



REFERENCE NUMBER: 16/3/3/1/F4/23/3022/22
NEAS REFERENCE NUMBER: WCP/EIA/0001102/2022
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: 02 December 2022

The Director
Eye of the Public Advertising CC
P.O. Box 596
SANLAMHOF
7532

For Attention: Mr. G. Stigling

Cell: (083) 305 9008

Email: Anyskop01@gmail.com

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 FILLING STATION AND TRUCK STOP ON THE REMAINDER OF FARM LANGE BERG NO. 188, VREDENBURG.

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. N. Duarte (Saldanha Bay Municipality)
(2) Ms. J. Pienaar (Enviro-EAP)

Email: Nazeema.Duarte@sbm.gov.za

Email: Johmandie@enviro-eap.co.za



REFERENCE NUMBER: 16/3/3/1/F4/23/3022/22

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 FILLING STATION AND TRUCK STOP ON THE REMAINDER OF FARM LANGEBERG NO. 188, VREDENBURG.

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR") dated 18 August 2022.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
% Mr. G. Stigling
Eye of the Public Advertising CC
P.O. Box 596
SANLAMHOF
7532

Cell: (083) 305 9008
Email: Anyskop01@gmail.com

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: 9 Activity Description:</p> <p><i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water—</i></p> <p>(i) <i>with an internal diameter of 0,36 metres or more; or</i></p> <p>(ii) <i>with a peak throughput of 120 litres per second or more;</i></p> <p><i>excluding where—</i></p> <p>(a) <i>such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</i></p> <p>(b) <i>where such development will occur within an urban area.</i></p>	<p>The proposed development of a filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg will entail the development of water and stormwater pipelines exceeding 1000m in length with a maximum internal diameter of 525mm.</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 filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg will entail the development and related operation of three underground storage tanks for the storage of dangerous goods with a total combined capacity of 249m³.</p>
<p>Activity Number: 27 Activity Description:</p> <p><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></p> <p>(i) <i>the undertaking of a linear activity; or</i></p> <p>(ii) <i>maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed development of a filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg will result in the clearance of approximately 5ha of indigenous vegetation.</p>
<p>Activity Number: 28 Activity Description:</p> <p><i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p>	<p>The proposed development of a filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg is a commercial development proposed on land previously used for agricultural purposes, outside an urban area and will be approximately 5ha in extent.</p>

Listed Activity	Activity / Project Description
<p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 1 Activity Description:</p> <p>The development of billboards exceeding 18 square metres in size outside urban areas, mining areas or industrial complexes.</p> <p>i. <u>Western Cape</u></p> <p>i. All areas outside urban areas, mining areas or industrial complexes.</p> <p>Activity Number: 4 Activity Description:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>(i) <u>Western Cape</u></p> <p>(i) Areas zoned for use as public open space or equivalent zoning;</p> <p>(ii) Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>(iii) Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p> <p>Activity Number: 12 Activity Description:</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous</p>	<p>The proposed development of a filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg will entail the development of two billboards, each exceeding 18m² in extent and is located outside an urban area.</p> <p>The proposed development of a filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg will entail the development of a road wider than 4 meters on land containing indigenous vegetation outside an urban area.</p> <p>The proposed development of a filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg will result in the</p>

Listed Activity	Activity / Project Description
<p>vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p><u>i Western Cape</u></p> <p>(i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>(ii) Within critical biodiversity areas identified in bioregional plans;</p> <p>(iii) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</p> <p>(iv) On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>(v) On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	<p>clearance of more than 300m² of indigenous vegetation within an endangered ecosystem listed in terms of section 52 of the NEMBA i.e. Saldanha Flats Strandveld.</p>

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

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

The authorised development entails the development of a filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg.

The development of filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg is proposed as a 24-hour service operation and will consist of the following:

Facilities and associated amenities:

- Retail, restaurant and offices with associated amenities;
- Ablution facilities;
- A play area and outdoor gym (courtyard);
- Truck-stop amenities;
- A genset plant room and refuse area;
- Three (3) island forecourts;
- Three (3) island truck forecourts;
- An auto electric and tyre shop, offices and storage;
- A truck wash bay;
- A guard house for access control and shaded carports;
- An ablution facility with truck parking;

- Filler points; and
- A boundary fence consisting of fencing and a concrete wall.

Fuel storage:

Three (3) underground fuel storage tanks with storage capacity of 83 000lt each will be developed and installed. The total combined fuel storage capacity will be 249m³.

Service infrastructure:

- An on-site effluent treatment /Biorock System and associated infrastructure will be installed. The pipeline network will consist of a 110-160mm pipeline network, which will transport effluent from all buildings into the Biorock System for treatment prior to the use of the effluent for irrigation purposes. The treatment system will have a peak flow capacity of approximately 0.62l/s and will have a storage capacity of approximately 55m³, which is equivalent to a three (3) day storage capacity.
- Stormwater management infrastructure will be developed. Stormwater pipelines exceeding 1000m in length and with a diameter of between 315mm – 525mm will be developed. The minimum throughput capacity will be approximately 0.6m/s. A stormwater attenuation pond with storage capacity of 787m³ will be developed.
- Existing municipal connections to potable water supply is available on the site. Pipelines with a diameter of approximately 75mm and a peak supply of 53.41kl/day will be developed. Water storage tanks will be used to store water on site. Sufficient, spare and unallocated capacity has been confirmed by the Local Authority and is available with regard to bulk water supply and solid waste to accommodate the proposed development on Remainder of Farm Langeberg No. 188, Vredenburg. Electricity supply has been confirmed by Eskom.

Billboards

- One (1) billboard of 32m² (i.e. 8mx4m) will be developed.
- One (1) totem of 36m² (i.e. 12mx3m) will be developed.

Access

- Access via the Minor Road 7631 (located off the Trunk Route 8501) will be developed. The new access road will be approximately 8m wide and 20m long up to the point where it will connect to the truck stop facilities.

The total development footprint of the proposed development will be approximately 5ha in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on the Remainder of Farm Langeberg No. 188, Vredenburg.

The 21-digit Surveyor General code is:

Remainder of Farm Langeberg No. 188, Vredenburg	C04600000000018800000
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The central co-ordinate for the proposed development is:

Middle (Point)	32° 58' 48.56" South	18° 05' 55.81" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Development Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Enviro-EAP (Pty) Ltd.
% Ms. J. Pienaar
P. O. Box 205
AGULHAS
7287

Cell: 072 240 3092
Email: Johmandie@enviro-eap.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 Alternative described in Section B above and in the BAR dated 18 August 2022 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with authorised listed activities, during which period the authorised listed activities 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, 10, 20 and 21.

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 Section H;
 - 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 activities, 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 activities, including site preparation, must not commence until the appeal is decided.

Management of activity

8. The Environmental Management Programme (“EMPr”) (compiled by Enviro-EAP and dated August 2022) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
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 activities 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 EA 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.
15. 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.
16. The recommendations of the Groundwater Impact Assessment and Geotechnical Assessment (compiled by GEOSS (Pty) Ltd and dated 02 December 2022 and revised 24 June 2022), as included in the EMPr, must be implemented. This includes, *inter alia*, the implementation of a groundwater monitoring system during the operational phase.
17. The recommendations of the Ecological Baseline Assessment (compiled by Enviro-EAP (Pty) Ltd and dated January 2020), as included in the EMPr, must be implemented.
18. In accordance with the Heritage Impact Assessment (compiled by CTS Heritage and dated December 2019) and as endorsed by Heritage Western Cape, the following mitigation measures, *inter alia*, must be implemented during the construction phase:
 - 18.1. The Heritage Western Cape Chance Fossil Finds Procedure must be implemented and included in the EMPr; and
 - 18.2. Daily palaeontological monitoring of the excavations for the foundations and fuel tanks must be undertaken by a suitably qualified palaeontologist. Should any significant fossils be identified during excavation activities, a Workplan application must be submitted to Heritage Western Cape for the appropriate removal and curation of this fossil material.

19. 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.
 - 19.1. 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.
20. Proof of the appointment of a suitably qualified palaeontologist must be provided prior to commencement of development activities.
21. The site must be clearly demarcated prior to the commencement of the development activities. The development footprint of the proposed development must be limited to the demarcated area.
22. The tanks must be designed, installed and managed in accordance with the relevant SANS standards.
23. 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.
24. Firefighting equipment must be present on site and adhere to the Oil Industry standards.
25. 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.
26. 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).
27. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period 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
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: 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 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 Addendum to the 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)

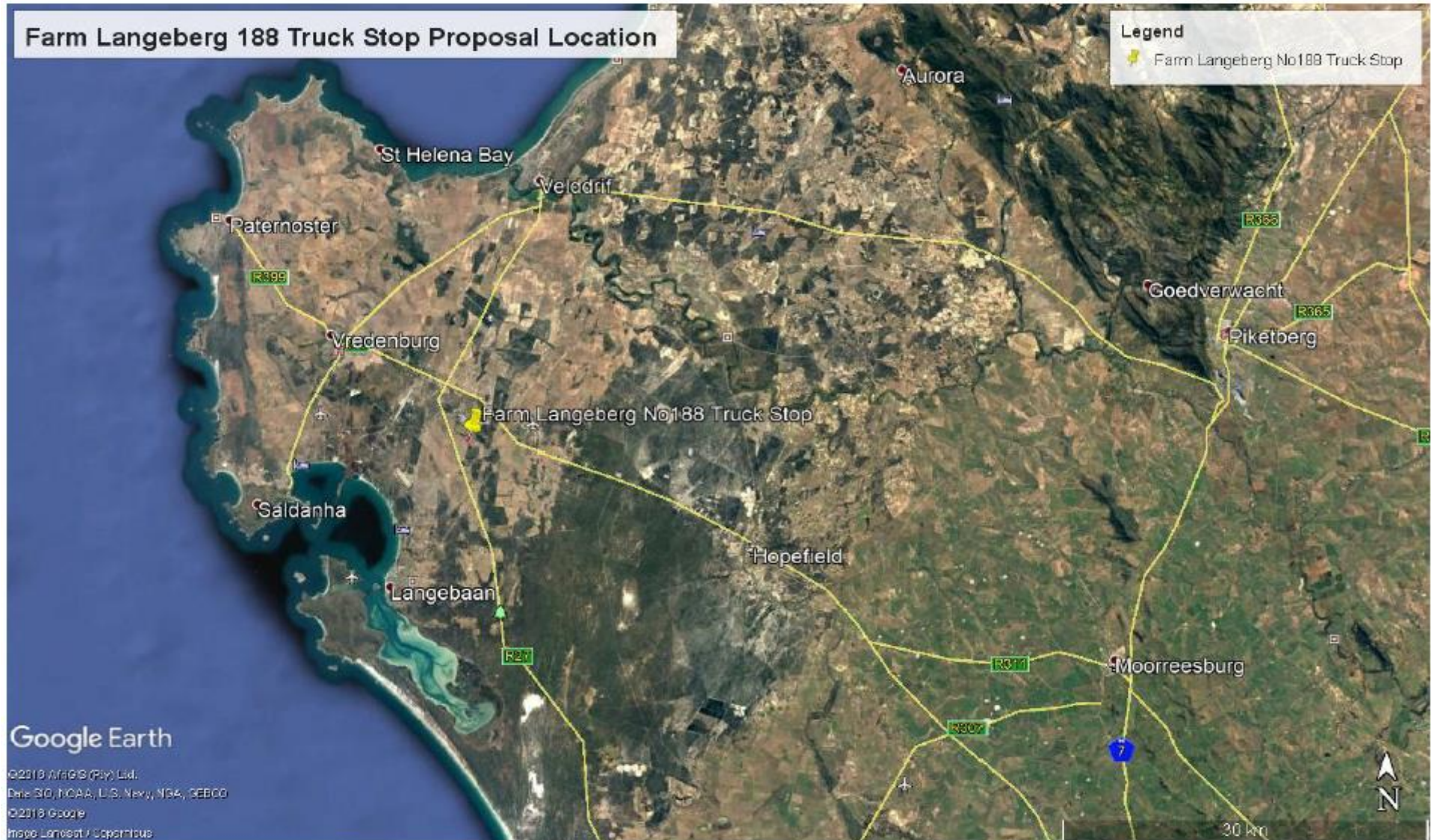
DATE OF DECISION: 02 DECEMBER 2022

Copies to: (1) Ms. N. Duarte (Saldanha Bay Municipality)
(2) Ms. J. Pienaar (Enviro-EAP)

Email: Nazeema.Duarte@sbm.gov.za
Email: Johmandie@enviro-eap.co.za

ANNEXURE 1: LOCALITY PLAN

Proposed site on the Remainder of Farm Langeberg No. 188, Vredenberg.



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 10 May 2022 and received by the Competent Authority on 19 May 2022, the amended Application Form dated and received by the Competent Authority on 18 August 2022, the BAR dated and received by the Competent Authority on 18 August 2022 and the EMPr dated August 2022 received by the Competent Authority on 18 August 2022;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses to these, included in the BAR dated 18 August 2022;
- 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 boundary of the proposed site where the listed activities are to be undertaken on 11 September 2019 and 01 April 2022;
- the placing of a newspaper advertisement in the 'Weslander' on 12 September 2019 and 31 March 2022;
- giving written notice to the occupiers of land adjacent to the site where the listed activities are to be undertaken and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 11 September 2019 and 06 April 2022;
- Making the pre-application draft BAR available to I&APs for public review from 18 March 2020 for a period of 30 days;
- Making the draft BAR available to I&APs for public review from 23 June 2022 to 25 July 2022;
- Making a hard copy of the draft BAR available at the Langebaan Library during the above commenting period; and
- The PPP undertaken was in accordance with the approved Public Participation Plan as agreed to.

All concerns raised by I&APs were responded to and adequately 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 EMPr to adequately address concerns raised.

2. Alternatives

No property alternatives were investigated due to the fact that the proposed site is owned by the holder. Two Site Alternatives and two layout alternatives were identified and assessed by the holder. Site Alternative 1 was located on the eastern portion of the Remainder of Farm Langeberg No. 188, Vredenburg and included the development of a filling station, a truck stop, a road and associated infrastructure. The development footprint associated with Site Alternative 1 was approximately 6ha in extent. Site Alternative 1 was not deemed the preferred from a botanical perspective as the potential botanical impacts would have resulted in a higher negative botanical impact when compared to Site Alternative 2.

Layout Alternative 1 was not deemed the preferred alternative since the proposed development could not incorporate adequate stormwater management measures and could not adequately mitigate against the potential groundwater impacts associated with the use of treated effluent for irrigation purposes on agricultural land.

Site Alternative 2 and Layout Alternative 2 (now described as the Preferred Alternative) and the “no-go” alternative has been assessed as follows:

The Preferred Alternative-herewith authorised

The Preferred Alternative entails the development of a filling station, truck stop and associated infrastructure on the Remainder of Farm Langeberg No. 188, Vredenburg.

The development of filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg is proposed as a 24-hour service operation and will consist of the following:

Facilities and associated amenities:

- Retail, restaurant and offices with associated amenities;
- Ablution facilities;
- A play area and outdoor gym (courtyard);
- Truck-stop amenities;
- A genset plant room and refuse area;
- Three (3) island forecourts;
- Three (3) island truck forecourts;
- An auto electric and tyre shop, offices and storage;
- A truck wash bay;
- A guard house for access control and shaded carports;
- An ablution facility with truck parking;
- Filler points; and
- A boundary fence consisting of fencing and a concrete wall.

Fuel storage:

- Three (3) underground fuel storage tanks with storage capacity of 83 000lt each will be developed and installed. The total combined fuel storage capacity will be 249m³.

Service infrastructure:

- An on-site effluent treatment /Biorock System and associated infrastructure will be installed. The pipeline network will consist of a 110-160mm pipeline network, which will transport effluent from all buildings into the Biorock System for treatment prior to the use of the effluent for irrigation purposes. The treatment system will have a peak flow capacity of approximately 0.62l/s and will have a storage capacity of approximately 55m³, which is equivalent to a three (3) day storage capacity.

- Stormwater management infrastructure will be development. Stormwater pipelines exceeding 1000m in length and with a diameter of between 315mm – 525mm will be development. The minimum throughput capacity will be approximately 0.6m/s. A stormwater attenuation pond with storage capacity of 787m³ will be developed.
- Existing municipal connections to potable water supply is available on the site. Pipelines with a diameter of approximately 75mm and a peak supply of 53.41kl/day will be developed. Water storage tanks will be used to store water on site. Sufficient, spare and unallocated capacity has been confirmed by the Local Authority and is available with regard to bulk water supply and solid waste to accommodate the proposed development on Remainder of Farm Langeberg No. 188, Vredenburg. Electricity supply has been confirmed by Eskom.

Billboards

- One (1) billboard of 32m² (i.e. 8mx4m) will be developed.
- One (1) totem of 36m² (i.e. 12mx3m) will be developed.

Access

- Access via the Minor Road 7631 (located off the Trunk Route 8501) will be developed. The new access road will be approximately 8m wide and 20m long up to the point where it will connect to the truck stop facilities.

The total development footprint of the proposed development will be approximately 5ha in extent.

The development of the filling station, truck stop, and associated infrastructure will occur on an already transformed area and will entail a closed underground stormwater management system with an attenuation pond for the prevention of potential contaminated stormwater runoff. The preferred layout will entail the irrigation of treated effluent onto landscaped gardens within the development footprint on areas where groundwater monitoring will take place as a precautionary mitigation measure. The Preferred Alternative further incorporates a closed stormwater management system and is preferred from a botanical perspective.

"No-Go" Alternative

The "No-Go" alternative entails maintaining the "status quo", i.e. not developing a filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg). Since the Preferred Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the application of the Section 2 NEMA principles and 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 a brownfield site that has been completely transformed by previous agricultural activities. Although the proposed development is not in-keeping with the surrounding area and the Greater Saldanha Environmental Management Framework, the proposed site does not occur within the Saldanha Strategic Offset Strategy area or the Besaansklip Industrial Area and is not mapped as a Critical Biodiversity Areas or Ecological Support Areas within the Western Cape Biodiversity Spatial Plan. No species of conservation concern have been observed and no watercourses have been delineated. Although the site is zoned for agricultural purposes and will require a rezoning application, a need has been identified within the area for a refreshment stop for freight / haulage trucks along the TR85/1 and TR77/1 interchange. The proposed development will be easily accessible and will divert any heavy trucks from smaller towns which may cause traffic impacts. Filling stations and truck stops located on the rural-urban fringe are desirable from a traffic impact perspective in accordance with spatial planning of the local municipality.

The proposed development is considered a response to the traffic generated from urban developments and investment in the Saldanha Bay Industrial Development Zone.

The proposed development is aligned with the Integrated Development Plan as it will respond to aspects such as employment relief, skills development, investment facilitation and industrialisation. The proposed development is expected to provide temporary employment opportunities during the construction phase and permanent employment opportunities to the local community during the operational phase. The proposed development will support the main activity corridor and contribute to the increase in fuel security along the freight routes along the R27, R45, TR77/1, and TR85/1 as well as economic gain in the local and regional market.

3.2. Groundwater Impacts

In accordance with the Groundwater Impact and Geotechnical Investigation (compiled by GEOSS and dated 02 December 2020 and revised on 24 June 2022), the groundwater specialist indicated that the proposed development is located above a distal portion of the Langebaan Road Aquifer, which forms part of the Subterranean Government Water Control Area. The Langebaan Road Aquifer is an important water source for municipal bulk water supply in the area and other users within the surrounding area of the proposed site. It was further indicated that the potential contamination of the groundwater resource as a result of the proposed development and associated infrastructure is rated as very high given the shallow groundwater levels and high permeability of the overlying sand layers. The aquifer is classified with high vulnerability to contamination. The groundwater specialist has provided recommendations with respect to adequate pollution prevention measures to be implemented, a rapid response plan, appropriately designed and constructed monitoring boreholes and the use of biodegradable products in the proposed wash bay. These recommendations have been included in the EMPr.

Since the aspect of installing and operating an underground fuel storage tank farm is the most significant risk of groundwater pollution, industry standards such as an Underground Storage Tank Leak Detection Management Plan and corrosion-resistant tanks and associated infrastructure are proposed to be implemented as part of the proposed development and is included in the objectives of the EMPr.

The concerns raised by this Department's Directorate: Pollution and Chemicals Management with respect to effluent, waste management, chemical usage, stormwater run-off, groundwater and associated impacts and water monitoring requirements have been noted, responded to and the recommended mitigation measures have been included in the EMPr.

Concerns were raised by interested and affected parties regarding the location of the proposed site relative to the aquifer. This matter has been verified by the groundwater specialist in a letter (dated 15 August 2022) regarding the consideration of repositioning of the proposed development on the Farm Langeberg No. 188, Vredenburg. The specialist indicated that given the fact that the proposed site (i.e. preferred site) is located on the periphery / distal portion of the Langebaan Road Aquifer, it is the most suitable site from a groundwater perspective and that the relocation of the proposed development on the property will not provide for any tangible effect on the outcome of the groundwater impact assessment report. The proposed development will remain a low-medium rating with mitigation from a groundwater perspective.

3.3. Agricultural Impacts

According to the Screening Report (dated 24 November 2021), the proposed site is located within a high sensitivity area from an agricultural perspective. However, given the moderate to low land capability of the proposed site and the fact that a limited use of livestock grazing is the alternative, the sensitivity was disputed to a low sensitivity by the EAP. The Western Cape Government: Department of Agriculture indicated (in their correspondence dated 28 May 2020) that they have no objection to the proposed development.

It is noted that recommendations with respect to the combatting of alien and invasive species vegetation management and erosion control in terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) have been provided by the Department of Agriculture, Land Reform and Rural Development (in their correspondence dated 12 July 2022) and have been included in the EMPr.

The concern highlighted in the comments provided by the West Coast Bird Club (dated 12 April 2020) with respect to the spread of *Echium plantagineum* have been adequately addressed by ensuring that the monitoring of incoming loads of soil, sand and gravel is conducted by the appointed Environmental Control Officer and has been included in the EMPr. In addition to this, the requirements in terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) have been included in the EMPr.

3.4. Botanical Impacts

According to the Screening Report (dated 24 November 2021), the proposed site is deemed to be located within a low sensitivity area from a plant species perspective and a very high sensitivity area from a terrestrial biodiversity perspective. An Ecological Baseline Assessment (compiled by Enviro-EAP and dated January 2020) was conducted. Two site alternatives were assessed by the specialist. Site Alternative 1 is located on the eastern portion of the Remainder of Farm No. 188, Vredenburg and is approximately 6ha in extent. Site Alternative 2 is located on the western portion of the Remainder of Farm No. 188, Vredenburg, is approximately 5ha in extent and is the preferred site alternative. The specialist indicated that no species of conservation concern and no terrestrial plant species or biodiversity features were observed on both site alternatives. The specialist further noted that no watercourses are present within both site alternatives.

However, the specialist noted that moderately intact Saldanha Flats Strandveld remnant vegetation, which is an endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection (2011), occurs on Site Alternative 1, which will result in a higher negative botanical impact than Site Alternative 2.

Site Alternative 2 was therefore deemed preferred from a botanical perspective since the botanical sensitivity of Site Alternative 2 is considered to be low due to the fact that the site contains very little indigenous vegetation diversity.

In addition, CapeNature indicated (in their correspondences dated 02 April 2020 and 25 July 2022) that they are in support of the proposed development on the preferred site i.e. Site Alternative 2 (i.e. 5ha), which already has an existing access road (i.e. Minor Road 7621 – to be upgraded) and does not require the development of a new road. In addition, it is considered that Site Alternative 2 will not provide for meaningful contribution to meeting conservation targets for Saldanha Flats Strandveld and is therefore supported from a botanical perspective. The recommendations provided by CapeNature and the botanical specialist have been included in the EMPr.

3.5. Heritage Impacts

Since the proposed development triggers Section 38(8) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), Heritage Western Cape ("HWC") confirmed that a Heritage Impact Assessment was required.

A Heritage Impact Assessment (compiled by CTS Heritage and dated December 2019) was therefore conducted to determine the potential impacts on heritage resources. The heritage specialist indicated that no archaeological resources were identified on the proposed site.

In terms of palaeontological resources, the specialist noted that previous finds of the Early Stone Age stone artefacts and fragmentary bone have been recovered within the area on Langeberg

No. 188 and Anyskop in the West Coast Fossil Park. In addition, the specialist indicated the visual intrusiveness of the proposed development relative to the West Coast Fossil Park (a National Heritage Site) but has noted the visual screening / buffer of the row / cluster of existing trees and the remnant mining dumps of the phosphate mine located north of the site. Due to the findings noted in the literature review for the larger surrounding area and due to pile of calcrete rocks observed in the south eastern portion of the site, it is likely that palaeontological remains may be encountered during excavation activities. The specialist has therefore recommended mitigation measures pertaining to the possibility of paleontological remains being exposed during excavation activities.

HWC have endorsed the recommendations of the Heritage Impact Assessment in their correspondence dated 03 June 2020. The recommendations of the specialist have been included as a condition set in this Environmental Authorisation and in the EMPr.

3.6. Traffic Impacts

In accordance with the Traffic Impact Assessment (compiled by Sturgeon Consulting and dated February 2020) and the Traffic Impact Clarification Letter (compiled by Sturgeon Consulting and dated 26 January 2022), the specialist indicated that although traffic counts were unable to be taken at the initial time of assessment due to the construction of roads within the vicinity of the proposed site, the volumes were derived from the AECOM Saldanha Road Network Master Plan. The traffic volumes derived are reflective of projections from 2013, 2023 and 2033 design years. The South African Trip Generation Manual (1995) indicates that a filling station or truck stop attracts 30% of passing light traffic and 40% of heavy vehicle traffic on national and provincial freeways. The traffic specialist assumed a portion of 10% of traffic along the TR85/1 will be heavy vehicles and that for the projected 2023 design year, the development may attract approximately 60 vehicles per hour ("vph") (two-way) during AM peak hour and approximately 89 vph (two-way) during PM peak hour from the TR85/1. For the projected 2033 design year, the development is expected to attract approximately 104 vph (two-way) during AM peak hour and approximately 137 vph (two-way) during the PM peak hour along the TR85/1. This Traffic Impact Assessment has considered trip generation rates from other land uses within the surrounding area as well and the traffic impact of the development is considered insignificant on the road network. The traffic specialist further indicated that at commencement of upgrades to the MR7631 and TR85/1, the development will only consist of a left-in / left-out access. In addition, the required number of parking bays are 49 for the development whereas approximately 191 bays have been included in the Site Development Plan for the development. The recommendations provided by the traffic specialist have been included in the EMPr.

The Department of Transport and Public Works indicated have noted no objection to the proposed development in their correspondence (dated 31 March 2020).

3.7. Services

A Civil Design Report (compiled by De Kock and Associates and dated 22 November 2021) was compiled to determine the services required for the proposed development.

According to the report and in terms of water reticulation, a municipal water connection is available on the proposed site. The main line of supply will be approximately 75mm in diameter, which will connect the municipal water supply to a water storage tank. Total water demand was estimated to be 35.61kl/day with a peak demand of 53.41kl/day.

In terms of the sewage network, the report indicated that sewer would flow into a sewer pump station where it will be pumped into a conservancy tank before flowing into the Biorock system. The sewage network has been designed to have a capacity of 53.41kl/day sewer discharge. Grey water will be filtered through a chlorinator system before discharging into jojo tanks for storage and will be used for irrigation purposes onto landscaped areas within the development.

Mitigation measures with respect to monitoring and measurement as well as emergency preparedness and response have been included in the EMPr. The discharge of the treated effluent will meet discharge quality standards prior to discharging in accordance with the expected requirements of the National Water Act, 1998 (Act No. 36 of 1998). The process for authorisation of the water use activities proposed has been initiated with the Department of Water and Sanitation.

Stormwater management infrastructure will be development. Stormwater pipelines exceeding 1000m in length and with a diameter of between 315mm – 525mm will be development. The minimum throughput capacity will be approximately 0.6m/s. A stormwater attenuation pond with storage capacity of 787m³ will be developed. This will accommodate for a 1:100-year storm event.

Sufficient, spare and unallocated capacity has been confirmed by the Local Authority and is available with regard to bulk water supply and solid waste to accommodate the proposed development on Remainder of Farm Langeberg No. 188, Vredenburg. Electricity supply has been confirmed by Eskom.

3.8. Socio-economic Impacts

A Socio-Economic Impact Assessment (compiled by Leap Sustainable Development and dated April 2022) was undertaken to determine the potential socio-economic impacts associated with the proposed development. The specialist indicated that although some negative social impacts may occur (such as a potential increase in traffic, potential noise and dust impacts, potential change in sense of place and potential community stability), the overall socio-economic impacts are positive in nature. The specialist has indicated that the change in the sense of place will create an environment that is a vibrant supportive transition. The specialist has recommended that urban design management and landscaping plans be implemented and maintained to ensure that a transition is sustained within the rural regional landscape, which is in close proximity to the Industrial Development Zone.

Further, the specialist has noted that the proposed development will have a positive medium significant economic impact (direct and additive) on the economy of Saldanha Bay and the regional area. The specialist has also provided recommendations with respect to the adoption of management guidelines, which should be implemented in partnership with the local authority.

The proposed development is expected to contribute by providing for temporary employment relief during the construction phase. It is anticipated that approximately thirty-five (35) temporary employment opportunities will be generated of which 28 opportunities are earmarked for the local community (i.e. 13 unskilled, 13 semi-skilled and 7 skilled opportunities) during the construction phase and sixty (60) permanent employment opportunities during the operational phase.

Given the significant benefits and limited costs from a financial perspective, the development of a filling station and truck stop on the Remainder of Farm Langeberg No. 188, Vredenburg, is supported from a socio-economic perspective.

3.9. Visual, Dust and Noise Impacts

Potential visual, dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr and are aligned with the comments and recommendations provided by this Department's Directorate: Air Quality Management in their correspondence (dated 25 July 2022).

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential groundwater impacts;
- Potential heritage impacts;
- Potential traffic impacts;
- Potential botanical impacts;
- Potential socio-economic impacts;
- Potential stormwater impacts; and
- Potential visual, dust and noise impacts during the construction phase.

Positive impacts include:

- Employment opportunities during construction and operational phase of the proposed development;
- Improvement of secondary service availability in the region;
- Increase in fuel security;
- Provision of safe and secure facilities for truck drivers passing through the surrounding towns; 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 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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