



**EIA REFERENCE:** 16/3/3/1/B2/32/1066/18  
**NEAS REFERENCE:** WCP/EIA/0000480/2018  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2019 -04- 1 8

The Board of Directors  
BP South Africa (Pty) Ltd  
P. O. Box 50736

**WATERFRONT**  
8002

**Attention: D. Stoffberg**

Cell: 071 676 3326

Email: Danel.Stoffberg@za.bp.com

Dear Madam/Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): FILLING STATION AND ASSOCIATED CONVENIENCE STORE ON ERF NO. 21296, WORCESTER**

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 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**MR. ZAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Mr. R. Kynaston (GEO Pollution Technologies Gauteng (Pty) Ltd)  
(2) Mr. J. Steyn (Breede Valley Municipality)  
(3) Ms. A. Duffell-Canham (CapeNature)  
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## 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, (AS AMENDED): FILLING STATION AND ASSOCIATED CONVENIENCE STORE ON ERF NO. 21296, WORCESTER

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 Site Alternative 1, described in the Basic Assessment Report ("BAR"), dated 13 December 2018.

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

BP South Africa (Pty) Ltd  
% D. Stoffberg  
P. O. Box 50736  
**WATERFRONT**  
8002

Cell: 071 676 3326  
Email: Danel.Stoffberg@za.bp.com

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 14: 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.</p>	<p>The proposal entails developing a filling station consisting of five 23m<sup>3</sup> (total 115m<sup>3</sup>) underground fuel storage tanks and associated infrastructure.</p>
<p>Activity Number 27: 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—</p> <p>(i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The proposal entails the clearance of more than 1ha of indigenous vegetation when the site is fully developed.</p>

The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative:

The proposal entails developing a filling station consisting of five 23 000l underground fuel storage tanks and associated infrastructure, as well as a convenience store on Erf No. 21296, Worcester. The development footprint of the filling station will be 3 000m<sup>2</sup>, the remainder of the site (1,2ha) will be developed in phases for commercial or office purposes.

## C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf No. 21296, Worcester, at the following co-ordinates:

Point	Latitude (S)	Longitude (E)
North east corner	33° 38' 06.30"	19° 25' 45.34"
South east corner	33° 38' 07.69"	19° 25' 45.33"
South west corner	33° 38' 07.83"	19° 25' 43.34"
North west corner	33° 38' 06.78"	19° 25' 42.49"

The SG digit codes is: C08500040002129600000

Refer to Annexure 1: Locality Map

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

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

GEO Pollution Technologies Gauteng (Pty) Ltd  
% Mr. R. Kynaston  
160 Sir Lowry Road

B203 Buchanan Square  
**CAPE TOWN**  
8012

Tel.: (021) 462 6822

Fax: (086) 743 4407

## **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, Site Alternative 1 described in the BAR dated 13 December 2018 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 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. The notice must:
  - 6.1 make clear reference to the site details and EIA Reference number given above; and
  - 6.2 include proof of compliance with the following conditions described herein:

Conditions: 7 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 (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; and
- 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; and
  - 7.4.6 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 (as amended).
- 8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant 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**

- 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 EMPr and the conditions contained herein.
- 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 on a publicly accessible website.
- 13. Access to the site referred to in Section C 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 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, 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 NEMA EIA Regulations, 2014 (as amended).

The ECO must conduct fortnightly site audits. Bi-monthly ECO Audit Reports must be submitted to the Competent Authority for the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.

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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts 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.

### **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. 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 done 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 (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which 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 on which 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 Organs 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 Organs 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 Jaap de Villiers (Tel: 021 483 3721) Room 809

8<sup>th</sup> 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 Jaap.DeVilliers@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 Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

#### **H. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

  
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**MR. ZAahir TOEFY**

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

DATE OF DECISION: \_\_\_\_\_

CC: (1) Mr. R. Kynaston (GEO Pollution Technologies Gauteng (Pty) Ltd)  
(2) Mr. J. Steyn (Breede Valley Municipality)  
(3) Ms. A. Duffell-Canham (CapeNature)  
(4) Mr. S. Lupa (BGCMA)

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## ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map depicting the location of Erf No. 21296, Worcester.

## ANNEXURE 2: SITE PLAN



Figure 2: Site Development Plan for the development on Erf No. 21296, Worcester.

## **ANNEXURE 2: REASONS FOR THE DECISION**

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 29 August 2018, the final BAR dated 13 December 2018 and the EMPr submitted together with the final BAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated December 2018; 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 during 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;
- 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 30 March 2017, 19 September 2018, and 12 and 13 November 2018;
- the placing of a newspaper advertisement in the 'Worcester Standard' on 20 September 2018;
- fixing a notice board at the site where the listed activities are to be undertaken on 20 September 2018; and
- making the pre-application draft BAR available to I&APs for public review from 31 March 2017, the in-process draft BAR from 20 September 2018 and the amended draft BAR from 12 November 2018.

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.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

## 2. Alternatives

Two site alternatives were investigated and are discussed below.

### Site Alternative 1 (Herewith Authorised):

This alternative entails developing a filling station consisting of five 23 000l underground fuel storage tanks and associated infrastructure, as well as a convenience store on Erf No. 21296, Worcester. The development footprint of the filling station will be 3 000m<sup>2</sup>. The remainder of the site (1,2ha) will be developed in phases for commercial or office purposes.

This alternative is preferred since there are currently no filling stations within the vicinity and along the R43 exiting the greater Worcester area, which means both light and heavy vehicles exiting Worcester are able to refuel prior to travelling on the N1 for long distance travelling. In addition, the site is zoned for Business, which supports such a development.

### Site Alternative 2:

This alternative entails locating the filling station consisting of five 23 000l underground fuel storage tanks and associated infrastructure, as well as a convenience store on Erf No. 23756.

This alternative is not preferred, since the location is not well positioned for use by motorists exiting the greater Worcester area.

### "No-Go" Alternative

The "no-go" option was considered and is not preferred because it will not address the need for a filling station to accommodate the expanding urban area in the vicinity.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity Need and Desirability

Currently there are no filling stations along the R43 before exiting the greater Worcester area, which is currently an expanding urban area. Both light and heavy vehicles that frequent the area, either have to make a detour from their travelling route or drive into the town to refuel. As such, the proposed filling station will provide a more accessible and convenient alternative for commuters traveling along the R43 before travelling along the N1. Although an amendment from Business Zone I to Business Zone V is required, the land use rights supports the establishment of a filling station.

### 3.2 Biodiversity and Biophysical Impacts

According to the comments received from CapeNature the vegetation on site comprises Robertson Karoo, an ecosystem classified as least threatened in terms of Section 52 of the National Environmental Biodiversity Act 2004 (Act No. 10 of 2004) ("NEMBA"). A small portion of the development will intrude into a Critical Biodiversity Area ("CBA"), however, the CBA is fragmented by the road and only a small portion of the CBA will be impacted. As such, the proposed development is seen as being acceptable from a biodiversity perspective.

### 3.3 Traffic Impacts

The Traffic Impact Assessment dated February 2018 compiled by Innovative Transport Solutions (Pty) Ltd, concluded that all the surrounding intersections (Rabie Avenue/Mountain Mill Drive; Mountain Mill Drive/Cable Street; Rabie Avenue/Development access) currently operate at acceptable Levels-of-Service. Taking into account the proposed development and future growth rate, there are no capacity constraints expected, as all intersections will operate at an

acceptable Level-of-Service and there is therefore no upgrades or improvements necessary to accommodate the proposed development.

### 3.4 Services

In a comment dated 15 October 2018 from the Breede Valley Municipality, it was confirmed that the services required for the development can be accommodated by the municipality.

#### **Negative Impacts:**

- There may be a risk of spills and leaks associated with a filling station, however, these have been addressed in the EMPr.
- There will be an increase in noise and dust impacts during the construction phase, however, mitigation measures for these impacts are addressed in the EMPr.

#### **Positive impacts:**

- The filling station will provide a much needed refuelling service for both light and heavy vehicles travelling along the R43.
- Travelling time for commuters will be reduced since there will be no need to deviate from the R43 to refuel.
- Employment opportunities will be created during the construction and operational phases for the development.

## **4. National Environmental Management Act Principles**

The NEMA 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 NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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