

REFERENCE: 16/3/3/1/B2/32/1020/20
NEAS REFERENCE: WCP/EIA/0000766/2020
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 23 NOVEMBER 2020

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE INSTALLATION OF A 70M³ LIQUEFIED PETROLEUM GAS ("LPG") ABOVEGROUND STORAGE TANK AND ASSOCIATED INFRASTRUCTURE, AS WELL AS A STORAGE AREA FOR 9 – 48 KG CYLINDERS AND OTHER GASES ON ERVEN 5875 AND 5876, WORCESTER.

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

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 ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to Preferred Alternative described in the Basic Assessment Report ("BAR"), dated 9 July 2020.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Gasfit (Pty)Ltd
c/o Willem van Rooyen
22 Walter Samuels Street
WORCESTER
6850

Cell: 083 398 6368

E-mail: willem@gasfit.co.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 1 – Activity Number: 67 <i>Phased activities for all activities</i></p> <p>(i) <i>listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices;</i></p> <p><i>excluding the following listed activities in this Notice-</i></p> <p>17(i)(a-d); 17(ii)(a-d); 17(iii)(a-d); 17(iv)(a-d); 17(v)(a-d); 20; 21; 22; 24(i); 29; 30; 31; 32; 34; 54(i)(a-d); 54(ii)(a-d); 54(iii)(a-d); 54(iv)(a-d); 54(v)(a-d); 55; 61; 64; and 65; or</p>	<p>The expansion does not entail the increase of gas storage capacity by more than 80m³ but the total combined capacity on site will exceed the 80m³ threshold with the addition of one 70m³ LPG storage tank.</p>

(ii) listed as activities 5, 7, 8(ii), 11, 13, 16, 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA notices;

where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.

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

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development:

The installation of the following on Erven 5875 and 5876, Worcester:

- One 70m³ LPG aboveground storage tank along the eastern boundary of the site.
- A cylinder filling pump.
- A new road decant point for LPG tanker off-loading.
- Four cylinder filling scales.
- A fire detection and suppression system, including a deluge (sprinkler) system at the road decant point.

C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Erven 5875 and 5876, Worcester, and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates:	33° 38' 43.38" South	19° 28' 31.82" East

The SG digit code is: C085 0004 00005875 00000
C085 0004 00005876 00000

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

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Sillito Environmental Consulting
c/o Eugene Marais
PO Box 30134

TOKAI

7966

Cell: (072) 677 2994

E-mail: eugene@environmentalconsultants.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to Preferred Alternative described in the BAR dated 9 July 2020 on the site as described in Section C above.
2. The holder must commence with the listed activity on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the 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 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 information in order 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.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 11, 17 and 20

Notification and administration of 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 F 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,
 - 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 2014 National Appeals Regulations.
8. The listed activity, including site preparation, may not commence within 20 (twenty) 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.

Management of activities

9. The draft or Environmental Management Programme ("EMPr") 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.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of 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, including a publicly accessible website.
13. Access to the site referred to in Section C above 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.

Auditing

14. In terms of Regulation 34 of the NEMA 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. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority after the construction phase is completed. The Environmental Audit Report must be submitted to the Competent Authority within three months after the development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

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 palaeontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; 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.
17. An oil separator system must be installed in the southern corner of the site prior to construction taking place to separate hazardous liquids from the stormwater prior to discharging onto the adjacent land.
18. A 3,6 m high fire wall must be constructed along the eastern boundary of the site, adjacent to the LPG storage tank. The wall must be constructed during the construction phase prior to the installation of the tank.
19. The LPG storage tank must be installed according to the following South African National Standards ("SANS"):
 - All relevant electrical works must be compliant with SANS 10108.
 - All LPG storage and filling installations must comply with SANS 10087-7.
 - All relevant building works must comply with SANS 10400.
 - SANS 10087-3 (2008) (English): The handling, storage, distribution and maintenance of liquefied petroleum gas in domestic, commercial, and industrial installations Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 500 L.
20. The following plans and procedures must be updated prior to construction taking place, as per the design phase requirements listed in the EMPr. Copies of the updated plans must be submitted to the Department for record purposes:
 - Spill Contingency Plan;
 - Fire Plan;
 - Emergency Response Plan; and
 - Preventative Maintenance Plans.
21. The installation of the Aboveground Storage Tank and associated pipework must comply with the National Building Regulations and Standards Act No. 103 of 1977;
22. The installation must comply with local authority bylaws and all procedures and equipment used must be in accordance with the Occupational Health and Safety Act (No. 85 of 1993).

F. 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 of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, 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 in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
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.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -



2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the 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. The appeal and the responding statement must be submitted to the address listed below:

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 Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

H. 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. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 23 NOVEMBER 2020


Cc: (1) Ms Eugene Marais (Sillito Environmental Consulting
(2) Mr Jaco Steyn (Breede Valley Municipality)

E-mail: eugene@environmentalconsultants.co.za
E-mail: jsteyn@bvm.gov.za

ANNEXURE 1: LOCALITY MAP

Locality Map

Legend

 Proposed Development Site



Scale: 1:50 000

Date created: February 21, 2020

Compiled with CapeFarmMapper



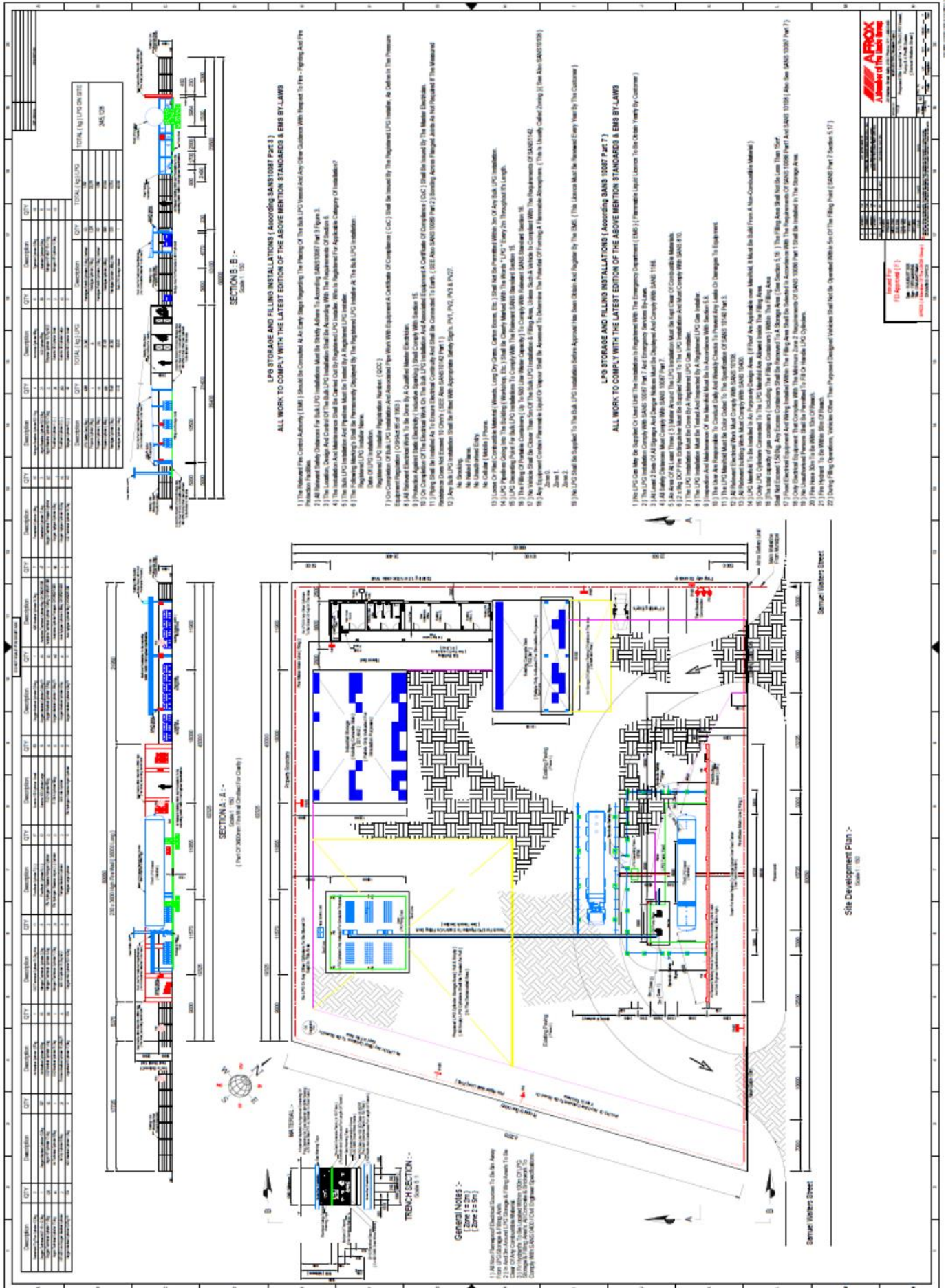
Western Cape
Government

Agriculture





ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form dated 19 June 2020, the draft Basic Assessment Report received by the Department on 10 July 2020, the EMPr submitted together with the final Basic Assessment Report dated 9 July 2020 and received on 4 September 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 4 September 2020; and
- e) The balancing of 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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken on 9 July 2020;
- the placing of a newspaper advertisement in the 'Local News' on 9 July 2020
- giving written notice to the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 10 July 2020;
- a notice board was placed at the entrance of the local Spaza shop; and
- the draft Basic Assessment Report ("BAR") was made available to I&APs for public review from 10 July 2020.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Preferred Alternative

This alternative entails the proposed installation of the following on Erven 5875 and 5876, Worcester:

- One 70m³ LPG aboveground storage tank along the eastern boundary of the site.
- A cylinder filling pump.
- A new road decant point for LPG tanker off-loading.
- Four cylinder filling scales.
- A fire detection and suppression system, including a deluge (sprinkler) system at the road decant point.

This is the preferred alternative for the following reason:

- The installation will reduce the safety risk of transporting various gases from Cape Town to Worcester.

No other site alternatives were investigated since the proposal is for the expansion of an existing facility with sufficient resources and space available for the expansion. The site is already zoned for industrial use. It is therefore not reasonable to identify or assess site alternatives as this is an expansion activity not a new activity.

No activity or technology alternatives were investigated since LPG can only be stored in carbon steel pressure storage tanks. The only alternative would be to install two smaller LPG storage tanks, which would however increase installation costs and increase the maintenance requirements.

The No-Go Alternative

The No-Go alternative entails the current *status quo*, which means the existing facility will need to continue with the daily operation of transporting various gases from Cape Town to Worcester. This alternative was not preferred since the daily transportation of various gases between Epping and Worcester poses a greater health and safety risk than the installation of the 70m³ LPG aboveground storage tank and associated infrastructure to store gas at Worcester.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The site is located within the industrial area of Worcester and is zoned for industrial purposes. The expansion is in line with the Breede-Valley Spatial Development Framework and the surrounding land use. There is an increased demand for gas in the Worcester area and the installation of the 70m³ LPG aboveground storage tank and associated infrastructure to store gas will increase gas utilisation as gas will be readily available to the communities in the surrounding area.

3.2 Biophysical Impacts

No indigenous vegetation is present on the site and no watercourses are present on the site or within 32m of the site. The site is located approximately 400m from the Hex River and its associated wetlands. The Freshwater Compliance Statement, dated 30 March 2020, compiled by Inland Waters Consultancy concluded that the expansion would have no impacts on the adjacent watercourses. The only risk identified by the Freshwater Compliance Statement was the risk of contaminated stormwater runoff from the site due to the trucks that are loading, offloading, or parking on the premises. Drips and spillages of oil and fuel from the trucks could run off the site during and after rainfall, or if the paved areas are sprayed down. This will be effectively addressed by the installation of an oil separator system in the southern corner of the site to separate hazardous liquids from the stormwater prior to discharging onto the adjacent land. This was included in the EMPr that is approved in Condition 9 and it is included as Condition 17 of this Environmental Authorisation. The proposed mitigation measure was also accepted and supported by the Breede-Gouritz Catchment Management Agency in their comment dated 6 August 2020.

3.3 Major Hazard Installation

It was concluded in the Major Hazard Installation Risk Assessment dated 18 November 2019 compiled by Nature and Business Alliance Africa (Pty) Ltd that the existing facility and the LPG aboveground storage tank are classified as a major hazard installation ("MHI"). The assessment suggested that if a major hazardous spill should occur, communities surrounding the development site would be affected by a toxic gas cloud and the extent of the impact will be determined by the weather conditions. It is however highly unlikely that a major hazardous event would occur, and several mitigation measures will be implemented to reduce the risk of a major hazardous event occurring. With the implementation of these mitigation measures, the likelihood of an event occurring is exponentially low, resulting in the level of risk expected to be low. These mitigation measures were included in the EMPr, approved as Condition 9, and included as Conditions 18, 19, 20, 21 and 22 of this Environmental Authorisation.

Negative Impacts:

- The installation poses the risk of a major hazardous event occurring and a risk of runoff of hazardous liquid from the site.
- Noise impacts during the construction and operational phase.
- Odour impacts during the operational phase.
- Health and safety impacts during the operational phase.

The above was however effectively addressed in the EMPr and the conditions of this Environmental Authorisation.

Positive impacts:

- The installation of the 70m³ LPG aboveground storage tank and associated infrastructure to store gas will increase gas utilisation, as gas will be readily available

to the communities of the Worcester area where there is currently an increased demand for gas.

- The installation will reduce the safety risk of transporting various gases from Cape Town to Worcester.
- No new land will be cleared for the development, as the development only entails the installation of infrastructure at an existing operational site.
- The development will create employment opportunities during construction and operational phases.

4. National Environmental Management Act 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.

5. Conclusion

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 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.

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