



# environment, forestry & fisheries

Department:  
Environment, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/1728/AM2

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Mr Asanda Njobeni  
Department of Environment, Forestry and Fisheries  
Aquaculture and Economic Development  
Private Bag X2  
**ROGGEBAAI**  
8012

Telephone Number: (021) 402 3116  
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## PER MAIL / EMAIL

Dear Mr Njobeni

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 08 JANUARY 2018 FOR THE SEA-BASED AQUACULTURE DEVELOPMENT ZONE (ADZ) IN SALDANHA BAY WITHIN SALDANHA BAY LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 08 January 2018, the amendment to the EA dated 10 July 2019, your application for amendment of the EA received by the Department on 30 July 2020, the acknowledgement letter dated 11 August 2020 and the additional information received by the Department on 17 August 2020, refer.

Based on a review of the reasons for requesting amendments to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 08 January 2018 as amended, as follows:

#### Amendment 1: Amendment of the Small Bay (SB) North precinct coordinates to include West Coast Aquaculture Operator (existing operator prior to the issuing of the EA) on page 5 of the EA:

#### From:

	Point	Latitude (S)			Longitude (E)		
		DEG	MIN	SEC	DEG	MIN	SEC
Small Bay North	I	33	0	12.6	17	57	42.6
Small Bay North	J	33	0	12.78	17	58	1.8
Small Bay North	K	33	0	22.5	17	58	1.68
Small Bay North	L	33	0	22.8	17	58	34.5
Small Bay North	M	33	0	30.9	17	58	34.38
Small Bay North	N	33	0	31.02	17	58	42.12
Small Bay North	O	33	0	39.12	17	58	42
Small Bay North	P	33	0	38.88	17	58	22.74
Small Bay North	Q	33	0	46.98	17	58	22.62

Small Bay North	R	33	0	46.92	17	58	13.02
Small Bay North	S	33	0	53.4	17	58	12.9
Small Bay North	T	33	0	53.34	17	57	37.32
Small Bay North	U	33	0	40.2	17	57	37.38
Small Bay North	V	33	0	40.26	17	57	42.24

To:

	Point	Latitude (S)			Longitude (E)		
		DEG	MIN	SEC	DEG	MIN	SEC
Small Bay North	I	33	0	12.6	17	57	42.6
Small Bay North	J	33	0	12.78	17	58	1.8
Small Bay North	K	33	0	22.5	17	58	1.68
Small Bay North	L	33	0	22.8	17	58	34.5
Small Bay North	M	33	0	40.32	17	58	34.38
Small Bay North	N	33	0	40.35	17	58	42.07
Small Bay North	O	33	0	48.64	17	58	41.97
Small Bay North	P1	33	0	48.29	17	58	26.55
Small Bay North	P2	33	0	38.97	17	58	26.69
Small Bay North	P3	33	0	38.98	17	58	22.75
Small Bay North	Q	33	0	46.98	17	58	22.62
Small Bay North	R	33	0	46.92	17	58	13.02
Small Bay North	S	33	0	53.4	17	58	12.9
Small Bay North	T	33	0	53.34	17	57	37.32
Small Bay North	U	33	0	40.2	17	57	37.38
Small Bay North	V	33	0	40.26	17	57	42.24



Map of amended boundary for the Small Bay North precinct

**The reason for Amendment 1 is as follows:**

The boundary for the Small Bay North precinct required amendment to include the current position of an existing operator, namely West Coast Aquaculture (coordinates M – P3). An error occurred when drafting the boundary for this precinct in the Final Basic Assessment Report, and as a result this error depicting the old boundary of the West Coast Aquaculture was then carried over into the EA. The boundary for the Small Bay North precinct was determined by using approved water space lease coordinates issued by the Transnet Ports Authority during the drafting of the Final Basic Assessment Report. The lease coordinates for the West Coast Aquaculture were not amended when the farm was granted permission by the Transnet Ports Authority to move from the allocated lease area to the current lease area a number of years ago. West Coast Aquaculture has recently applied to the Transnet Ports Authority for an amendment of their lease to include the current coordinates. This amendment does not increase the approved total ADZ area of 884ha; the current area of the West Coast Aquaculture in the Small Bay North would be repositioned to accommodate for this amended boundary while remaining within the approved total area for the ADZ.

**Amendment 2: Amendment of the Big Bay (BB) North precinct coordinates (to include the correct boundary of the ADZ and to rename coordinate AC to Big Bay North) on pages 5-6 the EA:****From:**

	Point	Latitude (S)			Longitude (E)		
		DEG	MIN	SEC	DEG	MIN	SEC
Big Bay North	W	33	1	2.7	18	1	9.36
Big Bay North	X	33	1	53.52	18	1	49.32
Big Bay North	Y	33	2	51.06	18	1	34.5
Big Bay North	Z	33	3	1.86	18	0	22.26
Big Bay North	AA	33	1	56.88	18	0	53.4
Big Bay North	AB	33	1	54.6	18	0	46.2
Outer Bay South	AC	33	4	23.58	17	56	57.66

**To:**

	Point	Latitude (S)			Longitude (E)		
		DEG	MIN	SEC	DEG	MIN	SEC
Big Bay North	W	33	1	18.6	18	1	2.28
Big Bay North	X	33	2	1.86	18	1	40.44
Big Bay North	Y	33	2	53.4	18	1	18.84
Big Bay North	Z	33	2	57.84	18	0	49.08
Big Bay North	AA	33	2	39.72	18	0	13.02
Big Bay North	AB	33	2	17.22	18	0	4.32
Big Bay North	AC	33	1	53.52	18	0	44.94

**The reason for Amendment 2 is as follows:**

The EA coordinates for the Big Bay North precinct required amendment, as the current boundary contains an administrative error. The incorrect and correct coordinates were listed in the Final Basic Assessment Report, however a table of the incorrect coordinates in the Final Basic Assessment Report was carried over into the approved EA. These coordinates and the illustration of the boundary for the Big Bay North precinct were correctly depicted in the locality plan in Annexure 2 of the EA. Only the coordinates on page 5-6 of the EA were erroneous. The name of coordinate AC also belonged to the Big Bay North precinct, as depicted in the EA locality plan.

**Amendment 3: Amendment of the Outer Bay (OB) South precinct coordinates to include the omitted coordinates for point AG on page 6 of the EA:****From:**

	Point	Latitude (S)			Longitude (E)		
		DEG	MIN	SEC	DEG	MIN	SEC
Outer Bay South	AD	33	4	8.64	17	57	51.66
Outer Bay South	AE	33	4	42.36	17	57	51.66
Outer Bay South	AF	33	4	34.26	17	56	57.66

**To:**

	Point	Latitude (S)			Longitude (E)		
		DEG	MIN	SEC	DEG	MIN	SEC
Outer Bay South	AD	33	4	8.64	17	57	51.66
Outer Bay South	AE	33	4	42.36	17	57	51.66
Outer Bay South	AF	33	4	34.26	17	56	57.66
Outer Bay South	AG	33	4	34.26	17	56	57.66

**The reason for Amendment 3 is as follows:**

The list of coordinates for the Outer Bay South precinct on page 6 of the EA required amendment, as they omitted point AG. Point AG and its associated coordinates were correctly depicted in the locality plan in Annexure 2 of the EA.

**Amendment 4: Approval of the revised Environmental Management Programme (EMPr) and the inclusion of a condition to confirm that future amendments to the impact management actions of the EMPr may be approved by the ADZ Management Committee (AMC):**

The revised EMPr dated May 2020 (Document name: Environmental Management Programme: Sea-Based Aquaculture Development Zone in Saldanha Bay) **is hereby approved**. An updated layout map for the entire ADZ, which illustrates the amended boundary of the Small Bay (SB) North precinct (as amended to include the West Coast Aquaculture Operator) must be included in the EMPr.

**Condition 19.5 on page 14 of the EA is hereby amended to include the following key function of the AMC:**

19. "Key functions of the AMC are to

19.5 *Make recommendations for improvements and amendments to the DAFFs overarching approved EMPr when required. Future amendments to the EMPr may be approved by the AMC, provided that the amendments are in terms of Regulation 36(1) of the EIA Regulations, 2014, as amended, which states that: "Where an amendment is required to the impact management actions of an EMPr, such amendments may immediately be effected by the holder and reflected in the next environmental audit report submitted as contemplated in the environmental authorisation and regulation 34".*

**Reason for amendment 4 is as follows:**

The approved ADZ EMPr has been revised to allow for impact management actions to be added for the ease of implementation of the ADZ. According to the Regulation 36(1) of the NEMA EIA Regulations of 2014, as amended, changes to the impact management actions do not require a Public Participation Process to be conducted, however the amended EMPr will be circulated to the AMC as well as the Consultative Forum for transparency. Condition 19.5 of the EA has also been amended to confirm that future EMPr amendments to

the impact management actions may be approved by the AMC of Saldanha Bay ADZ in terms of Regulation 36(1) of the EIA Regulations, 2014, which does not require amendments to the impact management actions to be approved by the Competent Authority.

**Amendment 5: Amendment of Condition 32 of the EA to stipulate the frequency of the auditing and submission of the audit report:**

**From:**

32. *"The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982."*

**To:**

32. *"Auditing and of submission of the environmental audit reports must be undertaken annually, conducted over the period of five (5) consecutive years, after which the audit frequency can be reviewed based on the audit findings, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982."*

**Reason for Amendment 5 is as follows:**

Condition 32 of the EA stated that the frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, however, the EMPr did not stipulate the frequency for reporting and instead referred back to the frequency as stipulated in the EA. Condition 32 therefore required an amendment to specify the frequency of the environmental audits and the requirement for submission of the reports to the competent authority. The recent external audit commissioned by the Branch Fisheries, for the year 1 ADZ reporting recommended that annual environmental audits be conducted for the next 5 years and that during the year 5 audit, the frequency is reviewed.

**Amendment 6: Amendment of condition 33 of the EA to specify final audit report submission requirements more appropriate to the type of development:**

**From:**

33. *"The holder of the authorisation must, in addition, submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities."*

**To:**

33. *"The holder of the authorisation must, in addition, submit an environmental audit report to the Department within 30 days of completion of the installation of the infrastructure of the last aquaculture farm to be established within the ADZ."*

**The reason for Amendment 6 is as follows:**

Condition 33 of the EA stated the holder of the authorisation to submit an environmental audit report to the Department within 30 days of completion of the construction phase and a final environmental audit report within 30 days of completion of rehabilitation activities. The construction phase has as yet not been completed. The project, entailing multiple operations each in different stages in the project life-cycle, means that the closure of the construction phase is not clear-cut or imminent. Condition 32 therefore required an amendment to specify final audit report submission requirements more appropriate to the type of development.

**Amendment 7: Amendment of Condition 55.1 of the EA to specify the location where documents may be located for inspection by authorities:**

**From:**

55. "A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-

55.1 at the site of the authorised activity;"

**To:**

55. "A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-

55.1 at the Chief Fisheries Compliance Monitoring Office located in Pepper Bay Harbour Saldanha Bay, as well as at the onshore office of each operator within the ADZ;"

**Reason for amendment 7 is as follows:**

Condition 55.1 required amendment as it is impractical to keep documents relating to the ADZ at the site, since it is a sea based site in Saldanha Bay and there is no site office. The holder of the authorisation's, Branch Fisheries Management, offices are based in Cape Town, however Chief Fisheries Compliance Monitoring offices are based in Pepper Bay, Saldanha Bay and a copy of the EA can be held at these offices for audit and compliance monitoring reporting.

No negative environmental impacts are anticipated as a result of these amendments. The amendments are administrative in nature and will enable practical implementation of the EA.

**General**

This EA amendment letter must be read in conjunction with the EA dated 08 January 2018 as amended.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision, as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the 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 registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

**Appeals must be submitted in writing in the prescribed form to:**

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appeals@environment.gov.za](mailto:appeals@environment.gov.za);

By hand: Environment House  
473 Steve Biko,  
Arcadia,  
Pretoria,  
0083; or

By post: Private Bag X447,  
Pretoria,  
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal 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.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully



**Ms Millicent Solomons**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
Date: 16/09/2020.

CC:	M Pretorius	Department of Environment, Forestry & Fisheries: Branch: Fisheries Management	E-mail: <a href="mailto:MichellePR@daff.gov.za">MichellePR@daff.gov.za</a>
	Z Toefy	Western Cape DEADP	E-mail: <a href="mailto:Zaahir.Toefy@westerncape.gov.za">Zaahir.Toefy@westerncape.gov.za</a>
	N Duarte	Saldanha Bay Municipality	Email: <a href="mailto:Nazeema.Duarte@sbm.gov.za">Nazeema.Duarte@sbm.gov.za</a>



## environmental affairs

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Mrs. Millicent Solomons  
Director: Strategic Infrastructure Development

Dear Mrs. Solomons

### APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 15 SEPTEMBER 2020 UNTIL 22 SEPTEMBER 2020

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 15 September 2020 until 22 September while Mr. Sabelo Malaza is on Annual Leave.

All the correspondence and other documents that are usually signed by the Chief Director: integrated environmental authorisations must be signed under Acting Chief Director: integrated environmental authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms. Linda Garlipp  
DDG( Act) : RCSM  
Date: 14/09/2020

#### ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~ appointment  
as Acting Chief Director: integrated  
environmental authorisations

Signed:

Date: 14/09/2020