NOTIFICATION OF ENVIRONMENTAL AUTHORIZATION RECEIVED

Notice is given that DESTEA granted environmental authorisation in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998) and GNR 982 of the 2014 Environmental Impact Assessment Regulations to the applicant for the following project:

Project description:
The proposed upgrading of an existing diesel depot on Portion 1 of the farm Rooidam 2354, Bloemfontein

Listed activities:

<table>
<thead>
<tr>
<th>Listing Notice 1:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation 983, BAR, as amended on 7 April 2017 (Regulation 327):</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<td><strong>Activity 12(ii)(a):</strong></td>
</tr>
<tr>
<td>The development of-</td>
</tr>
<tr>
<td>(ii) Infrastructures or structures with a physical footprint of 100 square metres or more;</td>
</tr>
<tr>
<td>Where such development occurs-</td>
</tr>
<tr>
<td>(a) Within a watercourse</td>
</tr>
<tr>
<td>Excluding –</td>
</tr>
<tr>
<td>(dd) where such development occurs within an urban area</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Activity 14:</th>
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<tbody>
<tr>
<td>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.</td>
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<th>Activity 27:</th>
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<td>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for</td>
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<tr>
<td>(i) the undertaking of a linear activity; or</td>
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</table>
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<td>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</td>
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</table>

**Activity 28:**

Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture on or after 01 April 1998 and where such development:

(i) will occur inside an urban area, where the total land to be developed is bigger than 5 ha

(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 ha,

Excluding where such land has already been developed for this purposes

**Activity 48(i)(a):**

The expansion of

(i) Infrastructure or structures where the physical footprint is expanded by 100m² or more

Where such expansion occurs

(a) within a watercourse

Excluding:

(dd) where such expansion occurs within an urban area

### Listing Notice 3:
Regulation 985, BAR, as amended on 7 April 2017 (Regulation 324):

<table>
<thead>
<tr>
<th>Listed activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity 12(b)(iv):</td>
</tr>
<tr>
<td>The clearance of an area of 300 m² or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</td>
</tr>
</tbody>
</table>

(b) Free State

(iv) Areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland

**Activity 26:**

Phased activities for all activities

i. Listed in this notice and as it applies to a specific geographical area, which commenced on or after the effective date of this notice; or

ii. Similarly listed in any of the previous NEMA notices, and as it applies to a specific geographical area, which commenced on or after the effective date of such previous NEMA notices

Where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.
**Project reference number:**
EMB/12(ii), 14, 27, 28(i), 48(i), 12(b)(iv)/18/42

**Project by:**
Sky Developments (PTY) LTD

**Date of environmental authorization issued:**
2019/04/10

**Copy of authorization:**
A copy of the authorization is attached hereto. Additionally, a copy of the authorization may be viewed at the offices of MDA.

**Opportunity to appeal:**
If any person affected by this Decision wishes to appeal against the decision, the person should lodge an appeal with the Members of the Executive Council (MEC), the applicant, any registered IAP as well as organ of state with interest in the matter in terms of the National Appeal Regulations as published in Government Gazette No. 38303 of 8 December 2014, within 20 days of this notification. The MEC contact details are as follows:

**The MEC (DESTEA)**
Private Bag X 20801
Bloemfontein
9300
Tel: 051 447 1583
nazob@destea.gov.za

We trust that you will find the above in order.

Please do not hesitate to contact Hanlie Stander (hanlie@mdagroup.co.za) should you require additional information on the said project.

Kind regards,

MDA

NEIL DEVENISH Pr. Pln A/1133/1999
Manager: Town Planning/Environmental
Environmental Authorisation

Authorisation register number: EMB/12(ii),14,27,28(i),48(i),12(b)(iv)/18/42

Holder of authorisation: Sky Developments (PTY) LTD

Location of activity: Portion 1 of the farm Rooidam 2354, Bloemfontein
Decision

The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA) "the Department" is satisfied, on the basis of information provided to it that, subject to compliance with the conditions of this Environmental Authorisation (EA), the Applicant should be authorised to undertake the activities specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and Government Notice Regulation 982 passed pursuant thereto, the Department hereby authorises –

Sky Developments (PTY) LTD

With the following contact details –

P.O. Box 12296
Brandhof
9324

Contact person: Bernard Haasbroek
Tel: 082 966 5566
Fax:
E-mail: bernard@skycon.co.za

To undertake the following activity –

The proposed development listed under GN 983 activity number 12(ii), 14, 27, 28(i), 48(i), 12(b)(iv) described as:

<table>
<thead>
<tr>
<th>Listing Notice 1 Activity 12</th>
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<td>occurs within an urban area</td>
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<td>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture on or after 01 April 1998 and where such development:</td>
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<td>(i) Will occur inside an urban area, where the total land to be developed is bigger than 5ha,</td>
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</tr>
<tr>
<td></td>
<td>(a) Within a watercourse</td>
</tr>
<tr>
<td>Listing Notice 3 Activity 12</td>
<td>The clearance of an area of 300</td>
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square metres or more of indigenous vegetation, except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan  
(a) Free State  
(iv) Areas within 100 meters from the edge of a watercourse or a wetland.

| Listing Notice 3 Activity 26 | Phased activities for all activities;  
(i) Listed in Listing notice 3 and as it applies to a specific geographical area, which commenced on or after the effective date of this notice; or  
(ii) Similarly listed in any of the previous NEMA notices, and as it applies to a specific geographical area, which commenced on or after the effective date of such previous NEMA notices;  
Where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold |

| HEAD OF DEPARTMENT |  
Department of Economic,  
Small Business Development,  
& Tourism Environmental Affairs |  
2013 – 04 – 1 B  
Private Bag X20801  
Bloemfontein 9300 |

The proposed upgrade will entail the following:
Upgrading and expansion and formalisation of an existing Diesel Depot (storage of diesel above ground) with ancillary amenities (e.g. truck stop, convenience shop, overnight and ablution facilities for truck stop drivers and related office space to manage Diesel Depot as well as a wash bay) on portion 1 of the farm Rooidam 2354, Bloemfontein. The existing infrastructure is located on approximately 0.8ha of land and 66 000L of fuel is stored on site. Approximately 100 000L of fuel will be stored on site during the operational phase.

The proposed development is situated at Farm Rooidam 2354, Bloemfontein.

Co-ordinates of the site are as follows:
Latitude: 26° 6' 23.99"S
Longitude: 29° 8' 22.52"E

The granting of this Environmental Authorisation is subject to the conditions set out below.

**Conditions**

**Scope of authorisation**

1.1 The proposed Diesel Depot upgrade at the Farm Rooidam 2354, Bloemfontein, is approved.

1.2 Authorisation of the activity is subject to the conditions contained in this document, these conditions form part of the Environmental Authorisation and are binding on the holder of the Authorisation.

1.3 The holder of the Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the Authorisation.

1.4 The Authorised activity may only be carried out at the Farm Rooidam 2354, Bloemfontein, Free State Province as indicated above at the exact site co-ordinates.

1.5 Any changes to, or deviations from, the project description set out in this Authorisation must be submitted to the Department within thirty (30) days and...
approved, in writing, by the Department before such changes or deviations may be
effected.

1.6 In assessing whether to grant such approval or not, the Department may request
such information as it deems necessary to evaluate the significance and impacts of
such changes or deviations and it may be necessary for the holder of the
Authorisation to apply for further Authorisation in terms of the regulations.

1.7 This Environmental Authorisation is valid for a period of 3 (three) years from the
date of issue. If commencement of the activity does not occur within that period, the
Authorisation lapses and a new application for an Environmental Authorisation (EA)
must be made.

1.8 This Authorisation does not negate the holder of the Authorisation’s responsibility to
comply with any other statutory requirements that may be applicable to the
undertaking of the activity.

1.9 Vegetation clearing must be kept to an absolute minimum. Mitigation measures
must be implemented to reduce the risk of erosion and the invasion of alien species.

1.10 Construction must include appropriate design measures that allow surface and
subsurface movement of water.

1.11 Any waste produced during construction must be handled per specifications of the
NEM: Waste Act.

1.12 The holder of an Environmental Authorisation has the responsibility to notify the
competent authority within 30 days, of any alienation, transfer and change of
ownership rights in the property on which the activity is to take place.

Appeal of authorisation

1.13 The holder of the Authorisation must notify every registered interested and affected
party, of the decision by the Department in writing and within 14(fourteen) calendar
days of the date of this Environmental Authorisation.
1.14 The notification referred must –
1.14.1 specify the date on which the Authorisation was issued;
1.14.2 inform the interested and affected party of the appeal procedure provided for
in National Appeal Regulations published in Government Gazette No. 38303 of 8
December 2014.
1.14.3 advise the interested and affected party that a copy of the Authorisation will be
furnished on request; and
1.14.4 give the reasons for the decision.
1.15 A person affected by the decision who wishes to appeal against the decision must
lodge an appeal with the MEC of the Department of Economic, Small Business
Development, Tourism and Environmental Affairs. An appeal should be directed to:

MEC Office (DESTEA)
Private Bag X 20801
Bloemfontein
9300

Tel: (051) 400 4903
E-mail: nazob@destea.gov.za

- The applicant shall not commence with the proposed activity once an appeal has
been lodged with the office of the MEC.

Management of the activity

1.16 The Environmental Management Programme (EMPr) submitted as part of
Application for EA is hereby approved.

1.17 The recommendations and mitigation measures in the Basic Assessment Report
(BAR) dated July 2018 must be adhered to and incorporated as part of the EMPr
where applicable.
1.18 Any updates or amendments to the EMPr must be submitted to the Department of Economic, Small Business Development, Tourism and Environmental Affairs and must be decided upon within a period of 30 days of the submission.

Monitoring

1.19 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction, operational and decommissioning phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this Authorisation are implemented and to ensure compliance with the provisions of the EMPr.

1.20 The ECO shall be appointed before commencement of any land clearing or construction activities.

1.21 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

1.22 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

1.23 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Recording and reporting to the Department

1.24 The holder of the Authorisation must submit an environmental audit report to the Department within fourteen (14) days upon completion of the construction and rehabilitation activities. The environmental audit report must –

1.24.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as corrective action plan and implementation programme.
1.24.2 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Commencement of the activity

1.25 The Authorised activity shall not commence within twenty (20) days of the date of signature of the Authorisation.

1.26 Should you be notified by the MEC of a suspension of the Authorisation pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.

Notification to authorities

1.27 Fourteen (14) days prior written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence. This notification period may coincide with the period contemplated in point 1.26 (see above).

Operation of the activity

1.28 Fourteen (14) days written notice must be given to the Department that the activity Operational phase will commence.

Site closure and decommissioning

1.29 Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

1.30 Before decommissioning of the development becomes evident a rehabilitation plan must be compiled and should be approved by this Department.
Specific conditions

1.31 Construction footprint must be kept to a minimum by construction boundaries and demarcated areas thus reducing the area infringement of the development on the natural habitat.

1.32 Construction and operational waste must be disposed of at the nearest registered local municipal waste disposal site in the area.

1.33 Any water that is used which does not emanate from Municipality supplies must be registered and authorised by the Department of Water and Sanitation prior to usage commencement.

1.34 Vehicular movement over the site must be at slow speeds in order to keep dust generation to a minimum during construction.

1.35 The management of stormwater on site during construction and operation must be implemented.

1.36 Oil leakages from vehicles, equipment etc, can contribute to soil and groundwater contamination. To prevent the contamination, machinery, vehicles and materials must only be stored at demarcated areas. Vehicles and equipment must only be parked in designated areas.

1.37 All hazardous materials must be placed in special containers. From there it must be collected by a hazardous waste handling company, or taken to a hazardous waste disposal site.

1.38 Any recyclable material which is considered to be hazardous is to be collected and transferred by a permitted/trained waste contractor in accordance with the SANS 10228 for transport to the approved recycling/recovery facility.

1.39 A risk assessment must be conducted in accordance with the Occupational Health and Safety Act (Act No 85 of 1993) OHSA and Major Hazardous Installation (MHI) regulations.
1.40 Safety critical equipment must be subjected to high integrity assurance inspections.

1.41 All areas where hazardous waste spills have occurred must be cleaned and hazardous material disposed of appropriately. Key personnel must be trained on handling spillages.

1.42 All records of appropriate safety disposal certificates associated with hazardous waste removal, transportation and disposal must be retained.

1.43 Effluent water must be tested before release into the storm water system.

General

1.44 A copy of the Environmental Authorisation (EA) must be kept at the property where the activity will be carried on. The EA must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the Authorisation who works or undertakes work at the property.

1.45 Where any of the applicant’s contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

1.46 The applicant is responsible for compliance with the provisions for Duty-of-Care and remediation of damage contained in Section 28 and Emergency Incidents contained in Section 30 of the National Environmental Management Act, (Act no 107) of 1998.

1.47 The holder of the EA must notify the Department, in writing and within 48 (forty eight) hours, if any condition of the EA cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons and mitigation plan for non-compliance. Non-compliance with a condition of the EA may result in criminal prosecution and/or other actions provided for in the National Environmental Management Act, 1998 and the Regulations.
1.48 National government, provincial government, local authorities or committees appointed in terms of the conditions of this particular EA or any other public authority shall not be held responsible for any damages or losses suffered by the proponent or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the proponent with the conditions of Authorisation as set out in this document or any other subsequent document emanating from these conditions of the EA.

Approved / Not Approved:

Dr. M. Nokwequ
HOD: DESTEA

Date

HEAD OF DEPARTMENT
Department of Economic, Small Business Development, Tourism and Environmental Affairs

2019 -04- 10
Private Bag X20801
Bloemfontein 9300
Annexure 1: Reasons for Decision

1. Background

The Applicant, Sky Developments (PTY) LTD applied for Authorisation to carry out the following GN 983 Activity Number 12, 14, 27, 28 and 48 GNR 985 Activity Number 12 and 26, described as:

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<td></td>
<td>Bloemfontein 9300</td>
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<tr>
<td></td>
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</tr>
<tr>
<td></td>
<td>Department of Economic, Small Business Development &amp; Tourism and Environmental Affairs</td>
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| Listing Notice 1 Activity 27 | The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation |

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<td>(iv) Will occur outside an urban area</td>
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<td>Activity</td>
<td>Description</td>
</tr>
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| Listing Notice 1 Activity 48 | The expansion of:
(ii) Infrastructure or structures where the physical footprint is expanded by 100 square metres or more, where such expansion occurs;
(b) Within a watercourse |
| Listing Notice 3 Activity 12 | The clearance of an area of 300 square metres or more of indigenous vegetation, except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan
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Where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold

For the proposed upgrading and expansion and formalisation of an existing Diesel Depot (storage of diesel above ground) with ancillary amenities (e.g. truck stop, convenience shop, overnight and ablution facilities for truck stop drivers and related office space to manage Diesel Depot as well as a wash bay) on portion 1 of the farm Roodam 2354, Bloemfontein as described on page 4 of the Basic Assessment report compiled by MDA Town & Regional Planners, Environmental & Development Consultants (MDA).
The applicant appointed MDA to undertake the Basic Assessment process for the activities as required by Regulation 12 of the EIA Regulations, 2014 as amended.

2. Information considered in making the decision

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

a) The information contained in the final Basic Assessment Report dated July 2018 (BAR) completed by MDA.

b) The comments received from the Interested and Affected Parties as indicated in the BAR dated July 2018 completed by MDA.

c) Mitigation measures as proposed in the BAR dated July 2018 completed by MDA and the EMPr.

d) The objectives and requirements of relevant legislation, policies and guidelines and section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION
24 Bojanala Building Private Bag X 20801
Markgraaf Street Bloemfontein
Bloemfontein 9300

Tel +27 (0)51 400 4817 Fax +27 (0)51 400 4842
E-mail nkoen@detea.fs.gov.za
e) The findings of the site visit undertaken by Mr. V. Hlazo from the Department of Economic, Small Business Development, Tourism and Environmental Affairs.

3. **Key factors considered in making the decision**

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

a) Details provided of the qualifications of the EAP indicated that the EAP is competent to carry out the Basic Assessment procedures.

b) Recommendations made by the EAP in the BAR dated July 2018 completed by MDA. Feasible and reasonable alternative options including the no-go option were investigated as part of the assessment process.

c) The BAR dated July 2018 completed by MDA identified all legislation and guidelines that have been considered in the preparation of the BAR.

d) A sufficient public participation process was undertaken and the Consultant has satisfied the minimum requirements as prescribed in the EIA regulations, 2014 for public involvement.

e) No significant environmental degradation will result directly from the activities applied for and authorised in this Authorisation if the Environmental Management Programme (EMP) and proposed mitigation measures in the Basic Assessment Report which form part of this Authorisation are implemented.

4. **Findings**

After consideration of the information and factors listed above, the Department made the following findings-

- The need for the development has been identified.
- All legal and procedural requirements have been met.
• All hazardous substances and stocks such as diesel, oils and detergents must be stored per requirements of the NEM: Waste Act and the National Water Act.

• Noise for the project relates mainly to construction noise associated with the increase in construction vehicles. Noise impacts will however be of short duration and occur throughout the construction period. The noise levels are to be managed in accordance with the provisions of the Occupational Health and Safety Act.

• According to the independent EAP, the information contained in the BA Report is deemed accurate and reliable.

• EMPr measures for the operational phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction process. Pre-construction was neglected as the Fuel Depot already exists.

• The principles of NEMA can largely be upheld.

• Adequate process in line with law and legislation for public participation process was undertaken and the EAP has met the minimum requirements as prescribed in the EIA regulations, 2014.

• No significant environmental degradation will result directly from the activities applied for and authorised activities in this EA if the Environmental Management Programme (EMPr) and proposed mitigation measures in the Basic Assessment report which form part of this EA are implemented and monitored accordingly.

• The proponent has the ability to implement the conditions of the EA and the requirements of the EMPr and budget thereof i.e. Spill kit, Fire extinguishers, etc.

In view of this, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act No. 107 of 1998 and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels. The Environmental Authorisation is hereby accordingly granted by the Department.