



REFERENCE: 16/3/3/1/A7/13/3044/20
NEAS REFERENCE: WCP/EIA/0000838/2020
DATE OF ISSUE: 14 June 2021

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED INSTALLATION OF UNDERGROUND FUEL STORAGE TANKS ON ERF 102627, NDABENI FLEET, MAITLAND.

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 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to Alternative 1, described in the Basic Assessment Report ("BAR"), dated February 2021.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

The City of Cape Town
Directorate: Facilities Management
% Mr. Bheki Nzimande
Private Bag X9181
CAPE TOWN
8000

Tel.: 021 400 2313

E-mail: welcomebhekhuyisemxolisi.nzimande@capetown.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 51 Activity Description: <i>“The expansion and related operation of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by more than 80 cubic metres.”</i>	The existing fuel storage facility at the Ndabeni Fleet will be expanded by more than 80m ³ .

The abovementioned list is hereinafter referred to as “**the listed activity**”.

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

The proposed development entails the expansion of the existing fuel storage facility at the Ndabeni fleet services facility. The proposed expansion of the facility will entail the installation of 3 x 29m³ underground fuel storage tanks on Erf 102627, Maitland. The storage tanks will have a combined capacity of 87m³.

The footprint of the expansion will be approximately 200m².

C. SITE DESCRIPTION AND LOCATION

The existing Ndabeni Fleet Services facility is located on Erven 102623, 102624, 102625, 102627 and 102628, Maitland. The existing fuel storage facility is located on Erf 102624. The additional tanks will be installed on Erf 102627, Maitland.

Co-ordinates:

Property	Latitude	Longitude
Erf No. 102627, Maitland	33° 55' 54.63" S	18° 29' 24.79" E

The SG digit code:

Erf No. 102627, Maitland	C01600070010262700000
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Refer to Annexure 1: Locality Plan

The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

GA Environment (Pty) Ltd.
% Mr. Dirk Prinsloo
GladAfrica House (Block G, 2nd & 3rd Floor)
Hertford Office Park
90 Bekker Road
MIDRAND
1685

Tel.: 011 312 2537
Email: dirkp@gaenvironment.com

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 the preferred alternative, described in the BAR dated February 2021 on the site as described in Section C above.
2. Authorisation for the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with the listed activity on site within a period of five (5) years from the date of issue of this Environmental Authorisation.
4. The activity that has been authorised must only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be 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 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered Interested and Affected Parties of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4 provide the registered Interested and Affected Parties with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.

9.1 The notice must make clear reference to the site details and EIA Reference number given above.

9.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 14 and 22.

Management of activity

10. The EMPr submitted (dated 25 March 2021) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. The EMPr must be included in all contract documentation for all phases of implementation.
12. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
13. A copy of the Environmental Authorisation and the EMPr 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 EMPr 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 EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase of implementation.

The ECO must–

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein; and
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -

- 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit the first audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period; and
 - 15.3 submit an environmental audit report every five (5) years after the commencement of the operational phase and while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an **independent** person with expertise in environmental auditing (not the ECO appointed in terms of Condition 14) and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.
18. The generators on the site must be maintained on a regular basis to ensure that they are working optimally.

Specific conditions

- 19. Surface and ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
- 20. 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 waste disposal facility licensed in terms of the applicable legislation.
- 21. 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 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.

22. The tanks must be designed, installed and managed in accordance with the relevant SANS standards.
23. In the event of a product loss at the site (possibly a spillage during tanker delivery or a fuel line failure), the holder must rapidly respond in order to contain any spilled product. The holder must also ensure that no additional health risks to any of the surrounding developments result from such an incident.
24. Firefighting equipment must be present on site and adhere to the Oil Industry standards.
25. During fuel tanker delivery, the tanker driver must be present at all times during product offloading. An emergency cut-off switch must be installed to immediately stop fuel delivery should an accident occur.
26. The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), must be adhered to.

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. If the holder does not commence with the listed activity within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the 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.
3. 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 (as amended) must be submitted.
 - 3.1. 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.
4. The manner and frequency for updating the EMPr is as follows:
 - 4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date 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 (as amended) to the Appeal Administrator; and

- 1.2 Submit a copy of the appeal to any registered Interested and Affected Parties, 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 Interested and Affected Parties -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, 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 Interested and Affected Party 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: Attention: Marius Venter
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 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are 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 the Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@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

MS MARE-LIEZ OOSTHUIZEN

Acting DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 14 June 2021

CC: (1) D. Prinsloo (GA Environment) E-mail: dirkp@gaenvironment.com
(2) D. Georgeades (City of Cape Town: Cape Flats District) E-mail: dimitri.georgeades@capetown.gov.za
(3) Y. Ebrahim (City of Cape Town: Fleet Management) E-mail: yusra.ebrahim@capetown.gov.za
(4) M. Noqhamza (DWS) E-mail: noqhamzam@dws.gov.za
(5) G. Frantz (DEA&DP: PCM) E-mail: gunther.frantz@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT 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 4 November 2020, the BAR dated February 2021, the EMPr submitted together with the BAR on 22 February 2021 and the additional information received on 17 March 2021 and 25 March 2021 respectively;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated February 2021.

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 Interested and Affected Parties ("I&APs");
- fixing notices at the site where the listed activity will be undertaken on 20 January 2021;
- the placing of a newspaper advertisement in the "Tygerburger Goodwood" and the "People's Post: Woodstock-Maitland" on 25 November 2020 and 19 January 2021, respectively;
- E-mail notifications and telephone calls were utilised to notify all potential and registered I&APs including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity, about the availability of the report with reminders sent to submit comments; and
- making the BAR and all relevant information available to I&APs for public review and comment from 19 January 2021 to 22 February 2021.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the BAR.

2. Alternatives

Various site layout alternatives and tank configurations were investigated. The site comprises the City of Cape Town Fleet Services and vehicles are thus stored on site and provided for Departmental use, when required. A re-fuelling facility and existing buildings are located on the site and different layout alternatives were considered to ensure that the new underground fuel storage tanks and re-fuelling pumps do not impact on the size of the facility. The preferred alternative (Alternative 1) is the only viable layout.

Alternative 1 (Preferred and herewith authorised)

This alternative entails the expansion of the existing fuel storage facility at the City of Cape Town Ndabeni fleet services facility. The proposed expansion of the facility will entail the installation of 3 x 29m³ underground fuel storage tanks on Erf 102627, Maitland. The storage tanks will have a combined capacity of 87m³.

In terms of this alternative, the tanks will be installed in a linear configuration. This alternative is preferred as the positioning of the underground storage tanks are considered the most suitable for vehicle movement and parking at the fleet facility. In addition, the installation of fuel storage tanks

underground poses a reduced risk in terms of health and safety, including a reduction in fire hazard occurrence.

The option of the installation of 4 x 23m³ underground fuel storage tanks was investigated. This alternative was not preferred as the linear configuration of 3 tanks is easier to service than a 4-tank square configuration. The development footprint of 4 x 23m³ tanks in a clustered layout configuration is not considered feasible, as it would be difficult to refill and service the tanks. In addition, this alternative would require additional excavation.

"No-Go" Alternative (Rejected)

The "no-go" alternative implies that the "status quo" would remain. This alternative is not preferred as the existing storage capacity is insufficient to ensure continued operation at the Ndabeni Fleet Services facility during periods of refinery constraints and supply/delivery disruptions.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposal is to increase the fuel storage capacity of the Ndabeni Fleet Services facility to allow the continued operation of the facility during periods where the refinery supply is interrupted. The Ndabeni Fleet Services provides vehicles for Departmental use and ensures efficient service delivery. The site is located in the Maitland Industrial Area and is zoned as General Industrial 2, permitting industry, commercial, depots and parking areas as primary rights. The proposed activity is thus in accordance with the applicable planning policies.

3.2 Receiving Environment

The Ndabeni Fleet facility site is entirely transformed and predominantly covered with concrete hardstanding and there are no watercourses on the site.

3.3 Groundwater, soil and stormwater contamination

Based on the findings of the Geotechnical Investigation Report dated 29 July 2020 and the Desktop Geohydrological Report dated 30 June 2020, as compiled by Dwala Group (Pty) Ltd. the aquifer in the study area is highly vulnerable to contamination. As such, the specialist indicated that formal leak detection will be required to minimise the risk of contamination. These measures include performing effective and efficient reconciliation of volumes of fuel purchased, used and remaining in the underground storage tanks; and the installation of vertical perforated pipe sections wrapped in geotextile to prevent clogging at the corners of the tanks. The recommended mitigation measures have been included in the EMPr.

The recommendations made by the Department of Environmental Affairs and Development Planning, Directorate: Pollution and Chemicals Management and the Department of Water and Sanitation, in the comments dated 18 February 2021 and 15 March 2021, respectively, have been included in the EMPr. The mitigation measures include the monitoring of water quality on an annual basis through monitoring well inspections and the excavated areas will be inspected by a suitably qualified engineer with expertise in structural founding, prior to the installation of the proposed underground storage tanks. The potential groundwater impacts were identified in the BAR as being of medium negative significance prior to mitigation and low negative post mitigation. The potential health and safety risks were identified in the BAR as being of low negative significance prior to and post mitigation. The EMPr includes mitigation measures to be implemented during the construction phase.

3.4 Dust, Noise and emissions

Construction activities (mainly site clearing and soil excavation) will generate noise and associated volumes of dust during weekly construction hours. The EMPr includes dust control measures that will be implemented on site and at areas of high dust generation.

The development will result in negative and positive impacts

Negative impacts:

- Potential groundwater, soil and stormwater contamination; and
- Health and safety risks.

Positive impacts:

- Increase in fuel storage capacity and improvement in the operation of the Ndabeni Fleet Service facility, which services the City of Cape Town.
- An improvement of the Ndabeni Fleet Services facility, which provides vehicles for departmental use and ensures efficient service delivery.

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 EMP, 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.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: “Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”

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