



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 1)

**EIA REFERENCE:** 16/3/3/2/E2/4/1027/18  
**NEAS REFERENCE:** WCP/EIA/0000411/2018  
**ENQUIRIES:** Lorretta Osborne  
**DATE OF ISSUE:** 2019 -03- 0 8

The Board of Directors  
Irvin & Johnson Limited  
PO Box 1628  
**CAPE TOWN**  
8000

**Attention: Mr M Ahmed**

Tel: (021) 440 7251  
E-mail: [Ashaque@ij.co.za](mailto:Ashaque@ij.co.za)

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE EXPANSION OF AN EXISTING ABALONE FARM ON REMAINDER OF FARM KLIPFONTEIN NO. 711, DANGER POINT NEAR GANSBAAI**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt** the MMP, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Mr J Crowther/ Mr J Blood (SLR Consulting (South Africa))  
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## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE EXPANSION OF AN EXISTING ABALONE FARM ON REMAINDER OF FARM KLIPFONTEIN NO. 711, DANGER POINT NEAR GANSBAAI

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 preferred Layout Alternative and Access Alternative 2 described in the Environmental Impact Assessment Report ("EIAR"), dated October 2018.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) and (Listing Notices 1, 2 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the MMP** for the expansion of an existing abalone farm on Remainder of Farm Klipfontein No. 711, Danger Point near Gansbaai included as part of the Operational Environmental Management Programme as Appendix 9 in the EIAR dated October 2018.

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

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Irvin & Johnson Limited

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% Mr M Ahmed  
PO Box 1628  
**CAPE TOWN**  
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Tel: (021) 440 7251  
E-mail: [Ashaque@ij.co.za](mailto:Ashaque@ij.co.za)

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

**B. LIST OF ACTIVITIES AUTHORISED**

<b>Listed Activities</b>	<b>Activities/Project Description</b>
<p>Listing Notice 1 of 2014-</p> <p><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> <p><i>(i) the electricity output is more than 10 megawatts but less than 20 megawatts; or</i></p> <p><i>(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></i></p> <p><i>excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs -</i></p> <p><i>(a) within an urban area; or</i></p> <p><i>(b) on existing infrastructure.</i></p>	<p>The development entails the construction of a photovoltaic power plant of up to 10 megawatts and covering an area of 2.5 hectares.</p>

<p>Listing Notice 1 of 2014-</p> <p><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>  <i>(ii) 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>  <i>(iii) the sea-</i></p> <p><i>but excluding where such infilling, depositing, dredging excavation, removal or moving-</i></p> <p><i>(f) will occur behind a development setback;</i>  <i>(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i>  <i>(h) 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>Infilling or depositing and excavation of more than 5 cubic metres of material will take place within and removed from the seashore, littoral active zone and the sea.</p>
<p>Listing Notice 1 of 2014-</p> <p><b>Activity Number: 34</b></p> <p><i>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-</i></p> <p><i>(i) where the facility, infrastructure, process or activity is included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case</i></p>	<p>The expansion of the facility will result in the need to amend the current Coastal Waters Discharge Permit for the additional effluent discharge, which would be greater than 50 cubic metres per day.</p>

<p>the National Environmental: Waste Act, 2008 applies;</p> <p>(ii) the expansion of existing facilities or infrastructure for the treatment of effluent, wastewater, polluted water or sewage where the capacity will be increased by less than 15 000 cubic metres per day; or</p> <p>(iii) <b>the expansion is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will be increased by 50 cubic metres or less per day.</b></p>	
<p>Listing Notice 1 of 2014 –</p> <p><b>Activity Number: 41</b></p> <p>The expansion and related operation of facilities, infrastructure or structures for aquaculture of-</p> <p>(i) finfish, crustaceans, reptiles or amphibians, where the annual production output of such facility, infrastructure or structures will be increased by 20 000kg (wet weight) or more;</p> <p>(ii) molluscs and echinoderms where the annual production output of such facility, infrastructure or structures will be increased by 30 000kg (wet weight) or more; or</p> <p>(iii) <b>aquatic plants where the annual production output of such facility, infrastructure or structures will be increased by 60 000kg (wet weight) or more;</b></p> <p>excluding where the expansion of facilities, infrastructure or structures is for purposes of sea-based cage culture in which case activity 42 in this Notice will apply.</p>	<p>The expansion of the facility will result in the increase of annual production output and the production of additional seaweed.</p>
<p>Listing Notice 1 of 2014 –</p> <p><b>Activity Number: 43</b></p> <p>The expansion and related operation of hatcheries or agri-industrial facilities outside industrial complexes, where the development footprint of the hatcheries or agri-industrial facilities will be increased by 2000 square metres or more.</p>	<p>The development will be expanded outside of an industrial complex.</p>
<p>Listing Notice 1 of 2014 –</p> <p><b>Activity Number: 46</b></p> <p>The expansion and related operation of infrastructure for the bulk transportation of sewage, effluent, process water, wastewater, return water, industrial discharge or slimes</p>	<p>The expansion and related operation of infrastructure (abstraction and delivery pipes) will be expanded with an internal diameter of 0.6 metres for the bulk transportation of seawater intake and return water. The throughput capacity will be increased by more than 10%.</p>

<p>where the existing infrastructure-</p> <ul style="list-style-type: none"> <li>(i) <b>has an internal diameter of 0.36 metres or more;</b> or</li> <li>(ii) has a peak throughput of 120 litres per second or more; and</li> <li>(a) where the facility or infrastructure is expanded by more than 1000 metres in length; or</li> <li>(b) <b>where the throughput capacity of the facility or infrastructure will be increased by 10% or more;</b></li> </ul> <p>excluding where such expansion-</p> <ul style="list-style-type: none"> <li>(aa) related to transportation of water or storm water within a road reserve or railway line reserve; or</li> <li>(bb) will occur within an urban area.</li> </ul>	
<p>Listing Notice 1 of 2014 –</p> <p><b>Activity Number: 52</b></p> <p>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.</p>	<p>The expansion of the facility will increase the development footprint by more than 50 square metres in the coastal public property.</p>
<p>Listing Notice 1 of 2014 –</p> <p><b>Activity Number: 54</b></p> <p>The expansion of facilities-</p> <ul style="list-style-type: none"> <li>(i) in the sea;</li> <li>(ii) in an estuary;</li> <li>(iii) <b>within the littoral active zone;</b></li> <li>(iv) in front of a development setback; or</li> <li>(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;</li> </ul> <p>in respect of-</p> <ul style="list-style-type: none"> <li>(a) fixed or floating jetties and slipways;</li> <li>(b) tidal pools;</li> <li>(c) embankments;</li> <li>(d) rock revetments or stabilising structures including stabilising walls; or</li> <li>(e) <b>infrastructure or structures where the development footprint is expanded by 50 square metres or more,</b></li> </ul> <p>but excluding-</p> <ul style="list-style-type: none"> <li>(aa) the expansion of infrastructure or structures within existing ports or harbours</li> </ul>	<p>The abstraction pipelines may require stabilizing structures to ensure they are not damaged by wave action.</p>

<p>that will not increase the development footprint of the port or harbour; or (bb) where such expansion occurs within an urban area.</p>	
<p>Listing Notice 2 of 2014 –</p> <p><b>Activity Number: 15</b></p> <p>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-</p> <p>(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The expansion of the facility would require the clearance of an area of approximately 40 hectares of indigenous vegetation.</p>
<p>Listing Notice 3 of 2014 –</p> <p><b>Activity Number: 4</b></p> <p>The development of a road wider than 4 metres with a reserve less than 13.5 metres.</p> <p>(i) Western Cape:</p> <p>i. areas zoned for use as public open space or equivalent zoning ii. <b>areas outside urban areas;</b> <b>(aa) areas containing indigenous vegetation;</b> (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 iii. Inside urban areas: (aa) areas zoned for conservation use; or (bb) areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>A road will be developed outside an urban area, which contains indigenous vegetation.</p>
<p>Listing Notice 3 of 2014 –</p> <p><b>Activity Number: 12</b></p> <p>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.</p> <p><b>Western Cape</b></p> <p>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</p>	<p>Clearance of more than 300 square metres of indigenous vegetation within the littoral active zone or 100 metres inland from the high-water mark of the sea will be required.</p>

<p><i>endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p>ii. <i>within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <b><i>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;</i></b></p> <p>iv. <i>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>v. <i>on land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></p>	
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The abovementioned list 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 expansion of an existing abalone farm at Danger Point in Gansbaai from 500 tons per annum (t/a) to 1700 t/a. The total footprint to be developed will be approximately 40 hectares. The development will take place in three phases namely:

Phase 1 will cater for an additional 600 t/a production:

This phase entails the development of:

- An intake facility located on the south-western side of the headland, approximately 160 metres offshore at a water depth of approximately 2 to 3 metres;
- Eight abstraction pipelines (60 centimetres in diameter) installed on concrete casted pedestals along the seabed from the intake facility to a new onshore pump house (220 square metres);
- Delivery pipelines from the pump house to an elevated header tank(s) (2000 cubic metres in total), and from the header tank(s) to a grow-out platform;
- A 6 hectare grow out platform for abalone tanks, seaweed production ponds, sumps and re-circulation facility/ tank;
- An effluent channel or discharge pipeline for coastal discharge from the grow-out platform, located on the north-western side of the headland; and
- Associated buildings (e.g. offices, ablutions, grading and processing areas, pack house etc.).

This phase will have a total development footprint of approximately 15 hectares and will be developed over a period of five to eight years.

Phase 2 will cater for an additional 300 t/a production:

This phase entails the development of:



- Additional infrastructure, including seawater intake pipelines, a pump house and eight delivery pipelines located on the north-western side of the headland;
- Delivery pipelines to an elevated header tank(s) (200 cubic metres in total);
- A 6 hectare grow-out platform for abalone tanks, seaweed production ponds, sumps and re-circulation facility/ tank;
- An approximately 300-metre-long effluent discharge pipeline or effluent channel located on the north-western side of the headland which would extend into the tidal zone; and
- Associated buildings (e.g. offices, ablutions, grading and processing areas etc.).

This phase will have an additional footprint of approximately 11 hectares and will be developed over a period of five years after Phase 1.

Phase 3 will cater for an additional 300 t/a production:

This phase entails the development of:

- A 6 hectare grow-out platform for abalone tanks, seaweed production ponds, sumps and re-circulation facility/ tank; and
- An approximately 200-metre-long effluent discharge pipeline or effluent channel located on the north-western side of the headland which would extend into the tidal zone.

This phase will have an additional footprint of approximately 8 hectares and will be developed over a period of four years after Phase 2.

In addition to the development phases, conservancy tanks will be used to treat sewage and wastewater. Access to the development will be provided via Van Bloemenstein Street and the development of a new 2.5 kilometre road. Electricity, water supply and solid waste services will be provided by the Overstrand Municipality. A photovoltaic power plant of up to 10 MVA with a development footprint of 2.5 hectares will also be developed to offset the electricity usage.

### **C. SITE DESCRIPTION AND LOCATION**

The listed activities will be undertaken on Remainder of Farm Klipfontein No. 711, Danger Point near Gansbaai.

The SG21 digit code is: C01300090000000000711,

Co-ordinates: Latitude: 34° 37' 40.46" South  
Longitude: 19° 17' 53.08" East,

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

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

### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

SLR Consulting (South Africa)  
% Mr J Blood  
PO Box 10145  
**CALEDON SQUARE**  
7905

Tel.: (021) 461 1118

Fax: (021) 461 1120

## **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, preferred Layout Alternative and Access Alternative 2, described in the EIAR dated October 2018 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The construction of all three phases of the expansion of the abalone farm must be concluded within **twenty years** from the date of commencement 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 clearing and construction activities. The notice must:
  - 6.1 make clear reference to the site details and EIA Reference number given above; and
  - 6.2 also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 12, 18, 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 of issue of this Environmental Authorisation. 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 activities, including site preparation, must not commence until the appeal is decided.

#### **Management of activities**

9. The draft Construction Environmental Management Programme and the Operational Environmental Management Programme (hereinafter referred to as the "EMPr") dated October 2018, submitted as part of the application for Environmental Authorisation, is hereby approved and must be implemented.
10. The MMP adopted as part of this Environmental Authorisation must be implemented.
11. The EMPr and 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 clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, 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.
14. 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**

15. 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 EMP, MMP, 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 an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

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**

16. 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 palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts 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.

17. 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.
18. 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.
19. A Search and Rescue operation must be conducted within the development footprint during late autumn and late spring. 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.

20. A Workplan for conducting test excavations across the proposed expansion site for each phase must be submitted to Heritage Western Cape prior to commencement of clearing and construction activities for approval and must also be submitted to this Department for record keeping purposes.

## **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 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 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 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 Jaap de Villiers (Tel: 021 483 3721)  
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 [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).

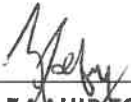
- A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## 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



**MR ZAHIR TOEFY**

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

DATE OF DECISION: 08/03/2019

CC: (1) Mr J Crowther/ Mr J Blood (SLR Consulting (South Africa))  
(2) [bkondokter@overstrand.gov.za](mailto:bkondokter@overstrand.gov.za) (Overstrand Municipality)  
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## ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map of Remainder of Farm Klipfontein No. 711, Danger Point near Gansbaai



## ANNEXURE 2: SITE PLAN

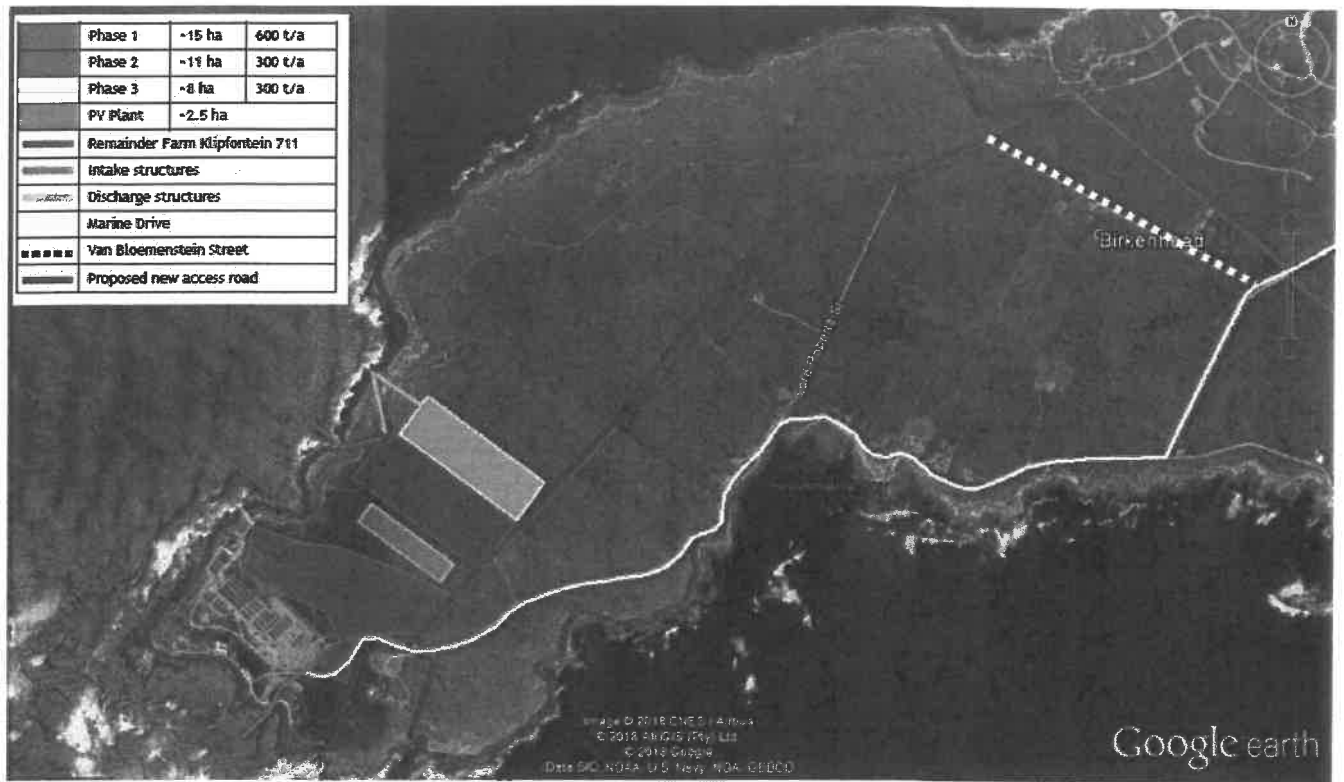


Figure 2: Site Plan of the areas for construction on Remainder of Farm Klipfontein No. 711, Danger Point near Gansbaai

## **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 submitted on 19 April 2018, the Scoping Report submitted on 1 June 2018 and the EIAR dated October 2018, the EMPr and the MMP submitted together with the EIAR on 31 October 2018 and the additional information dated 13 November 2018 and 6 December 2018;
- 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 the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the EIAR dated October 2018 and the additional information dated 13 November 2018 and 6 December 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures;

No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

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:

- Giving written notices and Background Information documents 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 15 November 2017, 8 January 2018, 19 April 2018 and 7 September 2018;
- Placing site notices on 16 November 2017;
- Placing a newspaper advertisement in the "Hermanus Times" newspaper and "Gansbaai Courant" newspaper on 16 November 2017;
- Public meetings were held on 12 January 2018 and 26 February 2018;
- Circulating the in-process draft Scoping Report to I&APs for public review from 20 April 2018; and
- Circulating the draft EIAR for comment to I&APs for public review from 7 September 2018.

All 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 concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process, and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

## 2. Alternatives

The following alternatives were considered:

### Preferred Layout Alternative (Herewith authorised):

This alternative entails the expansion of an existing abalone farm at Danger Point in Gansbaai from 500 tons per annum (t/a) to 1700 t/a. The total footprint to be developed will be approximately 40 hectares. The development will take place in three phases namely:

Phase 1 will cater for an additional 600 t/a production:

This phase entails the development of:

- An intake facility located on the south-western side of the headland, approximately 160 metres offshore at a water depth of approximately 2 to 3 metres;
- Eight abstraction pipelines (60 centimetres in diameter) installed on concrete casted pedestals along the seabed from the intake facility to a new onshore pump house (220 square metres);
- Delivery pipelines from the pump house to an elevated header tank(s) (2000 cubic metres in total), and from the header tank(s) to a grow-out platform;
- A 6 hectare grow out platform for abalone tanks, seaweed production ponds, sumps and re-circulation facility/ tank;
- An effluent channel or discharge pipeline for coastal discharge from the grow-out platform, located on the north-western side of the headland; and
- Associated buildings (e.g. offices, ablutions, grading and processing areas, pack house etc.).

This phase will have a total development footprint of approximately 15 hectares and will be developed over a period of five to eight years.

Phase 2 will cater for an additional 300 t/a production:

This phase entails the development of:

- Additional infrastructure, including seawater intake pipelines, a pump house and eight delivery pipelines located on the north-western side of the headland;
- Delivery pipelines to an elevated header tank(s) (200 cubic metres in total);
- A 6 hectare grow-out platform for abalone tanks, seaweed production ponds, sumps and re-circulation facility/ tank;
- An approximately 300-metre-long effluent discharge pipeline or effluent channel located on the north-western side of the headland which would extend into the tidal zone; and
- Associated buildings (e.g. offices, ablutions, grading and processing areas etc.).

This phase will have an additional footprint of approximately 11 hectares and will be developed over a period of five years after Phase 1.

Phase 3 will cater for an additional 300 t/a production:

This phase entails the development of:

- A 6 hectare grow-out platform for abalone tanks, seaweed production ponds, sumps and re-circulation facility/ tank; and
- An approximately 200-metre-long effluent discharge pipeline or effluent channel located on the north-western side of the headland which would extend into the tidal zone.

This phase will have an additional footprint of approximately 8 hectares and will be developed over a period of four years after Phase 2.

In addition to the development phases, conservancy tanks will be used to treat sewage and wastewater. Access to the development will be provided via Van Bloemenstein Street and the development of a new 2.5 kilometre road. Electricity, water supply and solid waste services will be provided by the Overstrand Municipality. A photovoltaic power plant of up to 10 MVA with a development footprint of 2.5 hectares will also be developed to offset the electricity usage.

This alternative is preferred since it is less intrusive on the skyline as seen from Marine Drive scenic route. The layout takes into consideration the vegetation on site and heritage buffers around significant heritage features.

#### Intake and Discharge pipeline options:

Effluent seawater may be discharged via a channel or pipeline. Pipelines are the preferred option since it will be buried and the construction areas rehabilitated afterwards, which would ensure connectivity along the coastal zone and minimise the impact on ecological processes.

#### Powerline options:

A powerline will be developed to connect phase 1 and phase 2 to the photovoltaic power plant on the site. It is preferable to develop the powerline underground to reduce the visual impact.

#### Access Alternative 1:

This alternative entails the use of the existing coastal access road (Marine Drive) by all traffic to and from the expanded abalone facility.

This alternative was not preferred since it will result in a negative traffic impact along Marine Drive.

#### Access Alternative 2 (herewith Authorised):

This alternative entails the use of Van Bloemenstein Street and a new 2.5 kilometre surfaced road aligned along the existing powerline on the property by all traffic to and from the expanded abalone facility.

From a traffic engineering perspective, this alternative is preferred in terms of safety for employees, surrounding residents and pedestrians. It will also result in the lowest noise levels.

#### Access Alternative 3:

This alternative entails the use of Van Bloemenstein Street and a new 2.5 kilometre surfaced road aligned down the middle of the property by all traffic to and from the expanded abalone facility.

This alternative was not preferred since it would encroach on the remaining intact portion of indigenous vegetation on the site.

#### "No-Go" Alternative:

The option of not expanding the current facility 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.

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

#### 3.1 Activities need and desirability

Currently the demand for abalone surpasses the supply of the commodity, resulting in large scale poaching. The expansion will help to address the growing demand for abalone. It will also lead to more efficient operation of the existing Abalone Culture Division, which will increase job security.

#### 3.2 Biodiversity and Biophysical Impacts

The facility is located on Remainder of Farm Klipfontein No. 711, Danger Point and is situated approximately 8 kilometre south-west of Gansbaai. The expansion of the facility requires the clearance of approximately 40ha of natural vegetation. According to the Botanical Assessment, 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") including two patches of Agulhas Limestone Fynbos, which is classified as vulnerable in terms of Section 52 of NEMBA. Large portions of the site are mapped as a Critical Biodiversity Area and an Ecological Support Area. Some thicket species are present on the leeward side of an old coastal dune and calcrete outcrops are present on the site. Furthermore, minimal alien vegetation species are present on the property. Some conservation worthy species have been noted, which includes, *inter alia*: *Diosma demissa* and *Satyrium carneum*. Given the presence of these species and the likelihood of others, a search and rescue operation (included in Section E, Condition 19) of all conservation worthy species will be commissioned. 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 (accepted 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 and the mitigation measures in the EMPr.

An MMP has been compiled to address routine maintenance activities taking place in the affected area of the seashore. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

### 3.3 Construction Phase Impacts, e.g. Noise, Dust

The construction phase of the development will result in dust impacts. However, this impact will be of low significance with the implementation of the mitigation measures in the EMPr.

Noise during the construction phase is anticipated, but will be of a temporary nature and noise during the operational phase will be negligible. With the implementation of mitigation measures from the Environmental Noise Specialist Study, dated September 2018, conducted by Airshed Planning Professionals, the residual noise impact would be of low significance.

### 3.4 Visual Impact

While the development will increase the footprint of the existing operation, the expansion will be set amongst the existing infrastructure which is located in the extreme western part of the site, well away from any other developed areas. In addition, the pipelines will be submerged as oppose to being exposed above ground. As the proposed development largely comprise of single-storey buildings and a relatively low profile photovoltaic power plant, it is only the upper portion of some of the double-storey buildings that would be marginally visible. The lowering of these buildings in the area of high visibility and the mitigation measures provided in the Visual Impact Assessment, dated August 2018, will minimize the impact on the surrounding environment significantly.

### 3.5 Traffic Impact

The expansion 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 July 2018, 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.

### 3.6 Heritage Impact

Numerous archaeological sites have been identified on the site, most of which are of low Grade III C archaeological significance. The most significant site identified within the development footprint is a well preserved shell midden. To mitigate the biophysical impact of the development, provisions are made to buffer the shell midden site and sensitive calccrete areas, while the remainder of the property will be conserved and managed accordingly.

The development will result in both negative and positive impacts.

The development will result in both negative and positive impacts.

**Negative Impacts:**

- The development will result in the loss of natural vegetation and impact on the marine resources during construction and operation, 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 will ensure the economic viability of the farm and provide additional employment opportunities.
- The remainder of the farm will be managed as a conservation area.

**4. National Environmental Management Act Principles**

The National Environmental Management 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, compliance with the EMPr and the 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 National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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