



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE NUMBER: 16/3/3/1/F4/20/3046/17

ENQUIRIES: Mr. M. Lamour

DATE OF ISSUE: 2018 -05- 10

The Director
Oranjevis (Pty) Ltd.
P.O. Box 25
ST. HELENA BAY
7382

Attention: Mr. G. Louw

Tel: (022) 736 1210

Fax: (022) 736 1281

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 DECOMMISSIONING OF ONE FUEL STORAGE TANK AND THE INSTALLATION OF ONE FUEL STORAGE TANK AT THE EXISTING ORANJEVIS FACILITY ON ERF 33, SANDY POINT HARBOUR, ST. HELENA BAY.

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 summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR JOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Mr. P. Badenhorst/Ms. H. Botha (Pieter Badenhorst Professional Services)
(2) Ms. N. Duarte (Saldanha Bay Municipality)

Fax: (086) 672 1916
Fax: (022) 715 1518



REFERENCE: 16/3/3/1/F4/20/3046/17
NEAS REFERENCE: WCP/EIA/0000296/2017
ENQUIRIES: Mr. M. Lamour
DATE OF ISSUE: 2018 -05- 10

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 DECOMMISSIONING OF ONE FUEL STORAGE TANK AND THE INSTALLATION OF ONE FUEL STORAGE TANK AT THE EXISTING ORANJEVIS FACILITY ON ERF 33, SANDY POINT HARBOUR, ST. HELENA BAY.

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 the Preferred Alternative, described in the BAR, dated January 2018.

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
Oranjevis (Pty) Ltd.
c/o Mr. G. Louw
P.O. Box 25
ST. HELENA BAY
7382

Tel: (022) 736 1210
Fax: (022) 736 1281

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
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 31 Activity Description:</p> <p>The decommissioning of existing facilities, structures or infrastructure for—</p> <ul style="list-style-type: none"> (i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014; (ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014; (iii) (iv) any phased activity or activities for development and related operation activity or expansion or related operation activities listed in this Notice or Listing Notice 3 of 2014; or (v) any activity regardless the time the activity was commenced with, where such activity: <ul style="list-style-type: none"> (a) is similarly listed to an activity in (i) or (ii) above; and (b) is still in operation or development is still in progress; <p>excluding where—</p> <ul style="list-style-type: none"> (aa) activity 22 of this notice applies; or (bb) the decommissioning is covered by part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies. 	<p>The proposed development entails the decommissioning of an above ground fuel storage tank with a storage capacity of 83m³.</p>
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 10 Activity Description:</p> <p>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Areas zoned for use as public open space or equivalent zoning; ii. All areas outside urban areas; or iii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas seawards of the development setback line or within 200 metres from the high-water mark of the sea if no such development setback line is determined; 	<p>The proposed development will entail the installation of an above ground fuel storage tank with a storage capacity of 79m³ and will occur within 200m of the high-water mark of the sea.</p>

<p>(bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; or</p> <p>(cc) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</p>	
---	--

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 as it relates to the proposed development:

The proposed development entails the decommissioning of an existing 83 m³ above-ground fuel storage tank and the installation of a 79 m³ above-ground fuel storage tank and associated infrastructure on Erf 33, Sandy Point Harbour, St. Helena Bay. The tank to be decommissioned is located on a jetty near the seafront. The new tank will be installed further away from the sea on a different portion of Erf 33, Sandy Point Harbour, St. Helena Bay. The decommissioning and installation activities will be conducted in accordance with the relevant SANS codes and standards.

Existing access will be used.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken at the existing Oranjevis facility on Erf 33, Sandy Point Harbour, St. Helena Bay at the following co-ordinates:

	Latitude (S)	Longitude (E)
Decommissioning of existing tank	32° 44' 50.47" South	18° 0' 43.91" East
Installation of new tank	32° 44' 46.58" South	18° 0' 41.42" East

The SG 21 digit code is:

C04600130000003300000

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Pieter Badenhorst Professional Services cc
c/o Mr. P. Badenhorst / Ms. H. Botha
P.O. Box 1058
CAPE TOWN
7654

Cell: 076 800 4959
Fax: (086) 672 1916

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 January 2018 on the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **5 (five) years** from the date of issue of this Environmental Authorisation.
3. The tank to be decommissioned must be removed within 5 (five) 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. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also 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 Appeal 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;
 - 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,
 - 7.4.6. 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).
8. The listed activities, 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 activities, 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"), or site agent where appropriate, before the commencement of any decommissioning or installation of tanks to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities whereafter it must be kept at the office of the applicant, and must be made available to anyone on request.
13. 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

14. 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 an Environmental Audit Report to the Competent Authority. 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).
 - 14.1. Within three (3) months of the decommissioning of the tank, an environmental audit report that includes proof of compliance with conditions 18 and 20 of this EA must be submitted to this Directorate for record purposes.
 - 14.2. The holder must submit an Environmental Audit Report to the Competent Authority 1 (one) month after the completion of the installation of the above-ground fuel storage tank.

14.3. The holder must, within 7 (seven) days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

Specific Conditions

15. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
16. 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.
17. 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.
 - 17.1. 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.
 - 17.2. 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.
18. No contaminated soil must be used as fill material on site. Contaminated soil removed during the decommissioning process must be disposed of at an appropriately licensed landfill site.
19. Thorough emptying of tanks and fuel lines must be ensured prior to the decommissioning of the tank.
20. Gas-free certification must take place prior to any tank removal activity commencing to ensure that the tank is free of flammable or explosive vapours and that it is safe to dismantle and to transport.
21. The new tank must be designed, installed and managed in accordance with the relevant SANS codes.
22. Spill kits must be on hand during the decommissioning and the installation of the tanks.
23. During tanker delivery of fuel at the facility, the tanker driver must be present at all times during product offloading. Should an incident occur refuelling must be stopped immediately.
24. The new storage tank must be bunded appropriately and must be equipped with an automatic shut-off valve should a hose burst or be ripped away.
25. Firefighting equipment must be available on the site and adhere to oil industry standards.
26. Dust suppression measures must be used to mitigate dust during the decommissioning activities. No potable water must be used to mitigate dust nuisance and alternative dust suppression methods must be implemented.

27. All noise and sounds generated due to the proposed development must comply with the relevant SANS codes and standards;
28. The decommissioning of the above-ground fuel storage tank must be completed before the installation of the other above-ground fuel storage tank may commence.
29. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.

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 activities.
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 a 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 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
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 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 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. ZAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 10/05/2018

Copies to: (1) Mr. P. Badenhorst/Ms. H. Botha (Pieter Badenhorst Professional Services)
(2) Ms. N. Duarte (Saldanha Bay Municipality)

Fax: (086) 672 1916
Fax: (022) 715 1518

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the application form dated 14 August 2017, the revised application form dated 02 November 2017, the BAR received by this Department on 23 January 2018 and the EMPr submitted together with the BAR on 23 January 2018;
- 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 revised BAR dated November 2017;
- e) The consent provided by the landowner (dated 07 June 2017);
- f) The balancing of negative and positive impacts and proposed mitigation measures; and
- g) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues 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 at the site where the listed activities are to be undertaken on 10 May 2016;
- 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 on 12 May 2016;
- the placing of a newspaper advertisement in the 'Weslander' on 12 May 2016;
- making the draft BAR available to I&AP's from 30 August 2017 to 02 October 2017; and
- making the BAR available to I&APs for public review from 20 November 2017 to 11 January 2018.

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

The applicant investigated alternatives related to the proposed method of decommissioning. The preferred method of decommissioning will be in accordance with the relevant SANS codes and international best practice standards. The fuel lines will be cold cut (i.e. a manually operated blade will be used as opposed to power tools), vented and removed from site. All sludge, and remaining product, will be collected and removed off site and disposed of at a licensed facility or recycled.

This method is preferred as it is considered international best practise and is compliant with the American Petroleum Industry's standard 1604 relating to closure of above-ground petroleum storage tanks.

The Preferred Alternative (Herewith authorised)

The proposed development entails the decommissioning of an existing 83 m³ above-ground fuel storage tank and the installation of a 79 m³ above-ground fuel storage tank and associated infrastructure on Erf 33, Sandy Point Harbour, St. Helena Bay. The tank to be decommissioned is located on a jetty near the seafront. The new tank will be installed further away from the sea on a different portion of Erf 33, Sandy Point Harbour, St. Helena Bay. The decommissioning and installation activities will be conducted in accordance with the relevant SANS codes and standards.

Existing access will be used.

This alternative is preferred as the new position of the above-ground fuel storage tanks will be positioned further from the seafront and at a position that is easier to access for vehicles, especially when refuelling.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo". However, since the proposed development will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted. In addition, should the existing tank not be decommissioned and a new tank installed at another location, the ageing tank remain an environmental risk.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

Fuel storage tank forms a critical part of on-site operations and is therefore essential to have a fuel storage tank that is operating optimally. The current storage tank system is inefficient for logistical reasons and it is close to the sea, which makes it an environmental risk. As a result of age and exposure to natural elements the condition of this tank has deteriorated over time. Further, the tank is difficult to access. As such, the tank will be removed and a new tank will need to be installed on the site (further from the sea).

3.2. Groundwater and seawater contamination

Due to the decommissioning of an ageing tank so close to the sea, potential seawater contamination may occur. However, best practice measures will be used during the decommissioning which will minimise the risk of potential pollution and the construction areas will be clearly demarcated. The probability of groundwater contamination is very low since the existing tank is located on a concrete surface area and there are no watercourses on or near the site.

Potential groundwater contamination may be associated with the proposed installation and operation of a new fuel storage tank. However, the installation and operation of the new tank will take place in accordance with best practice measures and in accordance with the relevant legislation. Further, the new tank will be installed on an existing concrete

area and will be banded to 110 % of its capacity, thereby reducing the risk of contamination. The new position of the proposed tank will also make refueling of vehicles more practical and safe. The Department of Environmental Affairs: Oceans and Coasts indicated in their comment dated 04 August 2016, that they have no objection to the proposed development provided that the recommendations in their comment are implemented. These recommendations have been included in the EMPr.

The potential groundwater and seawater impacts associated with the proposed development are therefore regarded as being of low negative significance prior to mitigation and very low negative post mitigation.

3.3. Socio-Economic Impacts include:

Temporary employment opportunities will be afforded to the local community (as far as possible) during all phases of the proposed development. The socio-economic impacts are therefore regarded as being of low positive significance.

3.4. Traffic, dust and noise Impacts include:

Potential traffic and dust impacts associated with the proposed development during the development phase will be mitigated by the implementation of the mitigation measures included in the EMPr. As such, the traffic, dust and noise impacts are regarded as being of low negative significance prior to mitigation and very low post mitigation.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential groundwater and seawater contamination associated with the proposed development phase; and
- Traffic, dust and noise impacts during the development phase.

Positive impacts:

- The proposed decommissioning will minimise the potential environmental risk at the site through the removal of an ageing fuel storage tank and the installation of a new tank at a position that is less sensitive; 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 activities 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."*

-----END-----