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Province of the
EASTERN CAPE
 Department of Economic Development,
 Environmental Affairs and Tourism

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Applicant : The "Qolora by the Sea" CPA
Fax no.: 047 498 0003

Enquiries: A. Mvuza
Our Ref: AR/6/544,545,546/1/10

Dear Sir/ Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORIZATION FOR THE QOLORA
 AQUACULTURE ZONE, CENTANE.**

1. With reference to the above mentioned application, please be advised that the Department has decided to grant authorization. The Environmental Authorization and reasons for the decision are attached herewith.
2. In terms of Regulation 10(2) you are instructed to notify all registered interested and affected parties, in writing and within 5 calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the Regulations.
3. Your attention is drawn to Chapter 7 of the Regulations which regulate appeal procedures. Should you wish to appeal any aspect of the decision, you must, lodge a notice of intention to appeal with the MEC within 20 days of receiving this letter, by means of one of the following methods: By facsimile: 043 606 7300 By post: Private Bag X0054, BHISHO, 5605; By hand: 2nd floor Beacon Hill, Hockley Close, King Williams Town. Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.

Yours faithfully

B. Noncembu
 Regional Manager: Environmental Affairs - Amathole

DATE: 29/09/2011

The case officer must please fax copies of this letter and the attached Environmental Authorization, as follows:

Organization	Contact Person	Fax number
ES	Dr. G. Hawley	043 742 3306
The "Qolora by the Sea" CPA	R. Hulley	047 498 0003



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DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENTAL
AFFAIRS AND TOURISM

Amathole Region

Environmental Authorization

[FOLLOWING SCOPING & EIA REPORTS]

AUTHORIZATION REGISTER NUMBER	AR/6/F/544,545,546/1/10
LAST AMENDED	N/A
HOLDER OF AUTHORIZATION	Qolora by Sea CPA
LOCATION OF ACTIVITY	Qolora ,Centane

DEFINITIONS:

The following definitions are applicable to this Authorization:

"Department" - The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

"EIA Regulations" – The Environmental Impact Assessment Regulations published in Government Notice No. R543 of 18 June 2010 as promulgated in terms of chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

"Commencement" - Any physical activity on site that can be viewed as associated with the development inclusive of initial site preparation.

"EMPr" - This refers to an Environmental Management Plan / Programme.

"DWA" - Refers to the Department of Water Affairs.

"ECO" - Refers to Environmental Control Officer.

"CPA"- Refers to the Community Property Association.

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Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the Conditions of this Environmental Authorization, that the applicant should be authorized to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Section 9 of this Environmental Authorization.

Activities authorized

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended, and the Environmental Impact Assessment (EIA) Regulations, 2010 the Department hereby authorizes- Qolora by Sea Community Property Association being *the legal or natural person who has applied for this authorization* with the following contact details:

Name	Qolora by Sea Community Property Association		
Address	P.O. BOX 96		
Telephone	047 498 0001	Fax	047 498 0003
Contact	Mr. R. Hulley	e-mail	

To undertake the following activity / activities (hereafter referred to as "the activity" / "the activities"), in terms of the scheduled activity or activities listed in the table below:

Detailed description of activity
The proposed activity involves the establishment of an aquaculture zone on a 26.4 ha site near Qolora on the Wild coast. The aquaculture zone will host a number of producers who may farm with a variety of marine species. The species for consideration include Yellowtail, Kob, Abalone, Seaweed and other marine species. In addition a hatchery (ies), office facilities and an onsite centralized processing facility is proposed. A 24 hour presence will be needed onsite for security and emergency machine failure, which may necessitate on-site staff housing.
Listed Activity[s]
<p>The following activities refer to Listing Notice No. 544</p> <p>6 The construction of facilities, infrastructure or structures for aquaculture of: finfish, crustaceans, reptiles or amphibians where such facility, infrastructure or structures will have a production output exceeding 20 000 kg but less than 200 000 kg per annum (wet</p>

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weight); molluscs where such facility, infrastructure or structures will have a production exceeding 30 000 kg but not exceeding 150 000 kg per annum (wet weight); aquatic plants where such facility, infrastructure or structures will have a production output exceeding 60 000 kg but not exceeding 200 000 kg per annum;
Excluding where the construction of facilities, infrastructure or structures is for purposes of offshore cage culture in which case activity 7 in this Notice will apply

- 8 The construction of a hatchery or agri-industrial infrastructure outside industrial complexes where the development footprint covers an area of 2 000 square metres or more.
- 9 The construction of facilities or infrastructure exceeding 1000 metres in length for bulk transportation of water, sewage or storm water – with an internal diameter of 0.36 metres or more; or with a peak throughput of 120 litres per second or more,
Excluding where:
Such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.
- 14 The construction of structures in the coastal public property where the development footprint is bigger than 50 metres, excluding
The construction of structures within existing ports or harbours that will not increase the development footprint or throughput capacity of the port or harbour; the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies; the construction of temporary structures within the beach zone where such structures will be demolished or disassembled after a period not exceeding two weeks.
- 16 Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water of the sea or an estuary, whichever is the greater, in respect of- fixed or floating jetties and slipways; tidal pools; embankments; rock revetments or stabilizing structures including stabilizing walls; building of 50 metres or more; or infrastructure covering 50 square metres or more –
But excluding
If such construction or earth moving activities will occur behind a development setback line; or where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the

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development footprint or throughput capacity of the port or harbour;
Where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or

Where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.

18 the infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, shells, sand, shell grit, pebbles or rock of more than 5 cubic metres from a (i) watercourse; (ii) the sea; (iii) the seashore; (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater- But excluding where such infilling, depositing, dredging, excavation, removal or moving (a) is for maintenance purposes undertaken in accordance with the management plan agreed to by the relevant environmental authority; or occurs behind the development setback.

22 the construction of a road, outside urban areas, with a reserve wider than 13.5 metres or, where no road reserve exists where the road is wider than 8 metres, or for which an environmental authorization was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.

The following activities refer to Listing Notice No. 545

5 the construction of facilities or infrastructure for any process or activity which requires a permit or license in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent and which is not identified in Notice ??? of 2010 or 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 that Act will apply.

10 the construction of facilities or infrastructure for the transfer of 50 000 cubic metres or more water per day, from and to or between any combination of the following: (i) water catchments (ii) water treatment works; or (iii) impoundments, excluding treatment works where water is to be treated for drinking purposes.

12 the construction of facilities, infrastructure or structures for aquaculture of –

(i) Finfish, crustaceans, reptiles, amphibians where the facility, infrastructure or structures will have a production output of 200 000

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- or more kg per annum (live round weight)
- (ii) Molluscs where the facility, infrastructure or structures will have a production output of 150 000 or more kg per annum (live round weight)
- (iii) Aquatic plants where the facility, infrastructure or structures will have a production output of 200 000 or more kg per annum (live round weight)
- Excluding where the construction of facilities, infrastructure or structures is for the purposes of offshore cage culture in which case activity 13 in this Notice will apply.

These following activities refer to Listing Notice No.546

- 4** the construction of a road wider than 4 metres with a road reserve less than 13.5 metres, outside an urban area in critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.
- 13** the clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation (a) critical biodiversity areas and ecological support areas as identified in systematic plans adopted by the competent authority.
- 14** the clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.
- 15** the construction of facilities, infrastructure or structures of any size for any form of aquaculture (c) areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.
- 16** the construction of buildings with a footprint exceeding 10 square metres in size, outside an urban area, in: (ff) critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.

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At the locality defined in the Table below, and hereafter referred to as "the property":

District	Amathole
Municipal Area	Mnquma Municipality
Farm Name	
Farm Number and Portion	
Erf Number and Township Extension or suburb	
Physical address	Qolora by Sea, Centane

The granting of this Environmental Authorization is subject to the Conditions set out below

Conditions

1 Scope of authorization

- 1.1 The authorization of these activities is subject to the Conditions contained in this Environmental Authorization and is binding on the holder of the authorization.
- 1.2 The holder of the Environmental Authorization shall be responsible for ensuring compliance with the Conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the Environmental Authorization.
- 1.3 The activity which is authorized may only be carried out at the property indicated on page 6 of 13 in this Environmental Authorization.
- 1.4 Any changes to, or deviations from the project description set out in this authorization must be approved, in writing, by this Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, this Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorization to apply for further authorization in terms of the EIA Regulations.
- 1.5 This activity must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorization lapses and a new application for Environmental Authorization must be made in order for the activity to be undertaken.

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- 1.6 This Environmental Authorization does not absolve the holder of the authorization from the responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

2 Appeal of authorization

- 2.1 The holder of the authorization must notify every registered interested and affected party, in writing and within ten (10) calendar days, of receiving notice of the Department's decision to authorize the activity.
- 2.2 The notification referred to in Condition 2.1 on page 4 of 8 in this Environmental Authorization must:
- 2.2.1 Specify the date on which the authorization was issued.
- 2.2.2 Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the EIA Regulations; and
- 2.2.3 Advise the interested and affected party that a copy of the Environmental Authorization and reasons for the decision will be furnished on request.

3 Management of the activity

Planning and design

- 3.1 The layout of the aquaculture zone and all components of the development must avoid the Coastal forest areas and other sensitive areas as shown in the sensitivity map, as contained in the EIAR for the proposed Qolora Aquaculture Zone as compiled by CES Consulting, dated March 2011.
- 3.2 The development footprint must be thoroughly searched by a Botanist prior to construction to identify and/or mark any species of special concern, as well as bulbs and where a need arises a permit be obtained to relocate protected species.
- 3.3 The pipeline must be designed such that it avoids the Coastal Forest.
- 3.4 An above ground pipeline which runs from the beach through the blow-outs in the Coastal Forest must be incorporated in terms of design as this would reduce the disturbance of the surrounding vegetation.
- 3.5 Small saplings found in the pipeline path must be transplanted to a suitable nearby area.
- 3.6 An appropriate storm water management plan that addresses monitoring and maintenance of the storm water which will attenuate a 1:100 year flood event to be released as a 1:5 year flood event, must be drawn up by a qualified engineer and approved by DWA and DEDEAT.
- 3.7 A buffer of 20m buffer zone must be established from the migratory corridor adjacent to the Dune Forest/Thicket.
- 3.8 Exposed slopes must be stabilized and rehabilitated immediately to avoid erosion and run-off into drainage lines and watercourses.
- 3.9 A buffer zone of 32m must be established from all the watercourses and drainage lines.

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- 3.10 A stand-by generator must be installed in the event of power failure to ensure continuous electricity supply during power cuts.
- 3.11 A detailed Health and Waste Management Plan (HWMP) must be developed, approved by the Department and Marine and Coastal Management (MCM), and implemented as part of the EMP, which must address the following:
 - a) Dead fish are removed from the site before the end of the working day and are disposed of as the municipal by-laws require.
 - b) The aggressive screening and quarantine of animals identified to be infected by ecto-parasites.
 - c) Screening and quarantine of translocated brood stock before they are incorporated into the functioning of the facility.
 - d) Decrease in reliance on antibiotics, fungicides, anti-parasitics, herbicides, disinfectants and anti-foulants.
- 3.12 The proponent must ensure that the fin-fish facility complies with the National Environment Management: Biodiversity Act, (Act 10 of 2004), in regulation of movement, possession and culture of threatened and protected indigenous species.
- 3.13 Waste water that is recycled into the facility must be treated with UV light to ensure ecto-parasites are removed before it is supplied back to the facility.

Construction phase

- 3.14 No fires must be lit on the property at anytime unless conducted in a secure, supervised environment.
- 3.15 Temporary toilets must not be located near any drainage line and they must be located as far as possible from 100 metre high water. Sewage must be disposed appropriately every two weeks or earlier.
- 3.16 An Environmental Control Officer (ECO) must be appointed to ensure that the contractor adheres to the Conditions of the submitted Construction Environmental Management Plan (CEMP).
- 3.17 Construction activities must be kept to demarcated areas; any disturbance beyond demarcated area must be rehabilitated.
- 3.18 All construction activities must be conducted in compliance with a standard construction Environmental Management Plan / Programme, including the provision of portable toilets.
- 3.19 A rehabilitation, re-vegetation and restoration plan must be compiled, a copy there-of be submitted for endorsement of this Department prior to the commencement of construction, and implemented after construction has been completed.
- 3.20 In conjunction and in line with Condition 3.19, the Qolora Aquaculture Zone must implement an alien plant eradication plan in the immediate area around and within the site after construction.
- 3.21 The building contractor must be issued with the CEMP by the ECO and be legally bound to adhere to its provisions.

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- 3.22 The building contractor must clear the site upon completion of construction and the ECO must ensure that the site is kept free of debris and building rubble.
- 3.23 In the event that middens and artifacts of archeological value are observed, the South Africa Heritage Resources Agency (SAHRA) must be notified immediately and all construction activities must cease forthwith until permission to continue is obtained. Failure to report such to SAHRA constitutes an offence in terms of the South African National Heritage Resources Act, Act 25 of 1999, as amended.
- 3.24 During site establishment, vegetation clearance must be limited to the development footprint. All measures possible must be taken to protect exposed soil and building materials, such as covering with plastic sheets and wetting.
- 3.25 Construction work must be limited to the normal working hours (7h00 to 17h00) during weekdays.

Operational phase

- 3.26 A stand-by generator must be installed as a backup in the event of power failure.
- 3.27 Quarterly audits of the compliance of the HWMP approved by DEDEAT and MCM must be conducted by a relevant qualified person, and audit reports must be submitted to this Department within the first week of the month following the end of the quarter.
- 3.28 Sea waste water is required to be treated before being released and this must be carried out in water tight components.
- 3.29 All solid waste must be stored in containers which are scavenger proof.
- 3.30 Solid waste from the processing facility, mortality waste from the grow-out farms and hatchery must be stored separately and covered with Lime before being disposed off-site at the nearest licensed landfill site.
- 3.31 All staff members employed at the Qolora Aquaculture Zone must be taken for an environmental education course which will include waste management requirements before commencement of the operational phase.
- 3.32 The discharge piping must be checked regularly for leakages.
- 3.33 A water monitoring program that frequently monitors the quality of the abstraction water must be developed and analyzed by an accredited laboratory. Such program must be submitted to this Department before commencement of operational activities.
- 3.34 An emergency plan must be put in place, such that should there be a shortage of water in future, and the developer or landowner at his own expense, with approval from relevant departments is able to increase the capacity of the abstraction point at the reservoir. Such a plan must be submitted to this Department before commencement of operational activities.

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- 3.37 A monitoring program that frequently monitors the quality of released effluent to MCM and Municipal standards must be developed and implemented. The analysis of the water quality must be conducted by an accredited laboratory. Such a monitoring program must be submitted to this Department before commencement of operational activities.

4 Monitoring

The ECO must monitor compliance with the Conditions of this authorization and the implementation of an EMP for the proposed development on a monthly basis and submit a report to the Department on the last day of the first week of the following month.

5 Recording and reporting to the Department

The holder of the authorization must within fourteen (14) days after completion of construction submit a closure report to this Department, reporting on compliance with the specifications as detailed under heading three (3), on pages 7, 8, 9 & 10 of 13 in this Environmental Authorization.

6 Commissioning of the activity

Ten (10) days written notice must be given to the Department to indicate that the activities will commence. Commencement for the purposes of this Condition includes site preparation. The notice must include a date on which it is anticipated that the activities will commence.

7 During construction and operation

7.1 During the operational phase the applicant must ensure that all personnel are well trained in order to ensure effective and efficient implementation of the provisions of this Environmental Authorization.

7.2 All potential negative environmental impacts emanating from the operational phase must be minimized by taking pro-active mitigation measures during the construction phase.

8 Site closure and decommissioning

All construction and storage sites, and all areas disturbed during the project implementation must be rehabilitated to their former or better condition. These sites and areas must be re-vegetated with indigenous plants upon completion of construction.

9 General

9.1 A copy of this authorization must be kept at the property where the activity will be undertaken. The authorization must be produced to any authorized official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorization who works or undertakes work at the property.

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- 9.2 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and / or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 9.3 The holder of the authorization must notify the Department, in writing and within 24 (TWENTY FOUR) hours, if Condition 1.3 on page 6 of 13 of this authorization cannot be or is not adhered to. In all other cases, the holder of the authorization must notify the Department, in writing, within 48 hours if any Condition of this Environmental Authorization is not adhered to. Any notification in terms of this Condition must be accompanied by reasons for the non-compliance.
- 9.4 Non-compliance with any Condition of this Environmental Authorization may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act 107 of 1998) as amended, and the EIA Regulations, being instituted against the holder of the authorization or responsible person.

Section 9: Reasons for Decision

1. Background

The applicant, The Qolora by Sea CPA, applied for an Environmental Authorization to carry out the following activity[ies]:

The proposed Qolora Aquaculture Zone as detailed on page 2 of 10 under "Detailed Activity Description" in this Environmental Authorization.

The applicant appointed CES consulting to undertake the Scoping and EIA process in this regard.

2. Information considered in making the decision

In reaching its decision, the Department took *inter alia* the following into consideration:

- a) The information contained in the Scoping Report and EIA for the proposed Qolora Aquaculture Zone as compiled by CES Consulting dated March 2011;
- b) The EMP, comments from interested and affected parties and Specialist Report as contained in the scoping and EIAR for the proposed Qolora Aquaculture Zone as compiled by CES Consulting, dated March 2011;
- c) The Environmental impact assessment (EIA) report for the proposed Qolora Aquaculture Zone as compiled by CES Consulting, dated March 2011.

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- d) The objectives and requirements of relevant legislation, policies and guidelines, including the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended; and
- e) The findings of the site visit undertaken by Mr. T. Sigabi and Ms. Akhona Mvuza both from this Department, and Mr. R. Hulley from the Qolora by Sea CPA.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) The negative impacts associated with the proposed development are not unacceptable and can be adequately mitigated provided the recommendations as contained in the EIAR together with the Conditions of this Environmental Authorization are adhered to and fully implemented.
- b) The establishment will have positive socio-economic implications for Centane and the Eastern Cape.
- c) The facility will ease the demand on wild stocks of marine populations.
- d) The project is in line with the SDF & IDP of the Mnquma Local Municipality.
- e) The EIA application for the proposed project was previously approved by this Department but had to be resubmitted after lapsing of the authorization due to the expiry of the implementation timeframe.

4. Findings

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

- a) The proposed development will have a positive impact on the socio-economic environment, particularly with reference to the socio-economic opportunities.
- b) The application and supporting documentation complied with legal requirements.
- c) There is a need and desirability for this project.

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- d) The negative impacts of the proposed development are not unacceptable and can be adequately mitigated provided the Conditions of this Environmental Authorization are adhered to and fully implemented.

In view of the above, the Department is satisfied that, subject to compliance with the Conditions contained in this Environmental Authorization, the proposed activities will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended, and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

Date of Environmental Authorization

29/09/2011


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A. Mvuza
Environmental officer: EIM


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B.B. Noncembu
Regional Manager: Environmental Affairs - Amathole