



REFERENCE NUMBER: 16/3/3/1/A2/30/3029/19
ENQUIRIES: MS. K. ADRIAANSE
DATE OF ISSUE:

2020-09-21

The Director
BP Southern Africa (Pty) Ltd.
P.O. Box 50736
CAPE TOWN
8002

For Attention: Mr. D. Stoffberg / Mr. S. Mashiloane

Tel: (087) 357 9463
Email: Danel.Stoffberg@za.bp.com

Dear Sir(s)

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED FILLING STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 254, PHILIPPI.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ELDON VAN BOOM
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Mr. R. Kynaston / Mr. W. van Biljon (Geo Pollution Technologies Gauteng (Pty) Ltd.) Email: Ryan@gptglobal.com
(2) Ms. A. van Wyk (City of Cape Town: ERM) Email: Azanne.vanWyk@capetown.gov.za



REFERENCE: 16/3/3/1/A2/30/3029/19
NEAS REFERENCE: WCP/EIA/0000646/2019
ENQUIRIES: MS. K. ADRIAANSE
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED FILLING STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 254, PHILIPPI.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated 21 February 2020.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
c/o Mr. D. Stoffberg / Mr. S. Mashiloane
BP Southern Africa (Pty) Ltd.
P.O. Box 50736
CAPE TOWN
8002

Tel: (087) 357 9463
Email: Danel.Stoffberg@za.bp.com

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended): Activity Number: 14 Activity Description: <i>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.</i>	The proposed development entails the storage of approximately 115m ³ of dangerous goods associated with the establishment of a filling station and associated infrastructure on Erf 254, Philippi.

The abovementioned list is hereinafter referred to as **"the listed activity"**.

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the proposed development:

The proposed development entails the development of a filling station and associated infrastructure on Erf 254, Philippi. The proposed development will comprise:

- Approximately five 23m³ underground storage tanks for the storage of fuel;
- A convenience store;
- A retail component;
- Stormwater infrastructure; and
- Associated infrastructure.

An artificial wetland and a natural wetland is located in the north-eastern corner of the site. A link between the artificial wetland and the natural wetland will be developed as part of the stormwater management system of the proposed development. No development activities will occur within the natural wetland.

Services will be supplied by the local authority. Access to the site will be gained off John Bridgeman Road and Govan Mbeki Road, Philippi.

The total development footprint will be approximately 1.3595ha in extent.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Erf 254, Philippi, which is located on the corner of Govan Mbeki Road and Duinefontein Road, Philippi and has the following co-ordinates:

Point	Latitude	Longitude
North-east corner	34°00'09.38" South	18°33'35.50" East
South-east corner	34°00'12.89" South	18°33'35.99" East
South-west corner	34°00'12.89" South	18°33'31.92" East
North-west corner	34°00'08.41" South	18°33'30.85" East

The SG 21-digit code is:

Erf 254	C01600800000025400000
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Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

The above is hereinafter referred to as **"the site"**.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Geo Pollution Technologies Gauteng (Pty) Ltd.
c/o Mr. R. Kynaston / Mr. W. van Biljon
P.O. Box 8442

ROGGEBAAI
8012

Tel: (021) 462 6822

Email: Ryan@gptglobal.com / Willem@gptglobal.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR dated 21 February 2020 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.
3. This Environmental Authorisation is granted for–
 - 3.1. A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - 3.2. A period of ten (**10**) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4. Provide the registered I&APs with:
 - 7.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") (dated February 2020) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site where the listed activity will be undertaken and must be made available to any authorised official on request.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.



Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within 6 (six) months of the commencement of the development/construction activities and submit an Environmental Audit Report to the Competent Authority upon the completion of the environmental audit.
 - 14.2. An Environmental Audit Report must be submitted to the Competent Authority 1 (one) month after the completion of the development/construction activities.
 - 14.3. An Environmental Audit Report must be submitted to the Competent Authority every 5 (five) years after the commencement of the operational phase.
 - 14.4. The holder must, within 7 (seven) calendar days of the submission of an Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to an authorised person on request.

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.
 - 15.1. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
17. The recommendations of the Transport Impact Assessment (compiled by Innovative Transport Solutions and dated December 2019), must be implemented during the construction phase.
18. The recommendations of the Freshwater Assessment (compiled by EnviroSwift and dated March 2019), must be implemented during all phases of the proposed development.
19. The recommendations of the Geohydrological Report (compiled by Geo Pollution Technologies (Pty) Ltd and dated November 2019), must be implemented during all phases of the proposed development.
20. The installation of the storage tanks and associated infrastructure must comply with relevant South African National Standards ("SANS") codes.

21. Leak detection equipment must be installed in accordance with the relevant SANS codes. Effective stock inventory monitoring, recording and regular auditing must take place for the early identification of possible leaks and keep a leak history for the site. Should any leaks be discovered, remediation of the pollution must take place immediately after consultation with the competent authority.
22. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, other than those required by this Environmental Authorisation, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and



- 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Marius Venter
 Western Cape Ministry of Local Government, Environmental Affairs and
 Development Planning
 Private Bag X9186
 CAPE TOWN
 8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. M. Venter (Tel: 021 483 3721)
 Room 809
 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the holder, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



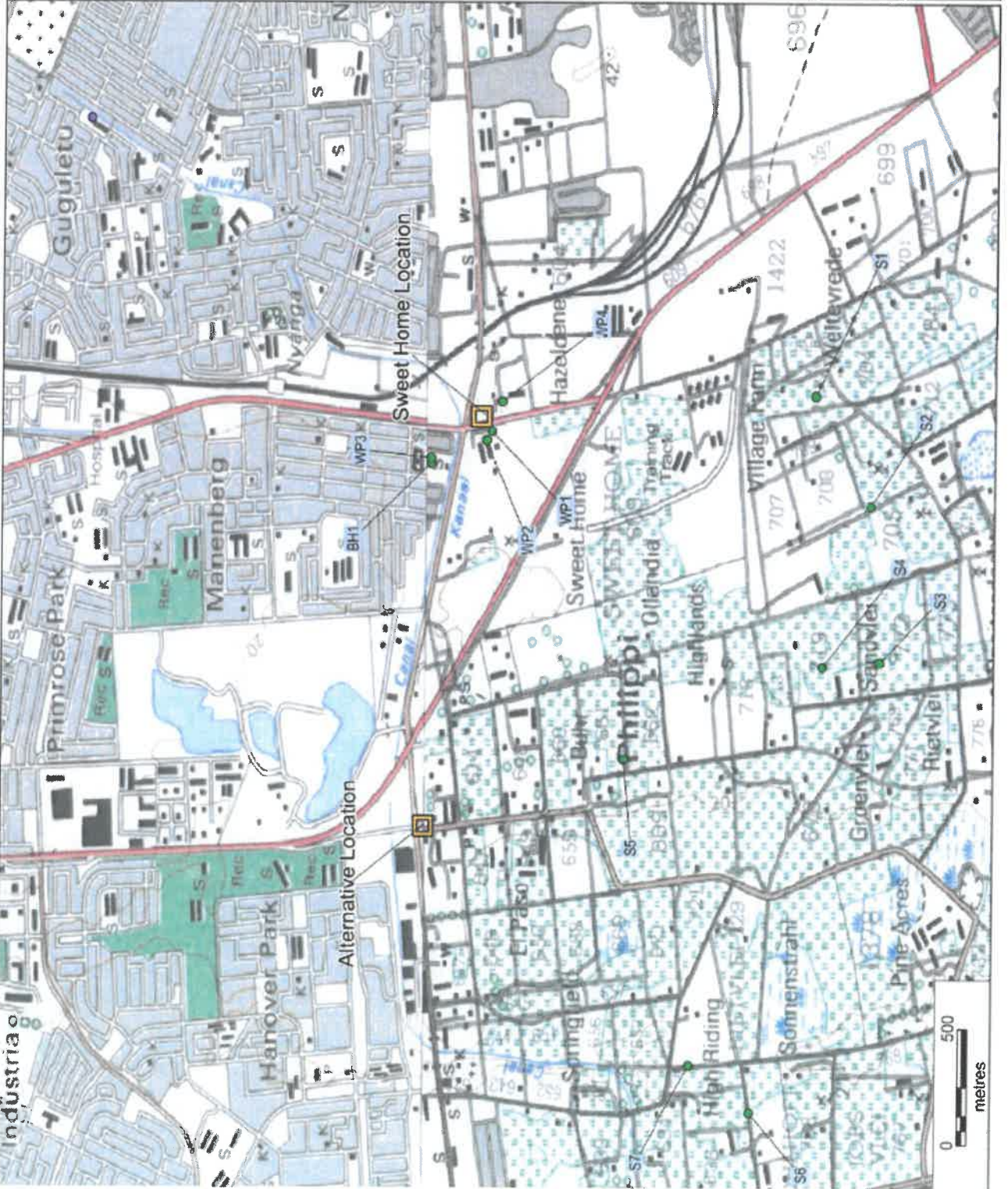
MR. ELDON VAN BOOM
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 21 September 2020

Copies to: (1) Mr. R. Kynaston / Mr. W. van Biljon (Geo Pollution Technologies Gauteng (Pty) Ltd.) Email: Ryan@gptglobal.com
(2) Ms. A. van Wyk (City of Cape Town: ERM) Email: Azanne.vanWyk@capetown.gov.za

~~SECRET~~




ANNEXURE 1: LOCALITY MAP



GEO Pollution Technologies
PO Box 38384
Gansfontein East, 00800
Tel: (012) 804 8120

**SWEET HOME
TOPOGRAPHICAL MAP
(July 2019)**

LEGEND

-  Site Location
-  Borehole (Hydrocaecus)
-  Borehole (NGA)

Topographical sheet:

3318DC.3418BA



NORTH
Latitude Longitude
WGS84

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form dated 14 May 2019, the BAR received by the Competent Authority on 21 February 2020, the EMPr received by the Competent Authority on 21 February 2020 and the additional information received by the Competent Authority on 11 September 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives and Need and Desirability (dated March 2013);
- c) 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);
- d) The comments received from I&APs and responses to these, included in the BAR dated 21 February 2020;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board on the site where the listed activity is to be undertaken on 22 August 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 22 August 2019;
- the placing of a newspaper advertisement in the 'Vukani Classifieds' on 22 August 2019; and
- making the BAR available to I&APs for public review from 22 August 2019 to 20 September 2019 and 22 January 2020 to 20 February 2020.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. The Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments and responses report thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

2. Alternatives

Alternatives with respect to the proposed site, the location of the proposed storage tanks and layout alternatives were identified. An alternative site, located on the corner of Ottery Road and the M9 was considered. However, the alternative site was not deemed feasible since the site is not owned by the applicant and does not have existing land-use rights for the proposed development of a filling station. The option of aboveground storage tanks was considered. However, aboveground storage tanks are not considered feasible since aboveground tanks require more space and it is not common practice for storage tanks for a filling station to be located aboveground. The preferred alternative and the "no-go" alternative were therefore assessed. The preferred alternative is as follows:

The preferred alternative - herewith authorised

The proposed development entails the development of a filling station and associated infrastructure on Erf 254, Philippi. The proposed development will comprise:

- Approximately five 23m³ underground storage tanks for the storage of fuel;
- A convenience store;
- A retail component;
- Stormwater infrastructure; and
- Associated infrastructure.

An artificial wetland and a natural wetland is located in the north-eastern corner of the site. A link between the artificial wetland and the natural wetland will be developed as part of the stormwater management system of the proposed development. No development activities will occur within the natural wetland.

Services will be supplied by the local authority. Access to the site will be gained off John Bridgeman Road (which is off Duinefontein Road) and Govan Mbeki Road, Philippi.

The total development footprint will be approximately 1.3595ha in extent.

The Preferred Alternative incorporates the safety design specifications required for the entry and exit points required to access the proposed development. Further the Preferred Alternative incorporates the wetland area into the stormwater system required for the proposed development.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo". However, since the Preferred Alternative will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is zoned General Business 1 and the proposed development is in line with the property's existing land-use rights. A Feasibility Analysis (compiled by Innovative Transport Solutions and dated January 2020) was undertaken to determine the feasibility of the proposed development in proximity to existing filling stations in the area. The study indicated that approximately three filling stations are located within a 3km radius of the proposed site. The study indicated that the feasibility of the proposed development will depend on fuel sales and other associated services such as the convenience store and retail component. The study considered the expected traffic volumes and growth rate. The study concluded that the proposed development is feasible and it is not expected to have a significant impact on the fuel sales of the existing filling stations in the area. Further, some employment opportunities will be provided as a result of the proposed development.

3.2. Botanical Impacts

A Botanical Impact Assessment (compiled by Eco Impact Legal Consulting (Pty) Ltd., dated January 2019) was undertaken to determine the potential botanical impacts associated with the proposed development.

Historically, the proposed site would have supported Cape Flats Dune Strandveld vegetation, which is classified as an Endangered ecosystem in terms of the National Environmental Management Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011. However, the specialist indicated that the vegetation on the proposed site is in a poor ecological state and cannot be considered as natural habitat.

No loss of endangered vegetation is therefore anticipated. No areas of botanical sensitivity were highlighted by the specialist. No recommended mitigation measures were provided by the specialist. The BAR indicates that the potential botanical impacts will be of low negative significance.

CapeNature indicated (in their comment dated 07 December 2018) that the proposed development was not supported in its current state as information pertaining to the freshwater, groundwater and botanical aspects were insufficient. Subsequent to CapeNature's correspondence (dated 07 December 2018), a Freshwater Assessment (dated March 2019), a Geohydrological Report (dated November 2019) and a Botanical Impact Assessment (dated January 2019) were undertaken to address the concerns highlighted by CapeNature. CapeNature were provided an opportunity to comment on the Basic Assessment Report and no comment from CapeNature has been received. Although a revised comment from CapeNature has not been received, the concerns highlighted by CapeNature have been addressed by the Freshwater Assessment (dated March 2019), a Geohydrological Report (dated November 2019) and a Botanical Impact Assessment (dated January 2019) and was deemed to be acceptable by the Competent Authority.

3.3. Freshwater Impacts

A Freshwater Assessment (compiled by EnviroSwift and dated March 2019) was undertaken to determine the potential freshwater impacts associated with the proposed development.

According to the South African National Biodiversity's BGIS City of Cape Town Biodiversity Network layer, 2017, an isolated depression is located in the north-eastern corner of the proposed site.

The specialist identified three wetlands on the proposed site. Wetland 1, located centrally on the western portion of the site, was determined to be an excavated channel that appears to have been part of a historical drainage or stormwater system. Wetland 1 was therefore deemed to be artificial. Wetland 2, located in the north-eastern portion of the proposed site, was determined to be an excavated depression that was also likely excavated as part of a historical stormwater management system. Wetland 2 was also deemed to be artificial. Wetland 3, which is located adjacent to wetland 2, was determined to be a remnant natural wetland that has been cut off from a wetland located to the north by the historical construction of Govan Mbeki Road. The Present Ecological Status of Wetland 3 was deemed as Category E.

The artificial wetland (i.e. wetland 1) will be infilled to accommodate the proposed development. Given that the excavated depression (i.e. wetland 2) and the remnant wetland (i.e. wetland 3) are located within close proximity to each other, an additional wetland will be created between the excavated depression and the remnant wetland, which will form part of the stormwater management system of the proposed site. No construction activities will occur within the remnant wetland in this regard. The specialist confirmed (in correspondence dated 25 September 2019) that Activity 19 of Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended) will not be triggered by the proposed development. Mitigation measures have been provided by the specialist and have been included as conditions set in this environmental authorisation and in the EMPr. The overall potential impacts are anticipated to be of low positive significance post mitigation.

In addition, a stormwater management plan (compiled by BSP Consulting Engineers and dated 20 May 2019) has been compiled for the management of stormwater on the proposed site and has been appended to the EMPr for implementation.

The Department of Water and Sanitation has provided a comment on the proposed development (dated 12 November 2019) and no concerns were raised.



3.4. Geohydrological Impacts

A Geohydrological Report (compiled by Geo Pollution Technologies (Pty) Ltd and dated November 2019) was conducted to determine the potential groundwater impacts associated with the proposed development. The proposed site is located above the Cape Flats Aquifer, which is a regionally important aquifer for the supply of groundwater. Groundwater is the main water supply for the Philippi Horticultural Area, which is located between approximately 1.5km to 4.5km away from the proposed development. The Edith Stevens Wetland Park is located approximately 700m away from the proposed development. The average water depth is 3.4m in depth. The study indicates that the hydrocensus conducted identified five groundwater users with well points and boreholes, with the closest well point approximately 44m away from the proposed site.

Given the possibility of potential groundwater impacts, the specialist indicated that the potential impacts are anticipated to be of medium to high negative significance during the construction and operational phases without mitigation, respectively. The specialist indicated that the proposed development can proceed from a hydrogeological perspective with the strict implementation of the recommended mitigation measures. Mitigation measures have been provided by the specialist and have been included as conditions set in this environmental authorisation and in the EMPr. The overall potential impacts are anticipated to be of low negative significance post mitigation.

This Department's Directorate: Pollution and Chemicals has provided a comment on the proposed development (dated 20 September 2019). The concerns raised have been responded to by the Environmental Assessment Practitioner and the EMPr has been updated to address the concerns raised.

3.5. Traffic Impacts

A Transport Impact Assessment (compiled by Innovative Transport Solutions and dated December 2019) was undertaken to determine the potential traffic impacts associated with the proposed development. Based on the modelling results for the 2019 existing traffic, mitigation measures were recommended by the specialist to improve the traffic conditions at the Govan Mbeki/Duinefontein Road intersection. This includes separate turning lanes from the southern, eastern and western approaches. These mitigation measures have been provided by the specialist and have been included as conditions set in this environmental authorisation and in the EMPr.

In addition, based on the modelling results for the 2023 background traffic and provided that the recommendations for the 2019 existing traffic have been implemented, no additional mitigation measures are required since it is anticipated that the Govan Mbeki/Duinefontein Road intersection will operate at an acceptable level of service during the operational phase.

Given that the proposed development will be located along a MyCiti route, the specialist recommended that sidewalks and bus embayments be provided along the frontage of the proposed development. The study concluded that with the implementation of the recommended mitigation measures, the proposed development is acceptable from a transport impact perspective.

3.6. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC indicated (in their correspondence dated 27 November 2018) that the proposed development will not impact on heritage resources and no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.



3.7. Services/ Bulk Infrastructure

The City of Cape Town indicated (in their correspondence dated 03 September 2019) that the water and sewer networks have sufficient capacity to service the proposed development.

3.8. Dust and Noise Impacts

Potential dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential groundwater pollution during the development and operational phases;
- Potential dust and noise impacts during the construction phase; and
- Potential traffic impacts during the construction phase.

Positive impacts include:

- The provision of fuel services and associated amenities;
- Economic benefits; and
- Some employment opportunities.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."



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