



EIA REFERENCE: 16/3/3/1/B3/28/1001/20
NEAS REFERENCE: WCP/EIA/0000721/2020
DATE OF ISSUE: **22 JULY 2020**

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED EXPANSION OF AN EXISTING FRUIT PROCESSING FACILITY THROUGH THE CONSTRUCTION OF A COLD STORAGE UNIT AND ASSOCIATED INFRASTRUCTURE ON PORTION 9 OF FARM LE PARIS NO. 1426, PAARL

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in Section B below with respect to the preferred Site Alternative 2 described in the Basic Assessment Report ("BAR"), dated March 2020.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Cape Fruit Processors (Pty) Ltd
% Mr. Anthony Bayman Alexander
P.O. Box 1368
PAARL
7646

Tel: 021 300 1422
E-mail: anthony@capefruits.co.za

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

B. ACTIVITY AUTHORISED

| Listed activity | Activity/Project Description |
|---|--|
| EIA Regulations Listing Notice 1 of 2014: Activity 43 of Listing Notice 1: <i>"The expansion and related operation of hatcheries or agri-industrial facilities outside industrial complexes, where the development footprint of the hatcheries or agri-industrial facilities will be increased by 2 000 square metres or more".</i> | The proposed development entails the expansion of a fruit processing facility through the construction of an additional cold storage unit and associated infrastructure which will have an approximate footprint of 12 000m ² . |

The abovementioned is hereinafter referred to as "**the listed activity**".

The holder is herein authorised to undertake the following alternative:

The proposal entails the expansion of an existing fruit processing facility through the construction of an additional cold storage unit and associated infrastructure on Portion 9 of Farm Le Paris No 1462, Paarl.

The proposed expansion entails the following components:

- The construction of a cold storage unit with a development footprint of 4100m²;
- The development of a concrete delivery area of approximately 2700m², adjacent to the cold storage building and approximately 2400m² of grass blocked landscaped paving to serve as a parking area;
- The clearance of a 2800m² area to accommodate the extension of a road from the existing processing plant to the proposed cold storage unit; and
- The development of a stormwater management system, which includes an underground pipe, and culvert drainage system, overland stormwater routes, bio-retention swales, ponds and open stormwater channels.

C. SITE DESCRIPTION AND LOCATION

The listed activity will take place on Portion 9 of Farm Le Paris No. 1462, Paarl.

The co-ordinates for the proposed cold storage unit and associated infrastructure are:

Latitude: 33° 49' 54.23" S

Longitude: 19° 0' 07.34" E

The SG digit code is: C0550000000142600009

Refer to Annexure 1: Locality Map and Annexure 2: Site Layout Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Kantey and Templer (Pty) Ltd

% Mr. Mark Durham

P. O. Box 3132

CAPE TOWN

8001

Tel.: 021 405 9600
Cell: 072 586 6502
E-mail: mdurham@ct.kanteys.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with, and restricted to, Site Alternative 2, as described in the BAR dated March 2020 at the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 years** from the date of commencement of the first listed activity.
4. 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.
5. Any changes to, or deviations from the scope of the alternative described in Section B 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, in order 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.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:

6.1 make clear reference to the site details and EIA Reference number given above; and

6.2 include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 9 and 11

Notification and administration of appeal

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

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

7.1.1 the outcome of the application;

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

7.1.3 the date of the decision; and

7.1.4 the date when the decision was issued.

7.2 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 (as amended) detailed in Section G below;

- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 7.4 provide the registered I&APs with:
- 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;
 - 7.4.5 e-mail address, if any, of the holder; and
 - 7.4.6 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 2014 National Appeals Regulations (as amended).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. 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 i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation, must be amended to include the following:
- proposed mitigation measures for the rehabilitation of the seasonally wet areas on site;
 - a map clearly indicating the locations of the "no-go" areas which must include the "wetter areas" which occur near the northern edge of the property, west of the existing buildings on site;
 - the correct co-ordinates of the proposed expansion of the fruit processing facility; and
 - the frequency and person responsible for each impact management action.

The amended EMPr must be re-submitted to and approved by the Competent Authority prior to commencement of construction activities.

10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein. The ECO must conduct compliance monitoring as described in the EMPr (to be amended as per Condition 9 of this EA) and compile the associated compliance monitoring reports, accordingly.
12. The ECO must conduct fortnightly compliance monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and quarterly Environmental Compliance Reports must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within six months after construction has been complete.

13. A copy of the Environmental Authorisation, EMPr, MMP (once adopted), audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.
14. Access to the site referred to in Section C 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.

Auditing

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), 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. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit at the completion of the construction phase of the development and submit the Environmental Audit Report to the Competent Authority within three months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

16. 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.

17. 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.
18. The seasonally wet areas present on site, noted as degraded Ecological Support Areas, according to CapeNature, must be rehabilitated. These areas and the wetter areas which occur near the northern edge of the property, west of the existing buildings, must be avoided.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, 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 in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
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 (as amended) 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 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and

- 2.2. submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs 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. The appeal and the responding statement must be submitted to the address listed below:
By post: Western Cape Ministry of Local Government, Environmental Affairs and
 Development Planning
 Private Bag X9186
 CAPE TOWN
 8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
 Room 809
 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

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

H. DISCLAIMER

The Western Cape Government, the Local Authority, 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.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

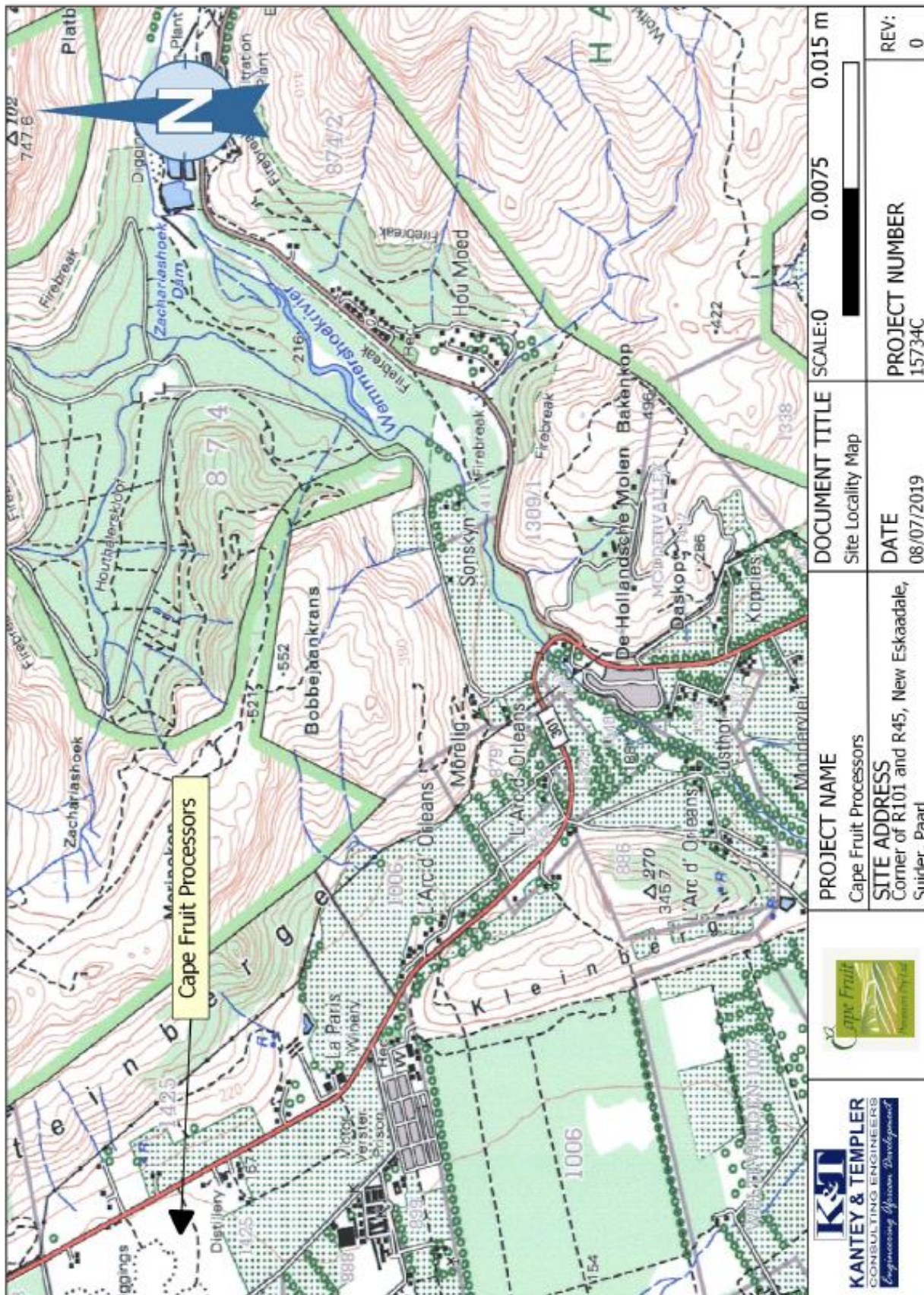
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 22 JULY 2020

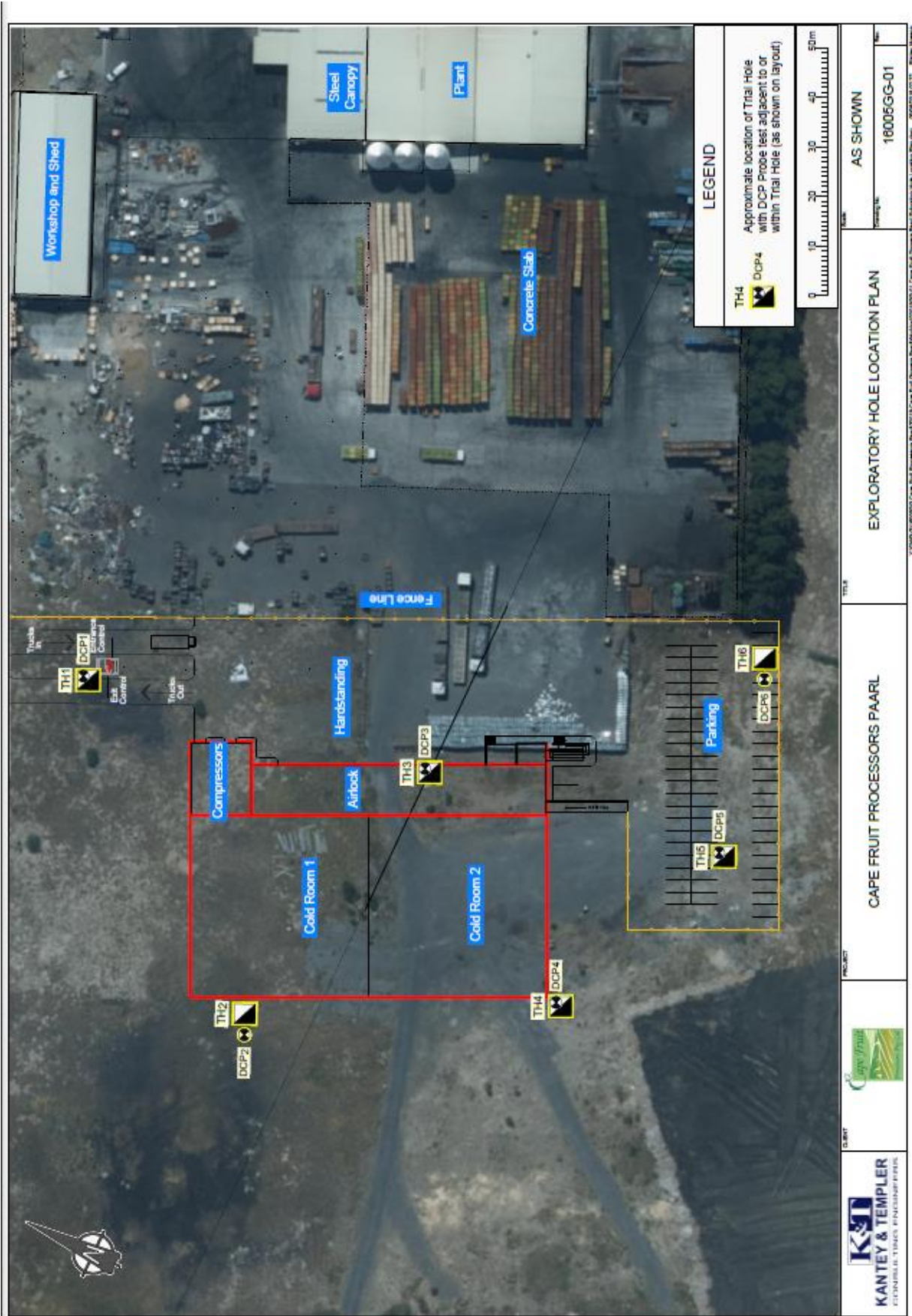
Cc: (1) C. Winter (Drakenstein Municipality)
(2) N. Mzondi/M. Durham (Kantey & Templer)
(3) S. Ross (Department of Water and Sanitation)
(4) A. Duffell-Canham (CapeNature)

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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form and the draft BAR dated 6 January 2020, the final BAR dated March 2020 and the EMPr submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated March 2020; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at strategic locations where the listed activity is to be undertaken on 13 June 2019;
- the placing of a newspaper advertisement in the 'Paarl Post' on 13 June 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity, on 13 June 2019 and 9 January 2020; and
- making the pre-application draft BAR and the in-process draft BAR available to I&APs for public review on 14 August 2019 and 9 January 2020, respectively.

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

The Competent Authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements.

2. Alternatives

The proposal entails the expansion of the existing fruit processing facility with the following additional components:

- The expansion of an existing fruit processing facility through the construction of an additional cold storage unit with a development footprint of 4100m²;
- The development of a concrete delivery area of approximately 2700m², adjacent to the cold storage building and approximately 2400m² of grass blocked landscaped paving to serve as a parking area;
- The clearance of a 2800m² area to accommodate the extension of a road from the existing processing plant to the proposed cold storage unit; and
- The development of a stormwater management system, which includes an underground pipe, and culvert drainage system, overland stormwater routes, bio-retention swales, ponds and open stormwater channels.

Site Alternatives

Site Alternative 1

This alternative entails the expansion of the existing fruit processing facility through the construction of an additional cold storage unit and associated infrastructure on Portion 10 of Farm Le Paris No. 1426, Paarl. However, this alternative was not preferred as the site is located too far away in order for the cold storage unit and associated infrastructure to connect to the existing services that is available at the existing fruit processing facilities.

Site Alternative 2

This alternative entails the expansion of the existing fruit processing facility through the construction of an additional cold storage unit and associated infrastructure on Portion 9 of Farm Le Paris No. 1426, Paarl. This alternative is preferred as it took into consideration the advice received by the Drakenstein Municipality, to place the additional cold storage unit and associated infrastructure on the same portion of the property where the existing fruit processing facility is located. The placement of the cold storage unit and associated infrastructure will be in close proximity to the existing fruit processing facility which will allow for the existing service infrastructure to be utilised as part of the proposal. In addition to this, the development footprint on Portion 9 of Farm Le Paris No. 1426, Paarl is currently used as an open storage area with no vegetation present.

The "No-go" Alternative

The "no-go" alternative was considered and is not preferred as the existing cold storage facility can no longer service the requirements of the existing fruit processing facility. The proposed cold storage unit and associated infrastructure is necessary for the continued operation of the fruit processing plant and also provides additional capacity for the cold storage of other frozen fruit products.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

The existing cold storeroom is deteriorating and is insufficient in size to hold the processed fruit pulp produced at the existing fruit processing facility on the property. Therefore, Cape Fruit Processors proposes to expand the existing fruit processing facility by an additional cold storage unit and associated infrastructure on Portion 9 of Farm Le Paris No.1426, Paarl. The expansion of the existing fruit processing facility will fulfil Cape Fruit Processors' current requirements as well as provide additional storage space for other frozen fruit products. In addition to this, it will contribute to the creation of temporary and permanent employment opportunities, which positively affects the socio-economics of the Paarl area.

3.2 Services

The upgrade of the existing septic tank to a conservancy tank forms a component of the development. Energy efficient methods will be used for electricity and the facility will reduce the use of potable water by converting toilets to operate with the supply from the Berg River or borehole water supply.

3.3 Biodiversity and Biophysical Impacts

The site falls within an area that historically comprised of Swartland Alluvium Fynbos, an ecosystem classified as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). However, it is evident that most of the study area is highly transformed from its original state due to previous land use activities. Based on the findings of CapeNature, there appears to be seasonally wet areas present on site, which are noted as degraded Ecological Support Areas. These areas must be rehabilitated and the wetter areas which occur near the northern edge of the property, west of the existing buildings, must be avoided (as per Condition 18). With the implementation of mitigation measures to be included in the EMPr (to be amended as per Condition 9), the impact significance of the proposed development on these areas will be reduced.

Furthermore, a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) will be submitted to the Department of Water and Sanitation, for the proposed development.

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in impacts such as noise and dust during the construction phase and traffic during operational phase.

Positive impacts:

- The expansion of an existing fruit processing facility through the addition of a cold storage unit and associated infrastructure will enable the fruit processing facility to operate more effectively with the increase in storage space for processed fruit pulp and other frozen fruit products.
- Employment opportunities will be created during the construction and operation phases of the development.

4. National Environmental Management Act Principles

The NEMA 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.

5. Conclusion

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 proposed listed activity 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 activity can be mitigated to acceptable levels.

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