

18 December 2018

Dear Stakeholder,

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR ENVIRONMENTAL AUTHORISATION THROUGH A BASIC ASSESSMENT PROCESS: PROPOSED EXPANSION OF THE DIAMOND COAST AQUACULTURE (PTY) LTD FACILITY ON FARM 654 PORTION 1 KLEINZEE, NORTHERN CAPE (REF NO: NC/BA/15/NAM/NAM/KLE1/2018)**

This letter serves as a notification that the Northern Cape Provincial Department of Environment and Nature Conservation (hereinafter referred to as the Department) approved and issued an Environmental Authorisation (EA) to Diamond Coast Aquaculture (Pty) Ltd on 12 December 2018 (note that the date of decision is also the 12 December 2018). All interested and affected parties were given the opportunity to respond and provide feedback on the proposed expansion of the existing aquaculture facility on Farm 654 Portion 1 and the Department issued the EA after thorough review of the documentation that was submitted as required in terms of the Environmental Impact Assessment Regulations 2014, promulgated under the National Environmental Management Act (Act No. 107 of 1998) (NEMA).

The EA was issued in terms of Section 24 of the NEMA to Diamond Coast Aquaculture (Pty) Ltd and has the reference number NC/BA/15/NAM/NAM/KLE1/2018. A copy of the EA and record of decision has been attached to this document. Details of the holder of the EA are provided below:

Diamond Coast Aquaculture (Pty) Ltd  
Director: Ray Henderson  
South Arm 4  
Table Bay Harbour  
Cape Town, 8801  
P.O. Box 283  
Hermanus, 7200

Phone: (028) 718 8800  
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Email: [ray@vikingaquaculture.co.za](mailto:ray@vikingaquaculture.co.za)

You are advised that an appeal to the decision taken by the Department may be lodged in terms of the National Appeal Regulations 2014 (as amended) promulgated in terms of the National Environmental Management Act (NEMA) (Act No. 107 of 1998). Please find a copy of the regulations attached to this document.

The regulations stipulate that the appellant must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs –

1. *Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and*
2. *Submit a copy of the appeal to the holder of the decision, any registered I&AP, any organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.*

The appeal must be submitted in writing to:

By post:

The Member of the Executive Council  
Ministry of Environment & Nature Conservation  
Private Bag X6102  
Kimberley  
8300

By facsimile:

(053) 832 1026

**Background information pertinent to the decision-making process:**

Diamond Coast Aquaculture (hereinafter referred to as DCA) owns and operates an aquaculture farm on Farm 654 Portion 1 near Kleinsee in the Northern Cape, which is situated on land previously owned and mined by the DeBeers Group. DCA now owns this land and currently holds the environmental authorisation and aquaculture right for this facility, which has an annual production capacity of 150 t of abalone and 200 t of seaweed. DCA intends to expand their annual production capacity to 1000 t of abalone, 2000 t of finfish, 5000 t of seaweed, and 300 t of oysters, sea urchins and/or sea cucumbers. DCA is registered as an Operation Phakisa: Oceans Economy (Aquaculture) project.

The expansion of the DCA farm triggers a number of Listed Activities in the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended by Government Notice No. 40772 of 7 April 2017), promulgated in terms of the National Environmental Management Act (Act No. 107 of 1998) (NEMA). DCA was therefore required to apply for Environmental Authorisation to the Northern Cape Department of Environment and Nature Conservation (DENC). DCA appointed Anchor Environmental Consultants (Pty) Ltd (Anchor) as the Environmental Assessment Practitioner to undertake the Basic Assessment (BA) process.

A Basic Assessment process must be undertaken in compliance with Government Notice (GN) R. 326 of 2017 (2014 Environmental Impact Assessment (EIA) Regulations as amended) and with the guideline documents for EIA processes and stakeholder consultation, as produced by the Department of Environmental Affairs.

The application for EA was submitted on 13 August 2018 and the Final Basic Assessment Report (BAR) was received by the Department on 9 October 2018. Considering the information at hand, the Department issued the amendment of the EA in terms Section 24 of the NEMA on 12 December

2018 to Diamond Coast Aquaculture (Pty) Ltd. In reaching its decision, the Department took, inter alia, the following into consideration (Excerpt from the EA issued on 12 December 2018, Ref: NC/BA/15/NAM/NAM/KLE1/2018):

*“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.”*

#### **Available documentation**

The following documentation is available to I&APs (1) the Environmental Authorisation and record of decision (Ref: NC/BA/15/NAM/NAM/KLE1/2018); (2) the Final BAR and appendices; and (3) the National Appeal Regulations 2014.

These documents can be obtained from Anchor Environmental via:

**Contact person:** Vera Massie  
**Website:** <https://anchorenvironmental.co.za/node/329>  
**Email:** vera@anchorenvironmental.co.za  
**Facsimile:** (021) 7015280  
**Telephone:** (021) 7013420  
**Post:** Suite 8, Steenberg House, Silverwood Close, Tokai 7945

Please note that the closing date for submission of appeals is 28 January 2018. This appeal period takes into consideration Regulation 1(2) of the Appeal Regulations, which prescribes that *“When a period of days must be reckoned in terms of these Regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days.”*

Please note that our offices are closed between the 24<sup>th</sup> December 2018 and the 2 January 2019.

Please do not hesitate to contact me should you have any queries.

**DISCLAIMER:** Any I&AP who decides to appeal the decision taken by the Department shall be solely responsible for ensuring compliance with the conditions as set out in the National Appeal Regulations 2014 (as amended) promulgated in terms of the National Environmental Management Act (NEMA) (Act No. 107 of 1998).

Yours faithfully



Vera Massie  
Anchor Environmental Consultants (Pty) Ltd.