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Department:  
Economic Development, Environment, Conservation and Tourism  
North West Provincial Government  
Republic of South Africa

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Reference: NWP/EIA/149/2010

Attention: Mr. A. Fourie  
Fourie Familie Trust  
P.O. Box 2489  
BRITS  
0250

Tel No.: N/A  
Cell No.: 083 631 5558  
Fax No.: 086 693 1935  
E-mail: [jakarandaboerdery@gmail.com](mailto:jakarandaboerdery@gmail.com)

PER FACSIMILE AND POST

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED SIX (6) CHICKEN BROILER HOUSES ON PORTION 313 OF THE FARM HARTBEESPOORT C 419, LISTED ACTIVITY 32 IN GOVERNMENT NOTICE NUMBER R. 544, 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. R. 544 of 18 June 2010 for:

1. *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- more than 5 000 poultry per facility situated outside an urban area [listed activity 32(ii)]*

In terms of the Regulations of Chapter 5 of NEMA, 1998 refer.

This Department has evaluated the **Basic Assessment Report** dated August 2011 and received by this Department on 11 August 2011 and additional information received on 09 September 2011, for the proposed six (6) new chicken broiler houses on portion 313 of the farm Hartbeespoort C 419, Madibeng Local Municipality, North West Province, to verify whether this activity 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 MEC for Department of Economic Development, Environment, Conservation and Tourism, North West Province. Such an appeal must be lodged in terms of Chapter 7 of the Regulations of 18 June 2010.

Yours Faithfully



Mr. Steven Mukhola  
Environment Officer Control Grade B: Development Impact Management  
North West Department of Economic Development, Environment, Conservation and Tourism  
Date: 20/10/2011

Cc: *Delron Consulting cc.*  
Contact Person: Mr. Pieter De Lange  
Tel No.: (012) 991 5399  
Cell No.: 082 571 5396  
Fax No.: 086 588 4242

*Madibeng Local Municipality*  
Acting Municipal Manager: Mr. Andrew Modise  
Tel No.: (012) 318 9500  
Fax No.: (012) 318 9556



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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.

**"construction"** means the building, erection or establishment of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or expansion of such facility, structure or infrastructure and excluding the reconstruction 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 or a person compiling a specialist report or undertaking a specialised process or appointed as a member of an appeal panel, means

- a) that such EAP or person has no business, financial, personal or other interest in the activity, application or appeal in respect of which that EAP or person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that activity, application or appeal; or
- b) that there are no circumstances that may compromise the objectivity of the EAP or person in performing such work.

**"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 55.

**"registered EAP"** means an Environmental Assessment Practitioner registered with an appointed registration authority contemplated in Section 24H of the Act.

**"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 01 April 2006 and 18 June 2010.

**B. Environmental Authorisation**

Authorisation register number:

NWP/EIA/149/2010

Last amended:

First issue

Holder of Environmental Authorisation:

Fourie Familie Trust

Location of activity:

North West Province: Madibeng Local Municipality

**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. Activity authorised**

By virtue of the powers delegated by the MEC in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations of June 2010, the Environmental Officer Control Grade B: Development Impact Management of the Department of Economic Development, Environment, Conservation and Tourism authorises:-

**Fourie Familie Trust**

P.O Box 2489

BRITS

0250

Tel No.: N/A

Cell No.: 083 631 5558

Fax No.: 086 693 1935

E-mail: [jakarandaboerdery@gmail.com](mailto:jakarandaboerdery@gmail.com)

to undertake the following activity:

*Proposed six (6) chicken broiler houses, each house measuring 130m x 12m. Each house will accommodate 40 000 chickens.*

The total number of chicken houses will be six (6), covering an area of 9 360 square metres.

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

**Site Location:**

Alternative S1	Latitude	Longitude
Starting point of activity	25° 30' 261"	27° 45' 605"

The proposed development site is located on Portion 313 of the farm Hartbeespoort C 419, which falls 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 only preferred site which is approved
- 3.1.2 Authorisation of the activity 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 activity authorised may only be carried out at the property as described in Point 2 under site location.
- 3.1.5 Any changes to, or deviations from, the project description set out in this Environmental 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 Environmental Authorisation to apply for further Environmental Authorisation in terms of the Regulations.
- 3.1.6 This activity must commence within a period of **three (3) years** from the date of issue. If commencement of the activity does not occur within that period, the Environmental Authorisation **lapses** and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 3.1.7 If the proponent anticipates that commencement of the activity would not occur within **three (3) year** period, he/she must apply and show good cause for an extension of the Environmental Authorisation prior to its expiry date.
- 3.1.8 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.
- 3.1.9 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:
- a) Archaeological remains, artificial features and structures older than **sixty (60) years** are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant Heritage Resources Agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.

- b) All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
  - c) All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
  - d) All provisions of Hazardous Substance Act, 1973 (Act No. 15 of 1973).
  - e) All provisions of National Veldt and Forest Fires Act, 1998 (Act No. 101 of 1998).
  - f) The development must adhere to the municipal by-laws.
- 3.1.10 The holder of an Environmental Authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.
- 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 **twelve (12) 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 of the decision, reason for decision and where the decision can be accessed.
  - 4.2.2 Advise the interested and affected party 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 Be published in the newspapers contemplated in terms of Regulation 54(2)(c) and (d), which are newspapers that were used for the placing of advertisements as part of the public participation process.
  - 4.2.5 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 7 of the Regulations (Government Notice No. R. 543 of 18 June 2010) (see Annexure 2).
- 4.3 An appeal against the decision must be lodged in terms of Chapter 7 of Government Notice No. R. 543 of 18 June 2010 in terms of NEMA, 1998, as amended, from the date of this Environmental Authorisation, with:

**The Member of the Executive Council**  
**Department of Economic Development, Environment, Conservation and Tourism**  
 Private Bag X 15  
**MMABATHO**  
 2735  
 Tel No.: (018) 387 7995-7  
 Fax No.: 086 666 0148






## 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 recommendations and mitigation measures recorded in the Basic Assessment Report dated 11 August 2011, received by this Department on the 11 August 2011 must be adhered to and incorporated as part of the EMPr where applicable.
- 5.3 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to Environmental Compliance, Enforcement and Authorisations Section of this Department for approval prior to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **thirty (30) days** of receiving the submission.
- 5.4 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.
- 5.5 The EMPr must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually.
- 5.6 An emergency response plan and spill management plan procedures must be available on site and accessible to all employees during all phases of the development.

## 6. Monitoring

- 6.1 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the duration of the construction phase that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Environmental Authorisation are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.2 The name and contact details of the ECO must be communicated to the Environmental Compliance, Enforcement and Authorisations Section of this Department, upon appointment of the ECO.
- 6.3 The ECO must be appointed before commencement of any land clearing or construction activities.
- 6.4 The ECO must act as liaison with this Department's Environmental Compliance, Enforcement and Authorisations Section and other relevant authorities, and must ensure communications with key stakeholders with respect to monitoring of compliance with conditions of Environmental Authorisation and the EMPr.
- 6.5 The ECO must keep record of all activities on site, monitoring programmes, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 6.6 It is the responsibility of the holder of this Environmental Authorisation to ensure that an ongoing management and monitoring of the impacts of the activity on the environment throughout the life cycle of the activity is put into practice.





## **7. Recording and reporting to the Department**

- 7.1 All the incidents of spill must be reported to this Department within **twenty-four (24) hours** and action taken to remedy the situation must be outlined.
- 7.2 The records of cleaning, maintaining, and removal of mortalities & waste must be kept and be made available upon request by the Department.
- 7.3 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. Commencement of the activity/Notification to authority**

- 8.1 **Fourteen (14) days** written notice must be given to this Department's: Environmental Compliance, Enforcement and Authorisations Section that the activity will commence. Commencement for the purposes of this condition includes site preparation.
- 8.2 Should the applicant be notified by the MEC of a suspension of the Environmental Authorisation pending appeal procedures, activity must not commence, unless authorised by the MEC in writing.

## **9. Operation of the activity**

- 9.1 It is the holder of this Authorisation's responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the environment throughout the life cycle of the activity is put in place.
- 9.2 All solid waste generated during this phase of the project can only be stored on site temporarily and disposed of at a licensed disposal site.
- 9.3 Smell/odours from chicken houses must be highly controlled by removing wet bedding and litter from the houses on a daily basis.
- 9.4 No mortality to be cooked for human consumption.

## **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 Should the authorised activity be abandoned or decommissioned, a Closure Management Plan [CMP] must be compiled and submitted to this Department for approval.
- 10.3 All mitigation measures for the decommissioning phase, as outlined in the Basic Assessment Report, must be adhered to.
- 10.4 The disturbed areas must be rehabilitated to a natural state, and landscaping of the disturbed areas must be in accordance with the Regulations pertaining to the control of weeds and invasive species, as published under Section 29 of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) and must make extensive use of locally appropriate indigenous vegetation.



## 11. Specific conditions

- 11.1 No commencement of the development must be undertaken before all the services (water, electricity, sanitation etc) agreements are signed and proof of agreements must be submitted to this Department.
- 11.2 A confirmation letter from the Local Municipality that they will be accepting your waste from the proposed site must be submitted to this office and the Department of Water Affairs
- 11.3 The applicant must adhere to the proposed mitigation measures and recommendations contained in the Basic Assessment Report compiled by Delron Consulting CC.
- 11.4 Appropriate signage must be placed to caution employees and contractors and truck drivers of the construction activities taking place.
- 11.5 The proposed development site must be suitably demarcated prior to the construction commencing and construction must be restricted to the demarcated area to minimise damage to the vegetation.
- 11.6 The stockpiles must not be placed within drainage line or site and all trenches and excavation works must be properly backfilled and compacted.
- 11.7 All plant species of conservation importance if any, must be removed from the demarcated area prior to construction commencing and must either be relocated outside of the construction area or donated to the South African National Biodiversity Institute in consultation with Biodiversity Management and Conservation Directorate of this Department.
- 11.8 Ablution facility must be provided to the workers during the construction phase. The facilities must be serviced regularly to ensure proper operation.
- 11.9 No effluent of any form must be discharged into the river or any watercourse and to the environment as a whole during all the phases of this development.
- 11.10 Material Safety Data Sheets (MSDSs) must be available on site for all chemicals and hazardous substances to be used on-site, including information on how to minimise the impacts in case of leakage.
- 11.11 All solid waste produced by the development during operation must be removed once a week to the permitted landfill site.
- 11.12 Fire fighting equipments must be available on site at all times and be easily accessible.

## 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 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 12.3 The holder of the Environmental Authorisation must notify the Department, in writing and within **forty-eight (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.
- 12.4 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:

  
Mr. Steven Mukhola

Environment Officer Control Grade B: Development Impact Management  
Department of Economic Development, Environment, Conservation and Tourism

Date:  2/10/2011

