



**EIA REFERENCE:** 16/3/3/1/E2/29/1021/20  
**NEAS REFERENCE:** WCP/EIA/0000760/2020  
**DATE OF ISSUE:** 11 DECEMBER 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 DEVELOPMENT OF AN ABALONE FARM ON A PORTION OF REMAINDER OF FARM NO. 385, PEARLY BEACH

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 activities specified in Section B below with respect to Layout Alternative 3, described in the Basic Assessment Report ("BAR"), dated 27 August 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

The Board of Directors  
Pearly Beach Seafarm (Pty) Ltd  
% Mr G Johnston  
Postnet Suite 87, Private Bag X16  
**HERMANUS**  
7200

Cell.: 082 578 4737  
E-mail: [gavin@acmsafrica.com](mailto:gavin@acmsafrica.com)

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

## B. ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: <b>Activity Number: 1</b></p> <p><i>The development of facilities or infrastructure for the generation of electricity from a renewable resource where -</i></p> <ul style="list-style-type: none"> <li>(i) <i>the electricity output is more than 10 megawatts but less than 20 megawatts; or</i></li> <li>(ii) <b>the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare;</b></li> </ul> <p><i>excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs -</i></p> <ul style="list-style-type: none"> <li>(a) <i>within an urban area; or</i></li> <li>(b) <i>on existing infrastructure.</i></li> </ul>	<p>The development entails the construction of a photovoltaic power plant of up to 10 megawatts and covering an area of 2ha (ground mounted solar array in the northern development cluster) and an area of 10ha (raised array in the southern development node).</p>
<p>EIA Regulations Listing Notice 1 of 2014: <b>Activity Number: 6</b></p> <p><i>The development and related operation of facilities, infrastructure or structures for aquaculture of -</i></p> <ul style="list-style-type: none"> <li>(i) <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);</i></li> <li>(ii) <b>molluscs and echinoderms, where such facility, infrastructure or structures will have a production output exceeding 30 000 kg per annum (wet weight); or</b></li> <li>(iii) <i>aquatic plants, where such facility, infrastructure or structures will have a production output exceeding 60 000 kg per annum (wet weight).</i></li> </ul> <p><i>excluding where the development of such facilities, infrastructure or structures is for purposes of sea-based cage culture in which case activity 7 in this Notice applies.</i></p>	<p>The development of an abalone facility with a production output exceeding 30 000 kg per annum.</p>
<p>EIA Regulations Listing Notice 1 of 2014: <b>Activity Number: 8</b></p> <p><i>The development and related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2000 square metres or more.</i></p>	<p>The development footprint of the hatchery and processing area will exceed 2000 square metres.</p>
<p>EIA Regulations Listing Notice 1 of 2014: <b>Activity Number: 10</b></p>	<p>Pipelines, that will be more than 1000m in length with a peak throughput exceeding 120 litres per</p>

<p>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 –</p> <p>(i) with an internal diameter of 0,36 metres or more; or</p> <p><b>(ii) with a peak throughput of 120 litres per second or more.</b></p> <p>excluding where –</p> <p>(a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or</p> <p>(b) where such development will occur within an urban area.</p>	<p>second, for the bulk transportation of process and return water will be developed.</p>
<p>EIA Regulations Listing Notice 1 of 2014: <b>Activity Number: 11</b></p> <p>The development of facilities or infrastructure for the transmission and distribution of electricity—</p> <p>(i) <b>outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts;</b> or</p> <p>(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more; excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is —</p> <p>(a) temporarily required to allow for maintenance of existing infrastructure;</p> <p>(b) 2 kilometres or shorter in length;</p> <p>(c) within an existing transmission line servitude; and (d) will be removed within 18 months of the commencement of development.</p>	<p>The existing electrical line, which is located on the R43, will be extended along the eastern boundary of the property.</p>
<p>EIA Regulations Listing Notice 1 of 2014: <b>Activity Number: 15</b></p> <p>The development of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding –</p> <p>(i) the development of structures within existing ports or harbours that will not increase the</p>	<p>The development and subsequent operation of intake and outlet pipelines within coastal public property.</p>

<p>development footprint of the port or harbour;</p> <p>(ii) the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(iii) the development of temporary structures within the beach zone where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or</p> <p>(iv) activities listed in activity 14 in Listing Notice 2 of 2014, in which case that activity applies.</p>	
<p>EIA Regulations Listing Notice 1 of 2014: <b>Activity Number: 17</b></p> <p>Development –</p> <p>(i) in the sea;</p> <p>(ii) in an estuary;</p> <p>(iii) within the littoral active zone;</p> <p>(iv) in front of a development setback; or</p> <p>(v) if no development setback exists, <b>within a distance of 100 metres inland of the high-water mark of the sea</b> or an estuary, whichever is the greater; in respect of –</p> <p>(a) fixed or floating jetties and slipways;</p> <p>(b) tidal pools;</p> <p>(c) embankments;</p> <p>(d) rock revetments or stabilising structures including stabilising walls; or</p> <p>(e) <b>infrastructure or structures with a development footprint of 50 square metres or more.</b></p>	<p>The abalone farm includes infrastructure with a physical footprint exceeding 50 square metres that will be located within 100 metres of the high-water mark of the sea.</p>
<p>EIA Regulations Listing Notice 1 of 2014: <b>Activity Number: 18</b></p> <p>The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where –</p> <p>(i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or</p> <p>(ii) such planting of vegetation or placing of material will occur behind a development setback.</p>	<p>Dunes, impacted during construction, will be stabilized and rehabilitated after the installation of the intake and outlet pipelines.</p>

<p>EIA Regulations Listing Notice 1 of 2014:  <b>Activity Number: 19A</b></p> <p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</i></p> <p>(i) <i>the seashore;</i>  (ii) <i>the littoral active zone, an estuary or distance 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or</i>  (iii) <i>the sea-</i></p> <p><i>but excluding where such infilling, depositing, dredging excavation, removal or moving-</i></p> <p>(f) <i>will occur behind a development setback;</i>  (g) <i>is for maintenance purposes undertaken in accordance with a maintenance management plan;</i>  (h) <i>falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i>  (i) <i>occurs within existing ports or harbours that will not increase the development footprint of the port or harbor; or</i></p> <p><i>where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>More than 5 cubic metres of material will be excavated from the seashore, littoral active zone and the sea.</p>
<p>EIA Regulations Listing Notice 1 of 2014:  <b>Activity Number: 27</b></p> <p><i>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation.</i></p>	<p>Vegetation clearance of approximately 19ha will be required.</p>
<p>EIA Regulations Listing Notice 1 of 2014:  <b>Activity Number: 28</b></p> <p><i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p>(i) <i>will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i>  (ii) <b><i>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></b></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The total land to be developed is approximately 19ha and is located outside an urban area.</p>

<p>EIA Regulations Listing Notice 3 of 2014: <b>Activity Number: 4</b></p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p><i>i. Western Cape</i></p> <p><i>i. Areas zoned for use as public open space or equivalent zoning;</i></p> <p><i>ii. Areas outside urban areas;</i></p> <p><i>(aa) Areas containing indigenous vegetation</i> <i>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i></p> <p><i>iii. Inside urban areas:</i></p> <p><i>(aa) Areas zoned for conservation use; or</i> <i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	<p>Internal roads wider than 4 metres with a reserve less than 13.5 metres will be developed.</p>
<p>EIA Regulations Listing Notice 3 of 2014: <b>Activity Number: 12</b></p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><b>Western Cape</b></p> <p><i>i. within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p><i>ii. within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>iii. <b>within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</b></i></p> <p><i>iv. on land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p><i>v. on land designated for protection or conservation purposes in an Environmental</i></p>	<p>Clearance of vegetation within 100m from the high-water mark of the sea will be required for the establishment of the abalone farm.</p>

<p>Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	
<p>EIA Regulations Listing Notice 3 of 2014:  <b>Activity Number: 18</b></p> <p><i>The widening of road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i></p> <p><b>i. Western Cape</b></p> <p><i>i. Areas zoned for use as public open space or equivalent zoning;</i></p> <p><i>ii. All areas outside urban areas:</i></p> <p><i>(aa) Areas containing indigenous vegetation;</i></p> <p><i>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i></p> <p><i>iii. Inside urban areas:</i></p> <p><i>(aa) Areas zoned for conservation use; or</i></p> <p><i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	<p>The existing access road will need widening in some places to create passing areas and some deviations from the existing road will be required.</p>

The abovementioned is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

The proposal entails the development of an abalone facility on a Portion of Remainder of Farm No. 385, Pearly Beach. The facility will produce 960 tons of abalone at full capacity and will include an on-site hatchery, feed manufacturing facility and storage area, a processing area, administration buildings, staff houses and associated infrastructure. A solar electricity component will form part of the development, which includes a 2ha ground mounted solar array and approximately 10ha raised solar array. The combined electricity output of the proposed solar electricity component will be no more than 10MW. The electricity that will be generated will be used for the abalone facility and will not be a commercial electricity generation facility. The entire development footprint will be approximately 19ha. The development will be split into two distinct development nodes, namely:

<b>Southern Node Development Areas</b>	<b>Size (m<sup>2</sup>)</b>
Manager's house	300
Pump house	1 080
Office building	560
Paddle ponds x 4	1024
Hatchery	5 000
Training room and office x 2	300
Header tanks x 3	1 350

Live export and packing area x 3	4 704
Electrical room x 4	145
Multi-use platform building x 3	1 140
Multi-use platform building x 3	1 620
Processing/ Cannery	1 225
Security and biosecurity	150
Generator room	100
Roads, channels and parking areas	28 546
Platform 1	34 560
Platform 2	34 560
Platform 3	34 560
New jeep track	9000
Raised solar array	0
TOTAL	<u>159924</u> <u>(15.99ha)</u>

<b>Northern node development areas</b>	<b>Size (m<sup>2</sup>)</b>
Open storage area	500
Electrical transformer and generator	100
Guard hut	50
Feed manufacture and storage area	1200
Store and receiving area	600
Workshop	400
Guards and security area	100
Clinic	100
Crèche play area	200
Crèche	200
Soccer and sports field	6600
Package plant	100
Staff houses of 250m <sup>2</sup> each on a 500m <sup>2</sup> erf (500m <sup>2</sup> x 5)	2500
New roads and parking areas	4237
Ground mounted solar array	16 400



Solar feed infrastructure	200
TOTAL	33487 (3.34ha)

Intake and outlet pipelines will be developed. This will comprise six concrete, enclosed culvert pipelines, which will be routed from the land out to the sea. Each pipeline will be 3m wide by 2m high and approximately 400m in length. Each pipeline will abstract and discharge seawater at 6000m<sup>3</sup> per hour. Potable water will be sourced from an existing borehole and rainwater will be collected from buildings and solar panels. Conservancy tanks will be used to treat sewage and wastewater. Package plants will also form part of the development for on-site sewage treatment. The existing jeep track, which is located on the eastern boundary of the site, will be used for access to the site. The existing jeep track will be upgraded to a hardened dirt track and internal roads will be developed. The electrical line, which is located on the northern end of the R43 Road, will be extended onto the site. Solid waste will be accommodated by the local municipality. The development will be undertaken in six phases and the remainder of the farm will be managed as a conservation area.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on a Portion of Remainder of Farm No. 385, Pearly Beach,

The SG21 digit code is: C01100000000038500000,

Co-ordinates: Latitude: 34° 39' 04.35" South  
Longitude: 19° 28' 33.13" East,

Co-ordinates of inlet and outlet pipelines:

	Latitude (S):			Longitude (E):		
Point A	34°	39'	36.25"	19°	27'	59.94"
Point B	34°	39'	46.92"	19°	27'	51.29"
Point C	34°	39'	47.87"	19°	27'	54.33"
Point D	34°	39'	36.44"	19°	28'	0.28"
Point E	34°	39'	48.27"	19°	27'	57.46"
Point F	34°	39'	48.67"	19°	28'	00.65"
Point G	34°	39'	36.73"	19°	28'	1.19"

Refer to Annexure 1: Locality Map and Annexure 2: Site Development Plan

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

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Lornay Environmental Consulting (Pty) Ltd

% Ms M Naylor

P. O. Box 1990

**HERMANUS**

7200

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## E. CONDITIONS OF AUTHORISATION

### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, Layout Alternative 3 described in the BAR dated 27 August 2020 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five years** from the date of issue of this Environmental Authorisation.
3. The construction of all the phases of the development must be concluded within **fifteen years** from the date of commencement of the 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, 12, 19 and 20.

### 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 activities, 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 Construction Environmental Management Programme, attached as Appendix H1 and the Operational Environmental Management Programme and Maintenance Management Plan ("MMP"), attached as Appendix H2 (hereinafter referred to as the "EMPr"), submitted as part of the application for Environmental Authorisation, must be amended and resubmitted to this Department for authorisation before site preparation or clearance activities commence. The EMPr and the MMP must be amended to include the following:
  - 9.1 The project description must be amended to include the correct components to be developed.
  - 9.2 The mitigation measures included in the EMPr must be amended to be compulsory for the impact management outcomes to be achieved. These actions must be outlined in the EMPr as requirements that must be implemented.
  - 9.3 The MMP must include additional detail in terms of the proposed maintenance measures for the associated infrastructure (sump, pumphouse, inlet and outlet pipelines) located within the 100m of the high-water mark of the sea.
  - 9.4 In addition, method statements describing the manner in which maintenance will be undertaken for the aforementioned structures and infrastructure and who the responsible parties will be for the maintenance activities of the said structures and infrastructure must be included in the MMP.
10. The Conservation Management Plan, inclusive of a Fire Management Plan and Alien Vegetation Management Plan, attached as Appendix H3 and the Dune Rehabilitation and Maintenance Management Plan, attached as Appendix H4, must be implemented.
11. Once approved, the amended EMPr and amended MMP must be included in all contract documentation for all phases of implementation.

### **Monitoring**

12. 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 amended EMPr, amended MMP and the conditions contained herein.

13. 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 completed.
14. A copy of the Environmental Authorisation, amended EMPr, amended MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including on a publicly accessible website.
15. 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**

16. 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 amended 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 and submit an environmental audit every six months for the duration of each of the planned construction phases. A final environmental audit report must be submitted to the Competent Authority within three months after the completion of each of the planned construction phases. The aforementioned environmental audit report must be submitted prior to the commencement of the next phase.

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**

17. 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.

18. 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.

19. The development areas for each of the construction phases must be clearly demarcated prior to commencement of clearing and construction activities for that particular phase. All areas outside the development footprint must be treated as no-go areas.
20. A Search and Rescue operation must be conducted within the development footprint before the commencement of each of the planned construction phases, during late autumn and late spring. Red data species, bulbs, succulents and any other species deemed to be transplantable must be relocated to areas already under rehabilitation or into the remaining property. This relocation must be undertaken by a suitably qualified and experienced botanical specialist prior to commencement of clearing activities and confirmation thereof submitted to CapeNature.

## **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 activities.
2. Non-compliance with a condition of this Environmental Authorisation or amended EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activities, 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, other than those mentioned above, 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 Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> 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 [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@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 2659, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@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

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**MR. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 11 DECEMBER 2020

CC: (1) Ms M Naylor (Lornay Environmental Consulting)  
(2) Mr B. Kondokter (Overstrand Municipality)  
(3) Mr F. Kotze (Overberg District Municipality)  
(4) Mr C. van der Walt (Department of Agriculture)  
(5) Ms C. Rampartab (CapeNature)  
(6) Mr R. le Roux (BGCMA)

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ANNEXURE 1: LOCALITY MAP

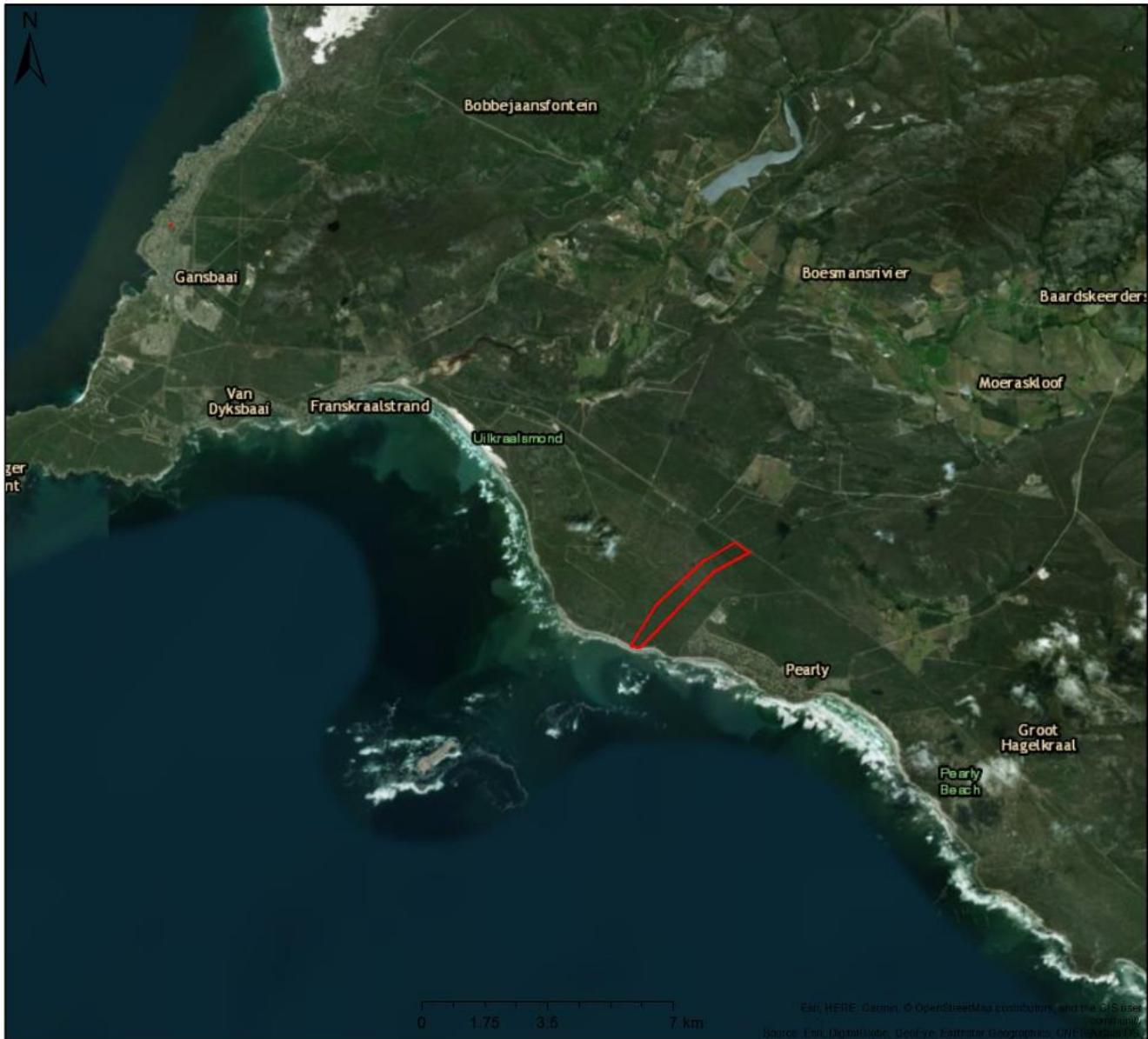


Figure 1: Locality map depicting the location of the proposed abalone farm on a Portion of Remainder of Farm No. 385, Pearly Beach.



# ANNEXURE 2: SITE DEVELOPMENT PLAN

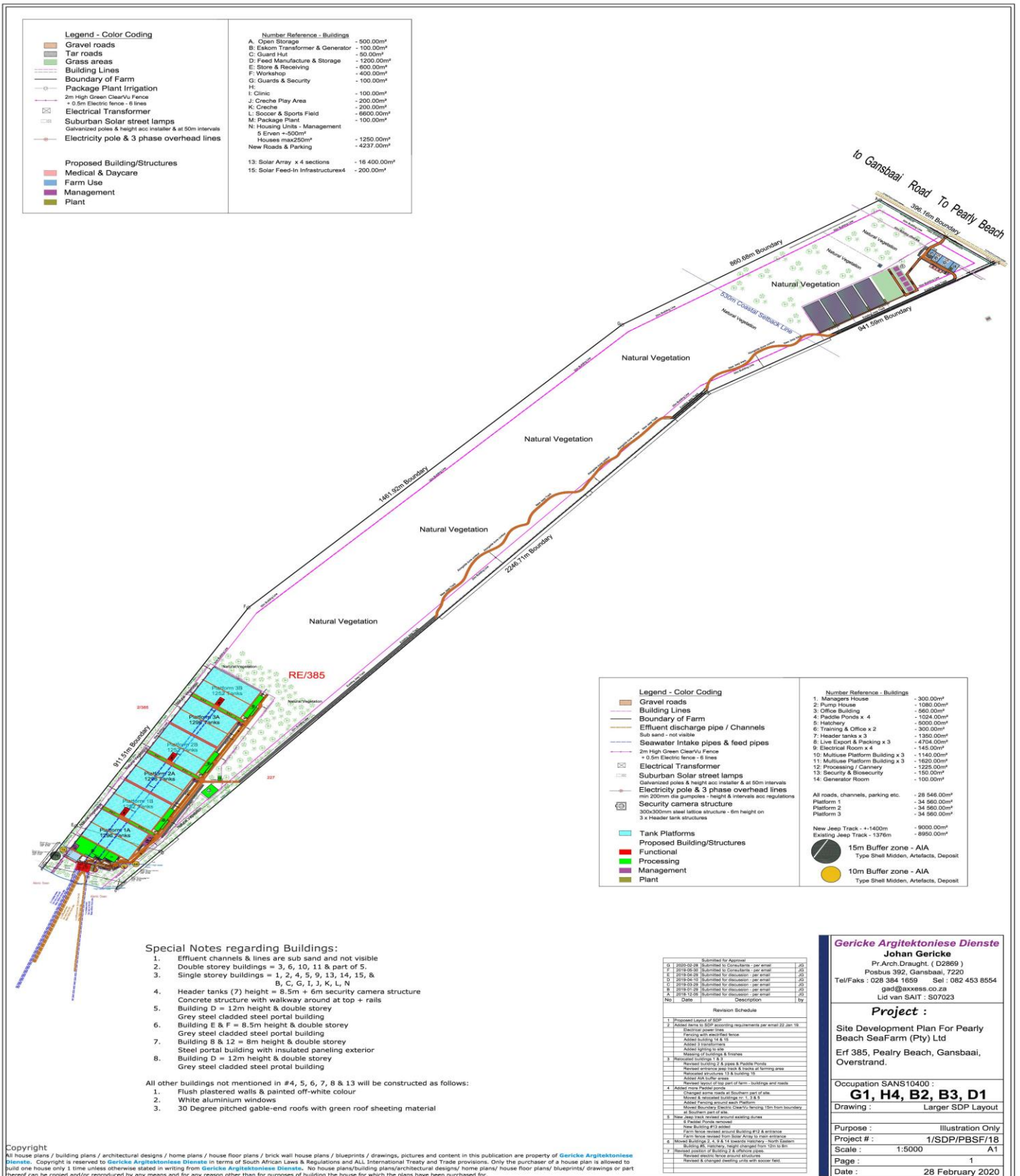


Figure 2: Site Development Plan of the areas for construction on a Portion of Remainder of Farm No. 385, Pearly Beach





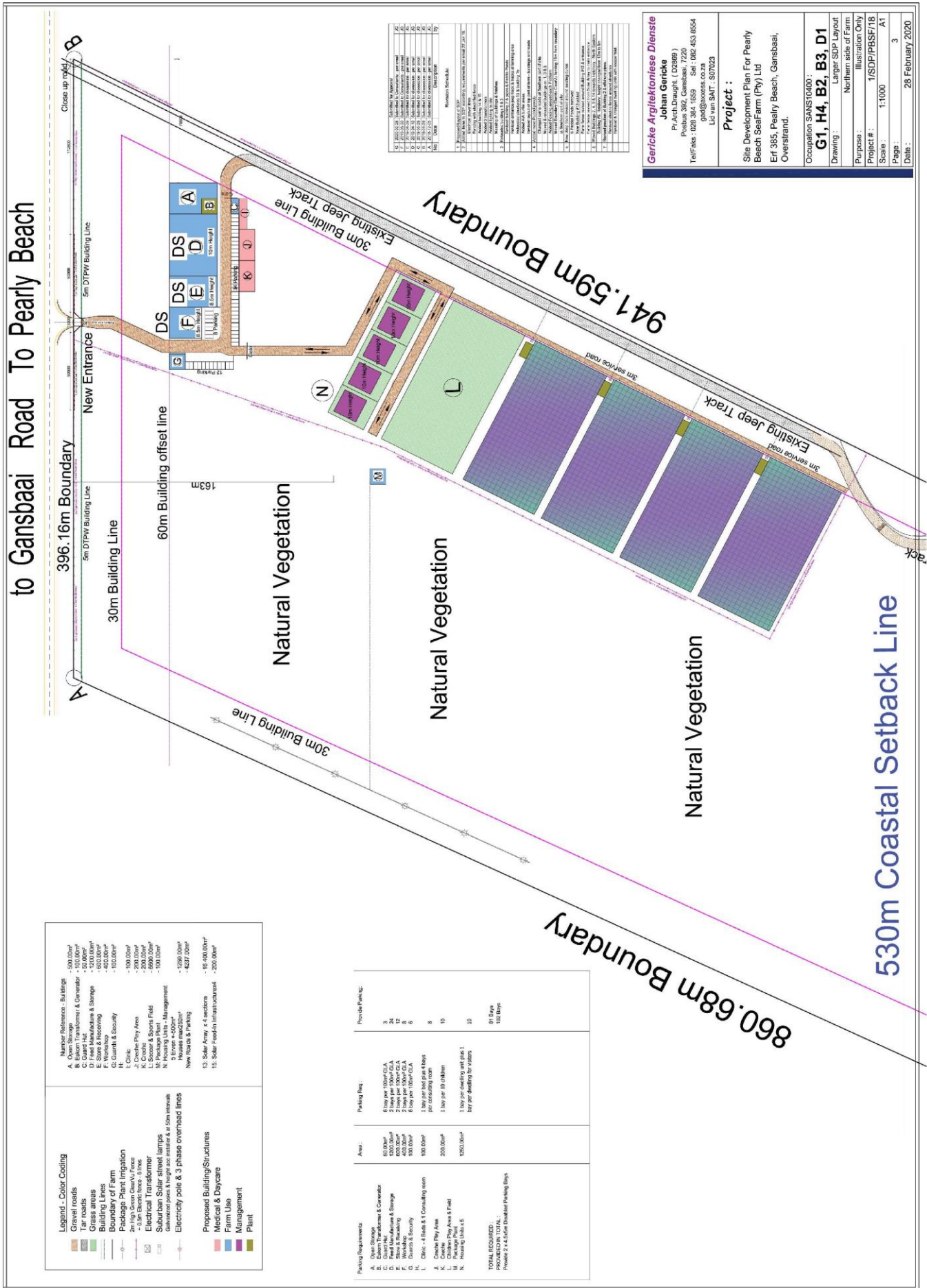


Figure 4: Site Development Plan of the northern development node on a Portion of Remainder of Farm No. 385, Pearly Beach

### **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 received by the Department on 22 June 2020, the final BAR dated 27 August 2020, the EMPr and MMP submitted together with the final BAR and the additional information received between 2 December 2020 and 8 December 2020;
- 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 27 August 2020; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

The Competent Authority conducted a site visit on the 11 December 2020.

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 on 9 July 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 9 July 2019, 10 July 2019, 11 July 2019, 29 November 2019, 2 December 2019, 15 January 2020 and 9 July 2020;
- the placing of a newspaper advertisement in the "Gansbaai Courant" on 11 July 2019;
- fixing notice boards at the site where the listed activities is to be undertaken;
- making the pre-application draft BAR available to I&APs for public review from 11 July 2019 and a second pre-application draft BAR from 2 December 2019;
- a site meeting and project presentation were conducted by the Environmental Assessment Practitioner and attended by officials from the Department of Environmental Affairs: Oceans and Coasts (now known as the Department of Environment, Forestry and Fisheries) and officials from Cape Nature, on 26 September 2019;
- a meeting and presentation were conducted by the Environmental Assessment Practitioner and officials from the Overstrand Municipality on 13 November 2019; and
- making the in-process draft BAR available to I&APs for public review from 9 July 2020.

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

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process, and has included appropriate conditions in this Environmental Authorisation, amended MMP and in the amended EMPr.

## 2. Alternatives

The following alternatives were considered:

### Alternative 1:

The option of not developing the abalone farm was considered. However, it is not preferred since it will not provide an opportunity to increase the economic viability of the farm, job creation and community upliftment.

### Layout Alternative 2:

This alternative entails the development of the solar and abalone farm and associated activities across two distinct development nodes (north and south) on a Portion of Remainder of Farm No. 385, Pearly Beach. This alternative is similar to Layout Alternative 3, except that the entire development will be located within the 100m high-water mark of the sea.

This alternative is not preferred because the position of the entire development within the 100m high-water mark of the sea, exposes the entire facility to a high-risk zone associated with an increase in storm surges and sea level rise.

### Layout Alternative 3 (herewith authorised):

The alternative entails the development of an abalone facility on a Portion of Remainder of Farm No. 385, Pearly Beach. The facility will produce 960 tons of abalone at full capacity and will include an on-site hatchery, feed manufacturing facility and storage area, a processing area, administration buildings, staff houses and associated infrastructure. A solar electricity component will form part of the development, which includes a 2ha ground mounted solar array and approximately 10ha raised solar array. The combined electricity output of the proposed solar electricity component will be no more than 10MW. The electricity that will be generated will be used for the abalone facility and will not be a commercial electricity generation facility. The entire development footprint will be approximately 19ha. The development will be split into two distinct development nodes, namely:

<b>Southern Node Development Areas</b>	<b>Size (m<sup>2</sup>)</b>
Manager's house	300
Pump house	1 080
Office building	560
Paddle ponds x 4	1024
Hatchery	5 000
Training room and office x 2	300
Header tanks x 3	1 350
Live export and packing area x 3	4 704
Electrical room x 4	145
Multi-use platform building x 3	1 140
Multi-use platform building x 3	1 620

Processing/ Cannery	1 225
Security and biosecurity	150
Generator room	100
Roads, channels and parking areas	28 546
Platform 1	34 560
Platform 2	34 560
Platform 3	34 560
New jeep track	9000
Raised solar array	0
TOTAL	<u>159924</u> <u>(15.99ha)</u>

<b>Northern node development areas</b>	<b>Size (m<sup>2</sup>)</b>
Open storage area	500
Electrical transformer and generator	100
Guard hut	50
Feed manufacture and storage area	1200
Store and receiving area	600
Workshop	400
Guards and security area	100
Clinic	100
Crèche play area	200
Crèche	200
Soccer and sports field	6600
Package plant	100
Staff houses of 250m <sup>2</sup> each on a 500m <sup>2</sup> erf (500m <sup>2</sup> x 5)	2500
New roads and parking areas	4237
Ground mounted solar array	16 400
Solar feed infrastructure	200
TOTAL	33487 (3.34ha)

Intake and outlet pipelines will be developed. This will comprise six concrete, enclosed culvert pipelines, which will be routed from the land out to the sea. Each pipeline will be 3m wide by 2m high and approximately 400m in length. Each pipeline will abstract and discharge seawater at 6000m<sup>3</sup> per

hour. Potable water will be sourced from an existing borehole and rainwater will be collected from buildings and solar panels. Conservancy tanks will be used to treat sewage and wastewater. Package plants will also form part of the development for on-site sewage treatment. The existing jeep track, which is located on the eastern boundary of the site, will be used for access to the site. The existing jeep track will be upgraded to a hardened dirt track and internal roads will be developed. The electrical line, which is located on the northern end of the R43 Road, will be extended onto the site. Solid waste will be accommodated by the local municipality. The development will be undertaken in six phases and the remainder of the farm will be managed as a conservation area.

This alternative is preferred since:

- the non-essential components (components that do not rely on fresh seawater) were either moved to be located outside the 100m high-water mark of the sea, the coastal setback line and the high-risk zone or their footprints were reduced so that they are located outside of the 100m high-water mark of the sea. This resulted in the reduction of groundwork required on the fore dune area.
- it will be visually less intrusive than the other alternative considered and will allow for public access to the beach.
- it makes provision for ecological corridors connecting the eastern and western boundaries of the property to allow for movement of flora and fauna.
- the southern security fence will be located behind the fore dunes, which is visually less intrusive and preferred in terms of public access to the beach area.
- it takes into consideration the position of archaeological sites, which have been incorporated into the ecological corridors.
- from a botanical perspective, this option is preferred since the sensitive coastal areas will not be encroached upon.

### **3. Impact Assessment and Mitigation measures**

#### **3.1 Activity Need and Desirability**

The National Aquaculture Policy Framework (2013) has been highlighted as one of the key pillars in achieving the objectives of the National Development Plan (2030) to reduce poverty, unemployment and inequality. Marine Aquaculture has been identified as an important sector for development in South Africa and is supported by initiatives such as Operation Phakisa, based on the sustainable food production opportunities that this type of development presents.

An Environmental Authorisation was previously issued for the establishment of an Aquaculture facility on the property, but was not implemented within the validity period of the authorisation. The proposed development will be self-sufficient in terms of electricity generation, through the establishment of an on-site solar electricity generation facility. At full production, the development will provide approximately 1000 operational jobs.

#### **3.2 Biodiversity and Biophysical Impacts**

The property is located in the Overberg Municipal area, approximately 1.5 km west of Pearly Beach. The site is classified as a Critical Biodiversity Area (CBA). According to the Botanical Assessment compiled by Fynbos EcoCapes dated 3 April 2020, most of the area is characterized by Overberg Dune Strandveld, which is classified as least threatened in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). There is also Agulhas Limestone Fynbos, classified as vulnerable in terms of Section 52 of NEMBA, in a narrow belt near the R43 Road. A few small islands of calcrete outcrops are present within the Agulhas Limestone Fynbos towards the centre of the site. Three Red Data species were identified by the botanical specialist. Given the presence of these species and the likelihood of others, a search and rescue operation (included in Section E, Condition 20) of all conservation worthy species will be conducted. Although approximately 19ha of natural vegetation will be removed as a result of the proposed development, the conservation of the remainder of the site (approx.



98 ha) will be undertaken in accordance with the Conservation Management Plan submitted as part of the application. The remainder of the site will be secured as a Conservation Servitude to further protect the ecological corridor on the property. The potential impacts on vegetation that may result from the proposed development will be further mitigated by the implementation of the conditions of this Environmental Authorisation and the mitigation measures in the EMPr (to be approved in Section E, Condition 9).

There are no marine protected areas in the immediate vicinity of the project area. The installation of the intake and discharge structures would require trenching in the intertidal and shallow subtidal zones to a suitable depth, as well as concrete work to provide support to the pipeline and stability on the seabed. Despite the unavoidable disturbance of the intertidal and shallow subtidal habitats, the activities would remain localised and confined to within a hundred metres of the intake and discharge structures with rapid natural recovery of disturbed habitats expected. The potential impacts on marine features that may result from the proposed development will be further mitigated by the implementation of the maintenance measures of the MMP (once adopted) and the mitigation measures in the EMPr (to be approved in Section E, Condition 9).

### 3.3 Construction Phase Impacts

Noise during the construction phase is anticipated, but will be of a temporary nature and noise during the operational phase will be negligible. Generators will be placed in soundproof rooms to prevent noise pollution.

### 3.4 Visual Impact

The findings of the Visual Impact Assessment dated June 2019, concluded that the abalone farm will have medium visual impact significance with mitigation. The staff houses will have low visual impact significance, since it will be screened by the abalone production and storage buildings. The larger buildings will be located within low-lying areas on the site. The height of the frontal dunes will be increased to a minimum of 6m to provide visual screening and the height of all buildings in the proposed development will be reduced to between 8.5m and 10m. All inlet and outlet pipelines will be installed underground.

### 3.5 Heritage and Archaeological Impact

Eleven Later Stone Age archaeological sites have been identified on the property. Four sites of medium significance and six of low significance were identified within the development area and one site was recorded but not considered for mitigation, since it is located outside of the project area. The site layout plan has been amended to avoid these areas. No graves, either formal or informal were identified on the site.

### 3.6 Traffic Impact

The development of the facility will result in an increase in traffic on the road network during the construction phase and the operational phase. The Traffic Impact Assessment dated 3 October 2019, conducted by Deca Consulting Engineers, concluded that the proposed development will be accommodated subject to the implementation of the recommendations made in the abovementioned Traffic Impact Assessment. These have been included in the EMPr to be approved in Section E, Condition 9.

### 3.7 Waste and Discharge impacts

General waste generated by the development will be transported to the municipal waste disposal site. Solid waste from the processing and cannery operations, which includes viscera and shells, will also be accommodated by the municipal waste disposal site. However, these waste elements are regarded as raw material in some manufacturing processes, and may therefore rather be sold than disposed of at a landfill site. The effluent from these areas will be filtered to remove solids, fractionated and ozoned before discharge and will be in line with the conditions of



the Coastal Waters Discharge Permit. Sewage will be collected in a closed conservancy tank system and will be disposed of at the municipal treatment works. Once the development expands, package plants will be installed for on-site sewage treatment. None of the sewage infrastructure will be located within the 100m high-water mark of the sea. During the operational phase, discharge of effluent water is not likely to cause any negative effects on the marine environment due to the quality of the discharge water, which will be monitored on a regular basis and will be in line with the conditions of the Coastal Waters Discharge Permit. Mitigation measures have been included in the EMP to be approved.

The development will result in both negative and positive impacts.

**Negative Impacts:**

- The development will result in the loss of natural vegetation, which will be effectively mitigated to a low negative significance.
- It was determined that the potential negative impacts during the construction phase of the development, such as noise, traffic and visual impacts, will be of low significance after mitigation.

**Positive impacts:**

- The development contributes to sustainable development and investment in the area, while also providing additional employment opportunities.
- The remainder of the farm will be managed as a conservation area, with a Conservation Servitude being registered on the property.
- The development will generate renewable energy and the possibility to feed excess power into the municipal grid exists.
- The development is supported by the Department of Environment, Forestry and Fisheries as well as initiatives such as Operation Phakisa.

#### **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 amended EMPr and the amended MMP, the Competent Authority is satisfied that the proposed listed activities 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 activities can be mitigated to acceptable levels.

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