



environment, forestry  
& fisheries

Department: Environment, Forestry  
and Fisheries  
REPUBLIC OF SOUTH AFRICA

## GENERAL TERMS OF REFERENCE FOR THE AQUACULTURE DEVELOPMENT ZONE MANAGEMENT COMMITTEE FOR SALDANHA BAY, IN THE WESTERN CAPE

### 1 Purpose & Scope:

The purpose of the Aquaculture Development Zone Management Committee (hereafter referred to as AMC) is to facilitate, oversee, manage and monitor aquaculture operations in the Saldanha Bay Aquaculture Development Zone (ADZ).

- 1.1. The AMC will facilitate discussion on the environmental issues regarding the ADZ.
- 1.2. The AMC will oversee the monitoring related to the ADZ.
- 1.3. The AMC will manage stakeholder communication.
- 1.4. The AMC will monitor the existing and new entrants into the ADZ.
- 1.5. The AMC will fulfil a coordinating and supervising role in order to ensure the Department of Environment, Forestry and Fisheries (DEFF) Branch Fisheries Management compliance with the Environmental Management Programme (EMPr) throughout all phases of aquaculture farming in the ADZ.

### 2 Process:

- 2.1. The AMC will produce an annual report, signed by the Co-Chairpersons, and is presented to the DEFF Branch Environment: Compliance and Monitoring in compliance with the Environmental Authorisation (EA).
- 2.2. Daily monitoring by the Environmental Control Officer (ECO) will be summarized into a monthly report which is presented by the ECO to the AMC at bi-monthly meetings.
- 2.3. The ECO will submit a detailed monitoring report to the DEFF: Environment Branch Compliance and Monitoring on a monthly basis. A summarised version of this report will be submitted to the AMC on a monthly basis.
- 2.4. The AMC secretariat will submit monthly reports to the Consultative Forum members and registered stakeholders on activities in the ADZ.

### 3 Duties:

- 3.1. The AMC will review and amend its Terms of Reference (ToR) as required, provided that such amendments are in line with the conditions of the EA. Any amendments to the ToR must be adopted by at least a quorum of the AMC.
- 3.2. The AMC will meet every two months and as the need arises.
- 3.3. The AMC will consider the necessity for additional research in order to improve its decisions and recommendations, and to anticipate future information requirements. The AMC will prioritize information needs according to current and future management requirements, and propose specific research projects to address these.
- 3.4. The AMC shall strive to reach agreement by consensus. Where no consensus can be reached, the DEFF Branch Environment will take a decision.

- 3.5. A quorum shall be constituted by the presence of the co-chairperson plus at least three (3) Key Departments represented on the AMC of the seven (7) departments as listed in 4.1 below.
- 3.6. The AMC will provide input into monitoring aquaculture operations' compliance with the ADZ EMPr and the EA conditions.
- 3.7. The AMC will oversee environmental monitoring related to ADZ aquaculture activities in Saldanha Bay.
- 3.8. The AMC will provide guidance on production volumes in the ADZ to ensure that these are in line with the EA.
- 3.9. The AMC will make recommendations based on the outcomes of the environmental monitoring, which could lead to the amendment of operations within the authorized ADZ.
- 3.10. The AMC will seek to make recommendations for improvements and amendments to the DEFFs Branch Fisheries Management overarching approved ADZ EMPr when required;
- 3.11. The AMC will seek to settle disputes regarding the interpretation of requirements in the ADZ EMPr and EA.
- 3.12. The AMC will consider the advice, recommendations and inputs of the Consultative Forum with regards to environmental monitoring within Saldanha Bay and the management of the ADZ.
- 3.13. The AMC will receive and manage stakeholder comments.
- 3.14. The AMC will record and if necessary, coordinate a response to environmental incidents related to aquaculture operations.
- 3.15. The AMC will review and comment on new/expanding aquaculture farm proposals within the approved ADZ
- 3.16. The AMC will provide relevant updated information, where available to the Consultative Forum for distribution to the public (e.g. farm coordinates, water quality information, notification of new aquaculture operations).
- 3.17. The AMC will be consulted before the appointment of the project ECO, to ensure that they are suitably qualified and have the relevant expertise to monitor and ensure compliance with the conditions of the EA and EMPr.
- 3.18. The AMC will meet before the commencement of construction activities to appoint a Chairperson and to discuss the ToR.
- 3.19. Individual operators located in the ADZ must compile site specific EMPrs which are aligned to the DEFF Branch Fisheries Management overarching approved EMPr and the conditions of EA. The AMC will review these site specific EMPrs for endorsement, prior to submission to DEFF Branch Environment for record keeping purposes, before commencement of the operations by the individual operator. The AMC may appoint a Task Team for a set period to undertake a specific task as and when required.
- 3.20. All monitoring studies conducted/ commissioned by the DEFF: Fisheries Management Branch within Saldanha Bay must be reviewed by an independent specialist to verify findings before the report is submitted to the AMC for review.

#### **4 Composition:**

- 4.1. The AMC will consist of the following Key Departments:

- 4.1.1 Department of Environment, Forestry and Fisheries (DEFF): Fisheries Management Branch: Aquaculture and Economic Development; and Compliance and Monitoring;
- 4.1.2 Department of Environment, Forestry and Fisheries(DEFF): Environment Branch: Oceans and Coasts; Biodiversity; Integrated Environmental Authorizations; and Compliance and Monitoring;
- 4.1.3 The Western Cape Department of Environmental Affairs and Development Planning (DEA&DP): Environmental Authorisations; and Coastal Management;
- 4.1.4 Transnet National Ports Authority (TNPA): Real Estate Management; and Environmental;
- 4.1.5 Department of Agriculture (DoA): Farmer Support and Development;
- 4.1.6 Saldanha Bay Municipality (SBM): Environmental; and Environment and Heritage;
- 4.1.7 West Coast District Municipality (WCDM): Environmental; and
- 4.1.8 Two independent co-chairs.

4.2. The AMC shall consist of:

- 4.2.1 **Co-chairpersons** calls and chairs the meetings.
- 4.2.2 **Secretariat (ECO)**: fulfils the secretariat functions including:
  - 4.2.2.1 Maintenance of member details and arrangement of meetings;
  - 4.2.2.2 Compiling and distribution of meeting notes;
  - 4.2.2.3 Distribution of communication to AMC members, Consultative Forum and aquaculture farmers in the ADZ;
  - 4.2.2.4 Maintenance of a database of registered (public) stakeholders;
  - 4.2.2.5 Drafting and distribution of regular (at least quarterly) AMC reports to all Consultative Forum members and registered stakeholders on activities in the ADZ;
  - 4.2.2.6 Administration of and responding to stakeholder comments on aquaculture activities in the ADZ;
  - 4.2.2.7 Reporting on stakeholder aspects at AMC meetings;
- 4.2.3 **Environmental representative (ECO)** fulfils environmental control functions including:
  - 4.2.3.1 Liaising with the suitably qualified service provider(s) appointed to attend to environmental sampling, monitoring and auditing aspects in the ADZ to ensure that monitoring is implemented as per the requirements;
  - 4.2.3.2 Receiving and reviewing monthly Farm monitoring reports;
  - 4.2.3.3 Receiving and reviewing environmental sampling, monitoring and audit results;
  - 4.2.3.4 Notifying the co-chairpersons in the event any aspects require immediate attention of other farmers on the ADZ;
  - 4.2.3.5 Notifying the Secretariat in the event any aspects require immediate attention of other aquaculture farmers in the ADZ; and
  - 4.2.3.6 Reporting on environmental aspect at AMC meetings.

4.3. The co-chairpersonship will be appointed by the DEFF: Fisheries Management Branch; Chief Director: Aquaculture and Economic Development, and will be nominated and endorsed by the AMC members. The two co-chairs will be independent persons, with experience in the environmental management and marine aquaculture field and/ or industry.

4.4. The AMC may invite additional participants to AMC meetings, as and when required.

## 5 Membership:

- 5.1. Key Departments as listed in 4.1 above shall nominate representatives from their Department to sit on the AMC.
- 5.2. The AMC Departmental representation as listed in 4.1 above is comprised of but not limited to those Departments as stipulated in the EA. Members and the co-chairpersons shall sign and return a nomination letter in order to formally accept the invitation by the DEFF: Fisheries Management

Branch; Chief Director: Aquaculture and Economic Development. The relevant roles shall refer to the ToR (this document).

- 5.3. Nominated representative of the AMC are obliged to attend all meetings of the AMC, where possible.
- 5.4. A copy of the attendance register will be kept on record to monitor attendance by the Key Departments.
- 5.5. The co-chairpersons must notify the relevant department in writing if a nominated representative of the AMC fails to attend more than three consecutive meetings.
- 5.6. Resignation of any co-chairpersons or nominated representative must be submitted in writing to the DEFF: Fisheries Management Branch; Chief Director: Aquaculture and Economic Development and the DEFF: Environment Branch: Compliance and Monitoring. In the event that a nominated official cannot attend meetings or are no longer available to serve on the AMC the relevant department shall nominate a replacement.

## **6 Limitations of the AMC:**

- 6.1. The AMC has legal standing as it is constituted under the conditions of the EA issued by the Minister of Forestry Fisheries and the Environment under the National Environmental Management Act , 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2017 (as amended).
- 6.2. The AMC functions in support of the mandates of the individual government departments in terms of the SA statutory framework.

## **7 Reporting:**

- 7.1. The AMC will report to the CF and registered stakeholders in writing through the monthly reports.
- 7.2. An annual report, signed by the Chairperson with the latest developments in the ADZ and where applicable, recommendations with implications for management will be sent to the DEFF: Environment Branch for record keeping purposes.
- 7.3. *Ad-hoc* reports containing advice and recommendations on issues that may arise.

## **8 Aide Memoire:**

- 8.1. The Secretariat of the AMC shall take notes and prepare an Aide Memoire of each meeting.
- 8.2. The Aide Memoire shall reflect a record of attendance.
- 8.3. The Aide Memoire shall be distributed to all present at the meeting for approval within two (2) week of the meeting having taken place.
- 8.4. If circumstances preclude this, the timing of the distribution of the Aide Memoire shall be agreed by the meeting before closure.

## **9 Confidentiality of Documents:**

- 9.1. At the beginning of each AMC meeting, the Co-chair shall advise on what documents, if any, presented to the meeting, are confidential in nature. These documents shall not be distributed outside of the AMC.
- 9.2. A declaration of confidentiality shall be signed by each nominated member. If the nominated member is new to the AMC they are to sign the declaration at or prior to the meeting.
- 9.3. Each AMC member shall declare if/when they have a conflict of interest whether it is regarding business, professional, personal, or other interest, including, but not limited to, the representation of their Department, that would conflict in any manner or degree with the obligations as an AMC member representative.

## **10 Document Management:**

- 10.1. The Secretariat will maintain an updated file of all the AMC documents.

- 10.2. After each meeting all documents shall be lodged in the DEFF: CD AED filing office for archiving purposes in both hard copy and electronic formats.
- 10.3. These documents shall include the Agenda and the Aide Memoire.
- 10.4. All AMC documents shall be numbered using the standard numbering format, as per the following example: FISHERIES/2018/JAN/AMC/01, where documents are numbered consecutively, starting at 01, from 01 January to 31 December in any one year.