



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: ENVIRONMENTAL GOVERNANCE  
SUB-DIRECTORATE: RECTIFICATION**

**24G APPLICATION REF:** 14/2/4/2/1/F4/20/0003/21

**ENQUIRIES:** Shafeeq Mallick

The Managing Director  
Pioneer Fishing West Coast (Pty) Ltd  
PO Box 25  
ST HELENA BAY  
7382

Email: gerhard@oranjevis.co.za  
Tel: (022) 736 1210

**Attention: Gerhard Louw**

Dear Sir

**APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): THE UNLAWFUL CONSTRUCTION OF A DIESEL FUEL STORAGE TANK ON ERF 33, ST HELENA BAY**

With reference to your application dated 27 January 2021, as signed by the applicant on 30 October 2020, has reference. in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

**ENVIRONMENTAL AUTHORISATION**

**A. DECISION**

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below in accordance with the preferred alternative as described in the application and environmental assessment dated 27 January 2021.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

## B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Pioneer Fishing West Coast (Pty) Ltd  
 c/o Mr Gerhard Louw  
 P O Box 25  
 ST HELENA BAY  
 7382

Tel: (022) 736 1210  
 Email: gerhard@oranjevis.co.za

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

## C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p><i>Government Notice No. 324 of 7 April 2017 -</i></p> <p><b>Activity Number: 10</b></p> <p>Activity Description: <i>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers</i></p>	<p>The installation of diesel storage tank 79 cubic meters.</p> <p>The diesel storage tank was installed on an area on Erf 33 in 2020 which was not authorised in the Environmental Authorisation of 2018</p>

<p><i>with a combined capacity of 30 but not exceeding 80 cubic metres.</i></p> <p><i>b. Western Cape</i></p> <p><i>iv. Areas zoned for use as public open space or equivalent zoning;</i></p> <p><i>v. All areas outside urban areas; or</i></p> <p><i>vi. Inside urban areas:</i></p> <p><i>(aa) Areas seawards of the development setback line or within 200 metres from the high-water mark of the sea if no such development setback line is determined;</i></p> <p><i>(bb) 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; or</i></p> <p><i>(cc) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</i></p>	<p>(Ref:16/3/3/1/F4/20/3046/17).</p>
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The abovementioned list is hereinafter referred to as "the listed activity".

**D. PROPERTY DESCRIPTION AND LOCATION**

The listed activity commenced on Erf 33, St Helena Bay.

The SG digit code is: C04600130000003300000

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	32° 44' 42.46" South	18° 00' 35.26" East

2	32° 44' 37.17" South	18° 00' 36.76" East
3	32° 45' 03.26" South	18° 00' 53.50" East
4	32° 45' 04.65" South	18° 00' 53.41" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	32° 44' 51.38" South	18° 00' 37.50" East
2	32° 44' 51.32" South	18° 00' 38.23" East
3	32° 44' 51.84" South	18° 00' 37.51" East
4	32° 44' 51.78" South	18° 00' 38.51" East

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

Herein-after referred to as "the site".

## **E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

GroenbergEnviro (Pty) Ltd

c/o Mr Pieter Badenhorst and Ms Nerine Coertzen

P O Box 1058

WELLINGTON

7654

Cell: (082) 776 3422 / (082) 052 6122

Fax: (086) 476 7139

Email: pieter@groenbergenviro.co.za / nerine@groenbergenviro.co.za

## F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The unlawful construction of a diesel fuel storage tank on Erf 33, St Helena Bay.

During 2018, Oranjevis underwent an environmental process to decommission the current diesel fuel storage tank which is located in close proximity to the high-water mark. During the environmental process, a site was identified for the construction of the tank that would ensure the safe delivery of fuel, provide enough space for trucks to turn and was located far enough from the high-water mark. However, this site was not located within the lease area and the landowner was not willing to give consent for the construction of the fuel tank on this site.

An alternative site was therefore proposed within the lease area, located on the parking lot, but still within 100m of the high-water mark. As this was the only other feasible alternative, this was included in the Basic Assessment Report (BAR), and subsequently authorised in the Environmental Authorisation (EA) on 2018/05/10 (Ref:16/3/3/1/F4/20/3046/17).

However, during a meeting with the landowners' representatives on site during 2019, the original preferred site was visited and discussed. Construction commenced early 2020 on this site, but without environmental authorisation. The construction of the diesel fuel tank has been completed but not yet commissioned.

## G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

### PART I

#### Scope of authorisation

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to Alternative 1 described in the application and assessment report dated 27 January 2021 on the site as described in Section D above.
2. The Environmental Authorisation is valid for a period of **three years** from the date of the decision.

3. The development must be concluded within **two years** from the date of continuation of the first listed activity.
4. The holder shall be 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.
5. Any changes to, or deviations from the scope of the alternative described in Section F 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 information 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.

## **PART II**

### **Written notice to the competent authority**

6. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of the listed activities.
  - 6.1 The notice must make clear reference to the site details and 24G Reference number given above.
  - 6.2 The notice must also include proof of compliance with the following condition:  
Condition 7

## **PART III**

### **Notification and administration of an appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1 notify all registered Interested and Affected Parties (“I&APs”) of –
    - 7.1.1 the outcome of the application;
    - 7.1.2 the reasons for the decision as included in Annexure 3;
    - 7.1.3 the date of the decision; and
    - 7.1.4 the date when the decision was issued.

7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.

7.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

7.4 provide the registered I&APs with:

7.4.1 the name of the holder (entity) of this Environmental Authorisation;

7.4.2 name of the responsible person for this Environmental Authorisation;

7.4.3 postal address of the holder;

7.4.4 telephonic and fax details of the holder;

7.4.5 e-mail address, if any, of the holder; and

7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.

8. The listed activity, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

## **PART IV**

### **Management of the activity/development**

9. The draft Construction, Operational and Decommissioning Plan (/program) ("EMPr") dated January 2021 compiled by GroenbergEnviro (Pty) Ltd and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

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

## **PART V**

### **Monitoring**

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before continuation of commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity and must be made available to anyone on request.
13. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above 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.

## **PART VI**

### **Auditing**

14. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the competent authority within 6 months of decommissioning and reinstating the tank, and upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

## **PART VII**

### **Activity/ Development Specific Conditions**

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. 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: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains;



structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

## **H. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to

commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

## **I. APPEALS**

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –
  - 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.
2. An appellant (if NOT the holder) must –
  - 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. This appeal and responding statement must be submitted to the address listed below -

By post:                   Attention: Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs &  
Development Planning  
Private Bag X9186, Cape Town, 8000; or

By facsimile:           (021) 483 4174; or

By hand:                 Attention: Mr Marius Venter (Tel: 021-483 3721)  
Room 809, 8th floor Utilitas Building  
1 Dorp Street, Cape Town, 8000; or

By e-mail:              [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## **J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS**

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

## **K. DISCLAIMER**

The Western Cape Government, 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.

Yours faithfully

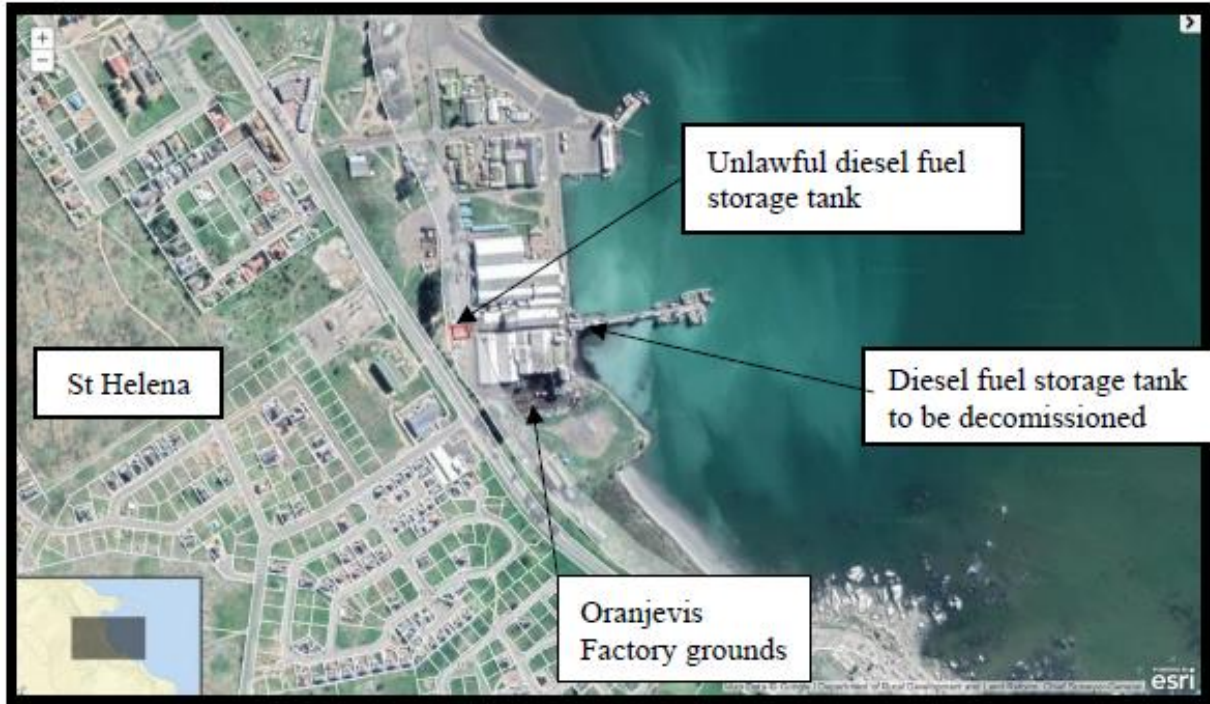
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**ADV. CHARMAINE MARÉ**  
**DIRECTOR: ENVIRONMENTAL GOVERNANCE**

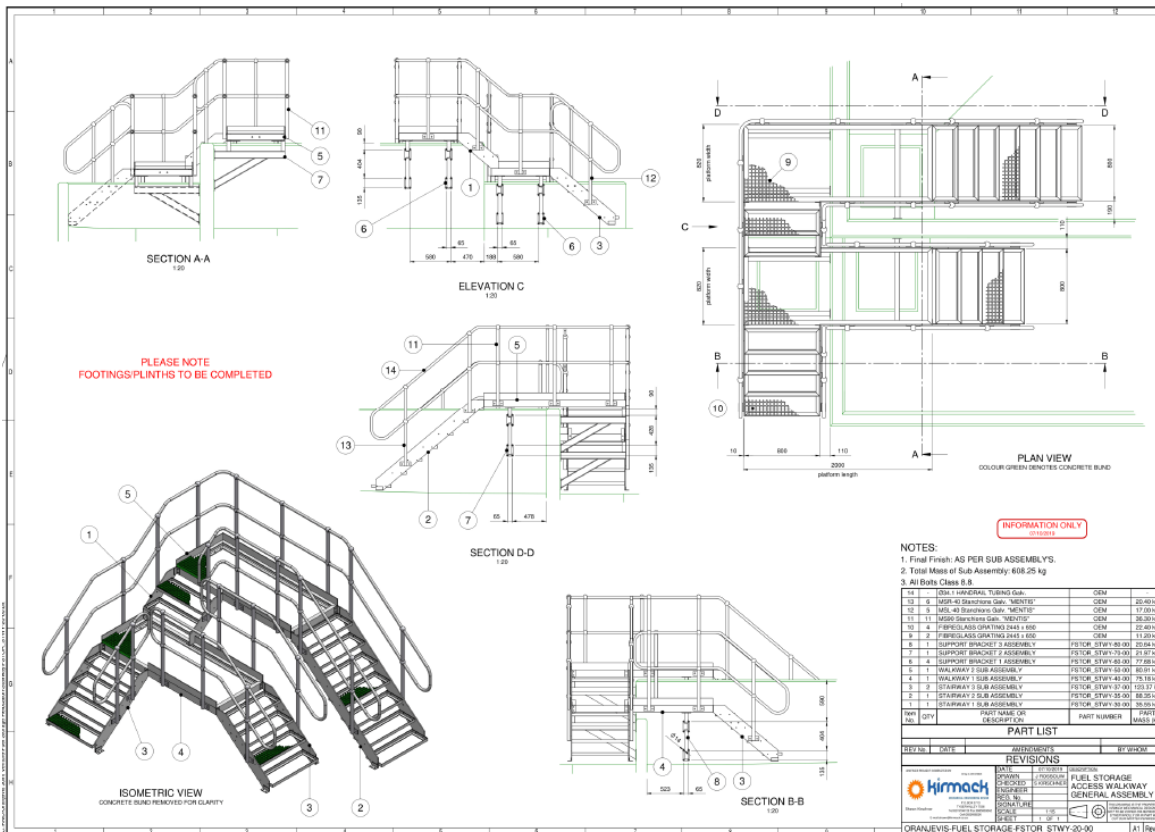
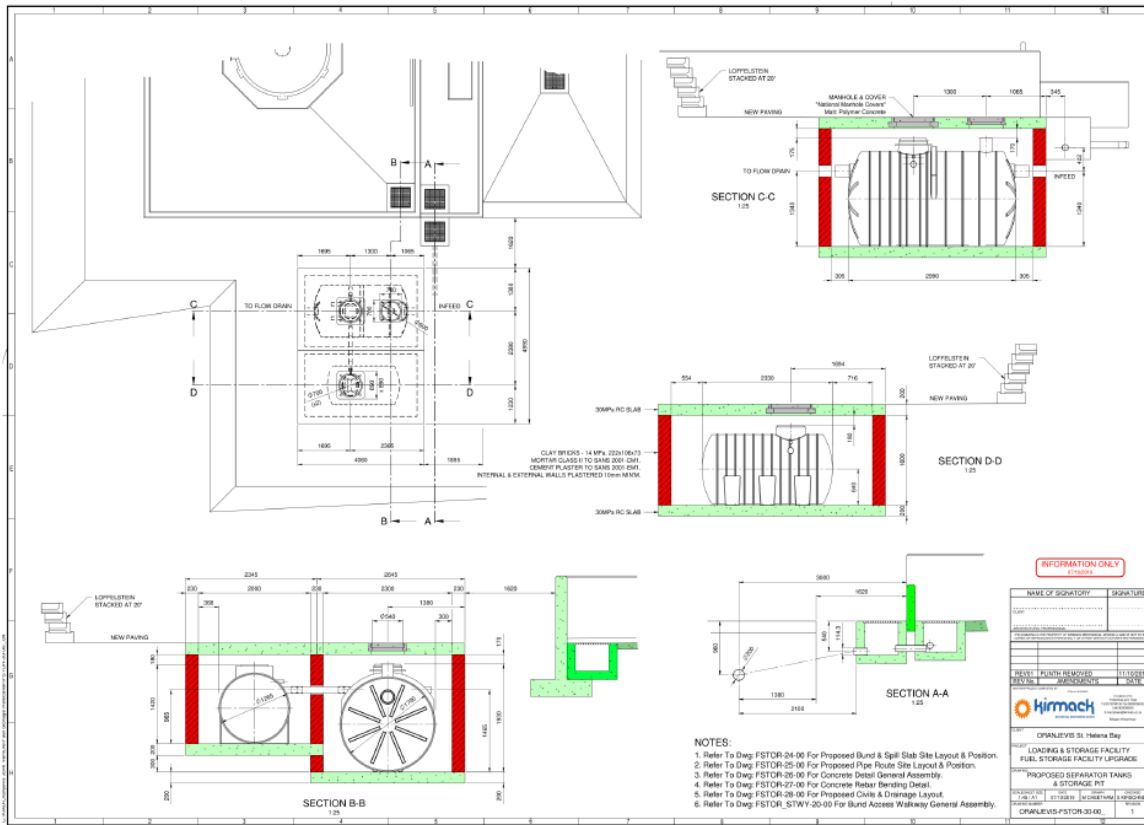
CC: (1) Pieter Badenhorst (EAP)

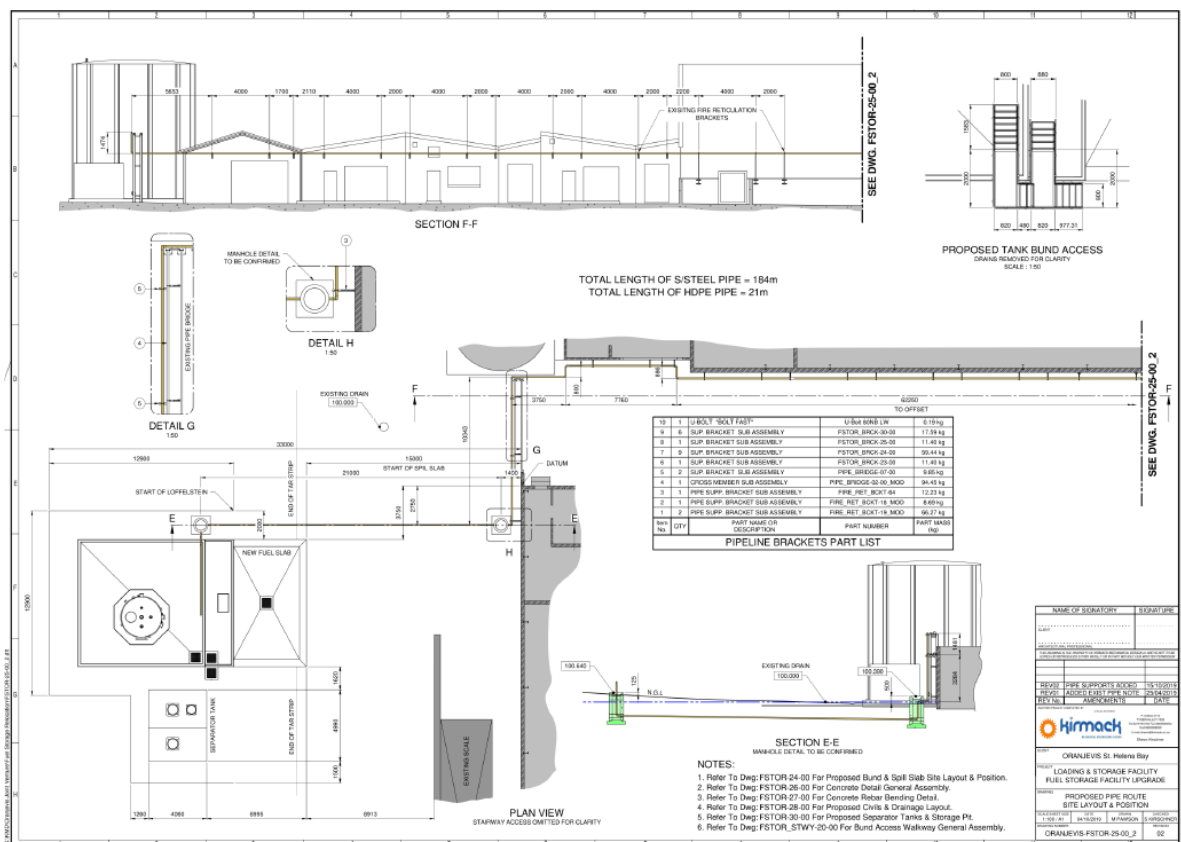
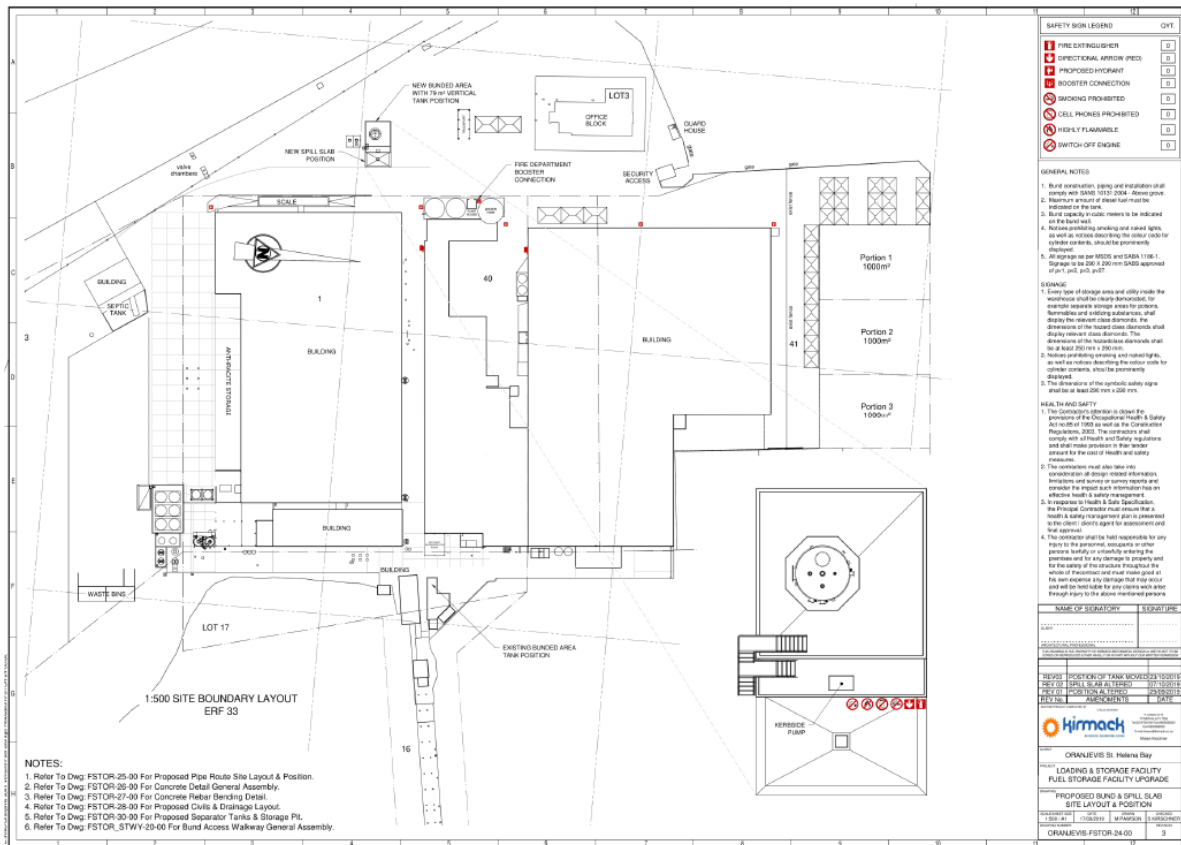
Email: [pieter@groenbergenviro.co.za](mailto:pieter@groenbergenviro.co.za)

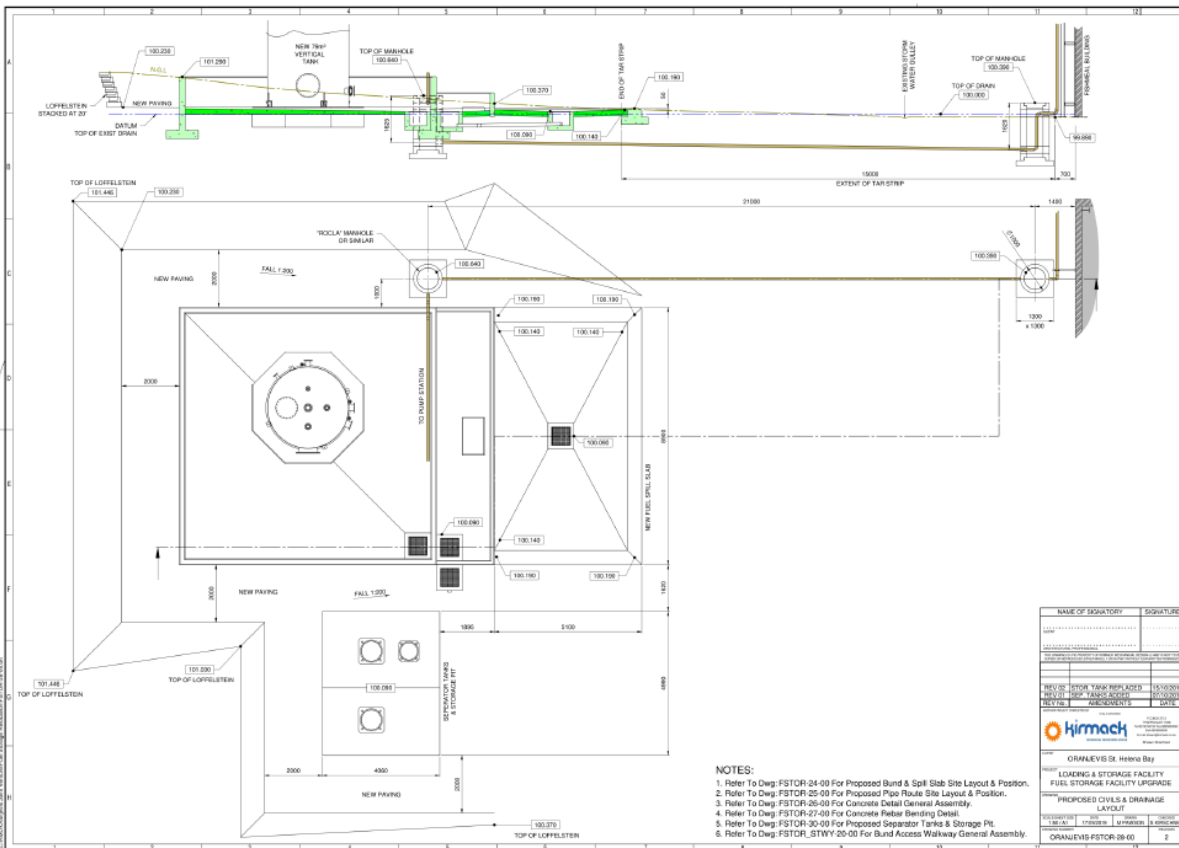
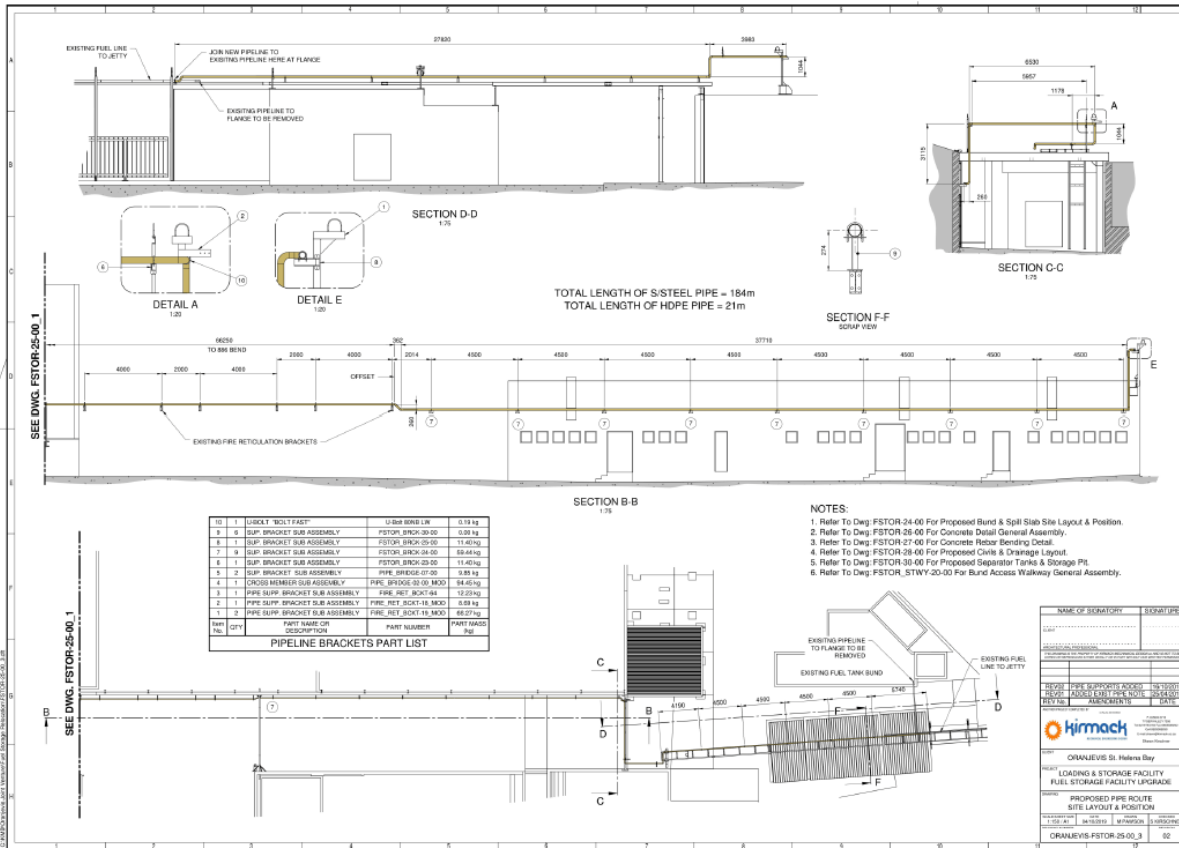
**ANNEXURE 1: LOCALITY MAP**



# ANNEXURE 2: SITE PLANS









**FOR OFFICIAL USE ONLY:**

**S24G REFERENCE:**

**14/2/4/2/1/F4/20/0003/21**

**ANNEXURE 3: REASONS FOR THE DECISION**

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R100 000 (One hundred thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

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

- a) The section 24G application dated 27 January 2021, as signed by the applicant on 30 October 2020, with supporting environmental impact assessment and mitigation measures.
- b) The consideration of Alternatives.
- c) Public participation conducted for the application by the Environmental Assessment Practitioner.
- d) The Construction, Operational and Decommissioning Plan of January 2021 submitted for the application.
- e) Relevant information contained in the Departmental EIA Guideline and Information Document Series (March 2013), including, the Guidelines on Need and Desirability, Public Participation and Alternatives.
- f) No site inspection was conducted on the property as the processing of the section 24G application took place during the National lock down relating to the COVID-19 Pandemic. The information contained within the section 24G application was deemed sufficient by the Department to make an informed decision regarding the unlawful activities commenced with on the property.
- g) The sense of balance of the negative and positive impacts and proposed mitigation measures.

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 Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the **Weslander** newspaper on 3 December 2020;
- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 24 November 2020.
- I&APs were afforded the opportunity to provide comments on the application.

### Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- Heritage Western Cape (HWC)
- Saldanha Bay Municipality (SBM)
- This Department's Directorate: Coastal Management (D: CM)

### HWC

HWC indicated that, since there is no reason to believe that the proposed diesel storage tank within Oranjevis Factory grounds on Erf 33 St Helena Bay will impact on heritage resources, no further action under Section 38 of the *National Heritage Resources Act* (Act 25 of 1999) is required. However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

## SBM

The Manager of the Environment and Heritage section of the SBM and Ms Nerine Coertzen, the EAP, were in email communication with regards to the typographical errors in the report. The Environment and Heritage section has no further comments.

## D:CM

According to the Western Cape Biodiversity Spatial Plan ("WCBSP") (2017) the proposed site included in the Section 24G Application does not fall under any Critical Biodiversity Area ("CBA") and the D: CM concurs that no natural areas remain on site, as the area is completely transformed. Due to the effects of climate change, it was predicted that the Western Cape would experience, inter alia; changes in temperature, decrease in rainfall and an increase in the frequency and magnitude of storm surges along the coast. The NEM: ICMA provides a framework for the integrated management of the coast with the aim of preserving, protecting, extending and enhancing the status of coastal public property and securing equitable access to the benefits and opportunities of the coast. As such, the NEM: ICMA provides for various zones and provides a framework for the management of these zones.

The increased effects of climate change, sea level rise and increased storm surges in coastal environments obliges the D:CM to take a more cautious approach with regard to considering developments along the coast. In July 2014, the Department finalised the technical delineation of the West Coast District Coastal Management Line ("CML") project to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The CML was informed by various layers of information including biodiversity, estuarine functionality, risk to flooding, wave run-up modelling, inter alia, and was delineated in conjunction with and supported by other organs of state including the Local and District Municipalities, CapeNature and all other organs of state represented on the steering committee for the West Coast CML project. The principle purpose of the coastal management line ("CML") is to protect coastal public property ("CPP"), private property and public safety; to protect the coastal protection zone ("CPZ"), and to preserve the aesthetic value of the coastal zone. The use of CML's is of particular importance in response to the effects of climate change, as it involves both a quantification of risks and pro-active planning for future development.

The preferred alternative as described in the Section 24G Application Form, is located landward of the CML but within the CPZ as defined in Section 16 of the NEM: ICMA.

Although the preferred site is located within the CPZ, the site is completely transformed, with minimal ecological functionality existing on the site. It is noted that the preferred

location was chosen for ease of access for trucks to drive through with sufficient space to off-load and turn around.

The D: CM does not object to the rectification of the activity at the preferred alternative site as it is located further inland from the previously approved site and supports the proposed impact management actions for the operational phase.

The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, together with Section 58 of the NEM: ICMA, which refers to one's duty to avoid causing adverse effects on the coastal environment.

## **2. Alternatives**

### 2.1 Location/Site Alternatives

#### Alternative 1 (Herewith authorized)

During 2018, Oranjevis underwent an environmental process to decommission the current diesel fuel storage tank which is located close to the high-water mark. During the environmental process, a site was identified for the construction of the tank that would allow for the safe delivery of fuel, provide enough space for trucks to turn and was located far enough from the high-water mark. However, this site was not located within the lease area and the Department of Public Works (the landowner) was not willing to give consent for the construction of the fuel tank on this site.

An alternative site was therefore proposed within the lease area, located on the parking lot of the site, but still within 100m of the high-water mark. As this was the only other feasible alternative located within the lease area, this was included in the Basic Assessment Report (BAR), and subsequently authorised in the EA dated 10 May 2018, Ref:16/3/3/1/F4/20/3046/17).

Subsequent to the granted on the EA mentioned above, during a meeting with the landowners' representatives on site during 2019, the original preferred site was visited and discussed and was used for the construction of the tank.

This is the preferred site for the following reasons:

- The entire site has been transformed and no sensitive vegetation is located on site.
- The trucks which deliver the fuel drive through the security gate, offload the diesel and turn around within the site before existing the factory area.

- The trucks which deliver fuel, have sufficient space to off-load the diesel, and to turn around within the lease area.
- The entrance to the diesel tanks is located behind the security gate, increasing the security and logistics during off-loading.
- The diesel tank is located further than 100m from the high-water mark and is located on an area that was completely transformed.

### Alternative 2

This site was included in the BAR process as the preferred alternative, after the landowner refused to give the applicant consent to construct the diesel fuel tank in their original preferred location. This site was included in the BAR as the Preferred Alternative as it was the only transformed area within the lease area that was suitable to construct a diesel storage tank. However, once the landowner gave consent to construct the diesel storage tank on the original area, the applicant chose to rather construct the storage tank there for logistics and security reasons.

This is not the preferred site for the following reasons:

- The trucks which deliver fuel, enter the parking area before entering the security gate, drive through the parking lot and off-load the fuel. They exit the parking lot through and cross areas that are not included in the lease area.
- If the diesel tank was located within this parking lot, it would increase the security risk as the diesel trucks do not have to enter via a security gate.
- The wall that is at the end of the parking lot will have to be removed to allow the diesel tanks to exit the parking area, thereby increasing the risk to the staff vehicles.
- The lot by which the diesel trucks will exit after off-loading is not included in the lease area.
- The diesel tank will still be located within 100m of the high-water mark.

### 2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

This alternative would entail demolishing the diesel tank and rehabilitating the area and constructing the diesel storage tank on the approved site (Alternative 2).

This alternative has been considered but is not a viable option for the following reasons:

- A new diesel fuel storage tank is needed as the existing diesel fuel tank has to be replaced after it is decommissioned.
- The current diesel fuel tank is located in an unsafe area close to the high-water mark. It is dangerous to off-load diesel and the applicant wishes to relocate this tank. The only other lot available for the diesel fuel tank (located within the lease area) is within the existing parking lot. Although this area was approved in the EA, it is not the preferred site, as it poses a security risk, and is located within 100m from the high-water mark.

Therefore, this alternative is not deemed preferred.

### **3. Environmental Impact Assessment (EIA) and Mitigation Measures**

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

#### 3.1. Socio-economic Impacts

Construction of the tank does not negatively impact within a socio-economic context.

#### 3.2. Biodiversity Impacts

The conclusions provided in the application and impact assessment study confirmed the limited impact of the diesel tank as it was constructed on transformed land, with no natural vegetation present. Additionally, the tank site is bunded and paved for environmental mitigation. The preferred location was chosen for ease of access for trucks to drive through with sufficient space to off-load and turn around.

#### 3.3. Sense of place and Heritage Impacts

The tank is in keeping with the surrounding land use within an already transformed industrial area.

### 3.4. Pollution Impact

The diesel storage tank was constructed within an existing fishmeal factory site. The entire site has been transformed and no natural vegetation or sensitive environments are located on site. The diesel tank site is paved, and a bund has been constructed. Also please note, although the diesel storage tank has been constructed, it has not been commissioned as yet.

## 4. **NEMA Principles**

The National Environmental Management 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 activities (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.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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