

- Waste Management Practices must be safe and without risk;
- Risk Assessments conducted should include waste related activities;
- Waste management training should be provided to employees and contractors;
- Written work instructions should be provided where necessary; and
- Relevant personal protective equipment and respiratory protective equipment must be provided as last resort after all mitigatory measures have been reviewed.

3.10. The National Heritage Resources Act (Act 25 of 1999):

The National Heritage Resources Act (Act 25 of 1999) (NHRA) introduces an integrated and interactive system for managing national heritage resources. The NHRA also includes landscapes and natural features of cultural significance as heritage resources.

Section 38 of the NHRA indicates that "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 300 m in length;
- b) the construction of a bridge or similar structure exceeding 50 m in length;
- c) any development or other activity which will change the character of the site –
 - i). exceeding 5000 m² in extent, or
 - ii). involving three or more 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 resources authority;
- d) the costs of which will exceed a sum set in terms of regulations by SAHRA, or a provincial resources authority;
- 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."

Relevance to the proposed development:

It is a legal requirement of this Act that a Heritage Impact Assessment be conducted.

Refer to Appendix G for the complete Heritage Impact Assessment Report.

3.11. The National Forest Act (Act No.84 of 1998):

The National Forests Act (NFA) was passed to protect and conserve trees growing in South Africa. The purpose of the NFA is to preserve trees and forests and to promote the sustainable management and development of forests for the benefit of all South Africans. Government Gazette 46094 (Notice No. 1935), published on 25 March 2022, lists nationally protected trees, which under the Act are protected against specific activities. The effect of declaration is that no person may (a) cut, disturb, damage or destroy; or (b) possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree, or any forest product derived from a protected tree, except under a license granted by the Minister; or in terms of an exemption published by the Minister in the Gazette.

Relevance to the proposed development:

According to the Ecological Assessment conducted (refer to Appendix G) no protected trees were identified, thus no licence is required in terms of The National Forest Act.

3.12. The North West Biodiversity Management Act (Act No.4 of 2016):

The North West Biodiversity Management Act (Act No. 4 of 2016) as amended on January 2017, aims to provide for the management and conservation of the North West Province's biophysical environment and protected areas within the framework of the National Environmental Management Act, 1998 (Act No. 107 of 1998); to provide for the protection of species and ecological-systems that warrant provincial protection; to provide for the sustainable use of indigenous biological resources; and to provide for matter connected therewith.

Relevance to the proposed development:

No, provincially protected fauna and flora as indicated by the NWBM (Act No 4 of 2016) were identified by the Ecological Assessment Specialist. (Refer to Appendix G).

3.13. National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended:

The National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended) provides for co-operative, environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for coordinating environmental functions exercised by organs of state, and to provide for matters connected therewith.

Integrated Environmental Management (IEM) is a philosophy, which prescribes a code of practice for ensuring that environmental considerations are fully integrated into all stages of the development process. This philosophy aims to achieve a desirable balance between conservation and development. In terms of the 2014 Environmental Impact Assessment (EIA) Regulations of the National Environment Management Act, 1998 (Act No. 107 of 1998, as amended) published 4 December 2014 (and updated on 7 April 2017), a Basic Assessment Report (BAR) is required for activities listed in Notices R327 and R324, and a Scoping and Environmental Impact Assessment is required for activities listed in Notice R325.

The following activities have been identified which have been triggered by the proposed development:

Table 5: Activities of the Listing Notices triggered.

| Listed activity nr. | Listed activity description | Relevance to the project |
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| Listing Notice 1 (GN R 327, 07 April 2017) | | |
| 27 | The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation | Approximately 6 ha of indigenous vegetation will be cleared for the construction of new cattle feedlot pens. |
| 39 (i) | The expansion and related operation of facilities for the concentration of animals in densities that will exceed— (i) 20 square metres per large stock unit, where the expansion will constitute more than 500 additional units | The proposed development will increase the stocking density from 490 large stock units (LSU) to 3 000 LSU. The cattle will also be housed in feedlot pens with averaging 1 200 m ² per 100 LSU. |
| 43 | The expansion and related operation of hatcheries or Agri-industrial facilities outside industrial complexes, where the | The proposed development will be expanded by approximately 5 ha and completion the physical footprint of the entire development will be |

| | |
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| development footprint of the hatcheries or Agri-industrial facilities will be increased by 2 000 square metres or more | approximately 6 ha in size. |
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Listing Notice 3 (GN R 324, 07 April 2017)

| | | |
|-------------|--|---|
| 12 (h) (iv) | <p>The clearance of an area of 300 square metres or more of indigenous vegetation -</p> <p>(h) Northwest (iv) Critical biodiversity areas identified in systematic biodiversity plans adopted by the competent authority</p> | <p>The proposed development site is situated within an Ecological Support Area (ESA2) and a small portion falls within a Critical Biodiversity Area (CBA1).</p> |
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4. Public participation process

According to Section 19, of the 2014 EIA Regulations (as amended in 2017), a Basic Assessment Report must include “(1) Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority—

- a. basic assessment report, inclusive of specialist reports, an EMPr and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority; or
- b. a notification in writing that the basic assessment report, inclusive of specialist reports, an EMPr ; and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation process contemplated in sub regulation (1)(a) and that the revised reports or ; EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days.

Refer to Appendix H for the full participation report.

4.1. Objectives of the public participation process:

Public Participation Process (PPP) forms an integral part of the application process. It provides people with the opportunity to raise their issues and concerns about the proposed expansion of cattle feedlot. The public participation process to which this BA process is subjected to must “give all potential or registered interested and affected parties, including the competent authority, a period of at least 30 days to submit comments.” In addition, the public participation process “must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application.” Public participation must include “consultation with—

- a) the competent authority.
- b) every State department that administers a law relating to a matter affecting the environment relevant to an application for an environmental authorisation.
- c) all organs of state which have jurisdiction in respect of the activity to which the application relates; and

- d) all potential stakeholders, landowners, land users, where relevant, registered interested and affected parties.”




In terms of the NEMA, public participation process provides people who may be affected by the proposed development with an opportunity to provide comment and to raise issues of concern about the project, or to make suggestions that may result in enhanced benefits for the project. Comments and issues raised during the PPP will be captured, evaluated, and included in a comments and responses register. Note that this is an ongoing process. The issues will be addressed and included in the final version of the report, submitted to Department of Economic Development, Environment, Conservation and Tourism (DEDECT).

Table 6: Timeframes of the BAR process

| | | |
|--|--|------------------------------|
| Pre-Application | Decision of scope of work | |
| | Stakeholders identification and analysis | |
| | Stakeholders engagement planning | |
| | Inclusion of the stakeholders engagement process into application forms | |
| Submission of BA report to competent authorities | | |
| Basic Assessment | Availability of Basic Assessment reports and Management plan (BA/EMPr) for public comment | 30 Day for public to comment |
| | <ul style="list-style-type: none"> • Notification to stakeholders • Adverts • Site notices available in public places • BA/EMPr available in public places • Meetings and telephone consultations | |
| | Update comments and response report | |
| | Update BA/EMPr | |
| Decision Phase | Inform the stakeholders on record of decision process | 107 Days |
| | Notification to stakeholders, and place on website | |
| Appeals | Notification of appeal(s) | 20 Days |
| | Undertake mediation process | |
| | Notification of result of appeal | |

4.2. Pre application public participation:

The involvement of Interest and Affected Parties is vital in environmental assessment projects. The announcement of the BA process and consequently the invitation of Interested and/or Affected Parties (I&APs) to participate was facilitated by the following methods:

-  Site notice boards;
-  Newspaper advertisements; and
-  The distribution of the Background Information Document (BID).

4.3. Identification of stakeholders:

During the inception phase of the project, I&APs and other key stakeholders were identified for the proposed development. This included identification of landowners, land occupants, farm, associations, ward councillors and relevant governmental officials. Engagements with I&APs and other stakeholders is an ongoing process and will continue into the BA process.

4.4. Notification of the BA process:

The public participation process was initiated with the placement of site notices and the distribution of the BID to pre-identified I&APs and stakeholders.

Site notices:

Notice boards was placed where it is accessible by the public, at the site and surrounding boundary. The site notice boards illustrated key details pertaining to the development. Steps for potential I&APs to register and contact EMG was clearly illustrated on the site notices.

Distribution of background information documents:

The purpose of the BID is to ensure all relevant information and process be being followed are made available to a wide range of stakeholders. Registered I&AP are also furnished with the BID.

Advert:

The EIA guideline document stipulates that notices informing the public of the proposed development be placed on site and the project should be advertised in a local newspaper. All stakeholders and I&APs were notified of the availability of the draft reports via newspaper adverts. The published advert illustrated key information pertaining to the development and the steps for potential I&APs to lodge any comments they might have.

4.5. Public participation information included in the BA report:

The Public Participation Process requires that the following information be included as part of the Public Participation Section of the BA report:

- (i). The steps undertaken in accordance with the Plan of Study For BA,
- (ii). A list of persons, organisations and government organs that were registered as interested and affected parties
- (iii). A summary of comments received from, and a summary of issues raised by the interested and affected parties, the date of receipt of these comments and the response of the EAP to those comments.
- (iv). Copies of any representations, objections and comments received from the registered interested and affected parties.

Mitigation measures and guidelines listed in the BA report are summarised in a user-friendly document named the Environmental Management Plan (EMP). The compilation of an EMP is a requirement of the BA Process (Section 32 and 34 of the National Environmental Management Act (NEMA), 1998 (Act 107 of 1998).

4.6. Public participation summary:

The public participation process for the proposed development will start after the DEDECT acknowledged the receipt of the draft BAR and Application. The table below presents a summary of steps already taken regarding the PPP.

Table 7: Public participation process timeframe

| Phase | Requirement | Date |
|-------------------------|--------------------|----------------|
| Inception Phase | Site notice | 12 July 2023 |
| | BID | 27 July 2023 |
| Basic Assessment Report | Specialist studies | 12 July 2023 |
| | Submit draft BAR | 18 August 2023 |
| | 30-day PPP | Pending |
| | Submit Final BAR | Pending |

5. Project motivation

According to Appendix 1, Section 3 (1), of the 2014 EIA Regulations (as amended in 2017), a Basic Assessment Report must include “(f) a motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location.”

5.1. The need for the proposed development:

The proposed activity will be located on a piece of vacant land, previously used for agricultural activities. This land is currently a high-density agricultural region and is not close to the urban edge of the town. The proposed development/activity is therefore permitted in terms of the property's existing land use rights.

The preferred layout plan was drafted and finalised following site visits by both the EAP and relevant specialists. It was concluded that on the preliminary visual observations, the new feedlots should be placed on disturbed veld. The proposed placement will have the least likelihood of producing adverse environmental impacts. The new feedlots should be placed adjacent to the existing feedlots as this will also streamline integration into the stormwater management plan. Furthermore, the proposed placement of these structures is favoured given the site's topography, which is crucial for surface water drainage.

The proposed development falls within a high-value production area and as stated in the National Spatial Development Plan (NSDP), the support of national food security through the protection and productive use of high-value agriculture land, as identified and directed by DFFE and ensuring that all relevant national and provincial sector departments and municipalities account for their use and management of high-value agricultural land is of high importance.

Thus, this proposed development will be in line with the NSDF. The proposed development falls within an agricultural area, therefore the development coincides with the approved structure plan of the Municipality. The proposed development will address and meet issues such as job creation and national food security and falls within the timeframes intended by the SDF and meets the needs identified within the local municipalities IDP.

The expansion of the feedlot will contribute to positive improvement of the socio-economic dimension of the local area through meeting the need for both local and job security and addresses the national food security. Benefits arising from the expanded feedlot include job creation, improved socio-economic dimension, and addressing the national food security. The proposed development's placement was finalised after consultation with the proponent and specialists' inputs. The benefits arising from the operations of this activity outweighs the adverse environmental impacts. Therefore, the proposed activity should receive favourable

consideration.

The Environmental Management Group (EMG) will undertake a comprehensive Public Participation Process to ensure that all concerns raised from adjacent landowners and the public are adequately addressed. Inequality and poverty can be addressed by raising incomes through productivity growth and reducing the cost of living which will be provided by the Expansion of a cattle feedlot. Therefore, the project fits into the National Development Plan. After addressing all issues raised by the I&AP's, impacts identified during the impact assessment and implementing all the proposed mitigations, no rights of the surrounding landowners nor the surrounding environment will be negatively affected.