



Western Cape  
Government

Department of Environmental Affairs and Development Planning  
Development Management (Region 3)  
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**REFERENCE:** 16/3/3/1/D6/28/0027/19  
**ENQUIRIES:** Steve Kleinhans  
**DATE OF ISSUE:** 2020 -02- 07

The Managing Director  
AFRO FISHING (PTY) LTD  
PO Box 2752  
**Mossel Bay**  
6500

Attention: Mr. D. van Zyl

Tel: (044) 690 5520  
E-mail: deon@afrofishing.co.za

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL BASIC ASSESSMENT REPORT FOR THE PROPOSED AFRO FISHING FISHMEAL AND OIL REDUCTION FACILITY ON QUAY 2, PORT OF MOSSEL BAY, MOSSEL BAY**

1. The final Basic Assessment Report ("FBAR") dated 31 January 2020, received by this Department on 31 January 2020, refers.
2. This letter serves as an acknowledgment of receipt of the aforementioned document by this Department.
3. This Department will consider the Basic Assessment Report in accordance with the prescribed timeframes and advise you accordingly.
4. Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
5. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department. It is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an environmental authorisation for the undertaking of the activity. A person may be liable to prosecution for failing to comply with the requirements of Section 24F of the NEMA.
6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

**HEAD OF COMPONENT  
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Ref.: 16/3/3/1/D6/28/0027/19

Copied to:

EAP: Ms. Melissa Mackay (Cape EAPrac)  
Garden Route District Municipality: Air Quality Control  
Mossel Bay Municipality: Planning and Integrated Services

E-mail: mel@cape-eaprac.co.za  
E-mail: jschoeman@gardenroute.gov.za  
E-mail: cventer@mosselbay.gov.za



**PER E-MAIL / MAIL**

**EIA REFERENCE NUMBER:** 16/3/3/1/D6/28/0027/19  
**NEAS REFERENCE:** WCP/EIA/0000688/2019  
**ENQUIRIES:** Mr Steve Kleinhans  
**DATE OF ISSUE:** 27 JULY 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: THE PROPOSED AFRO FISHING FISHMEAL AND OIL REDUCTION FACILITY ON QUAY 2 OF THE PORT OF MOSSEL BAY, ON ERF 12459, MOSSEL BAY

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, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to **the Preferred Alternative** (*viz. Alternative 1*), described in the Final Basic Assessment Report ("FBAR"), dated 31 January 2020 as prepared and submitted by *Cape EAPrac*, the appointed environmental assessment practitioner ("EAP").

The applicant, as holder of 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 Managing Director  
Afro Fishing (Pty) Ltd.  
% Mr. Deon van Zyl  
PO Box 2752  
**MOSSEL BAY**  
6500

Tel: (044) 690 5520  
E-mail: deon@afrofishing.co.za

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter interchangeably referred to as "**the Holder**" or "**Afro Fishing**").

**B. LIST OF ACTIVITY/IES AUTHORISED**

Listed Activities	Activity/Project Description
<p><b>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)</b></p>	
<p>Activity Number: <b>34</b>                      Activity Description:</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> <ul style="list-style-type: none"> <li>(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 the National Environmental Management: Waste Act, 2008 applies;</li> <li>(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</li> <li>(iii) the expansion is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will be increased by 50 cubic meters or less per day.</li> </ul>	<p>The processing of fresh industrial fish to produce fishmeal intended for animal consumption triggers Category 10 of R893 of the NEM:AQA dated 22 November 2013.</p> <p>The increased volume of water to be discharged with the current effluent authorised in terms of the NEM:ICMA Coastal Waters Discharge Permit will require an amendment to the existing permit.</p>

The abovementioned list is hereinafter referred to as "**the listed activity**".

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

The expansion of the existing Afro Fishing facility situated on Erf 12459, Mossel Bay to include fishmeal and oil reduction processes on the current footprint of the old I&J facility, with a new canning store adjacent to the Afro Fishing store. The proposal entails the harvesting of industrial fish, e.g. anchovy, red-eye, etc. from local waters for the sole purpose of producing fishmeal and fish oil. The plant will have a capacity to process a maximum of approximately 1000 tons per day. The proposed project will produce fishmeal and fish oil products for export markets. The expansion project will include the following:

- (a) Fish meal and oil reduction plant;
- (b) Fish freezing plant;
- (c) Cold store;
- (d) Fish meal warehouse; and
- (e) New canned product warehouse

In addition to the above the following associated infrastructure will be constructed:

- A Re-regenerative Thermal Oxidiser facility to destroy Hazardous Air Pollutants (HAPs), Volatile Organic Compounds (VOCs) and odorous emissions that will be discharged from the industrial or manufacturing processes.
- Storage facilities for fish and fish-oil.
- An access gate between existing facility and proposed new expansion.
- Offices and dedicated parking areas.

### C. SITE DESCRIPTION AND LOCATION

The facility will be constructed on Quay 2 situated on Erf 12459 Mossel Bay and will be located immediately adjacent to the existing Afro Fishing cannery situated on Quay 1 of the Port of Mossel Bay. The facilities form part of the Port of Mossel Bay, on Erf 12459 in Mossel Bay, which falls under the management of the Transnet National Ports Authority. The port falls within the Port Limits for the Port of Mossel Bay as provided for in the National Ports Act, 2005 and gazetted on the 22<sup>nd</sup> January 2010.

Coordinates of the site:

Latitude (S)			Longitude (E)		
34°	10'	46"	22°	08'	59"

SG digit code: C05100070001245900000

Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plan of this Environmental Authorisation.

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

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

CAPE EA-PRAC	Tel: 044 874 0365
% Ms. Louise-Mari van Zyl / Ms. Melissa Mackay	Fax: 044 874 0432
PO Box 2070	E-mail: info@cape-eaprac.co.za
George	louise@cape-eaprac.co.za
6530	URL: www.cape-eaprac.co.za

### E. CONDITIONS OF AUTHORISATION

#### Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **31 July 2025**, the date on which the non-operational aspects (construction phase), including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

Further to the above, the Environmental Authorisation is subject to the following:

- 1.1. The Holder must start with the physical implementation of the facility and conclude the non-operational aspects (construction phase) on the site by 31 January 2025.

1.2. The post-construction rehabilitation and monitoring requirements must be finalised at the site within a period of 3-months from the date the development activities (construction phase) are concluded; but by no later than 31 January 2025.

**Note:** The post-construction rehabilitation and monitoring requirements should be completed at least six months prior to expiry of the validity period of an environmental authorisation to ensure the Holder is able to comply with the environmental auditing requirements in time.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activity specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 31 January 2020 on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the Preferred Alternative which entails:

The proposal the expansion of the current Afro Fishing facility situated on Quay 1 (on Erf 12459, Mossel Bay) to include fish meal and oil reduction processes on the footprint of the old I&J facility on Quay 2 on Erf 12459, Mossel Bay with a warehouse adjacent to the current Afro Fishing store.

The proposal entails the processing of harvested identified industrial fish species (e.g. anchovy, red-eye, etc.), from local waters for the sole purpose of producing fishmeal and fish oil.

The expansion will include the construction of the following structures/facilities:

- (a) Fish meal and oil reduction plant
- (b) Fish freezing plant
- (c) Cold store
- (d) Fish meal warehouse
- (e) New canned product warehouse

The reduction process will include the following unit operations:

- Cooking
- Pressing
- Liquid-solid separation
- Indirect steam drying
- Waste heat evaporation
- Oil-liquid separation
- Cooling / grinding / bagging
- Boilers for steam generation.

In addition to the above the following associated infrastructure will be constructed:

- A Re-generative Thermal Oxidiser facility to destroy Hazardous Air Pollutants (HAPs), Volatile Organic Compounds (VOCs) and odorous emissions that will be discharged from the industrial or manufacturing processes.
- Storage facilities for fish and fish-oil.
- An access gate between exiting facility and proposed new expansion.



The plant will have a capacity to process a maximum of approximately 1000 tons of raw fish per day to produce fish meal and fish oil products for export markets. The expansion will increase canned fish production of which a large percentage of the canned fish will go into the National Schools Nutrition Programme, where Afro Fishing (Pty) Ltd. supplies 'affordable protein' for the learners.

The expanded facility will emit odorous compounds and other emissions associated with the processing of the fish for fish meal and fish oil production. The main molecule associated with fish odour problems is Trimethylamine (TMA). In order to control and manage emissions at the facility, Re-generative Thermal Oxidation (RTO) technology will be implemented. The RTO destroys Hazardous Air Pollutants (HAPs), Volatile Organic Compounds (VOCs) and odorous emissions that are often discharged from industrial or manufacturing processes. It operates by burning the ducted air at temperatures of up to 850°C. The RTO represents the Best Available Technology (BAT) currently available in the world for odour management.

The facility will also have a two-stage scrubbing system (i.e. seawater and chemical scrubber), to remove particulate matter entrained during the cooling stage of the fish meal. The particulate matter collected in the scrubber will be returned to the sea with adherence to the Coastal Water Discharge Permit.

Furthermore, the proposed facility will require the use of seawater for cooling purposes. The seawater is taken up via a pipeline near the facility and continuously returned to the sea. The discharge water is not expected to contain any effluent. This water will not mix with the press water and therefore only the volume of discharge will increase but not the potential constituents.

The facility will be expanded approximate to Site Development Plan (Ref. No. MOS589), dated 2 August 2019, attached as Annexure 2 of this Environmental Authorisation.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
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.

#### **Notification and administration of appeal**

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
  - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1. the decision reached on the application;
    - 6.1.2. the reasons for the decision as included in Annexure 3;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date when the decision was issued.

- 6.2. 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 Appeal Regulations, 2014 (as amended) detailed in Section G below;
- 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 6.4. provide the registered I&APs with the:
  - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
  - 6.4.2. name of the responsible person for this Environmental Authorisation,
  - 6.4.3. postal address of the Holder,
  - 6.4.4. telephonic and fax details of the Holder,
  - 6.4.5. e-mail address, if any, of the Holder,
  - 6.4.6. 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).
- 6.5. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.
- 6.6. 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 and the listed activity, including site preparation, must not commence until the appeal is decided.

**Written notices to the Competent Authority**

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities on site (including g site preparation).
  - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 7.2. The notice must also include proof of compliance with all of the following conditions described herein: **Condition no.: 6, 9, 11 and 19**
8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the non-operational aspects (construction activities).

**Management of activity/activities**

9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to address the following aspects and must then be re-submitted to the Competent Authority and approved prior to commencement of construction.
  - 9.1. The amended EMPr must —
    - 9.1.1. Incorporate all the conditions given in this Environmental Authorisation;
    - 9.1.2. Incorporate all the conditions given in the Air Emissions License that will be issued by the Garden Route District Municipality, including the Air Quality Standards for the emissions from the facility as stipulated in the Air Emissions License;
    - 9.1.3. Incorporate all the conditions given in the amended Coastal Waters Discharge Permit that will be issued by the National Department of Environment, Forestry and Fisheries – Branch: Oceans and Coasts;
    - 9.1.4. Indicate that the final monitoring and post-construction rehabilitation report must be submitted to the competent authority within three (3) months of the completion of construction (construction phase) activities;

**Note:** *The amended/revised EMPr should be submitted to the Competent Authority at least 90-days prior to the construction activities commencing on site to ensure the competent authority is able to process the amended/revised EMPr prior to the intended date of commencement.*

10. The EMPr must be included in all contract documentation for the implementation of the listed activity.

### **Monitoring**

11. The Holder must appoint a suitably experienced environmental control officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.

12. The ECO must—

- 12.1. be appointed prior to commencement of any works (i.e. removal and movement of rubble or construction activities commencing);
- 12.2. ensure compliance with the EMPr (non-operational aspects) and the conditions contained herein;
- 12.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 12.4. remain employed until all development activities are concluded, and the post-construction rehabilitation and monitoring requirements are finalised.

13. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such 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.

### **Environmental Auditing**

15. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.

16. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the approved EMPr must comply with the following—

- 16.1. during the non-operational phase (construction phase), the holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority;
- 16.2. an Environmental Audit Report must be submitted to the Competent Authority within three (3) months of completion of the expansion activities (construction phase) and the post construction rehabilitation and monitoring requirements, but by no later than 30 April 2025.



**Note:** Should the expansion activities be completed within a period of 12-months or less, only a single environmental audit report will need to be prepared and submitted to the Competent Authority.

17. The Environmental Audit Report, must –

- 17.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
- 17.2. provide verifiable findings, in a structured and systematic manner, on–
  - 17.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
  - 17.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
- 17.3. identify and assess any new impacts and risks as a result of undertaking the activity;
- 17.4. evaluate the effectiveness of the EMPr;
- 17.5. identify shortcomings in the EMPr;
- 17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 17.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 17.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
- 17.9. include a photographic record of the site applicable to the audit; and
- 17.10. be informed by the ECO reports.

18. The Holder must, within 7 calendar days of the submission of the audit report 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**

19. Prior to commencing with the physical implementation of the listed activity at the facility, the holder must submit proof to the Competent Authority of the following licences/permits obtained in terms of relevant specific environmental management Acts, namely —
  - 19.1. a provisional Air Emissions License from the relevant Licensing Authority (Garden Route District Municipality); and
  - 19.2. an amended Coastal Waters Discharge Permit from the relevant branch of the National Department of Environment, Forestry and Fisheries.
20. 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

## **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.

### ***Amendment of Environmental Authorisation and EMPr***

2. If the Holder does not start with all listed activities within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
  - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information 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.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
  - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.

- (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

### **Compliance with Environmental Authorisation and EMPr**

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:

- ❖ Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process / review the revised EMPr prior to the intended date of commencement.
  - ❖ Failure to complete the post-construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
  - ❖ Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
8. Failure to comply with all the peremptory conditions (i.e. 6, 7, 9, 11, or 19) prior to the physical implementation of the activities (including site preparation) is an offence. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and may be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

## G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the 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 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 Organ 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 Organ 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 Appeal Administrator at 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:                      Appeal Administrator  
Attention: Mr Marius Venter (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 [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 the Appeal Administrator at: Tel. (021) 483 3721, 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. GAVIN BENJAMIN**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: **27 JULY 2020**

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:** 16/3/3/1/D6/28/0027/19

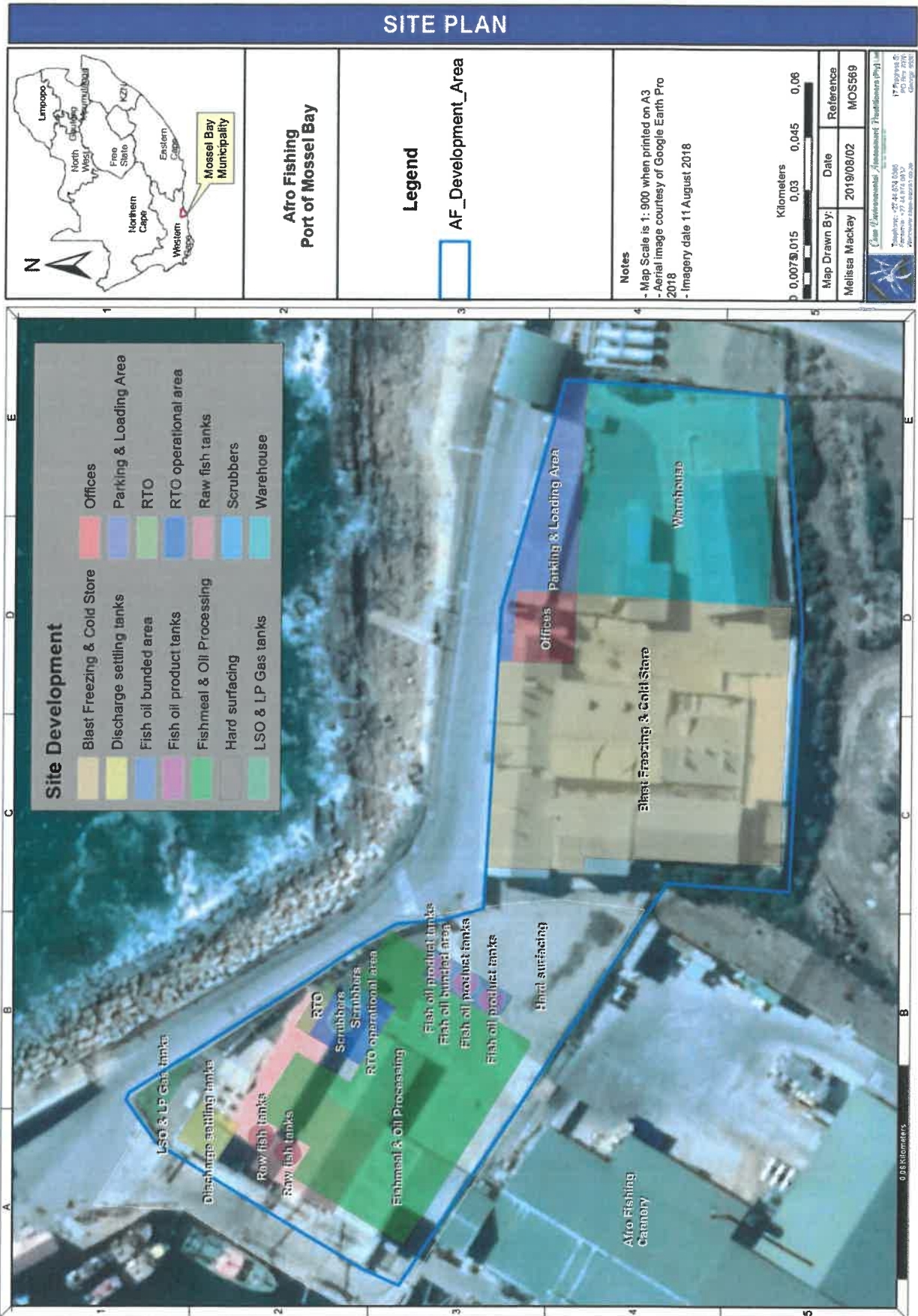
**NEAS REFERENCE:** WCP/EIA/0000688/2019



**ANNEXURE 1: LOCALITY MAP**



ANNEXURE 2: SITE DEVELOPMENT PLAN





## ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form received on 23 October 2019, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 31 January 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, 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 FBAR dated 31 January 2020;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.

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 in 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

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at various locations on 6 March and 29 October 2019;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative 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 22 February 2019;
- the placing of newspaper advertisements in the 'Mossel Bay Advertiser' on 22 February and 8 November 2019; and in 'Die Burger: Suid-Kaap' on 22 February and 8 November 2019.
- making a Background Information Document available to I&APs for public review from 22 February to 25 March 2019; and the draft Basic Assessment Report from 12 November 2019 to 12 December 2019.

The following State Departments / Organs of State provided comment on the proposal:

- ❖ *Garden Route District Municipality*
- ❖ *Mossel Bay Municipality*
- ❖ *Department of Environment, Forestry and Fisheries: Oceans and Coast*
- ❖ *Department of Environmental Affairs and Development Planning: Biodiversity and Coastal Management*
- ❖ *Department of Environmental Affairs and Development Planning: Development Management (Region 3)*
- ❖ *Transnet*

- ❖ Comment was also obtained from Non-Governmental Organisations and the General Public / Interested & Affected Parties (I&APs):

All the comments and issues raised by the respective *Organs of State and Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to these other organs of state and I&APs.

## 2. Alternatives

### Preferred Alternative – Alternative 1 (Herewith Approved):

This alternative entails the expansion of the current Afro Fishing facility to include fish meal and oil reduction processes on the footprint of the old I&J facility, with a warehouse adjacent to the current Afro Fishing store.

The proposal entails the processing of harvested identified industrial fish (e.g. anchovy, red-eye, etc.), from local waters for the sole purpose of producing fishmeal and fish oil. The expansion will include the following:

- (1) Fish meal and oil reduction plant
- (2) Fish freezing plant
- (3) Cold store
- (4) Fish meal warehouse
- (5) New canned product warehouse

The reduction process will include the following unit operations:

- Cooking
- Pressing
- Liquid-solid separation
- Indirect steam drying
- Waste heat evaporation
- Oil-liquid separation
- Cooling / grinding / bagging
- Boilers for steam generation.

In addition to the above the following associated infrastructure will be constructed:

- A Re-generative Thermal Oxidiser facility:  
The fishmeal production process emits odorous molecules which will be managed by means of Re-generative Thermal Oxidation (RTO) technology which will destroy Hazardous Air Pollutants (HAPs), Volatile Organic Compounds (VOCs) and odorous emissions that will be discharged from the industrial or manufacturing processes. The RTO will operate by burning the ducted air at temperatures of up to 850°C, effectively destroying all organic molecules in the air, including Trimethylamine (TMA), the molecule most commonly associated with fish odour problems.
- Storage facilities for fish and fish-oil.
- An access gate between exiting facility and proposed new expansion.

The plant will have a capacity to process a maximum of approximately 1000 tons of raw fish per day to produce fish meal and fish oil products for export markets. The expansion will increase canned fish production of which a large percentage of the canned fish goes into the National Schools Nutrition Programme, where Afro Fishing supplies 'affordable protein'.

The expanded facility will emit odorous compounds and other emissions associated with the processing of the fish for fish meal and fish oil production. The main molecule associated with fish odour problems is Trimethylamine (TMA). In order to control and manage emissions at the facility,

Re-generative Thermal Oxidation (RTO) technology will be implemented. The RTO destroys Hazardous Air Pollutants (HAPs), Volatile Organic Compounds (VOCs) and odorous emissions that are often discharged from industrial or manufacturing processes. It operates by burning the ducted air at temperatures of up to 850°C. The RTO represents the Best Available Technology (BAT) currently available in the world for odour management.

Furthermore, the proposed facility will require the use of seawater for cooling purposes. The seawater is taken up via a pipeline near the facility and continuously returned to the sea. The discharge water is not expected to contain any effluent. This water will not mix with the press water and therefore only the volume of discharge will increase but not the potential constituents.

The facility will be expanded approximate to Site Development Plan (Ref. No. MOS589), dated 2 August 2019, attached as Annexure 2 of this Environmental Authorisation.

#### Alternatives considered:

The Re-generative Thermal Oxidation (RTO) presents the Best Available Technology in reducing the levels of TMA produced by fish deterioration. As such no other technology alternative where considered.

The only potential alternative that could be presented is that of site alternative as the design and layout are very specific to the activity. However, a site located outside of the harbour leads to more negative impacts and issues due to the following:

- The existing Afro Fishing facility on Quay 1 is immediately adjacent to the old I&J premises on Quay 2 of the Port of Mossel Bay. This ensures better control over the site as all the activities are in close proximity of each other.
- The old I&J facility is defunct but is already equipped with the necessary infrastructure for water and sewage. No extensive new services are required.
- The site is located in an area designated by the TNPA for commercial fishing industries. An alternative site outside of the jurisdiction of the harbour will likely affect or displace other land uses.
- It has direct harbour proximity for the offloading of fish directly into the factory. This ensures that the fish retains its freshness which further limits nuisance odours.
- The site location limits impact on the town with respect to traffic and transport of raw fish off site. The transport of fish from previous factories through the town which led to ice water leaking and odours was highlighted as a concern by I&APs. Transport of fish will also lead to higher traffic volumes.
- The applicant is also not in possession of, nor has any lease for any other properties that offer an alternate site option for such a facility.

#### "No-Go" Alternative

This alternative implies that the status quo remains, with no additional socio-economic impacts. In addition, no other positive and negative impacts associated with the proposed fishmeal and oil reduction plant will occur. Furthermore, the opportunity exists for other development to take place on the site as part of the TNPA's future planning. This is therefore not the applicant's preferred alternative.

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

#### 3.1 Other key legislation

The operational phase of the facility will require the harmonisation of decisions of the key legislation to minimise the impact of the facility on the environment. In this regard due consideration has been given to the National Environmental Management: Air Quality Act, Act No. 39 of 2004, as amended,



the National Environmental Management: Integrated Coastal Management Act, Act No. 24 of 2008, as amended, and the respective Regulations in terms of this legislation.

*National Environmental Management: Air Quality Act, Act No. 39 of 2004*

The expanded facility will enable the holder to produce fishmeal intended for animal consumption. The processing of the fish to produce this fishmeal triggers Category 10 of the list of activities which result in atmospheric emissions which have or may have a significant detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage (Government Notice 893 of 22 November 2013, as amended). As such the facility requires an Air Emissions License from the relevant licensing authority (i.e. the Garden Route District Municipality) prior to such emissions taking place.

*National Environmental Management: Integrated Coastal Management Act, Act No. 24 of 2008, as amended*

The existing Afro Fishing canning facility on Quay 1 has a Coastal Waters Discharge Permit in terms of Section 69 of NEM: ICMA. The expansion of the facility on Quay 2 to include the fishmeal plant and the resultant increase in fish processing will increase the effluent being discharged by the facility. As such the facility requires an amendment to the existing permit from the relevant permitting authority (i.e. the National Department of Environment, Forestry and Fisheries) to permit such discharge to take place.

### 3.2 Need and desirability

The applicant has provided an acceptable motivation for the need and desirability of the proposed development and the information received has sufficiently demonstrated the need and desirability of the activities in the preferred location. In support of the above, the following has been considered relevant:

- ❖ The facility is proposed to be located on Quay 2 of Erf 12459, directly adjacent to Quay 1 on which the existing canning facility is located. The site has been completely transformed.
- ❖ The Port of Mossel Bay is a working harbour that supports commercial fishing industries.
- ❖ The proposed expansion is in line with the Port Development Framework Plan ("PDFP") for the Port of Mossel Bay as published in the Transnet National Ports Authority National Ports Plan of 2019.
- ❖ Erf 12459 is zoned *Transport Zone I*, which has *Industry* as a secondary right. It is expected that due consideration in this regard will be given by the relevant authority when considering the application in terms of the Mossel Bay Land Use Planning By-Law, 2015
- ❖ Locations outside the harbour is expected to result in negative impacts and issues *inter alia* higher traffic volumes, declining fish freshness, lease costs to the applicant, etc.

### 3.3 Biophysical Impacts

No significant impacts on the biophysical environment of the preferred location are anticipated. The expected impact on the biophysical environment through the lifecycle of the proposed development is considered to fall within acceptable levels. Further to this, the construction phase of the proposed development will require earthworks for the installation of services, construction of buildings and structures. The risks and impacts associated with the construction can be mitigated to acceptable levels through the implementation of the EMPr construction phase management requirements.

### 3.4 Odour and other emissions

A description of the air emission issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative

impacts of the proposed development and levels of acceptable change have been considered. With due consideration of the above it is concluded that the proposed expansion of the current Afro Fishing facility to include fish meal and fish oil production will not result in odorous emissions that will be detectable in the surrounding area, subject to the implementation of the RTO. Furthermore, the recommendations provided in the AQA report must be implemented and adhered to, in order to achieve the desired outcome. In support of the above, the following has been considered relevant:

- ❖ The BAR and supporting information indicate that while odours emissions from the plant are not hazardous, it may cause a nuisance to nearby receptors. However, the thermal treatment of the emissions as proposed will not result in odorous emissions that will be detectable in the surrounding area.
- ❖ According to the BAR and supporting documentation the RTO represents the Best Available Technology ("BAT") for odour management as it thermally treats emissions by converting them into CO<sub>2</sub> (carbon dioxide) and H<sub>2</sub>O (water).
- ❖ Studies from similar plants in Portugal and Spain indicate that the odorous emissions from the plants are well below detectable concentrations.
- ❖ The Air Quality Impact Assessment is based on the worst-case scenario where it is expected that the facility will receive 1000 tons of fish per day and operating for 330 days of the year. However, this is not sustainable due to fish quotas, fish availability, and maintenance of the plant.

### 3.5 Effluent discharge into coastal waters

The existing Afro Fishing canning facility has an existing Coastal Waters Discharge Permit from the National Department of Environment, Forestry and Fisheries for the discharge of effluent from the plant. The expanded facility will increase the amount of effluent to be discharged. The increase of the effluent is as a result of the seawater used for cooling the fish meal and does not contain any processing waste, as all protein is processed to achieve the best possible yield. With the expansion proposal it is also intended to improve the quality of the existing cannery discharge water. As part of the proposal a Dissolved-Air Floatation ("DAF") unit and settling tanks will be installed. The protein collected will then be included in the fish meal processing. The discharged effluent is expected to be 10°C warmer than the receiving environment; however, the settling tank will allow the effluent to cool down to comply with the temperature requirements as stipulated in the Coastal Waters Discharge Permit.

In considering the above it is accepted that there will not be significant impact on the receiving marine environment as a result of the proposed fish meal and fish oil production.

### 3.6 Socio-Economic

A description of the socio-economic issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each identified issue and risk of the proposed development and the levels of acceptable change have been considered.

Afro Fishing (Pty) Ltd. envisages an investment of R350 million to R400 million in this project. The project will positively impact on local service providers, the Mossel Bay economy, Small Medium and Micro Enterprises and ancillary industries. A Socio-Economic Assessment was undertaken to inform the EIA process. With due consideration of this study it is concluded that the positive impacts associated with the proposed facility outweigh the negative impacts, subject to the implementation of the proposed mitigation measures provided in the report.

### 3.7 Traffic

A description of the traffic and road network issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue, risk, cumulative impacts of the proposed development and levels of acceptable change on traffic, have been considered. No significant impacts on the surrounding traffic and road network as a result of the development of the preferred location are anticipated. A Traffic Impact Assessment ("TIA") was undertaken to inform the EIA process.

### 3.8 Biodiversity

A description of the biodiversity issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered. No significant impacts on the biodiversity of the preferred location or property or cumulative effects on biodiversity are anticipated. The proposed site on which the expansion will occur has been transformed and consists entirely of hardened surfaces (concrete). Furthermore, the site is located on Quay 2 of the Port of Mossel Bay which allows activities associated with the commercial fishing industry.

### 3.9 Visual

The site is situated within the Port of Mossel Bay which has existing factories. The proposed expansion will be adjacent to the existing Afro Fishing cannery and will therefore not be out of context. The visual impact of the proposed expansion is therefore considered to be negligible.

### 3.10 Heritage / Archaeological Aspects

No significant impacts on heritage / archaeological resources are expected as a result of the proposed development. This aspect was confirmed in the Final Comment issued by Heritage Western Cape, dated 4 October 2019. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

### 3.11 Other Impacts

No other impacts of significance are anticipated.

## 4. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. The applicant has indicated that the construction activities (non-operational aspects) should be completed within a period of five years. The environmental authorisation's validity period has been granted for a period five (5) years, during which period the expansion activities (construction) must commence and be concluded, including the post-construction rehabilitation and monitoring, and submission of the final environmental audit.

The non-operational aspects (construction phase) of the environmental authorisation must be concluded by 31 July 2025. A period of 3-months is specified for the final monitoring and post-construction rehabilitation to be completed after the construction phase is finalised. The environmental authorisation requires that a final environmental audit report must be prepared and submitted to the Component Authority at least 3-months prior to the validity of the Environmental Authorisation lapsing. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

## 5. 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.

## 6. Conclusion

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

- (a) The identification and assessment of impacts are detailed in the FBAR and sufficient assessment of the key identified issues and impacts have been completed.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase; and
- (e) The decision promotes the co-ordination and harmonisation of actions relating to the environment and the relevant specific environmental management Acts.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, 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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