



the denc

Department:
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, Metlife Towers, T-Floor, Tel: 053 807 7300, Fax: 053 807 7328

Date: 05th December 2018

Enquiries :
Dipatlisilo : Mr. O Riba
Navrae :
Imibuzo
Reference
Tshupelo : NC/BA/15/NAM/NAM/KLE1/2018
Verwysing
Isalathiso

Diamond Coast Aquaculture (Pty) Ltd
Director: Ray Henderson
South Arm 4
Table Bay Harbour
Cape Town
8801

Dear Sir/Madam

THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR: GN. R. 327 OF 7 APRIL 2017: ACTIVITY 3, ACTIVITY NO. 6, ACTIVITY NO. 8, ACTIVITY NO. 10, ACTIVITY NO. 15, ACTIVITY NO. 17, ACTIVITY NO. 19A, ACTIVITY NO. 34, ACTIVITY NO. 41, ACTIVITY NO. 45, ACTIVITY NO. 46, ACTIVITY NO. 52, ACTIVITY NO. 54 & GN.R324: ACTIVITY NO. 2, ACTIVITY NO. 4, ACTIVITY NO. 16: THE PROPOSED EXPANSION OF THE DIAMOND COAST AQUACULTURE (PTY) LTD FACILITY IN KLEINZEE, NORTHERN CAPE, AT WARD 5, MATJIESKLOOF, KLEINZEE, PORTION 1 OF FARM 654, NAMA KHOI LOCAL MUNICIPALITY, NAMAKWA DISTRICT MUNICIPALITY , NORTHERN CAPE PROVINCE.

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2014, **THE DEPARTMENT HEREBY GRANTS THE ENVIRONMENTAL AUTHORISATION FOR: GN. R. 327 OF 7 APRIL 2017: ACTIVITY 3, ACTIVITY NO. 6, ACTIVITY NO. 8, ACTIVITY NO. 10, ACTIVITY NO. 15, ACTIVITY NO. 17, ACTIVITY NO. 19A, ACTIVITY NO. 34, ACTIVITY NO. 41, ACTIVITY NO. 45, ACTIVITY NO. 46, ACTIVITY NO. 52, ACTIVITY NO. 54 & GN.R324: ACTIVITY NO. 2, ACTIVITY NO. 4, ACTIVITY NO. 16: THE PROPOSED EXPANSION OF THE DIAMOND COAST AQUACULTURE (PTY) LTD FACILITY IN KLEINZEE, NORTHERN CAPE, AT WARD 5, MATJIESKLOOF, KLEINZEE, PORTION 1 OF FARM 654, NAMA KHOI LOCAL MUNICIPALITY, NAMAKWA DISTRICT MUNICIPALITY , NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the **Final Basic Assessment Report dated September 2018** subject to the conditions listed in the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit 36/2018

Your attention is drawn to Chapter 2 of the National Appeal Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge an appeal, as prescribed in regulation 4 of the National Appeal Regulations, 2014, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 832 1026;
By post: Private Bag x 6102, Kimberley, 8300 or
By hand: T-Floor, Metlife Towers, Kimberley, 8300.

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully



**MR. B FISHER – DIRECTOR
ENVIRONMENTAL QUALITY MANAGEMENT**

DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION

DATE OF DECISION: 12 December 2018

Cc: Anchor Environmental Consultants
Vera Massie
vera@anchorenvironmental.co.za

Northern Cape Province
DEPARTMENT OF
ENVIRONMENT & NATURE
CONSERVATION



Porofensi Ya Kapa Bokone
LEFAPHA LA TIKOLOGO LE
TSHOMARELO YA THLAGO

ENVIRONMENTAL AUTHORISATION

in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the
Environmental Impact Assessment Regulations, 2014

**Authorisation Register
Number:**

Permit 36/2018

Reference Number:

NC/BA/15/NAM/NAM/KLE1/2018

Last Amended:

N/A

Holder of Authorisation:

Diamond Coast Aquaculture (Pty) Ltd

Location of activity:

Ward 5, farm 654, Portion 1, Kleinzee, Nama Khoi Local
Municipality, Namakwa District Municipality,
Northern Cape

DEFINITIONS

"Activity" means an activity identified in any notice published by the Minister or MEC in terms of section 24D (1) (a) of the Act as a listed activity or specified activity;

"Proponent" means a person intending to submit an application for environmental authorisation and is referred to as an applicant once such application for environmental authorisation has been submitted;

"Application" means an application for an -

- (a) environmental authorization in terms of Chapter 4 of the 2014 Environmental Impact Assessment regulations;
- (b) amendment to an environmental authorisation in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;
- (c) amendment to an EMPr in terms of Chapter 5 the 2014 Environmental Impact Assessment regulations;
- (d) amendment of a closure plan in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;

"Basic Assessment Report" means a report contemplated in regulation 19 of the 2014 Environmental Impact Assessment regulations;

"Environmental Impact Assessment Report" means a report contemplated in regulation 23 of the 2014 Environmental Impact Assessment regulations;

"Plan of Study for Environmental Impact Assessment" means a study contemplated in regulation 22 which forms part of a scoping report and sets out how an environmental impact assessment will be conducted;

"Scoping Report" means a report contemplated in regulation 21 of the 2014 Environmental Impact Assessment regulations;

"EAP" means an Environmental Assessment Practitioner as defined in section 1 of the Act;

"EMPr" means an environmental management programme contemplated in regulations 19 and 23 of the 2014 Environmental Impact Assessment regulations;

"Registered Interested and Affected Party" in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

"Public Participation Process" means the process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to specific activity;

"Department" means the Northern Cape Department of Environment and Nature Conservation; and

"The Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises

Diamond Coast Aquaculture (Pty) Ltd with the following contact details –

Director: Ray Henderson

South Arm 4

Table Bay Harbour

Cape Town, 8801

P.O. Box 283

Hermanus

7200

Tel: (028) 718 8800

Fax: (086) 613 3938

Cell: (082) 327 4107

E-mail: ray@vikingaquaculture.co.za

to undertake the following activities (hereafter referred to as "the activity")

PROPOSED EXPANSION OF THE DIAMOND COAST AQUACULTURE (PTY) LTD FACILITY IN KLEINZEE, NORTHERN CAPE

Activity No. 3 of GN. R. 327 of 7 April 2017

The development and related operation of facilities or infrastructure for the slaughter of animals with a

(iii) wet weight product throughput of fish, crustaceans or amphibians exceeding 20 000 kg per annum.

Activity No. 6 of GN. R. 327 of 7 April 2017

The development and related operation of facilities, infrastructure or structures for aquaculture of—

(i) finfish, crustaceans, reptiles or amphibians, where such facility, infrastructure or structures will have a production output exceeding 20 000 kg per annum (wet weight);

(ii) molluscs and echinoderms, where such facility, infrastructure or structures will have a production output exceeding 30 000 kg per annum (wet weight); or

Activity No. 8 of GN. R. 327 of 7 April 2017

The development and related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2 000 square metres or more.

Activity No. 10 of GN. R. 327 of 7 April 2017

The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

Activity No. 15 of GN. R. 327 of 7 April 2017

The development of structures in the coastal public property where the development footprint is bigger than 50 square metres,

Activity No. 17 of GN. R. 374 of 7 April 2017

Development—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of—

- (a) fixed or floating jetties and slipways;
- (b) tidal pools;
- (c) embankments;
- (d) rock revetments or stabilising structures including stabilising walls; or
- (e) infrastructure or structures with a development footprint of 50 square metres or more —

Activity No. 19A of GN. R. 327 of 7 April 2017

dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

- (i) the seashore;
- (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high water mark of the sea or an estuary, whichever distance is the greater; or
- (iii) the sea; —

Activity No. 34 of GN. R. 327 of 7 April 2017

The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution, excluding—

Activity No. 41 of GN. R. 327 of 7 April 2017

The expansion and related operation of facilities, infrastructure or structures for aquaculture of—

- (i) finfish, crustaceans, reptiles or amphibians, where the annual production output of such facility, infrastructure or structures will be increased by 20 000 kg (wet weight) or more;
- (ii) molluscs and echinoderms where the annual production output of such facility, infrastructure or structures will be increased by 30 000 kg (wet weight) or more; or
- (iii) aquatic plants where the annual production output of such facility, infrastructure or structures will be increased by 60 000 kg (wet weight) or more;

Activity No. 45 of GN. R. 327 of 7 April 2017

The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure—

- (i) has an internal diameter of 0,36 metres or more; or
- (ii) has a peak throughput of 120 litres per second or more; and
- (a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or
- (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more;

Activity No. 46 of GN. R. 327 of 7 April 2017

The expansion and related operation of infrastructure for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes where the existing infrastructure—

- (i) has an internal diameter of 0,36 metres or more; or
- (ii) has a peak throughput of 120 litres per second or more; and
- (a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or

Activity No. 52 of GN. R. 327 of 7 April 2017

The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there will be no increase in the development footprint of the port or harbour and excluding activities listed in activity 23 in Listing Notice 3 of 2014, in which case that activity applies.

Activity No. 54 of GN. R. 327 of 7 April 2017

The expansion of facilities—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of—

- (a) fixed or floating jetties and slipways;
- (b) tidal pools;
- (c) embankments;
- (d) rock revetments or stabilising structures including stabilising walls; or
- (e) infrastructure or structures where the development footprint is expanded by 50 square metres or more,

Activity No. 2 of GN. R. 324 of 7 April 2017

The development of reservoirs, excluding dams, with a capacity of more than 250 cubic metres.

g. Northern Cape

iii. Outside urban areas:

(gg) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

Activity No. 4 of GN. R. 324 of 7 April 2017

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

g. Northern Cape

ii. Outside urban areas:

(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas; or

Activity No. 16 of GN. R. 324 of 7 April 2017

The expansion of reservoirs, excluding dams, where the capacity will be increased by more than 250 cubic metres.

g. Northern Cape

i. Outside urban areas:

(ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

At Ward 5, Matjieskloof, Kleinzee, portion 1 of Farm 654, which falls within the jurisdiction of Nama Khoi Local Municipality, of Namakwa District Municipality, with the following co-ordinates;

Authorised Area

Latitude (S) 29° 39' 21.21"	Longitude (E) 17° 2' 22.24"
Latitude (S) 29° 39' 6.79"	Longitude (E) 17° 3' 48.08"
Latitude (S) 29° 40' 13.58"	Longitude (E) 17° 3' 50.90"
Latitude (S) 29° 40' 33.10"	Longitude (E) 17° 3' 55.30"

hereafter referred to as "the property".

The granting of this Environmental Authorisation is subject to the conditions set out below.

CONDITIONS

Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation **must** be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activities which are authorised **must** only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
5. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.

General conditions:

6. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. The holder of the authorisation must notify the Department, in writing and within 24 (Twenty Four) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activities **must** not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national,

provincial or local (these include but are not limited to National Department of Environmental Affairs , National Department of Agriculture, Forestry and Fisheries, Department of Housing & Local Government, Department of Water and Sanitation, Department of Mineral Resources, Department of Transport, Roads & Public Works, Department of Arts, sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).

12. The activities, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. **Seven (7) days** written notice must be given to the Department before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following condition described herein:
 - i. Condition: 11
13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Environmental Management Inspectors employed by the Department shall be given access to the property as described above (see detailed description of the activities) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorization. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
16. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's environmental Basic Assessment report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
17. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
18. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant 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 applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
19. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.

20. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction and operation phase.

Appeal of authorisation:

21. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.
22. Your attention is drawn to Chapter 2 of Government Notice No. R993, which prescribes the appeal procedure to be followed.

Management of activity:

25. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented. (Alternatively, if further changes are required to the EMPr as a result of the authorisation, this office must be notified).
26. Ensure that all "NO-GO" areas are clearly defined and adequately demarcated.
27. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorization.

Monitoring

28. The EMPr is amendable and must be implemented and strictly enforced during all phases of the project.
29. Changes to the EMPr, which are environmentally defensible, must be submitted to this Department for acceptance before such changes could be effected.
30. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the BAR dated October 2018 be discovered.
31. A spillage plan must be implemented and strictly enforced.
32. A fire plan must be available on site at all times and employees must be made aware of the plan.

Environmental Control Officer (ECO) and Duties

33. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
34. The ECO must be appointed before commencement of any authorised activity.
35. The ECO must meet with the contractors to discuss the conditions of the **Environmental Authorisation** and the contents of the EMPr prior to commencement of activities.

36. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
37. The ECO must keep record of all activities on site, potential impacts, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
38. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
39. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
40. Photographs must be taken (before, during and immediately after construction as a visual reference).

Recording and Reporting to the Department

41. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
42. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any Official from Monitoring Compliance and Enforcement section of the Directorate: Environmental Management within seven (7) days of written request by the said Officer.
43. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaints; register must be kept up to date for inspection by the Department. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

Environmental audit report

44. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase and within 30 days of completion of rehabilitation activities.
45. The Environmental audit report must:
 - Be compiled by an independent environmental auditor;
 - Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
 - Include measures to be implemented to attend to any non-compliances.
 - Include copies of any approvals granted by other authorities relevant to the department for the reporting period.
 - Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring that they are appropriately addressed.
 - Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records.

Operation of the activity

46. Seven (7) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition, include site preparation. The notice must include a date on which it is anticipated that the activity will commence.
47. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
48. The holder of the Environmental Authorisation must submit proof of having obtained a lease agreement from the Department of Public Works for the portion of farm 175 Admiralty Reserve (registered state land) adjacent to and seaward of farm 654 portion 1 prior to commencing with construction activities on this land. Alternatively, the holder of the Environmental Authorisation may provide proof that the land was purchased by the holder of the Environmental Authorisation.
49. The holder of the Environmental Authorisation must submit proof of having obtained a lease agreement in terms of the Seashore act from the Department of Environment and Nature Conservation prior to commencing construction activities on land below the high water mark.
50. The holder of the Environmental Authorisation must submit proof of having obtained an Off Road Vehicle permit for construction and maintenance in the coastal zone from the Department of Environmental Affairs branch: Oceans and Coasts prior to the commencement of construction in the Coastal Zone.
51. The holder of the Environmental Authorisation must submit proof of having obtained a permit/exemption in terms of the Northern Cape Conservation Act (Act 9 of 2009) prior to the commencement of any operational activities related to trout farming.
52. The holder of the Environmental Authorisation must submit proof of having obtained relevant authorisations in terms of the National Environmental Management: Biodiversity Act (Act 10 of 2004) prior to the commencement of any operational activities related to the farming of alien species listed in terms of NEMBA regulations.
53. The holder of the Environmental Authorisation must submit proof of having obtained a relevant rights and permits in terms of Marine Living Resource Act prior to the commencement of the operational phase of the expanded aquaculture facility.
54. The holder of The Environmental Authorisation must submit proof of having obtained an amended Coastal Water Discharge Permit from National Department of Environmental Affairs, prior to the commencement of the operational phase of the expanded aquaculture facility.
55. No spoil material, including stripped topsoil, must be temporarily stockpiled within 32 meters of a watercourse.
56. Vegetation clearing must be limited to the required footprint and Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
57. General waste must be collected in containers disposed of regularly at a permitted landfill site. Recyclable waste must be recovered for recycling purpose. NB: No temporary dumping of waste is

allowed on site. Precautionary measures should be taken to prevent refuse from spreading from or on-site.

58. The Holder of this Environmental Authorisation must ensure construction and operation adheres to the National Water Act; Part 4 Section 19: Pollution Prevention and Part 5 Section 20 Emergency Incidents.
59. An Integrated Waste Management Approach must be implemented that is based on waste minimisation, reduction, recycling, re-use and disposal were appropriate, any solid waste must be disposed of at a landfill licensed in terms of section 20 (b) of the National Management Waste Act, 2008 (Act No.59 of 2008).
60. The Holder of this Environmental Authorisation must ensure construction and operation adheres to Government Notice No. 36784; No. R. 634: Department of Environmental Affairs; National Environmental Management Waste Act; 2008 (Act No.59 of 2008); Waste Classification and Management Regulations.
61. Open fire is strictly prohibited on site.
62. If any new evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during development or construction, SAHRA and an archaeologist and/or palaeontologist, depending on the nature of the resources found, must be alerted immediately.
63. Spillage of petroleum products (fuel and lubricants) must be avoided. Temporary storage of petrochemical products and servicing of machinery and vehicles on site will not be allowed. Except at a site specifically designed for that purpose. In terms of accidental spillage, contaminated soil must be removed for bioremediation or disposed of as a recognised facility for the substance concerned. Disturbed land must be rehabilitated and seeded with vegetation seed naturally occurring on the site.
64. The Holder of this Environmental Authorisation must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/ or servicing. All equipments that leak must be repaired immediately and /or removed from the site when necessary.
65. It is the holder of this authorisation's responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the environment throughout the life cycle of the activity is put into practice.
66. Dust control measures must be implemented during clearing phase and must comply with the dust regulations promulgated under the Air Quality Act, 2004 (Act 39 of 2004).
67. The recommendations of the EAP in the BAR must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

Site Closure and Decommissioning:

68. Should the proposed activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority.
69. All areas outside of the authorised site disturbed by the project must be rehabilitated to their original or acceptable condition.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of ten (10) years from the date of issue. If commencement of the activity(s) does not occur within that period and the intention is to extend the validity period of the authorization, an application for amendment to extend the validity period must be launched at least three (3) months prior to the expiry date of the validity period. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

APPEAL

An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the applicant by the competent authority.

Appeals must be submitted in writing to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 832 1026

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.



MR. B. FISHER
DIRECTOR ENVIRONMENTAL MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: 12 December 2018

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **Diamond Coast Aquaculture (Pty) Ltd**, applied for authorization to carry on the following activity –

PROPOSED EXPANSION OF THE DIAMOND COAST AQUACULTURE (PTY) LTD FACILITY IN KLEINZEE, NORTHERN CAPE

With the following contact details –

Director

Ray Henderson
South Arm 4
Table Bay Harbour
Cape Town, 8801
P.O. Box 283
Hermanus
7200

Tel: (028) 718 8800
Fax: (086) 613 3938
Cell: (082) 327 4107
E-mail: ray@vikingaquaculture.co.za

to undertake the following activities (hereafter referred to as "the activity")

Activity No. 3 of GN. R. 327 of 7 April 2017

The development and related operation of facilities or infrastructure for the slaughter of animals with a

(iii) wet weight product throughput of fish, crustaceans or amphibians exceeding 20 000 kg per annum.

Activity No. 6 of GN. R. 327 of 7 April 2017

The development and related operation of facilities, infrastructure or structures for aquaculture of—

(i) finfish, crustaceans, reptiles or amphibians, where such facility, infrastructure or structures will have a production output exceeding 20 000 kg per annum (wet weight);

(ii) molluscs and echinoderms, where such facility, infrastructure or structures will have a production output exceeding 30 000 kg per annum (wet weight); or

Activity No. 8 of GN. R. 327 of 7 April 2017

The development and related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2 000 square metres or more.

Activity No. 10 of GN. R. 327 of 7 April 2017

The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more;

Activity No. 15 of GN. R. 327 of 7 April 2017

The development of structures in the coastal public property where the development footprint is bigger than 50 square metres,

Activity No. 17 of GN. R. 374 of 7 April 2017

Development—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of—

- (a) fixed or floating jetties and slipways;
- (b) tidal pools;
- (c) embankments;
- (d) rock revetments or stabilising structures including stabilising walls; or
- (e) infrastructure or structures with a development footprint of 50 square metres or more —

Activity No. 19A of GN. R. 327 of 7 April 2017

dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

- (i) the seashore;
- (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high water mark of the sea or an estuary, whichever distance is the greater; or

(iii) the sea; —

Activity No. 34 of GN. R. 327 of 7 April 2017

The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution, excluding—

Activity No. 41 of GN. R. 327 of 7 April 2017

The expansion and related operation of facilities, infrastructure or structures for aquaculture of—

- (i) finfish, crustaceans, reptiles or amphibians, where the annual production output of such facility, infrastructure or structures will be increased by 20 000 kg (wet weight) or more;
- (ii) molluscs and echinoderms where the annual production output of such facility, infrastructure or structures will be increased by 30 000 kg (wet weight) or more; or
- (iii) aquatic plants where the annual production output of such facility, infrastructure or structures will be increased by 60 000 kg (wet weight) or more;

Activity No. 45 of GN. R. 327 of 7 April 2017

The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure—

- (i) has an internal diameter of 0,36 metres or more; or
- (ii) has a peak throughput of 120 litres per second or more; and
- (a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or
- (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more;

Activity No. 46 of GN. R. 327 of 7 April 2017

The expansion and related operation of infrastructure for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes where the existing infrastructure—

- (i) has an internal diameter of 0,36 metres or more; or
- (ii) has a peak throughput of 120 litres per second or more; and
- (a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or

Activity No. 52 of GN. R. 327 of 7 April 2017

The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there will be no increase in the development footprint of the port or harbour and

excluding activities listed in activity 23 in Listing Notice 3 of 2014, in which case that activity applies.

Activity No. 54 of GN. R. 327 of 7 April 2017

The expansion of facilities—

- (i) in the sea;
- (ii) in an estuary;
- (iii) within the littoral active zone;
- (iv) in front of a development setback; or
- (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; in respect of—
 - (a) fixed or floating jetties and slipways;
 - (b) tidal pools;
 - (c) embankments;
 - (d) rock revetments or stabilising structures including stabilising walls; or
 - (e) infrastructure or structures where the development footprint is expanded by 50 square metres or more,

Activity No. 2 of GN. R. 324 of 7 April 2017

The development of reservoirs, excluding dams, with a capacity of more than 250 cubic metres.

g. Northern Cape

iii. Outside urban areas:

(gg) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

Activity No. 4 of GN. R. 324 of 7 April 2017

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

g. Northern Cape

ii. Outside urban areas:

(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas; or

Activity No. 16 of GN. R. 324 of 7 April 2017

The expansion of reservoirs, excluding dams, where the capacity will be increased by more than 250 cubic metres.

g. Northern Cape

i. Outside urban areas:

(ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined; or

At Ward 5, Matjieskloof, Kleinzee, portion 1 of Farm 654, which falls within the jurisdiction of Nama Khoi Local Municipality, of Namakwa District Municipality, with the following co-ordinates;

Authorised Area

Latitude (S) 29° 39' 21.21"	Longitude (E) 17° 2' 22.24"
Latitude (S) 29° 39' 6.79"	Longitude (E) 17° 3' 48.08"
Latitude (S) 29° 40' 13.58"	Longitude (E) 17° 3' 50.90"
Latitude (S) 29° 40' 33.10"	Longitude (E) 17° 3' 55.30"

hereafter referred to as "the property".

The applicant appointed Anchor Environmental Consultants (Pty) Ltd to undertake an Environmental Impact Assessment process.

Basic Assessment application process was followed.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration –

- a) The Environmental Assessment Practitioner complied with Regulation 19 of 04 December 2014.
- b) Public participation followed is in line with Regulation 41 of 04 December 2014 and proof was submitted together with the Final Basic Assessment report on 03 October 2018.
- c) The information contained in the Basic Assessment submitted in October 2018 by EnviroAfrica.
- d) The comments received from Interested and Affected Parties as included in the Basic Assessment report.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act,(Act No. 107 of 1998), and the Northern Cape Conservation Act, 2009 (Act No. 9 of 2009).
- f) The findings of the site visit undertaken by Ordain Riba and Schalke van der Merwe on 29 October 2018.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The EAP who prepared the report has the expertise to carry out the Basic Assessment procedures.
- b) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic and cultural aspects.
- c) The Basic Assessment identified all legislation and guidelines it considered in preparing the report.
- d) The EAP took into account comments from interested and affected parties and incorporated them into making the Basic Assessment report.
- e) The need and desirability for the proposed activity.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The adequate identification and assessment of impacts as detailed in the final Basic Assessment and there is a sufficient assessment of the key identified issues.
- b) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- c) The procedure followed for impact assessment is adequate for decision-making process.
- d) All interested and affected parties have no objections to the project.
- e) The information contained in the BAR is deemed to be accurate and credible.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.