.<br>• Twice a year the water quality of the Haartbees river must be tested upstream and downstream of the farm in October and March. |
| Cumulative impact post mitigation: | Negligible |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Very Low |

| **Impacts on the socio-economic aspects:** | |
|---|---|
| Nature of impact: | Employment opportunities from expanded onsite free-range egg production operations |
| Extent and duration of impact: | Local; long term |
| Probability of occurrence: | Highly probable |
| Degree to which the impact can be reversed: | Not required |
| Degree to which the impact may cause irreplaceable loss of resources: | Not likely |
| Cumulative impact prior to mitigation: | Medium positive |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Medium positive |
| Degree to which the impact can be mitigated: | Low |
| Proposed mitigation: | Employment of members from the local community, where possible. |
| Cumulative impact post mitigation: | Medium positive |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Medium positive |

| **Impacts on the cultural-historical aspects:** | |
|---|---|
| Nature of impact: | No significant impacts are expected. |
| Extent and duration of impact: | |
| Probability of occurrence: | |
| Degree to which the impact can be reversed: | |
| Degree to which the impact may cause irreplaceable loss of resources: | |
| Cumulative impact prior to mitigation: | |

| | |
|---|---|
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | |
| Degree to which the impact can be mitigated: | |
| Proposed mitigation: | |
| Cumulative impact post mitigation: | |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | |

| **Noise impacts:** | |
|---|---|
| Nature of impact: | Noise generated from operational activities on site |
| Extent and duration of impact: | Local; long term |
| Probability of occurrence: | Likely |
| Degree to which the impact can be reversed: | Possible |
| Degree to which the impact may cause irreplaceable loss of resources: | Low |
| Cumulative impact prior to mitigation: | Low negative |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Low negative |
| Degree to which the impact can be mitigated: | Low |
| Proposed mitigation: | The operation is located on a large farm with neighbours a considerable distance away. |
| Cumulative impact post mitigation: | Negligible |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Negligible |

| **Waste impacts:** | |
|---|---|
| Nature of impact: | Waste generation from operational phase |
| Extent and duration of impact: | Local; long term |
| Probability of occurrence: | Probable |
| Degree to which the impact can be reversed: | Possible |
| Degree to which the impact may cause irreplaceable loss of resources: | Low |
| Cumulative impact prior to mitigation: | Low negative |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Low to medium negative |
| Degree to which the impact can be mitigated: | High |
| Proposed mitigation: | - Manure and hay mixture is removed from site by neighbouring farmers who use it to supplement their fertiliser.<br>- Broken eggs are fed to the pigs.<br>- Non-infectious mortalities are fed to the pigs.<br>- Infectious mortalities are disposed of in an on-site mortality pit.<br>- Minimise new materials brought on site.<br>- Reuse existing materials where possible.<br>- Maximise recycling and waste separation onsite.<br>- No burning of waste on site. |

| | |
|---|---|
| | - Worker awareness on site regarding waste minimisation and recycling |
| Cumulative impact post mitigation: | Low negative |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Low negative |

| **Nuisance factors (odour) impacts:** | |
|---|---|
| Nature of impact: | Odour generated from chicken pens |
| Extent and duration of impact: | Local; long term |
| Probability of occurrence: | Probable |
| Degree to which the impact can be reversed: | Possible |
| Degree to which the impact may cause irreplaceable loss of resources: | Low |
| Cumulative impact prior to mitigation: | Low negative |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Low to Medium negative |
| Degree to which the impact can be mitigated: | Medium |
| Proposed mitigation: | - Pens are thoroughly cleaned at the end of each cycle.<br>- Manure is removed from site at the end of the cycle.<br>- Mortalities must be immediately disposed of.<br>- Pig pen is regularly cleaned – dry sweeping and power washing when necessary. |
| Cumulative impact post mitigation: | Negligible |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Low negative |

| **Traffic impacts:** | |
|---|---|
| Nature of impact: | Additional traffic generated by the operation |
| Extent and duration of impact: | Local; long term |
| Probability of occurrence: | Probable |
| Degree to which the impact can be reversed: | Unlikely |
| Degree to which the impact may cause irreplaceable loss of resources: | Low |
| Cumulative impact prior to mitigation: | Low negative |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Low negative |
| Degree to which the impact can be mitigated: | Medium |
| Proposed mitigation: | Traffic will be limited since the majority of the movement of vehicles on site will occur at the end of the cycle, i.e. every 80 weeks.<br>Daily/monthly traffic is appropriate considering the operation is located in a farming area. |
| Cumulative impact post mitigation: | Low negative |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Very Low negative |

| **Visual impacts / Sense of Place:** | |
|---|---|
| Nature of impact: | Increase in visual intrusion within the agricultural landscape |
| Extent and duration of impact: | Local; long term |
| Probability of occurrence: | Definite |

| | |
|---|---|
| Degree to which the impact can be reversed: | Low |
| Degree to which the impact may cause irreplaceable loss of resources: | Unlikely |
| Cumulative impact prior to mitigation: | Units visible from internal farm roads. |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Negligible |
| Degree to which the impact can be mitigated: | Medium |
| Proposed mitigation: | The operation is located on a large farm with neighbours a considerable distance away.<br>The development is amongst trees that allow for visual absorption. |
| Cumulative impact post mitigation: | Negligible |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Very low negative |

**(c) Impacts that may result from the decommissioning and closure phase (briefly describe and compare the potential impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the decommissioning and closure phase.**

| **Potential impacts on the geographical and physical aspects:** | |
|---|---|
| Nature of impact: | Removal of infrastructure and land left derelict post closure |
| Extent and duration of impact: | Local; long term |
| Probability of occurrence: | Improbable |
| Degree to which the impact can be reversed: | Possible |
| Degree to which the impact may cause irreplaceable loss of resources: | Medium |
| Cumulative impact prior to mitigation: | None |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Low negative |
| Degree to which the impact can be mitigated: | Possible |
| Proposed mitigation: | Upon closure, the developed area should be returned to arable use and infrastructure re-used elsewhere; what cannot be re-used should be sent to landfill for disposal |
| Cumulative impact post mitigation: | None |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | No impact |

| **Potential impact on biological aspects:** | |
|---|---|
| Nature of impact: | None expected. |
| Extent and duration of impact: | |
| Probability of occurrence: | |
| Degree to which the impact can be reversed: | |
| Degree to which the impact may cause irreplaceable loss of resources: | |
| Cumulative impact prior to mitigation: | |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | |
| Degree to which the impact can be mitigated: | |

| | |
|---|---|
| Proposed mitigation: | |
| Cumulative impact post mitigation: | |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | |

| **Potential impacts on the socio-economic aspects:** | |
|---|---|
| Nature of impact: | Job losses from closure |
| Extent and duration of impact: | Local; long term |
| Probability of occurrence: | Possible |
| Degree to which the impact can be reversed: | Unlikely |
| Degree to which the impact may cause irreplaceable loss of resources: | Unlikely |
| Cumulative impact prior to mitigation: | Low to medium negative |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | Medium negative |
| Degree to which the impact can be mitigated: | Low |
| Proposed mitigation: | Intensive feed farming is increasing due to market demand; therefore, closure is unlikely |
| Cumulative impact post mitigation: | Low to medium negative |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | Medium negative |

| **Potential impacts on the cultural-historical aspects:** | |
|---|---|
| Nature of impact: | None anticipated. |
| Extent and duration of impact: | |
| Probability of occurrence: | |
| Degree to which the impact can be reversed: | |
| Degree to which the impact may cause irreplaceable loss of resources: | |
| Cumulative impact prior to mitigation: | |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | |
| Degree to which the impact can be mitigated: | |
| Proposed mitigation: | |
| Cumulative impact post mitigation: | |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | |

| **Potential noise impacts:** | |
|---|---|
| Nature of impact: | None anticipated. |
| Extent and duration of impact: | |

| | |
|---|---|
| Probability of occurrence: | |
| Degree to which the impact can be reversed: | |
| Degree to which the impact may cause irreplaceable loss of resources: | |
| Cumulative impact prior to mitigation: | |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | |
| Degree to which the impact can be mitigated: | |
| Proposed mitigation: | |
| Cumulative impact post mitigation: | |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | |

| **Potential visual impacts:** | |
|---|---|
| Nature of impact: | None anticipated. |
| Extent and duration of impact: | |
| Probability of occurrence: | |
| Degree to which the impact can be reversed: | |
| Degree to which the impact may cause irreplaceable loss of resources: | |
| Cumulative impact prior to mitigation: | |
| Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High) | |
| Degree to which the impact can be mitigated: | |
| Proposed mitigation: | |
| Cumulative impact post mitigation: | |
| Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High) | |

**(d) Any other impacts: N/A**
**Please note:** If any of the above information is not available, specialist input may be requested.

## 7. SPECIALIST INPUTS/STUDIES AND RECOMMENDATIONS

**Please note:** Specialist inputs/studies that will be undertaken as part of this application. These specialist inputs/studies must take into account the Department's relevant Guidelines on the Involvement of Specialists in EIA Processes available on the Department's website (**http://www.capegateway.gov.za/eadp**). A summary of all the specialist inputs/studies must be provided with the additional information.

Specialist inputs/studies and recommendations:

| |
|---|
| **Freshwater Compliance Statement – Jeanne Snyman – EverWater (Appendix H)** |

The DFFE Screening Tool classified the site as having Very High Aquatic Biodiversity sensitivity; however, a Site Sensitivity Verification Report (March 2026) refined this to Medium to High sensitivity within the broader freshwater context. This is primarily due to the presence of an endangered valley-bottom wetland associated with the Hartbees and Klein Rivers. The development footprint itself is located within a historically transformed agricultural area exhibiting low aquatic sensitivity.

The site is situated within the Klein River Catchment (Quaternary Catchment G40J) of the Breede-Gouritz Water Management Area. Freshwater features in the surrounding area include the Hartbees and Klein Rivers and their associated wetlands, with only the Hartbees River wetland located within 32 m of the project footprint and therefore representing the primary receptor of potential impact.

The affected wetland is classified as a channelled valley-bottom system within a critically endangered vegetation type (Western Ruens Shale Renosterveld). It is considered natural but moderately to largely modified (PES Category C/D), largely due to extensive infestations of alien invasive vegetation. Despite this, the wetland remains of Moderate to High Ecological Importance and Sensitivity (EIS) and is associated with aquatic Critical Biodiversity Areas and a FEPA-listed wetland system.

Assessment findings indicate that the unauthorised activities occurred outside of the wetland and riparian zone, with no direct impacts on aquatic habitat, biodiversity, or hydrological functioning observed during the construction phase. Potential impacts are limited to indirect effects during the operational phase, primarily minor water quality risks associated with the washing of chicken houses. Existing management practices, such as dry-cleaning prior to washing and discharge into grassed swales, substantially reduce contaminant loads and limit pathways to the wetland.

Additional mitigation measures are recommended to further reduce potential risks, including the installation of a vegetated settling/attenuation pond, improved stormwater management, use of low-toxicity cleaning agents, continued manure management practices, routine maintenance of drainage systems, and engagement with the Working for Water Programme for alien vegetation clearing. With these measures in place, the residual impact on the wetland is expected to be Very Low.

## 8. IMPACT ASSESSMENT SUMMARY

Briefly describe the impacts (as appropriate), significance rating of impacts, mitigation and significance rating of impacts of the activity. This must include an assessment of the significance of all impacts.

| Impacts | Significance rating of impacts after mitigation (Low, Medium, Medium-High, High, Very High): |
|---|---|
| **CONSTRUCTION PHASE** | |
| Employment opportunities during the construction phase - the development led to temporary employment opportunities during construction. | Low to medium positive |
| Limited noise would have been generated during construction. | Low negative |
| A degree of dust would have been generated during construction. | Very Low negative |
| Visual Impact during construction activities | Negligible |
| **OPERATIONAL PHASE** | |
| Indirect impacts on wetland and riparian ecosystems - Water quality risks associated with washing of chicken houses | Very Low negative |
| Employment opportunities from expanded onsite free-range egg production operations | Medium positive |
| Waste generation from operational phase | Low negative |

| | |
|---|---|
| Odour generated from chicken pens | Low negative |
| Additional traffic generated by the operation | Very Low negative |
| Noise generated from operational activities on site | Negligible |
| Increase in visual intrusion within the agricultural landscape | Very Low negative |
| **DECOMMISIONING PHASE** | |
| Removal of infrastructure and land left derelict post closure | No impact |
| Job losses from closure | Medium negative |

## 9. SUMMARY OF THE CONSEQUENCES OF/ IMPACTS OF THE UNLAWFULLY COMMENCED ACTIVITY/IES

Please provide a detailed summary of the consequences/impacts of commencement of the activity/ies on the environment.

**Summary:**

The unauthorised activities relate to the expansion of a small free-range chicken egg farm. The Applicant expanded his free-range hen operation from 3000 hens to 38 500 hens.

In 2012, two chicken houses were established which housed approximately 2000 to 3000 hens. This facility did not trigger any listed activities in terms of the EIA Regulations of 2010. In 2013/2014 (before December 2014), an additional two chicken houses were developed which housed an additional 5500 hens in total. At this point, the expansion activity required environmental authorisation. A further three chicken houses were constructed in 2016/2017 which housed roughly 5000 hens each. Thereafter, the facility was expanded by a further 3 hen houses between 2020 and 2024. Each pen houses 5000 chickens each.

Currently, there are 10 chicken houses on the property. 8 of these 10 houses are considered unlawful and require Environmental Authorisation. The unauthorised chicken houses can house approximately 35 500 hens. All chicken houses include a free-range grazing area that is grassed with yellow wood trees.

Since the original chicken pens did not require an environmental application, the Applicant was not aware that the expansion of the operation required environmental approval. Since it has now been brought to his attention, his intention is to apply for retrospective environmental authorisation for the additional 8 chicken houses, i.e. this Section 24G Application. No Directives or Compliance Notices have been issued to date.

All development activities took place on disturbed/transformed agricultural fields that have been fallow for many years. Given the highly transformed nature of the development footprint prior to commencement of the listed activities, little to no vegetation was present. Furthermore, no natural watercourses were located within the development footprints and the operation, with mitigation, has no significant impacts on nearby watercourses.

The commencement of the listed activities took place on a farm within an agriculturally dominated landscape. As such there are limited to no direct receptors for potential impacts. Operational phase impacts can be avoided through suitable management of the facility.

## 10. OTHER MANAGEMENT, MITIGATION AND MONITORING MEASURES

(a) Over and above the mitigation measures described above, please indicate any additional management, mitigation and monitoring measures.

- A detailed EMPr (**Appendix I**) has been developed that incorporates all outlined mitigation and management measures for implementation during the operational phase of the development. The EMPr will serve to guide the operation of the development and thereby ensure that no environmental degradation results from the ongoing operation of the facility. This document must be implemented.

- The outcome of public participation and stakeholder engagement processes will help determine any other applicable management or mitigation measures that should be considered
- Twice annual water quality testing of the Haartbees River at the end of the dry season (March) and again at the end of the wet season (October). Samples will be taken from upstream and downstream of the farm.

(b) Describe the ability of the applicant to implement the management, mitigation and monitoring measures.

- The applicant is willing and able to implement the management, mitigation and monitoring measures as prescribed by the EAP in this document and the accompanying EMPr.
- The applicant has both displayed a willingness to comply and is financially able to implement the requirements.

**Please note:** A draft **ENVIRONMENTAL MANAGEMENT PROGRAMME** must be attached to this application as **Appendix I**.

## SECTION G: ASSESSMENT METHODOLOGIES AND CRITERIA, GAPS IN KNOWLEDGE, UNDERLYING ASSUMPTIONS AND UNCERTAINTIES

(a) Please describe adequacy of the assessment methods used.

Assessment methods used include the following:

- Site visits to determine the nature and sensitivity of the site and the surrounding environment.
- Consulting with the Applicant to gain an understanding of the need for the development activity.
- Consideration of the applicable Legislation, Guidelines and Policies.
- Consideration of the district and provincial IDPs, SDFs in order to understand the socio-economic context of the development.
- Obtaining input from HWC.

It is the opinion of the EAP that the assessment methods used were adequate. After ranking of the evaluation of the components (variables) on a scale for each potential impact, the significance of each potential impact was calculated.

(b) Please describe the assessment criteria used.

These criteria are drawn from the EIA Regulations published by the Department of Environmental Affairs and Tourism (April 1998) in terms of the Environmental Conservation Act, 1989 (Act No. 73 of 1989) and the latest BAR template provided by the DEA&DP. These criteria include:

**Nature of the impact**
This is an appraisal of the type of effect (positive or negative) the construction, operation and maintenance of a development would have on the affected environment. This description should include what is to be affected.

**Extent of the impact**
Extent defines the physical extent or spatial scale of the impact. The impact could:

- **Site specific:** limited to the site.
- **Local:** limited to the site and the immediate surrounding area (1-10km)
- **Regional:** covers an area that includes an entire geographic region or extends beyond one region to another.
- **National:** across national boundaries and may have national implications.

**Duration of the impact**
The specialist should indicate whether the lifespan of the impact would be:

- **Short term:** 0-5 years.
- **Medium term:** 5-15 years.
- **Long term:** beyond the operational phase, but not permanently.
- **Permanent:** where mitigation either by natural processes or by human intervention will not occur in such

a way or in such time span that the impact can be considered transient or temporary.
- **Discontinuous or intermittent:** where the impact may only occur during specific climatic conditions or during a particular season of the year.

**Consequence of impact**
Indicate what will happen if the impact occurs.

**Probability of occurrence**
Probability describes the likelihood of the impact occurring. The likelihood can be described as:
- **Improbable/unlikely:** low likelihood of the impact occurring.
- **Probable:** distinct possibility the impact will occur.
- **Highly probable:** most likely that the impact will occur.
- **Definite:** impact will occur regardless of any prevention measures.

**Irreplaceable loss of resources**
Specialists should state whether the impacts may be irreversible or may result in an irreplaceable loss of resources. It can be **no loss**, **marginal loss**, **significant loss** or **complete loss** of resources.

**Reversibility**
This refers to the degree to which an impact can be reversed.
- **Fully reversible:** where the impact can be completely reversed.
- **Partly reversible:** where the impact can be partially reversed.
- **Irreversible:** where the impact is permanent.

**Indirect impacts**
Indirect impacts are secondary impacts and usually occur at a different place or time. Specialists will need to elaborate on any indirect or secondary impacts of proposed activities. If there are no indirect impacts specialist will need to briefly explain so.

**Cumulative impact**
An effect which may not be significant but may become significant if added to other existing or potential impacts that may result from activities associated with the proposed development or similar developments in the surrounding area. Cumulative impacts must be assessed prior to and post mitigation. Such impacts will be either positive or negative, and will be graded as being of **negligible**, **low**, **medium** or **high impact**.

**Degree to which impact can be avoided**
This indicates the degree to which an impact can be avoided. Impacts can either be **fully avoided** (impact is completely avoidable), **partly avoided** (impact is avoidable with moderate mitigation and/or management) or the impact is **unavoidable** (the impact cannot be avoided even with significant mitigation measures and/or management).

**Degree to which impact can be managed**
This indicates the degree to which an impact can be managed. Impacts can either be **fully managed** (impact is completely manageable), **partly managed** (impact is manageable with moderate mitigation and/or management) or the impact is **unmanageable** (the impact cannot be managed even with significant mitigation measures).

**Degree to which an impact can be mitigated**
This indicates the degree to which an impact can be reduced. The degree of mitigation can either be **high** (the impact can be fully mitigated), **moderate** (the impact can be partly mitigated) or **not mitigated at all**.

**Significance**
Based on a synthesis of the information contained in the above-described procedure, the significance of the potential impacts can be assessed (prior and post mitigation) in terms of the following significance criteria:
- No impact/Negligible
- **Low negative:** where it would have minor negative effects and would require little or no mitigation.
- **Low positive:** the impact will have minor positive effects.
- **Medium negative:** the impact will have moderate negative effects and will require moderate mitigation.

- **Medium positive:** the impact will have moderate positive effects.
- **High negative:** the impact will have significant effects and will require significant mitigation measures to achieve an accepted level of impact.
- **High positive:** the impact will have significant positive effects.
- **Very high negative:** the impact will have highly significant effects and are unlikely to be able to be mitigated adequately.
- **Very high positive:** the impact will have highly significant positive effects.

**Residual impacts**
Residual impacts are those impacts that remain following the implementation of mitigation measures. Residual impacts must be identified and discussed. If there are no residual impacts, the specialist will need to briefly explain that the activity will have no residual impacts.

(c) Please describe the gaps in knowledge.

No gaps in knowledge exist at this time, however, should any be identified, they will be communicated in an open and transparent manner and documented in the S24G application report.

(d) Please describe the underlying assumptions.

It is assumed that all the information conveyed to the EAP by the applicant and the Planner is correct.

The management of this proposed development will be in line with the recommendations in this report, which will be enforced by the implementation of detailed Environmental Management Program.

(e) Please describe the uncertainties.

There are no identified uncertainties at this stage.

## SECTION H: RECOMMENDATIONS OF THE EAP

| | | |
|---|---|---|
| In my view (EAP), the information contained in the Application and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for. | **YES** | NO |

| | | |
|---|---|---|
| If "NO", list the aspects that should be further assessed through additional specialist input/assessment: | | |
| | | |
| If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised: | | |
| Applicant should be directed to cease the activity: | YES | **NO** |
| Please provide reasons for your opinion | | |
| The commencement of listed activities took place on a working farm within already degraded agricultural fields and the therefore did not result in detrimental impacts to the natural environment. No watercourses or wetlands will be affected by the activity. The nature of the operational and construction phase impacts associated with the development activities are all within the low to medium range prior to implementation of mitigation measures. | | |

Through implementation of feasible mitigation measures, all identified impacts can be reduced to acceptable limits.

The development activities were undertaken for the purpose of improving the economic viability of the farm. This resulted in job creation, job security, increase in free-range egg production to satisfy the market and economic growth of the region. Furthermore, the chicken manure produced by the activity is a valuable resource for surrounding farmers who purchase the manure to supplement their fertiliser.

The location and operation of the poultry facility is appropriate from an environmental, economic, and social point of view and will result in sustained societal and economic benefits in the form of both a supply of free-range eggs and generation of job opportunities.

If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation.

All mitigation and management measures outlined in this report and the accompanying EMPr should be implemented onsite (**Appendix I**).

**In summary the required mitigation measures should include:**

- Implement stormwater management as per EMPr (**Appendix I**)
    - Dry-sweep pens and minimise usage of water inside units for washing. Units are to be washed (with high pressure hoses) only once dry matter has been removed.
    - Manure hay mixture to be removed from site by neighbouring farmers.
    - No water used during washing of units to be re-used on site.
    - Construction of a small, vegetated settling/attenuation pond at the end of the grass swale, to further polish wash water before infiltration.
    - Ensure that clean stormwater is diverted away from contaminated areas to prevent unnecessary mixing and mobilisation of pollutants during rainfall events.
    - Use biodegradable, low-toxicity cleaning agents where possible, and strictly control quantities used during washing operations.
    - Engage with the Working for Water Programme to facilitate the phased removal of invasive alien tree species within the broader wetland and riparian zone, thereby improving ecosystem functioning and resilience to potential future impacts. Given the extensive scale and density of the infestation within the broader wetland area, such clearing efforts are beyond the reasonable capacity of the landowner to undertake independently and will require institutional support.
    - Regularly inspect and maintain drainage pathways, swales, and infiltration areas to prevent blockages, erosion, or preferential flow paths towards the wetland.
    - Bi-annual water quality testing of the Haartbees River. Samples to be taken upstream and downstream of the farm at the end of the dry season (March) and the end of the wet season (October).

- Implement good waste management:
    - Maximise recycling and waste separation onsite.
    - Facilitate worker awareness on site regarding waste minimisation and recycling.
    - Infected mortalities arising from the onsite facility must be disposed of in the mortality pit.
    - Mortalities (not infectious) and broken eggs must be fed to the pigs.
    - Manure and hay mixture must be removed from site by neighbouring farmers who use it to supplement their fertiliser.
    - All manure must be covered during transport.
    - Pens must be thoroughly cleaned at the end of each cycle.

- Refuelling or maintenance of vehicles may only take place on designated, bunded surfaces.
- Minimise new materials brought on site.
- Reuse existing materials where possible.
- Shield dust blowing onto roads and adjacent land users.
- Dissipate dust with water if needed.

- A suitable speed limit (20-40km/h) must be enforced on all access roads.
- All transport vehicles and machinery/equipment used onsite must be regularly maintained and kept in good working order to prevent excessive noise.
- Plant trees for visual absorption in the landscape.
- Maintain all onsite roads in a good condition.
- Regularly monitor roads for damage or erosion.
- Should damage or erosion be noted it must be addressed immediately.
- Establish suitable vegetation within any bare areas onsite.
- Employment of members from the local community, where possible

## SECTION I: REPRESENTATIONS – RESPONSE TO AN INCIDENT OR EMERGENCY SITUATION

| This section is only applicable to instances where Section 49A (2) of NEMA applies. Please list all steps that where taken in response to the incident or emergency situation. |
|---|
| There was no emergency situation. |

**Please note:**

**Section 30 of NEMA deals with the procedures to be followed for the control of emergency incidents and Section 30A deals with procedures to the followed in the case of emergency situations.**

## SECTION J: PUBLIC PARTICIPATION

### 1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

### 1.1 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF THE SECTION 24G FINE REGULATIONS, 2017

Regulation 8 of the Section 24G Fine Regulations require that all applicants must conduct public participation **prior to submission** of a section 24G application (as outlined in Annexure A of the Section 24G Fine Regulations - Section D: Preliminary Advertisement).

| ***"The applicant must place a preliminary advertisement in-*** |
|---|
| *(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.* |
| *(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.* |
| *(3) The applicant must open and maintain of a register of interested and affected parties.* |
| *(4) The **register must be attached to the application form and included in the report**, or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of-*<br><br>*(a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application;*<br><br>*(b) all persons who have requested the applicant, in writing, to place their names on the register; and*<br><br>*(c) all organs of state that have jurisdiction in respect of the activity to which application relates."* |

| Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, *inter alia*, proof of preliminary advertisement in a local newspaper. |
|---|
| • The S24G Report was advertised in the local newspaper (Hermanus Times), and a site notice placed at the entrance to the site.<br>• Adjacent landowners, occupiers of the land, relevant organs of state and state departments were notified of the proposal and invited to comment or register as an I&AP.<br>• All reports were uploaded on the PHS Consulting website for the duration of the 30-day commenting period.<br>• A Comments and Response report has been generated after the public participation period including detail on the public participation process followed. See **Appendix G.**<br>• An IAP register was kept during the public participation process and will be updated as needed. |

| Please indicate whether the applicant has a website (please tick relevant box): | YES | **NO** |
|---|---|---|

If yes, please note that the application information as specified above must have been advertised on such website and proof thereof must accompany this application.

The S24G Report was placed on the EAP's website.

www.phsconsulting.co.za

**Please note: Annexure A: Section D attached to this Application form must be strictly adhered to.**

## 1.2 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF NEMA EIA REGULATIONS, 2014

As the applicant, you may be directed to conduct the public participation process that fulfils the requirements outlined in Chapter 6 of the EIA Regulations, 2014. In doing so, you must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 as well as any other guidance provided by the Department. Note that the public participation requirements are applicable to all proposed sites.

Please highlight the appropriate box below to indicate the public participation process that has been or will be undertaken to give notice of the application to all potential interested and affected parties, including deviations that may be agreed to by the competent authority:

| 1. In terms of regulation 41 of the EIA Regulations, 2014 - | | | |
|---|---|---|---|
| (a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of - | | | |
| (i) the site where the activity to which the application relates is or is to be undertaken; and | **YES** | DEVIATION | |
| (ii) any alternative site | **YES** | DEVIATION | |
| (b) giving written notice, in any manner provided for in section 47D of the NEMA, to – | | | |
| (i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken; | **YES** | DEVIATION | N/A |
| (ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken; | **YES** | DEVIATION | |
| (iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area; | **YES** | DEVIATION | |

| | | | |
|---|---|---|---|
| (iv) the municipality (Local and District Municipality) which has jurisdiction in the area; | **YES** | DEVIATION | |
| (v) any organ of state having jurisdiction in respect of any aspect of the activity; and | **YES** | DEVIATION | |
| (vi) any other party as required by the Department; | **YES** | DEVIATION | N/A |
| (c) placing an advertisement in - | | | |
| (i) one local newspaper; or | **YES** | DEVIATION | |
| (ii) any official *Gazette* that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations; | YES | DEVIATION | **N/A** |
| (d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken | YES | DEVIATION | **N/A** |
| (e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to—<br><br>(i) illiteracy;<br><br>(ii) disability; or<br><br>(iii) any other disadvantage. | **YES** | DEVIATION | N/A |
| If you have indicated that "DEVIATION" applies to any of the above, then Section 2. below must be completed. | | | |
| NOTE:<br><br>2. The NEM: WA requires that a notice must be placed in at least two newspapers. | | | |
| If applicable, have/will an advertisement be placed in at least two newspapers? | YES | NO | |
| If "NO", then an application for exemption from the requirement must be applied for. | | | |

| 1. **Provide a list of all the state departments that has been / will be consulted:** | | |
|---|---|---|
| **List of State Depts.** | **Comment obtained (YES/NO)** | **If not, provide reasons** |
| DEADP Directorate Environmental Governance (Rectification) | NO | Notified but no comment provided |
| Cape Nature | YES | |
| Western Cape Government Department of Agriculture | NO | Notified but no comment provided |
| Department Transport and Public Works | NO | Notified but no comment provided |
| DEA&DP Directorate: Waste Management | NO | Notified but no comment provided |
| DEA&DP Directorate: Pollution and Chemical Management | NO | Notified but no comment provided |
| Provincial Dept Agriculture: Veterinary Services | NO | Notified but no comment provided |
| Heritage Western Cape | NO | Notified but no comment provided |
| BOCMA | NO | Notified but no comment provided – site visit conducted |
| Overberg District Municipality | YES | |
| Theewaterskloof Local Municipality | NO | Notified but no comment provided |

| | | |
|---|---|---|
| Ward Councillor | NO | Notified but no comment provided |
| Department Of Health and Wellness: Western Cape | NO | Notified but no comment provided |

| 2. **Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed.** **(The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)** |
|---|
| Please refer to the Comments and Response Table in Appendix G3. This table includes the comments received to date and our responses, as well as how/ where they are addressed (if applicable). |

| 3. **Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.** |
|---|
| Please refer to the Comments and Response Table in Appendix G3. This table includes the comments received to date and our responses, as well as how/ where they are addressed (if applicable). |

**Please note:**

- **A list of all the potential interested and affected parties, including the organs of State must be opened, maintained and made available to any person requesting access, in writing, to the register.**
- **All comments of interested and affected parties on the Application Form and Additional Information must be recorded, responded to and included in the Comments and Responses Report attached as Appendix G to the Application. The Comments and Responses Report must also include a description of the Public Participation Process followed.**
- **The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants must also be submitted as part of the public participation information to be attached to the additional information/Environmental Impact Report as Appendix G.**
- **Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the Application Form/Additional Information must be submitted as part of the public participation information to be attached to the application as Appendix G.**

## 2. REPRESENTATIONS REGARDING DEVIATION FROM PUBLIC PARTICIPATION REQUIREMENTS IN TERMS OF THE EIA REGULATIONS, 2014

| Please provide detailed reasons (representations) as to why it would be appropriate not direct you to comply with all of the requirements and to deviate from the requirements of regulation 41 as indicated above. |
|---|
| N/A |

## 3. LIST OF STATE DEPARTMENTS

Section 24(O)(2) obliges the relevant authority to consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.

| Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official. | | | |
|---|---|---|---|
| State Department | Name of person | Contact details | |
| | | Tel | 021 483 3696 // 021 483 2991 |

| | | | |
|---|---|---|---|
| DEADP DIRECTORATE: ENVIRONMENTAL GOVERNANCE (RECTIFICATION) | Mbali Ntshangase & Shafeeq Mallick | Fax | n/a |
| | | Email | Mbali.Ntshangase@westerncape.gov.za / Shafeeq.Mallick@westerncape.gov.za |
| CAPE NATURE | Rhett Smart | Tel | 087 087 8017 |
| | | Fax | n/a |
| | | E-mail | rsmart@capenature.co.za |
| WESTERN CAPE DEPARTMENT OF AGRICULTURE | Mr Cor van der Walt | Tel | 021 808 5099 |
| | | Fax | 021 808 5092 |
| | | E-mail | CorvdW@elsenburg.com |
| DEPARTMENT TRANSPORT AND PUBLIC WORKS | Mr Schalk Carstens | Tel | 021 483 2203 |
| | | Fax | n/a |
| | | E-mail | schalk.carstens@westerncape.gov.za |
| DEA&DP DIRECTORATE: WASTE MANAGEMENT | Mr Lance McBain-Charles | Tel | (021) 483 2705 / 021 483 8378 |
| | | Fax | 021 483 4425 |
| | | E-mail | Lance.McBain-Charles@westerncape.gov.za |
| DEA&DP DIRECTORATE: POLLUTION AND CHEMICAL MANAGEMENT | Arabel McClelland | Tel | 021 483 2660 |
| | | Fax | n/a |
| | | E-mail | Arabel.McClelland@westerncape.gov.za |
| PROVINCIAL DEPT AGRICULTURE: VETERINARY SERVICES | Dr L Hon | Tel | 021 808 5111 / 083 642 0606 |
| | | Fax | 021 808 5210 |
| | | E-mail | llewellynh@ elsenburg.com |
| HERITAGE WESTERN CAPE | To be notified via NID | Tel | 021 483 9543 |
| | | Fax | n/a |
| | | E-mail | Ceoheritage@westerncape.gov.za |
| BOCMA | Vhengani Ligudu | Tel | 023 346 8000 |
| | | Fax | n/a |
| | | E-mail | VLigudu@bocma.co.za/ info@bocma.co.za |
| OVERBERG DISTRICT MUNICIPALITY | Rulien Volschenk | Tel | 028 425 1157 |
| | | Fax | n/a |
| | | E-mail | rvolschenk@odm.org.za |
| THEEWATERSKLOOF LOCAL MUNICIPALITY | Johan Viljoen | Tel | 082 499 5724 |
| | | Fax | n/a |
| | | E-mail | johanvi@twk.org.za |
| WARD COUNCILLOR FOR WARD 3 | C. de Bruyn Benjamin | Tel | 071 394 0064 |
| | | Fax | n/a |
| | | E-mail | caroldebb02@gmail.com |
| DEPARTMENT OF HEALTH AND WELLNESS: WESTERN CAPE | Dr Keith Cloete | Tel | 021 483 3647 |
| | | Fax | n/a |
| | | E-mail | Keith.Cloete@westerncape.gov.za |

**Please note:**

**A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department/EAP's request for comment, submit such comment in writing to the Department. The applicant/EAP is therefore required to inform this Department in writing when the application/relevant information is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30-day commenting period.**

## PART 2 – ANNEXURE A TO THE SECTION 24G APPLICATION FORM

## SECTION A: DIRECTIVES

Section 24G(1) of NEMA provides that on application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environment Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

| | | |
|---|---|---|
| *i* | *immediately cease the activity pending a decision on the application submitted in terms of this subsection* | |
| *ii* | *investigate, evaluate and assess the impact of the activity on the environment* | |
| *iii* | *remedy any adverse effects of the activity on the environment* | |
| *iv* | *cease, modify or control any act, activity, process or omission causing pollution or environmental degradation* | |
| *v* | *contain or prevent the movement of pollution or degradation of the environment* | |
| *vi* | *eliminate any source of pollution or degradation* | |
| *vii* | *compile a report containing-* | |
| | *aa* | *a description of the need and desirability of the activity* |
| | *bb* | *an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity* |
| | *cc* | *a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity* |
| | *dd* | *a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed* |
| | *ee* | *an environmental management programme* |
| *viii* | *provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.* | |

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions including where you are of the opinion that any of these instructions are not relevant for the purposes of your application setting out the reasons for your assertion. Kindly note further that after taking your representation into account a final directive may be issued.

**Please Note:**

**Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will therefore be provided with an opportunity to make further representations as to the specific directive.**

**The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.**

## SECTION B: DEFERRAL OF THE APPLICATION

Section 24G(7) of the NEMA provides that if at any stage after the submission of an application it comes to the attention of the Minister, the Minister responsible for mineral resources or the MEC, that the applicant is under criminal investigation for the contravention of, or failure to comply with, section 24F(1) of the NEMA or section 20(b) of the NEM:WA, the

Minister, Minister responsible for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time as the investigation is concluded and-

(a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;

(b) the applicant concerned is acquitted or found not guilty after prosecution in respect of which such contravention or failure has been instituted; or

(c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

Kindly answer the following questions:

| | | | |
|---|---|---|---|
| *Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that <u>is not subject to this application</u> and in any province in the Republic?* | *YES* | ***NO*** | *UNCERTAIN* |
| *If yes provide details of the offence being investigated and authority conducting the investigation.*<br><br>*If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.* | | | |
| | | | |
| *Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?* | *YES* | ***NO*** | *UNCERTAIN* |
| *If yes provide details of the offence being investigated and authority conducting the investigation.*<br><br>*If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.* | | | |
| | | | |
| *Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA <u>in terms of which this application directly relates</u>?* | *YES* | ***NO*** | *UNCERTAIN* |
| *If yes provide details of the offence being investigated and authority conducting the investigation.*<br><br>*If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.* | | | |
| | | | |

If you have answered yes or uncertain to any of the above questions, you are hereby provided with an opportunity to make representations as to why the Minister, Minister responsible for mineral resources or MEC, as the case may be, should not defer the application as he or she is entitled to do under section 24G(7).

## SECTION C: QUANTUM OF THE SECTION 24G FINE

In terms of section 24G(4) of the NEMA, it is mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister, Minister responsible for mineral resource or MEC may take a decision on whether or not to grant an *ex post facto* environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

Having regard to the factors listed below, you are hereby afforded with an opportunity to make representations in respect of the quantum of the fine and as to why the competent authority should not issue a maximum fine of R5 million.

Please note that Part 1 of this section must be completed by an independent environmental assessment practitioner after conducting the necessary specialist studies, copies of which must be submitted with this completed application form.

Please also include in your representations whether or not the activities applied for in this application (if more than 1) are in your view interrelated and provide reasons therefor.

| **PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES** |
|---|

| **Index** | **Socio Economic Impact**<br>**Description of variable** | **Place an "x" in the appropriate box** |
|---|---|---|
| **The activity is not giving, has not given and will not give rise to any negative socio-economic impacts** | | **X** |
| The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised | | |
| The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts | | |
| The activity is resulting, has resulted or could result in wide-scale negative socio-economic impacts. | | |
| Motivation:<br><br>The development activity gives rise to positive socio-economic impacts through the improved economic viability of the farm. This resulted in job creation, job security, increase in free-range egg production to satisfy the market and economic growth of the region. Furthermore, the chicken manure produced by the activity is a valuable resource for surrounding farmers who purchase the manure to supplement their fertiliser.<br><br>The nature of the development also allows for year-round employment opportunities within the local rural economy which is generally dominated by seasonal employment. | | |

| Index | Biodiversity Impact<br>Description of variable | Place an "x" in the appropriate box |
|---|---|---|
| | The activity is not giving, has not given and will not give rise to any impacts on biodiversity | |
| | **The activity is giving, has given or could give rise to localised biodiversity impacts** | **X** |
| | The activity is giving, has given or could give rise to significant biodiversity impacts | |
| | The activity is, has or is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species. | |
| Motivation:<br><br>The activities occurred on old disturbed and transformed agricultural fields. No vegetation was impacted.<br><br>The unauthorised activities occurred outside of the wetland and riparian zone, with no direct impacts on aquatic habitat, biodiversity, or hydrological functioning observed during the construction phase. Potential impacts are limited to indirect effects during the operational phase, with mitigation measures in place, the residual impact on the wetland is expected to be Very Low (**Appendix H**). | | |

| Index | Sense of Place Impact and / or Heritage Impact<br>Description of variable | Place an "x" in the appropriate box |
|---|---|---|
| | **The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage** | **X** |
| | The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage | |
| | The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage | |
| | The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage | |
| Motivation:<br><br>The activity is located on a working farm within an agricultural area. It is therefore in keeping with the context of the surrounding land use and the sense of place will not be affected. | | |

| Index | Pollution Impact<br>Description of variable | Place an "x" in the appropriate box |
|---|---|---|
| **The activity is not giving, has not given and will not give rise to any pollution** | | **X** |
| The activity is giving, has given or could give rise to pollution with low impacts. | | |
| The activity is giving, has given or could give rise to pollution with moderate impacts. | | |
| The activity is giving, has given or could give rise to pollution with high impacts. | | |
| The activity is giving, has given or could give rise to pollution with major impacts. | | |

Motivation:

The facility has not given rise to any pollution to date. It is in their own biosecurity interest not to pollute, and the manure is seen as a valuable commodity to be used by neighbouring farmers to supplement their fertiliser. Waste management activities have been recommended in the EMPr and are currently being implemented by the facility.

The following biosecurity measures are currently followed to prevent pollution and protect wild birds:

- all new hens that arrive on the farm to have a detailed vaccine and health certificate from reputable suppliers before being received and placed
- no excess / loose chicken feed is left lying around the farm as that may attract wild birds, especially wild geese and ducks.
- any excess manure (dry manure) is removed immediately, and all chicken camps and pathways are swept regularly to keep them clean of manure
- all chicken houses are washed with appropriate cleaning agents and tested (via swabs) for bacteria and cleanliness before being used
- restricted farm access - only approved vehicles and people onto farm
- all vehicles are washed with Virokill / appropriate cleaning agent before entering the farm. This includes both manually for deep wash using a 'foamer' and high-pressure washer and an automatic purpose-built vehicle wash spray containing Virokill or relevant washing agent
- all staff wash hands under supervision at least twice a day using various approved South African Bureau of Standards (SABS) safe cleaning agents and are encouraged to use the hand wash and sanitisers placed at each hen house and in the pack station
- all staff have to wash their boots in buckets containing SABS approved disinfectant and Virokil upon entering the farm and/or a chicken house
- birds remain indoors should DAFF or SAPA issue this instruction due to an outbreak of bird flu (or other notifiable disease)
- birds to remain indoors should a threat or notice of bird flu be reported within the broader region until further instructions
- various vaccines are issued to the birds in line with veterinary practices. Solitaire contract Avimune, a specialist poultry service provider as well as SMT Laboratories to regularly test the health of the flock, immediately handle any potential health issues and ensure our biosecurity, hygiene and bacteria loads are managed in line with best practices
- pest control procedures in place to remove or limit pets e.g. rats, mice, flees etc. Ecolab a pest control supplier is used
- Regular Audits: Solitaire regularly employ food safety (INTERTEC) and hen safety/welfare auditors (Department of Agriculture) to verify that the standard operating and management procedures meet legal requirements but also ensure that the basic SOPs and records (that could assist in preventing any diseases) are implemented

| **PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT** |
|---|

| Index | Previous administrative action (i.e. administrative enforcement notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act | Place an "x" in the appropriate box |
|---|---|---|
| | **Description of variable** | |
| Administrative action was previously taken against the applicant in respect of the abovementioned provisions. | | |
| No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time when the administrative action was taken. | | |
| **Administrative action was <u>not</u> previously taken against the applicant in respect of the abovementioned provisions.** | | **X** |
| Explanation of all previous administrative action taken in respect of the above:<br><br>No previous administrative action was taken against the Applicant. No Directives have been issued. | | |

| Index | Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act | Place an "x" in the appropriate box |
|---|---|---|
| | **Description of variable** | |
| The applicant was previously convicted in terms of either or both of the abovementioned provisions. | | |
| No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time; or a conviction was secured against a director of the applicant in his or her personal capacity. | | |
| **The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.** | | **X** |
| Explanation of all previous convictions in respect of the above:<br><br>No Directives have been issued. | | |

| Index | Number of section 24G applications previously submitted by the applicant | Place an "x" in the appropriate box |
|---|---|---|
| | **Description of variable** | |
| Previous applications in terms of section 24G of NEMA were submitted by the applicant. | | |
| **No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time.** | | **X** |
| No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application. | | |
| Explanation in respect of all previous applications submitted in terms of section 24G: | | |

**PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES**

| Index | Applicant's legal persona<br>Description of variable | Place an "x" in the appropriate box |
|---|---|---|
| | **The applicant is a natural person.** | **X** |
| | The applicant is a firm. | |
| | Describe the firm: | |

| Index | Any other relevant information that the applicant would like to be considered. |
|---|---|
| | Motivate and explain fully:<br><br>The applicant did not require Environmental Authorisation for the initial 2 hen houses since it was below the threshold. The applicant was not aware that the expansion of the activity, i.e. the development of additional hen houses, over time, would require environmental approval. The applicant has not been issued with any compliance notices or directives and has voluntarily applied for Environmental Authorisation in terms of the Section 24G process, since becoming aware that environmental approval was required. |

**NOTE: An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management licence must be attached to this application.**

## SECTION D: PRELIMINARY ADVERTISEMENT

When submitting this application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.

The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. It must include the following:

- the date;
- the location;
- the applicable legislative provision contravened; and
- the activity or activities commenced with without the required authorisation.

Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.

This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of this application form.

**NOTE**: Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G(1).

## PART 3 - APPENDICES

The following appendices must, where applicable, be attached to this form:

| Appendix | | Tick the box if Appendix is attached |
|---|---|---|
| **Appendix A:** | **Locality map** | ✓ |
| **Appendix B:** | **Site plan(s)** | ✓ |
| **Appendix C:** | **Building plans (if applicable)** | X |
| **Appendix D:** | **Colour photographs** | ✓ |
| **Appendix E:** | **Biodiversity overlay map** | ✓ |
| **Appendix F1:** | **Permit(s) / license(s) from any other organ of state including service letters from the municipality** | ✓ |
| | **ELU for Water Use** | |
| **Appendix F2:** | **BOCMA – General Authorisation** | ✓ |
| **Appendix G1:** | **Public participation information:**<br>**List of Interested and Affected Parties.** | ✓ |
| **Appendix G2:** | **Proof of PPP [to be included in the final submission to DEA&DP due to the POPIA]** | ✓ |
| **Appendix G3:** | **Comments and Response Report** | ✓ |
| **Appendix G4:** | **Comments Received** | ✓ |
| **Appendix H:** | **Specialist Report – Freshwater Compliance Statement** | ✓ |
| **Appendix I:** | **Environmental Management Programme** | ✓ |
| **Appendix J:** | **Supporting documents relating to compliance/enforcement history of the applicant e.g. Pre-compliance/compliance notices, Pre-directives/directives etc.** | X |
| **Appendix K:** | **Certified copy of Identity Document of Applicant** | ✓ |
| **Appendix L:** | **Certified copy (s) of the title deed** | ✓ |
| **Appendix M1:** | **Site Sensitivity Verification Report** | ✓ |
| **Appendix M2:** | **DFFE Screening Tool Report** | ✓ |

## DECLARATIONS

### DECLARATION OF THE APPLICANT

**Note:** Duplicate this section where there is more than one Applicant.

I, GRAHAM GRINDLEY-FERRIS, ID number 7111015118084 in my personal capacity or duly authorised thereto hereby declare/affirm that all the information submitted or to be submitted as part of this application form is true and correct, and that:

- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations, and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;

- I am aware of my general duty of care in terms of Section 28 of the NEMA;

- I am aware that it is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;

- I appointed the Environmental Assessment Practitioner ("EAP") (if not exempted from this requirement) which:
  - meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations; or
  - meets all the requirements other than the requirement to be independent in terms of Regulation 13 of the NEMA EIA Regulations, but a review EAP has been appointed who does meet all the requirements of Regulation 13 of the NEMA EIA Regulations;

- I will provide the EAP and any specialist, where applicable, and the Competent Authority with access to all information at my disposal that is relevant to the application;

- I will be responsible for the costs incurred in complying with the NEMA EIA Regulations and other environmental legislation including but not limited to –
  - costs incurred for the appointment of the EAP or any legitimately person contracted by the EAP;
  - costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
  - Legitimate costs in respect of specialist(s) reviews; and
  - the provision of security to ensure compliance with applicable management and mitigation measures;

- I am responsible for complying with conditions that may be attached to any decision(s) issued by the Competent Authority, hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which I or the EAP is responsible in terms of the NEMA EIA Regulations and any Specific Environmental Management Act.

**Note:** If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

GRAHAM GRINDLEY-FERRIS 08/05/2026

Signature of the Applicant: Date:

N/A

Name of Firm (close corporation/company/trust etc.) (if applicable):

**DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

I **Paul Slabbert**, EAPASA Registration number **2019-1036** as the appointed EAP hereby declare/affirm the correctness of the information provided or to be provided as part of this application, and that:

- in terms of the general requirement to be independent:
  - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
  - am not independent, but another EAP that meets the general requirements set out in Regulation 13 of NEMA EIA Regulations has been appointed to review my work (Note: a declaration by the review EAP must be submitted);

- in terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;

- I have disclosed/will disclose, to the Applicant, the specialist (if any), the Competent Authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of this application;

- I have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;

- I have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded, responded to and submitted to the Competent Authority in respect of this application;

- I have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;

- I have kept/will keep a register of all interested and affected parties that participated in the public participation process;

- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations;



08/10/2026

Signature of the EAP: Date:

**PHS Consulting**

Name of company (if applicable):