



**Western Cape
Government**
Environmental Affairs and
Development Planning

BETTER TOGETHER

Development Management
(Region 3)

REFERENCE: 16/3/3/5/D2/45/0008/17
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 2017 -08- 2 1

Mr. Aboobaker Ismail
PO Box 6007
LENASIA NORTH
1838

Tel: (011) 852 3288
Fax: (011) 854 2451

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 14 NOVEMBER 2012 FOR THE PROPOSED PARKDENE FILLING STATION ON ERF 11221, PARKDENE, GEORGE

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation with respect to this application.

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2014 ("NEMA EIA Regulations) the competent authority herewith **grants** the amendment of the Environmental Authorisation issued 14 November 2012 Ref: EG12/2/4/1-D2/22-0067/11

The amendments are set out below:

1. The applicant referred to under **Section C** of the Environmental Authorisation must read as follows:

"The Director
Look Forward Construction (Pty) Ltd
% Mr. Aboobaker Ismail
PO Box 6007
LENASIA NORTH
1838

Tel: (011) 852 3288

4th Floor, York Park Building,
93 York Street, George, 6529
tel: +27 44 805 8600 fax: +27 44 874 2423

Private Bag X6509, George, 6530

www.westerncape.gov.za/eadp

Fax: (011) 854 2451 "

2. **Section E: Condition 1** is amended and must read as follows:

"The activities must commence before or on **14 November 2022**. If commencement of the activity does not occur within this period, the authorisation lapses and a new application for environmental authorisation must be submitted and authorisation obtained, before the activity may be undertaken."

3. The following condition is added to **Section E** of the Environmental Authorisation as condition 16 which must read as follows:

"The holder must, for the period during which the environmental authorisation and EMPr remain valid—

16.1 ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited;

16.2 during the construction phase the holder must undertake annual environmental audit(s) and submit these Environmental Audit Report(s) to the Competent Authority;

16.3 The final construction phase Environmental Audit Report(s) must be submitted to the Competent Authority within sixty (60) days of completion of construction;

16.4 during the operational phase, the holder must ensure that environmental audit(s) are performed regularly and submit these Environmental Audit Report(s) to the Competent Authority;

16.5 During the operational phase the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr may not exceed intervals of 5 years; and

16.6 the environmental audit report must be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended)".

4. All other information contained in the Environmental Authorisation, Ref: EG12/2/4/1-D2/22-0067/11 and issued 14 November 2012 remains unchanged and is still in force.

B. REASONS FOR THE DECISION:

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The application is for a non-substantive amendment to the Environmental Authorisation.
2. The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to amend the Environmental Authorisation.
3. The application does not constitute any changes to the scope, motivation or environmental commitments of the project.

4. The proposed amendment will not result in increased impacts as it only pertains to the extension of the validity period of the EA and the transfer of the EA from Mr. Aboobaker Ismail in his personal capacity to Look Forward Construction (Pty) Ltd of which Mr. Aboobaker is the sole shareholder and Director. The applicant motivates that at the time of the application, the company, Look Forward was not incorporated.
5. The extension of the validity period is required as the applicant is still in the process of obtaining the required licenses (site and petroleum retail licenses) from the Department of Mineral Resources.

6. Changes to the relevant legislative framework:

The original application was decided in term of Environmental Impact Assessment Regulations, 2010, however, said regulations were replaced by the Environmental Impact Assessment Regulations, 2014 on 4 December 2014. The Environmental Impact Assessment Regulations, 2014 were subsequently amended on 7 April 2017 by the Minister of Environmental Affairs. The amended regulations (refer to Government Notice No. R.324, R.325, R.326 and R.327) took effect on 07 April 2017.

Due consideration has been given to the current legislative framework, which provides that any authorisation issued in terms of the previous NEMA Regulations must be regarded to be an environmental authorisation issued in terms of the Environmental Impact Assessment Regulations, 2014.

The authorised activity, activity 13 of GN No. R.544 of 18 June 2010 is similarly listed to activity 14 of GN No. R.983 of 4 December 2014, which reads: "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".

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, the EMPr and submit Environmental Audit Reports to the Competent Authority, hence the inclusion of condition 16 in the Environmental Authorisation.

7. All the information presented to the Department was taken into account in the Department's consideration of the application.

C. CONDITIONS

1. The applicant must, in writing, within **14 (fourteen)** calendar days from the date of the Department's decision –
 - 1.1 notify all registered interested and affected parties registered in the previous EIA process of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;

- 1.2 draw the attention of all registered interested and affected parties registered in the previous EIA process to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 in section D below;
 - 1.3 draw the attention of all registered interested and affected parties registered in the previous EIA process to the manner in which they may access the decision.
2. The holder of the environmental authorisation must within thirty (30) calendar days of the issue of this amendment decision, provide the competent authority with written proof of compliance with condition 1 above.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (refer to Government Notice R.993 of 8 December 2014).

1. An appellant must –
 - 1.1. submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision.
 - 1.2. if the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
 - 1.3. if the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
2. The applicant (if not the appellant) the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
3. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Jaap de Villiers
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 J. de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

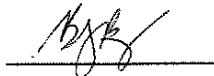
By e-mail: Jaap.DeVilliers@westerncape.gov.za
4. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail Jaap.deVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to 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. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
DATE OF DECISION: 17/08/2017

Copied to: Mrs. L. M. van Zyl Cape EAPrac (EAP)

Fax: (044) 874 0432