



REFERENCE: 16/3/3/5/A1/20/3023/23
NEAS REFERENCE: WCP/EIA/AMEND/0000729/2023
DATE OF ISSUE: 02 June 2023

The Board of Directors
TotalEnergies Marketing South Africa (Pty) Ltd
P. O. Box 579
SAXONWOLD
2132

Attention: Sunil Manga

Tel.: 011 778 2000
E-mail: sunil.manga@totalenergies.com

Dear Sir/Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 OCTOBER 2018 (REFERENCE: 16/3/3/5/A1/20/3037/18) FOR THE APPROVED DEVELOPMENT OF A SERVICE STATION AND ASSOCIATED INFRASTRUCTURE AT N1/SABLE INTERSECTION ON PORTION 57 OF FARM 245, MONTAGUE GARDENS.

1. With reference to the above application, this Department hereby notifies you of its Decision to **grant** an amended EA, attached herewith, together with the reasons for the Decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended) you are instructed to ensure, within 14 days of the date of the amended EA, that all registered Interested and Affected Parties ("I&APs") are provided with access to 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 Appeal Regulations, 2014 (as amended) which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

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

Yours faithfully

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

Copied to:

1. Kirstin Otten (Mills & Otten Environmental Consultants (Pty) Ltd)
2. Sonja Warnich-Stemmet (City of Cape Town)

E-mail: kirstin@millsandotten.co.za
E-mail: sonja.warnichstemmet.capetown.gov.za



REFERENCE: 16/3/3/5/A1/20/3023/23
NEAS REFERENCE: WCP/EIA/AMEND/0000729/2023
DATE OF ISSUE: 02 June 2023

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 OCTOBER 2018 (REFERENCE: 16/3/3/5/A1/20/3037/18) FOR THE APPROVED DEVELOPMENT OF A SERVICE STATION AND ASSOCIATED INFRASTRUCTURE AT N1/SABLE INTERSECTION ON PORTION 57 OF FARM 245, MONTAGUE GARDENS.

With reference to your application for the abovementioned, find below the amendment to the original EA and the amendment to the amended EA with respect to this application.

A. BACKGROUND INFORMATION

1. An Environmental Authorisation was issued by this Department on 13 November 2013 (Referenced: 16/3/1/1/A1/18/3007/13) for the development of a service station and associated infrastructure on Portion 57 of Farm 245, Montague Gardens (attached as Annexure A).
2. On 15 September 2016, an amended Environmental Authorisation was issued to change the name of the holder of the Environmental Authorisation to TotalEnergies (Total South Africa (Pty) Ltd. (Referenced: 16/3/3/5/A1/20/3041/16) (attached as Annexure B).
3. On 24 October 2018, an amended Environmental Authorisation was issued granting an extension of the validity period, change in contact details of the holder of the EA and a change in co-ordinates (Referenced: 16/3/3/5/A1/20/3037/18) (attached as Annexure C).
4. An application for amendment of the amended Environmental Authorisation issued on 25 October 2018 in terms of the NEMA EIA Regulations, 2014 (as amended) was received by this Department on 10 May 2023. The application is for an amendment of the validity period of the Environmental Authorisation.

B. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), this Department herewith **grants** the amendment of the amended Environmental Authorisation issued on 24 October 2018.

The Environmental Authorisation (Reference No: 16/3/3/5/A1/20/3037/18) is amended as set out below:

The following condition of Section E (conditions of authorisation) of the Environmental Authorisation is amended to read as follows:

"Condition 1: "The holder must commence with the listed activity by 23 October 2028. If commencement of the activity does not occur within this period, this amended Environmental

Authorisation lapses and a new application for Environmental Authorisation must be made for the activity to be undertaken.”

C. REASONS FOR THE DECISION

In reaching its Decision, the Competent Authority took, *inter alia*, the following into consideration:

- (a) The information contained in the application for amendment dated and received by this Department via electronic correspondence on 10 May 2023.
- (b) The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the original Environmental Authorisation issued on 13 November 2013 (Referenced: 16/3/1/1/A1/18/3007/13).
- (c) The commencement of construction activities has been delayed due to unforeseen delays associated with the design approvals of the access roads, the lapsing of the land use rights, obtaining the retail and site licenses and financial constraints experienced by the applicant. As such, the holder of the Environmental Authorisation was unable to commence with the development for these reasons.
- (d) The environment and the rights and interests of interested and affected parties (“I&APs”) will not be adversely affected by the decision to amend the Environmental Authorisation.
- (e) All other conditions contained in the Environmental Authorisations issued on 13 November 2013 and 15 September 2016, remain unchanged and in force.

D. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this Decision–
 - 1.1. notify all registered I&APs of –
 - 1.1.1. the outcome of the application;
 - 1.1.2. the reasons for the Decision as included in Section B;
 - 1.1.3. the date of the Decision; and
 - 1.1.4. the date when the Decision was issued.
 - 1.2. 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 D below;
 - 1.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the Decision;
 - 1.4. provide the registered I&APs with:
 - 1.4.1. the name of the holder (entity) of this amended EA;
 - 1.4.2. name of the responsible person for this amended EA;
 - 1.4.3. postal address of the holder;
 - 1.4.4. telephonic and fax details of the holder;
 - 1.4.5. e-mail address, if any, of the holder; and
 - 1.4.6. 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).

E. 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 twenty (20) 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
 - 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 twenty (20) 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 twenty (20) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: 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. Marius Venter (Tel.: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority at the address listed above and/or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel.: (021) 483 3721, E-mail: DEADP.Appeals@westerncape.gov.za or URL: <http://www.westerncape.gov.za/eadp>.

F. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the EA 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 noncompliance 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: 02 JUNE 2023

Copied to:

1. Kirstin Otten (Mills & Otten Environmental Consultants (Pty) Ltd)

E-mail: kirstin@millsandotten.co.za

2. Sonja Warnich-Stemmet (City of Cape Town)

E-mail: sonja.warnichstemmet.capetown.gov.za

Annexure A

Copy of the original EA issued 13 November 2013

From: To: 00214611120 13/11/2013 15:15 #837 P.001/019

13 NOV 2013



**DIRECTORATE: LAND MANAGEMENT
REGION 2**

EIA REFERENCE NUMBER: 16/3/1/1/A1/18/3007/13
ENQUIRIES: Mr. M. Lamour

DATE OF ISSUE: 13 NOV 2013

The Executor
Estate Late Sir D.P De Villiers Graaff
Graaffs Trust Ltd
P.O. Box 1609
CAPE TOWN
8000

Attention: Mr. W. Buys

Tel: (021) 464 3100
Fax: (021) 461 0523

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: THE PROPOSED CONSTRUCTION OF A SERVICE STATION AND ASSOCIATED INFRASTRUCTURE AT N1/SABLE INTERCHANGE ON PORTION 57 OF THE FARM 245, MONTAGUE GARDENS, CAPE TOWN.

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

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activity specified in section B below with respect to Alternative 1 for layout and services alternatives described in the Basic Assessment Report ("BAR") dated 9 September 2013.

7th Floor, 1 Deep Street, Cape Town, 8001
Tel: +27 21 483 2881 Fax: +27 21 483 0782

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Executor
Estate Late Sir D.P De Villiers Graaff
c/o Mr. W. Buys
Graaffs Trust Ltd
P.O. Box 1609
CAPE TOWN
8000

Tel: (021) 464 3100
Fax: (021) 461 0523

The abovementioned company is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. ACTIVITY AUTHORISED

Government Notice No. R544 of 18 June 2010 –

Activity Number: 13

Activity Description:

The construction 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 50 but not exceeding 500 cubic metres;

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

The applicant is herein authorised to undertake the following alternative related to the listed activity:

The proposed development will entail the construction of a service station and associated infrastructure. The service station will consist of the following components:

A forecourt refueling area for light and heavy vehicles which would include 12 petrol/diesel pumps for light vehicles and two pumps designated for heavy vehicles. Underground fuel storage tanks of up to 250 m³ would be installed. A parking area for light (40 bays) and heavy (7 bays) vehicles, pedestrian access from Sable Road and a storm water retention pond system would form part of the infrastructure on site. A 24-hour convenience store, and ancillary facilities will also be developed on the site which may include:

- Restaurant and take-away facilities;
- Public toilets;
- Public telephones and Automatic Teller Machines ("ATM's");
- Office accommodation for service station management; and
- Associated infrastructure.

In order to maximise the deceleration (from the N1 frontage road to the site) and acceleration (from the site to the N1 frontage road) ramp lengths, the linear length of the internal layout has been minimised. The internal layout of the service area is conventional i.e. trucks are located at the back of the proposed facility, cars at the front and there is a

progressive movement of vehicles through the site in the same traffic direction as the adjacent N1 frontage road.

The entrance and exit ramps will have conventional tapers, signs and road markings that are normally associated with a direct access service station on a national road network.

Storm water runoff for the undeveloped service area site is currently serviced through an existing 1 000 mm diameter storm water pipe culvert crossing the Sable Road exit ramp and a 580 mm diameter pipe culvert to the north of the site. A new storm water system would be constructed to link into the 1 000 mm diameter storm water pipe culvert in order to deal with the on-site storm water retention of the proposed development. A 520 m³ storm water bioretention pond will also be constructed for the treatment of contaminated storm water.

Potable water would be required for domestic purposes, kitchen uses, vehicle servicing etc. An existing bulk water main of 450 mm diameter runs adjacent to the north of the site and Century City water reticulation runs along Sable Road, westwards of the site. The applicant will install a water pipeline along Sable Road and tie this into the available municipal water supply potable water pipeline crossing Sable Road.

The proposed site does not contain any sewer connections and is relatively isolated from nearby serviced areas. Sewage will therefore be pumped via a newly installed pumping station (and pipeline) along Sable Road towards Ratanga Road, crossing Ratanga Road and will tie in to Bridgeways sewer pump station.

Medium voltage (MV) electrical infrastructure is available within the area. This would provide the proponent with an opportunity to tap into the nearest MV electrical supply substation. The nearest point of connection would be within the Century City area, possibly along Century Boulevard or Bridgeway Street. Existing electrical infrastructure will be extended and a small substation will be installed to meet the on-site supply needs. Electricity would therefore be supplied by the City of Cape Town.

The proposed parking layout and general road layout has made provision for two large bays to be used by a waste removal service provider. Solid waste services will be provided by a private service provider at the applicants' expense.

C. PROPERTY DESCRIPTION AND LOCATION

The proposed site is located approximately 20 meters above mean sea level (mamsl) on a flat section of land between the off-ramp and the N1 frontage road at the N1/Sable Road interchange on Portion 57 of the Farm 245, Montague Gardens, in Cape Town.

The SG 21 digit code is: C016000000002450057

Co-ordinates: 33° 54' 10" South
18° 30' 30" East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

CCA Environmental
 c/o Mr. J. Crowther
 P.O. Box 10145
CALEDON SQUARE
 7905

Tel: (021) 461 1118/9
 Fax: (021) 461 1120

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with all the listed activity within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activity, including site preparation, may not commence during the period of administrative extension.
2. The listed activity, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)–
 - 3.1) notify all registered interested and affected parties of –
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision;
 - 3.2 draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below;
 - 3.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision; and
 - 3.4 publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
 - 3.4.1 informs all interested and affected parties of the decision;
 - 3.4.2 informs all interested and affected parties where the decision can be accessed; and

- 3.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
4. A minimum of seven calendar days notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3 and 13.
 5. The holder is 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.
 6. Any changes to, or deviations from the scope of the description set out 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 such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
 7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
 8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

An application for amendment to the EMP must be submitted to the competent authority if any amendments are to be made to the EMP, and this may only be implemented once the amended EMP has been authorised by the competent authority.

The EMP must be included in all contract documentation for all phases of implementation.
 9. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activity will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP 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. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
 10. The applicant 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. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activity authorised by the

competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:

- 10.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity was lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
- 10.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
11. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activity.
13. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for the construction phase of implementation before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions contained herein.
14. 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.
15. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met. The recommendations made by the Department of Water Affairs in their letter dated 29 October 2013 must be implemented (attached Annexure A).
16. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
17. All the storage tanks are to be designed, installed and managed in accordance with the relevant SANS standards pertaining to inter alia:
 - 17.1. underground tanks and pipe installation standards; and
 - 17.2. tank manufacturer standards.
18. Internationally approved non-corrosive pipework systems must be used. Perropolis piping systems, which are co-axially contained, fluorinated non-corrosive fuel lines can be considered in this regard.

19. During tanker delivery of fuel at the facility, the tanker driver must be present at all times during product offloading. Should an incident occur emergency cut-off must immediately stop fuel delivery.
20. All pipes (vent, filler and delivery) must slope back to the underground storage tank so that fuel does not remain in the pipes.
21. Shear off valves must be placed between the dispenser nozzle and hose to prevent product free flow in the event of a drive-away during vehicle refueling operations.
22. Leak detectors must be installed to detect leaks in fuel lines and automatically switch off the submersible pump installation in the underground storage tank. The applicant must ensure that effective stock inventory monitoring, recording and regular auditing will take place for the early identification of possible leaks and keep a leak history for the site. Inventory of fuel stock must be reconciled on a weekly basis. If any leak is detected the USI must be removed from service immediately.
23. Adequate training of forecourt staff must be done to ensure minimization of environmental impacts.
24. The applicant should as far as reasonably possible ensure that local labour is utilised during the construction and operational phase of the proposed development.
25. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
26. Landscaping must be implemented for certain areas (i.e. areas not covered with concrete etc.) on the site and only indigenous vegetation must be used for such landscaping.
27. Regular groundwater monitoring must be done at the expense of the applicant.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

1. An appellant must –
 - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;

- 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
- 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
 - 1.3.1. a copy of the notice of Intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
4. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:
 - By post Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
Cape Town
8000
 - or
 - By facsimile: (021) 483 4174
 - or
 - By hand: Attention: Mr Jaap de Villiers (Tel: 021-483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

The Western Cape Government, the Local Authority, 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. ZAAHIR TOEFY
DIRECTOR: LAND MANAGEMENT (REGION 2)

DATE OF DECISION: 13/11/2013

Copied to: (1) Mr. J. Crowther (CCA Environmental)
(2) Mr. S. Matthyssen (City of Cape Town)

Fax: (021) 461 1120
Fax: (021) 444 0558



EIA REFERENCE NUMBER: 16/3/17/A1/18/3007/13

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ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated January 2013 and received by the competent authority on 01 February 2013, the BAR received by the competent authority on 09 September 2013 and the EMP submitted together with the BAR and the additional information received by the competent authority on 08 October 2013;
- 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 National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the BAR dated 9 September 2013;
- e) The sense of balance of the 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 included:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site where the listed activity is to be undertaken on 26 February 2013;
- 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 25 February 2013; and
- the placing of a newspaper advertisement in the *'The Cape Times and Die Burger'* on 25 February 2013 (date).

The Department is satisfied that the Public Participation Process 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 EMP to adequately address significant concerns raised.

2. Alternatives

As a result of the expected traffic related impacts and the provision of services, the applicant decided to consider two main alternatives. These are the consideration of various internal layouts for the proposed service station to best suit the traffic (various means of linking to Sable and the N1 frontage road) of the area and various means of linking the proposed development with the required bulk services.

Various layout alternatives considered.

Alternative 1 (Conventional freeway exit / entrance and internal layout) (preferred alternative herewith authorised)

This alternative will entail the following:

A forecourt refueling area for light and heavy vehicles which would include 12 petrol/diesel pumps for light vehicles and two pumps designated for heavy vehicles. Underground fuel storage tanks of up to 250 m³ would be installed. A parking area for light (40 bays) and heavy (7 bays) vehicles, pedestrian access from Sable Road and a storm water retention pond system would form part of the infrastructure on site. A 24-hour convenience store, and ancillary facilities will also be developed on the site which may include:

- Restaurant and take-away facilities;
- Public toilets;
- Public telephones and Automatic Teller Machines ("ATM's");
- Office accommodation for service station management; and
- Associated infrastructure.

In order to maximise the deceleration (from the N1 frontage road to the site) and acceleration (from the site to N1 frontage road) ramp lengths, the linear length of the internal layout has been minimised. The internal layout of the service area is conventional i.e. trucks are located at the back of the proposed facility, cars at the front and there is a progressive movement of vehicles through the site in the same traffic direction as the adjacent N1 frontage road.

The entrance and exit ramps would have conventional tapers, signs and road markings that are normally associated with a direct access service station on a national road network.

This alternative was considered the preferred alternative as a result of preferred safety traffic characteristics.

Alternative 2 (Freeway exit / entrance / arrangement with weave (unconventional internal layout))

This alternative will mirror alternative 1, however the access is different in that this access arrangement overlaps the deceleration and acceleration movements over a two lane weave length on the internal access road to and from the service area. Thus, more than the minimum deceleration and acceleration lengths can be achieved but with the trade-off of introducing a weave movement and the tight horizontal curves (± 22 m and 15 m radius) at the end of the deceleration ramp and the start of the acceleration ramp, respectively.

The internal layout for the service area would therefore "mirror" the Alternative 1 layout but with entry into the site from the Sable Road end. Thus, the traffic flow through the site would be in the opposite direction to the adjacent N1 frontage road traffic, with the risk of a road user making a "wrongway manoeuvre" with concomitant road safety risks.

The entrance and exit ramps will have conventional tapers, signs and road markings that are normally associated with a direct access service station on a national road network.

This alternative was not preferred as a result of its fair to poor traffic safety characteristics.

Alternative 3 (Parallel exit / entrance arrangement with combined access point. Conventional internal layout but with tight horizontal radii at entrance and exit)

This alternative will be the same as alternatives 1 and 2 however the access aims to maximise the deceleration and acceleration ramp lengths by combining them at one access point and developing the service area layout behind the combined access point. Because of the narrow and constrained site, a parallel deceleration and acceleration lane arrangement has been used with tight horizontal curves (± 15 m radius) at the end and start of the exit and entrance ramps respectively.

This service area layout will therefore have fairly tight circulation/geometric characteristics as the same service area facilities have to be developed as per Alternative 1, but in a narrower strip of land due to the combined access point arrangement.

The entrance and exit ramps would have conventional tapers, signs and road markings that are normally associated with a direct access service station on a national road network.

This alternative was not considered preferred as it has a traffic safety rating of fair as opposed to Alternative 1, which has a rating of good.

Various means of linking to the required bulk services.

Alternative 1 (the preferred alternative herewith authorised)

Storm water runoff for the undeveloped service area site is currently serviced through an existing 1 000 mm diameter storm water pipe culvert crossing the Sable Road exit ramp and a 500 mm diameter pipe culvert to the north of the site. A new storm water system would be constructed to link into the 1 000 mm diameter storm water pipe culvert in order to deal with the on-site storm water retention of the proposed development. A 520 m³ storm water bioretention pond will also be constructed for the treatment of contaminated storm water.

Potable water would be required for domestic purposes, kitchen uses, vehicle servicing etc. An existing bulk water main of 450 mm diameter runs adjacent to the north of the site and Century City water reticulation runs along Sable Road, westwards of the site. The applicant will install a water pipeline along Sable Road and tie this into the available municipal water supply potable water pipeline crossing Sable Road.

The proposed site does not contain any sewer connections and is relatively isolated from nearby serviced areas. Sewage will therefore be pumped via a newly installed pumping station (and pipeline) along Sable Road towards Ratanga Road, crossing Ratanga Road and will tie in to Bridgeways sewer pump station.

Medium voltage (MV) electrical infrastructure is available within the area. This would provide the proponent with an opportunity to tap into the nearest MV electrical supply substation. The nearest point of connection would be within the Century City area, possibly along Century Boulevard or Bridgeway Street. Existing electrical infrastructure will be extended and a small substation will be installed to meet the on-site supply needs. Electricity would therefore be supplied by the City of Cape Town.

The proposed parking layout and general road layout has made provision for two large bays to be used by a waste removal service provider. Solid waste services will be provided by a private service provider at the applicants' expense.

These alternatives were considered the preferred means of providing some of the required services as it is the options with the lowest risk profile and is the most cost effective.

Alternative 2

A water pipeline that crosses under the N1 and Windermere railway line and that will tie into the water pipeline running along Acre Road, Kensington was considered for the provision of potable water.

The applicant considered the installation of a sewerage service crossing the N1 and the northern metro railway line to tie in to the sewerage service along Acre Road, Kensington.

Only one option each of supplying the proposed development with electricity and solid waste removal was considered. Only one option of supplying the proposed development with electricity and solid waste removal was considered.

Electricity will be sourced from the Century City area via the extension of existing infrastructure and a small substation.

The proposed parking layout and general road layout has made provision for two large bays to be used by a waste removal service provider.

This alternative was not considered the preferred means of providing the required services as it contains many more construction risks to overcome (including crossing the N1).

"No-Go" Alternative

This is the option of not constructing the proposed filling station and its associated infrastructure. As the preferred alternative is designed in such a manner as to avoid unacceptable impacts, the "no-go" alternative was not warranted.

4. Impacts, assessment and mitigation measures

4.1. Activity Need and Desirability

The closest service station to Cape Town on the N1 north-bound carriageway is approximately 35 km from Cape Town. It can therefore be argued that there is a need for a service station along the N1 between Cape Town and the outer edges of the Northern Suburbs. The proposed service station would fulfill this need as it would be situated approximately 10 km from Cape Town along the N1.

4.2. Regional/ Planning Context

The Cape Town Spatial Development Framework (SDF) (2012) plan earmarks the application site for urban development. The document includes a number of policies, one of these policies (Policy 15, the 'Reinforce and enhance metropolitan development corridors') states the City will support the development of metropolitan development corridors by, 'unlocking the development potential of vacant and partially developed land through proactive rezoning and/or instituting processes required to remove restrictive conditions of title'.

This is applicable to this project as the proposed site is currently vacant land and is categorised as an area demarcated for urban development purposes.

It can therefore be stated that the proposed development is in line with the forward planning for the area.

4.3. Services/ Bulk Infrastructure

There are no existing bulk services available on the site. The proposed development will therefore have to be serviced by existing sources from the surrounding area. A Services Assessment (dated April 2013) was conducted by HHO Africa Infrastructure Engineers cc in this regard to find various means of linking up with the surrounding available services. HHO made recommendations based on their findings. These recommendations are as follows:

- A 520 m³ storm water bioretention pond must be constructed for the treatment of contaminated storm water runoff from the proposed development. Two locations were considered on the site for a pond, one in the south and the other to the north. Either of these can be developed.
- For the provision of potable water the applicant must construct a water pipeline along Sable Road and tie this into the available potable water pipeline crossing Sable Road.
- For the provision of sewerage services, the applicant must install a pipeline along Sable Road towards Ratanga Road, crossing Ratanga Road and tie into Bridgeways sewer pumpstation.
- Electricity will be sourced from the Century City area via the extension of existing infrastructure and a small substation. The proposed parking layout and general road layout must make provision for two large bays to be used by a waste removal service provider.

The City of Cape Town (in their letter dated 29 August 2013) not only concurred with the findings of HHO Africa, but also confirmed that it has sufficient capacity to supply the proposed development with the required bulk services for potable water, storm water and sewerage.

4.4. Groundwater Impacts

There are no natural geophysical environmental features on the site. The Blouvllei Wetlands and the Sewe Pannetjies Wetlands near Century City are situated approximately 1 km to the north west and a wetland feature is situated approximately 800 m to the north east of the site, between the N1 and the northern metro railway line. As a result of the impacts associated with service stations on ground water and the proximity of the wetland features, a specialist groundwater study was conducted by Parsons & Associates Specialists Groundwater Consultants cc (dated 18 March 2013) for the area (which made reference to a study conducted during the period of December 2003).

The above-mentioned study concluded that though the establishment of any service station poses a risk, due to the classification of the aquifers and lack of groundwater users in the vicinity of the site, permission should be granted for the proposed development subject to the implementation of the required mitigation measures.

Impacts on groundwater have been considered in the environmental authorisation and mitigation measures included in the EMP.

4.5. Biodiversity

The site is situated within an existing road reserve and is regularly mowed as part of the routine road maintenance. The on-site vegetation consists almost entirely of *Cynodon dactylon* (kweekgras). Based on the above, it can be stated that the proposed development will have little or insignificant impacts on the biodiversity of the site.

It should further be noted that Cape Nature (in their letter 24 July 2013), did not object to the proposed development.

4.6. Visual Impacts

The service station would be visible from the N1 north-bound road, the N1 frontage road and Sable Road. The proposed service station would not be visually out of place in the area since a variety of different large structures can be seen from the road. These structures would to some extent allow the service station to blend into the surrounding environment.

The expected visual impact associated with the proposed development would therefore be of low significance.

4.7. Traffic

Due to the location and nature of the proposed development, it will have an impact on the traffic of its surrounding area. As a result of the anticipated impacts, a detailed Traffic Impact Assessment has been conducted by HHO Africa Infrastructure Engineers (dated April 2013). The study concluded that the proposed service station should be approved in principle subject to the recommended mitigation measures being implemented.

In addition to the above, it should also be noted that the preferred alternative layout of the proposed development is designed so as not to significantly affect the surrounding major transport routes.

The City of Cape Town Municipality (Transport, Roads & Storm Water Branch) (in their letter dated 16 July 2013) had no objections to the proposed development.

4.8. Health Issues

The major concerns associated with service stations are usually air pollution (in the form of fugitive Volatile Organic Compounds (VOC's). However, due to the proximity of the N1 National Road, and major highways, the proposed service station would not result in any significant increase in odour or air quality impairment.

Furthermore, air pollution has been considered in this environmental authorisation and mitigation measures have been included in the EMP.

4.9. Heritage Impacts

A Notice of Intent to Develop (NID) has been submitted to Heritage Western Cape as part of the impact assessment process. Heritage Western Cape in their letter dated 03 July 2013 confirmed that no further studies or assessments are required as the nature of the proposed development will not impact on heritage resources.

Furthermore, heritage related impacts have been considered in this environmental authorisation and the mitigation measures included in the EMP.

4.10. Socio-economic Impacts

It is estimated that the proposed development will create approximately 100 employment opportunities during its construction phase, 80 % of which are likely to be accrued to previously disadvantaged individuals. Furthermore, it will also create employment

opportunities during its operational phase, 80 % of which are likely to be accrued to previously disadvantaged individuals.

It is therefore evident that the proposed development may have some positive socio-economic impact.

Furthermore, socio-economic impacts have been considered in this environmental authorisation.

4.11 Impact Assessment and significance

The Environmental Impact Assessment determined that construction related impacts will have a significance rating of very low prior to mitigation, and with implementation of the proposed mitigation measures contained in the EMP and environmental authorisation, it will have a rating of insignificant. Traffic during the construction phase will have a significance rating of medium to low, however upon implementation of mitigation measures (recommended in the Traffic Impact Assessment conducted by HHO Africa Infrastructure Engineers (dated April 2013) it will have a significance rating of very low. Due to the nature of the proposed development the potential negative impacts on groundwater were initially considered to be of high significance. However, the Ground Water Assessment conducted by Parsons & Associates Specialists Groundwater Consultants cc (dated 18 March 2013) confirmed that the impacts on ground water would have a significance rating of low. Groundwater monitoring will also be conducted regularly. The impact on traffic was also a concern during the operational phase of the proposed development and had an initial significance rating of low before mitigation. The Traffic Impact Assessment however, found that the impact would have a significance rating of low.

National Environmental Management Act Principles

The National Environmental Management Act 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.

The development will result in both negative and positive impacts.

Negative impacts include:

- Construction related impacts, i.e. traffic from construction vehicles;
- Potential pollution of the groundwater resources; and
- increased traffic during the operational phase.

The Department is satisfied that all the negative impacts of significance will be addressed by the conditions contained in this EA and the mitigation measures contained in the EMP.

Positive impacts include:

- A positive impact on the socio-economic environment (i.e. some employment opportunities);
- Convenient and easily accessible service facility to Cape Town and outer edge of the Northern suburbs;

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, 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.

-----END-----

Annexure B-Copy of the Amended EA issued 15 September 2016



Directorate: D

ent
tion 1

EIA REFERENCE NUMBER: 16/3/3/5/A1/20/3041/1
ENQUIRIES: Mr. M. Lamour
DATE OF ISSUE: 2016-09-15

The Director
Total South Africa (Pty) Ltd.
P.O. Box 579
SAXONWOLD
2132

Attention: Mr. S. Manga

Tel: (011) 778 2340
Fax: (011) 778 2001

Dear Sir

NON-SUBSTANTIVE (PART 1) AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ("EA") FOR THE PROPOSED CONSTRUCTION OF A SERVICE STATION AND ASSOCIATED INFRASTRUCTURE AT N1/SABLE INTERCHANGE ON PORTION 57 OF THE FARM 245, MONTAGUE GARDENS, CAPE TOWN. (THE ORIGINAL EA DATED 13 NOVEMBER 2013 REF. NO 16/3/1/1/A1/18/3007/13).

With reference to your application, find below the amended environmental authorisation in respect of this application.

AMENDED ENVIRONMENTAL AUTHORISATION

A. DECISION

The Department in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations as defined in GN No. R. 982 of 04 December 2014, hereby amends the EA issued on 13 November 2013 (Reference Number: 16/3/1/1/A1/18/3007/13) as follows:

The name of the holder of the afore-mentioned environmental authorisation is herewith changed from Graaffs Trust Ltd. to Total South Africa (Pty) Ltd.

A. REASONS FOR THE DECISION TO AMEND THE ENVIRONMENTAL AUTHORISATION:

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The information contained in the application for the amendment dated 04 August 2016 and received by this Department on 11 August 2016 and the additional information received by this Department on 23 August 2016.
2. The fact that there is no change in the scope of the development and existing EA is still valid.

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Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eoadp

3. The environment and the rights or interests of other parties will not be adversely affected by the amendment of the EA. This amendment of the EA does not change the rights and duties of any person materially.
4. The conditions of the EA issued on 13 November 2013 will remain applicable.

All information presented to the Department was taken into account in the Department's consideration of the application.

B. APPEAL:

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant must –

- 1.1. Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;
- 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator; and
- 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.

2. The applicant (if not the appellant) the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

3. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Jaap de Villiers
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 J. de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

3. The environment and the rights or interests of other parties will not be adversely affected by the amendment of the EA. This amendment of the EA does not change the rights and duties of any person materially.
4. The conditions of the EA issued on 13 November 2013 will remain applicable.

All information presented to the Department was taken into account in the Department's consideration of the application.

B. APPEAL:

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant must –

- 1.1. Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;
 - 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator; and
 - 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.
2. The applicant (if not the appellant) the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
3. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Jaap de Villiers
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 J. de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

4. A 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: Jaap.deVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za>.

Yours faithfully



ZAAHIR JOOFF
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 15/07/2016

Copied to: (1) Mr. J. Blood [SLR Consulting]
(2) Ms. S. Matthyssen (City of Cape Town)

Fax: (021) 461 1120
Fax: (021) 444 0558

Annexure C-Copy of the Amended EA issued 24 October 2018

From:

To:*00865546573

25/10/2018 09:09

#521 P.001/029



Directorate: Development Management
(Region 1)

NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000311/2018

EIA REFERENCE NUMBER: 16/3/3/5/A1/20/3037/18

ENQUIRIES: Mr. M. Lamour

DATE OF ISSUE: 2018-10-24

The Board of Directors
Total South Africa (Pty) Ltd.
P.O. Box 579
SAXONWORLD
2132

For attention: Mr. A. Siebert

Tel: (011) 778 2000

Fax: (086) 680 3484

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 13 NOVEMBER 2013: PROPOSED CONSTRUCTION OF A SERVICE STATION AND ASSOCIATED INFRASTRUCTURE AT N1/SABLE INTERCHANGE ON PORTION 57 OF FARM NO. 245, MONTAGUE GARDENS, CAPE TOWN.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amended 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 Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to 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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

Yours faithfully

MR. ZAHIR TOEB
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Ms. S. De Beer (Mills & Otten (Pty) Ltd.)

(2) Ms. P. Timuss (City of Cape Town ERM)

(3) Ms. M. Linnaar-Strauss (Department of Water and Sanitation: Berg Water Management Area)

Fax: (086) 554 6573

Fax: (021) 444 0605

Fax: (021) 941 6077

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Email: Malcolm.Lamour@westerncape.gov.za

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Directorate: Development Management
Region 1

EIA REFERENCE NUMBER: 16/3/3/5/A1/20/3037/18
ENQUIRIES: Mr. M. Lamour
DATE OF ISSUE: 2018 -10- 24

The Board of Directors
Total South Africa (Pty) Ltd.
P.O. Box 579
SAXONWORLD
2132

For attention: Mr. A. Siebert

Tel: (011) 778 2000
Fax: (086) 680 3484

Dear Sir

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION IN TERMS OF PART 1 OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED) FOR THE CONSTRUCTION OF A SERVICE STATION AND ASSOCIATED INFRASTRUCTURE AT N1/SABLE INTERCHANGE ON PORTION 57 OF FARM NO. 245, MONTAGUE GARDENS, CAPE TOWN.

With reference to your application and the correspondence received on 03 October 2018, find below the amended environmental authorisation in respect of this application.

AMENDED ENVIRONMENTAL AUTHORISATION

A. BACKGROUND

1. An application for the development of a service station and associated infrastructure on Portion 57 of Farm No. 245, Montague Gardens was submitted to the Department on 18 January 2012. A Basic Assessment was followed in this regard. Subsequent to the process, an Environmental Authorisation was issued by this Department on 13 November 2013 (Ref. no. 16/3/1/1/A1/18/3007/13) (attached as Appendix A).
2. On 11 August 2016, an application for the amendment of this Environmental Authorisation was submitted. The amendment applied for was for the transfer of rights and obligations from Graaffs Trust Ltd. to Total South Africa (Pty) Ltd. An amended Environmental Authorisation was issued by this Department on 15 September 2016 (Ref. no. 16/3/3/5/A1/20/3041/16) (attached as Appendix B).
3. On 03 October 2018, an application for an amendment of the Environmental Authorisation issued on 13 November 2013 (Ref. no. 16/3/1/1/A1/18/3007/13) was received by the Department. The amendment applied for was for the extension of the validity period, change of site co-ordinates and to change the contact details of the holder of the Environmental Authorisation.

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Private Bag X9086, Cape Town, 8000
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B. DECISION

The Department in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations (as amended), hereby amends the Environmental Authorisation issued on 13 November 2013 (Reference Number: 16/3/1/1/A1/18/3007/13) and the amended Environmental Authorisation issued on 15 September 2016 (Ref. no. 16/3/3/5/A1/20/3041/16) as follows:

1. The following condition of Section E (conditions of authorisation) of the Environmental Authorisation, which reads:

*Condition 1: "This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with all the listed activity within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activity, including site preparation, may not commence during the period of administrative extension".*

Is herewith amended as follows:

The holder of the Environmental Authorisation must commence with the listed activity on the site within a period of five (5) years from the date of issue of this amended Environmental Authorisation.

2. The site co-ordinates in Section C of the Environmental Authorisation, which reads:

Co-ordinates:	33°	54'	10"	South
			18°	30' 30" East

Is herewith replaced with the following:

Co-ordinates:	33°	54'	8.57"	South
			18°	30' 25.46" East

C. REASONS FOR THE DECISION TO AMEND THE ENVIRONMENTAL AUTHORISATION:

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The information contained in the application for the amendment dated 11 September 2018 and received by this Department on 03 October 2018.
2. The amendment applied for is in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) and will not change the scope of the Environmental Authorisation issued on 13 November 2013.
3. The environment and the rights and interests of Interested and Affected Parties ("I&AP's") will not be adversely affected by this decision to amend the afore-mentioned Environmental Authorisation.
4. The proposed amendment (i.e. for the extension of the validity period of the Environmental Authorisation) is required due to unforeseen delays. Further, the amendment is to correct the site co-ordinates.

5. The proposed development is similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended):

Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended)

Activity Number:

Activity Description: 14

"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".

6. All information presented to the Department was taken into account in the Department's consideration of the application.

D. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1 notify all registered I&APs of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.
 - 1.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2014 (as amended) detailed in Section D below;
 - 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 1.4 provide the registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 1.4.2 name of the responsible person for this Environmental Authorisation;
 - 1.4.3 postal address of the holder;
 - 1.4.4 telephonic and fax details of the holder;
 - 1.4.5 e-mail address, if any, of the holder; and
 - 1.4.6 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 Appeals Regulations, 2014 (as amended).
2. One week's notice must be given to the Directorate: Development Management (Region 1) before commencement of construction activities. The said notice must also include proof of compliance with Condition 1 described in Section D of this Environmental Authorisation.
3. The remaining conditions contained in the Environmental Authorisation issued on 13 November 2013 (Ref. No. 16/3/3/1/A1/18/3007/13), as attached, remain valid.

E. APPEAL:

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 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;
- 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator; and
- 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.

2. The applicant (if not the appellant) the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

3. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Jaap de Villiers
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 J. de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

4. A 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: Jaap.deVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za>.

Yours faithfully



ZAAHIR QOQEY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 26/10/2018

Copies to: (1) Ms. S. De Beer (Mills & Otten (Pty) Ltd.)
(2) Ms. P. Tilmuss (City of Cape Town ERM)
(3) Ms. M. Lintnaar-Strauss (Department of Water and Sanitation: Berg Water Management Area)

Fax: (086) 554 6573
Fax: (021) 444 0605
Fax: (021) 941 6077