



REFERENCE: 16/3/3/1/A4/37/3038/21
NEAS REFERENCE: WCP/EIA/0000956/2021
DATE OF ISSUE: 14 February 2022

World Focus 1801 T/A Nomenti Gas
14 Nomyayi Street
Ilitha Park
KHAYELITSHA
7784

Attention: Ms. Mavis Nongogo

E-mail: wowonongogo@gmail.com

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A LIQUID PETROLEUM GAS (“LPG”) DEPOT AND DIESEL TANK ON ERF NO. 45089, KHAYELITSHA.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Azanne van Wyk (City of Cape Town)
(2) Mr. Terence Thackwray (Petrostruct Design cc)

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A LPG DEPOT AND DIESEL TANK ON ERF NO. 45089, KHAYELITSHA.

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 NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report (“BAR”) dated 04 October 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

World Focus 1801 T/A Nomenti Gas
c/o Ms. Mavis Nongogo
14 Nomyayi Street
Ilitha Park
KHAYELITSHA
7784

Tel.: (021) 360 8027
E-mail: wowonongogo@gmail.com

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
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 67: <i>"Phased activities for all activities - (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 activities listed in this Notice- 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</i></p> <p><i>(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;</i></p> <p><i>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".</i></p>	<p>The Phase 2 expansion will increase the storage capacity of the dangerous goods facility by more than 80m³.</p>

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

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

The proposed development entails the establishment of a LPG depot and diesel tank on Erf No. 45089, Khayelitsha. The depot will be established in two phases, as follows:

Phase 1:

- A 70 000 litre (70m³) LPG bulk vessel; and
- A 9000 litre (9m³) LPG cylinder storage.

Phase 2:

- A 23 000 litre (23m³) aboveground diesel tank; and
- Upgrading the cylinder storage from 9 000 litre to 100 000 litre (100m³).

Phase 1 does not trigger any of the listed activities identified in terms of the EIA Regulations, 2014 (as amended), since the combined capacity of the dangerous goods facility does not exceed 80m³.

The Phase 2 expansion will increase the storage capacity of the dangerous goods facility by more than 80m³.

The proposed development footprint is approximately 3032m². Access will be obtained via Phakamani Road. Electricity will be installed during phase 1 of the development.

C. LOCATION AND SITE DESCRIPTION

The listed activity will take place on Erf No. 45089, Khayelitsha.

The surrounding area consists of commercial and formal high density residential properties. The following schools are located to the north and west of the site:

- Khayelitsha Special School 340m to the northwest;
- Ikhwezilesizwe Primary School 320m to the northwest; and
- Luhlaza Secondary School 100m to the west.

The Khayelitsha Village Mosque is located 150m to the south of the site. The Engen Service Station is located directly to the south and the existing Nomenti LPG depot is located directly to the south.

The SG 21-digit code is: C01600630004508900000

Co-ordinates:

Latitude: 34° 02' 27.17" S

Longitude: 18° 39' 51.78" E

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

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Petrostruct and Design
c/o Mr. Terence Thackwray
P.O. Box 894
WEST COAST VILLAGE
7441

Tel.: (021) 426 5688

E-mail: tct@petrostruct.co.za

Fax: (086) 520 4872

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 04 October 2021 on the site as described in Section C above.
2. Authorisation of 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, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activity.
 - (b) A period of ten (10) years, from the date the holder has commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activity that has been authorised may only be carried out at the site described in Section C above in terms of the approved EMPr.
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 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 ("I&APs") 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 I&APs 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 I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs 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 I&APs 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 I&APs 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, 10.1, 10.2 and 14.

Management of activity

10. The draft Environmental Management Programme ("EMPr") dated 30 July 2021 (as compiled by PetroStruct and Design) and submitted as part of the application for Environmental Authorisation is hereby approved on condition that the following amendments are made and must be implemented.
 - 10.1 A site specific Emergency Preparedness Plan must be compiled and included in the EMPr.
 - 10.2 The updated EMPr must be submitted to the competent authority for approval before the commencement of construction activities.
11. 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.
12. The EMPr must be included in all contract documentation for all phases of implementation.
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 also 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 to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
The ECO must–
 - 14.1 be appointed prior to commencement of any construction activities commencing;
 - 14.2 ensure compliance with the EMPr and the conditions contained herein;
 - 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
 - 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
 - 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

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 an environmental audit report three months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.

16. The environmental audit reports must be prepared by an independent person with expertise 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 and rehabilitation;
 - 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 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs 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.

Specific conditions

18. Surface or 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.
19. 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.
20. 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.

21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
22. The tanks must be designed, installed and managed in accordance with the relevant South African and National Standards ("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 diesel storage tank must be bunded (110% of the proposed tank's capacity) to contain any possible spills and to prevent any infiltration of fuel into the ground.

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.

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:
Amendments to the EMPr, other than those mentioned above, must be done 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 a 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 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 (as amended) 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: Attention: Mr. 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 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>.

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. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 14 FEBRUARY 2022

CC: (1) Ms. Azanne van Wyk (City of Cape Town)
(2) Mr. Terence Thackwray (Petrostruct and Design cc)

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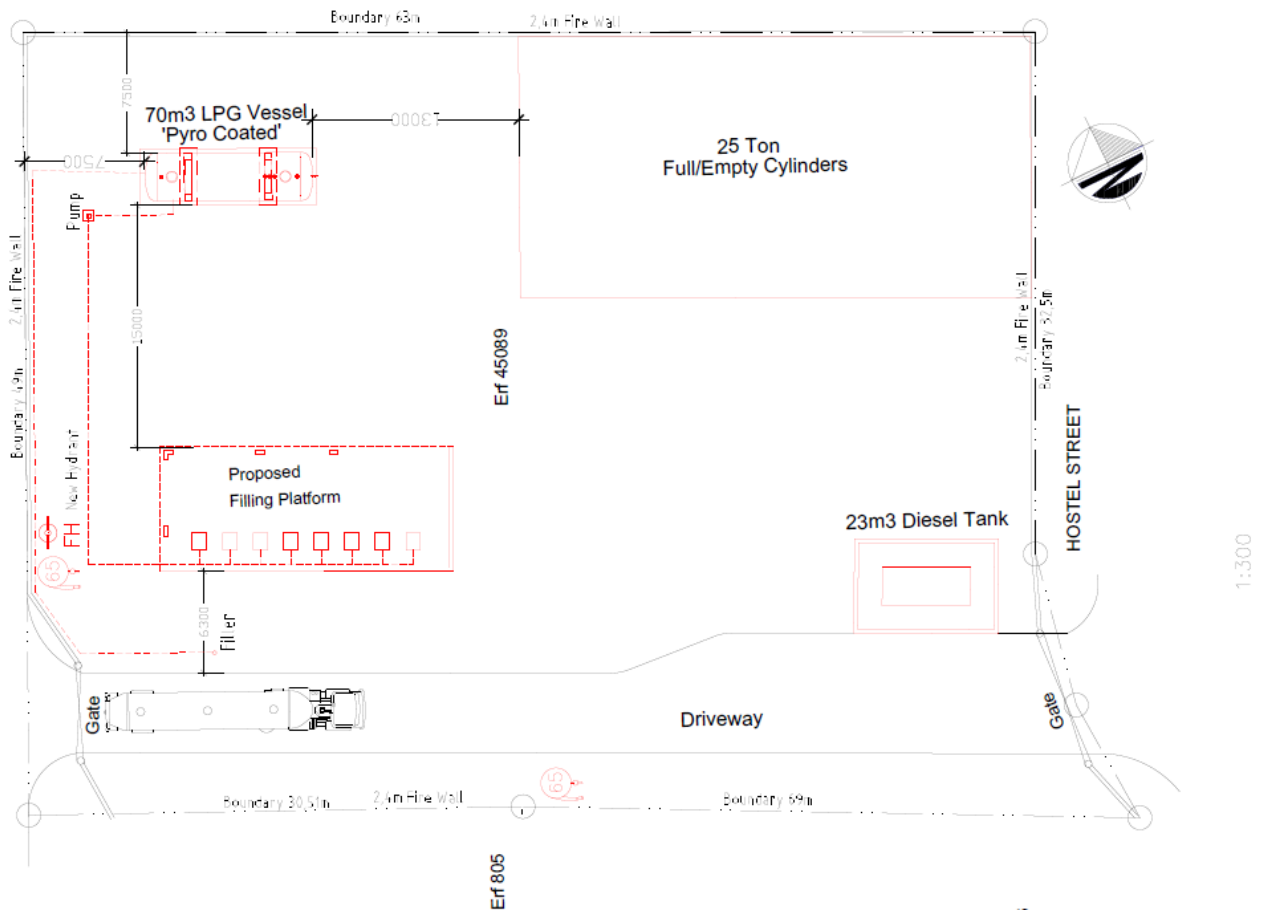
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ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the application form as received by the competent authority via electronic mail correspondence on 04 August 2021; the BAR dated 04 October 2021; and the EMPr submitted together with the BAR;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated 04 October 2021;
- d) 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

The Public Participation Process comprised of the following:

- A notice was placed on site on 23 June 2021;
- An advertisement was placed in the "Cape Times" newspaper on 23 June 2021;
- The adjacent neighbours, ward councillor and local municipality were notified by registered post on 21 June 2021;
- E-mails were sent on 03 August 2021 to announce the availability of the draft BAR;
- The draft BAR was made available for comment on the website of Petrostruct and Design cc; and
- The draft BAR was made available for comment from 04 August 2021 until 06 September 2021.

Authorities consulted

The authorities consulted included the following:

- Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Pollution and Chemicals Management;
- DEA&DP Directorate: Waste Management;
- Heritage Western Cape;
- Department of Water and Sanitation; and
- City of Cape Town.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

Alternative 1:

This alternative entailed the installation of an additional 70m³ aboveground LPG vessel and a 23m³ aboveground horizontal diesel tank. The cylinder storage area will be increased to 100m³. The additional LPG vessel will be installed directly to the south of the LPG vessel as part

of phase 1. The diesel tank will be installed inside a bunded area on the southern side of the site.

Alternative 1 was discarded as the installation of an additional LPG vessel is very expensive. Furthermore, the vertical diesel tank is also more expensive to install.

Alternative 2:

This alternative entailed the installation of an additional 23m³ horizontal underground diesel tank and expanding the cylinder storage area to 100m³. The diesel tank will be installed on the southern side of the site.

Alternative 2 was discarded for the following reasons:

- The increase in cylinder storage will lead to an increase in the development footprint;
- Potential leaks at the diesel tank cannot be immediately identified and will not be contained in the bunded area; and
- An underground diesel tank is more expensive than an aboveground tank.

Preferred alternative – herewith authorised:

The proposed development entails the establishment of a LPG depot and diesel tank on Erf No. 45089, Khayelitsha. The depot will be established in two phases as follows:

Phase 1:

- A 70 000 litre (70m³) LPG bulk vessel; and
- A 9000 litre (9m³) LPG cylinder storage.

Phase 2:

- A 23 000 litre (23m³) aboveground diesel tank; and
- Upgrading the cylinder storage from 9 000 litre to 100 000 litre (100m³).

Phase 1 does not trigger any of the listed activities identified in terms of the EIA Regulations, 2014 (as amended), since the combined capacity of the dangerous goods facility does not exceed 80m³.

The Phase 2 expansion will increase the storage capacity of the dangerous goods facility by more than 80m³.

The diesel tank will be installed inside a bunded area on the southern side of the site.

This is the preferred alternative since the horizontal tank and vessel will be less visible from the N2. Furthermore, the tanks will not impact on the traffic movement on the site and potential leaks will be contained in the bunded area. From an economic perspective, horizontal tanks are less expensive than vertical or underground tanks and also cost less to install.

“No-Go” Alternative:

This alternative implies that the proposed LPG depot and diesel tank will not be developed. This alternative was rejected as it will not meet the required fuel demand of the clients. The proposed location of the facility is the most suitable from a site accessibility and safety perspective. The layout, technology and operational aspects of the proposed development are considered the most feasible based on international oil industry and SANS requirements. The “no-go” alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The site is zoned General Business 4 and abuts an existing gas depot situated on unregistered Erf No. 805, which is operated by the holder. The site is located inside the urban edge and urban area. The site is located within the commercial area of Khayelitsha.

The socio-economic benefits associated with the proposed development relate to contribution to the local economy, additional employment opportunities and income for the holder.

The proposed capital investment associated with the development is anticipated to contribute to service infrastructure. The proposed development is needed in order to meet the socio-economic market demands.

3.2 Biophysical impacts

The site is currently vacant and contains no indigenous vegetation.

The biophysical impacts associated with the proposed development are expected to be of low significance, due to the transformed nature of the site. Further, potential groundwater and soil contamination will be minimised as the proposed tanks will be installed in accordance with the requirements of the relevant SANS codes and the tanks will be installed in bunded areas (at 110% of the proposed tank capacity). Further, provisions are included in the EMPr and conditions of this Environmental Authorisation.

3.3 Major Hazard Installation ("MHI")

A Risk Assessment was conducted in accordance with the MHI Regulations and SANS 1461:2018 to determine the impact of the facility on the surrounding area. The Risk Assessment Report dated 20 January 2021 and compiled by Major Hazard Risk Consultants cc, concluded that the total individual risk involving the installation is acceptable, with the one-in-a-ten thousand red contour being confined to the LPG cylinder storage area. The one-in-a-hundred thousand orange contour is confined to the LPG depot area. The one-in-a-million yellow contour, is confined to the LPG depot area. Furthermore, the one-in-a-thirty-million green contour extends from the LPG depot as follows:

- 24m to the east;
- 38m to the west;
- 110m to the north; and
- 37m to the south.

The contours do not reach the residential area to the southwest and the school to the west of the site.

The Risk Assessment Report further indicated that an incident involving the existing and proposed LPG installations at the facility could impact past the boundaries. However, the risk was found to be acceptable for the area in which the proposed facility is to be located. The specialist recommended that an Emergency Plan, which must comply with the MHI Regulations be compiled.

The City of Cape Town, in their comment on the draft BAR indicated that a site specific Emergency Preparedness Plan must be developed. A generic Emergency Plan has been included in the EMPr, but an onsite Emergency Plan will be completed and

submitted to the City of Cape Town, as required. The implementation of the Emergency Plan and the EMPr will minimise the risk of emergency situations such as accidental fires.

3.4 Dust, traffic and noise impacts

Potential dust, traffic and noise impacts are anticipated during the construction phase. However, no significant potential dust, noise and traffic impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential dust, traffic and noise impacts.
- Potential contamination of soil and groundwater.
- Risk of fire and explosion.

Positive impacts:

- Employment opportunities will be created during the construction and operational phases of the development;
- Increased availability of LPG and diesel to consumers in the surrounding area; and
- Contribution to the local economy.

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 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 proposed 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.

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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