



EIA REFERENCE: 16/3/3/1/F5/4/2039/22
NEAS REFERENCE: WCP/EIA/0001120/2022
DATE OF ISSUE: 6 JANUARY 2023

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

For Attention: Ms. Madelaine Sophia Terblanche

Tel.: (022) 487 9400

E-mail: TerblancheM@swartland.org.za

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A FILLING STATION, BUSINESS PREMISES AND ASSOCIATED INFRASTRUCTURE ON ERF 1071, CHATSWORTH

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

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

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to: (1) Ms. Vivienne Thomson (Over the Moon Consulting CC)
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A FILLING STATION, BUSINESS PREMISES AND ASSOCIATED INFRASTRUCTURE ON ERF 1071, CHATSWORTH

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the Listed Activities specified in section B below with respect to the Preferred Activity Alternative, described in the final Basic Assessment Report ("BAR"), dated 23 September 2022.

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

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
Swartland Municipality
C/O Ms. Madelaine Sophia Terblanche
Private Bag X52
MALMESBURY
7299

Tel.: (022) 487 9400
E-mail: TerblancheM@swartland.org.za

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

B. LISTED ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 10 Activity Description: <i>“The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</i></p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Areas zoned for use as public open space or equivalent zoning; ii. All areas outside urban areas; or iii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas seawards of the development setback line or within 200 metres from the high-water mark of the sea if no such development setback line is determined; (bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; or (cc) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.” 	<p>The proposed filling station will store petrol and diesel in underground tanks with a combined storage capacity of no more than 80 cubic metres on a site zoned Open Space.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 15 Activity Description: <i>“The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</i></p> <p>f. Western Cape</p> <ul style="list-style-type: none"> i. Outside urban areas, or ii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for conservation use or equivalent zoning, on or 	<p>The site, which is located in the urban area of Chatsworth, will be transformed from a zoned Open Space property to accommodate a filling station and business component, which will have footprint measuring approximately 3342m².</p>

<p>(bb)</p> <p>(cc)</p>	<p>after 02 August 2010; A protected area identified in terms of NEMPAA, excluding conservancies; or Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.</p>
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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 proposed development of:

- A filling station with two filling pumps and associated underground tanks for both petrol and diesel with a combined storage capacity of less than 80m³;
- A business premises, which will accommodate commercial activities including retail/convenience facilities;
- Associated facilities, including a management office and ablution facilities.

The proposed filling station will be covered by a roofed forecourt.

The existing playground area will be retained and relocated to a different location on the site.

Access will be gained via existing roads *i.e.*, from Third Avenue to the north and York Street to the south. A two-way access point to ensure adequate flow of traffic to and from the property will be provided.

The total development footprint amount to approximately 3342m².

C. SITE DESCRIPTION AND LOCATION

The Listed Activities will be undertaken on Erf 1071, Chatsworth.

The SG 21-digit code is given below:

Erf 1071, Chatsworth	C04600010000107100000
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The co-ordinates of the site are given below:

Erf	Latitude (S)	Longitude (E)
Erf 1071, Chatsworth	33° 32' 41.25" South	18° 35' 3.32" East

Refer to **Annexure 1**: Locality Maps. Refer to **Annexure 2**: Layout Plan.

The above property is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Over the Moon Consulting CC
C/O Ms. Vivienne Thomson
2 Anreith Street
SOMERSET WEST
7130

Cell.: 082 464 2874

E-mail: vivienne@overthemoon.co.za

www.westerncape.gov.za

Department of Environmental Affairs and Development Planning

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 the Preferred Activity Alternative described in Section B above.
2. The holder must commence with, and conclude, the Listed Activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for –

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised Listed Activities.
 - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised Listed Activities, during which period the authorised Listed Activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative 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 or not to grant such approval, 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

5. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 11

Notification of Environmental Authorisation and Administration of Appeal

6. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the decision reached on the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. 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;

- 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 6.4. provide the registered I&APs with the:
 - 6.4.1. name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2. name of the responsible person for this Environmental Authorisation;
 - 6.4.3. postal address of the holder;
 - 6.4.4. telephonic and fax details of the holder;
 - 6.4.5. e-mail address, if any, of the holder; and
 - 6.4.6. 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).

Commencement

7. The Listed Activities, including site preparation, must not be commenced with within (20) twenty calendar days from the date the applicant notifies the registered I&APs of this decision.
8. 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.

Management of Activity

9. The draft Environmental Management Programme ("EMPr") dated 23 September 2022 (submitted as part of the final BAR on 24 September 2022), is hereby approved, subject to the following documents being appended to the EMPr:
 - 9.1. A copy of the Emergency Response Plan (submitted together with the final BAR on 24 September 2022), together with the comment from the Swartland Municipality in the email correspondence (dated 26 August 2022).
 - 9.2. A copy of the Leak Detection Repair programme, together with the comment from the Swartland Municipality.
 - 9.3. A copy of the Site Dust Management Plan, together with comment from the Swartland Municipality.
10. The Environmental Authorisation and 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 the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein. The ECO must submit ECO reports on a quarterly basis for the duration of the construction phase.
12. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office during the construction phase and thereafter the said documents must be kept at the office of the holder and must be made available to any authorised official of the Competent Authority on request.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing 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. Environmental audit reports must be compiled and be submitted to the Competent Authority. 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).
15. The audit reports must be compiled and subsequently submitted to the Competent Authority in the following manner:
 - 15.1. An audit report must be submitted to the Competent Authority within **six (6) months** of the commencement of the construction phase; and
 - 15.2. A final audit report must be submitted within **three (3) months** of the proposed development being completed.
 - 15.3. The holder must submit an environmental audit report **every five (5) years** while the Environmental Authorisation remains valid.
16. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management.
17. The holder must, within **seven (7) calendar days** of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request and, where the holder has such a facility, place on a publicly accessible website.

Specific Conditions

18. Should any heritage remains be exposed during excavations or any other actions on the site, this 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 disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, meteorites, archaeological and/or paleontological 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.

19. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

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 any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.

3. If the holder does not commence with the Listed Activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.
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.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:
 - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 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>.

H. 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 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)
WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 6 JANUARY 2023

Copied to: (1) Ms. Vivienne Thomson (Over the Moon Consulting CC)
(2) Mr. Alwyn Zaayman (Swartland Municipality)

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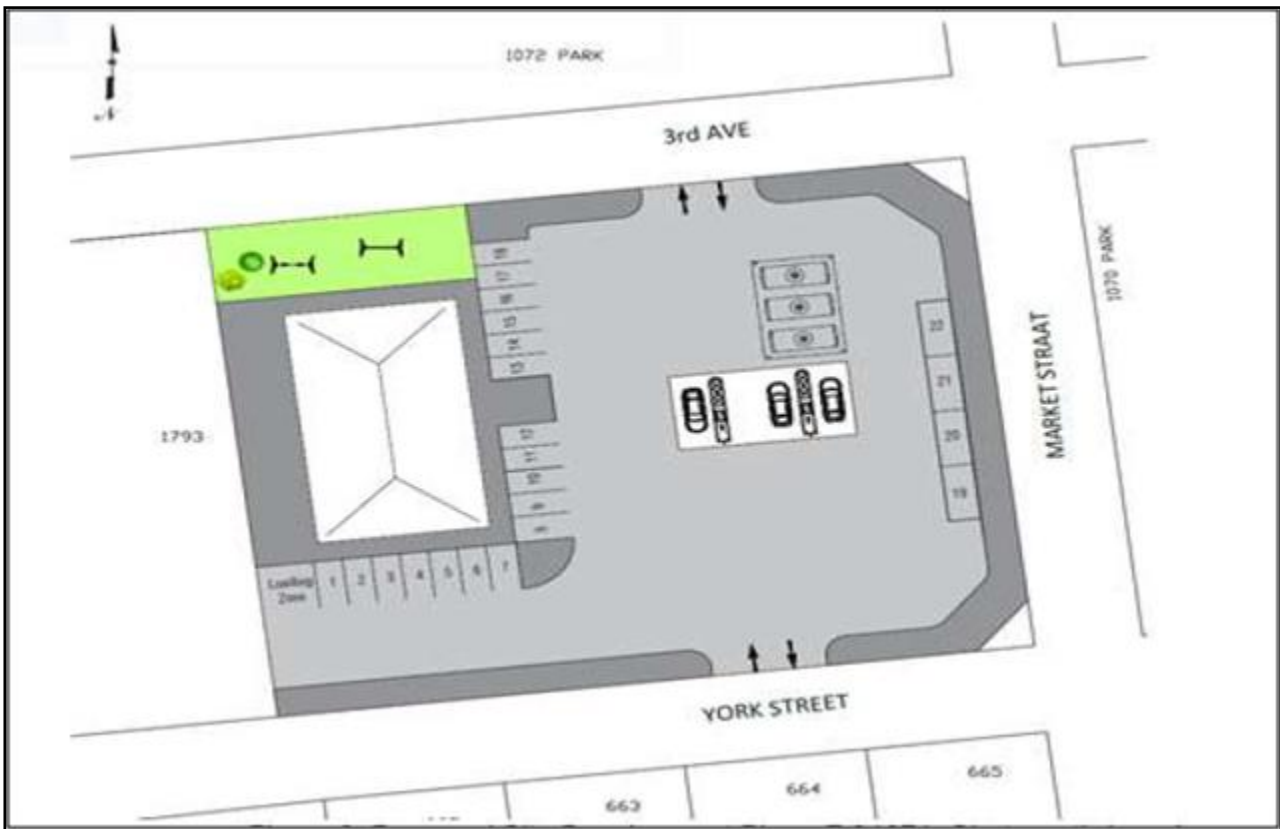
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ANNEXURE 1: LOCALITY MAPS





ANNEXURE 2: THE LAYOUT PLAN



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 24 February 2022, the final BAR dated 23 September 2022, the EMPr dated 23 September 2022, and the additional information received on 6 December 2022 and 9 December 2022, respectively;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (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 the responses thereto, included in the final BAR; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visit was conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The Public Participation Process ("PPP") included:

- Identification of and engagement with I&APs;
- Giving written notice to potential I&APs, including owners, interest groups and occupiers of land adjacent to the site, the Municipality, Organs of State and State Departments having jurisdiction in respect of any aspect of the activity on 14 December 2021 and 3 May 2022;
- The placing of an advertisement in English in the 'Swarthland Gazette' Newspaper on 9 November 2021 and an advertisement in Afrikaans in the 'Swarthland Joernaal' Newspaper on 10 November 2021;
- Fixing two notices on site where the Listed Activities are to be undertaken on 11 November 2021 (one on Third Avenue and one on York Street);
- Fixing a notice at the local U-Save shop on 11 November 2021;
- Distributing notices to local business owners on 11 November 2021;
- Displaying notice at Swarthland Municipal Offices 11 November 2021; and
- Making the draft BAR available to I&APs for comment from 23 June 2022 to 25 July 2022.

The Department is satisfied that the PPP that was followed met the minimum legal requirements. All the comments raised, and responses thereto were included in the comments and responses report.

Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address any significant concerns raised.

2. Alternatives

Preferred Site Alternative

The Preferred Site Alternative entails the development of the filling station, business premises and associated infrastructure on Erf 1071, Chatsworth.

This is the only Preferred Site Alternative, as the Swarthland Municipality owns the property. The property is also located within the Chatsworth Central Business District ("CBD") and is therefore ideally located and easily accessible to the users, including the local community.

Preferred Activity Alternative (Herewith Authorised)

The Preferred Activity Alternative entails the proposed development of:

- A filling station with two filling pumps and associated underground tanks for both petrol and diesel with a combined storage capacity of less than 80m³;
- A business premises, which will accommodate commercial activities including retail/convenience facilities; and
- Associated facilities, including a management office and ablution facilities.

The proposed filling station will be covered by a roofed forecourt.

The existing playground area will be relocated to a different location on the site.

Access will be gained via existing roads *i.e.*, from Third Avenue to the north and York Street to the south. A two-way access point to ensure adequate flow of traffic to and from the property will be provided.

The total development footprint amount to approximately 3342m².

This is the only Preferred Activity Alternative, as the proposed filling station is required since the local area currently has no such facility available. The associated business premises will result in benefits such as economic injection and opportunities into the local area.

Preferred Technology Alternative

The Technology Alternative involves the filling station making use of electrically driven pumps to deliver/move the fuel from the tanks into the motor vehicles as well as the use of renewable energy sources for other operations, which forms part of the development. The use of renewable energy sources will help the development to remain operational during periods of load shedding.

'No-go' Alternative

The 'No-Go' Alternative option of not proceeding with the proposed development of a filling station, business premises and associated infrastructure on Erf 1071, Chatsworth was considered. However, it is not preferred, since there are currently no filling stations in the Chatsworth area, necessitating residents and other users to travel to areas outside of the town in order to access a filling station and its associated services.

3. Impact Assessment and Mitigation measures

3.1 Need and Desirability

The site is zoned Open Space Zone I and the necessary planning related applications are required in order to permit the proposed development.

There are currently no filling stations in the local area of Chatsworth, forcing already historically disadvantage residents to travel more than 7km to either Atlantis or Malmesbury for fuel. The proposed development is therefore required to provide a necessary filling station and associated services in the local area.

The proposed site is located within the Chatsworth's CBD and is therefore ideally located and in line with the Swartland 2017 – 2022 Spatial Development Framework in respect of utilising strategically located land for specific purposes that will benefit people. Furthermore, the proposed development is in line with the forward planning and strategic goals such as strengthening local economies through the provision of beneficial and much needed facilities and services.

3.2 Botanical Impacts

According to the Terrestrial Biodiversity Compliance Statement (compiled by PB Consult Environmental Management Services and dated 20 May 2022), the site is a brownfield site that was historically transformed and disturbed by anthropogenic impacts including, *inter alia*, footpaths, vehicle tracks, clearing activities and the existing communal uses (playpark). As such, the only remaining vegetation is limited to a few hardy indigenous pioneer species or weedy-indigenous or alien plants with no remnants of Atlantis Sand Fynbos present. It was further confirmed in the Site Sensitivity Verification ("SSV") Report (submitted together with the final BAR dated 23 September 2022) that the site was found in a very degraded state.

Additionally, CapeNature in their correspondence (dated 25 July 2022), confirmed their support of the said Terrestrial Biodiversity Compliance Statement and accepted the conclusions of the said SSV Report.

In view of the above, no direct and significant negative botanical related impacts are therefore expected.

3.3 Aquatic Impacts

The proposed site is located more than 150m away from surface watercourses and is mainly surrounded by residential and open space areas. The proposed development will also not be located above a major aquifer.

It is confirmed in the Preliminary Geohydrological and Geotechnical study (dated May 2022) that it is likely that groundwater may be encountered if test pits are dug to 2.5m or greater depth (since this is typically where the relatively impermeable clayey sand layer is encountered). However, no water or water seepage is expected above a 2m depth. As such, no significant geohydrological or geotechnical constraints were apparent, and the proposed site is suitable for the development of a filling station. The required mitigation measures, as per the said Preliminary Geohydrological and Geotechnical study were included in the EMPr.

In view of the above, no direct and significant negative aquatic related impacts are expected.

3.4 Heritage Impacts

There are no culturally- or historically significant elements, nor any sensitive heritage resources on the proposed site. Heritage Western Cape indicated in its correspondence (dated 8 February 2022) that there is no reason to believe that the proposed development will impact on heritage resources.

Additionally, the applicant will comply with Conditions 18 and 19 of this Environmental Authorisation. This will help to ensure the further protection of any heritage resources that may be encountered on the site

3.5 Services and Infrastructure

All services (except for electricity) including refuse removal, water and sanitation will be provided by the Swartland Municipality (who is also the applicant/holder of this Environmental Authorisation).

The correspondence (dated 22 June 2022) from the Swartland Municipality confirms that sufficient unallocated capacity exists to provide water, solid waste removal and sewerage services to the proposed development.

3.6 Nuisance

Nuisance related impacts such as noise and dust during the construction phase will be short-term and managed in accordance with the standard provisions of the EMPr.

Light pollution from the filling station and its associated business premises may be a potential nuisance. The EMPr therefore includes provisions in order to mitigate any impacts relating to light pollution. These include, *inter alia*, confining the use of outdoor lighting to where it is needed, the use of low-levelled and low-glare lights and fittings, and reducing after hours security lights.

3.7 Socio-economic Impacts

Since Erf 1071, Chatsworth has a small public playground area along the eastern boundary of the property, which will be retained on the site. The negative socio-economic impact associated with the removing a facility used by the local community is therefore totally avoided.

The proposed development will also provide employment opportunities during the construction and operational phases and at the same time strengthen the existing CBD of Chatsworth through the creation of several business uses/opportunities.

The development proposal will result in both negative and positive impacts.

Negative Impacts include:

- Construction and other nuisance related impacts, such as dust and noise during the construction phase.
- Temporary unavailability of the existing park/playground area.

Positive Impacts include:

- Provision of a much-needed filling station and associated services to the Chatsworth area.
- Employment opportunities during the construction and operational phases of the development.

4. National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 activity (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 authorised Listed Activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the Listed Activities can be mitigated to acceptable levels.

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