



REFERENCE: 16/3/3/1/A2/22/3053/19
NEAS REFERENCE: WCP/EIA/0000718/2019
ENQUIRIES: Rainer Chambeau
DATE OF ISSUE: 20 November 2020

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED DEVELOPMENT OF A FUEL SERVICE STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 164232, MUIZENBERG

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 Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Layout Alternative 2 and Access Alternative 1 (i.e. the Preferred Alternatives), described in the Basic Assessment Report ("BAR") dated 06 August 2020.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors
Astron Energy (Pty) Ltd
c/o Morné V. Fortuin
5 Century City Boulevard
CENTURY CITY
7441

Tel: (021) 508 3838
E-mail: morne.fortuin@astronenergy.co.za

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

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B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 14 Activity Description:</p> <p><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></p>	<p>The fuel service station on Erf 164232, Muizenberg will install five underground fuel storage (UST) tanks with a total capacity of 150m³ (90m³ unleaded fuel and 60m³ diesel).</p>
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 19 Activity Description:</p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</i></p> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case the activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies". 	<p>The fuel service station on Erf 164232, Muizenberg requires the infilling of more than 10m³ of material in a wetland.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The fuel service station on Erf 164232, Muizenberg requires the clearance of more than 300m² of Endangered Cape Flats Dune Strandveld vegetation.</p>

<p>(i) Western Cape</p> <ol style="list-style-type: none"> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004. ii. Within critical biodiversity areas identified in bioregional plans. iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister". 	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the authorised development:

The authorised development entails the development of a fuel service station and associated facilities on Erf 164232, Muizenberg.

The authorised development comprises the following:

- Five 30m³ capacity underground fuel storage tanks (UST's), two containing diesel and three containing unleaded petrol;
- Four island stations (16 pumps) under a canopy and built on a cement base;
- Fuel tank filler points;
- Separator system for surface runoff;
- Associated underground fuel and filler lines;
- A convenience store (approximately 145m²)
- A Co Brand shop (approximately 257m²)
- A car wash;
- 30 on-site parking bays and an additional 4 parking bays at the car wash;

A left in only access to the fuel service station is proposed from St George Street and a full entrance and exit is proposed at Eastbourne Street

The total development footprint will be approximately 4 456m².

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on Erf 164232, Muizenberg.

The SG digit code for Erf 164232, Muizenberg is CO1600070016423200000

The geographic coordinates for Erf 164232, Muizenberg are given below:

(34° 05' 55.96" South, 18° 28' 51.44" East)

Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plan.

The said parcel of land is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Sillito Environmental Consulting (Pty) Ltd

c/o Mr. Eugene Marais

P. O. Box 30134

TOKAI

7966

Tel.: (021) 712 5060

Email: eugene@environmentalconsultants.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Layout Alternative 2 and Access Alternative 1 (i.e. the Preferred Alternatives) described in the BAR dated 06 August 2020 on the site described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation,
3. The development/construction activities must be **concluded** within **ten (10) years** from the date of commencement of the listed activities.
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 alternatives described in section B above must be 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 the listed activities can be commenced with.

- 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, 11, 17 and 18.

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;
 - 7.4. Provide the registered I&APs with:
 - 7.4.1. 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 activities, including site preparation, must not be commenced with 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 activities, including site preparation, must not be commenced with until the appeal is decided.

Management of activity

9. The Environmental Management Programme (“EMPr”) (dated 05 August 2020) that was 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”) before commencing with any land clearing or 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 on the site of the authorised listed activities and must be made available to any authorised person 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 these for the purpose of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the 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 EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within 3 (three) months of the commencement of the listed activities and submit an Environmental Audit Report to the Competent Authority upon completion of the environmental audit.
 - 14.2. A second Environmental Audit Report must be submitted to the Competent Authority within 1 (one) month after the completion of the development/construction activities.
 - 14.3. Afterwards, an Environmental Audit Report must be submitted to the Competent Authority every 5 (five) years after the commencement of the operational phase while the environmental authorization remains valid
 - 14.4. The holder must, within 7 (seven) days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone 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. In accordance with the recommendations contained in the Ground Water Impact Assessment Report compiled by GEOSS South Africa (Pty) Ltd and dated 04 March 2020, the following mitigation measures must be implemented:
 - 17.1. A third groundwater monitoring borehole must be installed for the operational phase of the proposed development on Erf 164232, Muizenberg.

- 17.2. The monitoring borehole should be drilled to a depth slightly deeper than the fuel storage tanks (the depth of this borehole to be determined by the site layout).
- 17.3. The monitoring borehole should follow the specifications provided in the Groundwater Monitoring Action Plan (Annexure D) included in the EMPr.
18. A Detailed Stormwater Management Plan(s) must be developed. The Stormwater Management Plan must include the design of a new wetland to compensate for the lost wetland on site in terms of the function of stormwater retention. The new wetland must be approximately sized (20m X 5m) and built near the entrance to the site within the building lines.
 - 18.1. The Stormwater Management Plan must be submitted for consideration to this Department together with a letter in which the comments from the City of Cape Town on the Stormwater Management Plan, prior to the commencement with the authorised development, is included.
19. 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 activities.
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 activities within the period specified in Condition 2, this Environmental Authorisation shall lapse for those activities, 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. An application for amendment of the Environmental Authorisation must be submitted 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 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, must be made in accordance with Regulations 35 to 37 of the 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 must –
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

- 1.2 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

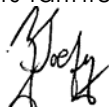
By hand: Attention: Mr. M. Venter (Tel: 021 483 3721)
 Room 809
 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za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

Yours faithfully



MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 20 NOVEMBER 2020

Copies to: (1) Mr. E. Marais (Sillito Environmental Consulting (Pty) Ltd.)
(2) Mr. A. Sillito (Sillito Environmental Consulting (Pty) Ltd.)
(3) Mr. A. Greenwood (City of Cape Town: ERM)

Email: eugene@environmentalconsultants.co.za
Email: adrian@environmentalconsultants.co.za
Email: Andrew.Greenwood@capetown.gov.za

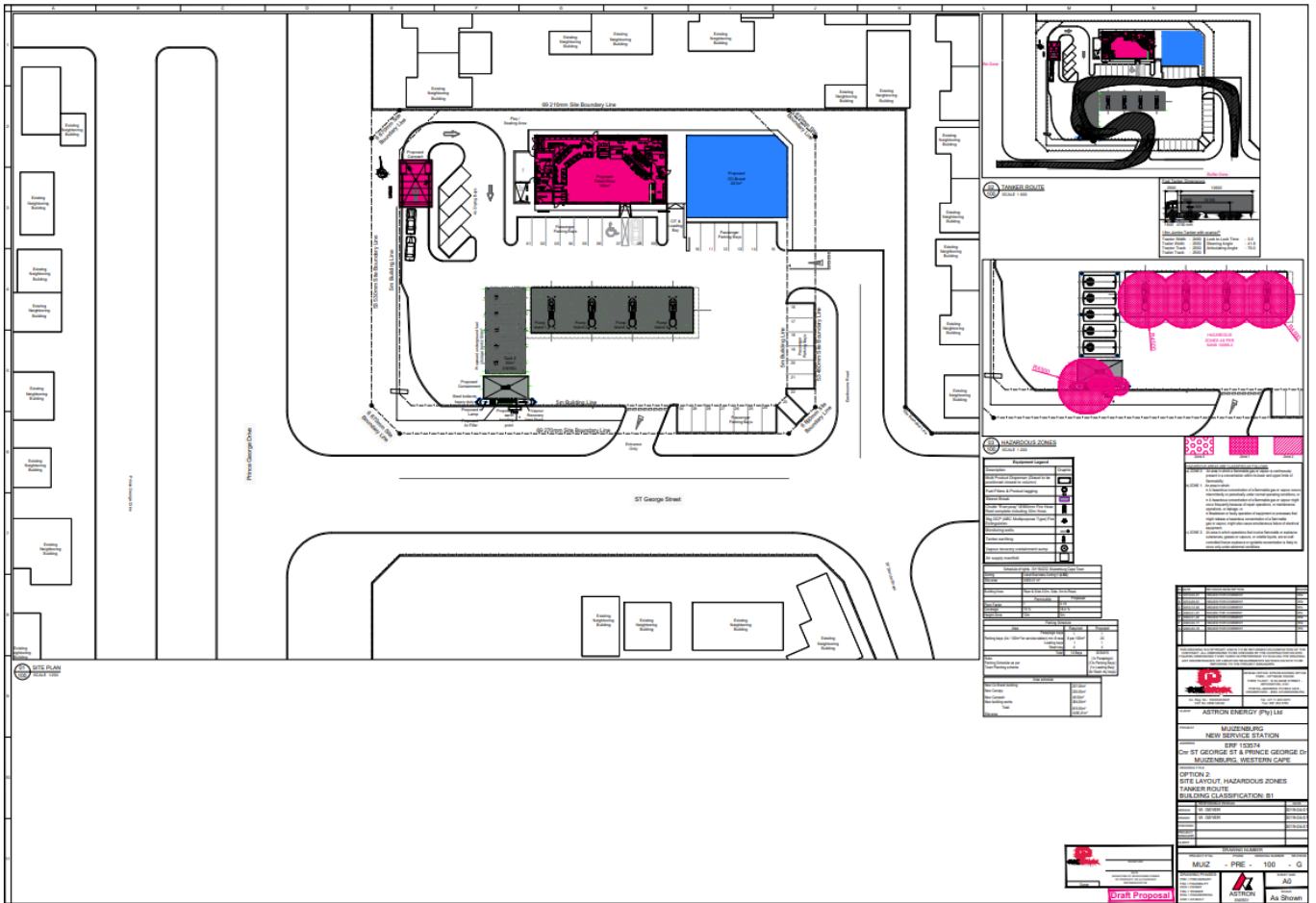
ANNEXURE 1: LOCALITY MAP

Erf 164232, Muizenberg (outlined in red below).



ANNEXURE 2: SITE PLAN

Proposed development on Erf 164232, Muizenberg



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 04 December 2019 and received by the competent authority on 05 December 2019, the BAR dated 06 August 2020 and received by the competent authority on the same date, the EMPr submitted together with the BAR and the additional information received by the competent authority on 30 October 2020;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 06 August 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 which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process ("PPP") included:

A pre-application process which entailed the following:

- Identification of and engagement with I&APs;
- Fixing a notice board on the site where the listed activities are to be undertaken on 27 September 2019;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 26 September 2019;
- The placing of a newspaper advertisement in the "False Bay Echo" on 26 September 2019;
- Uploading the pre-application draft BAR onto the EAP's website and notifying all the I&APs of its availability.
- Making the pre-application BAR available to I&APs for comment from 27 September 2019 to 28 October 2019.

The post-application process on the draft BAR Version 1 entailed the following:

- Identification of and engagement with I&APs;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 13 January 2020; and
- Uploading the Draft BAR (Version 1) onto the EAP's website and notifying all the I&APs of its availability.
- A hardcopy and CD of the Post-Application BAR were provided to the Evergreen Retirement Village community.
- Making the draft BAR (Version 1) available to I&APs for comment from 14 January 2020 until 14 February 2020.

This Department requested a third round of public participation, as *inter alia*, the need and desirability section provided in the Feasibility Study needed to include a more detailed motivation, a more detailed description on the layout alternatives was also requested and further amendments were required in the EMPr.

The post-application process on the draft BAR Version 2 entailed the following:

- Identification of and engagement with I&APs;
- Email Notification was sent on 22 June 2020 to registered Interested and / or Affected Parties (I&APs) to comment on the Post App Draft BAR (Version 2), advising them as to the location of the report on the EAP's website.
- Electronic hardcopies of the Post Application Draft BAR (Version 2) were provided via an emailed Dropbox Link to identified Key Authorities who were requested to comment.
- Uploading the Draft BAR (Version 2) onto the EAP's website and notifying all the I&APs of its availability.
- Making the revised/draft BAR (Version 2) available to I&APs for public review from 23 June 2020 until the 23 July 2020.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation processes. This Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response 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

Three layout alternatives, two access alternatives and the "no-go" alternative were identified and assessed.

Layout Alternatives

Layout Alternative 1 (Layout Option 1)

This alternative entails the development of a fuel service station and associated infrastructure on Erf 164232, Muizenberg.

The proposed development includes:

- Five underground fuel storage tanks (USTs) of approximately 30m³ capacity each, with two of the tanks containing diesel and three of the tanks containing unleaded petrol;
- Four island stations (16 pumps) under a canopy and built on a cement base;
- Fuel tank filler points;
- Separator system for surface runoff;
- Associated underground fuel and filler lines;
- A convenience store (approximately 145m²)
- A co-branding shop (approximately 257m²)
- A car wash;
- 30 on-site parking bays and an additional 4 parking bays at the car wash;

This layout is different from the two layout alternatives described below in many respects. The layout of the infrastructure, carwash and shops are placed in different locations.

In the case of Layout Alternative 1, the filler slab is not optimally located and the truck delivering the fuel would essentially block traffic from exiting the site. In addition, limited space exists for movement around the pump islands and traffic congestion would occur if work is done on the underground tanks. This layout was therefore deemed undesirable as far as safety is concerned.

Layout Alternative 2 (Layout Option 2) (the preferred alternative - herewith authorised)

This alternative entails the development of a fuel service station and associated infrastructure on Erf 164232, Muizenberg.

The proposed development includes:

- Five underground fuel storage tanks (USTs) of approximately 30m³ capacity each, with two of the tanks containing diesel and three of the tanks containing unleaded petrol;
- Four island stations (16 pumps) under a canopy and built on a cement base;
- Fuel tank filler points;
- Separator system for surface runoff;
- Associated underground fuel and filler lines;
- A convenience store (approximately 145m²)
- A co-branding Brand shop (approximately 257m²)
- A car wash;
- 30 on-site parking bays and an additional 4 parking bays at the car wash;

This layout is essentially the same as in Layout Alternative 3 (Layout Option 3) except that the location of the filler point for offloading fuel in Layout Alternative 3 is where bowser trucks can easily be parked, near the southern boundary of the site.

Layout Alternative 2 is the preferred alternative, as the southern boundary of the site is bordered by St George Street, resulting in a wider buffer area between the on-site filler point and the nearest residential houses. This means that the filler point with its associated localised fuel vapour emissions when offloading fuel will be less likely to impact on residents.

Traffic flow will not be obstructed in a manner that will cause any significant safety risks, as there will be sufficient space for movement around the pump islands. Should work be required on the fuel tanks, the work will not impede vehicles entering the site to refuel at the pumps (therefore no queuing or safety risk or congestion). Layout Alternative 2, as with the other two layouts, is strategically designed so that the main entrance and forecourt area are facing south, with the rear of the facility bordering the residential development on the north and eastern side of the subject property, therefore the main activity hub where traffic and noise will occur is mostly located further away from the residential Evergreen Retirement Village.

Layout Alternative 3 (Layout Option 3)

This alternative entails the development of a fuel service station and associated infrastructure on Erf 164232, Muizenberg.

The proposed development includes:

- Five underground fuel storage tanks (USTs) of approximately 30m³ capacity each, with two of the tanks containing diesel and three of the tanks containing unleaded petrol;
- Four island stations (16 pumps) under a canopy and built on a cement base;
- Fuel tank filler points;
- Separator system for surface runoff;
- Associated underground fuel and filler lines;
- A convenience store (approximately 145m²)
- A co-branding shop (approximately 257m²)
- A car wash;
- 30 on-site parking bays and an additional 4 parking bays at the car wash;

This layout is similar to the preferred alternative (Layout Alternative 2) except for the location of the filling point to offload the fuel into the underground storage tanks. The filling point for this option is located near the west boundary of the site behind the car wash.

Layout Alternative 3 is not the preferred alternative, as bowser trucks offloading fuel at the filling points would essentially block access to the car wash and cause potential safety risks when the queue to the carwash grows long.

Access Alternatives

Access Alternative 1 (Option 1) (the preferred alternative - herewith authorised)

This alternative entails a left-in access only at St George Street, approximately 58m from Prince George Drive and a full access (entrance and exit) via Eastbourne Street.

Access Alternative 1 is the preferred access alternative, as only one entry access from St George Street will be available. Therefore, the safety impact on vehicles and pedestrians using St George Street is considered low with only traffic entering the service station.

Alternative 2 (Option 2)

This alternative entails a full access (entrance and exit) at both St George Drive and Eastbourne Road.

Access Alternative 2 is not the preferred alternative, as the existing turning lanes at the Eastbourne and St Davids intersection as well as the painted island that is in front of the now proposed left-in only at St George Street, means that access and egress from St George Drive is not feasible due to increased traffic and the safety risk involved.

"No-Go" Alternative

The "no-go" alternative entails maintaining the existing state of the site. The 'no-go' alternative could ultimately result in the degradation or loss of the botanical and freshwater environment on the site as it is likely envisioned that this site will be utilised for additional residential development (infill development), and therefore, the "no-go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is zoned Single Residential 1, which allows for single residential land use rights, and will now require a rezoning application in terms of the relevant planning legislation to allow for development of the service station and associated infrastructure.

A Feasibility Study (compiled by Ralph McKellar of McKellar & Associates and dated 25 February 2020) was undertaken to establish the viability of the proposed development. The assessment recognised that business volume and trade for the proposed development come from three main sources, namely the local residential neighbourhood, commuters travelling south on Prince George Drive (typically on the way home) and local businesses/commercial establishments. A need and desirability profile was determined by tabulating the needs and related provision and benefits for each trade source.

The assessed benefits to neighbouring residents and the local area will be in the form of a branded facility delivering international standards of service, products and food, compliant with health and safety standards, with local franchise oversight and strict environmental controls, a reputable and accountable management system and operating at suitably managed noise levels. Easy access and egress to a well-designed free-flowing forecourt and

being conveniently located on a primary access and egress road. A convenience store and fast-food outlet will provide an extensive choice of products. Given the location of the proposed service station, using this facility will avoid a lengthy and intricate commute to other facilities and provides easy access to the car wash. An additional 25 permanent jobs will be provided in the fuel section plus an additional 12-15 permanent jobs in the car wash and convenience retail area will provide a new opportunity for job seekers.

For passing commuters the same assessed benefits as above will be provided in the form of the branded facility with the convenience store and fast-food outlet and whilst there is no direct access to Prince George Drive the proposed development will offer easy access and egress to a free-flowing forecourt.

The assessed benefits to local commercial businesses will include the branded facility, the free-flowing forecourt with easy access and egress, the convenience store and fast food outlet, the car wash and the provision of additional jobs.

According to the specialist within a 3km radius area there are currently 6 operating service stations (2 BP, 1 Caltex, 1 Engen, 1 Shell and 1 Total), providing fuel plus a range of retail and added value service offerings. Most of the service stations in the trade area (3km radius area) is largely scattered and small. The economic and population growth in the surrounding area caters for future growth. Distinct trade boundaries and traffic corridors allow each currently viable site (service stations) to remain profitable. It is therefore, anticipated that the proposed service station's impact on fuel volumes (loss of fuel) on each of the existing service station, except one, in the 3km radius will be small enough to be absorbed. Job losses will be at a minimum. The jobs created by the proposed service station will absorb more than what will be lost to the area. The surrounding area will benefit from a new service station that provides for the local customer's fuel and convenience needs, providing a customer-focused facility that will also bring new volume to the area. This will potentially benefit all service station sites in the area.

The specialist concluded that the proposed development will also provide positive benefits to the City of Cape Town as it will provide a revenue stream by way of taxes, levies and the sale of water and electricity.

3.2. Freshwater impacts

A Freshwater Impact Assessment was undertaken to determine the potential impacts of the infilling of the existing wetland on the site and this culminated in a freshwater impact assessment report compiled by Freshwater consulting cc dated 05 April 2019.

The freshwater specialist indicated that during the fieldwork in February 2019, it was confirmed that a small depression wetland exists on Erf 164232, but this wetland is a lot less extensive than the area indicated on the City of Cape Town Wetlands Map. The total extent of the wetland is approximately 85m² (0.0085 ha) and the location of the wetland is near the centre of the site.

In terms of the conservation importance of the wetland identified on the site, it was concluded that the wetland is of low conservation value. This is because, despite the wetland representing a threatened habitat type (*i.e.* dune strandveld depression wetland) and having been identified as part of a CESA by the City of Cape Town (when it was previously mapped as part of a much larger wetland), the wetland does not provide ecologically or functionally significant aquatic habitat because of its small size (being less than 0.01 ha in total extent) and is low importance as a corridor linking with other aquatic ecosystems (due to the isolated nature of the site).

The specialist noted that the coverage of vegetation within the wetland was quite sparse and a low diversity of species was observed. Footpaths traverse the wetland and evidence of trampling exists in the wetland even where no footpaths exist as well as some dumping and littering within the wetland.

The specialist explains that the Present Ecological State of the wetland has been determined as "moderately modified" and that in terms of conservation importance, the wetland is likely to be of very low conservation value. This is because the wetland does not provide ecologically or functionally significant aquatic habitat due to its extremely small size. The specialist further explains that the wetland is of low importance as a corridor between other aquatic ecosystems. The anticipated loss of the wetland (proposed to be infilled) was rated by the specialist as a negative impact of low significance. Despite this, the specialist did recommend that a new wetland be created elsewhere on the site, to compensate for the wetland that will be infilled. This mitigation measure has been included in the EMPr.

3.3. Ground water impacts

A groundwater impact assessment was conducted by GEOSS South Africa (Pty) Ltd to determine the impact of the fuel service station on groundwater and this culminated in a groundwater specialist assessment report dated 04 March 2020.

The groundwater specialist indicates that the regional aquifer directly underlying the site is classified by the National Department of Water and Sanitation as an intergranular aquifer with an average borehole yield of 0.5 – 2 L/s. Based on the DWAF (2002) mapping of the regional groundwater quality, as indicated by electrical conductivity (EC), the area is in the range of 70 - 300 mS/m. This is considered a "moderate" quality for water with respect to drinking water standards. The groundwater vulnerability rating for the area surrounding the proposed site has been assigned a value of "very high" (DWAF, 2005).

From the hydrocensus the specialist identifies that there are a number of groundwater uses surrounding the proposed site. A hydro-census was conducted to establish groundwater users within a 1km radius of the site. The specialist states that only one registered borehole, registered with the National Groundwater Archive, exists within 1km of the site. Additional boreholes, not registered, were however found by looking for borehole / well-point signage on houses. Based on the hydro-census data it is evident that there are a number of groundwater users in the area surrounding the proposed site. The majority of the groundwater users make use of shallow well points and use the water for irrigation in their gardens. The specialist further explains that the site is regarded as sensitive in terms of groundwater due to the highly impermeable sands and shallow groundwater level. Should any of the prevention / mitigation measures fail, the aquifer will become contaminated and receptors will be at risk. Therefore, the specialist concludes that the proposed development should proceed, however, the highest levels of protection and monitoring should be installed on site with regards to the storage of the fuel.

This Department's Directorate: Pollution and Chemicals Management indicated in their correspondence dated 21 February 2020, that it was in support of the specialist's assessment contained in the report dated 04 March 2020, and noted that the highest levels of protection and monitoring are required on site in order to avoid and mitigate any potential, water, soil and groundwater impact and contamination risk.

The potential groundwater impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr. The potential groundwater impacts during construction are anticipated to be of low-medium negative significance after being mitigated and low-medium negative significance during the operational phase after being mitigated.

3.4. Botanical impacts

A Botanical Assessment was conducted to determine how the proposed development will impact on the receiving botanical environment.

The specialist explains in the botanical assessment compiled by NCC Environmental Services (Pty) Ltd and dated 11 April 2019 that of the species found on site, *Capnophyllum africanum*

is of importance as this species is categorised listed as 'Near Threatened' ("NT") and that this is a result of 'competition from alien invasive plants as well as habitat loss to urban expansion and coastal development'. *Psoralea repens* was found on the site in 2007 and although not found during the October 2018 and January 2019 site assessments, it is listed as possibly still occurring. This species is NT, as 'Coastal development has caused at least 20% habitat loss and is continuing. Many areas of coastal vegetation are also densely invaded by alien plants, causing an ongoing deterioration of the natural vegetation'. Apart from these two species only generalistic CFDS plants were noted on site.

The specialist concluded in the botanical assessment that from a botanical perspective, the site is in a poor ecological state and is transitioning from a modified to replaced vegetation type. The existing negative impacts associated with the site and removal of vegetation drivers suggest that the site will, if left as is, slowly degrade and become a transformed area. The site is described as having no conservation importance from a biodiversity planning standpoint and no endangered plant species were found on the site.

The potential botanical impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr. The potential botanical impacts of construction are anticipated to be of low-medium negative significance after being mitigated.

3.5. Geotechnical impacts

A Geotechnical investigation was conducted to investigate and report on the subsoil conditions of the proposed site on Erf 164232, Muizenberg.

The following was investigated:

- Subsoil Profile;
- Founding conditions;
- Groundwater conditions;
- Excavation conditions; and
- Materials utilisation potential.

Two trial holes were excavated. The holes were excavated at selected positions and the subsoil conditions were assessed by detailed visual examination of the in-situ materials exposed. From the trial holes the specialist confirmed the site is underlain by fill and naturally transported soils of which the upper 1.3m is of unacceptably loose consistency and viable content.

The geotechnical specialist initially encountered groundwater at depths of 1.7m to 2.2m which is representative of a perched water table. The geotechnical specialist noted that given the non-cohesive nature of the on-site site soils, no significant problems should be experienced when excavating material to depths of up to 3,0m below ground level, with the use of conventional light earthmoving equipment. The specialist concluded that the site is underlain at shallow depths by sandy soils of transported origin and that conditions will be suitable for the use of underfloor / structural fill, once oversized material and rubble (bricks, plastic, pipe off-cuts etc.) have been removed and the material is compacted to at least 98% Mod AASHTO.

3.6. Traffic Impacts

A Traffic Impact Statement was undertaken to determine the potential traffic impacts associated with the proposed development.

The traffic impact specialist determined that the resulting trip generation rate for the service station (based on 400m² Retail GLA) would be: 28 trips/100 m² in the AM peak hour, 29.5 trips/100 m² in the MD peak hour and 30 trips/100 m² in the PM peak hour. These trip generation rates are higher than the TMH17 rates for 400 m² Retail GLA for the PM peak hour which is 21.7

trips/100m². Of this rate only 33% would be new trips (i.e. 7.16 new trips/100 m²) with the remaining trips being pass-by and diverted trips.

The access to the proposed development is proposed from St George Street via a left-in access approximately 58 m (measured kerb-to-kerb) from Prince George Drive, and a full access opposite St Davids Street located approximately 30 m (measured kerb-to-kerb) to the west of the proposed left-in access, along St Georges Street.

Twenty-five (25) parking bays are provided at a rate of approximately 6 bays/100m² GLA which is more than what is required in terms of the By-law for retail (4 bays/100m² for line shops).

The forecourt is well located, allowing for good traffic flow from both accesses. The car wash is located to the west of the site and forecourt and ensures that any queues would not negatively impact on the flow of cars through the forecourt. According to the fuel delivery tanker route, the tanker will enter using the left-in access, turn left and do deliveries and then exit via the full access at Eastbourne Street. This is considered acceptable.

Based on calculations, the overall anticipated transport impact is not significant during all peak hours, regardless of the distribution over the local road network. The potential traffic impacts associated with the proposed development have been identified in the BAR as being of low to medium significance prior to mitigation and low negative after being mitigated.

3.7. Noise impacts

A Noise Impact Assessment was undertaken to assess the residual noise levels to be generated from the proposed development. This culminated in a specialist report compiled by Mackenzie Hoy Consulting Acoustics dated 07 January 2020.

The maximum anticipated sound pressure level at the property boundary of Muizenberg Fuel Station will not exceed the maximum allowable limit (as per the Western Cape Noise Control Regulations) of 60 dBA during the daytime during peak hour operations. The results of the noise impact assessment also show that it is not anticipated that Muizenberg Fuel Station will exceed the maximum allowable limit of 50 dBA during the night-time.

The noise specialist therefore concluded that the significance ranking of the proposed Muizenberg Fuel service Station is therefore considered Low in terms of noise impact, as the predicted noise contribution at the nearest dwellings to the proposed site complies with the legal standards and regulations applicable to inhabited areas and the development will not cause an increase in residual noise levels existing in the area.

The potential noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr. The potential noise impacts are anticipated to be of low-medium negative significance post mitigation during construction and low negative significance post mitigation during the operational phase.

3.8. Dust impacts

Potential dust impacts associated with the authorised development will be mitigated by the implementation of the mitigation measures included in the EMPr. The potential dust impacts during construction are anticipated to be of low-medium negative significance after mitigation and during the operational phase, it is anticipated that the impact will be low-negative after mitigation.

3.9. Air quality impacts

Fuel vapour emissions during the operational phase of the authorised development may cause an odour nuisance or health impacts to nearby residents, staff on site or to users of the fuel service station. These impacts will be mitigated by the implementation of the mitigation

measures included in the EMPr. It is anticipated that the potential air quality impacts will be of low negative significance when mitigation measures are implemented during the operational phase.

3.10. Archaeological impacts

Heritage Western Cape in their correspondence dated 28 June 2019 indicated that there is no reason to believe that the proposed development on Erf 164232, Muizenberg will impact on heritage resources and therefore no further action under Section 38 of the National Heritage Resources Act (Act No. 25 of 1999) is required.

3.11. Visual impacts

The likelihood exists of visual impacts on nearby residents as a result of temporary disturbance during construction of the authorised development. The visual disturbance will be caused by trenches, construction vehicles and machinery, fencing and signage. It is anticipated that the potential visual impacts will be of low negative significance after the implementation of mitigation measures during the construction and operational phases.

3.12. Fire, health and safety impacts

Potential fire, health and safety impacts associated with the operation of the proposed development include fuel vapours causing odour nuisance or health impacts to nearby residents, staff on the site or to users of the fuel service station will be mitigated by the implementation of the mitigation measures included in the EMPr. The potential fire, health and safety impacts are anticipated to be of low negative significance after the implementation of mitigation measures during the operational phase.

3.13. Services

The City of Cape Town confirmed (in their correspondence dated 30 August 2019) that sufficient unallocated potable water and sewerage capacity is available to service the proposed development.

The City of Cape Town confirmed in correspondence dated 06 July 2020 that sufficient unallocated electricity supply to service the fuel service station is available. The City of Cape Town also confirmed in correspondence dated 28 July 2020 that a solid waste disposal service will be made available for the fuel service station.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The loss of vegetation as a result of construction;
- The infilling of a wetland;
- Potential visual impacts during the construction and operational phase;
- Potential dust and noise impacts during the construction and operational phase;
- Potential soil and groundwater contamination during the construction and operational phases;
- Potential traffic impacts during the construction and operational phases;
- Potential air quality impacts during the operational phase; and
- Potential fire, health and safety impacts during the construction and operational phases

Positive impacts include:

- The fuel service station will provide some employment opportunities during the construction phase and operational phase;
- An additional fuel service station with convenience store to residents and commuters in the area;
- Economic gain for the applicant; and

- The proposed development will provide a revenue stream for the City of Cape Town by way of taxes, levies and the sale of water and electricity.

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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