



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Private Bag X2, ROGGEBAAI, 8012. Foretrust Building, Martin Hammerschlag Way, Foreshore, CAPE TOWN,
8001



Department of Agriculture, Forestry and Fisheries (DAFF)

Guidelines and Requirements on Applying for a Marine Aquaculture Right

2011

PREPARED BY:

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FOR ENQUIRIES CONTACT:

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The following documentation may be required when submitting an application for a Marine Aquaculture Right:

1. Completed Application Form
2. Registration documents for the business and or Identification Document(s)
3. Valid lease/ Title deed
4. Site Map
5. Detailed business and operational plan
6. Traceability Protocol (where applicable)
7. Environmental Authorization (where applicable)
8. Risk Assessment and Environmental Management Programme (EMPr)
9. South African Revenue Service (SARS) Tax Clearance Certificate
10. Broad Based Black Economic Empowerment (BBBEE) Certificate
11. Approval from the Local Authority
12. Coastal Waters Discharge Permit/ General Authorisation

The following guidelines will assist the applicant in meeting the abovementioned requirements in the application process:

1. Application Form

An application form for a Marine Aquaculture Right should be completed and can be obtained from the Department of Agriculture, Forestry and Fisheries, Branch: Fisheries, Customer Service Centre, Ground floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, 8001, Tel. (021) 402 3180, Fax. (021) 402 3362, e-mail ZimasaJ@daff.gov.za and website www.daff.gov.za.

2. Registration documents for the business and Identification Document(s)

Aquaculture is a commercial operation and therefore involves trading. All applicants will be required to register their business as a Partnership, Sole Proprietor, Company, Closed Corporation, Non Profit Organisation (Section 21 Company), or Co-operative. **True certified**

copies of all registration documents and identity documents of the applicant should accompany the application form.

3. Valid lease/ title Deed

The applicant should identify an appropriate site zoned for aquaculture, agriculture or industrial use. In the case where a site is not zoned specifically for the above, an application for re-zoning will have to be submitted to the relevant authority (e.g. Municipality). Depending on the ownership of the identified site, a lease or a Title Deed will have to be obtained by the applicant, and should be submitted with the application form. The National Ports Authority (NPA) controls offshore and inshore waters, sea space and coastal areas not controlled by the NPA are under the jurisdiction of the Department of Environmental Affairs (DEA). For further enquiries please contact the Department of Environmental Affairs (DEA), Coastal Planning and Environmental Protection, Sandiso Zide, Tel. (021) 819 2497 and e-mail Szide@environment.gov.za.

4. Site Map

A map should be provided with GPS boundary co-ordinates of the site locality, from the site owner or relevant authority.

5. Business plan

The applicant is required to submit a detailed business including the following information:

- a. Company profile and shareholding structure.
- b. Product category to be processed e.g. shellfish, finfish, crustaceans, seaweeds etc.
- c. If imported species are being considered, the measures to be taken to avoid the spread and introduction of exotic commensals, parasites and pathogens.
- d. A detailed description of processing methods and operational plan including:
 - i. System Design and Technology
 - ii. Water Quality Monitoring
 - iii. Effluent Discharge
 - iv. Animal Husbandry
 - v. Biosecurity and Animal Health Management

- e. Potential sources of pollution identified and highlighted in the site map and proposal.
- f. The use of any kind of chemicals, antibiotics, disinfectants, fertilizers, therapeutants and anesthetics, that may be used or result from the operation. Methods of application that are being considered for use must also be outlined in the proposal.
- g. The product destination or a marketing strategy should be included.
- h. A detailed financial plan projecting capital, expenditure and income over a **minimum period of 2 years** should be included.
- i. Facilities and employment opportunities that will be created should be highlighted in the business plan.
- j. Information on how the facility will minimize and prevent potential negative environmental impacts.

6. Traceability Protocol

A traceability protocol is required for the local sale of cultured undersized or protected indigenous marine species. This involves appropriate traceability from the farm to the market. Traceability is also important for ensuring food safety in case contaminated products are sold on the market and there should be a mechanism to recall the products.

7. Environmental Authorisation

The Minister of Environmental Affairs published regulations that list activities which require a Basic Assessment or scoping and environmental impact reporting. These regulations were published on 18 June 2010 and commenced on 2 August 2010. Environmental authorisation may be required before the establishment of a marine aquaculture operation as certain activities are listed under the National Environmental Management Act, 1998 (Act No. 107 of 1998), Environmental Impact Assessment (EIA) regulations. For further details you may contact the Department of Environmental Affairs (DEA), EIM Capacity and Support, Franz Scheepers, Tel. (012) 310 3459/3261 and e-mail FScheepers@environment.gov.za. If the applicant is advised that an environmental authorisation is required, they should register the Department of Agriculture, Forestry and Fisheries (DAFF) as an interested and affected party and should forward all environmental impact reports for comments to the Department of Agriculture Forestry and

Fisheries (DAFF), Sustainable Aquaculture Management (SAM), Fatima Samodien, Tel. (021) 430 7052, Fax. (021) 434 2889 and email FatimaS@daff.gov.za. An environmental authorisation should be attached on the application form.

8. Risk Assessment and Environmental Management Programme (EMPr)

In the case where an applicant is exempted from the EIA process following written proof from the Provincial Authority, then a Risk Assessment should be conducted. An Environmental Management Programme (EMPr) should be submitted along with the application if not included in the Risk Assessment, which should be conducted by an independent consultant.

9. Valid SARS Tax Clearance Certificate.

The applicant is required to declare the financial status of the proposed business with the South African Revenue Services (SARS), which will grant a valid Tax Clearance Certificate that should accompany the application. Contact the National SARS Call Centre at 0800 00 72 77 (www.sars.gov.za).

10. Broad Based Black Economic Empowerment (BBBEE) Certificate

The applicant is required to submit a BBBEE Certificate as proof of the transformation status of the company or business, where applicable.

11. Approval from the local Authority

All land based activities need approval from the local authority (e.g. Municipality). This approval does not however exempt the applicant from undergoing a thorough Public Participation Process, which will ensure that all Interested and Affected Parties are informed and well aware of the activities around them. The approval should be put in writing and submitted with the application.

12. Coastal Waters Discharge Permit/ General Authorisation

The National Environmental Management: Integrated Coastal Management (ICM) Act, 2008 (Act No. 24 of 2008) addresses a number of issues relating to coastal pollution including the discharge of effluent into coastal waters. In terms of provisions of Chapter 8 of the ICM Act, particularly Section

69 which regulates the discharge of effluent into coastal waters from any source on land. Such activities, in addition to any other permit or authorisation which may be required by any other law, will require a Coastal Waters Discharge Permit or a General Authorization obtained from the Department of Environmental Affairs (DEA). For further details you may contact the Department of Environmental Affairs (DEA), Marine and Coastal Pollution Management, Tel. (021) 819 2452 and e-mail Marinepollution@environment.gov.za or Feroza Albertus, Tel. (021) 819 2457 and e-mail Feroza@environment.gov.za.

13. Additional Information/ Documentation

The Minister or the delegated authority may require an applicant to provide any additional information/ documentation in relation to the application, which the Minister/ his or her delegated authority reasonably considers necessary, and may refuse to consider the application until such information/ documentation is provided.

14. Applicable Legislation

Applicants are further advised to familiarize themselves with the legislation that regulates fish processing which include, the following:

- Marine Living Resources Act, 1998 (Act No. 18 of 1998)
- The National Environmental Management Act, 1998 (Act No. 107 of 1998)
- The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
- The National Environmental Management: Protected Areas Act, 2003 (Act No. 10 of 2003)
- National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)
- National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)
- The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973)
- The Health Act, 1977 (Act No. 63 of 1977)
- The National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008)
- Standards Act, 2008 (Act No. 8 of 2008)
- The Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972)

Guidelines and Requirements on Applying for a Marine Aquaculture Right (as per requirements of the Marine Living Resources Act, 1998 (Act No. 18 of 1998))

- Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947)
- Medicines and Related Substances Act, 1965 (Act No. 101 of 1965)
- The Animal Health Act, 2002 (Act No. 7 of 2002)

Useful Contact Information

Government Funding/ Bank Finance/ Insurance

1. Absa Bank

General Enquiries

Call centre: 0860 008 600

E-mail: absa@absa.co.za

Website: www.absa.co.za

2. Standard Bank

General Enquiries

Call centre: 0860 123 000

E-mail: information@standardbank.co.za

Website: www.standardbank.co.za

3. Development Bank of South Africa (DBSA)

Gwendoline Sepolaane

Corporate Relations

Tel: (011) 313 3911

Fax: (011) 313 3086

E-mail: gwenr@dbsa.org

Website: www.dbsa.org

4. Development Bank of South Africa Investment Project Preparation Fund (IPPF)

Community Public Private Partnership Programme (CPPP) Coordinator, IPPF

Tel: (011) 313 3514

Fax: (011) 313 3670

E-mail: karing@dbsa.org

Website: www.cppp.org.za

5. Industrial Development Corporation (IDC)

Ponnie van der Merwe

Tel: (011) 269 3000

Fax: (011) 269 3116

Call centre: 0860 693 888

E-mail: callcentre@idc.co.za

Website: www.idc.co.za

6. National Empowerment Fund (NEF)

Nokuthula Fakude

Senior Investment Associate

Rural and Community Development Fund

Tel: (011) 305 8155

Cell: 084 606 1685

Fax: (011) 305 8001

E-mail: fakuden@nefcorp.co.za

Website: www.nefcorp.co.za

7. SANTAM Aquaculture Insurance

Adele Erasmus

Aquaculture Insurance Policies and Declarations

Tel: (051) 4073001

Fax: (086) 6 569 232

E-mail: adele.erasmus@santam.co.za

8. Louis Jonker

Aquaculture Insurance Consultant

Tel: (028) 214133
Fax: (086) 6419023
Cell: 082330081
E-mail: louis.jonker@santam.co.za

9. Jan Louw

Aquaculture Insurance Consultant

Tel: (012) 369 1126
Fax: (012) 369 1051
E-mail: jan.louw@santam.co.za
Website: www.santam.co.za

Provincial and National Authorities

1. Department of Environmental Affairs and Development Planning (DEA&DP)

Head Office (Western Cape)

Annelize de Villiers

Tel: (021) 483 4091
e-mail: adevilli@pgwc.gov.za
Website: www.capegateway.gov.za

2. Department of Agriculture, Environmental Affairs and Rural Development

• Head Office (Kwazulu Natal)

Tel: (033) 355 9100
Fax: (033) 355 9122

- **Regional Office (North Region)**

Tel: (035) 780 6700

- **Regional Office (South Region)**

Tel: (033) 343 8300

Website: www.agriculture.kzntl.gov.za

3. Department of Economic, Affairs Environment and Tourism (DEAET)

- **Regional Office (Alfred Nzo District)**

Mlu Kosi

Acting Regional Director

Tel: (039) 727 3282

Fax: (039) 727 3273

- **Regional Office (Amathole District)**

Lungelo Madlingozi

Regional Director

Tel: (043) 707 4002

Fax: (043) 748 2060

- **Regional Office (Cacadu District)**

Leon Els

Regional Director

Tel: (041) 508 5808/00

Fax: (041) 508 5867

- **Regional Office (Chris Hani District)**

Cira Ngetu

Regional Director

Tel: (045) 838 3983

Fax: (045) 838 3981

- **Regional Office (O.R. Tambo)**

Lungi Mqakama

Regional Director

Tel: (047) 531 1191

Fax: (047) 531 887

- **Regional Office (Ukhahlamba District)**

Ntoboxolo Eddie

Regional Director

Tel: (051) 633 2901

Fax: (051) 633 3117

Website: www.dedea.gov.za

4. Department of Environmental Affairs (DEA)

- **Franz Scheepers**

EIM Capacity and Support

Tel: (012) 310 3459/ 3261

E-mail: fscheepers@environment.gov.za

- **Humbulani Muhangei**

EIM Capacity and Support

Tel: (012) 310 3358/ 3261

E-mail: hmuhangei@environment.gov.za

- **Siyabonga Zondi**

EIM Capacity and Support

Tel: (012) 310 3169

E-mail: Szondi@environment.gov.za

- **Sandiso Zide**

Coastal Planning and Environmental Protection

Tel: (021) 819 2497

E-mail: szide@environment.gov.za

- **Feroza Albertus**

Marine and Coastal Pollution Management

Tel: (021) 819 2457

E-mail: feroza@environment.gov.za

Website: www.environment.gov.za

5. Department of Agriculture, Forestry and Fisheries (DAFF)

- **Head Office (Pretoria)**

Tel: (012) 319 6000

Fax: (012) 319 0000

- **Khumo Morake**

Directorate: Aquaculture Technical Services (ATS)

Tel: (021) 402 3038

Fax: (021) 402 3420

E-mail: khumom@daff.gov.za

- **Asanda Njobeni**

Directorate: Sustainable Aquaculture Management (SAM)

Tel: (021) 402 3409

Fax: (021) 402 3420

E-mail: asandan@daff.gov.za

Website: www.daff.gov.za

6. Transnet - National Ports Authority (NPA)

- **Head Office (Gauteng)**

Tel: (011) 351 9001

Fax: (011) 351 9023

Website: www.transnetnationalportsauthority.net

7. Department of Public Works

- **Head Office (Pretoria)**

Tel: (012) 337 3000

Website: www.publicworks.gov.za

8. Department of Water Affairs (DWA)

- **General Enquiries**

Call centre: 0800 200 200

Switchboard: (012) 336 7500

- **Head Office (Pretoria)**

Tel: (012) 336 7500

Fax: (012) 326 3348

E-mail: paa@dwaf.gov.za

Website: www.dwaf.gov.za

9. South African Bureau of Standards (SABS)

- **Head Office (Pretoria)**

Dr Boni Mehlomakulu

President/ CEO

Tel: (012) 428 7911

Fax: (012) 344 1568

- **Regional Office (Cape Town)**

SABS Manager

Tel: (021) 681 6700

Fax: (021) 681 6701

- **Regional Office (Port Elizabeth)**

SABS Manager

Tel: (041) 391 8400

Fax: (041) 391 8400

- **Regional Office (Durban)**

SABS Manager

Tel: (031) 203 2900

Fax: (031) 203 2907

Website: www.sabs.co.za

10. National Regulator for Compulsory Specifications (NRCS)

- **Head Office (Pretoria)**

Tel: (012) 428 5000

Fax: (012) 428 5199

Call Centre: 0860 722 700

- **Regional Office (Cape Town)**

Tel: (021) 526 3400

Fax: (021) 526 3452

- **Regional Office (Port Elizabeth)**

Tel: (041) 398 6900

Fax: (041) 398 6944

- **Regional Office (Durban)**

Tel: (031) 533 6700

Fax: (031) 533 6729

Website: www.nrccs.org.za