



FORM E

**Application for an amendment of a licence in terms of section 23 of the Petroleum Pipelines Act, 2003 (Act No. 60 of 2003)**

**INSTRUCTIONS**

1. Before completing this form, you are advised to read the following documents:
  - (a) the Petroleum Pipelines Act, 2003 (Act No. 60 Of 2003) and its Regulations; and
  - (b) the Rules made in terms of the Petroleum Pipelines Act, specifically rule
2. Please note that this form has five sections (A, B, C, D & E). An applicant must provide all information and supporting documentation required. Incomplete applications will not be accepted.
3. The completed form with supporting documentation must be delivered to the Energy Regulator:
  - (a) by registered mail to: P O Box 40343, Arcadia 0007; or
  - (b) by hand at: Kulawula House, 526 Madiba Street, Arcadia, Pretoria; or
  - (c) electronically to [pipelines@nersa.org.za](mailto:pipelines@nersa.org.za); or
  - (d) by fax to 012 401 4700
4. If you want to request the confidential treatment of certain information in your application, you must do so in accordance with Rule 4 of the Rules made in terms of the Petroleum Pipelines Act.

**Enquiries:**

Contact:	Executive Manager: Petroleum Pipelines Regulation
Contact No:	(012) 401 4600
Fax No.:	(012) 401 4700

**Official Use Only**

Date received	_____	ep 1 and add t ona nfor at on on ec 1
Reference number	_____	.sf. 1 A

*Man*

## SECTION A: CATEGORY OF THE APPLICANT

1. Indicate if you are the licence holder or a party affected by the licence by ticking the appropriate box below:

I am the licence holder

I am a party affected by the licence

## SECTION B: DETAILS OF THE APPLICANT

2. Full registered name of the applicant: [Vopak South Africa Developments \(Pty\) Ltd](#)
3. Trading name of the applicant (if different from the registered name)  
[N/A](#)
4. Registration number of company (if applicable) [2008/019455/07](#)
5. Name of mandated representative (if applicable). Attach documentary proof of mandate given to representative: [Michel van Mosselaar](#)
6. Physical address [105 Taiwan Road, 4052 Island View Bluff, Durban, South Africa](#)
7. Postal address [P.O Box 21030, 4036 Bluff, Durban](#)
8. Telephone number [+27 31 466 9200](#)
9. Fax Number
10. Email address [michel.van.mosselaar@vopak.com](mailto:michel.van.mosselaar@vopak.com)
11. Details of mandated representative, including:
- (a) Designation [Director Finance and Procurement](#)
  - (b) family name [van Mosselaar](#)
  - (c) first name [Michel](#)
  - (d) telephone number [+27 31 466 9210](#)
  - (e) fax number
  - (f) email address [michel.van.mosselaar@vopak.com](mailto:michel.van.mosselaar@vopak.com)



## SECTION C: DETAILS OF THE LICENCE

12. Name of licensee **Vopak South Africa Developments (Pty) Ltd**
13. Type of licence or licensed activity to which this application is applicable  
**Construction of petroleum pipelines and a storage facility**
14. Location of the facility: **Jamerson Park, Lesedi Local Municipality**
15. State the licence number (if known) **PPL.sf.F1/89/2009 as amended PPL.sf.F1/89/2009/AM1 (30-5-2018)**

## SECTION D: DETAILS OF THE APPLICATION

16. Clearly indicate the amendments that you seek. Please indicate each amendment sought separately and provide details thereof. If the amendment is to a particular condition, cite the condition. (Add additional page(s), if necessary).

We would like to amend licence condition 11.2 (PPL.sf.F1/89/2009/AM1 point 3) which reads: "Phase of construction of the facilities must be completed and the facilities must be ready for operation by 30 September 2019." To "Phase of construction of the facilities must be completed and the facilities must be ready for operation by 30 June 2020." **Refer to the attached additional information for updated request.**

17. Provide detailed reasons and motivation for each of the amendments sought in 15 above (add additional page(s), if necessary).

The construction of the facilities has been delayed as a result of circumstances beyond the reasonable control of Vopak. These include the following:

- a. during the course of construction of the facilities, Transnet has imposed requirements which have had to be met by Vopak and which have had the effect of delaying the construction of the facilities;
- b. during the course of construction of the facilities, there have been three instances of community unrest which have delayed the construction process and in respect of which it has been necessary for Vopak to approach the Gauteng High Court, Johannesburg in order to obtain urgent interdicts – these proceedings involved the PAF, ANC Youth League and Jameson Community respectively and copies of the relevant Court Orders are enclosed;



- c. there have been instances of inclement weather which have delayed the construction of the facilities.

17. Substantiate your reasons and motivation in 16 above by submitting documentary proof of your claims.

In Annex A, documentary proof is provided for the reasons and motivation in 16 above.

Where the amendment sought is an amendment to an existing tariff, information listed in rules 12(7) and 12(8) must also be provided.

Vopak is not seeking an amendment to a tariff.

#### **SECTION E: SOLEMN DECLARATION BY APPLICANT OR MANDATED REPRESENTATIVE**

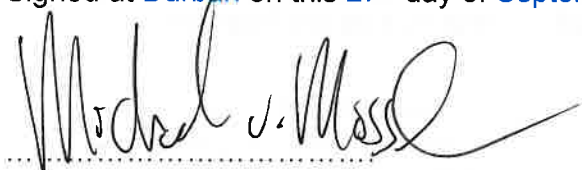
I, **Michel van Mosselaar**

Identity Number [REDACTED]

hereby declare that:

- (a) I am authorised by **The Board of Directors for Vopak South Africa Developments (Pty) Ltd** to make this declaration (attach the authorisation); and
- (b) all information provided herein is within my personal knowledge and is both true and correct.

Signed at **Durban** on this **27<sup>th</sup>** day of **September 2019**



**Signature**

I certify that the deponent:

- (a) has acknowledged that she/he knows and understands the contents of this application form and its annexures, that she/he has no objection to taking the prescribed oath and that she/he considers the oath binding on her/his conscience; and

(b) has in the prescribed manner sworn that the contents of this application form and its annexures are true and signed same before me at Durban on this 27<sup>th</sup> day of September 2019.

"I certify that the DEPONENT has acknowledged that he/she knows and understands the contents of this affidavit, that he/she does not have any objection to taking the oath, and that he/she considers it to be binding on his/her conscience, and which was sworn to and

signed before me at 19.45 on this the 27<sup>th</sup> day of September 2019, and that the administering oath complied with the regulations contained in Government Gazette No: R1258 of 21 July 1972, as amended"



COMMISSIONER OF OATHS

Name: Zameka Cain

Address: .....

Capacity: HR Director



our reference  
NERSA2014Y15-1532172523-59654\_V2

Date  
23 December 2019

Dear Sir/Madam,

**ADDITIONAL INFORMATION RELATING TO THE SECOND AMENDMENT OF THE CONDITIONS OF THE LICENCE FOR THE OPERATION CONSTRUCTION OF A STORAGE FACILITY AND PIPELINES IN LESEDI WITH AMENDMENT LICENCE NUMBER: PPL.sf.F1/89/2009/AM2**

1. We refer to your letter dated 4 October 2019.
2. In this letter, we respond to that portion of your letter dealing with the adequacy of the information contained in the application submitted to the National Energy Regulator of South Africa ("NERSA") by Vopak South Africa Developments (Pty) Ltd ("Vopak") on 27 September 2019, for the second amendment of the conditions of the licence for the construction of petroleum pipelines and a storage facility ("the facilities") at Jameson Park, Lesedi Local Municipality, Gauteng Province (ref: PPL.sf.F1/89/2009/AM2).
3. On the 13<sup>th</sup> of November 2019, a meeting was held in your offices in Pretoria where the contents of said letter were clarified.
4. We enclose herewith Annexure 1, providing additional information as per your directions in the aforementioned meeting as well as confirmed through the e-mail received 25 November, 2019 stipulating the additional information NERSA requires. This Annexure forms integral part of our Application for an Amendment of the Construction Licence in terms of section 23 of the Petroleum Pipelines Act, 60 of 2003, dated 27 September 2019.
5. Vopak remains fully committed to commencing operations at the facilities as soon as is reasonably possible. Nevertheless, in view of the unforeseen delays mentioned above, Vopak requires sufficient time within which to complete the construction of the facilities and to ensure that they are fully operational according to Vopak's international safety standards. It is worth reiterating that Vopak has invested in the order [REDACTED] to date in the facilities.
6. Kindly acknowledge receipt hereof. We look forward to receiving your favourable response to this request by way of the granting of the extension of time sought by Vopak.

Yours faithfully



Michel van Mosselaar  
Director Finance and Procurement  
Vopak South Africa Developments (Pty) Ltd



## Annexure 1

The following items were confirmed as required to achieve the adequacy of the information contained in the application submitted to the National Energy Regulator of South Africa ("NERSA") by Vopak South Africa Developments (Pty) Ltd ("Vopak") on 27 September 2019, for the second amendment of the conditions of the licence for the construction of petroleum pipelines and a storage facility:

1. Construction schedule of the remaining works  
Due to the delays that we are currently facing, there are still some uncertainties in the schedule of the remaining construction work. At the time of writing, we expect to start commissioning the facility in Q2 2020 with commencement of the full services in July 2020. In our previous letter dated 27 September 2019, we requested for an extension to complete the construction of the facilities until 30 June 2020. To cater for the given uncertainties in this schedule, we request for an extension of the licence until 30 September 2020. The detailed schedule is currently being finalized and will follow once available.
2. Confidentiality request (Form A)  
See attached as separate document
3. Details on tie-in to TM2, drawing, tie-in philosophy  
[REDACTED]
4. A decision from Vopak to remove or keep the 7th tank  
At this moment, Vopak has built the foundations for the 7<sup>th</sup> tank but we cannot confirm the timeline when the actual tank will be constructed. The construction of the tank is dependent on the market circumstances and respective demand from customers, which have changed since the original construction licence was applied for due to the country's general economic down-turn. For these reasons, Vopak requests to take the 7<sup>th</sup> tank out of the current license.
5. Financial impact of the delay  
[REDACTED]
6. Further explanation of delays [REDACTED]  
[REDACTED]

