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Department:
Economic Development, Environment, Conservation and Tourism
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



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Reference No. NWP/EIA/50/2019

Attention: **Jacques Robert Kroon**
Kroon Familie Trust
P.O. Box 48657
HERCULES
0030

Tel No.: (012) 504 2117/28/29
Cell No.: 083 632 5770
E-mail: jacques@kroonchickens.co.za

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE DEVELOPMENT AND OPERATION OF THE KROON'S HATCHERY ON PORTION 322 OF THE FARM HARTEBEESTFONTEIN 445 JQ, MADIBENG LOCAL MUNICIPALITY, NORTH WEST PROVINCE

Your application for Environmental Authorisation, in terms of Section 24(2)(a) of the National Environmental Management Act, 1998 as amended (Act No. 107 of 1998) in respect of –

Government Notice No. R327 of Environmental Impact Assessment Regulation of 04 December 2014, as amended:

- 1. The development and related operation of facilities or infrastructure for the concentration of more than 25 000 chicks younger than 20 days per facility situated outside an urban area. [(Listed activity 5(iv));*
- 2. The development and related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2 000 square metres or more. [(Listed activity 8)];*
- 3. The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for the undertaking of a linear activity; or maintenance purposes undertaken in accordance with a maintenance management plan. [(Listed activity 27)];*

JS and



Together we move North West forward.



4. Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development will occur outside an urban area, where the total land to be developed is bigger than 1 hectare excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes. [(Listed activity 28)].

Government Notice No. R324 of Environmental Impact Assessment Regulation of 04 December 2014, as amended:

1. The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan in Critical biodiversity areas as identified in systematic biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority. [(Listed activity 12(h)(iv)); and
2. The widening of road by more than 4 metres, or the lengthening of a road by more than 1 kilometre in areas within 5 kilometres from protected areas identified in terms NEMPA or from a Biosphere reserve and critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority. [(Listed activity 18(h)(ii)(v)].

This Department has evaluated the **Basic Assessment Report** received on 04 December 2019 for the development and operation of Kroon's hatchery on portion 322 of the farm Hartebeestfontein 445 JQ, Madibeng Local Municipality, North West Province; to verify whether these activities will have significant negative impact on the environment.

Enclosed please find the Environmental Authorisation and the conditions under which your application is authorised.

Formal appeals regarding the Environmental Authorisation can be directed to the Appeal Administrator for Department of Economic Development, Environment, Conservation and Tourism, North West Province. Such an appeal must be lodged in terms of the National Appeal Regulations of 8 December 2014.

Yours Faithfully



Ms. Portia Krisjan

Director: Environmental Quality Management

Department of Economic Development, Environment, Conservation and Tourism

Date: 09/03/2020

Cc: **Bokamoso Landscape Architects and Environmental Consultants cc**

Contact Person: Ms. Lizette Venter

Tel No.: (012) 346 3810

Fax No.: 086 570 5659

E-mail.: lizette@bokamoso.net



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A DEFINITIONS

“activity” means an activity identified in any notice published by the Minister or MEC in terms of Section 24D(1)(a) of the Act as a listed activity or specified activity.

“commence” means the start of any physical activity, including site preparation and any other activity on the site in furtherance of a listed activity or specified activity, but does not include any activity required for purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity.

“development” means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, including any associated post development monitoring, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint;

“expansion” means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased.

“independent”, in relation to an EAP, a specialist or the person responsible for the preparation of an environmental audit report, means-

- (a) that such EAP, specialist or person has no business, financial, personal or other interest in the activity or application in respect of which that EAP, specialist or person is appointed in terms of these Regulations; or
- (b) that there are no circumstances that may compromise the objectivity of that EAP, specialist or person in performing such work; excluding –
 - (i) normal remuneration for a specialist permanently employed by the EAP; or
 - (ii) fair remuneration for work performed in connection with that activity, application or environmental audit;


“public participation process” means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.

“registered interested and affected party”, in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

“the Department” means the Department of Economic Development, Environment, Conservation and Tourism.

“state Department” means any Department or administration in the national or provincial sphere of government exercising functions that involve the management of the environment.

 **“the Regulations”** means the Environmental Impact Assessment Regulations, of 04 December 2014, as amended.

B. Environmental Authorisation

Authorisation register number: NWP/EIA/50/2019

Holder of Environmental Authorisation: Kroon Familie Trust

Location of activity: Portion 322 of the farm Hartebeestfontein 445 JQ, Madibeng Local Municipality, North West Province

1. Decision

The Department is satisfied on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activity specified below:

2. Activities authorised

By virtue of the powers delegated by the MEC in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and the Environmental Impact Assessment Regulations of 04 December 2014 as amended on 07 April 2017, the Director: Environmental Quality Management of the Department of Economic Development, Environment, Conservation and Tourism authorises:-

Kroon Familie Trust

P.O. Box 48657

HERCULES

0030

Tel No.: (012) 504 2117

Cell No.: 083 632 5770

E-mail.: jacques@kroonchickens.co.za

to undertake the following activity:

The development and operation of Kroon's hatchery to comprise of a hatchery facility to be constructed in five phases catering for 150 000 chicks per phase, which will cover a surface area of 4 100m² and facility capable of hatching and despatching 600 000 chicks per week.

The Hatchery facility will include:

- Egg receiving areas;
- Egg storage rooms;
- Incubation rooms;
- Hatching rooms;
- Chick handling rooms; and
- Hatchery debris treatment, storage and removal.

Total extent of the area 12.9 hectares.

 Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Site Location:

Alternative Site	Latitude (S)	Longitude (E)
Portion 322 of the farm Hartebeestfontein 445 JQ (previously known as portion 124 and 125)	25° 40' 52.23"	27°51' 59.30"

The development is located on portion 322 of the farm Hartebeestfontein 445 JQ (previously known as portion 124 and 125), within the jurisdiction of Madibeng Local Municipality, North West Province, hereafter referred to as "the property".

3. Conditions

3.1 Scope of Environmental Authorisation

- 3.1.1 The preferred activity location in S2 is approved.
- 3.1.2 Authorisation of the activities is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the Environmental Authorisation.
- 3.1.3 The holder of the Environmental Authorisation must be responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the Environmental Authorisation.
- 3.1.4 The activities authorised may only be carried out at the property as described in Point 2 under site location.
- 3.1.5 This Environmental Authorisation does not negate the holder of the Environmental Authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 3.1.6 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:
- All provisions of the Occupational Health and Safety Act, 1993 (Act No.85 of 1993)
 - All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
 - All provisions of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as amended.
 - All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
 - All provisions of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).
 - All provisions of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) as amended.
 - All provisions of the National Heritage Resource Act, 1999 (Act No. 25 of 1999).

- h) All provisions of the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998).
- i) All provisions of Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983).
- j) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).
- k) The municipal by-laws must be adhered to where applicable.

3.1.7 The holder of an Environmental Authorisation has the responsibility to apply for Environmental Authorisation amendment to the competent authority when any alienation, or deviation from project description / ownership.

4. Appeal of Environmental Authorisation

4.1 The holder of the Environmental Authorisation must notify every **registered** interested and affected party, in writing and within **14 days**, of receiving an Environmental Authorisation from the Department.

4.2 The notification referred to in 4.1 must –

4.2.1 Inform interested and affected parties of the decision, reason for decision and where the decision can be accessed.

4.2.2 Advise the interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.

4.2.3 Specify the date on which the Environmental Authorisation was issued.

4.2.4 Inform the registered interested and affected parties of the appeal procedure provided for in Chapter 2 of the National Appeal Regulations (see Annexure 2).

4.3 An appeal against the decision must be lodged in terms of Chapter 2 of the National Appeal Regulations with:

The Appeal Administrator: Ms. Carene Nieuwoudt
Department of Economic Development, Environment, Conservation and Tourism
Room E30, Agricentre Building
Cnr Dr. James Moroka & Stadium Road
MMABATHO

Tel No.: (018) 389 5986

Cell No.: 083 385 9486

Fax No.: (086) 581 7858

E-mail: CNieuwoudt@nwpg.gov.za

4.4 Such Appeal must be lodged in writing by completing an Appeal Form obtainable from the Appeal Administrator.



4.5 An appeal made against this Environmental Authorisation will result in it being suspended; therefore the activity must not commence pending the lapse of 20 days after all Interested and Affected parties have been informed of this decision.

4.6 Should an appeal be lodged within 20 days after notification to all Interested and Affected parties of this decision, the activity may only commence once the decision by the MEC, as Appeal Authority, have been made.

5. Management of the activity

5.1 The Environmental Management Programme (EMPr) for the project submitted as part of application for Environmental Authorisation is **hereby approved**.

5.2 The overall EMPr is based on the premise of sound environmental management that will ensure wherever possible solution to the remediation of the impacts caused by the development and operation activities.

5.3 The recommendations and mitigation measures outlined in the Basic Assessment Report compiled by Bokamoso Landscape Architects and Environmental Consultants cc received by the Department on 04 December 2019 must be adhered to.

5.4 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to Director: Environmental Quality Management for approval prior to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **30 days** of receiving the submission.

5.5 The provisions of the EMPr are an extension of the conditions of the Environmental Authorisation and therefore non-compliance with the EMPr would constitute non-compliance with the Environmental Authorisation.

5.6 Notwithstanding the preceding conditions, the holder shall adhere to, and ensure adherence by all contractors, sub-contractors and workers for this project, to all conditions listed herein, and all obligations, commitments, monitoring and proposed mitigation measures as outlined in the EMPr.

6. Monitoring

6.1 The holder of Environmental Authorisation has the responsibility to ensure that the mitigation/ rehabilitation actions and recommendations referred to in the Environmental Impact Assessment Report are implemented, and to ensure compliance with the provisions of the EMPr.

6.2 The holder of Environmental Authorisation must ensure communications with key stakeholders in respect to monitoring of compliance with conditions of Environmental Authorisation and the EMPr and also liaise with Environmental Compliance and Enforcement Section at cnieuwoudt@nwpg.gov.za and/or Inonkoimo@nwpg.gov.za.

6.3 It is the responsibility of the holder of this Environmental Authorisation to ensure that an ongoing management and monitoring of the impacts of the activities on the environment throughout the life cycle of the activities is put into practice.



7. Validity Period of the activities authorised

7.1 For the following listed activities, this Environmental Authorisation is valid from the date of issue of the authorisation and has no conclusion date (i.e. subject to Environmental Audit Report):

- Activity 5(h) GNR 327 of 7 April 2019: "The development and related operation of facilities or infrastructure for the concentration of more than 25 000 chicks younger than 20 days per facility situated outside an urban area".
- Activity 8 GNR 327 of 7 April 2019: "The development and related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2 000 square metres or more".

7.2 For the following listed activities, this Environmental Authorisation is valid for a period of 5 years i.e these activities must be concluded within 5 years from the date of issue of this Environmental Authorisation:

- Activity 27 GNR 327 of 7 April 2019: "The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for the undertaking of a linear activity; or maintenance purposes undertaken in accordance with a maintenance management plan".
- Activity 28(ii) GNR 327 of 7 April 2019: "Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes".
- Activity 12(h)(iv) GNR 324 of 7 April 2019: "The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance plan in critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority".
- Activity 18(h)(ii)(v) GNR 324 of 7 April 2019: "The widening of road by more than 4 meters, or the lengthening of a road by more than 1 kilometer in areas within 5 kilometres from protected areas identifies in terms of NEMPAA of from Biosphere reserve; and critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority".

7.3 If the holder of the Environmental Authorisation anticipates that the conclusion of the activities would not occur within a **5 year period**, he/she **must prior** to the lapse of **5 years**, apply for an amendment of the Environmental Authorisation and **show good cause and give reasons** why an extension of the Environmental Authorisation should be granted.

7.4 Should the Environmental Authorisation for listed activities 27, 28, 12(h)(iv) and 18(h)(ii)(v) expire, the said authorisation will be null and void and a new application for an Environmental Authorisation must be made in order for the activity to be undertaken.

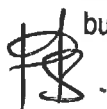


8. Recording and reporting to the Department/ Environmental Audit Report

- 8.1 **14 days** written notice must be given to the Departments' Environmental Compliance and Enforcement Section that the activities will commence at cnieuwoudt@nwpg.gov.za and lnonkomo@nwpg.gov.za.
- 8.2 An Environmental Audit Report for listed activities 5(ii) and 8 must be compiled and be submitted to the Environmental Compliance and Enforcement Section of this Department within 5 years of issue of this Environmental Authorisation. Such Environmental Audit Report must be compiled in compliance with Appendix 7 of the EIA Regulations of 2014, as amended.
- 8.3 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
- 8.4 All incidents of major hazardous substances spill must be reported to Environmental Compliance and Enforcement section and Department of Water and Sanitation within **48 hours**, and action taken to remedy the situation must be outlined.

9. Operation of the activity

- 9.1 The conditions for operational phase of the activity indicated in the Environmental Management Programme (EMPR) dated December 2019 must be complied with.
- 9.2 The proposed hatchery must comply with the Norms and Standards for Storage of Waste, 2013 as the hatchery will store more than 80 cubic metres of hazardous waste (i.e. biological waste: infertile eggs, mortalities and egg shells) as per EMPR
- 9.3 The biological waste, reduced through the use of macerator situated inside of the facility before being transported into steel drums outside the facility via a screw conveyor must be transported to the Kroons's Chicken Abattoir rendering plant.
- 9.4 Should phase 2 trigger the threshold, necessary permits must be obtained in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) if there will treatment of more than 1 ton of hazardous waste per day through maceration.
- 9.5 The hatchery must have a comprehensive cleaning, disinfection and hygiene monitoring system.
- 9.6 Disinfectant foot baths must be placed at strategic points with the hatchery to prevent the transfer of bacteria from one section to another.
- 9.7 Regular tests for Salmonella must be conducted.
- 9.8 General waste must be collected and disposed of at a licensed landfill site on a weekly basis. Recyclable waste must be recovered for recycling purpose. No temporary dumping of waste is allowed on site.
- 9.9 Proper provisions must be made for a designated area onsite for the storage of hazardous and/or flammable items, including oils, greases and fuel. The area must be lined with secondary containment and banded to contain spilled substances.





- 9.10 All storm water run-offs must be managed efficiently so as to avoid storm water damage and erosion to adjacent properties.
- 9.11 All existing invasive alien plants should be eradicated in accordance with Alien and Invasive Species Regulations, 2014 in terms of Chapter 5 of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
- 9.12 **The number of people employed for operational phase must be submitted to this Department one (01) month after extending the operational period of activity.**
- 10. Site Closure and Decommissioning of the activity**
- 10.1 Should the activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.
- 10.2 The disturbed areas must be rehabilitated to almost a natural state, and landscaping of the disturbed areas must make extensive use of locally appropriate indigenous vegetation.
- 11. Specific conditions**
- 11.1 The applicant must adhere to the mitigation actions and recommendations contained in the Basic Assessment Report compiled by Bokamoso Landscape Architects and Environmental Consultants cc received by the Department on 4 December 2019.
- 11.2 The development must be restricted to the development and operation of Kroon's hatchery on portion 322 of the farm Hartebeestfontein 445 JQ (previously known as Portion 124 and 125), Madibeng Local Municipality, North West Province.
- 11.3 The proposed development site must be suitably demarcated and construction must be restricted to the demarcated area to minimise damage to the vegetation and exposure of the ground to erosion.
- 11.4 The activities may not commence without the necessary permits/licenses/ approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local.
- 11.5 A 100m buffer must be applied around the non-perennial watercourse. No development must take place within this buffer and waste management measures must ensure that no pollution of the environment occurs.
- 11.6 Archaeological remains, artificial features and structures older than **60 years** are protected. Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately and the Provincial Heritage Resources Authority must be informed about the finding.
- 11.7 No surface or ground water must be polluted due to any activities on the property or site. General housekeeping at the site must be kept at a high standard. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.



11.8 The holder of the Environmental Authorisation (Kroon Familie Trust) must be responsible for compliance with the provisions for duty of care and remediation of environmental damage in accordance with Section 28 of National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

11.9 The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental fuel/oil spillage, overflow and/or servicing. All equipment that leak must be repaired immediately and/or removed from the site when necessary.

12. General

12.1 A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken. The Environmental Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the Environmental Authorisation who works or undertakes work at the property.

12.2 The holder of the Environmental Authorisation must notify the Department, in writing and within **48 hours**, if any condition of this Environmental Authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Regulations.

12.3 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Environmental Authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of this Environmental Authorisation as set out in this document or any other subsequent document emanating from these conditions of this Environmental Authorisation.

Environmental Authorisation Approved By:



Ms. Portia Krisjan

Director: Environmental Quality Management

Department of Economic Development, Environment, Conservation and Tourism

Date: 09/03/2020



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, **Kroon Familie Trust** applied for Environmental Authorisation to carry out the following activity:

The development and operation of Kroon's hatchery on portion 322 of the farm Hartebeestfontein 445 JQ (previously known as Portion 124 and 125), Madibeng Local Municipality, North West Province

The applicant appointed **Bokamoso Landscape Architects and Environmental Consultants cc** to undertake Basic Assessment process as required by Regulation 12 of the EIA Regulations, 2014.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Basic Assessment Report (BAR) compiled by Bokamoso Landscape Architects and Environmental Consultants cc received by the Department on 04 December 2019, and recommendations in the following specialist reports:
 - Town planning memorandum compiled by the practice group (Pty) Ltd dated 11 November 2019.
 - Hydrogeological Investigation Report compiled by GCS water and Environmental consultants dated 14 October 2019.
 - Flora and Fauna Investigation Report compiled by Bokamoso Landscape Architects and Environmental Consultants dated March 2019.
 - Heritage Impact Assessment Report compiled by Apelser Archaeological Consulting dated August 2019.
 - Civil Engineering services compiled by VIP Consulting Engineers dated 3 May 2019.
 - Wetland Delineation and Risk Assessment Report compiled by Bokamoso Landscape Architects and Environmental Consultants dated March 2019.
- b) All mitigation measures and recommendations as contained in the Basic Assessment Report and the Environmental Management Programme received on 04 December 2019.
- c) Comments from Seasons Eco-Golf Estate and Hartebeesfontein Residential Association dated 22 March 2019 and 28 February 2019 respectively.
- d) Comments from South African Heritage Resources Agency (SAHRA) dated 03 October 2019.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended.



- f) The findings of a site visit undertaken by the Department official Ms. Queen Imasiku, with Mr. M. Magasa and Mr. S. Muthotho from Madibeng Local Municipality, Mr. D. Badenhorst from Kroon Hatchery and Ms. D. Moodley from Bokamoso Landscape Architects and Environmental Consultants cc (EAP) on 09 October 2019.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

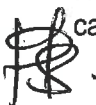
- a) The Basic Assessment Report (BAR) complied with the stipulations of Appendix 1 of the EIA Regulations of 2014 as amended.
- b) The expertise of the Environmental Assessment Practitioner in conducting the Environmental Impact Assessment process. The details provided indicate that the EAP meets the Requirements of Regulation 13 of EIA Regulations of 2014 as amended and is competent to carry out the Environmental Impact Assessment (EIA) process.
- c) The BAR received on 04 December 2019, included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- d) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 for public involvement. The development was advertised in "Platinum Weekly" dated 01 March 2019 as part of the public participation process.
- e) The legal and procedural requirements have been complied with and the information contained in the document is to the satisfaction of this Department.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings –

- a) Site 2 (Portion 322 of the farm Hartebeestfontein 445 JQ) is the suitable option for Kroon's Hatchery as there are no sites, features or material of any cultural heritage origin or significance located on this portion.
- b) The development will tackle unemployment issues through job creation during the construction and operation phases.
- c) The objections raised during public participation have been adequately addressed.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the activity will not conflict with the general objectives of Integrated Environmental Management laid down in Section 23 (2) (a-f) of Chapter 5 of National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and that any potentially detrimental environmental impacts resulting from the activity can be mitigated to acceptable levels. **The application is accordingly granted.**



ANNEXURE 2: ADMINISTRATION AND PROCESSING OF APPEALS

ADMINISTRATION AND PROCESSING OF APPEALS IN TERMS OF CHAPTER 2 OF THE NATIONAL APPEAL REGULATIONS, 2014 TO BE FOLLOWED BY THE APPLICANT, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Appeal submission

4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter **within 20 days** from:
 - (a) the date that the notification of the decision for an application for an environmental authorisation was sent to the registered interested and affected parties by the applicant; or
 - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be-
 - (a) submitted in writing in the form obtainable from the appeal administrator; and
 - (b) accompanied by-
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; and a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

Appeal panel

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority,
- (2) The appeal panel contemplated in subregulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.



Recommendations and decisions on appeals

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in subregulation (3) must contain written reasons for the decision.

Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act, which are:
 - (i) by faxing a copy of the notice or other document to the person, if the person has a fax number;
 - (ii) by e-mailing a copy of the notice or other document to the person if the person has an e-mail address; or
 - (iii) by posting a copy of the notice or other document to the person by ordinary mail, if the person has a postal address;
- (2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1) must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

