

REFERENCE: 16/3/3/6/1/E4/5/1243/20

DATE: 22 January 2021

The Board of Trustees
Jarrahup Farm Trust
P O Box 1765
HERMANUS
7200

For Attention: Mr. Kevin Williams

Cell: 082 909 0990

E-mail: earthco@whalemail.co.za

Dear Sir

RE: THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE EXISTING FREE RANGE PIGGERY AND THE PROPOSED EXPANSION OF THE SAID PIGGERY ON THE FARM NO. 781, CALEDON

1. The Applicability Checklist received by the Department via electronic mail correspondence on 14 October 2020, the letter of comment issued by this Directorate dated 5 November 2020, the correspondence received by the Department via electronic mail correspondence on 17 November 2020, and internal discussions with the Directorate: Environmental Law Enforcement, refers.
2. This letter serves to confirm the applicability of the EIA Regulations, 2014 (as amended) as defined in Government Notice ("GN") No. R.982, R.983 (Listing Notice 1), R.984 (Listing Notice 2) and R.985 (Listing Notice 3), with respect to the existing Free Range Piggery and the proposed expansion of the said piggery on Farm No. 781, Caledon.
3. The following must be noted with respect to the establishment of the existing facility in 2002:
 - 3.1. The initial establishment of the piggery in 2002 triggered listed activity 3 of Schedule 2 in terms of the Environmental Conservation Act (Act 73 of 1989) ("ECA").

Schedule 2

Activity Number: 3

Activity Description:

"The concentration of livestock, aquatic organisms, poultry and game in a confined structure for the purpose of commercial production, including aquaculture and mariculture."
 - 3.2. In light of the above, the matter regarding the initial establishment of the piggery will be referred to the Department's Environmental Law Enforcement Directorate for further investigation.
4. The expansion of the piggery between 2010 -2011 and thereafter (up until the current owners took ownership of the facility) did not trigger a listed activity in terms of the EIA Regulations, 2010. This determination is based on the fact that, although the facility has been expanded by more than 250 pigs, the density did not exceed 8 square meters per pig.

5. The expansion of the facility to 18 000 pigs after 2015 (by Desert Star Piggeries (Pty) Ltd) did not trigger Listed Activity 39 of Listing Notice 1 in terms of the EIA Regulations, 2014 (as amended). This has been confirmed by this Department's Directorate: Environmental Law Enforcement in the electronic mail correspondence dated 10 July 2019, following a site visit. This determination was based on the fact that the densities of the expanded piggery did not meet the threshold as set in the EIA Regulations, 2014 (as amended), which is densities exceeding 8 square meters per small stock unit.
6. It is further noted that Desert Star Piggeries (Pty) Ltd. stopped operations at the end of September 2020 to comply with a court order. In compliance with the said court order, the number of pigs at the facility has been reduced to its initial numbers of no more than 9850 pigs.
7. With regards to the proposed further expansion of the existing piggery, it is noted that:
 - 7.1. the proposed development will entail the expansion of the existing facility by approximately 5.9ha to accommodate a total of 18 000 pigs with densities of approximately 9 square meters per pig;
 - 7.2. most of the property, including the expansion area, has previously been subjected to cultivation; and
 - 7.3. no watercourses traverse the said piggery expansion area.
8. You are herewith informed that the proposed expansion of the existing piggery does not trigger a listed activity in terms of the EIA Regulations, 2014 (as amended). This determination is based on the following:
 - 8.1. Although the facility will be expanded by more than 250 pigs, the density will not exceed 8 square meters per pig; and
 - 8.2. No indigenous vegetation will be removed.
9. Written authorisation from the Department would therefore not be required prior to the commencement of the further expansion of the existing 14.1ha piggery by the current owners, Desert Star Piggeries (Pty) with an additional 5.9ha to accommodate a total of 18 000 pigs on an approximately 20ha site.
10. Please note that although the proposed expansion does not trigger a listed activity in terms of the EIA Regulations, 2014 (as amended) you are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*
11. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed expansion of the said piggery.
12. This Department reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environmental is greatly appreciated.

Yours faithfully

Mare-Liez
Oosthuizen

Digitally signed by Mare-Liez Oosthuizen
Date: 2021.01.22 09:56:26
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HEAD OF COMPONENT

DIRECTORATE: DEVELOPMENT MANAGEMENT - REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: Mr. N. Hanekom (Enviro-EAP (Pty) Ltd)
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