

Lukhozi Ref: 1775

22 October 2024

Dear Registered Interested and Affected Party
Via email

ENVIRONMENTAL AUTHORISATION FOR A PART 1 AMENDMENT: PROPOSED DEVELOPMENT OF A LIQUID PETROLEUM GAS (LPG) IMPORT FACILITY, PIPELINE AND HANDLING FACILITY IN THE PORT OF SALDANHA WITHIN SALDANHA BAY LOCAL MUNICIPALITY IN THE WESTERN CAPE.

You are hereby informed that the Department of Forestry, Fisheries and the Environment (DFFE) has issued an Amended Environmental Authorisation (EA) on 17 October 2024 for the abovementioned project, in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 (as amended).

The Part 1 amendment extends the validity period of the EA from 05 November 2024 to 05 November 2029, as well as changing the holder of the EA. The amended EA is to be read in conjunction with the original EA dated 05 November 2019.

Attached to this letter are:

- The original EA
- The Part 1 Amended Environmental Authorisation
- The Reason for Decision
- The Appeals Procedure.

The Appeal Procedure is outlined in the amended EA and is applicable of 20 days from the date of this notification, i.e. 22 October 2024.

Should you have any queries, please do not hesitate to contact me.



Natalie Ritsch PrSciNat, Reg EAP (2019/1141)
For
LUKHOZI CONSULTING ENGINEERS (PTY) LTD

APPENDIX A: EA issued on 5 November 2019



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia · PRETORIA

DEA Reference: 14/12/16/3/3/2/1069

Enquiries: Ms Dakalo Netshiombo

Telephone: (012) 399 8877 **E-mail:** DNetshiombo@environment.gov.za

Mfano Nkutha

Strategic Fuel Fund (SFF) Association Incorporated Under Section 21 – Saldanha Tank Farm

PO Box 117

SALDANHA BAY

7395

Tel: (021) 524 2700

Cell: (082) 351 3322

E-mail: mfanon@strategicfuelfund.co.za

PER E-MAIL / MAIL

Dear Sir/ Madam

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, GN R982, GN R983, GN R984 AND GN R985 AS AMENDED: FOR THE PROPOSED DEVELOPMENT OF AN LIQUID PETROLEUM GAS (LPG) IMPORT FACILITY, PIPELINE AND HANDLING FACILITY IN THE PORT OF SALDANHA WITHIN SALDANHA BAY LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

MS

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za;

By hand: Environment House
473 Steve Biko
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 05/11/2019

cc:	Lauren Abrahams	Eco Impact Legal Consulting (Pty) Ltd	Tel: (021) 671 1660	Email: admin@ecolimpact.co.za
	Zaahir Toefy	DEADP Management (Region 1)	Tel: (021) 483 5829	Email: Zaahir.toefy@westerncape.gov.za
	Municipal Manager	Saldanha Bay Local Municipality	Tel: (022) 701 7000	Email: mun@sbm.gov.za

M.S



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The development of a Liquid Petroleum Gas (LPG) import facility, pipeline and handling facility in the Port of Saldanha within Saldanha Bay Local Municipality in the

Western Cape Province

West Coast District Municipality

Authorisation register number:	14/12/16/3/3/2/1069
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Strategic Fuel Fund (SFF) Association Incorporated Under Section 21 – Saldanha Tank Farm</i>
Location of activity:	<i>Saldanha Bay Local Municipality; WESTERN CAPE PROVINCE:</i>

This environmental 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.

MS

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

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 the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises

STRATEGIC FUEL FUND (SFF) ASSOCIATION INCORPORATED UNDER SECTION 21 – SALDANHA TANK FARM

with the following contact details –

Mfano Nkutha

Strategic Fuel Fund (SFF) Association Incorporated Under Section 21 – Saldanha Tank Farm

PO Box 117

SALDANHA BAY

7395

Tel: (021) 524 2700

Cell: (082) 351 3322

E-mail: mfanon@strategicfuelfund.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 327), Listing Notice 2 (GNR. 325) and Listing Notice 3 (GNR. 324), as amended:

<p><u>GN R. 327 Activity 27:</u></p> <p><i>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-</i></p> <p><i>(i) the undertaking of a linear activity.</i></p>	<p>The clearing of 3 ha of indigenous vegetation for the development of an LPG terminal, at the existing SFF facility.</p>
<p><u>GN R. 327 Activity 51:</u></p> <p><i>The expansion and related operation of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by more than 80 cubic metres.</i></p>	<p>The installation of an LPG terminal, at the existing SFF facility, with a total storage capacity of 8000MT.</p>
<p><u>GN R. 327 Activity 56:</u></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre-</i></p> <p><i>(i) where the existing reserve is wider than 13,5 meters; or</i></p> <p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas.</i></p>	<p>Construction of a 7.4m wide new bituminous access road which intersects the Road MR559 (to connect to the existing access road) and internal; road network of the LPG handling facility.</p>
<p><u>GN R. 327 Activity 67:</u></p> <p><i>Phased activities for all activities-</i></p> <p><i>(ii) listed as activities 5, 7, 8(ii), 11, 13, 16, 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA notices, 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,</i></p>	<p>The initial phase of the proposed development includes:</p> <ul style="list-style-type: none"> • Construction of the LPG pipeline; • Modification of Jetty;

M.S

<p><i>including expansions or extensions, will exceed a specified threshold.</i></p>	<ul style="list-style-type: none"> • Vegetation Clearing for LPG handling facility; • Construction of mini-substation; • Construction of new access road and internal; road network of the LPG handling facility; • Fence around LPG handling facility ; • Construction and installation of two 4241 ton LPG mounded spherical tanks; • Construction of stores, ablutions, driver waiting area, gate house, loading gantry and weighbridges. • The expansion phase of the proposed development includes: - • Construction and installation of two 4241 Ton LPG mounded spherical tanks; • Additional weighbridges.
<p><u>GN R. 324 Activity 4:</u> <i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i> <i>i. Western Cape</i> <i>ii. Areas outside urban areas;</i> <i>(aa) Areas containing indigenous vegetation;</i></p>	<p>Construction of a 7.4m wide new bituminous access road which intersects the Road MR559 (to connect to the existing access road) and internal; road network of the LPG handling facility.</p>

<p><u>GN R. 324 Activity 12:</u></p> <p><i>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.</i></p> <p><i>i. Western Cape</i></p> <p><i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></p> <p><i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p><i>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></p>	<p>Clearing of vegetation classified as Endangered in terms of NEMBA for the development of the LPG pipeline. Although only about 53% of the route (3100m) passes through Low or Medium sensitivity habitat where this will have only a Low to Medium negative impact, but the remainder passes through an existing disturbed servitude within High (0.6km) and Medium to High (0.1km) sensitivity habitat, where at least five plant Species of Conservation concern may be present in varying abundance, and where species diversity is fairly high.</p>
<p><u>GN R. 325 Activity 7:</u></p> <p><i>The development and related operation of facilities or infrastructure for the bulk transportation of dangerous goods-</i></p> <p><i>(i) in gas form, outside an industrial complex, using pipelines, exceeding 1000 metres in length, with a throughput capacity of more than 700 tons per day;</i></p>	<p>The development of an 8.3 km LPG (Liquid Petroleum Gas) pipeline, with a diameter of 12 inches (30 cm), which will run within an existing servitude from</p>

<p>(ii) in liquid form, outside an industrial complex, using pipelines, exceeding 1 000 metres in length, with a throughput capacity of more than 50 cubic metres per day; or</p> <p>(iii) in solid form, outside an industrial complex, using funiculars or conveyors with a throughput capacity of more than 50 tons per day.</p>	<p>the Jetty to the SFF Saldanha terminal site.</p>
---	---

- as described in the final EIAr dated July 2019.

Erf number	ERF ID# SFF code
Erf 1038	C04600000000103800000
Erf 1185	C04600000000118500000

Proposed line	Latitude	Longitude
Starts	33°00'25.11"S	18°02'17.78"E
Middle	33°00'03.97"S	18°00'55.01"E
End	33°02'02.52"S	17°58'59.79"E
Handling Facility	Latitude	Longitude
A	33°00'25.11"S	18°02'17.78"E
B	33°00'17.10"S	18°01'19.10"E
C	33°01'19.47"S	17°59'19.69"E
D	33°01'01.64"S	18°03'09.81"E
Centre	33°00'54.51"S	18°03'07.19"E

- for the development of a Liquid Petroleum Gas (LPG) import facility, pipeline and handling facility in the Port of Saldanha within Saldanha Bay Local Municipality in the Western Cape Province, hereafter referred to as "the site".

The LPG handling facility, pipeline and associated infrastructure would comprise of the following:

- LPG pipeline (approx. 8.3km);
- LPG Handling Facility (approx. 3ha):
 - Four 4241 ton spherical mounded LPG tanks;
 - Stores and ablutions;
 - Internal concrete road;
 - Mini-substation;
 - Four 60 ton weigh bridges;
 - New gravel internal road;
 - New asphalt access road;
 - Re-alignment and surfacing of existing access road;
 - Gate house and driver waiting area;
 - Fire water pipeline (to connect to existing infrastructure);
 - Water supply pipeline (to connect to existing infrastructure);
 - Sewer pipeline (to connect to existing infrastructure);
 - 2.2m high security fence.
- Modification of the existing jetty (this will be done in accordance with preferred layout):
 - Installation of mooring hooks on caissons 19 – 23;
 - Installation of a manifold for a flexible hose or a loading arm on caissons 18 – 19;
 - Installations of 3.3 x 6.5m fenders on caissons 17 – 21;
 - Installation of a concrete deck suspended above water on beams to span between caissons 18 and 19 (refer to deck options as indicated on the layout drawings); and
 - Installation of a gangway on caisson 18.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred alternatives for the proposed development of a Liquid Petroleum Gas (LPG) import facility, pipeline and handling facility in the Port of Saldanha within Saldanha Bay Local Municipality in the Western Cape Province is hereby approved as per the geographic coordinates indicated above.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. 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 environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the competent authority for the decision.

Commencement of the activity

11. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014 and no appeal has been lodged against the decision. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the application for EA is hereby approved. This EMPr must be implemented and strictly adhered to.

Frequency and process of updating the EMPr

13. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
14. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
15. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
16. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
17. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

18. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 18.1. The ECO must be appointed before commencement of any authorised activities.

- 18.2. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department at Directorcompliance@environment.gov.za.
- 18.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 18.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

19. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the Director: Compliance Monitoring of the Department at Directorcompliance@environment.gov.za.
20. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the Director: Compliance Monitoring of the Department at Directorcompliance@environment.gov.za.
21. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
22. The holder of the authorisation must, in addition, submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
23. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and must 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 the requirements of the approved EMPr.
24. 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.

Notification to authorities

25. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. 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, as well as a reference number.

Operation of the activity

26. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

27. Should the activity ever cease or become redundant, the holder of the authorisation must 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.

Specific conditions

28. No activities which require a water use license must be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
29. Should any archaeological or cultural heritage resources, including human remains / graves, as defined and protected under the National Heritage Resources Act, 1999, be identified during the construction phase, construction activities within the vicinity of the findings must immediately cease and be reported to the relevant heritage resources authority and should human remains be found on site.
30. The footprint of the development must be limited to the areas required for actual construction works and operational activities.
31. Should abnormal loads have to be transported by road to the site, a permit must be obtained from the relevant authorities.

32. Necessary permits must be obtained from the Department of Forestry and Fisheries for any removal of trees protected under the National Forest Act of 1998.
33. Any solid waste, which will not be recycled, must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

General

34. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 34.1. at the site of the authorised activity;
 - 34.2. to anyone on request; and
 - 34.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
35. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her 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 holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 05/11/2019


Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. 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 EIAr dated July 2019;
- b) The comments received from Interested and Affected parties as included in the final EIAr dated July 2019;
- c) Mitigation measures as proposed in the final EIAr dated July 2019 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix E of the final EIAr; and
- e) 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).

2. 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) The findings of the specialist studies conducted and their recommended mitigation measures.
- b) The aims to support efforts to realize the objectives of the National Development Plan, Integrated Resource Plan (IRP 2010), Industrial Policy Action Plan and the transition to low carbon economy (Green Economy).
- c) The final EIAr dated July 2019 identified all relevant environmental legislations and guidelines that have been considered in the preparation of the EIAr.
- d) The methodology used in assessing the potential impacts identified in the final EIAr dated July 2019 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the final EIAr dated July 2019 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the EIAr. The mitigation measures will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

Annexure 2: Locality Map



APPENDIX B: Amended EA issued on 17 October 2024



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/2/1069/AM2

Enquiries: Ms Makhosazane Yeni

Telephone: (012) 399 9400 E-mail: MYeni@dfpe.gov.za

Mr Mziwakhe Ngwane

Strategic Fuel Fund (SFF) Association Incorporated Under Section 21 – Saldanha Tank Farm

PO Box 117

SALDANHA BAY

7395

Telephone Number: (021) 524 2700

Cellphone Number: 082 906 7366

E-mail Address: MziwakheN@strategicfuelfund.co.za

PER E-MAIL / MAIL

Dear Mr Ngwane

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 05 NOVEMBER 2019 AS AMENDED FOR THE PROPOSED DEVELOPMENT OF A LIQUID PETROLEUM GAS (LPG) IMPORT FACILITY, PIPELINE AND HANDLING FACILITY IN THE PORT OF SALDANHA WITHIN SALDANHA BAY LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE

The Environmental Authorisation ("EA") issued for the above application by this Department on 05 November 2019, and your application for the amendment to the EA received by this Competent Authority ("CA") on 06 September 2024, acknowledged on 16 September 2024, and additional information received on 23 September 2024 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment ("EIA") Regulations, 2014 as amended, has decided to amend the EA dated 05 November 2019 as follows:

Amendment 1: Amendment of Condition 7 of the EA.

The validity period of the EA (which was due to lapse on **05 November 2024**) is hereby extended by an additional five (05) years to **05 November 2029**. As such, Condition 07 of the EA dated 05 May 2019 is amended as follows:

"7. This activity must commence within a period of ten (10) years from the date of issue of this authorisation. The authorisation lapses on **05 November 2029**. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken".

Reason for amendment:

The applicant applied to extend the validity period of the EA as the authorised activities have not commence since the EA was issued.



Batho pele - putting people first



The processing of personal information by the Department of Forestry, Fisheries and the Environment is done lawfully and not excessive to the purpose of processing in compliance with the POPI Act, any codes of conduct issued by the Information Regulator in terms of the POPI Act and / or relevant legislation providing appropriate security safeguards for the processing of personal information of others.

M.S

The Department is aware that the environment changes constantly, as a result it might be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. Failure to commence with construction activities within the maximum 10 year period, your EA will be deemed to have lapsed and a new application for EA will have to be lodged.

Amendment 2: Change of holder of the EA

From:

Mfano Nkutha
Strategic Fuel Fund (SFF) Association Incorporated Under Section 21 – Saldanha Tank Farm
PO Box 117
SALDANHA BAY
7395

Telephone Number: (021) 524 2700
Cellphone Number: (082) 351 3322
E-mail Address: mfanon@strategicfuelfund.co.za

To:

Mziwakhe Ngwane
Strategic Fuel Fund (SFF) Association Incorporated Under Section 21 – Saldanha Tank Farm
PO Box 117
SALDANHA BAY
7395

Telephone Number: (021) 524 2700
Cellphone Number: 082 906 7366
E-mail Address: MziwakheN@strategicfuelfund.co.za

Reason for amendment:

The applicant applied to change the details of the holder of the EA since the contact person's role has changed. The new contact person for this EA is Mr Mziwakhe Ngwane. The amendment does not change the Holder of the EA, only the contact person.

This amendment letter must be read in conjunction with the EA dated 05 November 2019.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the EIA Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), you are entitled to the right to fair, lawful, and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing, and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within twenty (20) days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@dffe.gov.za

By hand: Environment House
473 Steve Biko Road
Arcadia
PRETORIA
0083; or

By post: Private Bag X447
PRETORIA
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.dffe.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@dffe.gov.za.

Yours faithfully


Dr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 17/10/2024

cc	Natalie Ritsch	Lukhozi Consulting Engineers (Pty) Ltd	Tel: 021 686 2550 Cell: 084 6231554	Email: n.ritsch@lukhozi.co.za
	Bryan Fisher	Department of Environmental Affairs and Development Planning	Tel: 021 483 3185	Email: Taryn.Dreyer@westerncape.gov.za
	Ms Nazeema Duarte	Saldanha Bay Local Municipality	Tel: 022 701 7112	Email: Nazeema.duarte@sbm.gov.za