



**REFERENCE:** 16/3/3/1/A7/4/3014/20  
**NEAS REFERENCE:** WCP/EIA/0000746/2020  
**ENQUIRIES:** Mr. R. Chambeau  
**DATE OF ISSUE:** 14 December 2020

## **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): PROPOSED REDEVELOPMENT OF THE V & A WATERFRONT SERVICE STATION ON 'PARCEL N' (A PORTION OF ERF 149294-RE) IN THE CANAL DISTRICT OF THE V&A WATERFRONT, CAPE TOWN**

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 layout Alternative 2 (the Preferred Alternative), described in the Basic Assessment Report ("BAR"), dated September 2020.

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

### **A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

The Board of Directors  
V & A Waterfront Holdings (Pty) Ltd.  
c/o Mr. E. Roodt  
19 Dock Road  
Waterfront  
**CAPE TOWN**  
8000

Tel: (021) 408 7651  
E-mail: [eroodt@waterfront.co.za](mailto:eroodt@waterfront.co.za)

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

## B. LIST OF ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the 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 redevelopment of the V&amp;A Waterfront service station on 'Parcel N' (a portion of Erf 149294-RE) in the Canal District in the V&amp;A Waterfront, Cape Town includes six underground fuel storage (UST) tanks with a total capacity of 180m<sup>3</sup> for the storage of diesel and unleaded petrol.</p>

The activity described above 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 proposed development entails the redevelopment of the V&A Waterfront service station on 'Parcel N' (a portion of Erf 149294-RE) in the Canal District of the V&A Waterfront.

The proposed redevelopment will comprise of the following:

- Six underground fuel storage tanks (USTs) of 30m<sup>3</sup> capacity each, for the storage of diesel and unleaded petrol;
- A canopied, paved forecourt with four pump islands that drain to oil interceptor sumps;
- Fifteen (15) on-site parking bays;
- A convenience shop;
- Public toilets;
- Continuation of a paved walkway along South Arm Road (the portion of this road that extends past the service station site);
- Associated infrastructure (filler points, stormwater drainage, electricity, potable water, sewage infrastructure).

Access will be via a one-way system that provides access to the site from the West Quay Road signalised intersection and a single egress onto 'Road A' that leads down to the Dock Road signalised intersection.

The total development footprint will be approximately 1 650m<sup>2</sup>.

## C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on 'Parcel N' (a portion of Erf 149294-RE) in the Canal District of the V&A Waterfront.

The SG 21 digit code for 'Parcel N' (a portion of Erf 149294-RE) is C01600000014929400000.

The geographic co-ordinates for 'Parcel N' (a portion of Erf 149294-RE) are the following:

33° 54' 41.07" South, 18° 25' 22.74" East

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**

inClover Environmental Consultants (Pty) Ltd  
c/o Ms. Ingrid Eggert  
P. O. Box 3420  
**TYGERVALLEY**  
7536

Cell: (083) 565 7826  
Email: [ingrid@inclover.co.za](mailto:ingrid@inclover.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 Layout Alternative 2 (the Preferred Alternative) described in the BAR dated September 2020 on the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.
3. The development/construction activities must be **concluded** within **ten (10) years** from the date of commencement of the listed activity.
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. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development 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 Appeal Regulations, 2014 (as amended) detailed in Section G 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. 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 National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not be commenced with within 20 (twenty) 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**

9. The Environmental Management Programme (“EMPr”) (dated September 2020) and 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”) 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.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity and must be made available to any authorised person on request.
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 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 and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
  - 14.1. The holder must undertake an environmental audit within 3 (three) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority upon completion of the environmental audit.
  - 14.2. A second Environmental Audit Report must be submitted to the Competent Authority within 1 (one) month after the completion of the development/construction activities.
  - 14.3 Thereafter, the holder must submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
  - 14.4. The holder must, within 7 (seven) days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

## **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.
  - 15.1. 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. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation
17. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.
18. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
19. The tanks must be designed, installed and managed in accordance with the relevant SANS standards.
20. 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
21. Firefighting equipment must be present on site and adhere to the Oil Industry standards.

22. 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.
23. 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).

## **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 those activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the 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 made in accordance with Regulations 35 to 37 of the 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 must –
  - 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: Mr. M. 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 3721)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The 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 holder, 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 greatly appreciated.

Yours faithfully

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

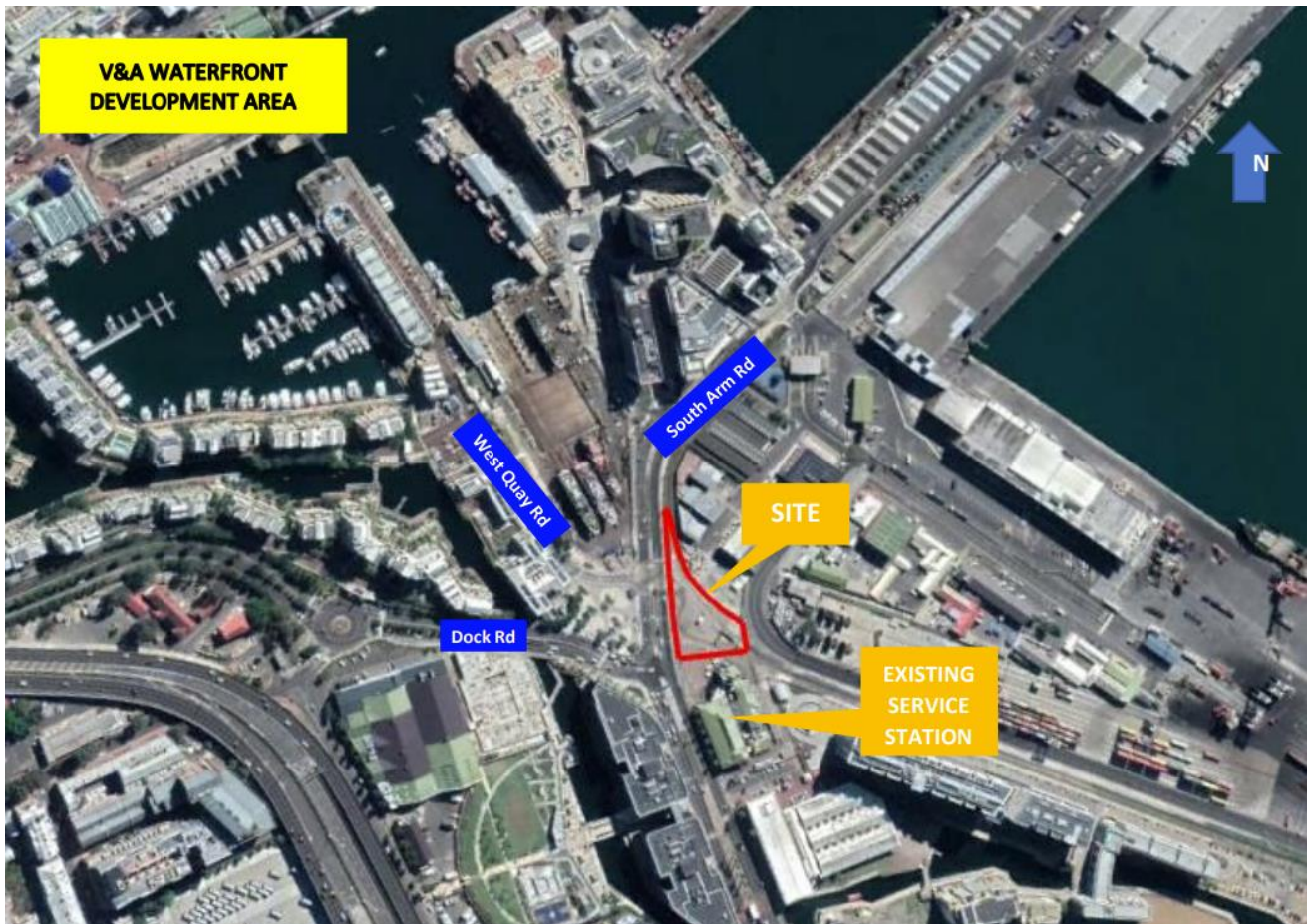
**DATE OF DECISION: 14 DECEMBER 2020**

Copied to: (1) Ms. I. Eggert (inClover Environmental Consulting)  
(2) Ms. S. Hustwick (City of Cape Town: ERM)

E-mail: [ingrid@inclover.co.za](mailto:ingrid@inclover.co.za)  
E-mail: [Sandra.hustrickHustrick@capetown.gov.za](mailto:Sandra.hustrickHustrick@capetown.gov.za)

## ANNEXURE 1: LOCALITY MAP

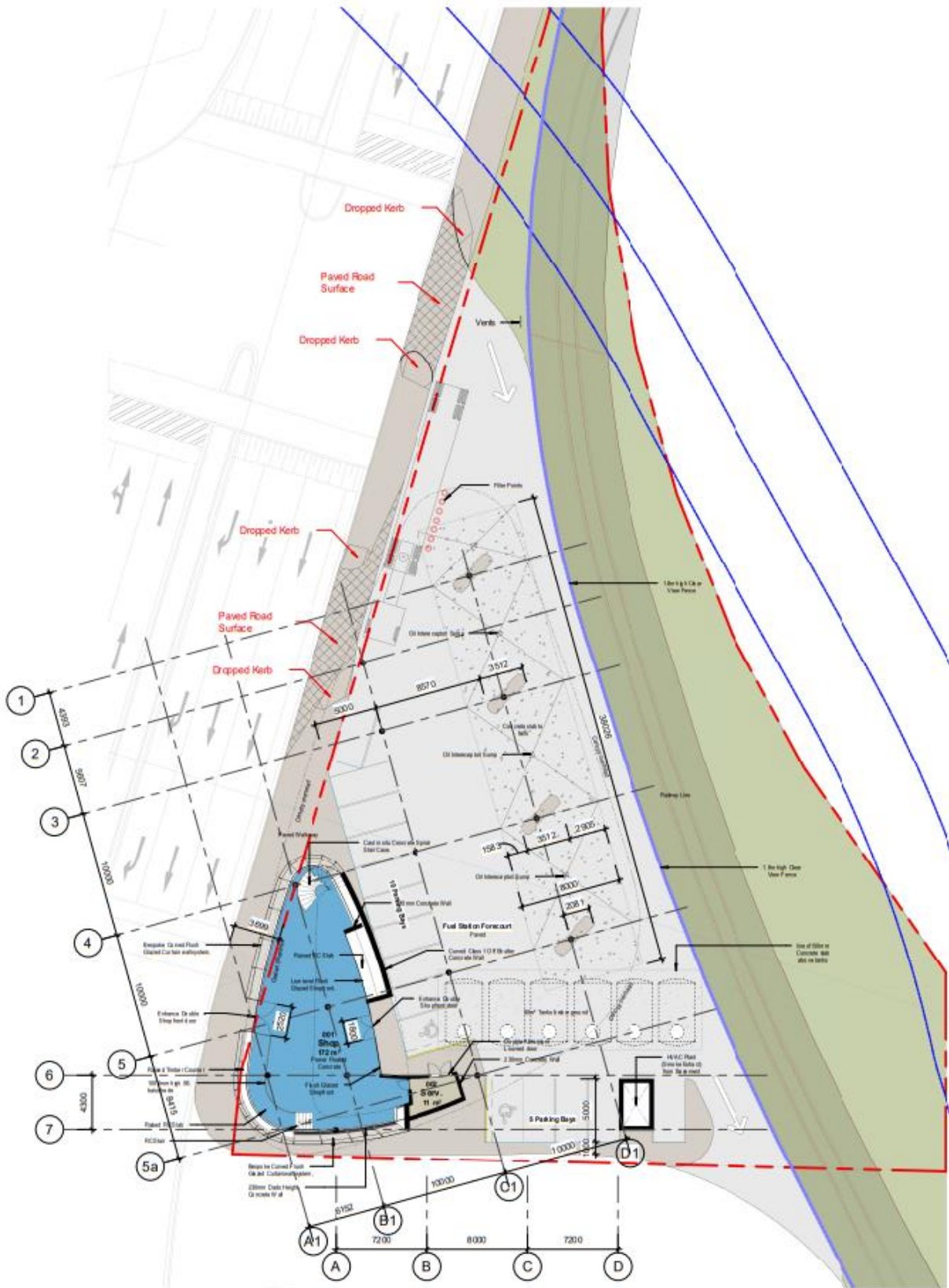
'Parcel N' (a portion of Erf 149294-RE) (outlined in red below).



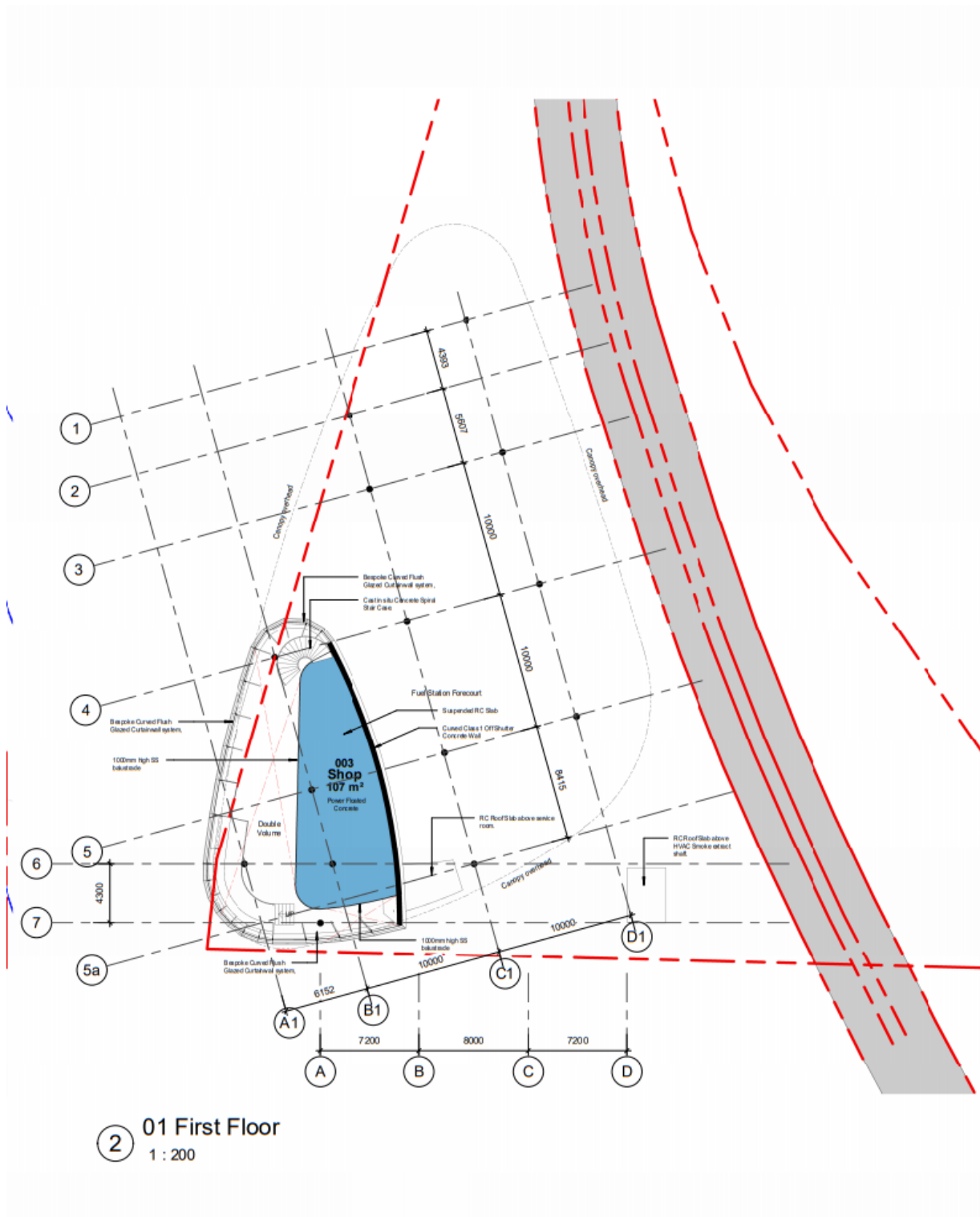


# ANNEXURE 2: SITE PLAN

Proposed development on 'Parcel N' (a portion of Erf 149294-RE)



1 00 Ground Floor  
1 : 200



## 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 10 June 2020 and received by the competent authority on 12 June 2020, the BAR dated September 2020 and received by the competent authority on 08 September 2020 and the EMPr submitted together with the BAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated September 2020;
- 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 ("PPP") included:

A pre-application PPP which entailed the following:

- Identification of and engagement with I&APs;
- Fixing a notice board at the site where the listed activity is to be undertaken on 20 February 2020;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 20 February 2020;
- The placing of a newspaper advertisement in the "Cape Towner" on 20 February 2020;
- Making the pre-application draft BAR available to I&APs for public review from 21 February 2020 to 23 March 2020; and
- Placement of the pre-application draft BAR in hard copy at the Cape Town Central Public Library.

The post-application PPP on the draft BAR entailed the following:

- Identification of and engagement with I&APs;
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 24 June 2020;
- Uploading the Draft BAR onto Google Drive and notifying all the I&APs of its availability; and
- Making the draft BAR available to I&APs for public review from 25 June 2020 until 07 August 2020.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation processes. This Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments made 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 address significant concerns raised.

## 2. Alternatives

Two layout alternatives and the “no-go” alternative were identified and assessed as follows:

### Layout Alternatives

#### Alternative 1 (Layout Option 1)

This alternative entailed the redevelopment of the V&A Waterfront service station on 'Parcel N' (a portion of Erf 149294-RE) in the Canal District of the V&A Waterfront.

The proposed development includes:

- Six underground fuel storage tanks (USTs) of 30m<sup>3</sup> capacity each, for the storage of diesel and unleaded petrol;
- A canopied, paved forecourt with four pump islands that drain to oil interceptor sumps;
- Seven on-site parking bays;
- A convenience shop;
- Public toilets;
- Continuation of a paved walkway along South Arm Road (the portion of this road that extends past the service station site);
- Associated infrastructure (filler points, stormwater drainage, electricity, potable water, sewage infrastructure).

This layout alternative provides for the service station development as is detailed in the project description, but with seven on-site parking bays. This alternative avails additional access points to the service station along “Road A” and also supports an internal road layout that extends to the railway line and associated 'heavy load corridor'.

Alternative 1 is not the preferred alternative, as the one-way thoroughfare would extend to the railway reserve and would therefore necessitate permanent security controls at the railway line intersections in order to ensure safe passage for service station employees and the public. This would present a significant safety risk. The traffic engineers concluded that this layout would impede the ease of traffic movement through the site, as it provides for a more complex internal site layout. Furthermore, this alternative avails fewer on-site parking bays. This layout presents a more inefficient use of the land.

#### Layout Alternative 2 (Layout Option 2) (the preferred alternative - herewith authorised)

This layout alternative entails the redevelopment of the V&A Waterfront service station on 'Parcel N' (a portion of Erf 149294-RE) in the Canal District in the V&A Waterfront.

The proposed development would include:

- Six (6) underground fuel storage tanks (USTs) of 30m<sup>3</sup> capacity each, for the storage of diesel and unleaded petrol;
- A canopied, paved forecourt with four pump islands that drain to oil interceptor sumps;
- Fifteen (15) on-site parking bays;
- A convenience shop;
- Public toilets;
- Continuation of a paved walkway along South Arm Road (the portion of this road that extends past the service station site);

- Associated infrastructure (filler points, stormwater drainage, electricity, potable water, sewage infrastructure).

This alternative has a one-way system that provides access to the site from the West Quay Road signalised intersection and a single egress onto 'Road A' that leads down to the Dock Road signalised intersection.

Layout Alternative 2 is deemed the preferred alternative, as this layout excludes the railway line and heavy load corridor from the service station development footprint. It allows for the service station to be fenced off from this risk area. This alternative has a simpler layout and better circulation and accessibility to the pump islands and can accommodate 15 parking bays in contrast with the seven parking bays in Layout Alternative 1.

#### "No-Go" Alternative

The "No-Go" alternative entails maintaining the "status quo". This alternative is not deemed to be a reasonable or feasible alternative given that it does not present the optimal use of the site which has already been subject to complete transformation, and that it will not achieve the positive socio-economic benefits associated with the preferred alternative. The "No-Go" alternative is therefore, not warranted.

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

#### 3.1. Activity Need and Desirability

The proposed site which is located within an urban area is zoned Transport 1 in terms of the City of Cape Town's Zoning Scheme Regulations, which allows for a service station as a consent use.

The proposed facility is included in the Precinct Plan Amendment application that has been lodged with the City of Cape Town. Upon approval, a Site Development Plan ("SDP") will be prepared for Parcel N for approval by the City of Cape Town. There are no restrictions in existing land use rights that prohibit the redevelopment of a Service Station on Parcel N, subject to SDP approval.

The proposed service station is congruent with the principles and priorities identified in the City of Cape Town's Integrated Development Plan (2017-2022) given that it will enable the continuation of economic opportunities and benefits offered by the existing service station.

The City of Cape Town Municipal Spatial Development Framework (2018) ("MSDF") and the Table Bay District Plan (2012) recognises the V&A Waterfront as a 'Built / Heritage based Destination Place'. The attraction of visitors necessitates the need for supporting services, such as the proposed fuel service station. The service station will also support the extensive commercial and residential development in this area.

The proposed redevelopment is consistent with the District Plan (2012), in that the site falls within an area designated for 'Mixed-Use Intensification'. The redevelopment of the service station is part of the V&A Waterfront's greater project to rationalise and optimise the land use in the Canal District. While the land is already transformed from its natural state by the LPG facility, the railway, parking and portion of a roadway, the majority of the site remains vacant, only being used periodically to house temporary contractor camps. As such, it is believed that this proposal constitutes a development that would optimise already disturbed land in an existing built-up environment.

#### 3.2. Ground water impacts

A Hydrogeological Specialist Study Report dated 28 April 2020 was compiled by Umvoto Africa (Pty) Ltd, to determine the potential impacts on ground water during the construction

and operational phases of the redeveloped fuel service station. Furthermore, the specialist was required to:

- Identify the optimal locations for the groundwater monitoring network (wells and boreholes);
- develop a groundwater monitoring programme; and
- recommend any further mitigation/management measures to prevent potential groundwater contamination impacts during the construction and operation of the redeveloped fuel service station.

The specialist indicates that a thin (<1m thick) surface anthropogenic primary aquifer comprising coarse sand and gravel backfill underlies the site as well as a deeper Tygerberg Formation basement aquifer.

Groundwater in the area is encountered at depths of approximately 4 - 5.4 meters below ground level (mbgl) within the upper weathered and fractured portion of the Tygerberg Formation basement aquifer. Measured groundwater levels in shallow tank leak detection wells at the existing service station site indicate groundwater levels of ~0.7 - 2.8 mbgl – this is indicative of the minor, thin, perched anthropogenic primary aquifer overlying the Tygerberg Formation basement aquifer, with the two aquifers likely separated by the ~1 m thick weathered clay layer at the top of the Tygerberg Formation.

The aquifers in the vicinity of both the redeveloped and existing sites are classified as part of the Groundwater Resource Assessment Phase II by DWAF [2005] as having a medium to high vulnerability with respect to surface contaminants. The surface anthropogenic primary aquifer in the vicinity of the redeveloped and existing sites is therefore likely to have a medium to high vulnerability (with respect to surface contaminants), due to its unconfined nature and permeable sediment. In contrast the underlying Tygerberg Formation basement aquifer in the vicinity of the redeveloped and existing sites is likely to have a low to medium vulnerability to surface contaminants, due to its lower hydraulic conductivity/ transmissivity and confining, near-surface weathered clay layer.

A comprehensive desktop hydrosensus was undertaken by the specialist and identified groundwater water users in the area. The results of which were used to determine the positions of leak detection monitoring wells around the tank farm and groundwater monitoring borehole positions within and beyond the site boundaries. It further informed mitigation and management measures on site to prevent groundwater contamination, and the monitoring programme, as developed by the specialist.

The specialist further proposed that a physical hydrosensus be undertaken prior to the operational phase to confirm the desktop findings of groundwater users in the area. This can inform the location of any additional monitoring wells that may be required. This condition has been included in the EMPr.

The potential groundwater impacts are anticipated to be of low negative significance post mitigation during construction and low negative significance post mitigation during the operational phase.

This Department's Directorate: Pollution and Chemicals Management indicated in their correspondence dated 07 August 2020, that it was satisfied with the EAP's response to previous concerns raised by the Directorate and indicated that the mitigation measures and specialist recommendations, as proposed in the application, must be implemented and adhered to at all times.

### 3.3. Traffic Impacts

A Traffic Impact Statement (compiled by Kantey and Templer (Pty) Ltd and dated 11 March 2019 and the subsequent addendum dated 05 December 2019) was undertaken to determine the potential traffic impacts associated with the proposed redevelopment.

The intersections listed below were selected for AM (06:00 – 09:00) and PM (15:00 – 18:00) peak hour traffic operations evaluation to estimate the traffic impact generated by the proposed redevelopment:

1. Nelson Mandela Boulevard (Inbound) / Walter Sisulu Avenue / Buitengracht Street;
2. Nelson Mandela Boulevard (Outbound) / Walter Sisulu Avenue / Buitengracht Street;
3. Walter Sisulu Avenue / Dock Road / South Arm Road;
4. South Arm Road / West Quay Road;
5. Walter Sisulu Avenue / Caltex Access (next to Audi); and
6. Walter Sisulu Avenue / Caltex Access (Main Entrance).

The findings indicate that the key intersections 1 and 4 will on average continue to operate at an acceptable Level of Service (“LOS”) during the future year scenario, and that the addition of the site traffic will have minimal effect on intersection operations. Therefore, the site is expected to have a low impact on the traffic operations at these two intersections (1 and 4). The site may be expected to have a medium impact on the traffic operations at key intersections 2 and 3, and a high impact during the PM peak at key intersection 3. The specialist recommended that the signal phasing and timing plans be adjusted by the respective traffic signal analysts at the City of Cape Town and V&A Waterfront to accommodate the increase in traffic volumes. This has been included in the EMPr.

An intersection capacity analysis was undertaken by the specialist at the Dock Road and West Quay Road signalised intersections to compare the effects of the two layouts (Alternative 1 and 2) in terms of the traffic at these intersections. The analysis revealed that the two signalised intersections continue to operate at acceptable levels of service (LOS) with the alternate layout (Alternative 2) but the intersections are slightly more efficient in the initial layout (Alternative 1).

The specialist found that the key difference between the two layouts is that the initial layout (Alternative 1) was developed on either side of the railway line that bisects the site in two. The alternate layout (Alternative 2) however stays clear of the railway line and as a result has a smaller footprint. In terms of safety the potential conflict between the site and rail traffic is negated in the alternate layout (Alternative 2) as the access road and railway line were intertwined in the initial layout (Alternative 1). The alternate layout (Alternative 2) is also the simpler of the two in terms of the layout and offers better circulation and accessibility to the pump islands and on-site parking bays. Lastly, in terms of parking provision the alternate layout (Alternative 2) would have 15 parking bays in comparison to the 7 parking bays in the initial layout (Alternative 1).

The access to the proposed redevelopment is via a one-way system that provides access to the site from the West Quay Road signalised intersection and a single egress onto ‘Road A’ that leads down to the Dock Road signalised intersection.

The potential traffic impacts associated with the proposed redevelopment have been identified in the BAR as being of low to medium negative significance prior to mitigation and low to medium negative significance post mitigation.

### 3.4. Coastal Consideration / climate change considerations

This Department's Directorate: Biodiversity and Coastal Management indicated in their correspondence dated 22 April 2020 that the proposed redevelopment of the service station will occur within a completely transformed site and the applicant has considered the site's

vulnerability to flooding in the event of extreme storm events, in the light of climate change. Furthermore, the assessment took into account emergency response planning, as the site falls within a flood risk zone.

The Directorate also notes that Section 63 of NEM: ICMA has been considered, and the proposed redevelopment will not compromise any coastal management objectives in terms of the Provincial or Municipal Coastal Management Programme and the City of Cape Town's Coastal Management Line.

The potential flooding impacts associated with the proposed redevelopment will be mitigated by the implementation of the mitigation measures included in the EMPr. The potential flooding impacts are anticipated to be of low negative significance after being mitigated during the construction phase and of low negative significance after being mitigated during the operational phase.

### 3.5. Noise impacts

The potential noise impacts associated with the proposed redevelopment will be mitigated by the implementation of the mitigation measures included in the EMPr. The potential noise impacts are anticipated to be of low - very low negative significance after being mitigated during the construction phase.

### 3.6. Dust impacts

Potential dust impacts associated with the proposed redevelopment will be mitigated by the implementation of the mitigation measures included in the EMPr. The potential noise impacts are anticipated to be of low - very low negative significance post mitigation during the construction phase.

### 3.7. Heritage impacts

The EAP indicated that Heritage Western Cape was notified of the proposed redevelopment, but failed provide any comment. The EAP considers the input of a heritage specialist was not deemed necessary given the specific site conditions, the availability of information relating to heritage resources in the area, and the fact that Section 38 of the National Heritage Resources Act is not relevant to the project. Potential heritage impacts associated with the proposed redevelopment will be mitigated by the implementation of the mitigation measures included in the EMPr.

### 3.8. Visual impacts

The redevelopment of the service station could have a short-term impact on the visual experience of surrounding land users in the area. The change in land use proposed will alter the visual environment when compared to the current situation. It is noted that the current viewshed offers views of the onsite LPG facility, temporary construction camps (periodically housed on the site) and the industrial development beyond the site.

It is noted that the visual experience will be altered, however, it is not considered to change the overall sense of place in the surrounding built up environment. Therefore, the impact was not further assessed. Potential visual impacts associated with the proposed redevelopment will be mitigated by the implementation of the mitigation measures included in the EMPr.

### 3.9. Waste impacts

Potential waste impacts associated with the proposed redevelopment will be mitigated by the implementation of the mitigation measures included in the EMPr. The potential waste impacts are anticipated to be of low negative significance after being mitigated during the



construction phase and of low negative significance after mitigation during the operational phase.

### 3.10. Fire, health and safety impacts

Potential fire, health and safety impacts associated with the operation of the proposed redevelopment (fires and spills and leaks may cause health impacts to adjacent residents, staff on site or to users of the service station) will be mitigated by the implementation of the mitigation measures included in the EMP.

### 3.11. Services

The City of Cape Town confirmed in correspondence dated 03 September 2020 that sufficient unallocated potable water and sewerage capacity is available to service the proposed redevelopment.

The City of Cape Town indicated in electronic mail correspondence dated 21 August 2020 that the City of Cape Town may supply electricity to the site via a 33/11kV substation, or from the Canal Precinct substation, located just east of parcel M. Integration of Parcel N and Parcel M and the presence of existing cabling to be confirmed at least 3 months prior to commencement of any site work. There is a lack of LV sources in the area, and therefore a minisub will be required. The formal application for the new supply will be subject to an energy efficiency plan.

Furthermore, the City of Cape Town confirmed in correspondence dated 03 September 2020 that solid waste disposal is available to service the proposed redevelopment.

The redevelopment of the fuel service station will result in both negative and positive impacts.

Negative Impacts include:

- Potential visual impacts during the construction and operational phase;
- Potential dust and noise impacts during the construction phase;
- Potential soil and groundwater contamination and pollution during the construction and operational phase;
- Potential traffic impacts during the construction and operational phase;
- Potential fire, health and safety impacts during the construction and operational phase
- Potential flood risk due to being located in a flood risk zone.

Positive impacts include:

- The authorized development will provide some employment opportunities during the construction phase and the operational phase;
- Additional convenience services to residents and commuters in the area;
- Economic gain for the applicant; and
- The proposed development will provide a revenue stream for the City of Cape Town by way of taxes, levies and the sale of water and electricity.

## 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 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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