



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Reference: S24G/05/11-12/0003
Enquiries: Phindy Malaza / Maryjane Ramahlodi
Telephone: (011) 240 3003/3020
E-mail: Phindy.Malaza@gauteng.gov.za
Maryjane.Ramahlodi@gauteng.gov.za

Eagles Pride Hatchery (Pty) Ltd
P.O. Box 3262
Montana Park
0159

Attention: Mr. Rudie Briel

BY HAND

Dear Sir

ENVIRONMENTAL AUTHORISATION IN TERMS OF SECTION 24G OF NEMA: PROJECT REFERENCE S24G/05/11-12/0003: UNLAWFUL CONCENTRATION OF POULTRY IN A CONFINED STRUCTURE FOR THE PURPOSE OF COMMERCIAL PRODUCTION AT EAGLE'S PRIDE HATCHERY, PORTION 5 OF THE FARM NOOITGEDACHT 525 JR, BRONKHORSTSPRUIT, CITY OF TSHWANE METROPOLITAN MUNICIPALITY

Your application for rectification submitted on 30 May 2011 in terms of Section 24G read with Section 12(3) (Transitional provision) of the National Environmental Management Amendment Act [(Act No. 62 of 2008) ("NEMA), read together with Government Notices R1182 of the Environmental Conservation Act (Act 73 of 1989), promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) as amended refers.

ENVIRONMENTAL AUTHORISATION

1. DESCRIPTION OF THE ACTIVITY:

The activity undertaken involves expansion of facilities for the concentration of poultry where the capacity of the facilities will be increased by more than 5000 poultry per facility on portion 5 and 23 of the Farm Nooitgedacht 525 JR in Bronkhorstspuit.

This authorization is solely applicable to the infrastructure and processes commenced with on this premises. It does not include any proposed activities, processes and infrastructure that would require additional authorization from the Gauteng Department of Agriculture and Rural Development.

The following activities identified in GN R1182 promulgated in terms of the Environment Conservation Act of 1989 and similarly listed in GN R544 of 18 June 2010 are associated with the activities applicable for the establishment and operation of this facility:

Received
via email
12 February 2014

Listed activities in terms of Government Notice R1182 promulgated in terms of the Environment Conservation Act, (No.73 of 1989) (the "ECA")	Activities similarly listed in terms of Government Notice R544 of the National Environmental Management Act (No. 107 of 1998) ("the NEMA")
Item 3: "The concentration of livestock, aquatic organisms, poultry and game in a confined structure for the purpose of commercial production, including aquaculture and mariculture".	Item 32(ii): "The expansion of facilities for the concentration of poultry, excluding chicks younger than 20 days, where the capacity of the facilities will be increased by more than 5 000 poultry per facilities situated an urban area"

Hereinafter referred to as "**the activity**".

2. LOCATION:

The activities took place and/or are continuing on Portion 5 and 23 of the Farm Nooitgedacht 525 JR, Bronkhorstspuit. The site falls within the jurisdiction of the City of Tshwane Metropolitan Municipality.

Coordinates:

Latitude: 25, 8572166° S
Longitude: 28, 763466° E

Hereinafter referred to as "**location/site**".

3. THE HOLDER OF THE AUTHORISATION

Eagles Pride Hatchery (Pty) Ltd
Company Registration Number: 2001/009236/07
% Mr. Rudie Briel
RSA Identity Number: 720624 5144 080
P.O. Box 3262
Montana Park
0159

Tel: (012) 808 9930
Fax: 086 691 5931

4. CONSULTANT

Shangoni Environmental Consultant
Company Registration Number: 2002/000002/07
% Ms. Lee- Anne Meiring
P.O. Box 74726
Lynnwood Ridge
0040

Tel: (012) 807 7036
Fax: (086) 639 7956

5. SITE INSPECTION

A site inspection was conducted by officials of this Department on 27th July 2011 and follow up site inspections were conducted on 18 and 26 July 2013.

6. DECISION

In terms of Section 24G (2)(b) of the NEMA, as amended, I the Acting Head: Agriculture and Rural Development (GDARD), hereby grant **authorisation subject to the conditions** contained in this Environmental Authorisation, for the unlawful commencement of the activity in respect of the abovementioned application. Authorisation is only granted in terms of Section 24G of NEMA, read together with Government Notices No. R543 and R544 of 18 June 2010 as promulgated in terms of the National Environmental Management Act ("the NEMA"), 1998 (Act 108 of 1998) as amended.

This authorisation has been granted solely for the purposes of undertaking the activity referred to in Section 1 above and further does not negate the holder of the authorisations' responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity

7. CONDITIONS

7.1 Specific conditions

- 7.1.1 No surface or ground water may be polluted as a result of any activity on the site. "Pollution" is defined as the direct or indirect alteration of the physical, chemical or biological properties of a water resource so as to make it-
- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used;
 - (b) harmful or potentially harmful-
 - o to the welfare, health or safety of human beings;
 - o to any aquatic or non-aquatic organisms;
 - o to the resource quality; or
 - o to property.

7.1.2 The following reports and layout plans submitted as part of the reports dated December 2012 are approved and considered an extension of this authorisation. The holder of the authorisation must ensure implementation and compliance of all recommendations outlined in these reports and plans:

- o The Environmental Management Plan ("EMP") submitted as part of the S24G additional information dated December 2012 compiled by Shangoni Management Services (Pty) Ltd is approved and hereby forms an extension of this authorisation. All recommendations outlined in the aforementioned EMP are considered an extension of the conditions for this authorisation and must be adhered to.
- o The Waste Disposal Management Plan ("WMP") submitted as part of the report dated November 2012, compiled by Shangoni Environmental Management Services (Pty) Ltd, is approved. All recommendations outlined in the aforementioned WMP are considered an extension of the conditions for this authorization and must be adhered to.
- o The stormwater management procedure of the activity.
- o The emergency response procedure of the activity
- o The Wetland Functional Assessment Report (attached as appendix D1 in the Report) submitted as part of the S24G additional information dated September compiled by Limosella Consulting is approved and hereby forms an extension of this authorisation.

- The Heritage Report submitted as part of the S24G additional information dated December 2012 compiled by A Pelsler Archaeological Consulting is approved and hereby forms an extension of this authorisation.
- 7.1.3** An independent Environmental Control Officer (ECO) must be appointed to monitor compliance to the EMP. The name and contact details of the ECO must be submitted to the Department within thirty (30) days of receipt of this authorisation. The appointed ECO must undertake, but not limited the following:
- 7.1.3.1 Monitor of compliance to the reports indicated in paragraph 7.1.2 above and this environmental authorisation
 - 7.1.3.2 Submit to the Department a signed agreement stating that he/she knows and understands the contents of the EMP and is able and shall comply with all legislation pertaining to the nature of the work to be done and all matters incidental thereto within two (2) weeks of his/her appointment.
 - 7.1.3.3 Undertake training sessions on the contents, requirements and implementation of the EMP with all contractors and staff working on-site, prior to such persons being allowed to continue with the activities on site. Proof of the training thereof must be retained and must be presented upon request to any duly authorised official from this Department.
- 7.1.4** An integrated waste management approach based on waste minimisation must be implemented and must incorporate reduction, recycling, re-use and recovery of waste in terms of Section 26 of the National Environmental Management: Waste Act (Act 59 2008) (NEM:WA 59 of 2008), where appropriate.
- 7.1.5** All hazardous wastes, including absorbent fibers, must be stored in a dedicated container and disposed of by a licensed hazardous waste disposal company. A record of all wastes leaving the site must be maintained and these records must be made available to this Department on request.
- 7.1.6** Burning and burying of waste and carcasses is prohibited on site. All waste material generated on site must be stored in suitable containers which are intact and fit for storage of such waste and must be kept dry at all times.
- 7.1.7** The temporary storage area for mortalities must be stored in sealed bins prior to disposal.
- 7.1.8** In the event of a disease outbreak the holder of the authorisation must notify the state veterinarian immediately.
- 7.1.9** Chick mortalities and egg shells must be stored in sealed bins prior to disposal.
- 7.1.10** The coal stockpile area must be lined, bunded and covered to protect the coal from rain water that can lead to soil contamination.
- 7.1.11** All ashes which results from burning of coal must be stored on a concrete area/suitable container before removal to avoid soil contamination.
- 7.1.12** No effluent must be channelled into the storm water directly. Effluent generated as a result of the operation of the hatchery and the rearing farm must be treated to acceptable levels as per Department of Water Affairs (DWA) requirements before it is released into the storm water.
- 7.1.13** No contaminated water to be discharged to the dam and / or in the veld prior to being treated.

- 7.1.14** No stormwater must be discharged directly onto the adjacent site or into the wetland.
- 7.1.15** No activities must take place within 50m of the edge of the wetland.
- 7.1.16** If any soil contamination is noted during the operation of the facility, remediation of the contaminated area must be done in accordance to the applicable legislation, standards and oil industry procedures. The opportunity for the onsite remediation and reuse of contaminated soil must be investigated prior to resorting to removal to a suitable waste disposal facility. Rehabilitation must be done to the satisfaction of this Department and the Department of Water Affairs (DWA).
- 7.1.17** Maintenance of heater must be done on a monthly basis to reduce the potential air pollution resulting from the burning of coal.
- 7.1.18** The generators must be maintained and monitored at all times to control the noise pollution.
- 7.1.19** The Rearing farm and the Hatchery must be kept clean and free of flies to prevent the outbreak and spreading of diseases. Fly control measures must be in place especially over the summer seasons.
- 7.1.20** The holder of the authorisation is responsible for compliance with the provisions for duty of care and remediation of environmental damage as contained in Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- 7.1.21** The holder of the authorisation must within 24 hours inform the Gauteng Department of Agriculture and Rural Development of any environmental damage occurring as a result of the activity or the operation thereof.
- 7.1.22** The holder of the authorisation will be held accountable for any damage to the environment as a result of this activity.
- 7.1.23** Management and all personnel on site must be adequately trained to handle emergencies that could potentially arise during the operation of the activity on site.
- 7.1.24** Should the activity for any reason be closed or decommissioned, a decommissioning plan must be submitted to this Department at least thirty (30) days prior to decommissioning of the facility. The decommissioning plan must include the management of all possible environmental impacts envisaged during the decommissioning of the activity.
- 7.1.25** The decommissioning of the activity must be done in accordance with the applicable legislation and should ensure the protection of the natural resources, minimisation of soil and water pollution as well as prevention of soil erosion due to decommissioning activity. A decommissioning environmental audit must be undertaken to ensure that the site where the activity was constructed is free from pollution, that all structures related to the activity has been removed, and that the area has been satisfactorily rehabilitated. The results of this audit must be made available to officials of this Department on request.
- 7.1.26** Should the decommissioning of this activity be considered a listed activity in future, the necessary authorisation must be obtained prior to decommissioning and/or site closure.
- 7.1.27** All other authorisations or permits must be applied for and obtained from different relevant authorities.
- 7.1.28** The holder of the authorisation must obtain an authorisation from the Department for any further proposed activity(ies) listed in terms of Section 24 and 24D of the National

Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, prior to commencement thereof.

7.1.29 The holder of the authorisation shall remain responsible for the site and/or any of its impacts on the environment, after operations on the site have ceased.

7.2 General conditions

- 7.2.1 The activity which is authorized in terms of Section 24G of NEMA already exists on the property indicated above.
- 7.2.2 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 7.2.3 The holder of the authorisation must notify the Department, in writing, at least (10) ten days prior to the change of ownership, project developer or the alienation of any similar rights for the activity described in this letter. The holder of the authorisation must furnish a copy of this document to the new owner, developer or person to whom the rights accrue and inform the new owner, developer or person to whom the rights accrue that the conditions contained herein are binding on them.
- 7.2.4 Where any of the holder of the authorisation's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the holder of the authorisation must notify the Department as soon as the new details become known to the holder of the authorisation.
- 7.2.5 The holder of the authorisation shall be responsible for ensuring compliance with the conditions contained in this letter by any person acting on his behalf, including but not limited to, an agent, servant, or employee or any person rendering a service to the holder of the authorisation in respect of the activity, including but not limited to, contractors and consultants.
- 7.2.6 The holder of the authorisation must notify the Department within (24) twenty four hours if any condition of this authorisation cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.
- 7.2.7 The holder of the authorisation must within 10 (ten) calendar days of receiving notice of the Department's decision—
- Notify all registered interested and affected parties in writing of the outcome of the application and the reasons for the decision;
 - Specify the date on which the decision was issued;
 - Advise all registered interested and affected parties that, should they wish to appeal that they must lodge a notice of intention to appeal with the MEC, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal;
 - Inform all interested and affected parties that should they wish to appeal, the appellant must serve on the holder of the authorisation a copy of the notice of intention to appeal form as well as a notice indicating where and for what period the appeal submission will be available for inspection by the holder of the authorisation.

- 7.2.8 If the holder of the authorisation should decide to appeal, the holder of the authorisation must:
- lodge a notice of intention to appeal with the MEC, within 10 days of receiving notice of this decision;
 - submit the appeal within 30 days of the lodging of the notice of intention to appeal; and
 - serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.
- 7.2.9 Departmental officials shall be given access to the property referred to in section 2 above for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all reasonable times.
- 7.2.10 A copy of this authorisation must be kept at the property where the activity is being undertaken. The authorisation must be produced to any official of the Department who requests to see it and must be made available for inspection by employees or agents of the holder of the authorisation who undertakes work at the property.

8. KEY FACTORS INFORMING THE DECISION

8.1 In reaching its decision in respect of the application, the Department of Agriculture and Rural Development ("the Department") has taken, *inter alia*, the following into consideration:

- 8.1.1 The Section 24G application received by this Department on 30 May 2011;
- 8.1.2 Information obtained from the Departmental information base including *inter alia*:
- The Gauteng Agricultural Potential Atlas (Agricultural Research Council, 1999); and
 - The Gauteng Conservation Plan (Version 2);
- 8.1.3 The Environmental Impact Assessment Report dated December 2012 compiled by Shangoni Management Services (Pty) Ltd;
- 8.1.4 The findings of the site inspection conducted by officials of this Department on 27 July 2011 and a follow up site inspections on 18 and 26 July 2013; and
- 8.1.5 Your payment and proof thereof of the imposed administration fine of R 74 100.00 (Seventy four thousand one hundred Rand); paid on 15 April 2013 to this Department.

8.2 In reviewing this information, the Department made the following findings:

8.2.1 Biophysical

- Information obtained from the Gauteng Department of Agriculture and Rural Development's (GDARD) information base more specifically the Gauteng Agricultural Potential Atlas, concluded that the site has a high agricultural potential.
- The Departmental Information base also indicated that there is a wetland on site;
- Based on the information above and the nature of the activity, the Department is of the view that the activity will not significantly affect this sensitive environment if the conditions of this authorisation are strictly adhered to.
- No other sensitive environmental features were identified on site.

8.2.2 Public Participation

- The unlawful activity was advertised in a local newspaper – Streeknuus dated 12 October 2012;
- Neighbouring land owners and occupiers of land in close proximity to the site and the relevant authorities received written notices;
- A site notice was put on site;
- Interested and Affected Parties were given a (30) thirty day period within which to lodge any objections and or comments;

- Proof of publication of the advertisement, the site notices as well as notification to the adjacent landowners was submitted to the Section 24G Unit of this Department as required.
- There were comments received during the period and they were addressed by the consultant.
- No objections were received on the application.

8.2.3. Other Considerations/ Reports

- A detailed Environmental Impact Report was submitted to the Department which properly addresses the mitigation measures of the impacts that could result from the activity;
- The Section 24G Unit of the Department received a signed submission from the Managing Director of Eagles Pride, stating that no similar unlawful activities would be undertaken in future within the Gauteng Province without written approval from GDARD; and
- Sufficient information was submitted to enable the Department to make an informed decision regarding this application.

In view of the above, this Department is satisfied that, subject to compliance with the conditions stipulated in this decision, the activity does not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the activities can be mitigated to acceptable levels.

9. APPEALS

Any affected person who wishes to appeal against this decision must lodge a notice of intention to appeal with the MEC, within 10 days of receiving notice of this decision and, must submit the appeal within 30 days of lodging the notice of intention to appeal. Appeals can be submitted through the following means:

By hand: Diamond Building, 11 Diagonal Street, Newtown, Johannesburg
 By post: MEC: Gauteng Agriculture and Rural Development
 P. O. Box 8769
 Johannesburg
 2000

All interested and affected parties that wish to appeal must serve on the applicant a copy of their notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the holder of the authorisation should decide to appeal, the applicant must serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.

10. CONSEQUENCES OF NON-COMPLIANCE

The holder of the authorisation must comply with the conditions set out in this authorisation. Failure to comply with any of the above conditions may result in, inter alia, the institution of criminal proceedings and/or issuing a compliance notice. Furthermore, the Department may also choose to withdraw the authorisation, issue a directive to address any environmental damage as well as institute civil proceedings where necessary.

Please note that designated Environmental Management Inspectors from this Department are given wide powers in terms of the NEMA to investigate whether or not you are complying with the conditions of this authorization, and to enforce any contravention, including the power to seize items

used in the commission of the offence as well as the power of arrest. Please note that failure to comply with a condition of this environmental authorisation is an offence in terms of Section 24G (3) read with Section 24(F) of NEMA.


11. AMENDMENT TO ENVIRONMENTAL AUTHORISATION

The Environmental Impact Assessment Regulations (GNR 543 dated 18 June 2010) issued in terms of NEMA provide for the amendment of an environmental authorisation by both the holder of the authorisation and on the initiative of the Department. Please take note of the provisions set out in Chapter 4 of these regulations should you wish to apply for an amendment to this authorisation.

12. APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, (ACT NO 59 OF 2008)

The provisions set out in section 81 of the National Environmental Management: Waste Act (Act No 59 of 2008) must be taken into consideration and appropriate action must be taken as indicated therein.

Yours faithfully



Ms. Priscilla Pietersen
ACTING HEAD: AGRICULTURE AND RURAL DEVELOPMENT

Date: 14/1/2014

Cc: Compliance and Monitoring

Attn: Ms Cecilia Petlane
Fax: (011) 355 1850

Shangoni Management Services (Pty) Ltd

Attn: Ms Lee-Anne Merieng
Tel: (012) 807 7035
Fax: (086) 639 7956

Acknowledgement of Receipt:

Received by Mr/Ms: JOSEPH NABE ID. No. S206145251086 on
behalf of the Company EAGLES PRIDE HATCHERY on this 12
day of 02 ⁴ 2013, at JOHANNESBURG

Signature: 

