



EIA REFERENCE: 16/3/3/1/E4/11/1082/19
NEAS REFERENCE: WCP/EIA/0000638/2019
DATE OF ISSUE: 09/06/2020

The Board of Directors
Two-a-Day (Pty) Ltd
PO Box 43

GRABOUW

7160

Attention: Mr H Ryke

Tel: (021) 859 7500
E-mail: henk@tad.co.za

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): EXPANSION OF FUEL STORAGE INFRAStructure AT TWO-A-DAY ON PORTION 72 OF ERF NO. 319, GRABOUW

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 Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to 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 summarized in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) Mr R Kynaston (Geo Pollution Technologies Gauteng (Pty) Ltd)
(2) Mr J Viljoen (Theewaterskloof Municipality)
(3) Ms A Duffell-Canham (CapeNature)
(4) Mr R le Roux (Breede-Gouritz Catchment Management Agency)

E-mail: ryan@gptglobal.com
Fax: (028) 214 1289
Fax: (021) 866 1523
Fax: (023) 347 2012



EIA REFERENCE: 16/3/3/1/E4/11/1082/19
NEAS REFERENCE: WCP/EIA/0000638/2019
DATE OF ISSUE: 09/06/2020

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): EXPANSION OF FUEL STORAGE INFRASTRUCTURE AT TWO-A-DAY ON PORTION 72 OF ERF NO. 319, GRABOUW

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 Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated 6 February 2020.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors
Two-a-Day (Pty) Ltd
% Mr H Ryke
PO Box 43
GRABOUW
7160

Tel.: (021) 859 7500
E-mail: henk@tad.co.za

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

B. ACTIVITY AUTHORISED

Listed activity	Activity/Project Description
EIA Regulations Listing Notice 1 of 2014: Activity Number: 51 The expansion of and related operation of	The development entails the installation of an additional 2 x 83 000 litre aboveground storage tanks and associated infrastructure for the

facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such facility will be expanded by more than 80 cubic metres.	storage and handling of dangerous goods.
--	--

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

The holder is herein authorised to undertake the development in respect of the following alternative:

The development entails the expansion of the fuel storage capacity at the Two-a-Day facility, on Portion 72 of Erf No. 319, Grabouw, through the installation of an additional 2 x 83 000 litre aboveground storage tanks and associated fuel infrastructure.

C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken in the north-eastern portion of Portion 72 of Erf No. 319, Grabouw. The co-ordinates of the site's corners are as follows:

	Latitude (S)	Longitude (E)
North-eastern corner	34° 09' 09.24"	19° 01' 50.86"
South-eastern corner	34° 09' 09.57"	19° 01' 50.73"
South-western corner	34° 09' 09.29"	19° 01' 50.10"
North-western corner	34° 09' 09.00"	19° 01' 50.33"

The SG digit code is: C01300000000031900072

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Geo Pollution Technologies Gauteng (Pty) Ltd
 % Mr Ryan Kynaston
 P.O. Box 8442
ROGGEBAAI
 8012

Tel.: (021) 462 6822
 E-mail: ryan@gptglobal.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with, and restricted to, the Preferred Alternative in the BAR dated 6 February 2020 at the site as described in Section C above.

2. The holder must commence with the listed activity on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10) years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

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

Conditions: 7, 8 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;

7.4.5 e-mail address, if any, of the holder; and

7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).

8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant 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

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. The ECO must conduct fortnightly compliance monitoring inspections during the construction phase. A final ECO Report must be submitted to the Competent Authority within three months after construction has been completed.
13. A copy of the Environmental Authorisation, EMPr and compliance monitoring reports must be kept at the site of the authorised activity.
14. Access to the site referred to in Section C 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

15. The holder must ensure that environmental auditing is undertaken in accordance with Regulation 34 in terms of the NEMA EIA Regulations, 2014 (as amended) to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The final Environmental Audit Report must be submitted to the Competent Authority within six months after operation commenced.

The holder must, within 7 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

report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

Specific Conditions

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts 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.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

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 and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (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 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.

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 on which 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 on which 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 Organs 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 Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

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

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 09/06/2020

CC: (1) Mr R Kynaston (Geo Pollution Technologies Gauteng (Pty) Ltd)
(2) Mr J Viljoen (Theewaterskloof Municipality)
(3) Ms A Duffell-Canham (CapeNature)
(4) Mr R le Roux (Breede-Gouritz Catchment Management Agency)

E-mail: ryan@gptglobal.com
Fax: (028) 214 1289
Fax: (021) 866 1523
Fax: (023) 347 2012

ANNEXURE 1: LOCALITY MAP

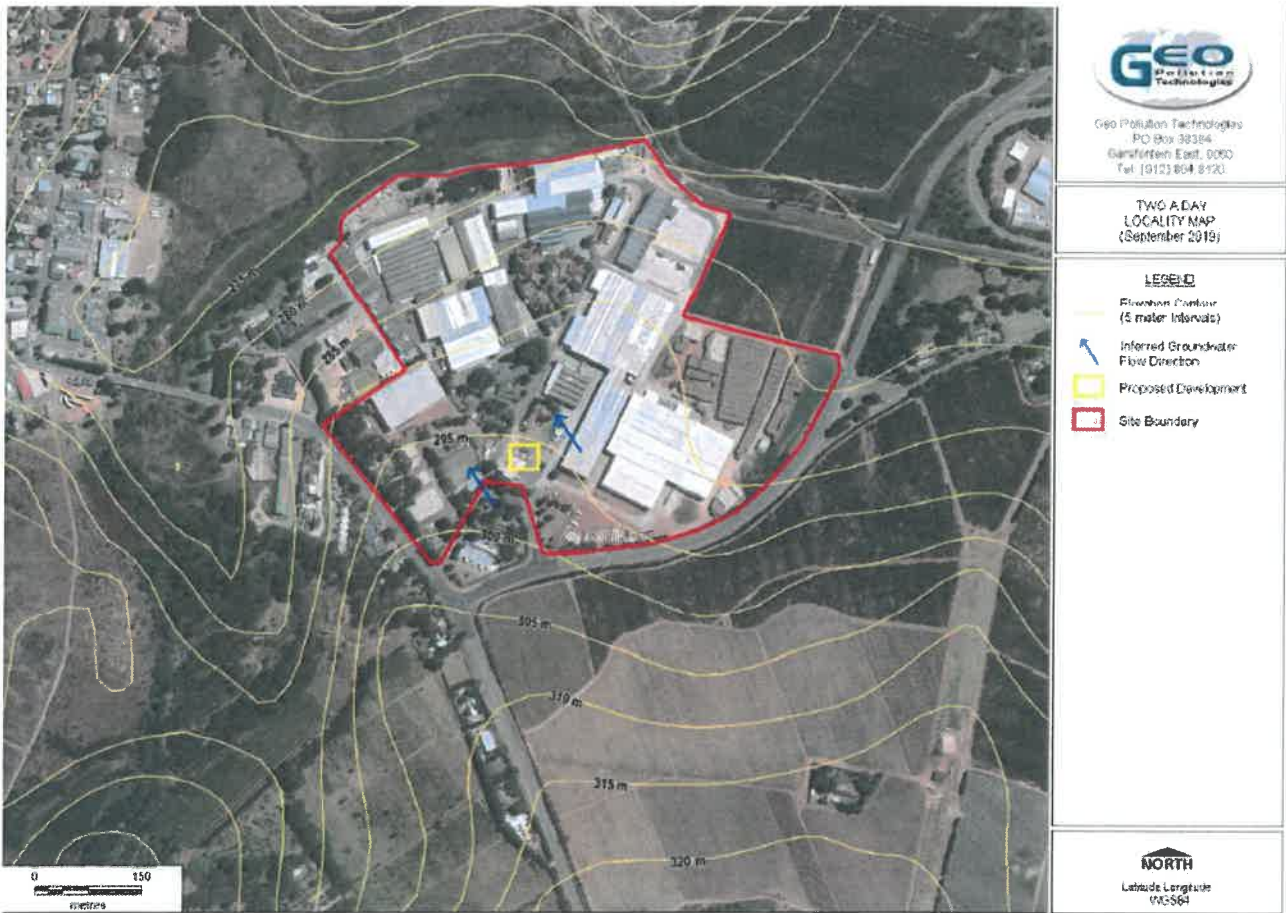


Figure 1: Location of the proposed development.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form received on 8 November 2019, the final BAR dated 6 February 2020 and the EMPr submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 6 February 2020; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during 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;
- the placing of a newspaper advertisement in the "Die Burger" on 19 September 2019;
- 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 18 September 2019, and 22 November 2019;
- fixing a notice board at the site where the listed activity is to be undertaken on 19 September 2019;
- making the pre-application draft BAR available to I&APs for public review 19 September 2019; and
- making the in-process draft BAR available to I&APs for public review from 22 November 2019.

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

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

2. Alternatives

Preferred Alternative (Herewith authorised)

The development entails the expansion of the Two-a-Day facility, on Portion 72 of Erf No. 319, Grabouw, through the installation of an additional 2 x 83 000 litre aboveground storage tanks and associated fuel infrastructure.

This alternative is preferred since it is close to the existing fuel storage infrastructure (existing controls, tanks and pumps) on the property.

Location Alternative

This alternative entails the installation of 2 x 83 000 litre aboveground storage tanks and associated fuel infrastructure on Portion 240 of Erf No. 319, Grabouw.

This alternative is not preferred since extra fuel storage infrastructure would be required, as the site is located far from existing fuel storage infrastructure on the property. This alternative is also not financially viable.

Tank options

Aboveground fuel storage tanks were preferred since underground fuel storage tanks will not be financially viable.

"No-Go" Alternative

The "no-go" option was considered and is not preferred, since the development is required to efficiently cater for Two-a-Day's vehicle fleet and to ensure that the facility can function effectively during periods of power outages via the on-site generators at the facility.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

The increase in the fuel to be stored on site will cater for Two-a-Day's on-site vehicle fleet whilst ensuring the availability of adequate fuel volumes to supply their generators during periods when power outages are experienced. The latter will contribute to the company's economic viability. The development is also in line with the existing land use rights.

3.2 Biodiversity and Biophysical Impacts

Historically, the site would have been covered by Elgin Shale Fynbos vegetation, which is classified as a critically endangered ecosystem in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). However, the site has been completely modified and there is no natural vegetation remaining. The letter from CapeNature dated 1 October 2019 indicates that the impact on the terrestrial biodiversity is of low concern. The Palmiet River borders the site from the west to the north. The potential impact on groundwater will be mitigated by the implementation of the EMPr (accepted in Condition 9).

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development may have an impact on the groundwater. However, adequate mitigation measures have been included in the EMPr to mitigate impacts associated with the development.

Positive impacts:

- The proposed development will increase the efficiency of fuel storage at the facility.
- Temporary employment opportunities will be created during the construction phase.
- The ability to remain in operation during power outages will be assured.

4. National Environmental Management Act Principles

The NEMA 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 activity (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 NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

-----END-----