



REFERENCE: 16/3/3/1/A6/21/2040/19

ENQUIRIES: Natasha Bieding

DATE OF ISSUE: 2020 -03- 02

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 EXPANSION OF A BACKUP ENERGY CENTRE, INCLUDING DIESEL STORAGE AND GENERATORS ON ERF 142504, DIEP RIVER

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 activities specified in section B below with respect to Layout Alternative, described in the Basic Assessment Report ("BAR"), dated 17 December 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

Liquid Telecommunications South Africa (PTY) Ltd
c/o Gregory Burke
Postnet Suite 612
Private Bag X29
Gallo Manor
JOHANNESBURG
2052

Tel.: (011) 585 1312

Email: Gregory.Burke@africadatacentres.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 Activities	Activity/Project Description
Government Notice No. R. 983 of 4 December 2014 – Activity Number: 37 Activity Description: <i>"The expansion and related operation of facilities for the generation of electricity from a non-renewable resource where— (i) the electricity output will be increased by 10 megawatts or more, excluding where such expansion takes place on the original development footprint; or (ii) regardless the increased output of the facility, the development footprint will be expanded by 1 hectare or more".</i>	Additional generators will be installed that will increase electricity output by 10 megawatts.
Government Notice No. R. 983 of 4 December 2014 - 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>	Additional diesel storage tanks will be installed that will increase the storage capacity by more than 80 cubic metres.

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

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

The expansion of an existing backup energy centre comprising of the following components:

- installation of four (4) two (2) megawatt ("MW") generators on a platform above the existing three (3) two (2) megawatt generators;
- removal of two (2) fourteen thousand litre tanks;
- removal of one (1) twenty-three thousand litre tank;
- installation of five (5) thirty-six thousand litre storage tanks aboveground;
- installation of three (3) six hundred litre storage tanks aboveground;
- installation of four (4) nine hundred and ninety litre storage tanks aboveground; and
- the construction of bund walls around the tanks.

The expansion footprint will amount to approximately 1,500m².

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf 142504, which is located along De Waal Road in Diep River.

Coordinates of Erf 142504, Diep River:
 34° 2' 17.15" South, 18° 28' 45.95" East

The SG digit code: C01600070014250400000

Refer to Annexure 1: Locality Plan

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Enviroworks
c/o Mr Michael Leach
Suite 1064
Private Bag X2
CENTURY CITY
7446

Tel.: (021) 527 7084

Fax: 086 601 7507

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated 17 December 2019 on the site as described in Section C above.
2. Authorisation for the activities 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 activities 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 activities; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have 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 Appeals Regulation, 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 Appeals Regulations, 2014 (as amended).

Commencement

7. The listed activities, 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 written notice of seven calendar days' notice 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, 18.1, 18.2 and 18.3.

Management of activity

10. The EMPr submitted, as dated November 2019 is hereby approved and must be implemented.
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 activities 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 and rehabilitation phases 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 one 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 while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person 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 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.

Specific conditions

18. The following mitigation measures adapted from the BAR dated 17 December 2019 compiled by Mr Michael Leach of Enviroworks must be implemented:
- 18.1. An Emergency Response Plan must be compiled and submitted for comment to the City of Cape Town prior to the undertaking of the authorised activities. A copy of the Emergency Response Plan and the letter of comment from the City of Cape Town must be submitted to this Department for consideration.
 - 18.2. A Risk Management and Prevention Plan must be compiled and submitted for comment to the City of Cape Town prior to the undertaking of the authorised activities. A copy of the Risk Management and Prevention Plan and the letter of comment from the City of Cape Town must be submitted to this Department for consideration.
 - 18.3. A site specific Leak Detection and Repair ("LDAR") Programme must be compiled and submitted for comment to the City of Cape Town. A copy of the LDAR Programme and the letter of comment from the City of Cape Town must be submitted to this Department for consideration.
 - 18.4. The exhaust outlets from the generators must be positioned in a manner that limits negative impact for on-site occupants and neighbouring properties.
 - 18.5. The diesel storage tanks must be maintained on a regular basis in order to help ensure that no leaks occur.
 - 18.6. Maintenance must form part of the operational procedures in order to help ensure that generators are working optimally.
 - 18.9. All the diesel storage tanks must be properly banded.
 - 18.10. All diesel storage tanks must meet the required standards as per the South African National Standards ("SANS").
19. The following mitigation measures adapted from the Environmental Noise Survey Report dated 20 September 2019 compiled by Mr Tinus Putter and Mr Rynhard Gräbe of SHE Management Consultants must be implemented:
- 19.1. On-site noise levels must be managed by the maintenance of equipment and adherence to operational procedures, including *inter alia*, proper design and maintenance of plant equipment, systematic maintenance of all forms of equipment, training of personnel to adhere to operational procedures that reduce the occurrence and magnitude of individual noise events.

- 19.2. Standardised noise measurements must be made on individual equipment and regular checks carried out to help ensure that equipment is not deteriorating and to detect increases which could lead to increase in the noise impact over-time.
 - 19.3. Environmental noise monitoring must be carried out annually to detect deviations from predicted noise levels and enable corrective measures to be taken where warranted.
 - 19.4. A follow-up assessment must be conducted within a month after the new generators are installed and fully operational in order to verify the combined noise rating levels and to ensure that generators operate at the levels indicated from the supplier specifications. A copy of the follow-up assessment must be submitted to this Department.
20. 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.
 21. 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.
 22. 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.
 23. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
 24. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
 25. 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.

26. The manner and frequency for updating the EMP is as follows:
Amendments to the EMP, other than those mentioned above, must be made in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 (as amended) or any relevant legislation that may be applicable at the time.

27. 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 -

Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

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: 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



MR ZAAHIR TOORAY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 02/03/2020

Copied to: (1) Michael Leach (Enviroworks)
(2) Andrew Greenwood (City of Cape Town)

Fax: (086) 601 7507
Email: Andrew.Greenwood@capetown.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: 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 25 July 2019, the EMPr submitted together with the BAR on 7 January 2020, the additional information received on 23 January 2020, 18 February 2020 and 24 February 2020;
- 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 17 December 2019.

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 ;
- fixing a notice board at the site where the listed activities are to be undertaken;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities;
- the placing of a newspaper advertisement in the "The Cape Times" on 16 August 2019; and
- making the BAR and all relevant information available to Interested and Affected Parties for public review and comment.

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 reports.

2. Alternatives

Layout Alternative (Herewith authorised)

This alternative entails the expansion of an existing backup energy centre comprising of the following components:

- installation of four (4) two (2) MW generators on a platform above the existing three (3) two (2) megawatt generators;
- removal of two (2) fourteen thousand litre tanks;
- removal of one (1) twenty-three thousand litre tank;
- installation of five (5) thirty-six thousand litre storage tanks aboveground;
- installation of three (3) six hundred litre storage tanks aboveground;
- installation of four (4) nine hundred and ninety litre storage tanks aboveground; and
- the construction of bund walls around the tanks.

Layout Alternative 1 (Rejected alternative)

This alternative entails the expansion of an existing backup energy centre to comprise the following components:

- installation of four (4) two (2) MW generators in the parking lot which is located on the eastern section of the property;
- moving the existing three (3) two (2) MW generators to a new location;
- removal of two (2) fourteen thousand litre tanks;
- removal of one (1) twenty-three thousand litre tank;
- installation of five (5) thirty-six thousand litre storage tanks aboveground;
- installation of three (3) six hundred litre storage tanks aboveground;
- installation of four (4) nine hundred and ninety litre storage tanks aboveground;
- the construction of bund walls around the tanks;
- installation of infrastructure, including an electrical cabling fence and cabling

The Layout Alternative 1 is rejected because it will mean that new infrastructure will have to be created on a new section of the property. Furthermore, Layout Alternative 1 would mean that the new generators will be placed closer to a residential area which would increase the risks of noise and nuisances to nearby residents.

"No-Go" Alternative

The "no-go" alternative entails maintaining the "status quo", i.e. not expanding the existing backup energy centre or constructing the associated infrastructure.

This alternative was rejected, as it means that insufficient energy capacity will exist and thereby compromise the ability of the facility to continue providing service when power outages occur.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The existing facility provides a range of services related to internet and data provision as well as increasing connectivity through technology. The proposed expansion of the backup energy centre is required to help ensure a continuous power supply in the event of power outages so that the facility can continue to render the abovementioned services to customers.

3.2 Regional/ planning context

The site is zoned General Industrial II and the proposed expansion is permitted in terms of the property's existing land use rights. The proposed development is in line with the City of Cape Town's Integrated Development Plan (2017-2022), as it will aid in the provision of essential technological services.

3.3 Biophysical Impacts

The site is completely transformed by urban development and largely occupied by buildings, with paved open spaces used as parking facilities. No natural vegetation exist on the property.

There are no sources of surface water on or directly adjacent to the site. The Princess Vlei wetland is located approximately 900 metres ("m") south east of Erf 142504 and the Little Princess Vlei wetland is located approximately 650m south west of the said property. A drainage line extends parallel to Mocke Road, on the western side, and is approximately 280m from the proposed development.

The installation of the diesel storage tanks above ground largely eliminates the possibility of an underground leak or spill. The surrounding wetland areas are somewhat at risk should a diesel spill or leak occur, but given that the abovementioned aquatic systems are located more than 500m away from the said property, the risk can be regarded as low. Furthermore, the implementation of the spillage mitigation and prevention measures as contained in the EMPR will make any accidental spillage into the abovementioned aquatic systems and wider area low to extremely unlikely.

3.4 Nuisances

The new generators and additional diesel storage tanks will only be used in the event of a power outage, as opposed to being in continuous operation. During such events, the generators will produce noise and smoke. As such it is unlikely that the expanded facility will operate the generators for extended periods of time or regularly, thus noise and exhaust emissions are unlikely to significantly impact on the health of the surrounding residential areas. Furthermore, the proposed development is situated within an existing industrial area and according to the Baseline Air Quality Impact Assessment Report dated August 2019, it is not anticipated that the area will experience exacerbated poor air quality as a result of the occasional operation of the additional backup generators. According to the Environmental Noise Survey Report dated 20 September 2019, the projected combined noise rating levels from the new generators (based on the design specifications) were calculated at 69.9 A-weighted decibels ("dB(A)"), which is within the allowable limit for typical industrial districts of 70dB(A) during peak times.

In order to reduce the risk associated with *inter alia*, accidental fires, explosions and spillages both an Emergency Response Plan as well as Risk Management and Prevention Plan must be compiled and approved prior to the commencement of the authorised activities (see conditions 18.1. and 18.2.).

3.5 Visual / sense of place

During the construction period, there will be construction activities which may result in visual impacts. These will however be short-term and be adequately managed by the implementation of the EMPr.

Since the proposed development mainly comprises of the expansion of an existing facility, visual impacts during the operational phase will be low. The expansion works will be located where the surroundings comprise industrial, urban and residential uses and will therefore largely not be out of character.

3.6 Heritage / archaeological / built environment

The impact of the proposed development on heritage is low, and the likelihood of material being found during earthworks is also low as the proposed expansion works will take place in an existing transformed area and industrial zone.

3.7 Socio-economic

The proposed development will allow the existing facility to continue to provide services to clients even during power outages. This has economic benefits for both the facility as well as their clients using the specific services such as *inter alia*, fibre optic, satellite and international carrier services and internet service.

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.

Negative impact

The proposal will not result in any direct negative biophysical impacts as the site is transformed and furthermore located in an existing industrial zone. The increase of diesel storage tanks and generators on the site may increase levels of nuisances and risks such as accidental fires and spillages. However, such risks will be avoided and/or managed in accordance with various tools such the EMPr, Emergency Response Plan as well as a Risk Management and Prevention Plan.

Positive impact

The proposed development will ensure that the existing facility will continue to render various services to its clients during power outages and thereby avoiding economic losses for the facility and its clients.

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 activities 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 activities can be mitigated to acceptable levels.

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