

Application Number: MAQUA .....

**BRANCH: FISHERIES MANAGEMENT**

Chief Directorate: Aquaculture and Economic Development  
Private bag X2, Roggebaai, 8012  
Foretrust Building (3<sup>rd</sup> Floor), Martin Hammerschlag Way,  
Foreshore, Cape Town, 8001

APPLICATION FOR A RIGHT TO ENGAGE IN MARINE AQUACULTURE , IN TERMS  
OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)  
("THE ACT")

NAME OF APPLICANT:

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FOR OFFICIAL USE ONLY:

Date submitted:

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Date received:

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\_\_\_\_\_

Signature

\_\_\_\_\_

Signature

APPLICATION FEE PAYABLE: R 9123.00 (Non – refundable)

RECEIPT NUMBER: \_\_\_\_\_



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## IMPORTANT INFORMATION – YOU MUST READ THIS CAREFULLY BEFORE FILLING IN YOUR APPLICATION

1. This Application Form makes provision for supplying the minimum required information and it is the responsibility of the applicant to ensure that all relevant pages are properly completed and that all the required documents are submitted together with the form.

Separate application forms are required for different marine aquaculture establishments.

2. All documents attached must be true certified copies of the originals. Part seven (7) of the Application Form summarises the list of documents required and provides a checklist.

It is the responsibility of the applicant to ensure that all required documents are attached.

3. The applicant must submit one (1) original and two (2) copies of the application.

4. The application form must reach the address, indicated on this form for the attention of the Customer Services Center (CSC). The application must be delivered physically, or to be sent by prepaid registered post.

5. Applications may not be submitted by telefax or e-mail.

6. Please take note that by completing and submitting an application, you are not entitled to an allocation of a Right.

7. An application that is incomplete or has false information will be refused. This will include the failure to disclose material information or information which may materially affect the assessment of this application.

8. This application form must be signed by the applicant or a duly authorised representative of the applicant, before a Commissioner of Oaths. If this application is prepared or compiled by, in consultation or on the advice of, any person other than the applicant, the details of that person are required, and that person must sign the application Form.

9. The applicant must ensure payment of the Right application fee. The application fee must be paid at the Department's cashier and a copy of the

receipt must be attached to the application form. No application will be processed without an application fee.







**(E) COMPLIANCE WITH STATUTORY PROVISIONS AND REGULATIONS**

- 1.48 Does the Applicant undertake or fully comply with the relevant provisions of the following legislation?
- 1.48.1 Marine Living Resources Act 18 of 1998  Yes  No
- 1.48.2 National Environmental Management: Integrated Coastal Management Act 24 of 2008  Yes  No
- 1.48.3 National Environmental Management: Waste Act 59 of 2008  Yes  No
- 1.48.4 National Environmental Management Act 107 of 1998  Yes  No
- 1.48.5 Foodstuffs, Cosmetics and Disinfectants 54 of 1972  Yes  No
- 1.48.6 Occupational Health and Safety Act 85 of 1993  Yes  No
- 1.48.7 Basic Conditions of Employment Act 75 of 1997  Yes  No
- 1.48.8 Compensation for Occupational Injuries and Diseases Act 130 of 1993  Yes  No
- 1.48.9 Broad Based Black Economic Empowerment Act 53 of 2003  Yes  No
- 1.49 Has the applicant or, where applicable, any of the Applicant's directors/members/trustees or shareholders / beneficiaries, been convicted of any offences under any of the said Acts?  Yes  No
- 1.50 If Yes (1.49), provide full details including the date of the conviction, the nature of the offence and the penalty imposed.

**PART 2: SHAREHOLDINGS / MEMBERS' INTERESTS / INTERESTS IN TRUSTS**

2.1 Provide full particulars in the table below of the Shareholders / Members / Trustees and Beneficiaries of the Applicant. [(Companies need only list the particulars of the five major shareholders (These particulars do not have to be provided by public companies that are listed on the JSE)]

	Full Name	Identity No./ Registration No.	Physical or registered address	Nationality	Number of shares, extent of members interest, trustee/ beneficiary	Interest (%)	No. of years in sector
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							

## PART 3: TRANSFORMATION

*NOTE: For the purpose of this part “historically disadvantaged persons” (“HDP”) means those persons or categories of persons, who prior to the new democratic dispensation marked by the adoption and coming into force of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), were disadvantaged by unfair discrimination on the basis of their race and includes juristic persons or associations owned and controlled by such persons.*

### 3.1 Ownership profile of applicant

Category	Numbers		Asset value in Rands	
	Total	HDP's	Total	HDP's part
Owners				
Directors				
Shareholders				
Members				
Beneficiaries				

### 3.2 Employment Profile of Applicant at time of Application

Occupational Levels (As defined in the Employment Equity Act of 1998)	Total number of Employees		Total number of HDP's		Monthly income range for employee groups			
	Permanent	Seasonal	Permanent	Seasonal	Permanent		Seasonal	
					Lowest Rand	Highest Rand	Lowest Rand	Highest Rand
Top management								
Senior Management								
Professionally qualified, experienced specialists and mid- management								
Skilled technical and academically qualified workers, junior management, supervisors, foremen, superintendents, including officers								
Semi-skilled and discretionary decision making, including crew								
Unskilled and defined decision making								

### 3.3 Income Category

Category	Monthly income	Number of employees	Number of PDI's
1	< R2000		
2	R 2000 – R 5 000		
3	R 5001 – R 10 000		
4	R 10001 – R 15 000		
5	R 15 001 – R 25 000		
6	> R 25 000		

### 3.4 Distribution of the Applicant's income, generated through previous years' operation

Component	Total Rands	Percentage of Turnover	Paid to PDI's Rands
Salaries			
Repayments on loans, incl. interest			
Taxes			
Dividends paid			
Reinvestment			
Employee training and development costs			
Other			
<b>Total distribution</b>			

3.5 Attach details of initiatives the Applicant intends to take in order to transform the Applicant to create economic empowerment for people who have been historically disadvantaged. You should specify the exact nature of these initiatives and state whether they involve:

- Changing the ownership of the Applicant
  Changing the structure of the Applicant  
 Transfer of management of the Applicant
  Training and development initiatives;  
 Any other (specify)

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You should also provide details regarding each of the initiatives you intend to take, and specify the date by which they will be implemented.

PLEASE NOTE THAT YOU MAY BE REQUIRED TO PROVIDE PROOF AND/OR FURTHER INFORMATION REGARDING THESE INITIATIVES IN THE ADJUDICATION PROCESS.

3.6 Is the Applicant a designated employer as defined in section 1 of the Employment Equity Act, 55 of 1998?  Yes  No

3.7 If the Applicant is a designated employer, has the Applicant complied with the Employment Equity Act, 55 of 1998?   
Yes  No

3.8 If the answer to 3.6 is no, please provide reasons why the Applicant has not complied.

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3.9 If the Applicant is not a designated employer, explain whether the Applicant has voluntarily complied (or intends to voluntarily comply) with the Employment Equity Act in terms of section 14 of the Act?

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3.10 If the answer to 3.7 is yes, please indicate below which areas of the Employment Equity Act you have complied with and provide proof of compliance in relation to each area:

- Has the Applicant reported to the Department of Labour in terms of Section 21 of the Employment Equity Act?  
 Yes  No (If yes, attach a copy of the reports)
- Has the Applicant conducted an Analysis as required by Section 19 of the Employment Equity Act?  
 Yes  No (If yes, attach a copy of the analysis or information regarding the outcome of the analysis)
- Has the Applicant reported to the Department of Labour in terms of Section 27 of the Employment Equity Act?  
 Yes  No (If yes, attach a copy of the reports)
- Have you received a written acknowledgement or other communication regarding your report/s from the Department of Labour?  
 Yes  No (If yes, provide a copy)
- Has the Applicant developed an Employment Equity Plan in terms of Section 20 of the Employment Equity Act?  
 Yes  No (If yes, attach a copy of the Plan)

3.11 Has the Applicant complied with the Skills Development Act, 97 of 1998?  
 Yes  No

3.12 If yes, indicate which Sector Education Training Authority ('SETA') the Applicant is registered.

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3.13 If no, state why the Applicant has not complied.

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3.14 Has the Applicant paid a levy in terms of the Skills Development Levies Act, 9 of 1999? If yes, state the amount of the levy paid. If no, state the reasons why the Applicant has not paid a levy.

Yes No

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3.15 Has the Applicant appointed a Skills Development Facilitator? If yes, state the name of the appointee. (If no, state why and if yes, state the name of the Facilitator)

Yes

Name of the Facilitator:

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No

Reason:

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3.16 Has the Applicant developed a Workplace Skills Plan? If yes, provide a copy. If no, state reasons why not.

Yes No

Reasons

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3.17 Does the Applicant conform to the Broad Based Black Economic Empowerment (BBBEE) Codes? (If no, state reasons.)

3.18 Which of the following BBBEE codes are adhered to? (Indicate percentages)

Direct Empowerment:

Equity Ownership- .....%  
Management- .....%

Indirect Empowerment:

Employment Equity- .....%  
Skills Development- .....%  
Preferential Procurement- .....%  
Enterprise Development- .....%  
Residual Element/Corporate Social Investment- .....%

PLEASE NOTE THAT YOU MAY BE REQUIRED TO PROVIDE PROOF AND/OR FURTHER INFORMATION REGARDING THESE INITIATIVES IN THE ADJUDICATION PROCESS. A BBBEE CERTIFICATE SHOULD BE ATTACHED TO THE APPLICATION FORM.

## PART 4: PURPOSE OF APPLICATION

### 4.1 Purpose of Application *(To be completed in conjunction with the accompanying instructions.)*

Please tick appropriate block where necessary.

Please tick category below of product currently being processed or intended for processing.	Please specify species and common name below of product intended for processing or being processed.
Shellfish	
Finfish	
Crustaceans	
Seaweeds	
Ornamentals	
Other	

### 4.2 Attach motivation for the use of exotic species.

### 4.3 Site Details (Tick appropriate block and number attachments:

- Land-based Site       Site at Sea

#### Site Description

Locality: \_\_\_\_\_

Erf No.: \_\_\_\_\_

Zoned for: \_\_\_\_\_

Geographical Boundary Co-ordinates: \_\_\_\_\_

Municipality: \_\_\_\_\_

Province: \_\_\_\_\_

### 4.4 Culture Operation and Production

(Please tick appropriate block, include number and details ✓ )

Hatchery	Use of wild or cultivated breeding stock		
	Use of wild breeding stock		
	Purchase of breeding stock		
Nursery	Use of own hatchery products		
	Purchase of seed		
Grow-out	Use of juveniles from own nursery		
	Use of harvested wild juveniles		
	Purchase of juveniles		



Marine aquaculture applicants are required to supply supplementary information relating to their operation. This may include authorizations from other decision making authorities, descriptions of proposed site and operations, environmental impact assessments, water quality reports, information pertaining to the use of exotic species, details of chemical and feed use, and details of business/development plans, amongst others. This information must be attached to the application form. The supplementary information requirements for new applications can be extensive and the applicant is encouraged to ascertain that all issues are covered prior to submission. For future permit renewals, these requirements will generally be limited to compliance with permit conditions and information requested in the permit application form.

## 1 Purpose of Application

State whether this application is for a new or current operation. New applications include new entrants and existing operators applying for a new site or new species. A separate application form must be completed for different sites. A single application form may be submitted for polyculture practices in which the secondary species, cultivated at the same site, is not intended for the market. A primary example is the integrated culture of seaweeds in land-based operations as a feed source or biological filter. The Department of Agriculture, Forestry and Fisheries (DAFF) will advise on acceptable polyculture practices. State the category of organism (only one per application, except for polyculture) for which this application is being made. Shellfish includes bivalves such as mussels, oysters, scallops, clams and gastropods such as abalone, limpets and whelks. Finfish includes both marine and freshwater species for culture in seawater. Crustaceans include lobsters, prawns, shrimps and crabs. Seaweeds include all red, green and brown macroalgae. Ornamentals include all species for the aquarium trade such as marine fish and corals. Others, include all species not addressed in the above categories. Supply full scientific and common names (where possible) and state whether the species considered is indigenous or not. If the introduction of an exotic species is being considered, a detailed motivation and assessment of potential invasiveness will be required.

## 2 Site

State whether the application is for sea or land based. Provide full description of the site: locality, current zoning, erf number or geographical position, and province. Details of the applicant's ownership or tenure agreements (right to use the premises or place) must accompany this application together with a copy of any relevant documents. Provide a 1:10 000 scale map of the site clearly indicating position of operation. Written approvals from a number of decision-making authorities may be required to support your application. For land based establishments these include the Local Authority (e.g. Municipality, district council, rural council), the Department of Public Works (for state-owned land, Admiralty reserve and fishing harbours), the Department of Water Affairs and Forestry (for estuaries) and the relevant provincial conservation authority (e.g. Department of Environmental and Cultural Affairs and Sport (Cape), KwaZulu-Natal Nature Conservation Services). In the case of sea space, approval and lease agreements will be required from either National Ports Authority (NPA), the Department of Public Works or Parliament (National Assembly). Applications will be routed to the National Assembly by the Department of Environmental Affairs (DEA). Applications will not be considered unless they are accompanied by relevant approvals. Approval may be subject to a detailed Integrated Environmental Management procedure. According to the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Marine Living Resources Act, 1998 (Act No. 18 of 1998) an environmental impact assessment by independent consultants may be required (if applicable).

Independent water quality reports may be required. Attach details for water discharge points for land based establishments. Provide specifications for the discharge (e.g. dimensions, depths, volume flow), and whether provision is for wastewater treatment. Describe measures taken to purify the effluent prior to discharge and attach details of the system employed where relevant and additional information regarding your environmental management plan (if in place). Describe how the position of discharge pipelines addresses issues such as dispersion of effluent, environmental and visual impact, and potential navigation and recreation hazards. Attach information on nearby activities that may impact in a negative manner on water quality at the site and indicate location of potential contaminant sources on a map. Particular concerns are sewage contamination from marine outfalls and nearby activities that may produce toxic or hazardous substances such as heavy metals and pesticides. No marine aquaculture operation may be undertaken in heavily polluted waters where the final product is intended for human consumption. Independent water quality reports may be required for certain areas. State whether water will be abstracted from an estuary or the sea.

**3 Culture operation and production if a hatchery is in existence or is planned, indicate source of breeding stock.**

(Note: a separate application must be submitted for collection of wild brood stock). In case of a nursery, state whether stock is produced in own hatchery or is purchased. For on-growing juveniles, state source of juvenile stock. Indicate anticipated target values of production for the different phases of the operation. Existing operators should provide annual production data (i.e. placed on the market) and destination markets. If imported seed is to be used, provide the name of the supplier(s), the country of origin and proof that the imported stock will be free of disease agents and introducible pests. Copies of appropriate certification of the supplier and for shipments of stock should be included where available. Provide a detailed scale layout of the farm. For land-based operations, this must clearly indicate: water intake and discharge points; hatchery, nursery and/or on-growing facilities; reservoirs; filtration plants etc. If farming in the sea is practiced/ intended, provide details regarding containment structures (eg. rafts, long-lines, net cages, baskets) and means of anchoring. Describe the operating procedures for the culture facility, clearly differentiating separate life stages where applicable. Provide information on the proposed usage of chemicals such as antifoulants, fertilizers, general disinfectants, therapeutants, pesticides, herbicides, feed additives, anaesthetic, hormones, etc. Clearly indicating quantities involved.

**4 Nature and extent of the likely impacts of the proposed activity**

- i. Describe, as relevant to your project, the nature and extent of likely impacts on the following matters protected by the legislation such as ICM, NEMA, NEMBA, MLRA Acts etc:

Identification of potential environmental issues or impacts, Environmental considerations, (Regulations of 2, Sept.1998: MLRA):

An application shall at least contain:

- a. the scientific name of each species for which an application is made
- b. origin of the stock
- c. if imported species are being considered, the measures to be taken to avoid introduction of exotic species, parasites and pathogens, and measures to be taken to avoid establishment of introduced species in the wild, shall be stated
- d. details of the method of
  - i) cultivation, and
  - ii) mitigating against potential environmental impacts
- e.g. details of chemicals, such as anti-foulants, fertilisers, disinfectants, therapeutants, pesticides, herbicides, hormones and anaesthetics, and methods of application that are being considered for use in the operation disease/pathogens
- g. quality of seawater and potential sources of pollution in the proposed area of operation
- h. environmental management and monitoring of the likely impacts
- i. Socio economic impacts
- j. Outline empowerment opportunities for local communities and job creation.

**5 Business plan**

Attach details of the finances and resources available for the development, the targets of the operation and the ability to achieve these targets, and a description of the marketing strategy. If a joint venture is intended, provide full and certified details of the nature of this agreement and the role of the different parties in the venture, emphasizing the mutual benefits. Indicate whether such co-operation will involve previously disadvantaged persons and/SMMEs. Attach details of supporting industries or other job opportunities that may arise from the venture and how these may contribute to economic upliftment in coastal communities. Include details on suppliers (if applicable) with a copy of the agreement(s) as well as a copy of the permit for the Right Holder.

## PART 7: DOCUMENTATION REQUIRED AND CHECKLIST

7.1 Documentation is required in order to provide the person(s) evaluating and considering this Application with a coherent set of documents that form a clear, up to date and accurate picture of the commercial structure of the Applicant and the actual extent of transformation and the extent to which the Applicant is involved in the fishing industry/ fish processing sector/ aquaculture industry.

Please tick where appropriate ( ✓ )

In respect of the Company Applicants	Attached	Not Applicable	Not Available	Number of Pages
Certificate of Incorporation of Company				
Certificate to commence business				
If shares are held by other companies, copies of their certificates of incorporation and to commence business and copies of the applicant's share register -*				
Organogram setting out company shareholding, or if applicant belongs to a group of companies, an organogram setting out the group's structure				
Shareholders agreement (signed current version) -*				
If any of the five major shareholders are individuals, copies of their Identity documents -*				
Certificate from auditor confirming current shareholding				
Signed financial statements for the last financial year for existing operators only				
Most recent auditor's report				
Income Tax clearance certificates for Company				
(Documents marked " * " are not required in respect of Applicants that are public companies listed on the JSE)				
<b>In respect of Close Corporation Applicants</b>				
CK 1 and current CK 2 forms				
Association Agreement				
Certificate from Accounting Officer confirming current member's interests				
Signed financial statements for the last financial year				
Most recent Accounting officer's statement				
Income Tax clearance certificate for CC				
<b>In respect of Individual / Sole Proprietor Applicants</b>				
Income Tax Clearance Certificate				
Signed financial statements for the last financial year				
Most recent income tax return				
<b>In respect of Trust Applicants</b>				
Letter of Authority				
Trust Deed				
Income Tax Clearance Certificate				
Signed financial statements for the last financial year				
Most recent income tax return				
<b>Documents and Certificates in Respect of the Employment Equity Act</b>				
Report as per 3.5, Part 3				
EEA 2 or EEA 2A (Section 21)				
Analysis in terms of Section 19				
EEA 4 or EEA SA (Section 27)				
Acknowledgement from the Department of Labour w.r.t. the above				
<b>Documents in respect of Application</b>				
Proof of ownership of site or lease of site				
Map of site (1:10 000) indicating size of operation				
Approval from decision making authorities				
Necessary environmental authorisation				
Necessary water quality reports				
Coastal Waters Discharge permit and details of water discharges				
Vessel license and SAMSA Certificate				
BBBEE Certificate				

<b>Supplier agreement</b>				
<b>Production data for current and previous years</b>				
<b>Detailed plans and layout of operation</b>				
<b>Supplementary information on proposed operation procedures</b>				
<b>Information on proposed usage of chemicals</b>				
<b>Animal health management plan</b>				
<b>Details of joint ventures, finances, targets and marketing strategy</b>				

**PART 8: DECLARATION BY APPLICANT**

I, the undersigned, do hereby make oath and declare that the information submitted with and in this application is true, correct and complete and that the copies of the documents submitted are true certified copies of the original documents. I understand that if any information furnished in this application is not true or complete, including: providing false documentation, or the falsification of any documents, or the making of any misleading or false statements, or the non-disclosure of any material information or information which might materially affect the assessment / evaluation of this application, this may disqualify the application, or lead to it being refused or to the revocation, suspension, cancellation, alteration or reduction of any Right, license or permit granted on strength of this application, in terms of Section 28 of the Act.

In order to allow for the proper verification of this application I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information concerning or related to this application or to the applicant, to disclose or make same available to the Minister, his delegate or a duly authorised official of the Department of Agriculture, Forestry and Fisheries.

SIGNED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 201...

Applicant's signature (Duly authorised) \_\_\_\_\_

Full name \_\_\_\_\_

The deponent declares that he/she knows and understands the contents and implications of the above declaration. The deponent further hereby confirms and verifies his/her authority to make and depose of this application on behalf of the applicant.

Thus signed and dated in my presence

Commissioner of Oaths \_\_\_\_\_

Full name \_\_\_\_\_

Designation \_\_\_\_\_

Office \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

If this application is prepared or compiled by, or in consultation or on the advice of, any person or entity (other than the applicant) the following information must be provided in respect of that person or entity:

Name \_\_\_\_\_

Profession / Occupation / Designation: \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

ID Number/ IT Number/ Company Registration Number (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

Telephone number \_\_\_\_\_

Cellular telephone number \_\_\_\_\_

E-mail address: \_\_\_\_\_