
REFERENCE: 16/3/3/1/F1/11/2022/21
NEAS REFERENCE: WCP/EIA/0000899/2021
DATE: 08 November 2021

The Trustees
Jankielsohn Property Trust
54 Long Street
PIKETBERG
7320

Attention: Mr. Dean Jankielsohn

Tel.: (022) 913 1163

E-mail: dean@bolandsuperspar.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT ON ERF 4420, PIKETBERG.

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the 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 Environmental Authorisation.

Yours faithfully

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

Copied to: (1) Ms. T. Oberholzer (GroenbergEnviro (Pty) Ltd)
(2) Ms. A. Joubert (Bergviver Municipality)

E-mail: therina@groenbergenviro.co.za

E-mail: joubertA@Bergmun.org.za / bergmun@telkomsa.net

REFERENCE: 16/3/3/1/F1/11/2022/21
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, AS AMENDED: THE PROPOSED ESTABLISHMENT OF A MIXED-USE DEVELOPMENT ON ERF 4420, PIKETBERG.

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 Layout Alternative 1, described in the Final Basic Assessment Report ("BAR").

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Jankielsohn Property Trust
c/o Mr. Mr. Dean Jankielsohn
54 Long Street
PIKETBERG
7320

Tel.: (022) 913 1163
E-mail: dean@bolandsuperspar.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 14 Activity Description: <i>“The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres”.</i></p>	<p>The development includes the construction of a filling station which includes fuel storage tanks with a combined capacity exceeding 80 cubic metres more but not exceeding 500 cubic metres.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)– Activity Number: 27 Activity Description: <i>“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>More than 1 hectare of indigenous vegetation will be cleared.</p>

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 development proposal:

The proposed development includes the construction of a fuel filling station, which includes-

- underground fuel and diesel storage tanks with a total storage of capacity which does not exceed 500 cubic metres;
- truck filling points;
- retail shops;
- ablution areas;
- refuse room and security;
- associated parking facilities;
- associated services infrastructure, including *inter alia*, an approximate 90mm diameter wide pipe water pipeline and an approximate 160mm diameter wide sewer pipeline and connections, construction of a sewer pump station, internal stormwater network and detention pond, electrical infrastructure and internal street/area lighting;
- new surfaced access road and parking areas, with kerbs; and
- three groundwater monitoring boreholes.

A major part of the development will be located on the eastern side of the property.

The following traffic upgrades will be implemented:

- At the Kerk Street/Buitekant Street/Access a fourth leg will be constructed to the existing T-intersection.
- The existing access at Kerk Street will be closed off. The entrance will be moved from its current position eastwards to be located opposite Buitekant Street.

The total development footprint will amount to approximately 13 000m².

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf 4420, which is situated at the entrance of Piketberg on the corner where Kerk Street crosses the N7 at the roundabout.

The SG digit code is:

C05800060000442000000

The site co-ordinates are:

32° 54' 24.66" South; 18° 45' 50.23" East

Refer to Annexure 1: Locality Plan.

Refer to Annexure 2: Site Development Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

GroenbergEnviro (Pty) Ltd.
c/o Ms. Therina Oberholzer
P. O. Box 1058
WELLINGTON
7654

Cell.: 076 584 0822

E-mail: therina@groenbergenviro.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred Layout Alternative 1 described in the Final BAR, dated 20 July 2021 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. 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 an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded.
4. The authorised activities may only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").

5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered Interested and Affected Parties (“I&APs”) of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 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);
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the 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; and
 - 6.4.6 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).

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activities, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of seven calendar days' notice, in writing, must be given to the competent authority before the commencement of any construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 14, 18, 19, 20, 21, 22.2 and 23.

Management of activity

10. The EMPr submitted, dated July 2021 as included in the BAR, is hereby approved and must be implemented.
11. An application for amendment of the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended), if any amendments are to be made to the outcomes of the EMPr and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who performs work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase and rehabilitation phases of implementation.
The ECO must–
 - 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
 - 14.2 ensure compliance with the EMPr and the conditions contained herein; and
 - 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid –
 - 15.1 ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report three (3) months after commencement of the construction phase and another audit report six (6) months after completion of the construction phase; and
 - 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

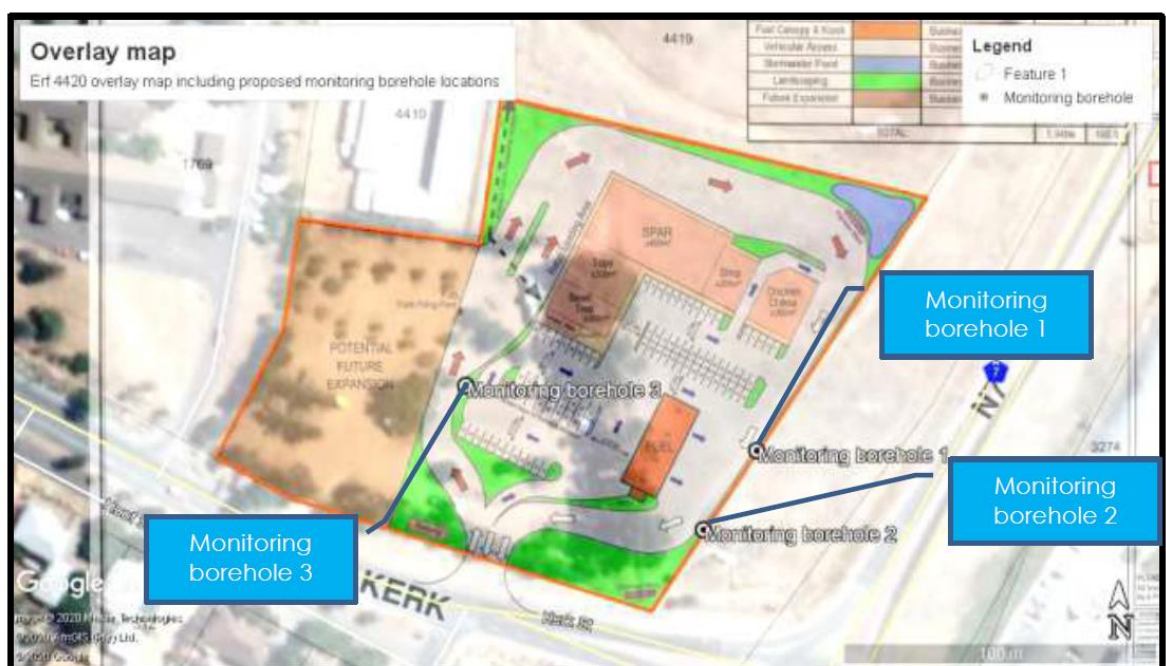
In addition to the above, the environmental audit report, must –

- 16.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activities;
- 16.3 evaluate the effectiveness of the EMPr;
- 16.4 identify shortcomings in the EMPr;

- 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, place on a publicly accessible website.

Specific conditions

- 18. A Stormwater Management Plan must be compiled and submitted to the Bergrivier Municipality for approval. A copy of the approved Stormwater Management Plan must be submitted to this Department prior to commencement.
- 19. Urban design and architectural and guidelines must be compiled and submitted to the Bergrivier Municipality for approval and/or comment. A copy of the approval and/or comment must be submitted to this Department prior to commencement of the development.
- 20. Landscaping guidelines compiled by a suitably qualified landscape architect must be compiled and submitted to the Bergrivier Municipality for approval and/or comment. A copy of the approval and/or comment must be submitted to this Department prior to commencement of the development
- 21. An Emergency Fire Response Plan must be submitted to the Bergrivier Municipality for approval. A copy of the approval as well as the approved Emergency Fire Response Plan, must be submitted to this Department prior to commencement.
- 22. The following recommendations included in the Groundwater Assessment dated 7 September 2020, as compiled by GEOSS South Africa (Pty) Ltd. must be implemented:
 - 22.1 Groundwater monitoring must be undertaken on the site, which must include the installation of three appropriately designed and constructed groundwater monitoring boreholes, at the following site locations:



- 22.2 A groundwater monitoring plan must be compiled and submitted to the Department of Water and Sanitation for comment. A copy of the groundwater monitoring plan and letter

of comment from the Department of Water and Sanitation must be submitted to this Department, prior to the commencement of construction activities, and must be implemented as proposed.

22.3 Industry design standards, including Leak Detection and Automatic Tank Gauging as well as Monitoring systems must be implemented.

23. A site-specific Leak Detection, Rapid Response and Repair Programme must be compiled and submitted for comment to the Bergrivier Municipality prior to the undertaking of the authorised activity. A copy of the Leak Detection, Rapid Response and Repair Programme and the letter of comment from the Bergrivier Municipality must be submitted to this Department prior to the commencement of construction activities, and must be implemented as proposed.

24. The following mitigation measure included in the Noise Impact Assessment dated December 2020, as compiled by DDA Environmental Engineers must be implemented:

24.1 The electricity generator and the air compressor at the filling station must be enclosed and be verified for their resulting noise levels once they are installed and operational. Any inconsistencies must be rectified.

25. 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 waste disposal facility licensed in terms of the applicable legislation.

26. 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.

F. GENERAL MATTERS

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

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

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

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

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date 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 Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
 - 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 Interested and Affected Party, 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 Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to 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. RECOMMENDATIONS

This Directorate recommends that the following be implemented:

- Rainwater tanks should be installed.
- A dual rain / main water system should be installed.

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- Urinals should be waterless.
- Dual flush system should be implemented for the ablution facilities.
- Low flow taps should be installed.
- Rooftop integrity panels should be installed at the convenience store.
- Low energy light bulbs should be used.
- Auto on-off light switches in ablutions and other infrequently used areas, such as bathrooms should be used.
- Indigenous trees, particularly the large *Ficus natalensis* should be retained.
- A geotechnical specialist should be appointed to inspect foundation excavations prior to the casting of concrete to ensure that founding takes place in competent material compatible with the design and below any fill layers that may be present.
- Heavy vehicle deliveries should be avoided after 22h00.
- Labour from the local community must be recruited.
- Local construction companies should be sub-contracted.
- Goods and services should be procured from local small businesses.

I. 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: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 08 NOVEMBER 2021

Copied to: (1) Ms. T. Oberholzer (GroenbergEnviro (Pty) Ltd)
 (2) Ms. A. Joubert (Bergrivier Municipality)

E-mail: therina@groenbergenviro.co.za
 E-mail: joubertA@Bergmun.org.za / bergmun@telkomsa.net

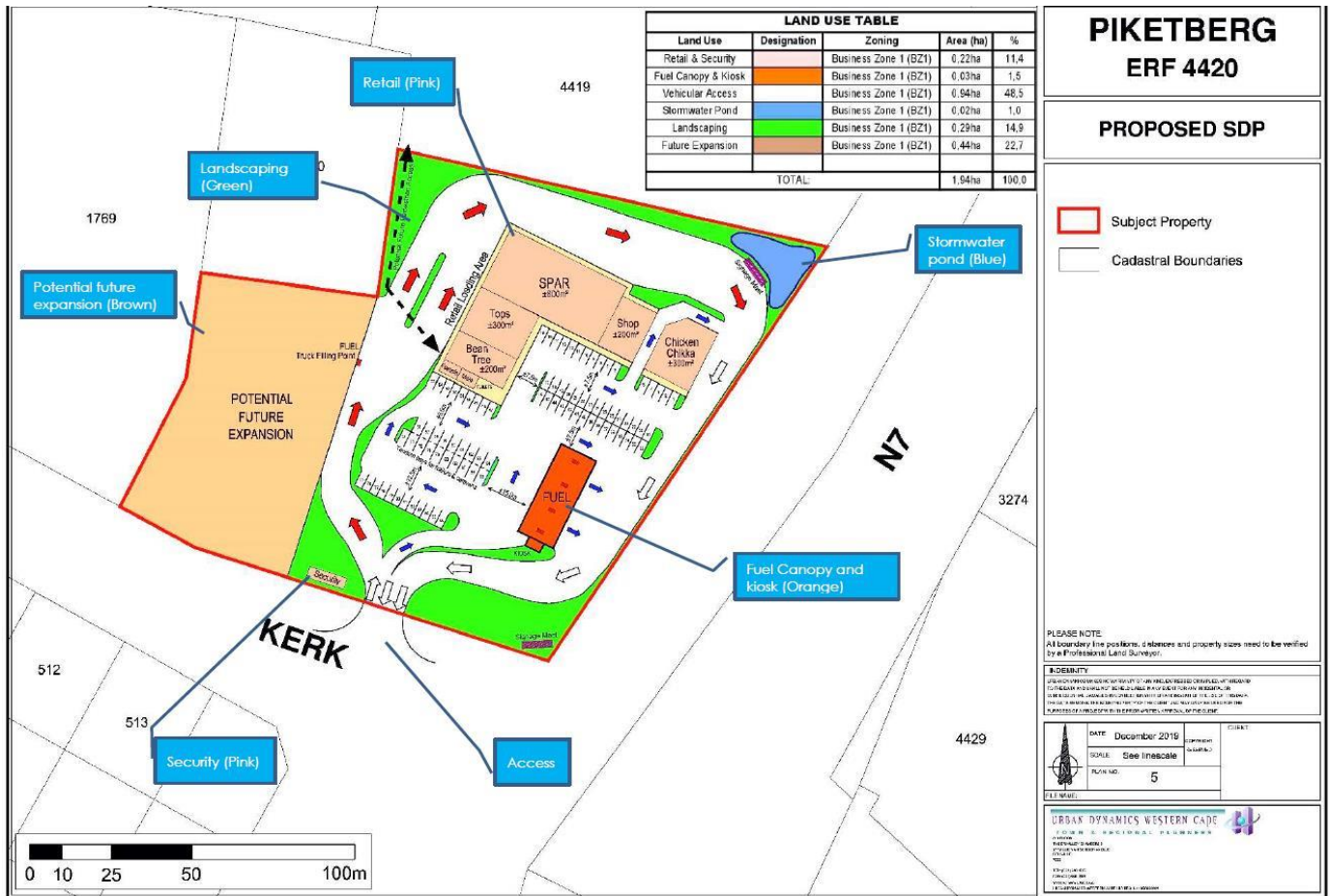
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: THE SITE DEVELOPMENT 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 22 April 2021, the Final BAR dated 20 July 2021 and the EMPr dated July 2021.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA; and
- d) The comments received from I&APs and responses to these, included in the Final BAR.

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

1. Public Participation

The public participation process included:

- a notice that includes the Executive Summary was made available and distributed by registered post to all registered I&APs and neighbours for a 30-day commenting period, from 30 April 2021 until 31 May 2021;
- a database was compiled from identified and registered Interested and Affected Parties ("I&APs");
- an advertisement was placed in the 'Weslander' on 29 April 2021;
- two notice boards were placed at the site entrance on 5 March 2020;
- copies of the draft BAR and Executive Summary were made available for comment from 30 April 2021 to 31 May 2021; and
- copies of the draft BAR were distributed to the key authorities.

During the public participation process, general comments as well as objections were received from I&APs. The objections related to the application being considered incomplete and not fully meeting the principles of the NEMA, traffic impacts, nuisance impacts, visual impacts and the need to assess the socio-economic impacts on the local area and existing business was raised. The responses to these grounds of objections indicated that the BAR was completed as per the Departmental requirements and additional information regarding the need and desirability context was provided. It was further indicated how the BAR addressed the above-mentioned impacts, as well as having revised the Socio-economic Impact Assessment to address the impact of the proposed filling station on the existing filling stations in the local area. The revised Socio-economic Impact Assessment Report confirmed that the proposed filling station will not render existing filling stations unsustainable. Furthermore, comments were requested from the Fuel Retailers Association regarding the proposed filling station, but no comments have been received.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the Final BAR.

2. Alternatives

Site Alternative (Preferred by the applicant)

The preferred site alternative is Erf 4420, Piketberg. This is the only and preferred site alternative based on the following reasons:

- the site was previously municipal land and was disturbed/transformed by its use as a caravan park;
- no sensitive indigenous vegetation remains on the site;
- easy connection to electricity services and networks is possible; and
- the property is owned by the applicant and will not result in additional purchase costs for the applicant.

Layout Alternative 1 (preferred by the applicant):

The preferred layout 1 alternative includes the development of a filling station, comprising:

- underground fuel and diesel storage tanks with a total storage of capacity which does not exceed 500 cubic metres;
- truck filling points;
- retail shops;
- ablution areas;
- refuse room and security;
- associated parking facilities;
- associated services infrastructure, including *inter alia*, an approximate 90mm diameter wide pipe water pipeline and an approximate 160mm diameter wide sewer pipeline and connections, construction of a sewer pump station, internal stormwater network and detention pond, electrical infrastructure and internal street/area lighting;
- new surfaced access road and parking areas, with kerbs; and
- three groundwater monitoring boreholes.

A major part of the development will be located on the eastern side of the property.

The following traffic upgrades are required:

- At the Kerk Street/Buitekant Street/Access a fourth leg will be constructed to the existing T-intersection.
- The existing access at Kerk Street will be closed off. The entrance to the site will be moved from its current position eastwards to be located opposite Buitekant Street.

The total development footprint will amount to approximately 13 000m².

This is the preferred Layout Alternative as the site's full potential will be used, which includes the following benefits:

- The development will create additional temporary and permanent employment opportunities;
- The development will contribute to the local economy; and
- The development will have no direct impact on sensitive vegetation.

Layout Alternative 2:

Layout alternative 2 included the development of the entire site and included the development of a guesthouse and a storage area in addition to the components proposed as part of Layout Alternative 1. The guesthouse and storage space will also have a temporary function when in use by holiday travellers. This Layout Alternative was rejected, as it does not make effective use of the space when compared with Layout Alternative 1.

No-go alternative (not preferred by the applicant):

No-Go alternative means that the project will not proceed, i.e., no construction of the filling station and associated infrastructure. This alternative was rejected as it would result in a lost business opportunity, no generation employment opportunities and since the proposed development will not result in any detrimental environmental impacts, the no-go option is not warranted.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

It is proposed that the filling station and associated components be constructed on a site which is currently unused and totally transformed by previous activities, including *inter alia*, the municipal caravan park. The site was acquired from the local municipality.

The proposed development aims to provide employment opportunities and respond to this need as per the Integrated Development Plan (2019).

The site is located along the traffic circle on the N7 at a well-established intersection, thus providing vehicles easy and safe access. The development will provide facilities for the trucks to

fill up and for truck drivers to rest. The proposed filling station will cater to local and transient traffic (light and heavy vehicles). The establishment of the proposed development would satisfy the demand for fuel due to the high volume of vehicular movement envisioned due to the industrial development expected within the Piketberg area and the broader Bergrivier Local Municipality.

3.2 Regional/Planning Context

The site is zoned Business Zone I. Certain planning applications are required in order to permit the proposed development.

3.3 Biophysical Impacts

A Botanical Statement dated 20 October 2019 and compiled by Dr. D. J. McDonald of Bergwind Botanical Surveys and Tours cc was undertaken to assess the potential botanical impacts associated with the proposed development. The site consists of a mix of grass and exotic weedy plant species and no sensitive vegetation exists. The site is also highly transformed by its former use as a caravan park and camping activities. The development therefore presents no botanical constraints.

The site is also not located near any surface water features.

3.4 Groundwater Impacts

A Groundwater Assessment dated September 2020 and compiled by GEOSS South Africa (Pty) Ltd has been undertaken to assess the potential groundwater impacts associated with the proposed filling station. The report indicates that a fractured aquifer underlies the site, with groundwater users (boreholes) also surrounding site. According to the Geotechnical Report dated 17 September 2020 which assessed the geotechnical as well as groundwater related impacts, the risk of groundwater contamination is very low, due to the semi-confined nature of the fractured aquifer that will provide some protection against point and non-point sources of contamination. The depth of groundwater also provides further functions of natural attenuation in the vadose zone prior to reaching the groundwater. These factors do however not totally eliminate the risks of groundwater contamination. As such, certain measures will be implemented to further reduce the potential risks. These measures have been included in the conditions of authorisation. Some of these measures included the installation of groundwater boreholes in order to monitor potential leaks from the fuel tanks. Further, in terms of industry design standards pertaining to the storage tanks, a Leak Detection, Rapid Response and Repair Programme as well as a Groundwater Monitoring Plan must be implemented to further mitigate, as well as reduce the impacts of accidental leaks and impacting on any groundwater resources. The recommendations of the groundwater specialist have been included in the EMPr. The potential groundwater impacts have been assessed as of low significance prior to and post mitigation.

3.5 Visual impacts/Sense of place

A Visual Impact Assessment dated 3 March 2020 as compiled by Terra & Landscape Architects to assess the potential visual impacts associated with the proposed development. It is projected that the proposed development will largely be congruent with the residential fabric of the townscape in the immediate vicinity. The visual impacts have been assessed as being of low significance during the construction phase (both prior and after mitigation) and of medium significance during the operational phase (both prior and after mitigation). More specifically, the proposed development together with the removal of mature trees will result in a localised change to the landscape. To offset this impact, a landscape plan, which includes screen and shade tree planting, together with shrub and groundcover planting as landscape rehabilitation must be implemented. Similarly, architectural guidelines will be developed in order to mitigate potential visual impacts.

3.6 Heritage

A Notice of Intent to Develop ("NID") was submitted to Heritage Western Cape and in their response to the NID dated 23 October 2019 it was confirmed that no impacts on any heritage resources are expected.

3.7 Services and Infrastructure

A new connection to the existing sewer pipe network needs to be constructed, of which include the installation of an approximate 160mm diameter wide pipe and construction of a sewer pump

station. A new approximate 90mm diameter wide pipe will be installed which will connect to an existing water connection point.

An internal stormwater network comprising *inter alia*, oil traps, catchpits, manholes and a pipe network will be constructed, whereof the network will discharge stormwater runoff towards a new detention pond. Electrical infrastructure and internal street/area lighting will connect to existing municipal network.

3.8 Nuisance(s)

According to the Noise Impact Assessment dated December 2020 compiled by DDA Environmental Engineers, the proposed development will increase noise levels to 0.5 and 2.3 decibels, a weighted ("dB(A)"), which can be considered acceptable, as this does not exceed the prescribed SANS day- and night-time noise levels. Noise impacts can therefore be considered as low. This increase in noise level is associated with the proposed filling station will also have a localised effect and is not expected to extend beyond 50m from the filling station. The potential noise impacts have been identified as being of low negative significance prior and post mitigation.

Construction activities would result in an increase in dust and noise levels. It can however be expected that these will be localised and limited to the immediate surrounds and the site. The EMPr contains standard requirements that must be adhered to ensure that these impacts remain low.

3.9 Health and Safety

The proposed fuel station has a potential fire risk associated with the fuel (flammable liquids) and electrical equipment used on site. Accidental fires could impact on the health and safety of the employees as well as patrons of the filling station. With effective measures put in place, the significance of the impact will be low negative. The implementation of the Emergency Response Plan as required in terms of Condition 21 of this authorisation will minimise the risk and impacts of emergency situations such as accidental fires.

3.10 Traffic

According to the Traffic Impact Assessment dated 12 December 2019, the proposed development is expected to generate 203 AM peak hour trips (*i.e.*, 116 in, 87 out) and 418 PM peak hour trips (*i.e.*, 220 in, 198 out). Based on this information, traffic impacts can be expected. At the N7/Kerk Street intersection it was determined that the service levels previously experienced can be expected to remain, with marginal increase in delays. As such no upgrades to the N7/Kerk Street roundabout are required.

At the Kerk Street/Buitekant Street/Access a fourth leg will be required to the existing T-intersection to accommodate the proposed development's access.

At the Kerk Street/Kloof Street/Hoof Street intersection traffic service level will decrease during the PM peak hour. During the AM peak hour, the service levels will only be affected by a marginal increase in delays.

A new surfaced access road and parking areas, with kerbs will also be constructed.

The potential traffic impacts have been identified as being of low negative prior to mitigation and low after mitigation. The mitigation refers to the abovementioned traffic upgrades required to accommodate the development from a traffic perspective.

3.11 Socio-economic

The proposed development will provide employment opportunities during the construction and operational phases.

According to the Socio-economic report dated 2020, as compiled by Urban Econ Development Economists, the proposed development fulfills most of the locational requirements for filling stations. These requirements relate to traffic volumes, accessibility, visibility, appeal of the site and supply. In terms of traffic volumes, it is established that the filling station will capture some of the

traffic, especially traffic that passes the R44 and N7. In terms of accessibility, the site's access, which is to be gained from Kerk Street, will make it easy for road users on the N7, R44 and R366 to access the proposed filling station. In terms of visibility, since the filling station will be located close to the traffic circle where the N7 meets Kerk Street (R366) and Kerk Street (R44), the filling station will be visible to all road users traveling this route. In terms of the appeal of the site, the filling station is set to be aimed to attract some of the road users who passes the R44 and N7. This is further attributed to constant traffic flow along the N7, which will provide suitable clientele, while also servicing some of the road users from the surrounding towns as well as from the industrial and residential expansions underway in the greater Bergvliet municipal area.

In terms of filling station supply, cognisance is taken of the existing three filling stations located within close proximity of the site. According to the Socio-economic report, it is estimated that factors such as growth in population and car ownership will reduce the risk of loss of sales for the surrounding filling stations and competitors. It was determined that the current demand for fuel is approximately 17480819 litres per annum in Piketberg, and the annual supply is approximately 13825415 litres. 3655 404 litres are therefore still required to meet this demand. The proposed filling station aims to provide 304617 litres of fuel supply per annum. It was however also determined that the proposed filling station might have impacts on the existing Total Petroport, Caltex Piketberg and Die Pomp filling stations. The impact of drop in sales on the Total Petroport will be the largest, as the filling station is located 0.22km from the proposed site. It is expected that this impact will gradually reduce over a 12-month period, which will be attributed to a growth in the local market and transient heading along the N7. The impacts on Caltex Piketberg and Die Pomp filling station will be minor as these filling stations are located further in the town of Piketberg, whereas the proposed filling station is located along the N7 to capture road users travelling north on the N7.

The development will result in both negative and positive impacts.

Negative Impacts:

- Increased traffic to and from the site.
- Increased nuisance related impacts such as noise.
- Socio-Economic impacts on existing filling stations.

Positive impacts:

- Provision of a fuel filling station together with ancillary retail offerings for the local area.
- Employment opportunities during the construction and operational phases.
- Contribution to the local economy.
- Optimal use of available land for mixed-use development opportunities.

4. National Environmental Management Act Principles

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

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities 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 activities can be mitigated to acceptable levels.

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

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