

## Comments and Responses 1493 Sterkfontein Waterval Poultry BA

### Ms Ria Barkhuizen

Date 2022/02/28 Method Email

#### Comment

Good day Please supply SANRAL with a A4 locality map pertaining to your application. Please send whole application together with maps to nrstat@nra.co.za Kind regards Ria

#### Response

Good day Ria, Thank you for your email. Please find the attached A4 locality map of the application area. The application has not been drafted yet. However, once the Basic Assessment Report has been completed and is available for public review you will be notified. Should you have any further comments or queries, please feel free to contact EIMS. Kind Regards,

### Thulisile Magagula

Date 2022/08/03 Method Email

#### Comment

Dear Mam / Sir I hope this email finds you well, am writing this email in reference to the Draft Basic Assessment Report Availability(1493 Proposed Waterval Poultry Expansion BA. Am currently unemployed seeking clarification on how we apply for the opportunity that is to be opened and what are its requirements? I would appreciate any clarification information you may have.

#### Response

Thank you for your correspondence. Kindly note that Environmental Impact Management Services (Pty) Ltd EIMS has been appointed as the independent Environmental Assessment Practitioner (EAP) to assist with the application process for the Environmental Authorisation (EA) Application and to undertake other statutory processes related to the EA Application for the Proposed Sterkfontein Waterval Poultry Expansion Project. Please note that we are only involved in the EA Application Process and are not aware of their job application processes. May you kindly contact Sterkfontein Farms directly to find out on how you can apply for opportunities available within their company. Further to this please note that EIMS is currently undertaking a statutory public participation process as part of the Environmental Authorisation Application Process. This is to provide any Interested and Affected Parties an opportunity to participate and submit comments in relation to the above-mentioned project. Currently the Basic Assessment Report which assess the impacts of the proposed project has been placed for public review and comment until the 05th of September 2022. Should you have any comments on the report or any aspect related to the project please feel free to let EIMS know.

### Koogan Naidoo

Date 2022/08/03 Method Email

#### Comment

Good Day Thank you for the notification. Can we please have a hard copy for review?

#### Response

Dear Koogan, Thank you for your correspondence and for the report request. Kindly note that a hard copy will be sent to your office for review as requested. May you kindly provide me with an address which I should send the report to please.

Date 2022/08/05 Method Email

# Comments and Responses 1493 Sterkfontein Waterval Poultry BA

Koogan Naidoo

## Comment

Good Morning Thank you, our address is as follows: DIEM Coronation Street Coronation Park Krugersdorp 1740

## Response

Good morning Koogan, Thank you for sharing the address. The report will be sent today to your offices.

Ms Gabisile Hlongwane

Date 2022/09/05 Method Email

## Comment

The Department: Integrated Environmental Management (DIEM) of Mogale City Local Municipality (MCLM) received the Basic Assessment Report (BAR) and the Environmental Management Programme (EMPr) dated August 2022 for the above-mentioned development on 08 August 2022. This office conducted a site inspection on 16 August 2022 and the findings thereof were discussed at DIEM's Environmental Advisory Task Team (EATT) on 23 August 2022. Pursuant to the above, the Department reviewed your application and therefore comments as follows:

## Response

Thank you for your comment, this information item has been noted.

Date 2022/09/05 Method Email

## Comment

The proposed development entails the addition of one new poultry house including an expansion of six out of eight existing licensed poultry houses. The expansion will be through the joining of each pair of the existing houses into three bigger houses to accommodate 28 000 birds each.

## Response

Thank you for your comment, this information item has been noted.

Date 2022/09/05 Method Email

## Comment

The proposed area is located approximately 6km Northeast of the town Ga-Mohale near Magaliesburg. The section on which the above-mentioned proposed expansion is taking place is referred to by the site Manager as "Magalies 1" which is on the Remaining Extent of Portion 0 of the Farm Waterval 510 JQ. The site is approximately 124 162m2 in extent.

## Response

Thank you for your comment, this information item has been noted.

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## Comment

The public participation process was undertaken; however, the written Comments and

## Response

Kindly note that the Comments and Responses table was appended to the Basic Assessment

# Comments and Responses 1493 Sterkfontein Waterval Poultry BA

## Ms Gabisile Hlongwane

Response table is not attached in the BAR. The Environmental Assessment Practitioner (EAP) is requested to ensure that the above is included in the Final BAR. All issues and concerns raised by the Interested and Affected Parties (I&APs) must be captured.

Report (BAR) as part of the Public Participation Report (PPR - Appendix E) which were made available for public review and comment. The Comments and Responses table was attached as Appendix 6 of the PPR as per the Gauteng Department of Agriculture and Rural Development (GDARD) template appendix guidelines. Further to this please note that the proof of correspondence received in the form of emails was not attached to the report which was put out for public review due to the Protection of Personal Information Act, however this information was made available upon request from EIMS and will be include in the final report which will be submitted to the GDARD for consideration in the decision making process.

Date 2022/09/05 Method Email

### Comment

It must be noted that there have been previous complaints regarding operations that have been undertaken on the land under direct control of Sterkfontein Poultry. These matters pertain to contraventions with the National Water Act of 1998 as well as the National Environmental Management Act 107 of 1998 as amended. One of the Environmental Authorizations on the Sterkfontein Poultry Farms is related to the Rectification that was issued in June 2018. Cognisance must therefore be taken that Sterkfontein facilities including Waterval 510 JQ must be compliant with all requirements stipulated from the competent authorities (i.e., Department of Water & Sanitation and the Gauteng Department of Agriculture & Rural Development).

### Response

Thank you for bringing to the attention of the EAP and the Applicant, the complaints raised regarding operations that have been undertaken on the land under direct control of Sterkfontein Poultry. The Applicant will and continues to endeavour to address any and all complaints/concerns interested and affected parties may have with regards to their operations. Please note that the rectification that was authorised on 27 June 2018 was not on the property currently under application, but on a different property owned by the Applicant. However, the proposed project will take cognisance of comments made by all commenting authorities, interested and affected parties, as well as the competent authority. Furthermore, all complaints/concerns previously made on other properties owned by the Applicant, will be taken into consideration and mitigated where relevant on the proposed project.

Date 2022/09/05 Method Email

### Comment

The proposed expansion of the Waterval Sterkfontein Poultry Farm must comply with the Environmental Health by laws of the West Rand District Municipality.

### Response

The proposed expansion of the Sterkfontein Poultry Farm will at all times endeavour to comply with the Environmental Health by-laws of the West Rand District Municipality pertaining to keeping of poultry as stipulated in section 13 and 14 of the by-laws wherever applicable to their project, as well as all other legislative obligations. Moreover, the health impacts, amongst others, are included in the Basic Assessment Report (BAR) and associated Environmental Management Programme (EMPr) including recommendations to minimise/mitigate and manage the impacts.

Date 2022/09/05 Method Email

### Comment

The introduction of regular poultry vaccination programme must be implemented in every production cycle. The above mentioned must be done in line with the requirements of the

### Response

Regular poultry vaccination programme is currently being undertaken for the existing poultry houses and will also be implemented for the expansion project in line with the requirements of

# Comments and Responses 1493 Sterkfontein Waterval Poultry BA

**Ms Gabisile Hlongwane**

National Poultry Association.

the National Poultry Association.

**Date** 2022/09/05 **Method** Email

## Comment

Any comments and/or objections received from the interested and affected parties must be addressed as part of the comments and responses in the final report.

## Response

All comments and/or objections received from interested and affected parties have been, and will continue to be, addressed as part of the Basic Assessment process. All comments received and their responses will be included in the finalised Comments and Responses Report to be submitted to the GDARD with the Basic Assessment Report.

**Date** 2022/09/05 **Method** Email

## Comment

During the site inspection, it was established that the facility is making use of borehole water on site, therefore a Water Use License in terms of the National Water Act (Act No.36 of 1998) must be obtained.

## Response

The boreholes in use at the Waterval West 510 JQ farm were confirmed to be an existing lawful water use by the Department of Water and Sanitation (DWS), in 2015. The confirmation has been attached for reference. Where additional water uses are triggered, a Water Use License in terms of the National Water Act (Act No. 36 of 1998) must be obtained and this has been included in the Basic Assessment Report as well as the EMPr.

**Date** 2022/09/05 **Method** Email

## Comment

The property is partially underlined by dolomite. This means that the site is susceptible to sinkhole development, which can be a major concern when issues of safety and stability are considered. In the event that any building structures are to be developed, a geotechnical investigation/opinion must therefore be obtained from a qualified Geologist who is registered with the Council for Geosciences. All construction activities must conform to the Guidelines for Consultants: (Appropriate Development of Infrastructure on Dolomite, from Department of Public Works, August 2004).

## Response

The underlying geology of the proposed development was taken into account during the preliminary desktop assessments and no dolomites were found in the immediate vicinity of the development property. Furthermore, according to the Mucina and Rutherford (2006) and the GIS mapping undertaken, the geology of the development area does not consist of dolomite. However, if the Department of Integrated Environmental Management (DIEM) of Mogale City Local Municipality (MCLM) has information that indicates otherwise, we would appreciate it if they could provide us with the basis of such information for further investigation.

**Date** 2022/09/05 **Method** Email

## Comment

The applicant is notified that the use of Septic Tanks and French Drains are not supported on Dolomites. All existing septic tanks must be converted to vacuum/conservancy tanks in order to prevent contamination of ground water.

## Response

The underlying geology of the proposed development was taken into account during the preliminary desktop assessments and no dolomites were found in the immediate vicinity of the development property. Cognisance will be taken to avoid dolomitic areas and/or use vacuum/conservancy tanks in order to prevent contamination of ground water where dolomites cannot be avoided.

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Ms Gabisile Hlongwane

<b>Date</b>	2022/09/05	<b>Method</b>	Email
<b>Comment</b>		<b>Response</b>	
The applicant must make provision for Green Infrastructure and Sustainable Urban Drainage (SUD) principles for all storm water runoff areas. As a minimum, all surfacing for driveways and parking areas must be permeable. o The surfacing for driveways and parking areas must be permeable on slopes; o The sheet flow must be directed into onsite infiltration trenches, 'filter drains, filter strips and/or artificial wetlands rather than gulleys and pipes; and o Ensure that all outlet structures are adequately designed to prevent erosion.		Provision will be made for existing and any new driveways and parking areas for the new house such that they are permeable and have erosion control measures in place. Provision for all storm water runoff areas will also be made as indicated in the impact assessment section of the Basic Assessment Report.	
<b>Date</b>	2022/09/05	<b>Method</b>	Email
<b>Comment</b>		<b>Response</b>	
The water bodies on site must be avoided at all costs. Adequate measures acceptable to the Department of Water and Sanitation including groundwater monitoring programs must be implemented. The monitoring program must be compiled and submitted to DIEM for Compliance Monitoring purposes.		Surface water features were taken into consideration during the environmental basic assessment process and a wetland area was identified within 500m of the proposed development area. Measures to protect this wetland have been included on the EMP as per the recommendations of the Wetland Assessment study undertaken. Further to this, the applicant is in a process of applying for a Water Use Licence as per the requirements of section 21 of the National Water Act of 1998. All conditions of the WUL and mitigation requirements including monitoring (if required by the DWS) will be adhered to.	
<b>Date</b>	2022/09/05	<b>Method</b>	Email
<b>Comment</b>		<b>Response</b>	
The applicant must ensure that the building plans for the proposed structures are submitted to the Building Control Section at MCLM for approval, and no construction activities should take place until these plans are approved.		Building Plans for the proposed structures will be submitted to the Building Control Section at MCLM for approval, and no construction activities will take place until these plans are approved.	
<b>Date</b>	2022/09/05	<b>Method</b>	Email
<b>Comment</b>		<b>Response</b>	
The West Rand District Municipality (WRDM) Municipal Health Services in terms of offensive odours must be adhered to. It must be noted that any person who contravenes any provisions of these by-laws commits an offence.		The West Rand District Municipality (WRDM) Municipality Health Services By-Laws in terms of offensive odours will be adhered to as indicated in the BAR.	

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## Comment

All mitigation measures as stipulated in the draft Environmental Management Program (EMPr) must be adhered to.

## Response

All mitigation measures as stipulated in the draft EMPr will be adhered to as the EMPr upon approval becomes legally binding.

Date 2022/09/05 Method Email

## Comment

It must also be noted that the above-mentioned EMPr does not adequately address odour to the satisfaction of this office and therefore must be amended to include mitigation measures in order to avoid the development of bad smells from the facility.

## Response

The EMPr has been amended to include additional mitigation measures in an effort to minimise and manage the development of bad smells from the facility. In addition to the proposed mitigation measures, the West Rand District Municipality (WRDM) Municipality Health Services By-Laws in terms of offensive odours were also taken into account.

Date 2022/09/05 Method Email

## Comment

Due to numerous complaints received regarding odour from all existing poultry farms located in Mogale City and the surroundings, an odour management plan must be included to form part of the final report and a copy must be submitted to this office for review and comment.

## Response

An odour management plan has been developed and will form part of the Final Basic Assessment Report submitted to the GDARD for decision-making. A copy will simultaneously be submitted to the MCLM DIEM for review and comment before it has been approved by the GDARD.

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## Comment

Cognizance must be taken that all recommendations contained in the EMP are binding to the applicant including all contractors, labourers and personnel on site.

## Response

The applicant has been made aware that all recommendations and conditions contained in the EMPr are binding to the applicant as well as all contractors, labourers and personnel on site.

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## Comment

A copy of the Environmental Authorisation must be submitted to this office for compliance monitoring purposes.

## Response

A copy of the Environmental Authorisation will be submitted to the DIEM should authorisation be granted by the GDARD.

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## Comment

Integrated Waste Management • An Integrated Waste Management program that outlines the

## Response

An Integrated Waste Management Programme/Plan that outlines the management of solid waste

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management of solid waste and effluent to be released from the facility must be submitted to DIEM before any further development can take place on site. • The applicant and/or the owner of the property is advised that the municipality shall render a service for collection and removal of domestic waste from the premises. It is the responsibility of the occupier of the premises to notify the municipality in advance (at least one month before occupation) of the date of occupation of the premises. The municipality shall charge applicable tariffs for the collection and removal of the waste. Private waste transporters can be used only if approved by the MCLM, otherwise transportation of the waste without authorisation by the municipality is an offence. • In addition, the applicant must adhere to the following: o Waste must not be disposed off illegally on surrounding areas including the open; o The waste storage area should be paved for easy cleaning; and o Pest control measures must be in place.

and effluent to be released from the facility will be submitted to DIEM before any further development takes place on site. The waste collection services offered by the MCLM have been noted, should the applicant wish to use private waste transport, then prior approval from MCLM will be sought. Further to this, good waste management as stipulated in the BAR, EMPr and the recommendation of the MCLM will be adhered to onsite at all times.

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## Comment

Biodiversity Management Attached herewith as Annexure A are additional comments for your consideration. In addition to the above, cognisance must be taken that no construction must take place prior to GDARD granting an Environmental Authorisation. Non-compliance with the above will result in the relevant authority issuing a directive to address the non-compliance, including an order to stop the activity as well as instituting criminal and/or civil proceedings to enforce compliance. In addition, all the statutory requirements including those of National, Provincial Governments and MCLM's by-laws and policies must be adhered to. Should you have any queries regarding the above matter, please do not hesitate to contact G Hlongwane at (011) 668 0741.

## Response

It should be noted that the applicant has been advised to not commence with any construction of the proposed activity prior to the granting of the necessary environmental authorisations and/or any other relevant licences deemed necessary for the proposed expansion. Further to this, the applicant has been advised to adhere to all the statutory requirements including those of National, Provincial Governments and MCLM's by-laws and policies to as indicated in the BAR.

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## Comment

Annexure A: BAR Sterkfontein Poultry Expansion Comments from Division: Biodiversity Management are presented hereunder: • The Division: Biodiversity Management has raised several concerns since 2014 regarding various unlawful activities that had been undertaken on land under direct control of Sterkfontein Poultry, and/or owned by Sterkfontein Poultry. Various submissions were made to GDARD (Compliance Enforcement) and Department of Water & Sanitation (Compliance Enforcement) since Aug 2016, and at the time there were specific requests from DWS to have an Authorities Meeting to ensure that a uniformly and consistent approach is followed by Government to deal with the non-compliance by Sterkfontein Poultry in respect to various contraventions of provisions contained under NEMA and the National Water Act, 1998 (NWA). • Several joint EMI and DWS inspections were

## Response

The EAP and the Applicant take note of the comments in relation to concerns which have been raised previously by the MCLM. Where it has not already, Sterkfontein Poultry endeavours to address all comments and/or concerns raised on its other operations. It should be noted that the proposed investigations for the listed properties under the ownership of Sterkfontein Farms do not form part of portion 0 of the Farm Waterval West 510 JQ (property under current application). As such, EIMS will proceed as per the requirements of the NEMA timeframes which it has already been subjected to. A final submission will be made in line with the specified legal timeframes for an Environmental Authorisation through a Basic Assessment Process. The EAP unfortunately does not have access to the information in relation to the properties listed herein or the joint EMI and DWS inspections conducted in 2014.

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## Ms Gabisile Hlongwane

conducted since 2014, but MCLM received no feedback on progress from both "Regulators". • It is strongly recommended that the BAR in its current form should be held in abeyance till a complete Compliance Investigation is conducted by MCLM, the Cradle Management Authority, GDARD and DWS in order to determine the way forward and if a BAR should be replaced by a Section 24(G) Application. • The motivation for this approach is presented below. • The following properties owned, or that are under control, by Sterkfontein Poultry that are of relevance to the proposed investigation are as follows: o Ptn--32/3 Sterkfontein 173MQ o Ptn 99 Sterkfontein 173 IQ o RE/19/9 Sterkfontein 173 IQ o Ptn 75/1 Hillside 170 IQ o Ptn 33 Zwartkrans 172 IQ o Ptn 38 Zwartkrans 172 IQ o Ptn 39 Zwartkrans 172 IQ o Ptn 40 Zwartkrans 172 IQ o Ptn 21 Reydal 165 IQ • The aforementioned 'inspections confirmed the following:

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### Comment

Ptn 32/3 Sterkfontein 173 IQ • ROD: Gaut 002/03-04/284 (Dated April 2005) • Key issue for noting on this matter are: o These 4 broiler houses were constructed ex post facto; o It has a limited lifespan of 12 years and must be decommissioned thereafter. • Over and above these 4 broiler houses, Sterkfontein Poultry AGAIN constructed 4 x broiler houses without any Environmental Authorisation; • When neighbouring communities raised their concerns, Sterkfontein Poultry appointed EIMS to submit a Section 24(G) Application (Reference: S24G/05/1213/0037; Dated: February 2014); • Key issue for noting on this matter are: o To date no feedback was ever received regarding progress on this matter; o Since unlawful construction and use commenced, it is alleged that the facilities are fully operational; o DWS clearly indicated that there is no lawful water use registered on the property and that the Section 24(G) Application is opposed by DWS (see email below) • In the meantime, Sterkfontein Poultry is actively abstracting ground water and a centre pivot irrigation system has been observed (see map below); • It also appears that a second centre pivot irrigation system had been constructed in the past month (on RE/ 1 9/9 Sterkfontein 173 IQ), but the source of water had not been confirmed yet. • Another matter of consideration was that Sterkfontein Poultry made use of a sinkhole to dump dead chickens into (see Map below). This matter was referred by me to DWS and a joint investigation was conducted on 5 June 2015 with the Blue Scorpions. No feedback was received on the outcome of this investigation.

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### Comment

Ptn 99 Sterkfontein 173 IQ The only matters that should draw attention are: • Concentration of livestock (appears to be below threshold i.t.o. Listing Notice1 that applied when this matter

### Response

Kindly note that Environmental Impact Management Services Pty Ltd (EIMS) was appointed to submit the mentioned Section 24 (G) Application for poultry farming activities on the remainder of Portion 32 of the Farm Sterkfontein 173 IQ (Unlawful construction of a facility for the concentration of Poultry on the remainder of portion 32 of the Farm Sterkfontein 173 IQ, Mogale City Local Municipality). The Applicant received the Environmental Authorisation (dated 27 June 2018) for application on the 03rd July 2018. The mentioned EA is available from EIMS upon request. With regards to other comments on this matter, it is important to note that EIMS currently has no information on the matter. In this regard, the MCLM is advised to liaise with Sterkfontein Poultry directly for feedback or further information pertaining to comments or concerns raised as part of this comment. Further to this we would like the municipality to provide us with the maps which have been referenced in these comments so they can be shared with the applicant as well. Currently the maps have not been attached to the comments received.

### Response

Kindly note that the matter has been brought to the attention of the Applicant and owner of Sterkfontein to take note of. However, the matter cannot be resolved as part of this application



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commenced (i.e. pre-2016); • Quarry operations The general Duty of Care (Sect 28 NEMA) should be assessed.

as it is on a separate property which is not directly linked to the property for which an Environmental Authorisation is currently being applied for. The MCLM is advised to liaise with Sterkfontein Poultry directly for feedback or further information pertaining to complaints raised on other farm properties as EIMS currently does not have any other information with regards to the properties listed

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### Comment

RE/19/9 Sterkfontein 173 IQ As stated under Section 1 of this Offices response, it appears that a second centre pivot irrigation system had been constructed in 2016 (on RE/ 1 9/9 Sterkfontein 173 IQ), but the source of water and the validity in terms of the NWA had not been confirmed-yet.

### Response

Kindly note that the matter has been brought to the attention of the Applicant and owner of Sterkfontein to take note of. However the matter cannot be resolved as part of this application as it is on a separate property which is not directly linked to the property for which an Environmental Authorisation is currently being applied for. The MCLM is advised to liaise with Sterkfontein Poultry directly for feedback or further information pertaining to complaints raised on other farm properties as EIMS currently does not have any other information with regards to the properties listed.

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### Comment

Ptn 33 Zwartkrans 172 IQ Additional 2 x broiler houses were constructed in 2016 without any Environmental Authorisation; Estimated footprint of the expansion is in excess of 1, 200m2

### Response

Kindly note that the matter has been brought to the attention of the Applicant and owner of Sterkfontein to take note of. However the matter cannot be resolved as part of this application as it is on a separate property which is not directly linked to the property for which an Environmental Authorisation is currently being applied for. The MCLM is advised to liaise with Sterkfontein Poultry directly for feedback or further information pertaining to complaints raised on other farm properties as EIMS currently does not have any other information with regards to the properties listed.

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### Comment

Ptn 38 Zwartkrans 172 IQ Based on historic aerial photographs it is evident that. 2 x broiler houses were expanded without Environmental Authorisation; Construction started between March and July 2011 and resulted in an increase of broiler houses as follows (estimated) House 1: 703 m2 original construction — plus 618 m2 expansion o House 2: 625 m2original construction — plus 433 m2 expansion.

### Response

Kindly note that the matter has been brought to the attention of the Applicant and owner of Sterkfontein to take note of. However the matter cannot be resolved as part of this application as it is on a separate property which is not directly linked to the property for which an Environmental Authorisation is currently being applied for. The MCLM is advised to liaise with Sterkfontein Poultry directly for feedback or further information pertaining to complaints raised on other farm properties as EIMS currently does not have any other information with regards to the properties listed.

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Ms Gabisile Hlongwane

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## Comment

Ptn 39 Zwartkrans 172 IQ Based on historic aerial photographs it is evident that 2 x broiler houses were expanded without Environmental Authorisation; Construction started between October and December 2011 and resulted in an increase of broiler houses as follows (estimated). House 1: 601m2 original construction — plus 412m2 expansion House-2: 574m2 original construction— plus 434m2 expansion. This site also has the Abattoir, of which the waste water is diverted to a reservoir dam, and from this dam the waste water is discharged/irrigated onto an area of approximately 92 ha; Based on the information from this Office, there is no authorization (WUL) from DWS to irrigate water that contains waste.

## Response

Kindly note that the matter has been brought to the attention of the Applicant and owner of Sterkfontein to take note of. However the matter cannot be resolved as part of this application as it is on a separate property which is not directly linked to the property for which an Environmental Authorisation is currently being applied for. The MCLM is advised to liaise with Sterkfontein Poultry directly for feedback or further information pertaining to complaints raised on other farm properties as EIMS currently does not have any other information with regards to the properties listed.

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## Comment

Ptn 40 Zwartkrans 172 IQ • This site is used for staff accommodation; • The living conditions for some staff are totally appalling and unacceptable [Note: This matter will be addressed by MCLM in terms of the National Building Control Regulations]; • The general Duty of Care (Sect 28 NEMA) should be assessed.

## Response

Kindly note that the matter has been brought to the attention of the Applicant and owner of Sterkfontein to take note of. However the matter cannot be resolved as part of this application as it is on a separate property which is not directly linked to the property for which an Environmental Authorisation is currently being applied for. The MCLM is advised to liaise with Sterkfontein Poultry directly for feedback or further information pertaining to complaints raised on other farm properties as EIMS currently does not have any other information with regards to the properties listed.

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## Comment

Ptn 21 Reydal 165 IQ • The following RODs are relevant: o Gaut 002/04-05/1040 (Dated: 26 May 2005) o Appeal of Decision to ROD (Dated: 18 July 2006) — where the condition that broiler houses be decommissioned after 12 years was dismissed. o The said ROD lapsed and the continuation of the said facilities are hence unlawful. o The general Duty of Care (Sect 28 NEMA) should be assessed, as well as compliance with ROD conditions.

## Response

Kindly note that the matter has been brought to the attention of the Applicant and owner of Sterkfontein to take note of. However the matter cannot be resolved as part of this application as it is on a separate property which is not directly linked to the property for which an Environmental Authorisation is currently being applied for. The MCLM is advised to liaise with Sterkfontein Poultry directly for feedback or further information pertaining to complaints raised on other farm properties as EIMS currently does not have any other information with regards to the properties listed.

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Ms Gabisile Hlongwane

## Comment

General Observations This Office has experience various delaying tactics from the owner of Sterkfontein Poultry. This is especially true during the last joint inspection conducted with the GDARD EMIs where we were prevented to access the property due to bio-security risks in 2016. Previous engagements also resulted in limited' successes due to limitations place on officials conducting inspections with regard to movement and visiting some areas. Regardless, it is evident from the above that there is a clear tendency from Sterkfontein Poultry to conduct various unlawful activities over a number of years without being brought to book.

## Response

Thank you for the comment, the concern has been noted. However, it must also be noted that due to the nature of business that is being undertaken on site, the Applicant has to adhere to strict biosecurity and safety measures for their properties and therefore access onsite is controlled for all visitors. Should the authorities wish to undertake any site visits, it is advised that prior site access arrangements be made with the Applicant ahead of the visits and the authorities are also urged to observe biosecurity measures while on site. Clear details of the site inspections and which areas the authorities would like to see need to be indicated to the applicant before the site inspection is undertaken. Transparency in all consultation with the authorities and other interested parties is encouraged and should there be limitations in place regarding movement these should also be communicated prior and sufficient reasons provided for such.

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## Comment

Other Comments • The Applicant to apply for a Water Use License for all relevant Section 21 activities as defined under the NWA; • Copies of the Water Use Application and Water Use Licenses need to be forwarded to this Office for Compliance Monitoring & Auditing purposes;

## Response

The applicant has been advised and is in a process of applying for the necessary and related Water Use License associated with the current Sterkfontein Waterval Poultry Expansion Project as required by Section 21 of the National Water Act. In case of required WULA on other properties, these will be brought to the attention of the applicant to address separately to the current application. Once obtained, the copy of the Water Use License for the current Sterkfontein Waterval West Poultry Expansion Project will be forwarded to MCLM as requested.

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## Comment

• Since there is no bulk sewer infrastructure available, the Applicant is notified that the use of Septic Tanks and French Drains are not supported on dolomites in line with the Environmental Management Guidelines for Subdivisions and Rezoning. All existing septic tanks must be converted to vacuum/conservancy tanks with immediate effect;

## Response

The underlying geology of the proposed development was taken into account during the preliminary desktop assessments and no dolomites were found in the immediate vicinity of the development property. Furthermore, according to the Mucina and Rutherford (2006) and the GIS mapping undertaken, the geology of the development area does not consist of dolomite. However, if the Department of Integrated Environmental Management (DIEM) of Mogale City Local Municipality (MCLM) has information that indicates otherwise, we would appreciate it if they could provide us with the basis of this and we will investigate it further.

Date 2022/09/05 Method Email

## Comment

• The Applicant must submit water quality analysis (chemistry and bacteriological) of all

## Response

It is understood that no water quality monitoring is currently being undertaken on the site under

# Comments and Responses 1493 Sterkfontein Waterval Poultry BA

## Ms Gabisile Hlongwane

boreholes and surface water in the spruit to this office annually [Note: The monitoring programme must be conducted twice per year, in the summer and in the winter, and must comply with MCLM's approved Integrated Water Resource Management Strategy];

application as the Applicant does not have any obligations to undertake water quality monitoring for the site yet. However this request has been brought to the attention of the Applicant. The MCLM is urged to please provide the applicant with the reasons for having to undertake water quality monitoring onsite and provide the applicant with detailed guidance on how this needs to be undertaken.

Date 2022/09/05 Method Email

### Comment

- The Applicant must make provision for Green Infrastructure and Sustainable Urban Drainage (SUD) principles for all storm water runoff areas. As a minimum, the all surfacing for driveways and parking areas must be permeable.
- o All surfacing for driveways and parking areas must be permeable on slopes < 5%;
- o All sheet flow must be directed into onsite infiltration trenches, filter drains, filter strips and/or artificial wetlands rather than gulleys and pipes;
- o Ensure that all outlet structures are adequately designed to prevent erosion.

Cognisance will be taken when constructing driveways and parking areas such that they are permeable and have erosion control measures in place. Provision for all storm water runoff areas will also be made as indicated in the impact assessment section of the Basic Assessment

### Response

Cognisance will be taken when constructing driveways and parking areas such that they are permeable and have erosion control measures in place. Provision for all storm water runoff areas will also be made as indicated in the impact assessment section of the Basic Assessment Report.

Date 2022/09/05 Method Email

### Comment

Other matters related to Biodiversity:

- The applicant must comply with the provisions contained under the National Environmental Management: Biodiversity Act (Alien and Invasive Species Regulations, 2014) regarding alien invasive species on the subject site; The site is affected by the & following biodiversity sensitivities:
- A Critical Biodiversity Area (CBA) and Ecological Support Area (ESA) in terms of the gazetted Bioregional Plan for the West Rand (Provincial Gazette 390 of 2 September 2015); An area depicted as Irreplaceable and Ecological Support Area in terms of C Plan 3.3 (GDARD)
- Therefore, the Applicant need to address mitigation measures to ensure, as a minimum, to enhance ecological functioning and connectivity with the rest of the CBA and/or ESA.

### Response

The Applicant is and will always endeavour to comply with the provision of the national legislation requirements including the National Environmental Management: Biodiversity Act (NEM:BA) (Alien and Invasive Species Regulations, 2014) as indicated in the BAR. It should also be noted that the GDARD Conservation Plan (C-Plan) has been taken into account and was used as one of the tools for screening the sensitivities on the proposed development site for the expansion project. Based on the GIS analysis undertaken by the EAP as well as information provided on the specialist study undertaken, it has been confirmed that the proposed project footprint does not overlap with a CBA and/or an ESA and therefore it can be concluded that these will not be directly impacted by the proposed expansion activities. Though this is the case, mitigation measures to maintain and where possible enhance the ecological functioning of the site and ensure its connectivity to the nearby CBA and/or ESA have been included in the EMP.

Date 2022/09/05 Method Email

### Comment

Matters related to dolomites: The site is underlain by dolomite that is notorious for sinkhole

### Response

As indicated previously, the underlying geology of the proposed development was taken into

# Comments and Responses 1493 Sterkfontein Waterval Poultry BA

Ms Gabisile Hlongwane

formations; In the event that any new building structures are to be developed, a geotechnical investigation / opinion must therefore be obtained from a qualified Geologist who is registered with the Council for Geosciences. The said opinion/report must be availed to this office for review and comments; Over and above compliance to relevant SANS Codes for development & construction on dolomites (i.e. SANS 1936-1 ; SANS 1936-2; SANS 1936-3; SANS 19364; SANS 633), the following conditions (as outlined in The Guidelines for Consultants: APPROPRIATE DEVELOPMENT OF INFRASTRUCTURE ON DOLOMITE, from Department of Public Works, August 2004.) shall be applicable to all land underlain by dolomite: Section 3.1.2.6 states that when designing infrastructure on dolomitic land the following must be avoided: gardens within 5m of buildings. construction of buildings or services over natural watercourses. construction of buildings over wet services. creating unlined rerouting of natural drainage paths. concentration or disposal of storm water onto high risk land. using rigid, short length piping (promote long, unjointed, flexible piping). subsurface water storage tanks. disturbance of surface soil whenever feasible (ensure disturbed areas are properly compacted and reinstated) boreholes for water abstraction. Reference is made to Provincial Gazette, dated 30 April 2015 (Gazette Number 152), in which the following WRDM By-laws of relevance to dolomites need to be adhered to: Local Government Municipal Systems Act (32/2000): West Rand District Municipality: Civil - Contingencies By-law o Local Government Municipal Systems Act (32/2000): Disaster management development risk management By-law The relevant statutory requirements applicable for developments & Site Development Plans on land affected by dolomites in term of the Disaster Management Development Risk Management By-law (Part 4 Prohibitions) states that: "Non-compliance (1) No municipality may consider or approve any Site Development Plan or building plan without confirming that a dolomite safety clearance certificate has been issued by the head of disaster management or his/her delegated manager. (2) No developer may attempt to submit or to obtain approval, including provisional approval of a Site Development Plan or building plan, without having obtained the required dolomite safety clearance certificate. No municipal policy or by-law relating to development may supersede or purport to supersede the requirements of this by-law."

account during the preliminary desktop assessments and no dolomites were found in the immediate vicinity of the development property. Furthermore, according to the Mucina and Rutherford (2006) and the GIS mapping undertaken, the geology of the development area does not consist of dolomite. However, if the Department of Integrated Environmental Management (DIEM) of Mogale City Local Municipality (MCLM) has information that indicates otherwise, we would appreciate it if they could provide us with the basis of such information for further investigation. Any further actions in relation to this matter will be undertaken once the MCLM has provided the EAP with all the information at its disposal suggesting the presence of dolomites on the proposed site as requested.

Ms Cebisa Mdekazi

Date 2022/11/18 Method Email

Comment

Dear Ms Matshona, I am writing you from the COHWHS Management Authority, we have been made aware of your submission of the Basic Assessment Report for Sterkfontein Poultry to Mogale City Local Municipality. Could you kindly share the BAR and accompanying documents to allow us to comment on the proposed development as the commenting authority for the

Response

Dear Cebisa, Thank you for your correspondence. Kindly note that the BAR will be put out for the second public review and comment period most likely during the course of next week. Once it is available a notification of report availability will also be sent out to you, and you will be furnished with the report as requested. May you kindly send any requests and/or comments in relation to

# Comments and Responses 1493 Sterkfontein Waterval Poultry BA

## Ms Cebisa Mdekazi

Cradle of Humankind World Heritage Site.

the project to [sterkfontein@eims.co.za](mailto:sterkfontein@eims.co.za) as the project email address in order to avoid any emails related to the project not reaching me on time.

## Mr Teboho Leku

Date 2022/09/29 Method Email

### Comment

1. Description of the site/property/route and development The proposal to expand the six existing poultry houses to include an addition of a new poultry house and the refurbishment and combining of six existing houses into three bigger houses. Each of the houses will now accommodate 28 000 chickens from 20 000 chicken for the existing houses which will now be expanded and will have an average water intake of approximately 640 litres over 24 hours. The output manure will be approximately 624m<sup>3</sup> every eight weeks.

### Response

Project information item, noted.

Date 2022/09/29 Method Email

### Comment

2. Applicable legislation and policies The report has made provision to accommodate all applicable legislation, policies and guidelines. The activity has an impact in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended). The Gauteng Environmental Management Framework, 2015 (GEMF, 2015) identifies the proposed site as located within Environmental Management Zones 3 high control zone outside urban development framework.

### Response

Project information item, noted.

Date 2022/09/29 Method Email

### Comment

3. Description of the receiving environment The Departmental Conservation Plan Version 3.3 denote the site as Ecological Support Area (ESA), Bird Red Listed (Confirmed Habitat), Transformed Ridge, Ridge Class 1, Threatened Ecosystem (Endangered), Primary Ecosystem and High Potential Agricultural Land. The site is within small holding outside urban area. The site is already transformed by existing chicken house.

### Response

Project information item, noted.

Date 2022/09/29 Method Email

### Comment

4. Listed activities applied for The following listed activities have been applied for- Activity No

### Response

Project information item, noted.

# Comments and Responses 1493 Sterkfontein Waterval Poultry BA

## Mr Teboho Leku

and description Description of the development related to the listed activity GN R 327 Activity 40 The expansion and related operation of facilities for the concentration of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by— (i) more than 1 000 poultry where the facility is situated within an urban area: or (ii) more than 5 000 poultry per facility situated outside an urban area. The chicken will be expanded by more than 5000 poultry per facility situated outside an urban Area. GN R 324 Activity 12 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 (i) on land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning. There will be removal of vegetation of 300 square metres or more of indigenous vegetation.

Date 2022/09/29 Method Email

### Comment

5. Specialist studies that form part of application A Vegetation and Wetland Compliance Statement

### Response

Project information item, noted.

Date 2022/09/29 Method Email

### Comment

6. Services required Due to the nature of the proposed development, the activity will require services and therefore a Services Report detailing all required services as well as where they will be obtained must form part of the Final BAR.

### Response

Thank you for bringing this to our attention. It is agreed that the proposed project requires services as stated in the Basic Assessment Report (BAR). A list of all services required and where they will be obtained will be appended to the BAR as requested.

Date 2022/09/29 Method Email

### Comment

7. Impacts Identification, Assessment and Mitigation The identification and assessment of impacts must lead to a conclusion that the associated mitigation measures identified will reduce impacts to an acceptable level. This process must also be undertaken for all chosen alternatives and their mitigations measures identified and included in the Final BAR.

### Response

An impact identification and assessment exercise has been undertaken as part of the BAR. It has been indicated on Section 8.5: “Environmental Impact Statement” of the BAR that the recommended mitigation measures will reduce the risk of the impact to an acceptable level. No other feasible and practical alternatives were identified for the proposed project.

Date 2022/09/29 Method Email

### Comment

8. Assessment of alternatives No alternatives were investigated for the project. This

### Response

An assessment of (Location, Activity, Layout, Technology and No-go) alternatives was undertaken

# Comments and Responses 1493 Sterkfontein Waterval Poultry BA

## Mr Teboho Leku

Department requires that all possible renewable energy systems be explored for the project to offset the lack of other requisite alternative options.

as part of the Basic Assessment process. However, no feasible alternatives were identified for this project and therefore non have been applied for. It should be noted that the power supply for the facilities on the property is currently from the Eskom grid. The applicant is encouraged to and will explore other renewable energy sources for the facility whenever possible and practical.

**Date** 2022/09/29 **Method** Email

### Comment

9. Need and desirability of the development The demand for chicken and other poultry products in South Africa has grown in recent years. Sterkfontein Poultry Farm plans to continue its operations as well as expand their Waterval West poultry farm to meet current and future growth demands. The proposed expansion will allow the poultry farm to generate more revenue through the sale of more chickens while also contributing to the South African economy and food security.

### Response

Project information, noted.

**Date** 2022/09/29 **Method** Email

### Comment

10. Maps, layout plans, services route positioning The locality map has been included in the Draft BAR. However, a legible, A2 Layout Plan overlain by a composite sensitivity map on site with a legend easily linked to activity components must be included in the Final BAR. The operation of the proposed development will require bulk services.

### Response

The layout map of the site overlain with composite sensitivity was submitted to the Department as part of the Appendix A: Site Plans. This will also be included for submission in the Final BAR to the Department. On a telephonic conversation with Mr Teboho Leku, the case officer it was confirmed that this composite map is sufficient for submission on the final report.

**Date** 2022/09/29 **Method** Email

### Comment

11. Public Participation Process It is noted that the Draft Basic Assessment Report (DBAR) is currently being circulated for comment. The public participation process must be undertaken in accordance with the EIA Regulations, 2014. Comments from Mogale City Local Municipality: Directorate of Environment must be sought, adequately addressed and submitted to the Department with the Final BAR.

### Response

The public participation process for this project has been undertaken in accordance with the EIA Regulations, 2014 for Public Participation. Comments from the Mogale City Local Municipality have been received and have been addressed. These will be submitted to the Department for consideration in their decision-making process.

**Date** 2022/09/29 **Method** Email

### Comment

12 Environmental Management Programme (EMPr) The attached EMPr must be included in the Final BAR highlighting all identified impacts and their associated mitigations. The EMPr must also be updated in accordance with comments on this letter.

### Response

The attached EMPr has been updated as requested and will be included in the Final BAR for submission to the GDARD.



# Comments and Responses 1493 Sterkfontein Waterval Poultry BA

Mr Teboho Leku

Date	2022/09/29	Method	Email
Comment	Response		
13. Any issues of concern This Department requires that the Biosecurity Plan for the current development be updated in accordance with the proposed. Expansion and then be submitted with the Final BAR. Should it be that the current development does not have a Biosecurity Plan, one must be developed and submitted with the Final BAR in line with the below guidelines: • The applicant must register with the Department in terms of the Norms and Standard for Organic Waste (manure composting, forms already sent to Applicant) composting ,2020. • A plan to effectively deal with the management of chicken manure must be included on the Bio-Security Plan. It is important that the manure be handled, stored and processed in the proper manner and be removed on a regular basis from the site to avoid the attraction of unwanted vermin and flies to the site as well as leading to disease outbreak in the area. If the manure is not disposed of in the proper fashion, it may lead to a number of environmental concerns such as odour, as well as pathogens being transferred to other animal operations in the neighbourhood. Scavenger birds can act as vectors and can spread the organism to previously non-contaminated pastures. Poultry manure has high levels of ammonia and can become a problem for the surrounding neighbourhood. • In the case of a contractor being used for the collection of the broiler farms manure, the company responsible for the collection of the manure must ensure that the manure is in closed / sealed containers. The report must consider all waste streams generated during construction and operational phase and must be managed in accordance with the hierarchy of waste management principles and disposal at an authorised landfill site must be the last option • Plans on how to effectively deal with the management and disposal of dead chicken carcasses, pest and vermin including flies, general waste, as well as associated bad odours and stench must also form part of the Bio-Security Plan. • The Bio-Security plan must provide details for routine bio-security measures, identification of high-risk and associated measures as well as outlining procedures in the event of a disease outbreak including the containment of disease outbreaks. • Details of the wheel washing system at the main entrance need to be included. • Borehole that will be used to supply water must be deep as those levels have a very low number of pathogens. Shallow boreholes might be affected by run-off water especially, after heavy rain. If you have any queries regarding the contents of this letter, please contact the official of the Department using any of the above indicated contact details.	A biosecurity plan was developed for Sterkfontein Poultry facilities and was submitted to GDARD on the 19th May 2022. The Department acknowledged the receipt of the plan on the 20th May 2022. Upon approval of this biosecurity it will be used for the proposed expansion and any additional biosecurity measures will be included as an amendment to the submitted biosecurity plan. The Biosecurity Plan for Sterkfontein Poultry is attached as Appendix I6. The applicant has confirmed that they have not yet received the manure composting forms and would like to request the Department to resend the forms to them and copy Ms Sinalo Matshona, the consultant in their email.		