

RECEIVED

Date: 13/06/06

Signature: *Deau*

Verwysing
Reference
Isa/Idiso

EG 12/2/1-AM 18 (5637) FARM QUAY 1,
MOSSSEL BAY

Naam
Enkies
Imi/Dizo

A. Oosthuizen

Datum
Date
Um/ha

2006-06-13



Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISEbe leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso

Afro Fishing (Pty) Ltd
7 Barlinka Street
Sonstraat
DURBANVILLE
7550

Attention: Mr D. Louwrens

Tel: (021) 976-0312
Fax: (021) 976-0312

Dear Sir

PROPOSED CONSTRUCTION OF A FISH-CANNING FACTORY AT QUAY 1 IN THE MOSSSEL BAY HARBOUR.

With reference to your application, find below the Record of Decision in respect of this application.

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The activity entails the construction of a sardine cannery at Quay 1 at the Port of Mossel Bay. This includes the construction of an industrial building equipped with processing machinery where sardines will be processed. The processing of the sardines entails, *inter alia*, the removal of heads, guts and tails of the fish, which will be transported to fishmeal plants on the west coast on a daily basis, to be processed into fishmeal.

The full process entails the pumping of chilled seawater mixed with fish and ice, from the vessel (ship) to the inside of the factory. During pumping, a separating screen will be used to separate the fish (solids) from the seawater. The chilled seawater is to be utilised continuously to off-load the catch as well as to keep the catch fresh and cold. Eventually, this water will be discharged into the sea next to the quay through a separating screen with mesh not exceeding 1mm, to prevent pieces of broken fish and fish scales ending up in the Mossel Bay harbour.

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The outlets, remaining after the removal of those parts destined for the fishmeal plant, will be cooked in an oil-fired atmospheric cooker and drained. Following the cooking and draining process, the outlets will be sauced by means of a vacuum saucer, sealed by means of a can seaming machine, washed, and finally cooked in an autoclave.

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

- Item 1(c):* The construction, erection or upgrading of,
with regard to any substance which is dangerous or hazardous and is controlled by national legislation-
- (i) infrastructure, excluding road and rails, for the transportation of any such substance, and
 - (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;
- Item 1(e):* The construction, erection or upgrading of,
marinas, harbours and all structures below the high-watermark of the sea and marinas, harbours and associated structures on inland waters;
and
- Item 8:* The disposal of waste as defined in section 20 of the Act, excluding domestic waste, but including the establishment, expansion, upgrading or closure of facilities for all waste, ashes and building rubble,

hereinafter referred to as "the activity".

B. LOCATION:

The site is located at Quay 1, Port of Mossel Bay.

Co-ordinates:

Latitude: 4° 10' 6.94" South
Longitude: 22° 7' 37.08" East

C. APPLICANT:

Afro Fishing (Pty) Ltd
% Mr D. Lourens
7 Barlinka Street
Sonstraal
DURBANVILLE
6530

Tel: (021) 976-0312
Fax: (021) 976-0312

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D. CONSULTANT:
Hilland Associates
% Ms Cathy Avierinos
P. O. Box 590
GEORGE
6530

Tel: (044) 889-0229
Fax: (044) 889-0229

E. SITE VISIT:
No site visits were conducted. The case officer is familiar with the site.

F. DECISION:

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No R1183 of 5 September 1997, as amended), hereby grants **authorisation with the conditions** contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires. In the case of an appeal being submitted to the competent authority, the effect of this Record of Decision will be suspended until such time as the appeal is decided.

2. One week's notice, in writing, must be given to this Directorate, before commencement of construction activities.

2.1 Such notice shall make clear reference to the site location details and reference number given above.

2.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 1, 6, 7, 8, 9, 12, 13, 14 and 15

3. One week's notice, in writing, must be given to this Directorate before commencement of operation activities.

Such notice shall make clear reference to the site location details and reference number given above.

3.1 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 4 and 11

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4. The applicant must obtain an effluent disposal permit from Mossel Bay Municipality. A copy of this permit must be submitted to this Directorate prior to the commencement of operational activities.
5. The disposal of effluent must comply with the conditions stipulated in Mossel Bay Municipality's permit for the discharge of effluent into their sewerage system. (This must follow after condition 4)
6. The applicant must obtain a lease agreement from CapeNature in terms of the Sea Shore Act, 1935 (Act No. 21 of 1935) for structures below the high-water mark. A copy of this agreement must be submitted to this Directorate prior to the commencement of construction activities.
7. The applicant must obtain approval on the final design plans for the piling structure from the National Ports Authority. A copy of this approval must be submitted to this Directorate prior to the commencement of construction activities.
8. The applicant must obtain approval for a safety plan (for on-site and off-site incidences) from the National Ports Authority (contact person: Mr. Basil Ngcobo). A copy of this approval must be submitted to this Directorate prior to the commencement of construction activities.
9. The contractor must, at all times, ensure that the construction activities comply with the Noise Regulations in terms of the Environmental Conservation Act, 1989 (Act No. 73 of 1989).
10. The applicant must be responsible and accountable for ensuring compliance with the conditions contained in this Record of Decision by any person acting on their behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
11. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
 - Refuse must be disposed of into scavenger and weatherproof bins.
 - In terms of the Atmospheric Pollution Prevention Act, burning is not permitted as a disposal method.
12. Chemical ablution facilities must be available for the use of construction staff at all times during the construction period. These facilities must be removed from the site when the construction phase is completed as well as the associated waste disposed of at a registered waste site.
13. The applicant must compile and submit an acceptable Environmental Management Plan ("EMP"), for the construction and operational phase of the development, to this Directorate for approval prior to construction commencing. The EMP must:
 - 13.1 Be included in all contract documentation for the construction phase of the development;
 - 13.2 Be submitted to and accepted by this Directorate at least three weeks prior to construction activities commencing; and

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- 13.3 Include, but not be limited to, the following:
- The frequency of site visits to be conducted by the Environmental Control Officer ("ECO").
 - Demarcation of the construction site.
 - Measures to manage traffic flow and alternative routing during construction (if necessary).
 - Specific mitigation measures during the construction of the piling structures in order to minimise unnecessary disturbance of the sea floor.
 - Specific measures outlining how the fish canning process will be managed to prevent damage to the surrounding environment and possible pollution in the harbour.
- 13.4 The following procedures must be followed when concrete works (if any) are performed:
- 13.4.1 Mixing areas must be defined on site and clearly demarcated.
- 13.4.2 Cement contaminated water must be fed into a container, neutralised, and suitably disposed of.
- 13.4.3 If possible, the use of ready-mix concrete should be considered.
- 13.4.4 Cement bags should be suitably stored and the used bags disposed of via the solid waste stream.
- 13.4.5 Excess or spilled concrete should be disposed of at a suitable registered landfill site, with chain of custody documentation provided.
14. The applicant must appoint a suitably experienced Environmental Control Officer ("ECO") before commencement of land clearing, construction, or exploratory activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Record of Decision are implemented and to ensure compliance with the provisions of the EMP.
15. The applicant must, within **five calendar days of the date of issue** of this Record of Decision:
- Inform the relevant local authority as well as all interested and affected parties, ("I & AP's") registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;
 - Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, which reads as follows:
 - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.

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- Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
 - Inform all I & APs that a signed and certified Appeal Questionnaire, is obtainable from the Minister's office at tel. (021) 483 3915, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/other/2005/4/appealquestionnaire05.pdf> must accompany the appeal.
 - If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time
16. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:
- The Director: Environmental Impact Management
Department of Environmental Affairs and Tourism
Private Bag X447
Pretoria
0001
17. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
18. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

H. RECOMMENDATION:

None

I. KEY FACTORS AFFECTING THE DECISION:

Sufficient information was submitted by the applicant for the relevant authority to deem the Scoping Checklist to fulfil the requirements of a scoping report as prescribed by Regulation 6 of GN No. R1183 of 5 September 1997, (as amended), in order to consider the application.

Biophysical:

The proposed fish-canning factory will be situated in the Port of Mossel Bay, which has already been disturbed by various fishing related industries. No significant environmental features occur on-site and near the site.

Socio-economic:

The proposal will provide opportunity for employment during the construction and operational phase and therefore impact positively on the economy and society of Mossel Bay.

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Alternatives:

The following alternatives were investigated:

Alternative 1 – Not to erect a fish meal plant adjacent to the cannery

This was proposed to prevent additional odours in a sensitive tourist and residential town and area. As a mitigation measure, it was decided to utilise the existing facilities of West Point Processors on the west coast.

Alternative 2 – To erect the cannery on land outside the harbour area

Apart from the fact that this option would have resulted in no start-up boiler emissions, it was not considered viable as fish would have to be transported from the harbour to the site, which would affect the freshness of the catch.

Alternative 3 – To use the building at Quay 4

This alternative was rejected because the lease agreement at this site would only be for 5 years which is not economically viable for both the applicant and prospective employees.

The preferred Alternative – To erect the cannery at Quay 1

This alternative is selected as most preferred based on the fact that a 20-year lease agreement is available, making it the most viable option for the applicant. This further adds to the sustainability of jobs to be created by the fish canning factory.

Public Participation:

The public participation process involved the advertisement of the proposal in the Mossel Bay Advertiser of 2 September 2005, which allowed for a commenting period of 30 days. Furthermore, all adjacent landowners in the Port of Mossel Bay were informed of the proposal via written notices. The major concerns related to issues of effluent disposal, noise pollution, zoning, and smells. This Directorate is of the opinion that the applicant adequately addressed all of these issues.

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

K. APPEAL:

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals must be directed within thirty (30) days of the date of the issuing of this Record of Decision, to:

Provincial Minister for Environmental Affairs,
Planning and Economic Development
Private Bag X9186
CAPE TOWN
8000

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Directorate: Integrated Environmental Management (Region A)*

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.

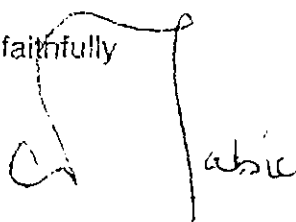
A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3915, email jedevill@pqwc.gov.za or URL <http://www.capegateway.gov.za/other/2005/4/appealquestionnaire05.pdf> must accompany the appeal.

If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



**CHRISTIAAN RABIE
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)**

DATE OF DECISION: 12/6/2006

CC:

Mr E. Kruger
George Office
Mr G. Jonkers

Mossel Bay Municipality
DEADP
National Ports Authority

Fax: (044) 691-1912
Fax: (044) 874-2423
Fax: (044) 604-6232