



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT  
REGION 1**

**REFERENCE NUMBER:** 16/3/3/1/A1/2/3002/19

**ENQUIRIES:** MS. K. ADRIAANSE

**DATE OF ISSUE:** 2019 -07- 0 1

The Director  
LSP Energy (Pty) Ltd.  
P.O. Box 4729  
**VANDERBIJL PARK**  
1911

**For Attention: Mr. I. Spies**

Tel & Fax: (016) 422 8901

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED DEVELOPMENT OF A DIESEL STORAGE FACILITY AND ASSOCIATED INFRASTRUCTURE ON ERF 60, ATLANTIS.**

1. With reference to the above application, the Department 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 Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copies to: (1) Mr. T. Thackwray (Petrostruct Design)  
(2) Ms. P. Titmuss (City of Cape Town: ERM)  
(3) Ms. K. Rughobeer (DEA&DP: Directorate Development Facilitation)

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Fax: (021) 483 8311



**REFERENCE:** 16/3/3/1/A1/2/3002/19  
**NEAS REFERENCE:** WCP/EIA/0000554/2019  
**ENQUIRIES:** MS. K. ADRIAANSE  
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### 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 (AS AMENDED): PROPOSED DEVELOPMENT OF A DIESEL STORAGE FACILITY AND ASSOCIATED INFRASTRUCTURE ON ERF 60, ATLANTIS.**

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 the Alternative 1, described in the Basic Assessment Report ("BAR"), dated 11 March 2019.

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

The Director  
LSP Energy (Pty) Ltd.  
c/o Mr. I. Spies  
P.O. Box 4729  
**VAN DER BIJL PARK**  
1911

Tel & Fax: (016) 422 8901

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

**B. LIST OF ACTIVITIES AUTHORISED**

Listed Activities	Activity/Project Description
Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):  Activity Number: 14 Activity Description:  <i>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.</i>	The proposed development entails the development of a diesel storage facility and associated infrastructure on Erf 60, Atlantis. 6 (six) 83m <sup>3</sup> tanks will be installed.

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 as it relates to the proposed development:

The proposed development entails the development of a diesel storage facility and associated infrastructure on Erf 60, Atlantis.

The proposed development will comprise:

- 6 (six) 83m<sup>3</sup> aboveground storage tanks;
- A truck loading gantry;
- An oil/water separator; and
- Associated infrastructure.

The proposed site is currently used as a truck parking area and contains paved areas. The storage tanks will be horizontally placed close to the northern boundary of the site in a single bund. Diesel will be stored and distributed to bulk buyers.

Existing access off John van Niekerk Street will be used to gain access to the site.

The development footprint will be approximately 1000m<sup>2</sup> in extent. The total storage capacity of the diesel storage facility will be 498m<sup>3</sup>.

**C. SITE DESCRIPTION AND LOCATION**

The authorised listed activity will be undertaken on Erf 60, Atlantis, which is located at 1 John van Niekerk Street, Atlantis and has the following co-ordinates:

Point	Latitude	Longitude
Middle	33°34'42.11" South	18°28'36.29" East

The SG 21-digit code is:

Erf 60	C01600870000006000000
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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**

Petrostruct and Design  
c/o Mr. T. Thackwray  
P.O. Box 894  
**WEST COAST VILLAGE**  
7433

Tel: (021) 426 5688  
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 11 March 2019 on the site as described in Section C above.
2. This Environmental Authorisation is granted for a period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activity.
3. 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.
4. 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**

5. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
  - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 5.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 8, 10 and 16.

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

6. The holder 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 as included in Annexure 3;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date when the decision was issued.

- 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) detailed in Section G below;
- 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, of the holder,
  - 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).
7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. 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 i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

#### **Management of activity**

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved, on condition that the following amendments are made to the EMPr before commencement of development activities and must be implemented:
  - 8.1. The Generic Emergency Plan must be amended to include the following:
    - 8.1.1. The requirements of the City of Cape Town: Disaster Risk Management Branch as indicated in the correspondence dated 19 February 2019:
      - 8.1.1.1. Specific information regarding on site emergency management organisation roles and responsibilities.
      - 8.1.1.2. Specific emergency procedures to address the risks identified in the Risk Assessment (compiled by MHR Consultants and dated 07 January 2019).
      - 8.1.1.3. The on site emergency plan must include a detailed procedure for possible emergencies at the Koeberg Nuclear Power Station.
      - 8.1.1.4. A site plan and facility layout containing evacuation routes and assembly areas.
    - 8.1.2. The recommendations of the Risk Assessment (compiled by MHR Consultants and dated 07 January 2019) must be included as follows:
      - 8.1.2.1. Good housekeeping on site must occur at all times.
      - 8.1.2.2. An on site emergency plan must be developed to address the risks identified in the Risk Assessment (dated 07 January 2019) and must comply with the relevant SANS codes.

- 8.1.2.3. An updated Major Hazard Installation ("MHI") report must be distributed to the relevant authorities in accordance with the MHI Regulations.
  - 8.1.2.4. The site must be registered as an MHI site in accordance with the MHI Regulations.
  - 8.1.2.5. A suitably qualified person(s) must be used for the development and commissioning of the proposed facility.
- 8.2. A copy of the amended EMPr must be submitted to this Directorate prior to the commencement of development activities for record purposes.
- 8.2.1. The amended EMPr must be duly dated and must make clear reference to the EIA Reference number given above.
9. The amended EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

- 10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of any land clearing to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
- 11. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site where the listed activity will be undertaken and must be made available to any authorised official on request.
- 12. 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**

- 13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
  - 13.1. The holder must undertake an environmental audit within 6 (six) months of the commencement of the development activities and submit an Environmental Audit Report to the Competent Authority upon the completion of the environmental audit.
  - 13.2. A final Environmental Audit Report must be submitted to the Competent Authority 1 (one) month after the completion of the development activities.
  - 13.3. The holder must, within 7 (seven) calendar days of the submission of an Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to anyone on request.

## Specific Conditions

14. 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.
  - 14.1. 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.
15. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
16. In accordance with the recommendation included in the Stormwater Evaluation Report (compiled by CTP Consulting Engineers and dated December 2018), a suitably qualified person must be appointed prior to the commencement of development activities for the design of any infiltration basin, stormwater inlets, channels and oil separator units.
17. The installation of the storage tanks and associated infrastructure must comply with relevant South African National Standards ("SANS") codes.
18. Leak detection equipment must be installed in accordance with the relevant SANS codes. Effective stock inventory monitoring, recording and regular auditing must take place for the early identification of possible leaks and keep a leak history for the site. Should any leaks be discovered, remediation of the pollution must take place immediately after consultation with the competent authority.
19. The following, with respect to the loading and offloading of fuel, must be implemented during the operational phase:
  - 19.1. The delivery lines must be equipped with emergency cut off valves to mitigate the possibility of leaks.
  - 19.2. The tanker driver must be present at all times during the loading and offloading procedure.
  - 19.3. Other vehicles must not be permitted in close proximity to tankers while dispensing is in progress.
  - 19.4. Should any spills be detected, then the appropriate clean-up procedures (as detailed in the EMP) must be implemented.
20. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

## **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 NEMA 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.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, other than those required by this Environmental Authorisation, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) 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 (as amended).

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 (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: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> 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 [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@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 [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### H. DISCLAIMER

The Western Cape Government, the holder, 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. ZAAH TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 01/07/2019

Copies to: (1) Mr. T. Thackwray (Petrostruct Design)  
(2) Ms. P. Titmuss (City of Cape Town: ERM)  
(3) Ms. K. Rughobeer (DEA&DP: Directorate Development Facilitation)

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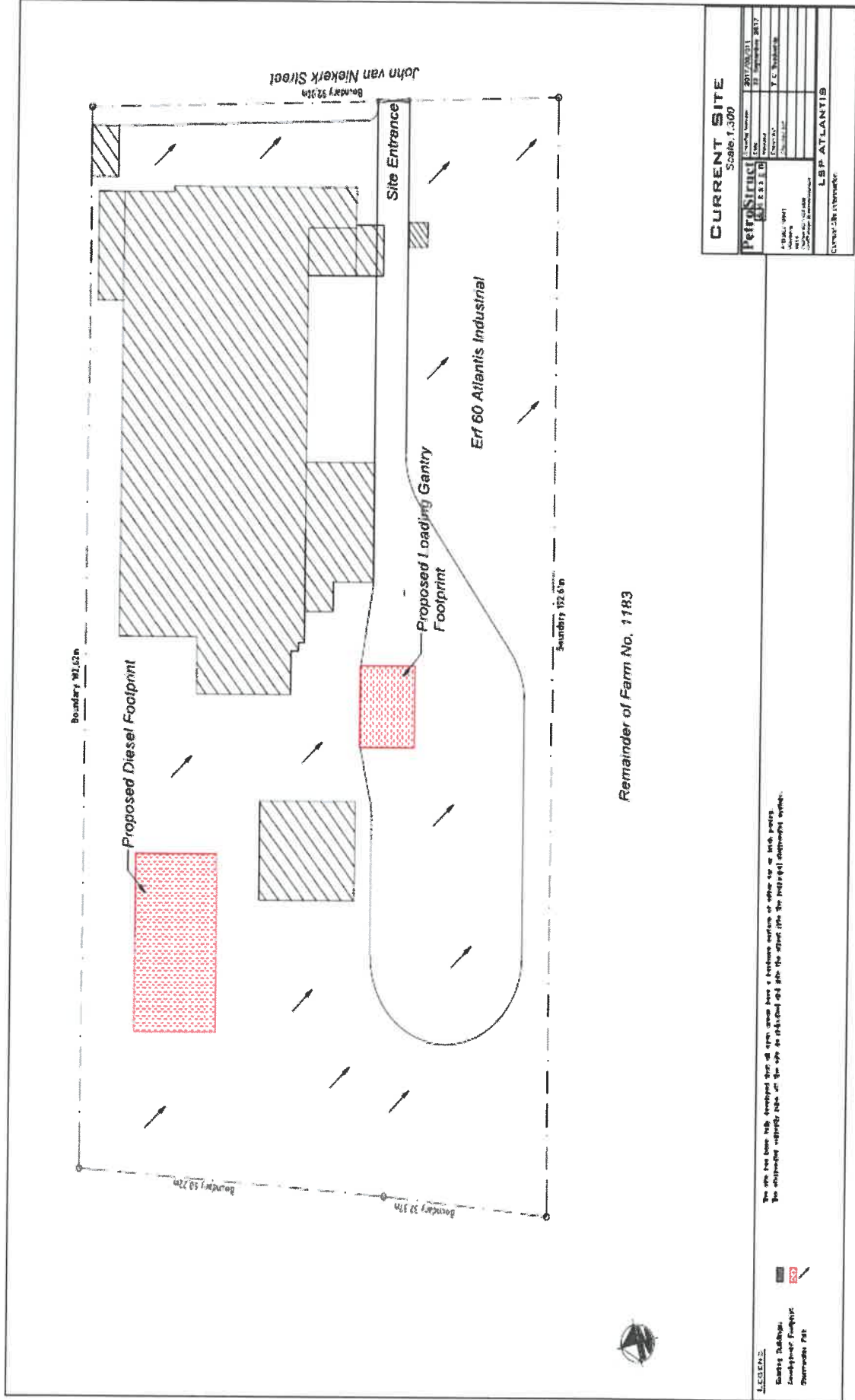
## ANNEXURE 1: LOCALITY MAP

Locality map of the proposed site (labelled LSP Energy).



# ANNEXURE 2: SITE PLAN

Site plan of the proposed development.



Remainder of Farm No. 1183

<b>CURRENT SITE</b> Scale: 1:300	
<b>PERMITS</b> E.F.F.D.	Project Number: 2017/000311
Client: F.C. Boshoff	Date: 27 September 2017
Author: F.C. Boshoff	Drawn: F.C. Boshoff
Checked: F.C. Boshoff	Scale: 1:300
Approved: F.C. Boshoff	Project Name: Erf 60 Atlantis Industrial
Company: ESP-ATLANTIS	Company: ESP-ATLANTIS

**LEGEND**  
 Building Outline: Solid black line  
 Footprint: Red hatched pattern  
 Boundary: Dashed line

## **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 31 October 2018, the BAR received by the Competent Authority on 12 March 2019, the EMPr received by the Competent Authority on 12 March 2019 and the additional information received by the Competent Authority on 22 June 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives and Need and Desirability (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 BAR dated 11 March 2019;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) The site visit conducted on 06 May 2019.

Attended by Ms. T. Dreyer and Ms. K. Adriaanse of the Western Cape Government Department of Environmental Affairs and Development Planning.

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;
- fixing a notice board on the site where the listed activity is to be undertaken on 14 November 2018;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 12 November 2018;
- the placing of a newspaper advertisement in the 'Cape Times' on 14 November 2018; and
- making the BAR available to I&APs for public review from 21 January 2019 to 20 February 2019.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

### **2. Alternatives**

Three alternatives and the "no-go" alternative were considered as part of the proposed development as follows:

### Alternative 1 (the preferred alternative - herewith authorised)

The proposed development entails the development of a diesel storage facility and associated infrastructure on Erf 60, Atlantis.

The proposed development will comprise:

- 6 (six) 83m<sup>3</sup> aboveground storage tanks;
- A truck loading gantry;
- An oil/water separator; and
- Associated infrastructure.

The proposed site is currently used as a truck parking area and contains paved areas. The storage tanks will be horizontally placed close to the northern boundary of the site in a single bund. Diesel will be stored and distributed to bulk buyers.

Existing access off John van Niekerk Street will be used to gain access to the site.

The development footprint will be approximately 1000m<sup>2</sup> in extent. The total storage capacity of the diesel storage facility will be 498m<sup>3</sup>.

Alternative 1 incorporates the recommendations of the Risk Assessment (compiled by MHR Consultants and dated 07 January 2019) and will have less potential visual impacts from the nearby Dassenberg Road, when compared to vertical tanks. Further, aboveground storage tanks are preferred from a financial perspective since the installation and maintenance of aboveground storage tanks are less expensive, when compared to underground storage tanks.

### Alternative 2

Alternative 2 entailed the same development as Alternative 1, except that vertical storage tanks were proposed.

Although the development footprint would be smaller than the Alternative 1, Alternative 2 was not deemed the preferred from a financial perspective since vertical tanks are not readily available and are more expensive to install. Further, the potential visual impacts associated with vertical tanks are higher, when compared to horizontal tanks.

### Alternative 3

Alternative 3 entailed the same development as Alternative 1, except that underground storage tanks were proposed.

Alternative 3 was not deemed the preferred from a financial perspective since the installation and maintenance of underground storage tanks are more expensive than aboveground storage tanks. Further, soil and groundwater contamination risks associated with underground storage tanks are higher, when compared to aboveground storage tanks.

### "No-Go" Alternative

The "No-Go" alternative would result in maintaining the "*status quo*". However, since the Preferred Alternative will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

### 3. Impact Assessment and Mitigation measures

#### 3.1. Activity Need and Desirability

The proposed development is located within the industrial area of Atlantis. The proposed site is being used as a truck stop and is largely paved. The site contains an unused warehouse, a guard house and a covered parking area. The proposed site is zoned as General Industrial 1 and is in line with the relevant planning policies applicable to the area. The storage and distribution of diesel will accommodate bulk buyers and will address the need for the bulk distribution of diesel in the industrial area. Some employment opportunities will be created. Approximately 30 employment opportunities will be created during the development phase and approximately 10 employment opportunities will be created in the operational phase.

#### 3.2. Regional / Planning context

The site is located within the 10-16km Urgent Protective Action Planning Zone of the Koeberg Nuclear Power Station. Any development within this zone requires approval in terms of the Koeberg Nuclear Power Station Traffic Evacuation Model ("TEM"). The City of Cape Town indicated (in their comment dated 19 February 2019) that the TEM form be submitted to the City of Cape Town: Disaster Risk Management Branch to be tested against the TEM model. The TEM form has been submitted to the City of Cape Town and will be tested accordingly. In addition, the Generic Emergency Plan (attached as Appendix E to the BAR dated 11 March 2019) will be amended to include the requirements of the City of Cape Town: Disaster Risk Management Branch, which has been included as Condition 8.1.1. in this Environmental Authorisation and in the EMPr.

#### 3.3. Risks / Health and Safety

A Risk Assessment in terms of the Major Hazard Installation Regulations (compiled by MHR Consultants and dated 07 January 2019) was undertaken to determine whether the proposed development was considered to be a Major Hazard Installation ("MHI") and to assess the potential risks associated with the proposed development. The study indicated that an incident involving the proposed flammable installations on the site could impact beyond the boundaries of the property. It was concluded that the proposed development is considered as a MHI facility.

The specialist indicated that the potential risks associated with the MHI were found to be acceptable provided that the specialist's recommendations to reduce the risks associated with the proposed development are implemented. The specialist's recommendations have been included Condition 8.1.2. in this Environmental Authorisation and in the EMPr. Further, the BAR indicates that the potential risks associated with the proposed facility will be of medium negative significance post mitigation.

#### 3.4. Soil and groundwater contamination

Potential soil and groundwater contamination during the operational phase as a result of potential product loss associated with pipe leaks and road tanker deliveries, has been identified in the BAR as being of low negative significance post mitigation. Mitigation measures have been included in the EMPr and all storage tanks and associated infrastructure will be designed in accordance with the relevant SANS codes.

#### 3.5. Stormwater runoff

A Stormwater Evaluation Report (compiled by CTP Consulting Engineers and dated December 2018) was undertaken to determine the existing stormwater contribution and management on site and to determine the potential areas on the site where contamination of the stormwater runoff could occur.

The report indicated that the runoff generated on the site will need to be treated by an oil separator unit before it enters the stormwater system. There are areas on the site that act as infiltration basins, which are adequate for stormwater management.

The specialist recommended that accurate levels for the construction of any infiltration basin, stormwater inlets, channels and oil separator units be determined prior to the commencement of development activities. This recommendation has been included in this Environmental Authorisation and in the EMPr.

### 3.6. Traffic Impacts

A Traffic Impact Statement (compiled by Sturgeon Consulting and dated January 2019) was undertaken to determine the potential traffic impacts associated with the proposed development. It is anticipated that a maximum of four trucks per day will be accessing the proposed facility. The specialist indicated that the proposed additional traffic generated will be of low negative significance due to the low number of trucks expected per day. No upgrades to road infrastructure is required prior to the commencement of the proposed development.

### 3.7. Heritage Impacts

Given that the proposed site is transformed, the proposed development has not triggered Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). The potential impact on heritage resources is therefore anticipated to be negligible.

### 3.8. Services/ Bulk Infrastructure

No additional services are required to service the proposed development.

### 3.9. Dust and Noise Impacts

Potential dust and noise impacts associated with the proposed development 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 include:

- Potential dust and noise impacts during the development phase;
- Potential groundwater and soil contamination during the development and operational phases; and
- Potential health and safety risks during the operational phase.

Positive impacts include:

- Increased bulk diesel supply;
- Economic benefits; and
- Some employment opportunities.

## 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.

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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