



**Western Cape
Government**

Environmental Affairs and
Development Planning

DIRECTORATE: LAND MANAGEMENT (REGION 1)

EIA REFERENCE NUMBER: 16/3/1/1/A8/10/1079/13

ENQUIRIES: Bernadette Osborne

DATE OF ISSUE: 2014 -11- 2 5

The Board of Directors

Fuel First (Pty) Ltd

PO Box 32170

CAMPS BAY

8040

Attention: Mr Alex Gabrielides

Tel: (021) 931 2682

Fax: (086) 548 3005

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010: THE CONSTRUCTION OF A LIQUID PETROLEUM GAS ("LPG") STORAGE AND DISTRIBUTION DEPOT ON ERF NO. 9834, BEACONVALE.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION

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 Amendment Regulations, 2010, ("EIA Regulations") the competent authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to Layout Alternative 3 as described in the amended final Basic Assessment Report dated 24 October 2014.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Fuel First
% Mr Alex Gabrielides
PO Box 32170
CAMPS BAY
8040

Tel: (021) 931 2682
Fax: (086) 548 3005

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the applicant**".

B. ACTIVITY AUTHORISED

Government Notice No. R544 of 18 June 2010 –

Activity 13

The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres.

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

The applicant is herein authorised to undertake the following alternative related to the listed activity:

- The construction of a raised platform for the storage of full and empty LPG cylinders and a high pressure washing area in the north-western section of the site.
- The construction of office buildings and a warehouse in the south-western section of the site.
- The placing of two 90m³ LPG storage tanks, above ground, in the north-eastern section of the site.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take place on Erf No. 9834, Beaconvale.

The SG 21 digit code: C01600420000983400000

Co-ordinates: Latitude 33° 54' 44.70" South
Longitude 18° 35' 8.07" East

hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Frontline Safety Health and Environmental Consultants
% Justin Gichobi
PO Box 1527
SANLAMHOF
7532

Tel: (021) 914 7080
Fax: (086) 605 6469

E. CONDITIONS OF AUTHORISATION

1. This Environmental Authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activity within the said period or this Environmental Authorisation lapses and a new application for Environmental Authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this Environmental Authorisation, before the expiry of this Environmental Authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this Environmental Authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activity including site preparation may not commence during the period of administrative extension.
2. The listed activity, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this Environmental Authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with Regulation 10(2):
 - 3.1 notify all registered Interested and Affected Parties ("I&AP's") of:
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision;
 - 3.2 draw the attention of all registered I&AP's to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations detailed in section F below;

- 3.3 draw the attention of all registered I&AP's to the manner in which they may access the decision;
- 3.4 publish a notice in the newspapers contemplated in Regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process ("PPP"), that:
 - 3.4.1 informs all I&AP's of the decision;
 - 3.4.2 informs all I&AP's where the decision can be accessed;
 - 3.4.3 informs all I&AP's that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations; and
- 3.5 provide the registered I&APs with:
 - 3.5.1 the name of the holder (entity) of this Environmental Authorisation;
 - 3.5.2 the name of the responsible person for this Environmental Authorisation;
 - 3.5.3 the postal address of the holder;
 - 3.5.4 the telephonic and fax details of the holder; and
 - 3.5.5 the e-mail address if any.
- 4. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1 the notice must make clear reference to the site's details and EIA reference number given above.
 - 4.2 the notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3 and 13.
- 5. The holder is 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.
- 6. Any changes to, or deviations from the scope of the description set out 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 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 to apply for further authorisation in terms of the applicable legislation.

7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMP") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented **on condition that the following amendments are made to the EMP**, and then re-submitted to the competent authority prior to the end of the construction phase or within 1 year from the date of issue of this Environmental Authorisation, whichever occurs first:
 - 8.1 An Operational EMP, which describes how waste (hazardous and general), leakages and spills, traffic and noise impacts will be addressed, must be included in the EMP.
 - 8.2 A Fire Management Plan as well as an Emergency Response Plan must form part of the Operational EMP.

The EMP must be included in all contract documentation for all phases of implementation.

9. A copy of the Environmental Authorisation and the EMP must be kept at the site where the listed activity will be undertaken. Access to the site referred to in section C above must be granted and, the Environmental Authorisation and the EMP 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. The Environmental Authorisation and the EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
10. The applicant must submit an application for amendment of the Environmental Autorisation to the competent authority where any detail with respect to the Environmental Autorisation must be amended, added, substituted, corrected, removed or updated, save that such application for amendment shall not include the personal details of the holder of the Environmental Autorisation. Where any of the applicant's contact details change, the physical or postal address and/ or telephonic details, the applicant must notify the competent authority in writing as soon as the new details become known to the applicant as follows:
 - 10.1 the applicant must submit an originally signed notification to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the Environmental Autorisation is still in force (i.e. that the validity period has not yet expired or the activity/ies was/were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and

obligations contained in the Environmental Authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions; and

- 10.2 the competent authority will issue a written confirmation to confirm the transfer if the transfer is found to be appropriate.
11. Non-compliance with a condition of this Environmental Authorisation or EMP may result in suspension of this Environmental Authorisation and may render the holder liable for criminal prosecution.
 12. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activity.
 13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), or site agent where appropriate, for the construction phase before commencement of any land clearing activities to ensure compliance with the EMP and the conditions contained herein.
 14. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation. All liquid and solid hazardous waste must be disposed at a licensed hazardous landfill facility.
 15. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
 16. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
 17. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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 include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant

authority) to remove any human remains in accordance with the requirements of the relevant authority.

18. All liquid and solid hazardous waste must be disposed of at a licensed hazardous landfill facility.
19. Any event resulting in the spill or leak of product into the ground and/or water courses (e.g. that of hazardous substances used during the construction or operational phase) must be reported to all relevant authorities, including this Department's Directorate: Pollution Management, within 14 days. This requirement is in terms of Section 30(10) of the National Environmental Management Act, No. 107 of 1998 (NEMA) and Section 20(3) of the National Water Act, No. 36 of 1998 (NWA) that pertains to the control of emergency incidents and should include the reporting, containment and clean-up procedure of such incident and the remediation of the affected area. All necessary documentation must be completed and submitted within the prescribed timeframe. Containment, clean-up and remediation must commence immediately.
20. The facility which was identified as a Major Hazardous Installation by MHR Consultants in their Risk Assessment conducted on 12 February 2014, must be registered with the Department of Labour.
21. The combined capacity of the LPG cylinders and storage tanks must not exceed 500m³ at any given time, irrespective of whether full or empty.
22. The storage tanks and cylinders must be designed, installed and managed in accordance with the relevant South African National Standards (SANS).

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the EIA Regulations.

1. An appellant must –
 - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.1.1 If the appellant is an applicant, the appellant must provide each person and Organ of State which was a registered I&AP in relation to the applicant's application, within 10 days of having submitted the notice with the Minister, with—
 - (a) a copy of the notice lodged with the Minister; and
 - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the

submission will be available for inspection by such person or Organ of State.

- 1.1.2 If the appellant is a person other than an applicant, the appellant must provide the applicant, within 10 days of having lodged the notice with the Minister, with—
 - (a) a copy of the notice lodged with the Minister; and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in Regulation 60(1), for the submission of the notice of intention to appeal;
- 1.3 that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister; and
- 1.4 if a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the Minister within 30 days of receipt of the responding statement.
2. A person, Organ of State or applicant who submits a responding or answering statement in terms of Regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. All notice of intention to appeal and appeal forms must be submitted in hard copy by means of one of the following methods:

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: Attention: Mr Jaap de Villiers (Tel: 021-483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

PLEASE NOTE: NO appeal, responding and answering statement may be lodged by e-mail.

4. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. 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



MR. HENRI FORTUIN

DIRECTOR: LAND MANAGEMENT (REGION 1)

DATE OF DECISION: 25-11-14

Copied to: (1) J Gichobi (Frontline Safety, Health and Environmental Consultants)
(2) G September (City of Cape Town)

Fax: (086) 605 6469

Fax: (021) 421 1963

FOR OFFICIAL USE ONLY:**EIA REFERENCE NUMBER:****16/3/1/1/A8/10/1079/13****NEAS EIA REFERENCE NUMBER:****WCP/EIA/0001584/2013****ANNEXURE 1: REASONS FOR THE DECISION**

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 24 October 2013, the final amended BAR, as received by this Department on 24 October 2014, the EMP, submitted with the final BAR, and the additional information received on 11 November 2014, 14 November 2014 and 20 November 2014, respectively;
- b) Relevant information contained in the Departmental information base, including, the Guideline on Public Participation and Guideline on Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of NEMA;
- e) The comments received from I&AP's and the responses provided thereon, as included in the final BAR received by this Department on 24 October 2014 and 20 November 2014; and
- f) The sense of balance of the negative and positive impacts and proposed mitigation measures.

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 which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

Deviation was requested from the requirements of Regulation 54 (1) (ii) of Government Notice No. R. 543 and were accepted by the Department.

The Public Participation Process ("PPP") undertaken for this Basic Assessment application included the following:

- Site notices were placed on 10 March 2014;
- An advertisement was placed in the local newspaper, the "Cape Times", on 12 March 2014;
- The draft BAR was made available for a 40 day commenting period from 12 March 2014;

- The final BAR was made available for a 21 day commenting period from 28 May 2014; and
- The amended final BAR was made available for a 21 day commenting period from 21 August 2014.

Authority Consultation

The following authorities were consulted:

- CapeNature;
- Heritage Western Cape;
- Department of Water and Sanitation (formerly known as the Department of Water Affairs);
- Department of Transport and Public Works;
- DEA&DP Directorate: Pollution Management; and
- City of Cape Town.

All the concerns raised by I&AP's were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMP to adequately address the concerns raised.

The Department concurs with the environmental assessment practitioner's responses to the issues raised during the PPP and has included appropriate conditions in this Environmental Authorisation.

2. Alternatives

Layout Alternative 1

This alternative entails the following:

- The construction of a LPG cylinder storage area in the centre of the site.
- The construction of office buildings and a warehouse in the northern section of the site.
- The placing of two 90m³ LPG above ground storage tanks, in the southern section of the site.

This alternative is not preferred for the following reasons:

- The location of the two 90m³ LPG storage vessels next to a paint manufacturing industry increased the fire risk associated with the development.
- The location of the office buildings and warehouse will have cost implications in terms of linkage to existing municipal services.

Layout Alternative 2

This alternative entails the following:

- The construction of a LPG cylinder storage area and a raised platform for cylinder storage in the centre and north-eastern section of the site.
- The construction of office buildings and a warehouse in the north-western and south-western section of the site.
- The placing of two 90m³ LPG storage tanks in the western section of the site.

This alternative is not preferred for the following reasons:

- The location of the two 90m³ LPG storage vessels between the warehouse component and the office component will increase the fire risk associated with the development.
- The location of the office buildings and warehouse will have high cost implications for the linkage to existing municipal services.

Layout Alternative 3 (preferred alternative)

This alternative entails the following:

- The construction of a raised platform for the storage of full and empty LPG cylinders and a high pressure washing area in the northern-western section of the site.
- The construction of office buildings and a warehouse in the south-western section of the site.
- The placing of two 90m³ LPG storage tanks in the north-eastern section of the site.

This is the preferred alternative for the following reasons:

- The LPG cylinder storage tanks and cylinders are located at the safest location on the site.
- A fire wall will be constructed along the northern and western boundaries of the site.
- Safety measures such as suppression equipment will be used, a sprinkler system will be installed above the storage tanks and the correct water deluge or tank cladding systems can be implemented.
- Access to the site and space for trucks to move on the site is adequately provided for.
- The office component and warehouse are located in close proximity to each other for easy provision of municipal services and low cost implications.

No-go Option:

This alternative represents the current *status quo*, which is an undeveloped industrial site. This was not preferred since it will not provide employment opportunities.

3. Impacts, Assessment and Mitigation Measures

3.1. Activity Need and Desirability

The development is located in an industrial area within the urban edge and will not have any biophysical or heritage impacts. The development will provide employment opportunities during both the construction and operational phase.

3.2. Biophysical Impacts

The entire site has been paved previously and contains no watercourses or vegetation. No significant impacts on terrestrial biodiversity are anticipated.

3.2. Risk Assessment

The Risk Assessment conducted by MHR Consultants on 12 February 2014, highlighted that the development is a Major Hazardous Installation. Notwithstanding this, the assessment concluded that the risks associated with the development is acceptable and made recommendations pertaining to emergency planning, review requirements for risk assessment and land use surrounding the facility. These have been addressed in the conditions under Section E of this Environmental Authorisation.

The development will result in both negative and positive impacts.

Negative Impacts:

The impacts of the development as a major hazardous installation were addressed in the EMP and as conditions under Section E of this Environmental Authorisation.

Positive impacts:

The development will provide employment opportunities during both the construction and operational phase.

4. National Environmental Management Act Principles

The National Environmental Management Act 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 activity (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.

5. Conclusion

The competent authority is satisfied that the proposed listed activity 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 activity can be mitigated to acceptable levels, provided that the following is observed:

- Adherence to the NEMA principles,
- Compliance with the conditions stipulated in this Environmental Authorisation, and
- Compliance with the mitigation measures in the EMP.

-END-