



REFERENCE NUMBER: 14/2/4/2/3/D4/16/0010/19

ENQUIRIES: Shafeeq Mallick

BY REGISTERED MAIL

W Bright Farm (PTY) LTD t/a Bright Berries CC
P. O. Box 3117
KNYSNA
6570

Tel: (082) 901 9479
Email: warren@brightberries.co.za

Attention: Mr Warren Bright

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL CLEARING FOR CULTIVATION ON PORTION 106 OF FARM ELANDSKRAAL AND REMAINDER OF PORTION 39 OF FARM ELANDSKRAAL 203, KNYSNA

With reference to your application dated 23 May 2019 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ["EIA Regulations, 2014"] (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the preferred alternative as described in the application and environmental assessment of May 2019, as received on 23 May 2019.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation. In this regard, please be advised that no permanent development may occur within the proclaimed road reserve without prior approval from the relevant competent authority. Approval must also be given for any services or structure within a 5meter building line from the road reserve.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

W Bright Farm (PTY) LTD I/a Bright Berries CC

C/o Mr Warren Bright

P. O. Box 3117

KNYSNA

6570

Tel: (082) 901 9479

Email: warren@brightberries.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<i>Government Notice No. R386 of 2006 –</i> Activity Number: 12 <i>Activity Description: The transformation or removal of indigenous vegetation of 3 hectares or more of any size where the transformation or removal would occur</i>	Between 2006 and 2011, 0.4ha of vegetation was cleared or transformed from the western section of Block B. During this time 1,7ha of Block D was

<p><i>within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</i></p>	<p>being transformed and the clearing of invasive trees in Block C was initiated. (See Site Plan B: Cultivated 'Block' areas)</p>
<p>Government Notice No. R546 of 18 June 2010 –</p> <p>Activity Number: 14</p> <p>Activity Description: <i>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except (1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;...</i></p>	<p>10ha of land were cleared for agricultural purposes within a vegetation type identified as 'critically endangered'. This commenced in 2010 and 2011 and the areas cleared was Block D, E and F (Site Plan B: Cultivated 'Block' areas).</p>
<p>Government Notice No. R. 983 of 4 December 2014</p> <p>Activity Number: 27</p> <p>Activity Description: <i>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—</i></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>10ha of land were cleared for agricultural purposes, within a vegetation type identified as 'critically endangered'. The clearing occurred between 2011 and December 2014.</p>
<p>As similarly listed in Government Notice No. R. 327 of 7 April 2017</p> <p>Activity Number: 27</p> <p>Activity Description: <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation,</i></p>	<p>10ha of land were cleared for agricultural purposes, within a vegetation type identified as 'critically endangered'. The</p>

<p>except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan,</p>	<p>clearing occurred between 2011 and December 2014.</p>
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The abovementioned list is hereinafter referred to as "the listed activities".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Portion 106 of Farm Elandskraal and Remainder of Portion 39 of Farm Elandskraal 203, Knysna.

The SG digit codes are: C03900000000020300039;
C03900000000020300106

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 58' 14.92" South	22° 52' 23.69" East
2	33° 58' 21.15" South	22° 52' 19.87" East
3	33° 58' 07.38" South	22° 51' 24.30" East
4	33° 58' 02.64" South	22° 51' 28.40" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 58' 15.08" South	22° 52' 24.12" East
2	33° 58' 20.59" South	22° 52' 17.50" East
3	33° 58' 10.05" South	22° 51' 42.05" East
4	33° 58' 13.93" South	22° 51' 42.47" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.
Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Desirée du Preez
17 Mountain Road
GEORGE
6530

Tel: (044) 874 0682
Fax: (086) 510 7015
Email: desdup@telkomsa.net

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The applicant commenced with the clearance of vegetation for cultivation purposes on Portion 106 of Farm Elandskraal and Remainder of Portion 39 of Farm Elandskraal 203, Knysna. The Bright Berries farm consists of two portions totalling 26.2ha in extent, which are Portion 106 of the Farm Elandskraal No. 203, 10.9ha in size and the Remainder Portion 39 of the Farm Elandskraal No. 203, 15.3ha in size. The farm was originally purchased by the applicant in 2005 for the purpose of growing and selling blueberries commercially. Before blueberries, bell peppers were grown as a start-up venture. The clearance of indigenous vegetation was commenced for the establishment of blueberry orchards, which occurred over a period of several years. The clearance was initiated in 2006 with the last vegetation clearance commencing in December 2014. The total amount of cleared vegetation is 12,2 ha.

The activities of clearing indigenous vegetation for blueberry orchards commenced in 2008 (Block B). Additional clearing commenced in 2010-2011 (Block C & D) and subsequent clearing in 2012-2013 (Block F & G) and 2014 (Block E). See Annexure 2 -Site Plan B: Cultivated 'Block' areas. The planting of blueberries was completed by 2017 for all blocks, prior to the Knysna Fire incident.

However, the entire blueberry crop was destroyed during the Knysna fires which prompted the re-establishment of the farm. The new blueberries were planted using shade-net structures and weed mats were introduced, which differed from the initial farming practice on the farm. Subsequent to the establishment to the first block of

blueberries in 2018, following the investigation of a complaint, the applicant was issued a pre-compliance notice dated 9 May 2018 and subsequent compliance notice dated 27 June 2018, in terms of the NEMA, concerning the clearance of vegetation.

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to Alternative 1 described in the application and assessment report dated 23 May 2019 on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision for continuation of commencement of the listed activities.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Written notice to the competent authority

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement and land preparation for the planting of blueberry plants.

5.1 The notice must make clear reference to the site details and 24G Reference number given above.

5.2 The notice must also include proof of compliance with conditions 6 and 10.

PART III

Notification and administration of an appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—

6.1 notify all registered Interested and Affected Parties ("I&APs") of –

6.1.1 the outcome of the application;

6.1.2 the reasons for the decision as included in Annexure 3;

6.1.3 the date of the decision; and

6.1.4 the date when the decision was issued.

6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.

6.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

6.4 provide the registered I&APs with:

6.4.1 the name of the holder (entity) of this Environmental Authorisation;

6.4.2 name of the responsible person for this Environmental Authorisation;

6.4.3 postal address of the holder;

6.4.4 telephonic and fax details of the holder;

6.4.5 e-mail address, if any, of the holder; and

6.4.6 the contact details [postal and/or physical address, contact number, facsimile and e-mail address] of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.

7. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

PART IV

Management of the activity/development

8. The Bright Berries Environmental Management Programme ("EMPr") of May 2019 compiled by the EAP, Desireé du Preez and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all relevant phases of implementation.

PART V

Monitoring

10. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before continuation of commencement of any land clearing to ensure compliance with the EMPr and the conditions contained herein.
11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request.
12. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

PART VI

Auditing

13. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the competent authority every 5 years, or upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII

Activity/ Development Specific Conditions

14. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape. Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

15. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
16. Clearing of invasive alien trees need to be made a priority on the farm and must be cleared in accordance with the Bright Berries EMPr of May 2019 compiled by the EAP, Desireé du Preez.
17. Only registered pesticides and herbicides are to be used on site, and must be done in a selective manner. Proof of compliance must be retained and made available on request for compliance monitoring purposes.
18. The impact of weed control chemicals and contaminated runoff must be managed and addressed according to the proposed measures mentioned within the Freshwater Assessment Report of April 2019, compiled by Bluescience. Proof of compliance must be retained and made available on request for compliance monitoring purposes.
19. No heavy machinery must be allowed to enter the wetland systems with included buffer areas as recommended by the freshwater specialist and contained in the EMPr.

20. Any indigenous vegetation that requires removal are to be rescued and used for rehabilitation purposes. Proof of compliance must be retained and made available on request for compliance monitoring purposes.
21. No future roads, firebreaks or infrastructure should be placed within the wetland or wetland buffer area.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –

- 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –

- 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. This appeal and responding statement must be submitted to the address listed below -

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs &
Development Planning
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, the Municipality, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder.

developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours faithfully



ADV. CHARMAINE MARÉ

DIRECTOR: ENVIRONMENTAL GOVERNANCE

DATE OF DECISION: 28 November 2019

CC: (1) Desiree du Preez (EAP)

(2) Clyde Lambert (Department of Agriculture)

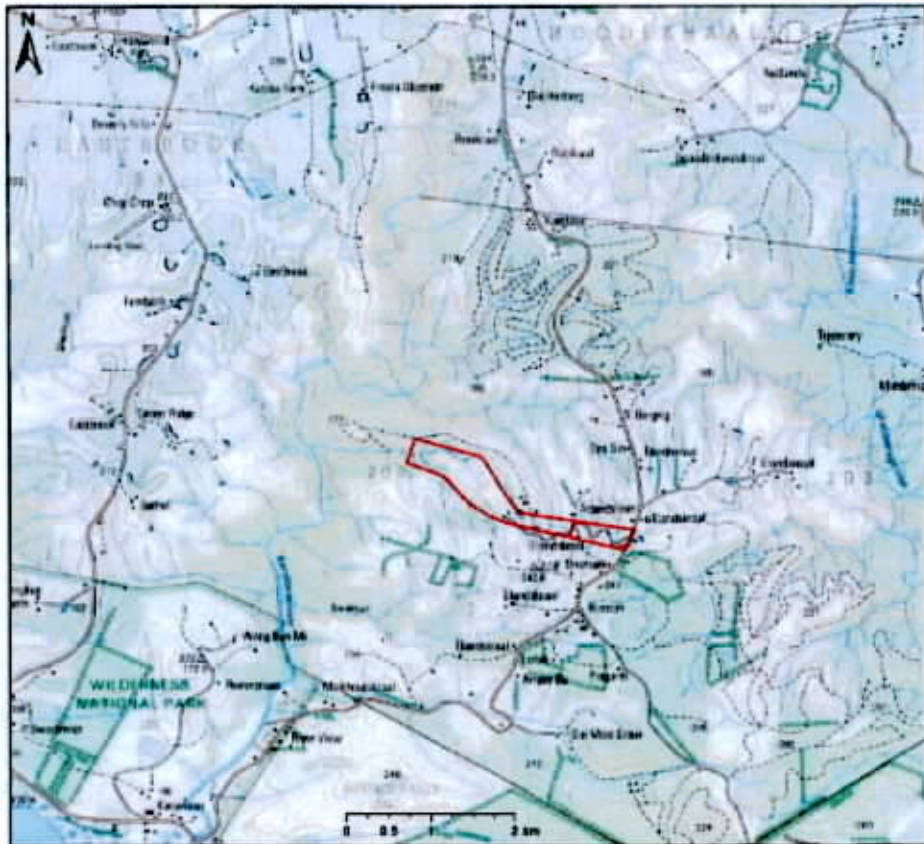
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ANNEXURE 1: LOCALITY MAP



**Elandsdraal Locality
Bright Berries
Locality 1:50 000**

Scale: 1:50 000
Date created: September 18, 2018



ANNEXURE 2: SITE PLAN



Site Plan A: Farm portions



Site Plan B: Cultivated 'block' areas

FOR OFFICIAL USE ONLY:

S24G REFERENCE: 14/2/4/2/3/D4/16/0010/19
ENFORCEMENT REFERENCE : 14/1/1/E3/7/3/3/L952/18

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R250 000 (Two hundred and fifty thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the section 24G application and assessment report of May 2019 as received on 23 May 2019, as well as the Environmental Management Programme (EMPr) of May 2019 submitted together with the application form.
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- f) The site visit conducted on 11 July 2019 attended by officials of this Department.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the KNYSNA-PLETT HERALD newspaper on 11 October 2018;
- A site notice was erected on 11 October 2018; and
- Letters were sent to interested and affected parties and the municipal ward councillor on 11 October 2018.
- I&APs were afforded the opportunity to provide comments on the application and assessment reports.

Consultation with organs of state in terms of section 24O of the NEMA

- CapeNature (CN)
- Breede-Gouritz Catchment Management Agency (BGCMA)
- Garden Route District Municipality (GRDM)
- Western Cape Government: Transport and Public Works (WCG: T&PW)

CN indicated that all alien trees present on the properties should be removed as they are a propagule source for further spread of invasive alien plants. It is also recommended that only registered herbicides (and pesticides) are used where necessary, in a selective manner, and if this needs to be done on steep slopes, this should be done by hand which can minimise drift. An Alien Eradication Plan for the property is necessary and should be compiled, in line with all relevant guidelines and legislation. No heavy machinery must be allowed to enter the wetland systems. CN recommended that any indigenous vegetation that requires removal be rescued and used for rehabilitation purposes.

CN requested clarity regarding the burning regime for the vegetation type from an ecological perspective. The EAP responded indicating that the fire breaks are on the boundaries of the site, which include the road reserve, as required by law.

CN also requested that the specialist determine what impacts herbicide spray-drift may have on indigenous neighbouring vegetation. The EAP responded indicating that spray-drift is being avoided at all costs. Plants are hand sprayed in the blocks covered in shade-netting reducing the potential for drift.

CN commented that no future roads, firebreaks or infrastructure should be placed within the wetland or wetland buffer area. Graphical Information System calculations need to be conducted to determine how much of the Critical Biodiversity Area 2/ Ecological Support Area (CBA 2/ESA) has been lost, and how much is planned to be rehabilitated to increase CBA 2 status to potentially CBA 1. The EAP highlighted the fact that it is the finding of both the botanist and the freshwater ecologist that the level and duration of disturbance of the farm (including prior to the establishment of Bright Berries) does not make restoration feasible. CN's Land Use Advice Handbook is a guideline, the CBA mapping is broadly mapped and requires ground truthing. NEMA principles are based on the triple bottom line, and not only on conservation targets. A suitable botanical restoration plan will need to be compiled and appended to the EMPr with an operational phase ECO monitoring timeframe (guided by botanical specialist opinion). The EAP indicated that both the botanist and freshwater specialist recommended rehabilitation of the wetlands and this has been included in the EMPr.

BGCMA indicated that the change of irrigation practices as well as crop type requires a change in the water use license. This must be submitted to the BGCMA office. The impact of weed control chemicals and contaminated runoff must be managed and addressed according to the proposed measures mentioned within the Freshwater Assessment Report.

The GRDM and WCG:T&PW indicated that no permanent development may occur within the proclaimed road reserve. Approval must also be given for any services or structure within a 5meter building line from the road reserve. Exemption for this can only be granted by the WCG:T&PW.

Additional comments were received from various concerned I&APs:

- Lisa van Dongen
- Mrs U Schultz
- Wayne Meyer

- Anton du Plessis, Anita du Plessis and Elizabeth Botha
- Dr Wallace and Karen Vosloo
- Hans Funke
- Terrence Atterbury
- Sonia Rabelais

The following concerns and comments were considered:

- It was highlighted that conservationists know that the aim of conservation cannot be fully achieved by means of forming nature reserves alone. Agricultural land, a large proportion of South Africa's terrain, is managed by both commercial and small-scale farmers.
- Various health concerns were raised regarding pesticides specifically related to blueberries (chemical runoff). The EAP responded indicating that crop spraying is done according to the GLOBAL G.A.P. standards, which aims to reduce the potential harm thereof. The potential impact on neighbours and wildlife will be managed according to an EMPr. The cultivation of blueberries enclosed in shade net structures should reduce, if not prevent, the potential for spray drift that may be present in precipitation fallout.
- A concern was raised that the run-off of "whatever is used in the berry agri-process" inevitably ends up in the dam of a neighbouring farmer. These activities will seriously impact on the organic status & livelihood of the neighbour as they are PGS Organic certified farm.
- The Bright Berries dense planting development is situated in a sensitive and critical catchment area. It was questioned as to how this critical catchment area will be able to support and sustain the proposed berry yield of 400 Tons. The EAP indicated that Bright Berries has a legal allocation of water and is regulated by the Department of Water and Sanitation.
- Ongoing spraying issue with massive negative impact on the health of individuals in the surrounding area was also raised. However, the EAP stated that the said doctor as mentioned in their comment did not confirm this as no scientific proof exists that it is linked to pesticide usage. It is therefore considered as a broad statement with no scientific evidence.
- It was mentioned that the reason the majority of the community moved to this region was because it was a pristine area "that is now being ruined & raped beyond initial recognition". The EAP responded indicating that the Bright Berries

farm was always a productive agricultural unit. It still currently being used for this land use purpose.

- The development is directly adjacent to the house, and on 3 sides, of a neighbour's property. If permitted to expand, these netting structures will cover the whole area in the front and side of the property. The property value has been greatly diminished by this (Bright Berries) development. The neighbour's plan to open a farm-stay in order to financially survive the devastation after the 2017 Fires can no longer be realised. The visual impact of these netting structures has been very negative on visitors.
- The fencing structures leave no causeway or natural corridors for wild animals, something that was seen abundantly prior to the erection of the fences.
- The erected shade netting structures with large wire meshed areas directly underneath Eskom powerlines is a huge safety risk to people working in this area. It also prevents access to Eskom maintenance staff. Further, it also poses a fire risk in the event of induced fault currents. The EAP responded that the structures are below the limited height for Eskom Powerlines for the capacity of this line. When maintenance needs to be undertaken by Eskom, the shade netting can be opened to provide access. While the potential discharge from the powerline is acknowledged, the risk of a fire spreading is considered to be low. This is due to the sparseness of vegetation in the area as well as the fact that the shade netting is designed using a flame retardant material.
- It is proposed that the owners of Bright Berries are made to rehabilitate the land at their own expense, with an alien invasive vegetation management plan for the following 5 years, as this will be an issue since the land is now disturbed.

The use of shade netting in agriculture allows for more sustainable agricultural practice. Shade netting protects crops from different natural calamities which reduces the production and growth of crops. The shade nets protect the crops from excessive sunlight, UV rays, heavy rain, strong winds and many crops eating insects. The advantages of shade netting help to improve the growth and quality of plants and crops. In addition, shade netting also works as a climatic regulator and provide good air circulation, this is particularly beneficial when the effects of climate change have become more apparent. The recent Western Cape drought and Knysna Fires are examples. Whilst the potential visual impact of shade netting may be acknowledged, the agricultural (and ultimately climatic benefits of such) cannot be disputed.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

2.1 Activity Alternatives

Alternative 1: Commercial Blueberry Farm (Herewith authorized)

The farm was acquired for the purpose of establishing a high yield, productive blueberry farm. The farm was previously used for berry and vegetable farming prior to subdivision thereof. The terrain and soil limits the agricultural potential, as illustrated by the Knysna Municipality's Integrated Spatial Development Framework Agricultural Land Capability Map. The nature of blueberry farming makes it suitable for the land restraint, as indicated by the Department of Agriculture.

The farming venture has high economic benefit to the Knysna Municipality and the Garden Route, as a new venture is established that brings investment and profit to the area. The empowerment of poor, previously disadvantaged individuals through shared ownership of the farm and profit share is highly positive, provided that the business is supported thereof.

2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

Since the farm has some *Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)* ("CARA") approved fields that were cultivated during the past ten years, the No-Go alternative of ceasing the activity entails continued cultivation of these approved fields and rehabilitation of the remainder of the farm to the pre-disturbance condition. The clearance of the vegetation has occurred over a prolonged period and as such the impact of the clearing cannot be distinguished from previous impacts before the proliferation of invasive alien plants.

Rehabilitation of the cleared areas to the pre-disturbed condition is therefore very vague.

Requiring the applicant to cease the activity and restore all the area affected by the clearing may produce a desirable outcome in terms of Fynbos over the short term, but it is unlikely to produce a sustainable outcome over the medium to long term. Bright Berries will have to reconsider their options, as their investment has suddenly become less attractive. It may at best be recovered by selling the farm to a lifestyle farmer. The socio-economic benefits of the berry farm to the previously disadvantaged individuals as a means of redressing the effects of the country's apartheid regime and the socio-economic benefits to the region would not be realised.

3. Environmental Impact Assessment (EIA) and Mitigation Measures

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Activity Need and Desirability

South Africa is currently in an economic situation where any foreign income (foreign capital) generated by the export of blueberries would help alleviate economic pressure. The current permanent staff members that were employed from the start of the business were given 25.1% shares in the company as well as 25.1% land ownership. Their shares are held in a trust in their benefit. Employees are also involved in decision-making on the farm. The shareholders will benefit from the farms profitability through dividends.

3.2. Biodiversity Impacts

The areas that have been cleared contained vegetation that is typically found in waterlogged areas. i.e. grasses and Knysna Sand Fynbos can be found. The wetland areas are part of a catchment marked for rehabilitation in order to meet conservation targets. This, along with the dam, provide a valuable functional ecosystem. The farming of blueberries commenced between 2008 – 2017, gradually expanding the cultivation areas. It was during this period that new orchards expanded onto ~12ha of virgin land. The main biophysical and ecological features in the study area comprises of small tributaries of the Karatara River with associated seep and valley bottom wetlands. The Karatara River is

mapped as Freshwater Ecological Priority Area River catchment and the watercourses within the site are seen as Ecological Support Areas. The clearing of vegetation was therefore seen as having a localised biodiversity impact.

3.3. Visual / Sense of Place

Bright Berries farm was always a productive agricultural unit, that it still currently being used for this land use purpose i.e. Agricultural Zone. Although the farming methods on site have changed, the practice of using shade netting for blueberries is considered to be a standard agricultural practice. As explained, whilst the potential visual impact of shade netting may be acknowledged, the agricultural (and ultimately climatic benefits of such) cannot be disputed.

3.4. Health Issues (drift spray impacts)

The activity uses controlled farming methods that limit the use of pesticides. Crop spray is done according to the GLOBAL G.A.P standards, which reduces the potential harm thereof. The use of shade netting practice should reduce, if not prevent, the potential for spray drift.

4. NEMA Principles

The National Environmental Management Principles (set out in section 2 of the NEMA), which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;

- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

END

<Nabeelah.Khan@westerncape.gov.za>

Subject: RE: Bright Berries Follow Up

Good Day Ms. Mare

Thank you for the email and just to confirm receipt of receiving the authorisation notification via Nabeelah Khan

In the notification, we note we have to give 7 day prior notification before starting land prep, that in mind, herewith please take this as our official notification that we intend to start with land prep by 11th Dec 2019 (7 working days from today). The Wetland Areas have already been demarcated out by Mrs. Desiree Du Preez and we have erected a temporary boundary using danger tape so as to clearly mark the NO GO zones around the wetland areas.

Photos can and will be sent via Mrs. DU Preez as we are in the process of appointing her as our ECO as required by the authorisation notification. The photos can then be submitted as proof and evidence of working in accordance to the notification received and shows our level of commitment to work together with DEADP to make our blueberry farm one of the most environmentally friendly farms within our area.

Again, thank you for the authorisation notification.

Kind regards

Warren Bright
Bright Berries

From: Charmaine Maré <Charmaine.Mare@westerncape.gov.za>

Sent: Thursday, 28 November 2019 11:14 AM

To: Warren Bright <warren@brightberries.co.za>; Zaidah Toefy <Zaidah.Toefy@westerncape.gov.za>

Cc: 'Charles Groves' <charles@brightberries.co.za>; 'Riko Hartnick' <riko@brightberries.co.za>; 'Desiree du Preez' <desireedup@gmail.com>; Carol Levendal <Caroll@elsenburg.com>; Shafeeq Mallick <Shafeeq.Mallick@westerncape.gov.za>; Karen S Arendse <Karen.Arendse@westerncape.gov.za>; Nabeelah Khan <Nabeelah.Khan@westerncape.gov.za>

Subject: RE: Bright Berries Follow Up

Dear Mr Bright

I do apologise for only reverting to you today, as we have been out of the Office.

Please be informed that I have issued the section 24G NEMA Environmental Authorisation today, as per your relevant application.

Kind regards and best wishes