Annex E

Authority Communications
REFERENCE: E12/2/4/2-A2/75-3030/11
ENQUIRIES: MS. C. MUSEMBURI
DATE OF ISSUE: 16 SEP 2011

The Director
Burgan Cape Terminals (Proprietary) Limited,
3rd Floor, Icon Building
Cnr Hans Strijdom and Loop Street
CAPE TOWN
8001

For attention: Mr. J. F. Robertson

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM FOR ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED BURGAN CAPE FUEL STORAGE TERMINAL, DISTRIBUTION FACILITIES AND ASSOCIATED INFRASTRUCTURE, EASTERN MOLE, PORT OF CAPE TOWN.

The abovementioned document dated 05 September 2011 and received by the Department on 06 September 2011 refers.

This letter serves as an acknowledgement of receipt and acceptance of the abovementioned document by the Department.

1. Project Plan
   1.1. A detailed project plan (e.g., Gantt chart) that includes the schedule of the entire environmental impact assessment process must be submitted to the Department as a matter of urgency, prior to the commencement of the public participation process.

   1.2. Be advised that the flow chart supplied in Annex B is not adequate in this regard.

2. You are hereby advised that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Environmental Impact Assessment process.

3. Exemptions
   It is evident that you do not intend to apply for exemption from any provisions contained in the EIA Regulations or NEMA. Please note that should you fail to meet a requirement of the Regulations or NEMA and if no exemption from that provision was applied for, your Scoping report (SR) may be rejected. You are further advised that regulation 10(2)(d) requires the applicant to publish a notice of the decision taken by the Department in newspapers. If you did not apply to be exempted from this provision and fail to publish a notice of the decision in the applicable newspapers as required then that decision may be suspended.

4. Alternatives
   Be advised that in terms of the EIA Regulations and NEMA the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that the Department may grant authorisation for an alternative as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for as specified in Regulation 25 of GN No. R. 543 of 18 June 2010. Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the
preferred alternative and the no-go alternative, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred and the no-go alternatives exist must be provided to the Department. Refer to the Department’s Guideline on Alternatives available on the Department’s website (www.capegateway.gov.za/eadp).

5. Public Participation
The Department notes your request for permission in terms of regulation 54(5) to deviate from certain requirements of the public participation process ("PPP") as required in terms of regulation 54(2). Please note that the request for deviation is not relevant in this instance as no alternative sites are being considered. As such, the request for deviation is not applicable.

Please be advised that according to Regulation 54(2) the person conducting a public participation process must “take into account any guidelines applicable to public participation”. The Department’s Guideline on Public Participation (August 2010) must therefore be studied and must be taken into account. This guideline was compiled to provide guidance on the procedure to be followed when conducting the public participation process and includes, inter alia, notification of interested and affected parties ("I&APs"). When notifying I&APs of the application the minimum information to be provided in a notice, which include placing an advertisement or fixing a notice board, must contain, inter alia, the Department’s reference number, whether a Basic Assessment or Scoping & EIR process is to be followed and information on how to register as an I&AP. A register of I&APs must be opened, maintained and made available to any person requesting access to the register in writing. The register must also be submitted together with the SR.

Please be advised that the Draft Scoping Report must first be submitted to the Department where after it must be made available to the I&APs, including all the relevant State Departments that administer laws relating to a matter affecting the environment, for comment for a period of 40 days. The applicant/EAP is required to inform this Department in writing upon submission of the draft report to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 240 (2) & (3) of NEMA inform the relevant State Departments of the commencement date of the 40 day commenting period, or 60 days in the case of the Department of Water Affairs for waste management activities which also require a licence in terms of the National Water Act, 1998 (Act No.36 of 1998). Please be further advised that, unless otherwise indicated by the Department, a commenting period of at least 21 days must be provided to I&APs, including the relevant State Departments, to comment on any additional information, documentation or reports (including the final Scoping report) other than the draft Scoping report.

In terms of good environmental practice you are encouraged to engage with State Departments and other Organs of State in the pre-application phase or early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the draft Scoping report available to State Departments as stipulated above.

The practitioner must record and respond to all comments received. The comments and responses must be captured in a Comments and Responses Report and must also include a description of the public participation process followed and this report must also be included in the public participation information to be attached to the final Scoping report. The final Scoping report must be made available to registered I&APs for comment before it is submitted to the Department for consideration.

Further details on the procedures to be followed when conducting the PPP can be obtained in the Department’s Guideline on Public Participation (August 2010) which is available on the Department’s website (www.capegateway.gov.za/eadp).
6. Collapsing of Scoping report and EIA report
   Please be advised that the Scoping phase and Environmental Impact Assessment phases of the EIA process are two distinctly separate phases each having its own requirements and reports to be submitted. The Department will not accept any Scoping and EIR where the processes or information of the two phases were collapsed into a single process or report.

7. Plan of study for EIA
   You are hereby reminded that a plan of study for environmental impact assessment which sets out the approach to the environmental impact assessment of the application in accordance with Regulation 28(1)(n) must be compiled and submitted together with the Scoping report.

8. Guidelines
   You are further referred to Regulation 28 of GN No. R. 543 of 18 June 2010 for the requirements with respect to the ‘Content of Scoping report’. You are advised that when undertaking the Environmental Impact Assessment process you must take into the account the applicable guidelines including the guidelines developed by the Department. The Department’s guidelines can be downloaded from the Department’s website (www.capegateway.gov.za/eiap).

9. Specialist input
   Please ensure that all specialist reports contain all the information specified in Regulation 32 (3) of the EIA Regulations.

10. Climate change: Energy efficiency, waste minimisation and water saving
   One of the objectives of the Western Cape Provincial Spatial Development Framework published by this Department is to minimise the consumption of scarce environmental resources such as water, fuel, building materials, mineral resources, electricity and land. To this end and as part of the effort to reduce the effects of climate change, you must as part of the EIA process identify energy efficient technologies (e.g. the use of low voltage or compact fluorescent lights instead of incandescent globes, maximising the use of solar heating, etc.) that could be implemented for the proposed development. Considering that South Africa is a water scarce country and that many catchments in the Western Cape are already water stressed, you must also consider implementing the use of water saving devices and technologies (e.g. dual flush toilets, low-flow shower heads and taps, etc.) for the proposed development. The above must be reported on in the Scoping and Environmental Impact Assessment Report.

   It is also recommended that you prepare a water demand management, water conservation and storm water management plan and submit this plan with the Scoping / EIR report. This plan must include, but not be limited to: the management of storm water; the capture and use of rainwater from gutters and roofs; use of locally indigenous vegetation during landscaping and the training of staff to implement good housekeeping techniques.

11. Need & desirability
   In terms of the NEMA EIA Regulations, when considering an application, the Department must take into account a number of specific considerations including inter alia, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the Scoping report. The Scoping report must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department’s Guideline on Need and Desirability (August 2010) available on the Department’s website (www.capegateway.gov.za/eiap).

   In terms of having to consider need and desirability, it must be noted the final environmental decision will, inter alia, be informed by town planning considerations, informed by inter alia the Provincial Urban Edge Guideline (December 2005) and the Western Cape Provincial Spatial Development Framework (2009) ("WCPSDF"). The Department requires that you demonstrate in the Scoping report the strategic context of the site specific proposed development in relation to the broader surrounding area. You will need to demonstrate amongst other whether the proposed development is in line with Departmental policies/guidelines such as the Western Cape Provincial Spatial Development Framework, urban edge for the area or whether in the absence of an urban edge it is located within the built-up edge of the town. Comment in this regard will be
required from the Municipality's planning component. You are requested to confirm from the
municipality that the proposed development is in line with the forward planning for the area.

12. General
In addition to the above, you must clearly show how the proposed development complies with
the principles contained in Section 2 of the NEMA and must also show how the proposed
development meets the requirements of sustainable development.
Be advised that should the information requested above not be included in your Scoping report,
your report may be rejected.

The Department awaits the submission of the Scoping report as prescribed by the EIA Regulations,
GN No. R. 543 of 18 June 2010, in accordance with Regulation 67 and as allowed for by
Regulation 23 of GN No. R. 543 of 18 June 2010 the Department hereby stipulate that the scoping
report must be submitted to this Department within a period of six months from the date of this
letter.

If you, however, have been complying with the requirements of the Regulations and have
progressed with the application process, but for some reason will not be able to submit the
Scoping report within the six month period, you must timeously inform the Department as such
before the end of the six month period. You will be required to submit a concise motivation why
the Scoping report will not be submitted within the six month period. The motivation must include
the tasks that have been performed to date, the reasons for the delay in submission and an
indication when the Scoping report will be submitted to the Department. Such motivation must
reach the Department before the end of the six month period. The Department will consider your
motivation and inform you of its decision whether or not to continue with the processing of the
current application. Should no motivation be provided, your file will be closed for administrative
purposes. As such, a new application process will have to be initiated with a new Application
Form for Environmental Impact Assessment to be submitted if you wish to again pursue your
proposed development.

Please note that three printed copies as well as two electronic copies (saved on CD/DVD) of the
BAR must be submitted to the Department.

Kindly quote the above-mentioned reference number in any future correspondence in respect of
the application.

Please note that the activity may not commence prior to an environmental authorisation being
granted by the Department. It is an offence in terms of Section 24(1) of the NEMA for a person to
commence with a listed activity unless the competent authority has granted an environmental
authorisation for the undertaking of the activity. Failure to comply with the requirements of Section
24(1) of the NEMA will result in the matter being referred to the Law Enforcement Directorate of this
Department. A person convicted of an offence in terms of the above is liable to a fine not
exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine
and imprisonment.

The Department reserves the right to revise or withdraw comments or request further information
based on any information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

HEAD OF DEPARTMENT

Copies to: 1. Ms. T. Swanepoel (Environmental Resources Management Southern Africa (Pty) Ltd.)
2. Mr. J. Claassen (Transnet National Ports Authority)
3. Mr. A. Ebrahim (City of Cape Town)

Received Time: 16-Sep-2011 14:49 No. 2224
DEPARTMENT of 
ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING
Provincial Government of the Western Cape

REFERENCE: E12/2/4/2-A2/75-3030/11
ENQUIRIES: MS. C. MUSEMBURI
DATE OF ISSUE: 20 JAN 2012

The Municipal Manager
City of Cape Town
Private Bag X9181
CAPE TOWN
8000

Attention: Mr. G. Dimitri

Dear Sir

NOTIFICATION OF COMMENTING PERIOD ON THE DRAFT SCOPING REPORT ("SR") FOR THE PROPOSED BURGAN CAPE FUEL STORAGE TERMINAL, DISTRIBUTION FACILITIES AND ASSOCIATED INFRASTRUCTURE, EASTERN MOLE, PORT OF CAPE TOWN.

The above-mentioned document dated 15 December 2011 submitted to your organisation by Mr. Junaid Moosajee of Environmental Resources Management (the Environmental Assessment Practitioner ("EAP")), refers.

To give effect to Section 24O(2) and (3) of the National Environmental Management Amendment Act, as amended, you are hereby advised that you have 40 days from 03 January 2012 to submit any comments on the above-mentioned report. Such comment must be submitted directly to the Environmental Assessment Practitioner ("EAP") and copied to this Directorate.

Please be further advised that since your organisation is a registered Interested and Affected Party you may be requested by the EAP to comment on subsequent reports or documentation. In this instance a 21 day commenting period will apply, unless an alternative commenting period is specified by this Directorate. Should comments not be received within the prescribed timeframes, it will be assumed no comments are forthcoming and this Directorate may continue to process the application in the absence of your comments.

Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

The Department reserves the right to revise or withdraw comments and request further information based on any information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

[Signature]

HEAD OF DEPARTMENT

Copy to: Mr. J. Moosajee (Environmental Resources Management Southern Africa (Pty) Ltd.)

Tel: (021) 400 6518
Fax: (021) 425 4448

E12/2/4/2-A2/75-3030/11
REFERENCE: E12/2/4/2-A2/75-3030/11
ENQUIRIES: MS. C. MUSEMBURI
DATE OF ISSUE: 20 JAN 2012

The Director
Heritage Western Cape
Private Bag X9067
CAPE TOWN
8001

Attention: Mr. C. Van Wijk

Dear Sir

NOTIFICATION OF COMMENTING PERIOD ON THE DRAFT SCOPING REPORT ("SR") FOR THE PROPOSED BURGAN CAPE FUEL STORAGE TERMINAL, DISTRIBUTION FACILITIES AND ASSOCIATED INFRASTRUCTURE, EASTERN MOLE, PORT OF CAPE TOWN.

The above-mentioned document dated 15 December 2011 submitted to your organisation by Mr. Junaid Moosajee of Environmental Resources Management (the Environmental Assessment Practitioner ("EAP")), refers.

To give effect to Section 240(2) and (3) of the National Environmental Management Amendment Act, (as amended), you are hereby advised that you have 40 days from 03 January 2012 to submit any comments on the above-mentioned report. Such comment must be submitted directly to the Environmental Assessment Practitioner ("EAP") and copied to this Directorate.

Please be further advised that since your organisation is a registered Interested and Affected Party you may be requested by the EAP to comment on subsequent reports or documentation. In this instance a 21 day commenting period will apply, unless an alternative commenting period is specified by this Directorate. Should comments not be received within the prescribed timeframes, it will be assumed no comments are forthcoming and this Directorate may continue to process the application in the absence of your comments.

Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

The Department reserves the right to revise or withdraw comments and request further information based on any information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

HEAD OF DEPARTMENT

Copy to: 1. Mr. J. Moosajee (Environmental Resources Management Southern Africa (Pty) Ltd.)
RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP
In terms of section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

Attention: Mr Junaid Moosajee ERM
Posnet Suite 90
Private Bag x12
Tokai
7966

CASE NUMBER: 111219JB13
NID: PROPOSED FUEL STORAGE AND DISTRIBUTION FACILITY DEVELOPMENT AT EASTERN MOLE, PORT OF CAPE TOWN

The matter above has reference.

Your NID dated 24 January 2012 was tabled and the following was discussed:
1. The proposed facility will consist of three petrol, three diesel and three paraffin tanks and one service tank;
2. Associated infrastructure includes drainage systems, office block, a five bay road loading gantry and a 10 X 5 m sub-station;
3. The harbour context is highly developed and the current proposal will not add significantly to the visual impact;
4. No other heritage resources are likely to be impacted

Decision:
No further heritage studies are required.

Terms and Conditions:
1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for the proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to Heritage Western Cape immediately.

Should you have any further queries, please contact the official above and quote the case number above.

Yours faithfully

[Signature]
Andrew B Hall
Chief Executive Officer
Heritage Western Cape
Acknowledgement of Receipt

Final Scoping Report: Proposed Liquid Bulk Storage Facility, Eastern Mole, Port of Cape Town, Western Cape

Attention: Mr C. Wijk

Received by: Ronny Nyukk
Signed: [Signature]
Date: 24/05/2012

Company Stamp
Department of Environmental Affairs and Development Planning

Acknowledgement of Receipt

Final Scoping Report: Proposed Liquid Bulk Storage Facility, Eastern Mole, Port of Cape Town, Western Cape

Attention: Mr. L Sinuka

Received by: Sharon

Signed: [Signature]

Date: 04/05/12

Company Stamp
Department of Environmental Affairs and Development Planning

Acknowledgement of Receipt

Final Scoping Report: Proposed Liquid Bulk Storage Facility, Eastern Mole, Port of Cape Town, Western Cape

Attention: Ms. C Musemburi

Received by: Simon
Signed: [Signature]
Date: 04/05/12

ERM
Library Cape Town

Acknowledgement of Receipt

Final Scoping Report: Proposed Liquid Bulk Storage Facility, Eastern Mole, Port of Cape Town, Western Cape

Attention: Stacy Grod

Received by: Nandukisco Nhume

Signed: [Signature]

Date: 04/05/2012

Company Stamp
Oceans and Coast (MCM)

Acknowledgement of Receipt

Final Scoping Report: Proposed Liquid Bulk Storage Facility, Eastern Mole, Port of Cape Town, Western Cape

Attention: Dr. Yazeed Peterson

Received by: [Signature]

Signed: [Signature]

Date: 04/10/2012

Company Stamp
City of Cape Town
Head: Environmental and Heritage Management (Table Bay District)

Acknowledgement of Receipt

Final Scoping Report: Proposed Liquid Bulk Storage Facility, Eastern Mole, Port of Cape Town, Western Cape

Attention: Mr. D Georgeades

Received by: [Signature]

Signed: [Signature]

Date: 4 May 2012

CITY OF CAPE TOWN
RECEIVED

04 MAY 2012

PLANNING & BUILDING DEVELOPMENT MANAGEMENT

Company Stamp
REFERENCE NUMBER: E12/2/4/2-A2/75-3030/11
ENQUIRIES: MS. C. MISUMBURI
DATE OF ISSUE: 22 JUN 2012

The Director
Burgan Cape Terminals (Proprietary) Limited.
3rd Floor, Icon Building
Cnr Hans Strijdom and Loop Street
CAPE TOWN
8001

For attention: Mr. J. F. Robertson
Tel: (021) 431 1000
Fax: (086) 550 8889

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE SCOPING REPORT FOR ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED BURGAN CAPE FUEL STORAGE TERMINAL, DISTRIBUTION FACILITIES AND ASSOCIATED INFRASTRUCTURE, EASTERN MOLE, PORT OF CAPE TOWN.

The abovementioned document dated 03 May 2012, received by this Directorate on 04 May 2012, the addendum to the Scoping Report dated 06 June 2012 and received by this Directorate on 08 June 2012 refer.

This letter serves as an acknowledgement of receipt of the abovementioned document by this Directorate.

The Directorate will now review the Scoping Report and notify you of the outcome within legislated timeframes.

Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.

This Directorate reserves the right to revise or withdraw comments or request further information from you based on any information that might be received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

HEAD OF DEPARTMENT

Copies to:
2. Mr. J. Claassen [Transnet National Ports Authority]
3. Mr. A. Ebrahim (City of Cape Town)

7th Floor, 1 Dorp Street, Cape Town, 8001
Private Bag X9086, Cape Town, 8000
REFERENCE NUMBER: E12/2/4/2-A2/75-3030/11
ENQUIRIES: Melanese Schippers
DATE OF ISSUE: 20 JUL 2012

The Director
Burgan Cape Terminals
3rd Floor
Icon Building
CNR of Hans Strijdom & Loop Street
CAPE TOWN
8000

Attention: Mr. J. Robertson

Dear Sir,

ACCEPTANCE OF THE SCOPING REPORT ("SR") AND PLAN OF STUDY ("POS") FOR ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") FOR THE PROPOSED BURGAN CAPE FUEL STORAGE TERMINAL, DISTRIBUTION FACILITY AND ASSOCIATED INFRASTRUCTURE, EASTERN MOLE, PORT OF CAPE TOWN.

1. The above-mentioned document dated May 2012 and received by this Directorate on 04 May 2012 is accepted.

2. This letter serves to inform you that the aforementioned document has been accepted by this Directorate.

3. The following requirements must be included in the EIA Report:

   3.1. A detailed and clear site layout map (the alternative layouts as well) that indicates each component of the proposed development and their footprints.

   3.2. A description of the activity that clearly indicates the number of tanks to be installed, the capacity of each tank, the type of fuel to be stored in each tank and the development footprints of each component of the proposed development.

   3.3. A list of all registered I&AP’s.
3.4. Alternatives

The alternative layouts investigated have not been adequately described in the SR. A description of each layout alternative as well as the advantages and disadvantages that the proposed activity or alternatives may have on the environment and the community that may be affected by the activity in accordance with Regulation 31(2)(g) must be included in the EIA Report.

3.5. Services

Be advised that you must provide this Directorate with written proof that the municipality has sufficient spare, unallocated capacity to provide the necessary services with respect to sewage treatment, solid waste removal, electricity and water supply.

3.6. EIA Report

You are hereby advised that the EIA Report must contain all the information outlined in regulation 31(2) of the EIA regulations 2010. Omission of information may result in the EIA Report being rejected.

3.7. Waste minimisation

This Directorate further wishes to inform you that consideration must be given to ways to minimise waste and wastage in the design, construction and operational phase of the proposed development. Your attention is therefore drawn to the Department’s Waste Minimisation Guideline for Environmental Impact Assessment Reviews (dated May 2003, available from the Department on request). The Guideline raises awareness of waste minimisation issues and highlights waste and wastage minimisation practices. In particular, it is recommended that Part B be considered as it covers general waste and wastage minimisation and general construction activities. It is important to remember that a recycling programme must adopt the cradle-to-grave approach. Any recycled material must be disposed of at a recycling facility and not be disposed of as general household waste at a landfill site.

3.8. Guidelines

You are advised that in compiling the EIA Report you must take into account the applicable guidelines developed by the Department. The guidelines are available and can be downloaded from the Department’s website (http://www.westerncape.gov.za/eia/gp).

3.9. Public Participation

You are hereby reminded that the Public Participation process to be followed in the EIA phase must also comply with regulation 54 of the EIA regulations 2010 as well as this Department’s Guideline on Public Participation.

Please be advised that the Draft EIA Report must first be submitted to this Directorate where after it must be made available to the I&APs, including all the relevant State Departments that administer laws relating to a matter affecting the environment, for comment for a period of 40 days. The applicant/EAP is required to inform this Directorate in writing upon submission of the draft report to the relevant State Departments. Upon receipt of this confirmation, this Directorate will in accordance with Section 240 (2) & (3) of NEMA inform the relevant State Departments of the commencement date of the 40 day commenting period, or 60 days in the case of the Department of Water Affairs for waste management activities which also require a licence in terms of the National Water Act, 1998 (Act No.36 of 1998). Please be further advised that, unless otherwise indicated by this Directorate, a commenting period of at least 91 days must be provided to I&APs, including the relevant State Departments, to comment on any additional information, documentation or reports (including the final EIA Report) other than the draft EIA Report.
3.10. Mandatory draft Environmental Management Programme ("EMP")

The draft EMP submitted together with the SR must be amended to reflect the details and the expertise of the person who prepared the EMP.

3.11. General

3.11.1. In addition to the above, you must clearly show how the proposed development complies with the principles contained in section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.

3.11.2. You are reminded that the social context of the proposed development must always be considered. This may include, inter alia, the impact that the proposed development will have on HIV/AIDS and gender-related concerns.

3.11.3. Be advised that should the information requested above not be included in your EIA Report, your report may be rejected.

3.11.4. Please note that in accordance with Regulation 67 of GN No. R. 543 of 18 June 2010 the EIA Report must be submitted to this Directorate within a period of six months from the date of this letter. Should no EIAR be provided, your file will be closed. As such, a new application process will have to be initiated if you wish to again pursue your proposed development.

3.11.5. Please note that three printed copies as well as two electronic copies (saved on CD/DVD) of the EIA Report must be submitted to this Directorate.

3.12. You may now proceed with the EIA process in accordance with the tasks outlined in the POS for EIA.

3.13. Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.

This Directorate reserves the right to revise or withdraw comments or request further information from you based on any information received.

Your interest in the future of our environment is much appreciated.

Yours faithfully,

[Signature]

HEAD OF DEPARTMENT

Copies to: Mr. J. Moosa (ERMA)
Mr. J. Cissoko (Transnet National Ports Authority)
Mr. A. Elahi (City of Cape Town)

Fax: (021) 701 7900
Fax: (021) 449 6172
Fax: (021) 400 1332

E12/2/4/2-A2/75-3030/11

Received Time 20 Jul. 2012 12:49 No. 3937
EIA REFERENCE NUMBER: E12/2/4/2-A2/75-3030/11
ENQUIRIES: Ms. M. Schippers
DATE OF ISSUE: 2013-06-11

BY REGISTERED MAIL
The Director
Burgan Cape Terminals
3rd floor
Icon Building
CNR of Hans Strijdom & Loop Street
CAPE TOWN
8000

Attention: Mr. J. Robertson
Tel: (021) 431 1000
Fax: (086) 550 8889

Dear Sir

STATUS OF APPLICATION: THE PROPOSED BURGAN CAPE FUEL STORAGE TERMINAL, DISTRIBUTION FACILITY AND ASSOCIATED INFRASTRUCTURE, EASTERN MOLE, PORT OF CAPE TOWN.

1. The Application Form dated 05 September 2011 and received by the Department on 06 September 2011, the acknowledgement letter issued by this Directorate on 16 September 2011, the Final Scoping Report ("FSR") dated May 2012 and received by the Department on 04 May 2012 and the acceptance of the FSR letter dated 20 July 2012, refer.

2. It has been more than 10 months since the last correspondence issued by this Directorate in respect of the abovementioned application.

3. In terms of Regulation 67 of Government Notice No. R. 543 of 18 June 2010, an application lodged in terms of the Environmental Impact Assessment ("EIA") Regulations promulgated in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998) lapses if the applicant, after having submitted the application fails for a period of six months to comply with any requirement of the Regulations relating to the consideration of the application.

4. Considering the above, you are required to submit a concise motivation as to why the required information has not been submitted to this Directorate to date. The motivation must include the tasks that have been performed to date, the reasons for the delay in submission of the required information, a description and timeframe for any specialist input required and an indication when the information will be submitted to this Directorate. Further a revised Gantt Chart must be submitted along with the required motivation should the project not be in line with the timeframes stipulated in the Gantt Chart submitted along with your application form. Such motivation must reach this Directorate before 25 June 2013.

7th Floor, 1 Dorp Street, Cape Town, 8001
Private Bag X9086, Cape Town, 8000
tel: +27 21 483 3763 fax: +27 21 483 4372
www.westerncape.gov.za/eadp
5. Please note that should no correspondence be submitted to this Directorate before **25 June 2013**, your file will be closed. As such, should you wish to continue with your proposed development, you will be required to submit a new application in terms of the NEMA EIA Regulations, 2010 to this Directorate for consideration.

6. Note that a listed activity may not commence prior to written authorisation being granted by the competent authority.

The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

[Signature]

HEAD OF DEPARTMENT

Copy to: Mr. J. Moosajee (ERM)  
Mr. J. Claassen (Transnet National Ports Authority)  
Mr. A. Ebrahim (City of Cape Town)

Fax: (021) 686 0736  
Fax: (021) 449 6172  
Fax: (021) 400 1332
Western Cape Government
Environmental Affairs and Development Planning

DEA/DP REF E12/2/5/2-A2/75-3030/11

Dear Melanese Schippers

I refer you to your letter dated 11 June 2013.

As you are aware, Burgan has been awarded the tender to construct a fuel storage facility in the Port of Cape Town. The landlord is TNPA.

We have been in negotiations with TNPA in respect to the lease and way leave application for the past year and would have concluded both these processes with the signing of the lease within the next month. We will then be in a position to continue with the EIA and other processes.

In trust that you will find the above in order.

Yours Sincerely,

John Robertson
General Manager - Operations
24 June 2013

Attention: Ms. M. Schippers
Department of Environmental Affairs
and Development Planning (DEA&DP)
Directorate: Land Management Region 2
7th Floor
1 Dorp Street, Cape Town
8001

ERM Ref No: 0142769
DEA&DP Ref No: E12/2/4/2-A2/75/-3030/11

Dear Ms. M. Schippers,

RE: Proposed Burgan Cape Fuel Storage Terminal, Distribution Facility and Associated Infrastructure, Eastern Mole, Port of Cape Town

The application for environmental authorisation and the acceptance of the Final Scoping Report for the abovementioned project by the DEA&DP on the 20 July 2012 refers. This letter serves as a request for an extension to avoid the lapse of the Application in terms of Regulation 67 of the EIA Regulations (GN 543, 2010), as amended.

By way of background, Burgan Oil Services (Proprietary) Limited, the applicant, has been awarded a tender to develop a fuel storage terminal on the Eastern Mole at the Port of Cape Town from Transnet National Ports Authority (see attached letter from Burgan Oil). There have been significant delays with regards to the signing of the lease agreement and a decision was made to put the EIA process on hold until the lease was signed. It is expected that the lease will be signed within the next month. At that time we will continue the EIA process and finalise specialist studies.

We anticipate that the Draft EIA will be released towards the end of August 2013 and a copy will be sent to your Department.

Please feel free to contact ERM should you have any queries or concerns with regards to the request.

Yours sincerely

Tania Swanepoel
Principal Consultant
Western Cape Government
Environmental Affairs and Development Planning

DEA/DP REF E12/2/5/2-A2/75-3030/11

Dear Melanese Schippers

I refer you to your letter dated 11 June 2013.

As you are aware, Burgan has been awarded the tender to construct a fuel storage facility in the Port of Cape Town. The landlord is TNPA.

We have been in negotiations with TNPA in respect to the lease and way leave application for the past year and would have concluded both these processes with the signing of the lease within the next month. We will then be in a position to continue with the EIA and other processes.

In trust that you will find the above in order.

Yours Sincerely,

John Robertson
General Manager - Operations
<table>
<thead>
<tr>
<th>ID</th>
<th>Task Name</th>
<th>Duration</th>
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<td>Fri 13/11/01</td>
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<td>Wed 14/05/21</td>
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</table>
The Director
Burgan Cape Fuels
3rd Floor
Icon building
CNR Hans Strijdom & Loop Street
CAPE TOWN
8000

Attention: Mr. J. Robertson

Tel: (021) 431 1000
Fax: (086) 550 8889

Dear Sir

THE PROPOSED BURGAN CAPE FUEL STORAGE TERMINAL, DISTRIBUTION FACILITY AND ASSOCIATED INFRASTRUCTURE, EASTERN MOLE, PORT OF CAPE TOWN.

1. The Application Form dated 05 September 2011 and received by this Department on 06 September 2011, the acknowledgement letter issued by this Directorate on 16 September 2011, the Final Scoping Report (FSR) dated May 2012 and received by this Department on 04 May 2012, the acceptance of the FSR dated 20 July 2012, this Directorate’s letter dated 11 June 2013 and your correspondence dated 24 June 2013 and received by this Directorate on 27 June 2013, refer.

2. It is noted in your correspondence dated 24 June 2013 that delays have been incurred due to the lease agreement not being signed. This is however expected to be signed within the month of July.

3. If no information is received by this Directorate with respect to your application within a period of six months from the date of this letter, your application will lapse in terms of Regulation 67 of GN. No. R. 543 of June 2010 which states that “An application in terms of these Regulations lapses if the applicant, after having submitted the application fails, for a period of six months, to comply with a requirement in terms of these Regulations” and a new application must be submitted to this Directorate.

This Directorate reserves the right to revise or withdraw comments or request further information from you based on any information that might be received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

HEAD OF DEPARTMENT
cc: Ms. T. Swanepoel (ERM)
Ms. S. Hustwick (City of Cape Town)
7th Floor, 1 Dorp Street, Cape Town, 8001
tel: +27 21 483 8349 fax: +27 21 483 4372
Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp
15 November 2013

Attention: Ms. M. Schippers
Department of Environmental Affairs
and Development Planning (DEA&DP)
Directorate: Land Management Region 2
7th Floor
1 Dorp Street,
Cape Town
8001

ERM Ref No: 0142769
DEA&DP Ref No: E12/2/4/2-A2/75/-3030/11

Dear Ms. M. Schippers,

RE: Proposed Burgan Cape Fuel Storage Terminal, Distribution Facility and Associated Infrastructure, Eastern Mole, Port of Cape Town

The acceptance of the Final Scoping Report for the abovementioned project by the DEA&DP on the 20 July 2012 and the DEA&DP letter dated 4 July 2013, refers. This letter serves to inform the DEA&DP in terms of Regulation 67 of the EIA Regulations (GN 543, 2010), as amended, that the abovementioned project has been reinitiated. By way of background, Burgan Cape Terminals (Proprietary) Limited, the applicant, has been awarded a tender to develop a fuel storage terminal on the Eastern Mole at the Port of Cape Town from Transnet National Ports Authority. There have been significant delays with regards to the signing of the lease agreement and a decision was made to put the EIA process on hold until the lease was signed. Burgan Cape Terminals is now in a position to continue with the EIA process, which will entail the completion of specialist studies and the environmental impact assessment phase.

We anticipate that the Draft EIA will be released towards the end of January 2014 and a copy will be sent to your Department. Please feel free to contact ERM should you have any queries or concerns with regards to the request.

Yours sincerely

Tania Swanepoel
Principal Consultant
16 January 2014

Attention: Ms. M. Schippers
Department of Environmental Affairs and Development Planning (DEA&DP)
Directorate: Land Management Region 2
7th Floor
1 Dorp Street,
Cape Town
8001

ERM Ref No: 0142769
DEA&DP Ref No: E12/2/4/2-A2/75/-3030/11

Dear Ms. M. Schippers,

RE: Update for Proposed Burgan Cape Terminals Fuel Storage Terminal, Distribution Facility and Associated Infrastructure, Eastern Mole, Port of Cape Town

Following our discussion today regarding the Burgan Cape Terminals EIA process, this letter serves to provide an update of the EIA progress.

Due to specialist studies taking longer than expected, we now anticipate that the Draft EIA will be released towards the end of February 2014 and a copy will be sent to your Department. Would you be so kind as to acknowledge receipt of this letter and confirm the status of the EIA process? Please feel free to contact ERM should you have any queries or concerns with regards to the above.

Yours sincerely

Dean Alborough
Senior Consultant
DIRECTORATE: LAND MANAGEMENT
REGION 2

REFERENCE NUMBER: E12/2/4/2-A2/75-3030/11
INQUIRIES: Melaneise Schippers
DATE OF ISSUE: 30 JAN 2014

Director
Western Cape Terminals (Pty) Ltd.
10th Floor, Icon building
Hans Strijdom & Loop Street
Cape Town

Attention: Mr. J. Robertson

Tel: (021) 431 1000
Fax: (086) 550 8889

Sir,

PROPOSED BURGAN CAPE FUEL STORAGE TERMINAL, DISTRIBUTION FACILITY AND ASSOCIATED INFRASTRUCTURE, EASTERN MOLE, PORT OF CAPE TOWN.

The Application Form dated 05 September 2011 and received by this Department on 06 September 2011, the acknowledgement letter issued by this Directorate on 16 September 2011, the Final Scoping Report (FSR) dated May 2012 and received by this Department on 04 May 2012, the acceptance of the FSR dated 20 July 2012, this Directorate’s letter dated 11 June 2013, your correspondence dated 24 June 2013 and received by this Directorate on 27 June 2013, this Directorate’s letter dated 04 July 2013 and your correspondence dated 16 January 2014 and received by this Department on 21 January 2014, refer.

It is noted in your correspondence dated 14 January 2013 that delays have been incurred due to the fact that specialist studies took longer than anticipated. Furthermore, it is anticipated that the draft Environmental Impact Assessment Report (“EIAR”) will be released towards the end of February 2014.

We advised that should the draft EIAR not be submitted by the end of March 2014, your application will lapse in terms of Regulation 67 of GN. No. R. 543 of June 2010 which states that “An application in terms of these Regulations lapses if the applicant, after having submitted the application, falls, for a period of 12 months, to comply with a requirement in terms of these Regulations” and a new application must be submitted to this Directorate.
Directorate reserves the right to revise or withdraw comments or request further information from you based on any information that might be received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully,

[Signature]

[Name\\ Department]

Mr. D. Alborough (ERM)
Ms. S. Hustwick (City of Cape Town)
Date | Time | Type | Identification | Duration | Pages | Result
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30/1/2014 | 10:22:36 | Receive | | 0:32 | 2 | OK

REFERENCE NUMBER: E12/29/1/2-A2/135-3335/11
DUO CODE: 3844
DATE OF ISSUE: 3 FEB 2014

The Director
Burgers Cape Terminals (Pty) Ltd
3rd Floor, Icon Building
Cnr Hans Slooff & Long Street
Cape Town
8000

Attention: Mr. J. Robertson

Dearest Sir

THE PROPOSED BURGERS CAFE FUEL STORAGE TERMINAL, DISTRIBUTION FACILITY AND ASSOCIATED INFRASTRUCTURE, EASTERN Aisle, Port of Cape Town:

1. The Application form dated 05 September 2011 and received by this Department on 06 September 2011, the acknowledgement letter issued by this Directorate on 16 September 2011, the Final Scoping Report (FSR) dated May 2012 and received by this Department on 04 May 2012, the acceptance of the FSR dated 29 July 2012, this Directorate’s letter dated 11 June 2013, your correspondence dated 24 June 2013, and received by this Directorate on 27 June 2013, this Directorate’s letter dated 04 July 2013 and your correspondence dated 16 January 2014 and received by this Department on 21 January 2014.

2. It is noted in your correspondence dated 14 January 2013 that delays have been incurred due to the fact that specialist studies took longer than anticipated. Furthermore, it is anticipated that the draft Environmental Impact Assessment Report (“EIAR”) will be released towards the end of February 2014.

3. Be advised that should the draft EIAR not be submitted by the end of March 2014, your application will lapse in terms of Regulation 67 of Gb No. R. 545 as June 2015 which states that “an application in terms of these Regulations lapses if the applicant, after having submitted the application form for a period of six months, fails to comply with a requirement in terms of these Regulations” and a new application must be submitted to this Directorate.

Western Cape Government
Department of Environmental Affairs and Tourism

7th Floor, 1 Dorp Street, Cape Town, 8000
Cel +27 21 483 8344 Fax +27 21 483 4372
www.westernCAPE.gov.za/ssa
4 July 2014

Attention: Andrew Hall
Heritage Western Cape
3rd Floor, Protea Assurance Bldg
Greenmarket Square
Cape Town, 8000

Dear Mr Hall

Environmental Resources Management (Pty) Ltd (ERM) are the Environmental Assessment Practitioners appointed by Burgan Cape Terminals to undertake the Environmental Impact Assessment (EIA) of a proposed development of an oil and fuel storage and distribution facility (the Project). If it proceeds, the Project would be constructed within the Port of Cape Town on the Eastern Mole (see attached Figure 1). A component of the Project is a new above ground 900m, 10 inch section of pipeline that will feed the product storage tanks from other oil facilities. The new pipeline is understood to be intended to originate in one of two places on the Eastern Mole Berth. These two options are referred to Option A and Option B and will originate at Tanker Berth 2 connected to the JBS import manifold or connected directly to the Chevron Refinery pipeline import manifold at JBS respectively, see attached Figures 2 and 3. We therefore understand that the Project triggers section 38(1) (a) of the National Heritage Resources Act, 25 of 1999 (NHRA).

As we are undertaking an EIA for the Project, the provisions of section 38(8) of the NHRA apply. As you may know, the Eastern Mole consists of reclaimed land composed of building rubble and the like. It was constructed in the late 1980s and early 1990s. There is therefore nothing on the Eastern Mole which is 60 years old and there is no structure of any cultural significance on the Eastern Mole. As a result, we screened cultural impacts out of the environmental impact assessment process.
Please would you let us know if you disagree with this approach. If we do not hear from you within 2 weeks we will assume that you agree. In compliance with section 38(8) of the NHRA, a copy of this letter will form part of the environmental impact assessment report that will be subject to the public participation process and will be submitted to Department of Environmental Affairs and Development Planning, the competent authority for the purposes of environmental authorisation.

Yours faithfully

[Signature]

Dean Alborough
Senior Consultant
Figure 1  Project Location
Figure 3   Pipeline Option B