



REFERENCE: 16/3/3/1/B3/28/1039/22
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 28 NOVEMBER 2022

Mr Lionel Schulz
Paarl Fuel Stop
Postnet Ballito, Suite 98
Private Bag X001
BALLITO
4420

Cell: 082 892 9959
E-mail: lionel@shiptech.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE DEVELOPMENT OF THE PAARL FUEL STOP FILLING STATION ON PORTION 8 OF FARM NO. 657, PAARL.

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

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Mr Ryan Kynaston (Geo Pollution Technologies Gauteng (Pty) Ltd)
(2) Ms Cindy Winter (Drakenstein Municipality)

E-mail: ryan@gptglobal.com
E-mail: Cindy.Winter@drakenstein.gov.za

REFERENCE: 16/3/3/1/B3/28/1039/22
NEAS REFERENCE: WCP/EIA/0001122/2022
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 28 November 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE DEVELOPMENT OF THE PAARL FUEL STOP FILLING STATION ON PORTION 8 OF FARM NO. 657, PAARL.

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, 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 Layout Alternative 1 described in the Basic Assessment Report ("BAR"), dated 18 August 2022.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Paarl Fuel Stop
c/o Mr Lionel Schulz
Postnet Ballito, Suite 98
Private Bag X001
BALLITO
4420
Cell: 082 892 9959
E-mail: lionel@shiptech.co.za

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

B. ACTIVITIES AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 1 – Activity Number: 14 <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 storage of a dangerous good with a capacity of 138 cubic metres (138 000 litres).</p>
<p>Listing Notice 1 – Activity Number: 28 <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> <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i> <i>(ii) will occur outside an urban area, where the land to be developed is bigger than 1 hectare;</i> <i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The development of more than 1ha of land that was used for agriculture.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activities:

The proposed development will entail a fuel service station and truck stop with associated infrastructure on Portion 8 of the Farm No. 657, Paarl. The fuel service station and truck stop will be developed in two phases.

Phase 1

- The installation of 6 x 23 000 litre underground fuel storage tanks with a forecourt, convenience shop, offices and ablution facilities;
- A play park; and
- Parking areas.

Phase 2

- A wash bay;
- Ablution facilities for overnight trucks; and
- Parking areas for trucks.

The truck stop component will be separated from the fuel service station by a fence with security controlled access points. The footprint of the proposed development will be approximately 25 740m². Existing access is available to the site.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 8 of the Farm No, 657, Paarl and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates	33° 44' 25.77" South	19° 01' 27.02" East

The SG digit codes are: C055 0000 00000657 00008

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Geo Pollution Technologies Gauteng (Pty) Ltd.

Mr Ryan Kynaston

PO Box 8442

ROGGEBAAI

8012

Cell: (073) 908 5402

Email: ryan@gptglobal.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Layout Alternative 1 described in the BAR dated 18 August 2022 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.

4. 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.
5. 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

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 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 Appeals Regulations, 2014 detailed in Section F below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,

- 7.4.3 postal address of the holder,
- 7.4.4 telephonic and fax details of the holder,
- 7.4.5 e-mail address, if any, of the holder,
- 7.4.6 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 2014 National Appeals Regulations.

8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein. The ECO must conduct site visits once a month and must submit ECO reports on a monthly basis to the competent authority for the duration of the construction phase.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. 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

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be

prepared by an independent person (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority within three (3) months of the completion of construction activities of each phase.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. 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.

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 a 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. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 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 EIA Regulations 2014 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.

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 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 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 and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

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

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

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

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/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: 28 NOVEMBER 2022

Cc: (1) Mr Ryan Kynaston (Geo Pollution Technologies Gauteng (Pty) Ltd)
(2) Ms Cindy Winter (Drakenstein Municipality)

E-mail: ryan@gptglobal.com

E-mail: Cindy.Winter@drakenstein.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form dated 30 June 2022, the final BAR dated 18 August 2022 and the updated EMPr dated August 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (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 I&APs and responses to these, included in the BAR dated 18 August 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- Site notices were placed on 14 April 2022;
- the placing of a newspaper advertisement in the 'Paarl Post' on 14 April 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 14 April 2021;
- making the pre-application Draft BAR available for comment until 19 May 2022; and
- making the in-process Draft BAR available for comment until 4 August 2022.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

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

2. Alternatives

Layout Alternatives

Layout Alternative 1 (Preferred and herewith authorised)

This alternative includes the development of a fuel service station and truck stop with associated infrastructure on Portion 8 of the Farm No. 657, Paarl. The fuel service station and truck stop will be developed in two phases.

Phase 1

- The installation of 6 x 23 000 litre underground fuel storage tanks with a forecourt, convenience shop, offices and ablution facilities;
- A play park; and
- Parking areas.

Phase 2

- A wash bay;
- Ablution facilities for overnight trucks; and
- Parking areas for trucks.

The truck stop component will be separated from the fuel service station by a fence with security controlled access points. The footprint of the proposed development will be approximately 25 740m². Existing access is available to the site.

This alternative was preferred as additional aboveground diesel storage for the truck stop will not be required, which will eliminate the visual impact associated with aboveground storage tanks. The required storage of fuel for the service station and truck stop could be accommodated in underground storage tanks.

Layout Alternative 2

This alternative includes the development of the following:

- A fuel service station containing 4 x 23 000 litre underground fuel storage tanks and associated infrastructure; and
- A dedicated truck stop containing 3 x 80 000 litre aboveground fuel storage tanks for diesel.

This alternative was not preferred as aboveground storage tanks is more visually intrusive. The additional storage of diesel for the truck stop is not required as diesel is available from nearby sources, should there be a shortage of diesel at the facility.

No Go Alternative

This alternative represents the current *status quo*, where the development of the fuel service station and truck stop will not take place. This alternative was not preferred since it will not provide a fuel service station and truck stop facility in an area where the latter facilities are scarce.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The development is in line with the existing land use rights of the property and the Spatial Development Framework of the local municipality. The site is located in close proximity to the N1 road, which make it ideal to cater for transport and logistical activities prevalent on the N1 road. The proposed development will provide for additional service station amenities and a truck stop facility in a region where such facilities are scarce.

3.2 Biophysical Impacts

According to the Terrestrial Plant Compliance Statement (dated February 2022, compiled by Nicholaas Hanekom), the proposed site historically contained indigenous vegetation namely Boland Granite Fynbos, which is classified as Vulnerable. However, the site is degraded and no species of conservation concern occur on the proposed site. According to the Freshwater Compliance statement (dated January 2022, compiled by Enviroswift), no watercourses are located on or within 32m of the site. No impacts on watercourses are expected.

3.3. Groundwater Impacts

Potential groundwater contamination may occur during the development and operational phase of the proposed development as a result of potential on-site spills which may occur during delivery and potential leakages of the tanks and pipes. The fuel service station will utilise best practice technology and design specifications for the fuel storage infrastructure to ensure that the potential environmental risks are minimised. Potential groundwater impacts will be minimised with the implementation of the mitigation measures contained in the EMPr.

3.4. Agricultural impacts

According to the Agricultural Compliance Statement (dated 3 March 2022, compiled by Johann Lanz), the site has a low agricultural potential and is not suitable for commercial crop production. The Western Cape Department of Agriculture has indicated in their comment (dated 4 October 2022) that they have no objection to the proposed development.

3.5 Socio-Economic Impacts

A Socio-Economic Impact Assessment (dated 11 April 2022, compiled by Grant Smit) was conducted to assess the impacts associated with truck drivers staying overnight at the truck stop. The study focused on factors such as increased risk of the spread of HIV, transactional sex and Gender-Based Violence in the area. The study concluded that the truck stop is of a small scale and is not likely to have any material impact on the surrounding community with respect to the abovementioned factors. Although the applicant cannot control the behaviour of his clients, a system to allow only drivers from companies registered with the applicant to use the truck stop facility, will be implemented. This includes strict access control and measures to encourage drivers from staying at the truck stop once they've arrived, instead of spending time elsewhere in the community. The mitigation measures recommended by the specialist have been included in the EMPr.

Negative Impacts:

Potential groundwater contamination may occur during the development and operational phase of the proposed development. These impacts will be minimised with the implementation of the mitigation measures contained in the EMPr.

Positive impacts:

- The proposed development will have economic benefits for the general area; and
- The proposed development will provide for additional service station amenities and a truck stop facility to the surrounding area.

4. National Environmental Management Act Principles

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

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

5. Conclusion

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

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