



**REFERENCE NUMBER:** 16/3/3/1/A4/17/3010/23  
**NEAS REFERENCE NUMBER:** WCP/EIA/0001237/2023  
**DATE OF ISSUE:** 12 September 2023

The Director  
Sea Dragon Investments (Pty) Ltd. T/A Africape Properties (Pty) Ltd.  
P.O. Box 15299  
**PANORAMA**  
7506

**For Attention: Mr. H. Dansey**

Tel: (021) 911 2951  
Email: [Hamied@africape.co.za](mailto:Hamied@africape.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 DEVELOPMENT OF A FUEL STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 6849, EERSTE RIVER.**

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

Yours faithfully

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

Copies to: (1) Ms. A. van Wyk (City of Cape Town: ERM)  
(2) Ms. C. Müller (Sillito Environmental Consulting)

Email: [Azanne.vanWyk@capetown.gov.za](mailto:Azanne.vanWyk@capetown.gov.za)  
Email: [chantel@environmentalconsultants.co.za](mailto:chantel@environmentalconsultants.co.za)

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**REFERENCE NUMBER:** 16/3/3/1/A4/17/3010/23

## 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 DEVELOPMENT OF A FUEL STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 6849, EERSTE RIVER.**

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

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR") dated April 2023.

### A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Director  
% Mr. H. Dansey  
Sea Dragon Investments (Pty) Ltd. T/A Africape Properties (Pty) Ltd.  
P.O. Box 15299  
**PANORAMA**  
7506

Tel: (021) 911 2951  
Email: [Hamied@africape.co.za](mailto:Hamied@africape.co.za)

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

## B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Activity / Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 14 Activity Description:</p> <p><i>The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.</i></p>	<p>The proposed development of a fuel station and associated infrastructure on Erf 6849, Eerste River will entail the development and related operation of four (4) underground storage tanks for the storage and handling of dangerous goods with a total combined capacity of 120m<sup>3</sup>.</p>

The abovementioned is hereinafter referred to as **“the listed activity”**.

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

The authorised development entails the development of a fuel service station and associated infrastructure on Erf 6849, Eerste River and will consist of the following:

- Four (4) underground storage tanks with storage capacity of 30m<sup>3</sup> each will be developed and will have a combined fuel storage capacity of 120m<sup>3</sup>.
- A retail convenience store approximately 397m<sup>2</sup> in extent;
- An office / administrative facility above the retail convenience store;
- Two (2) restaurants facilities with drive-thru access with a development footprint of approximately 230m<sup>2</sup> each; and
- Associated infrastructure.

Access is proposed via a left lane slip (one-way) off Van Riebeeck Road and full access (two-way) off Bosman Street will be developed.

The total development footprint will be approximately 5828m<sup>2</sup> in extent.

## C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take place on Erf 6849, Eerste River located on the corner of Van Riebeeck Road and Bosman Street, Eerste River.

The 21-digit Surveyor General code is:

Erf 6849, Eerste River	C06700060000684900000
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The central co-ordinate for the proposed development is:

Middle point	34° 0' 9.11" South	18° 43' 48.11" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Development Plans.

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

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Sillito Environmental Consulting (Pty) Ltd.

% Ms. C. Müller

P. O. Box 30134

**TOKAI**

7140

Tel: (021) 712 5060

Email: [chantel@environmentalconsultants.co.za](mailto:chantel@environmentalconsultants.co.za)

## E. CONDITIONS OF AUTHORISATION

### Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above and in the BAR dated April 2023 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activity 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 activity; and
  - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity for the construction phase, must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
  4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### Written notice to the Competent Authority

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

Conditions: 6, 7 and 10.

## Notification 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 outcome of 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 F below;
  - 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. The name of the responsible person for this Environmental Authorisation;
    - 6.4.3. The postal address of the holder;
    - 6.4.4. The telephonic and fax details of the holder;
    - 6.4.5. The e-mail address, if any, of the holder; 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).
7. The listed activity, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

## Management of activity

8. The Environmental Management Programme (“EMPr”) (compiled by Sillito Environmental Consulting (Pty) Ltd and dated February 2023) submitted as part of the application for Environmental Authorisation is hereby approved.
9. The EMPr must be included in all relevant contract documentation for the applicable phases of implementation.

## Monitoring

10. The holder must appoint a suitably experienced environmental control officer (“ECO”), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
11. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities thereafter it must be kept at the office of the holder and must be made available to any authorised person on request.

12. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
  - 13.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of the environmental audit.
  - 13.2. A second Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development/construction activities.
  - 13.3. An Environmental Audit Report must be submitted to the Competent Authority every five (5) years after the commencement of the operational phase while the Environmental Authorisation remains valid.
  - 13.4. The holder must, within seven (7) days of the submission of the Environmental Audit Reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to any I&APs upon request.

### **Specific Conditions**

14. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
15. Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay. 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: meteorites, archaeological and/or palaeontological remains (including fossil bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. Surface, storm or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
17. The tanks must be designed, installed and managed in accordance with the relevant SANS standards.
18. In the event of a product loss at the site (possibly a spillage during tanker delivery or a fuel line failure), the holder must rapidly respond in order to contain any spilled product. The holder must also ensure that no additional health risks to any of the surrounding developments result from such an incident.

19. Firefighting equipment must be present on site and adhere to the Oil Industry standards.
20. During fuel tanker delivery, the tanker driver must be present at all times during product offloading. An emergency cut-off switch must be installed to immediately stop fuel delivery should an accident occur.
21. The holder must ensure that employees/contractors on site adhere to the requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
22. Dust suppression measures must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/ or straw stabilisation, etc.) must be implemented instead.
23. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.
24. The operational phase of the development must only be commenced with upon completion of the upgrade of the Zandvliet Waste Water Treatment Works. Confirmation thereof must be submitted to the Competent Authority for recordkeeping purposes, a minimum of seven (7) days prior to the operational phase of the development being commenced with.

## **F. GENERAL MATTERS**

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

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

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

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

## G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

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

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

By facsimile: (021) 483 4174; or

By hand:           Attention: Mr M. Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building  
1 Dorp Street  
**CAPE TOWN**  
8001

By e-mail:        [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

5. 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 [DEADP.Appeals@westerncape.gov.za](mailto: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/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

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

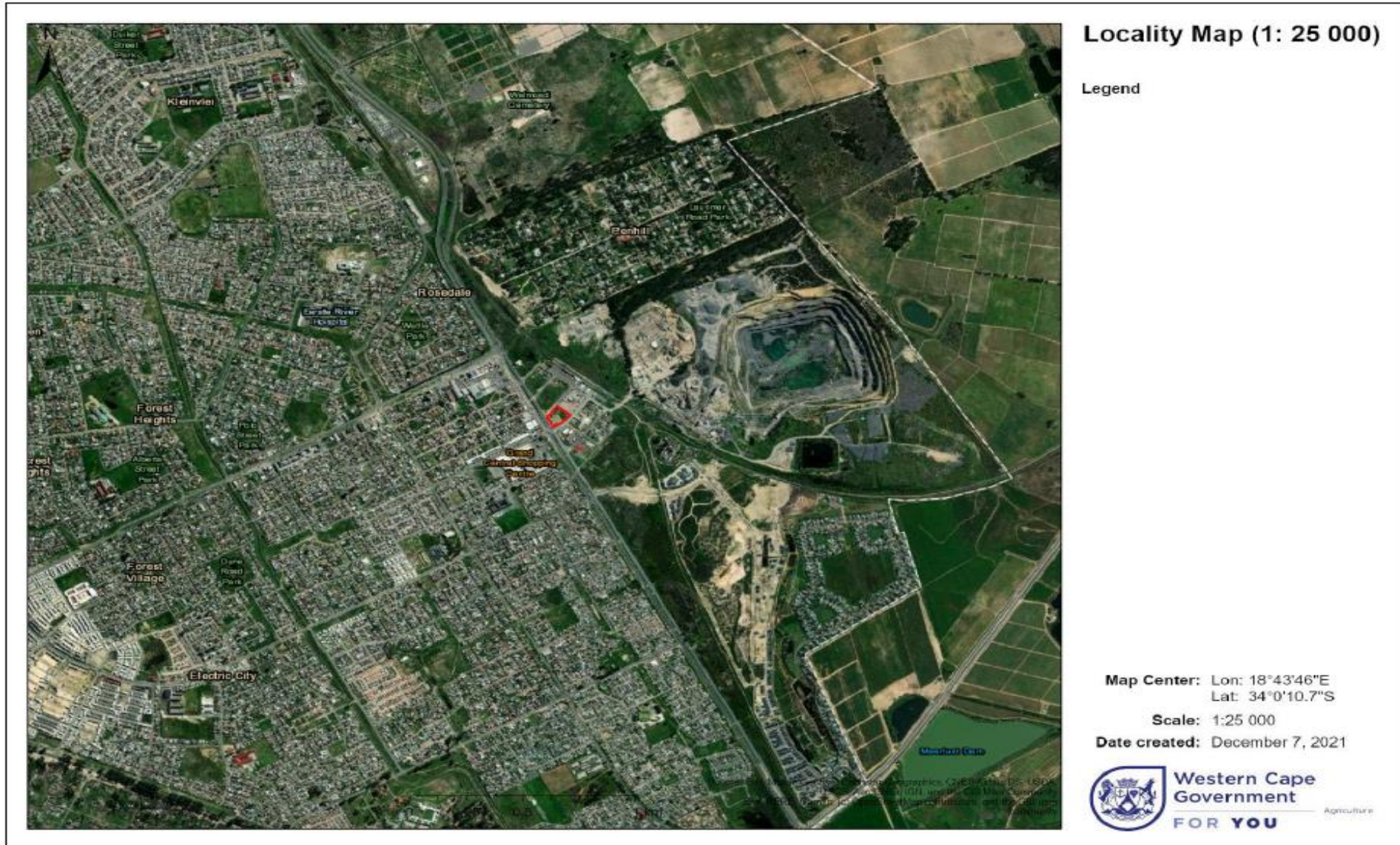
**DATE OF DECISION: 12 SEPTEMBER 2023**

Copies to: (1) Ms. A. van Wyk (City of Cape Town: ERM)  
(2) Ms. C. Müller (Sillito Environmental Consulting)

Email: [Azanne.vanWyk@capetown.gov.za](mailto:Azanne.vanWyk@capetown.gov.za)  
Email: [chantel@environmentalconsultants.co.za](mailto:chantel@environmentalconsultants.co.za)

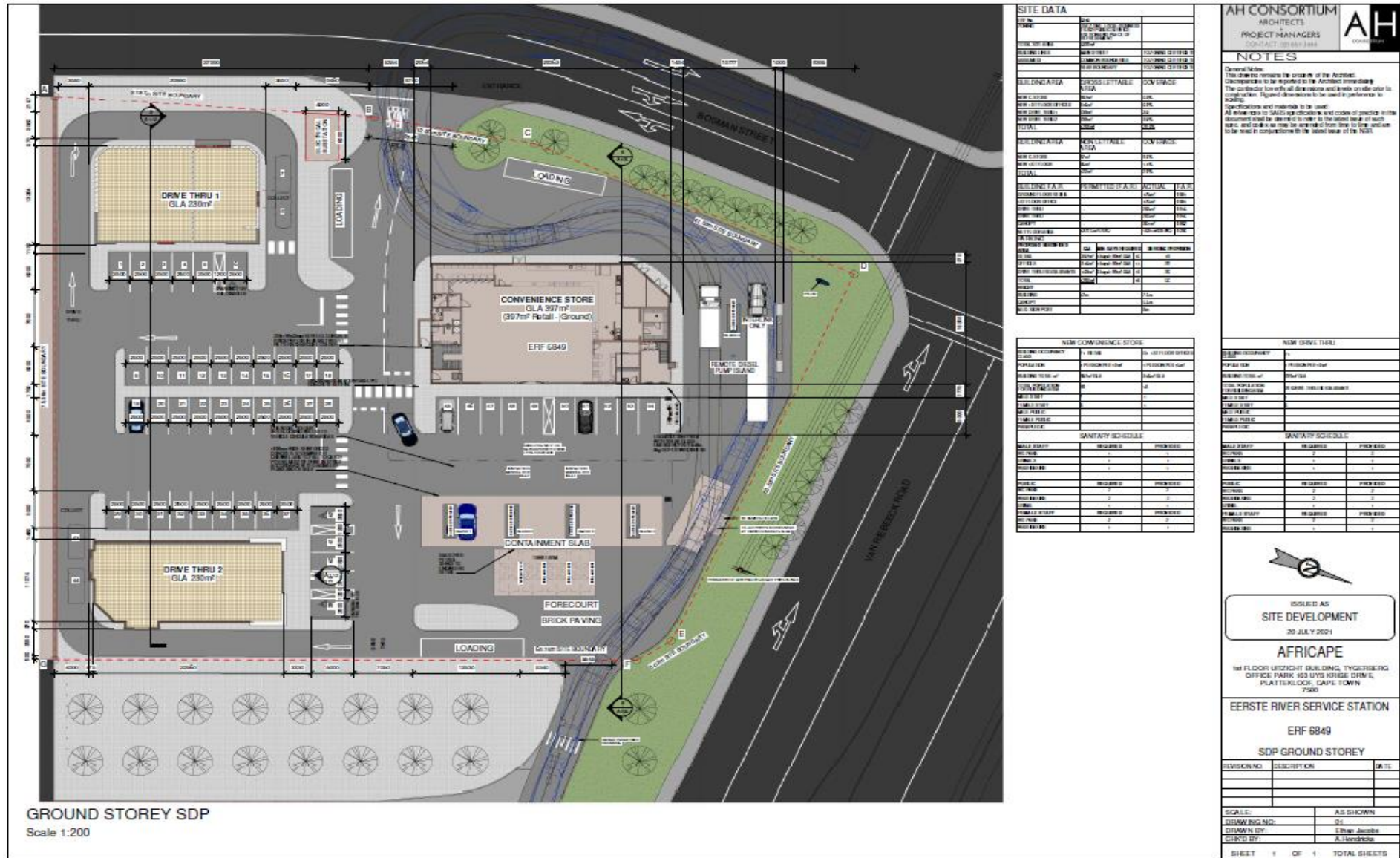
## ANNEXURE 1: LOCALITY PLAN

The proposed site (i.e. Erf 6849, Eerste River) demarcated in red on the locality map.



# ANNEXURE 2: SITE DEVELOPMENT PLANS

Site Development Plan of the proposed fuel service station and associated infrastructure on Erf 6849, Eerste River (Ground Storey).



**GROUND STOREY SDP**  
Scale 1:200

SITE DATA			
NO	DATE	BY	REVISION/DESCRIPTION
001	2024/07/20	AS	ISSUED FOR PERMIT
002	2024/07/20	AS	ISSUED FOR PERMIT
003	2024/07/20	AS	ISSUED FOR PERMIT
004	2024/07/20	AS	ISSUED FOR PERMIT
005	2024/07/20	AS	ISSUED FOR PERMIT
SUBMITTALS			
NO	DATE	BY	REVISION/DESCRIPTION
001	2024/07/20	AS	ISSUED FOR PERMIT
002	2024/07/20	AS	ISSUED FOR PERMIT
003	2024/07/20	AS	ISSUED FOR PERMIT
004	2024/07/20	AS	ISSUED FOR PERMIT
005	2024/07/20	AS	ISSUED FOR PERMIT
PERMITTING			
NO	DATE	BY	REVISION/DESCRIPTION
001	2024/07/20	AS	ISSUED FOR PERMIT
002	2024/07/20	AS	ISSUED FOR PERMIT
003	2024/07/20	AS	ISSUED FOR PERMIT
004	2024/07/20	AS	ISSUED FOR PERMIT
005	2024/07/20	AS	ISSUED FOR PERMIT

NEW CONVENIENCE STORE		
NO	DATE	BY
001	2024/07/20	AS
002	2024/07/20	AS
003	2024/07/20	AS
004	2024/07/20	AS
005	2024/07/20	AS
006	2024/07/20	AS
007	2024/07/20	AS
008	2024/07/20	AS
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018	2024/07/20	AS
019	2024/07/20	AS
020	2024/07/20	AS

**AH CONSORTIUM ARCHITECTS PROJECT MANAGERS**  
CONTACT: 021 461 1444

**AH**  
CONSORTIUM

### NOTES

**General Notes:**  
This drawing remains the property of the Architect. It is to be used only for the project for which it was prepared. The contractor is responsible for all dimensions and details on site prior to construction. Signed dimensions to be used in preference to existing specifications and standards to be used. All drawings to be signed by the Architect. All drawings to be submitted to the relevant authority for approval. All drawings to be submitted to the relevant authority for approval. All drawings to be submitted to the relevant authority for approval.

NEW DRIVE THRU		
NO	DATE	BY
001	2024/07/20	AS
002	2024/07/20	AS
003	2024/07/20	AS
004	2024/07/20	AS
005	2024/07/20	AS
006	2024/07/20	AS
007	2024/07/20	AS
008	2024/07/20	AS
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014	2024/07/20	AS
015	2024/07/20	AS
016	2024/07/20	AS
017	2024/07/20	AS
018	2024/07/20	AS
019	2024/07/20	AS
020	2024/07/20	AS

ISSUED AS  
**SITE DEVELOPMENT**  
20 JULY 2024

**AFRICAPE**

1st FLOOR UITZICHT BUILDING, TYGHESTRICHT OFFICE PARK, 163 LYS RIVER DRIVE, PLANTAGIEN, CAPE TOWN, 7500

**EERSTE RIVER SERVICE STATION**

**ERF 6849**

**SDP GROUND STOREY**

DIVISION NO.	DESCRIPTION	DATE

SCALE:	AS SHOWN
DRAWING NO.:	01
DRAWN BY:	Shayn Jacobs
CHECKED BY:	A. HENDRICKS

SHEET 1 OF 1 TOTAL SHEETS

Site Development Plan of the proposed fuel service station and associated infrastructure on Erf 6849, Eerste River (First Storey).



## ANNEXURE 3: 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 Form dated and received by the Competent Authority on 24 February 2023, the BAR dated April 2023 and EMPr dated February 2023 and received by the Competent Authority on 26 May 2023 and the additional information received on 31 July 2023 and 17 August 2023;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions;
- 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 to these, included in the BAR dated April 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

### 1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at the boundaries of the proposed site where the listed activity is to be undertaken on 28 January 2022;
- the placing of a newspaper advertisement in the 'Tygerburger' on 02 February 2022;
- giving written notice to the occupiers of land adjacent to the site where the listed activity is to be undertaken and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 28 January 2022;
- Making the pre-application draft BAR available to I&APs for public review from 30 August 2022 to 30 September 2022;
- Making the draft BAR available to I&APs for public review from 24 February 2023 to 28 March 2023;
- A copy of the BAR and executive summary was made available electronically on the Environmental Assessment Practitioner's website.

Concerns raised by the City of Cape Town: Water & Sanitation (Technical Services) (in their correspondence dated 30 September 2022) with respect to the fact that the proposed development cannot be accommodated from an effluent treatment perspective at the required discharge rate of 5.4kl/d. Alternatives were provided with respect to either reduction to less than 4kl/d or delay until the current upgrades of the Zandvliet Waste water Treatment Works is completed in 2024. The latter alternative was favoured and further engagement with the City of Cape Town is proposed during the planning stages of the proposed development.

Concerns with respect to the susceptibility of the underlying groundwater resource, the potential pollution risk and cumulative impact was raised by various I&APs, which required the input of a geohydrologist in this regard. An adequate response was provided as part of the BAR and EMPr.

All concerns raised by I&APs were responded to and addressed during the public participation process. 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 concerns raised.

## 2. Alternatives

No site alternatives were considered for the proposed development since the proposed site is owned by the holder, is transformed from its natural state and is vacant. Alternative 1, the Preferred Alternative and the "No-Go" Alternative were comparatively assessed as follows:

### Alternative 1

Alternative 1 entailed the development of a fuel station and associated infrastructure on Erf 6849, Eerste River and would have consisted of the following:

- The installation of three (3) underground storage tanks each with storage capacity of 30m<sup>3</sup> and with a total combined fuel storage capacity of 90m<sup>3</sup>;
- Two (2) restaurants facilities with drive-thru access with larger parking bays; and
- Associated infrastructure.

Although Alternative 1 accommodated larger parking bays, it limited the amount of space available for the storage of fuel. The total combined storage of fuel (i.e. 90m<sup>3</sup>) was therefore not deemed economically viable. In addition, the offloading of fuel was anticipated to be more frequent than the Preferred Alternative, which may have resulted in additional risk during offloading activities. Alternative 1 was therefore not deemed as the preferred alternative.

### The Preferred Alternative - herewith authorised

The Preferred Alternative entails the development of a fuel service station and associated infrastructure on Erf 6849, Eerste River and will consist of the following:

- Four (4) underground storage tanks with storage capacity of 30m<sup>3</sup> each will be developed and will have a combined fuel storage capacity of 120m<sup>3</sup>.
- A retail convenience store approximately 397m<sup>2</sup> in extent;
- An office / administrative facility above the retail convenience store;
- Two (2) restaurants facilities with drive-thru access with a development footprint of approximately 230m<sup>2</sup> each; and
- Associated infrastructure.

Access is proposed via a left lane slip (one-way) off Van Riebeeck Road and full access (two-way) off Bosman Street will be developed.

The total development footprint will be approximately 5828m<sup>2</sup> in extent.

The proposed fuel service station and associated infrastructure on Erf 6849, Eerste River was deemed the Preferred Alternative based on its suitability from a socio-economic feasibility perspective. The proposed development will cater for socio-economic improvement and / or upliftment with respect to employment (approximately 30-35 job opportunities) and contribution in revenue stream. In addition, the proposed development is to be located on an already transformed / disturbed site within an urban area, which no longer provides an ecological function and is not considered environmentally sensitive. Furthermore, it was concluded that the expanding surrounding community is able to absorb new business opportunities and will provide a response to the needs of the market within the area. The proposed development is expected to alleviate and improve ecological, social and economic aspects in the surrounding environment.

## "No-Go" Alternative

The "No-Go" alternative entails maintaining the "status quo", i.e. not developing a fuel service station and associated infrastructure on Erf 6849, Eerste River. Since the Preferred Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the Section 2 NEMA principles and the implementation of the mitigation hierarchy, the "No-Go" alternative was not preferred.

### **3. Impact Assessment and Mitigation measures**

#### 3.1. Activity Need and Desirability

The proposed site is zoned for General Business 1. The proposed development is therefore in line with the existing land-use rights of the proposed site. The proposed site is used for informal parking purposes and is subjected to anthropogenic impacts, which is not considered aesthetically pleasing in its current state. Specialist findings have indicated that no naturally occurring indigenous vegetation is present on the site and that the site contains imported fill material and dumped materials. The site is therefore regarded as a brownfield site with no ecological function. The site is not mapped as a Critical Biodiversity Area or Ecological Support Area within the Western Cape Biodiversity Spatial Plan or City of Cape Town Biodiversity Network, respectively. No species of conservation concern have been observed and no watercourses have been delineated on Erf 6849, Eerste River.

According to the City of Cape Town's Municipal Spatial Development Framework, the proposed site is located within the Incremental Growth and Consolidation Area. This means that new development will be subject to infrastructure capacity confirmation, which have been confirmed by the local authority. The proposed site is located within the Eerste River area which is identified for mixed-use intensification in accordance with the Khayelitsha, Mitchells Plain, Greater Blue Downs District Plan as a sub-metropolitan scale. The proposed development is aligned with the Integrated Development Plan as it will respond to aspects such as employment relief, skills development and investment facilitation. The proposed development is expected to provide temporary employment opportunities during the construction phase and approximately 33 permanent employment opportunities to the local community during the operational phase.

#### 3.2. Botanical Impacts

According to the Screening Report (dated 30 March 2023), the proposed site is deemed to be located within a low sensitivity area from a plant species perspective and a very high sensitivity from a terrestrial biodiversity perspective, which have been agreed with and neither confirmed nor disputed by the EAP, respectively. Specialist input from a botanical specialist was obtained in this regard.

In accordance with the Terrestrial Plant Species Compliance Statement (compiled by NCC Environmental Service and dated 11 March 2022), the proposed site is mapped to historically contain Cape Flats Sand Fynbos indigenous vegetation type, which is classified as a Critically Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – The Revised National List of Ecosystems that are Threatened and in Need of Protection, 2022. The botanical specialist confirmed the irreversible transformed and disturbed nature of the proposed site as a result of fragmentation, dumping and trampling. The low sensitivity rating in the Screening Report (dated 30 March 2023) for the plants species environmental theme has been confirmed by the botanical specialist given that no species of conservation concern or indigenous vegetation will be lost due to the proposed development on Erf 6849, Eerste River. The botanical specialist confirmed that the proposed site is not located within a Critical Biodiversity Area, an Ecological Support Area or Other Natural Area. The potential botanical impacts during construction and operational phases of the proposed development are anticipated to be of low negative significance.

No mitigation measures have been provided by the botanical specialist. The findings of the botanical specialist are supported by CapeNature (as indicated in their correspondence dated 04 October 2022).

### 3.3. Freshwater Impacts

According to the Screening Report (dated 30 March 2023), the proposed site is located within a very high sensitivity area from an aquatic biodiversity perspective. A Freshwater Screening Report (compiled by EnviroSwift and dated 31 January 2023) has been undertaken on the proposed site.

The specialist indicated that the proposed site lacked indigenous vegetation and contained an alien invasive species *Arundo donax*, which is known to be associated with wetland conditions. Clusters of this alien invasive species was found on the northern and eastern part of the site. The specialist further indicated that augering in the aforementioned areas was not possible due to the possible presence of compacted fill, which created perched conditions. The specialist therefore concluded that the perched conditions are not natural and have not resulted in the formation of wetland soil indicators and concluded that the proposed site does not contain any wetlands/watercourses.

Although the site does not contain any wetlands, the specialist noted an offsite wetland to the north of the proposed site. Due to its elevation, the offsite wetland may be impacted by the proposed development as a result of stormwater runoff. The specialist therefore recommended that a stormwater management plan be compiled in accordance with the relevant stormwater management policy applicable to the area. A Stormwater Management Plan (compiled by Carstens Consulting Engineers and dated 20 July 2021) for the reduction of stormwater discharge and control of rate and quality of runoff has been included in the EMP.

### 3.4. Geotechnical Impacts

A Geotechnical Investigation (compiled by R. A Bradshaw and Associates and dated 02 March 2021) was undertaken. Five trial pits were excavated. Three of the five trial pits were limited in depth penetration due to the very dense conditions/composition of the material tested. The specialists' testing revealed that the site is masked by a layer of uncontrolled fill material. Groundwater was intersected at a depth of 2m. Recommendations with respect to the design (i.e. excavation, dewatering, sinking of tanks (subsurface), foundation layout and further development of the site) have been provided by the geotechnical specialist and have been included in the EMP.

### 3.5. Geohydrological Impacts

A Geohydrological Assessment (compiled by Sillito Environmental Consulting and dated 27 January 2023) was undertaken and indicated the depth to groundwater, the south-south easterly groundwater flow and the poor groundwater quality that may be as a result of the imported fill material, illegal dumping and the surrounding land uses. The geohydrologist has provided recommendations with respect to groundwater monitoring as part of the proposed development and have been included in the EMP. The impact assessment for potential soil and groundwater contamination / pollution post mitigation during construction and operational phases of the proposed development have resulted in a low and low/ medium impact, respectively. In addition, emergency preparedness and response aspects have been included in the EMP.

### 3.6. Traffic Impacts

An initial Traffic Impact Assessment (compiled by iCE and dated 2002) was for the proposed development of a fuel service station and convenience store on Erf 6849, Eerste River. The calculated trip generation at the time resulted in 104 trips for morning peak hour traffic and 334 trips for the afternoon peak hour traffic.



Since significant time has passed since the initial traffic assessment, a Traffic Impact Statement (compiled by EFG Engineers and dated 26 May 2021), which included the provision of 2 retail drive-through restaurants and offices in addition to the proposed development of a fuel service station and convenience store on Erf 6849, Eerste River, was compiled to determine the potential traffic impacts associated with the proposed development. In accordance with the Traffic Impact Statement (dated 26 May 2021), the trip generation for the proposed development with background traffic is estimated at approximately 167 morning peak traffic trips and approximately 178 afternoon peak traffic trips. In addition, an 80% pass-by trips during the morning peak traffic was applied and resulted in the addition of 22 trips and 26 additional trips for the afternoon peak traffic period. The additional trips were deemed insignificant, and a detailed traffic impact assessment was not warranted.

The specialist indicated that the proposed access points from Van Riebeeck Road and Bosman Street as indicated in the Site Development Plan (compiled by AH Consortium Architects and Project Managers and dated 20 July 2021) is in accordance with the initial approved recommendation contained in the Traffic Impact Assessment (compiled by iCE and dated 2002). The access arrangements will accommodate the fuel tanker deliveries associated with the proposed development and has deemed the provision of 56 parking bays as adequate for the proposed development. Furthermore, the post mitigation impact assessment for potential traffic and safety sensitivities during construction and operational phases of the proposed development have resulted in a low significance rating. The City of Cape Town: Integrated Transport Planning Department have indicated support of the findings and recommendations proposed by the Traffic Impact Statement (compiled by EFG Engineers and dated 26 May 2021) in their correspondence dated 02 March 2023.

### 3.7. Dust, Noise and Visual Impacts

Dust, noise and visual impacts associated with the construction related activities of the proposed development are anticipated to be of low and of very low significance post mitigation. Potential dust, noise and visual impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

A Dust Management Plan (compiled by Sillito Environmental Consulting and dated January 2023) that includes contingency actions has been included as part of the EMPr. In their correspondence dated 17 March 2023, the City of Cape Town: Air Quality Management Department have confirmed that the concerns in terms of air quality aspects such as dust emissions, duty of care, fuel burning and emergency incidents have been sufficiently addressed in the BAR.

A positive impact on the visual aspect is anticipated since the informal use (casual parking and illegal dumping) of the site will be aesthetically improved with formalised infrastructure and landscaping as part of the proposed development.

### 3.8. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape and) have indicated in their correspondence 09 October 2013, that there is no reason to believe that the proposed development will impact on any heritage resources and that no further processes / action in terms of Section 38 of the National Heritage Resources Act, 1999 (Act 25 of 1999) is required. Confirmation that the findings of Heritage Western Cape (dated 09 October 2013) remain valid, has been provided by Heritage Western Cape on 08 April 2022.

### 3.9. Socio-economic Impacts

In accordance with the socio-economic feasibility study (compiled by McKellar and Associates and dated 15 October 2022), the proposed development is anticipated to improve the social and economic wellbeing of the surrounding community by the provision of temporary and permanent employment during the construction and operational phase, respectively.

The proposed development will increase the fuel resource security within the area and is a response to the updated traffic counts (as updated by EFG Engineers and dated 02 February 2022) and surrounding community density. It is further anticipated that the proposed development will result in an acceptable impact on business viability from a competitor impact analysis on the basis that the expansion / development of the area allows for the absorption of new business opportunities. Furthermore, the post mitigation impact assessment for potential socio-economic sensitivities during construction and operational phases of the proposed development have resulted in a positive low to medium significance rating.

### 3.10. Services

Sufficient capacity for the provision of solid waste removal, sewer reticulation and bulk water supply with respect to the proposed development on Erf 6849, Eerste River have been confirmed by the City of Cape Town in their correspondence dated 02 September 2022 and 30 September 2022, respectively.

The City of Cape Town confirmed that the proposed development on Erf 6849, Eerste River is situated within the catchment of the Zandvliet Wastewater Treatment Works ("WWTW"), which cannot accept additional inflow at this stage since the WWTW has reached its operational capacity and is currently undergoing upgrades. The City of Cape Town indicated that the calculated / anticipated wastewater flow of 5.49kl/d for the proposed development is in excess of what may be considered during the current upgrades. It was advised that should the calculated wastewater flow be reduced to less than 4kl/d, further consideration may be accommodated by Zandvliet WWTW.

Furthermore, the City of Cape Town have indicated that the proposed upgrades to the Zandvliet WWTW is expected to be completed by the second quarter of 2024 and the proposed development on Erf 6849, Eerste River can be accommodated in 2024. In light of the alternative provided in the City of Cape Town's correspondence (dated 30 September 2022) regarding wastewater treatment, the proposed development of a fuel service station and associated infrastructure on Erf 6849, Eerste River will be delayed until 2024 as indicated in correspondence dated 31 July 2023.

Sufficient spare electricity capacity to accommodate the proposed fuel service station and associated infrastructure on Erf 6849, Eerste River via the Eerste River Farmers 1 feeder has been confirmed by Eskom (in their correspondence dated 03 March 2021).

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential soil and groundwater impacts;
- Potential traffic impacts; and
- Potential dust, noise and visual impacts during the construction phase.

Positive impacts include:

- Employment opportunities during construction of the proposed development;
- Improved visual impact;
- Improvement of secondary service availability;
- Increase in fuel security; and
- Economic gain for the applicant.

### **National Environmental Management Act Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise

any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), inter alia, provides for:

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

## Conclusion

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

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

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