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date **17 June 2026**

PHS Consulting
P.O. Box 1752
Hermanus
7200

Attention: Josie Howard
By email: josie@phsconsulting.co.za

Dear Ms Howard

Draft NEMA Section 24G Report for the Unlawful Expansion of a Poultry Facility on Portion 349 of Farm Tesselaarsdal 811, Tesselaarsdal
(DEA&DP ref: 14/2/4/1/E4/5/0015/25)

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments.

Desktop Information

The application is for the unlawful construction of 8 poultry houses to expand on the existing 2 poultry houses which were not deemed to be unlawful. The property is mapped as Critical Biodiversity Area 1 (CBA) in the current 2023 Western Cape Biodiversity Spatial Plan (BSP). apart from the eastern section of the western portion which is No Natural. The 2017 BSP is however relevant as the unlawful activities preceded the gazetting of the current BSP on 13 December 2024. In the 2017 BSP the north-western corner is mapped as Aquatic CBA 1 buffered by Ecological Support Area 2 (ESA), with the remainder mapped as No Natural.

The Hartbees River and associated broad channelled valley bottom wetland extends on to the north-western section of the property, correlating with the Aquatic CBA. The vegetation which would have occurred on site is critically endangered Western Rûens Shale Renosterveld.

Screening Tool and Site Sensitivity Verification

The results from the screening tool indicate very high sensitivity for terrestrial biodiversity and aquatic biodiversity, high sensitivity for animal species and medium sensitivity for plant

The Western Cape Nature Conservation Board trading as **CapeNature**
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species. An aquatic biodiversity specialist study was conducted to address this theme. For the terrestrial biodiversity, plant species and animal species themes however, it is motivated that no specialist studies are required as the poultry houses were constructed on areas which had been transformed by agriculture and did not contain any natural habitat, and any aquatic faunal habitat could be addressed in the aquatic biodiversity assessment

Based on the available evidence, including current and historical Google Earth imagery, the site photographs and description provided, there is evidence that the footprints were transformed through agricultural activities and were being used for grazing. We further note that aerial imagery available from the National Geospatial Information (NGI) portal from as far back as 1961 and 1973 indicates the property as actively cultivated. The development footprint is entirely No Natural in the 2017 BSP which correlates with this description. We are therefore satisfied with the motivation. The encroachment of CBA 1 into the development footprint in the 2023 BSP will be interrogated. We note the national land cover map (DFFE 2022) in the aquatic biodiversity compliance statement mapping the western part of the site as low shrubland (fynbos), although a provincial land cover product was used for the BSP.

Aquatic Biodiversity Compliance Statement

The aquatic biodiversity compliance statement indicates the Hartbees River and associated valley bottom wetland as the primary aquatic features which are relevant to the application. The river and wetland at this location are primarily impacted by a dense infestation of alien invasive species with the result that the present ecological state (PES) is rated as C/D. The fact that the Hartbees River is an important tributary of the Klein River and the rating of the Klein River Estuary as the fifth most ecologically important estuary in South Africa is taken into consideration, resulting in a moderate to high ecological importance and sensitivity (EIS).

The ground-truthed delineation of the Hartbees wetland is similar to the mapping in the National Wetland Map, with the result that the one poultry house is ±25 – 30 m from the wetland (accurate distance should be confirmed), with the other poultry houses progressively further away. The recommendation is that the construction of the poultry houses did not result in the loss of any wetland habitat or alteration of the hydrology of the river or wetland. The habitat which was lost is rated as low EIS as it was transformed by agriculture, which we then interpret as also implying a low sensitivity in terms of the screening tool therefore resulting in compilation of a compliance statement.

The only impacts predicted to have occurred and currently occurring is minor impacts on water quality during the operational phase, as a result of washing of the poultry houses. The current waste management system is removal of manure and initial dry cleaning of the facility before using water to clean. The wash water is disposed into swales thereby reducing entry into the river and wetland.

Several mitigation measures are proposed, which includes construction of an attenuation/settling pond at the end of the swale to further settle out pollutants and prevent entry into the river and wetland. Other measures include stormwater management, low toxicity biodegradable cleaning agents, regular maintenance and alien clearing within the riparian/wetland area. With the implementation of the mitigation measures, the impact is rated as very low.

With regards to alien clearing, we wish to highlight that all landowners are required to manage alien invasive species, therefore we recommend that alien clearing must be a requirement for the landowner for the section of riparian/wetland area extending on to the property, while support can be provided from external sources (e.g. landowner herbicide support which is the current approach).

With regards to the impact on water quality and the fact that the activity has already been undertaken, we wish to recommend that water quality samples must be taken to provide quantitative evidence whether there is any impact on water quality of the Hartbees River as a result of the activities on site. We wish to note that elevated nutrient levels are a concern for the Klein River and Estuary, with impacts including the enhanced proliferation of reeds. We recommend that as a minimum, water samples should be taken directly upstream of the facility and downstream of the facility before the confluence with the Klein River, and include the standard variables for organic pollution e.g. *E.coli*, phosphates etc. Water quality monitoring should be integrated with any existing monitoring being undertaken e.g. Breede Olifants Catchment Management Agency (BOCMA), Department of Water and Sanitation (DWS).

Layout and Operations

The site plan does not match with what has been built, which can be observed in a comparison between Figures 1 and 2 of Appendix B. Poultry house 8 has been built further to the north-west and hence closer to the wetland than indicated on the site plan. The site plan also does not indicate roads, the pig pen and water tanks. Figure 6 in the NEMA S24G Report indicates existing access roads, dams and retention area. We wish to note that the run-off retention area indicated is currently occupied by Poultry House 8 and therefore no longer exists. The site plan or a separate plan must be provided spatially indicating the proposed management of wash water and run-off. It is noted that the dams for water supply are adjacent to the poultry houses.

The waste management system is described, including disposal of dry waste and mortalities. Clarification must be provided where the dry manure for collection by local farmers will be stored and indicated on the site plan. Infectious mortalities will be disposed of in a mortality pit. The locality of the mortality pit must be indicated and input from the aquatic biodveristy specialist provided regarding the acceptability thereof. The management of waste must also

include the pig pen, even if small in scale in comparison and not part of the transgressions. The Environmental Management Programme (EMPr) has included the recommendation from the specialist, however the specifications must be spatially incorporated into the application as indicated.

It is noted that a Water Use License Application (WULA) has been initiated for the activity. The concerns related to water quality are equally applicable for the WULA, therefore we recommend that the recommendations and outcomes from the WULA should also be incorporated into the NEMA S24G process.

Biosecurity is mentioned, however it is not explicitly addressed in the NEMA S24 Report or EMPr. Avian influenza (and potentially other diseases) is a major risk to the facility and there would be measures to minimize wild bird to poultry infection. The proposed measures must be described. Measures which result in negative impacts on wild birds, in particular species of conservation concern (e.g. Blue Cranes (*Anthropoides paradiseus*), would not be supported. Provided the description of the deterrent measures to avoid wild bird contact are adequately described, we do not consider it necessary for a separate avifaunal specialist study to be conducted.

Conclusion

In conclusion, CapeNature recommends that the following must be addressed before the application is considered further:

- Water quality testing of the Hartbees River for organic pollution must be conducted. If the results indicate water quality impacts, additional mitigation measures must be implemented.
- The site plan must be amended to accurately represent the development which was undertaken at an appropriate scale which would be approved as a building plan by the municipality and must be approved by the aquatic biodiversity specialist. It must include the following:
    - Accurate depiction of the locality of the poultry houses
    - Wash water and stormwater run-off measures including swales and detention ponds
    - Mortality pit
    - Pig pen
    - Water infrastructure
    - Roads
    - Manure storage area
- A description of the biosecurity measures to prevent wild bird to poultry disease transfer must be provided.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Regards

Rhett Smart

Digitally signed by Rhett Smart
Date: 2026.06.17 17:24:35 +02'00'

Rhett Smart

For: Manager: Landscape Conservation Intelligence South

OVERBERG DISTRIKSMUNISIPALITEIT
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17 June 2026

PHS CONSULTING
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For attention: Josie Howard

RE:APPLICATION OF SECTION 24G FOR THE UNAUTHORISED ESTABLISHMENT OF FREE-RANGE CHICKEN HOUSES ON PORTION 34 OF FARM 811, TESSELAARSDAL, CALEDON, WESTERN CAPE PROVINCE.

The Overberg District Municipality's Department of Environmental Management Services takes cognisance of the Section 24G Application.

The Municipality support the proposed mitigation measures which requires that no additional expansion of the facility be permitted beyond the current footprint, and that rehabilitation measures be implemented to improve ecological functioning on the site, including the removal of alien invasive vegetation and, where feasible, the restoration of degraded Renosterveld areas. Monitoring and compliance must be ensured through regular environmental audits and reporting to the relevant authorities.

Subject to the above conditions and strict enforcement thereof, the Overberg District Municipality is of the opinion that the impacts associated with the existing development can be managed to an acceptable level, and therefore the Department of Environmental Management Services has no objections towards the proposed development.

Yours sincerely

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E.PHILLIPS
ACTING MUNICIPAL MANAGER