



EIA REFERENCE NUMBER: 16/3/3/1/F4/7/3017/19
NEAS REFERENCE: WCP/EIA/0000620/2019
ENQUIRIES: Ms. M. Schippers
DATE OF ISSUE: 15 June 2020

ENVIRONMENTAL AUTHORISATION

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) FOR THE PROPOSED SERVICE STATION, CONVENIENCE STORE AND ASSOCIATED INFRASTRUCTURE ON ERF 9991, LANGEBAAN.

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) and the Environmental Impact Assessment Regulations, 2014 as amended on 07 April 2017 ("NEMA EIA Regulations, 2014") the Competent Authority herewith **grants environmental authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the preferred alternative described in the Basic Assessment Report ("BAR") dated 17 February 2020.

The granting of this Environmental Authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

BP Southern Africa (Pty) Ltd.
c/o Mr. B. Beelders
P. O. Box 6006
ROGGEBAAI
8012

Tel: (087) 354 4050
Email: brendon.beelders@za.bp.com

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

B. LISTED ACTIVITY AUTHORISED

The listed activity in terms of the NEMA EIA Regulations as amended on 07 April 2017.

Listed Activity	Project description
Listing Notice 1 Activity Number: 14 Activity Description: <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>	The proposed development will result in the storage of dangerous goods with a combined capacity of more than 80m ³ .

The abovementioned is hereinafter referred to as "the listed activity".

The applicant is herein authorised to undertake the following alternative related to the listed activity:

The proposed development entails the development of a service station, convenience store and associated infrastructure on Erf 9991, Langebaan. The service station will include underground fuel storage tanks with a combined capacity of 115m³. The development footprint of the proposed development will be approximately 3 350m². The historic building located on the proposed site will be retained. Existing access will be utilised.

C. PROPERTY DESCRIPTION AND LOCATION

The proposed activity will take place on Erf 9991, Langebaan.

Co-ordinates: 33° 04' 48.09" South
18° 02' 26.63" East

SG 21 Digit code: C04600070000999100000

Refer to Annexure 1: Locality Map

Refer to Annexure 2: Site Plan

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Geomeasure Group (PTY) Ltd.
c/o Ms. N. Gasa
P. O. Box 1194
HILLCREST
3650

Tel: (031) 765 1900

Fax: (031) 765 1935

E. CONDITIONS OF AUTHORISATION

Scope of Authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred Alternative described in the BAR dated 17 February 2020.
2. The holder must commence with the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority.
3. This Environmental Authorisation is granted for a period of **ten (10) years**, from the date of issue, during which period the holder must commence with the authorised 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 preferred 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 seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of the activity.
 - 6.1. The notice must make clear reference to the details of the site and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7 and 14.

Notification and administration of appeal

7. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with Regulation 4 (2) –
 - 7.1. Notify all registered interested and affected parties 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 of issue of the decision;
 - 7.2. Draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 detailed in section F below;

- 7.3. Draw the attention of all registered interested and affected parties to the manner in which they may access the decision;
- 7.4. Provide the registered Interested and Affected Parties with-
 - 7.4.1. the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2. the name of the responsible person for this Environmental Authorisation;
 - 7.4.3. the postal address of the holder;
 - 7.4.4. the telephonic and fax details of the holder;
 - 7.4.5. the e-mail address if any; and
 - 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.

Commencement

8. The listed activity, including preparation of the site, must not be commenced with within twenty (20) calendar days from the date the applicant notified the registered I&APs of this decision.
9. 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

10. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented on condition that the following be included:
 - 10.1. The Emergency Management Plan as included in Appendix K of the BAR; and
 - 10.2. Fines for non-compliance.
11. An application for an amendment to the outcomes of the EMPr must be submitted to the Competent Authority if any amendments are to be made to the EMPr other than those required by this Environmental Authorisation, and this may only be implemented once the amended EMPr has been authorised by the Competent Authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. The following, *inter alia*, must be adhered to with respect to the Emergency Management Plan ("EMP"):
 - 13.1. The EMP must be updated as and when required, to ensure the relevant and/or required emergency response procedures are included;
 - 13.2. All staff must be provided with the necessary emergency response training; and
 - 13.3. Staff must be regularly reminded of their respective roles in emergencies.

Monitoring

14. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), or site agent where appropriate to ensure compliance with the EMPr and the conditions contained herein.
15. A copy of the Environmental Authorisation and the EMPr, audit reports and compliance monitoring reports must be kept at the site office and must be made available to any official on request.
16. Access to the site referred to in section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Auditing

17. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct an environmental audit to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit the environmental audit report to the Competent Authority.
 - 17.1. The 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);
 - 17.2. An audit report must be submitted to the Competent Authority within three (3) months of the development phase;
 - 17.3. An audit report must be submitted to the Competent Authority within six (6) months of the operational phase;
 - 17.4. Thereafter, audit reports must be submitted every **five (5)** years while the environmental authorisation remains valid.
 - 17.5. The audit report must indicate compliance with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management;
 - 17.6. The holder must, within 7 days of the submission of an audit report to the Competent Authority, notify potential and registered I&APs of the submission and make the report available to anyone on request; and
 - 17.7. If the audit report is not submitted, the Competent Authority may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.

Specific conditions

18. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings and graves or unmarked human burials.

19. The recommendations as included in the Heritage Impact Assessment Report (dated 28 August 2017 and compiled by Asha Consulting) must be implemented (herewith attached as Appendix A).
20. Employment opportunities must be afforded to the local community (as far as possible).
21. Relevant signage must be erected at the facility warning staff and visitors of the hazards in relation to the goods stored on site.
22. The storage tanks must be designed, installed and managed in accordance with international standards pertaining to inter alia:
 - 22.1. underground tanks and pipe installations; and
 - 22.2. tank manufacturer standards.
23. Internationally approved non-corrosive pipework systems must be used.
24. Corrosion resistant tanks and non-corrosive pipes must be used and must conform to the relevant international standards.
25. The tanks must be fitted with overflow protection detectors to prevent tank overfills during filling operations.
26. During fuel delivery, a delivery supervisor must be present at all times during product offloading.
27. Fire-fighting equipment must be present on site and must adhere to the internationally accepted standards.
28. Stock reconciliation must be undertaken regularly to ensure effective stock monitoring, recording and regular auditing for early identification of possible leaks and monitoring a leak history for the site.
29. Adequate training of all on-site personnel must be done to ensure that the conditions of the EA and the EMP requirements are complied with.
30. All noise and sounds generated during the proposed activity must comply with the relevant SANS codes and standards, the relevant noise regulations and municipal by-laws.
31. Dust suppression methods must be used to mitigate dust during the development phase. No potable water must be used for dust suppression. Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation, etc.) must be implemented instead.
32. The following with respect to outdoor lighting must be implemented:
 - 32.1. The scope of lighting of outside lights must be confined within the property boundaries; and
 - 32.2. Any spotlights must be tilted to direct light to the spot intended to be illuminated.

33. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include inter alia, the following:
 - 33.1. A dual-flush toilet system;
 - 33.2. All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads; and
 - 33.3. Water-wise landscaping must be done.
34. The development must incorporate energy/electricity saving measures, which include inter alia, the following:
 - 34.1. Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type;
 - 34.2. Street lighting must be kept to a minimum and down lighting must be used to minimize light impacts. Street lights must be switched off during the day; and
 - 34.3. All geysers must be covered with geyser "blankets".

F. GENERAL MATTERS

1. The holder is 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.
2. Any changes to, or deviations from the scope of the description set out 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 such information as it deems necessary 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.
3. The applicant must notify the Competent Authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
4. The applicant must submit an application for amendment in terms of Chapter 5 of the NEMA EIA Regulations, 2014 (as amended) of the Environmental Authorisation to the Competent Authority where any detail or scope with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.
5. 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.
6. Non-compliance with a condition of this Environmental Authorisation or EMPr may result in suspension of this Environmental Authorisation and may render the holder liable for criminal prosecution.
7. It is recommended that the service station and convenience store not be operational during 12h00am to 05h00am.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the holder) must –
 - 1.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the Competent Authority of this decision.
2. An appellant (if NOT the holder) must –
 - 2.1. Submit an appeal in accordance with Regulation 4 to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&AP, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of the decision.
3. The holder (if not the appellant), the decision-maker, I&AP and 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. This appeal and 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 3721)
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator 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 the office of the Minister 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 development or operation subsequent to development 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)

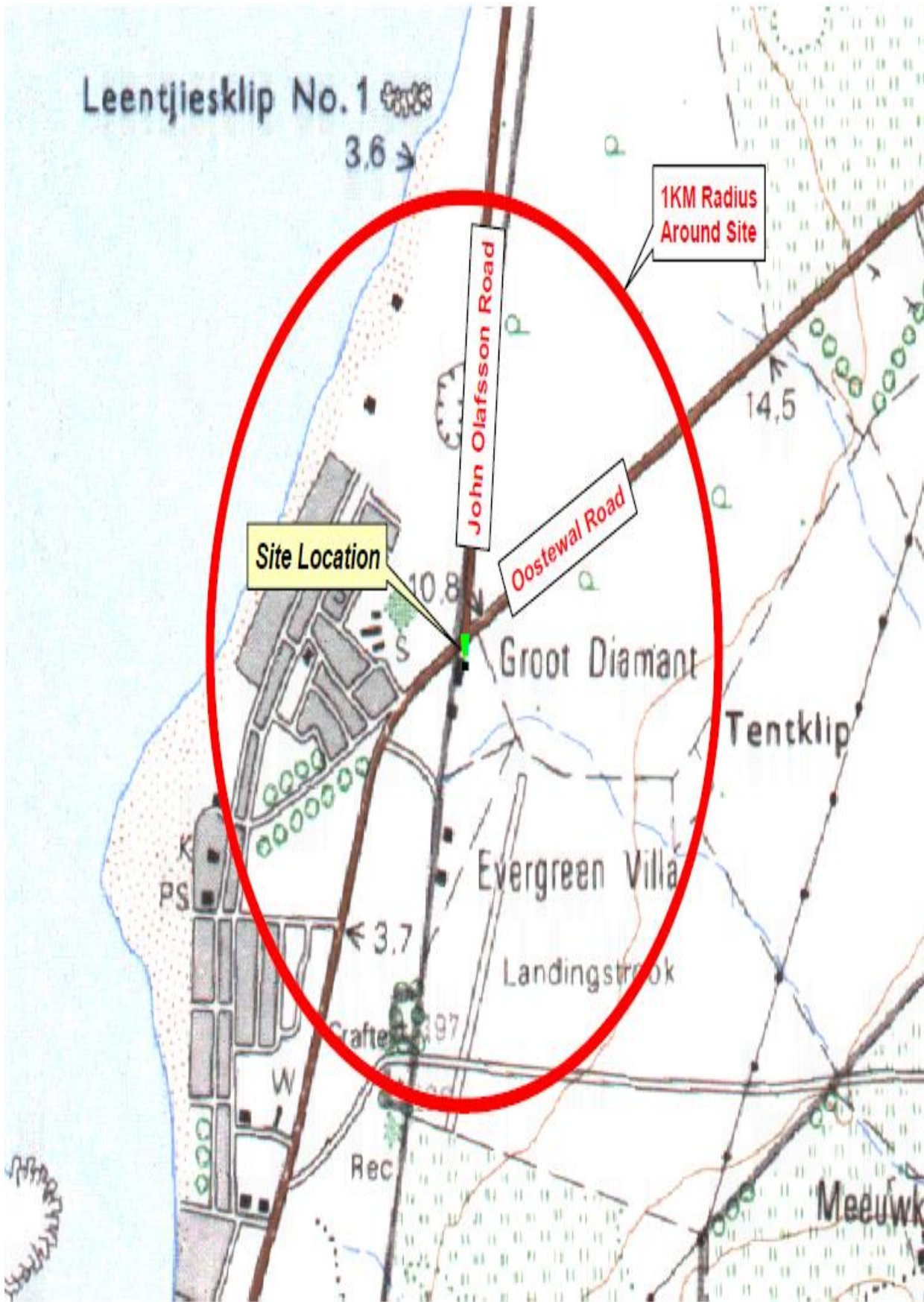
DATE OF DECISION: **15/06/2020**

Copies to: (1) Ms. N. Gasa (Geomeasure Group (PTY) Ltd.)
(2) Ms. N. Duarte (Saldanha Bay Municipality)

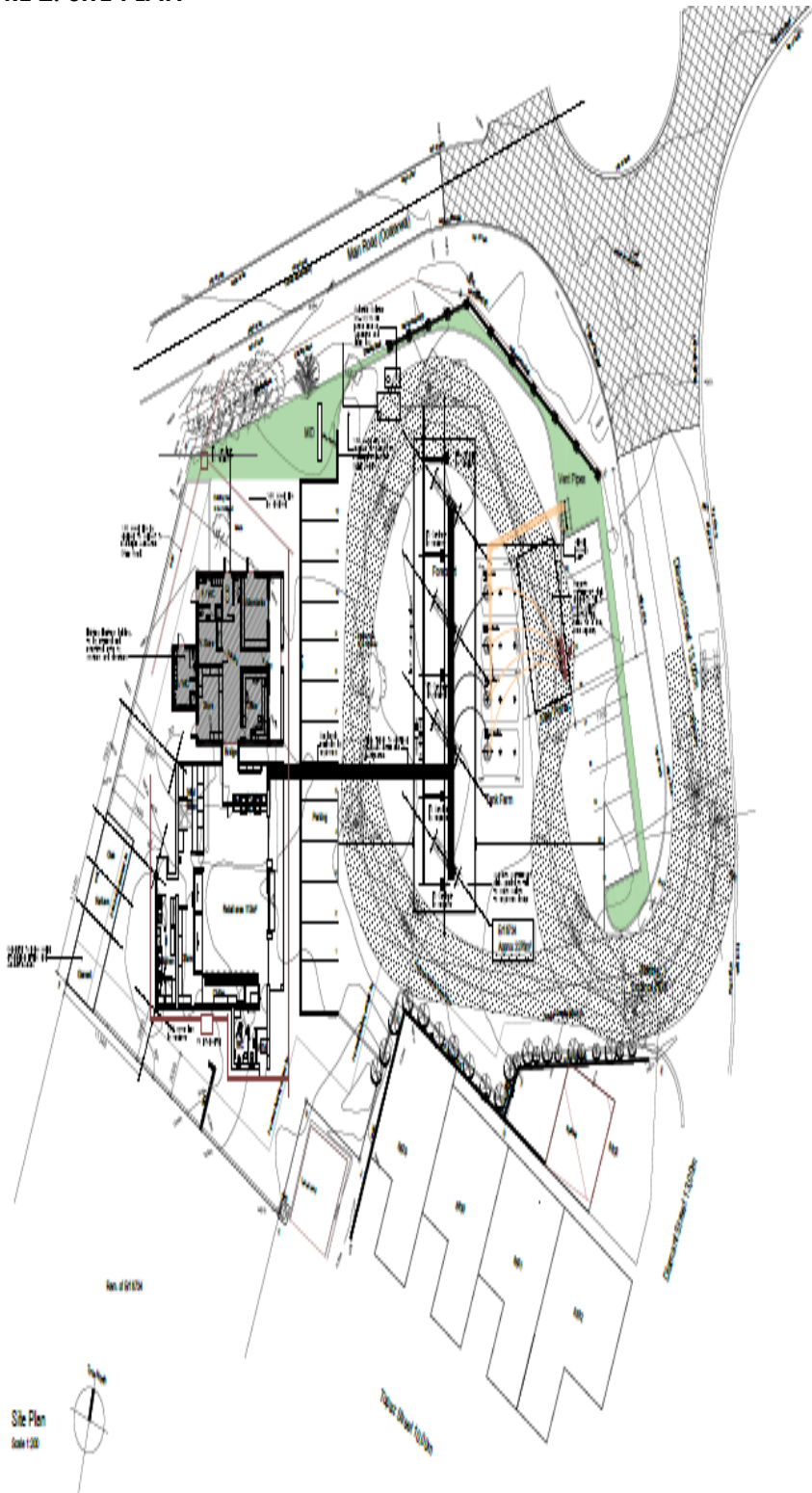
Fax: (031) 765 1935
Fax: (022) 715 1518

FOR OFFICIAL USE ONLY:	
EIA REFERENCE NUMBER:	16/3/3/1/F4/7/3017/19
NEAS EIA REFERENCE NUMBER:	WCP/EIA/0000620/2019

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



Rev	Date	Description

FIRE PROTECTION NOTES

1. BUILDING TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.
2. BUILDING TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.
3. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.
4. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.
5. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

SHOPFRONT GLAZING NOTES

1. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.
2. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.
3. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.
4. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

NOTES

1. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.
2. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.
3. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.
4. TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

FIRE NOTES & LEGEND

FR Fire Retardant
FE1 Fire Escape
FE2 Fire Escape

CONSTRUCTION NOTES

ROOF
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

CILING
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

WALLS
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

FLOORS
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

WINDERS
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

DOORS
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

WINDERS
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

DOORS
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

FLOORS
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

WINDERS
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

DOORS
 TO BE CONSTRUCTED IN ACCORDANCE WITH THE FIRE PROTECTION ACT AND REGULATIONS.

Area Calculations

Bulk		
Brick Walling	120	
New Road	20	
Bulk m ²	140	
Coverage		
Building m ²	30	
Carport m ² (including)	40	
Carport m ² (excluding)	20	
Coverage m ²	90	
Site Area	2000	
Coverage %	45.00	
Parking		
Bulk m ²	30	
Service Area m ²	40	
Calculation m ²	70	
Parking Factor	4	
Bays Required	12.00	
Bays Provided	12	
Proposed Max Height		
Carport Height	3.2m	
Building Height	6.0m	
Max Height	6.0m	

CLIENT / REPRESENTATIVE: _____

PROJECT ARCHITECT: _____

FAR architectural workshop

11 South Street, Pretoria 0001 Tel: 011 201 1011 Fax: 011 201 1012
 Email: info@farworkshop.co.za | registered in 2004/02/20

BP Southern Africa

Page: _____

New Service Station
 BP Langebaan BF 8734

Sheet: _____

Site Plan

Drawn: R. Hendriks

Date: 2018/02/23

Scale: 1:200

Project No.	Client No.	Date
201802	C8001	-

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The listed activity applicable in terms of the NEMA EIA Regulations as amended on 07 April 2017.
- b) The information contained in the application form received by the Competent Authority on 31 May 2019, the BAR received by the Competent Authority on 19 February 2020 and the EMPr submitted together with the BAR;
- c) The assessment of the activity in the BAR received by the Competent Authority on 19 February 2020;
- d) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- e) 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);
- f) The comments received from interested and affected parties and the responses provided thereon, as included in the BAR received by the Department on 20 December 2019; and
- g) No site visits were conducted where the proposed activity will be located. The Competent Authority had sufficient information before it to make an informed decision.

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, *inter alia*, the following:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site on 14 February 2019 where the listed activity is to be undertaken;
- giving written notice to the owners of the land and owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 14 February 2019; and
- the placing of a newspaper advertisement in the 'Weslander' on 14 February 2019.

Concerns were raised by a number of I&APs. The concerns focus mainly on the following:

- Noise pollution;
- Safety of residents;
- Crime;
- Traffic congestion;
- Light pollution; and
- Impacts on service stations in close proximity to the proposed development.

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

Specific management and mitigation measures have been considered in this environmental authorisation and in the EMPr to adequately address significant concerns raised.

2. Alternatives

Various layout alternatives were investigated. These included the demolition of the historic building on the site, gaining access from different access roads and placing the court area at different locations. The layout drawing number CS001 is the preferred alternative (herewith authorised).

The preferred alternative entails the development of a service station, convenience store and associated infrastructure on Erf 9991, Langebaan. The service station will include underground fuel storage tanks with a combined capacity of 115m³. The development footprint of the proposed development will be approximately 3 350m². The historic building located on the proposed site will be retained. Existing access will be utilised.

This alternative was preferred as it will allow for the historic building to be retained and the visual connection between the street and the historic building will be retained.

"No-Go" Alternative

The "no-go" alternative will result in the status quo being maintained. The preferred alternative will not result in unacceptable environmental impacts, therefore the "no-go" alternative was not warranted.

3. Impacts, assessment and mitigation measures

3.1. Activity Need and Desirability

The proposed site is located inside the urban area of Langebaan. The proposed site has been earmarked for business development. The proposed development will provide for additional service station amenities to the area. From an environmental perspective the proposed service station will utilise best practice technology and design specifications for the fuel storage infrastructure to ensure that the potential environmental risks are minimised.

3.2. Biophysical Impacts

No watercourses are located on the proposed site. CapeNature in their comment (dated 12 April 2018) indicated that historically the site would have been covered with Langebaan Dune Strandveld. However, the site has been heavily disturbed by road and residential development and there is no significant natural vegetation remaining on the proposed site. Impacts on terrestrial biodiversity is therefore of low concern.

3.3. Groundwater Impacts

Potential soil and 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. Potential soil and groundwater impacts will be minimised with the implementation of the mitigation measures included in the conditions of this environmental authorisation and the EMPr.

3.4. Risks/Health and Safety Impacts

The main hazards associated with the proposed fuel storage tanks are fires and explosions, due to the flammability of the product to be stored on the site. Potential leakages of the tanks, faulty pipework and potential loss of product during operations may result in fires and explosions. Due to the precautions that will be taken, these potential impacts on the environment will be minimised.

3.5. Impacts on Heritage Resources

According to the Heritage Impact Assessment Report (dated 28 August 2017 and compiled by Asha Consulting), the main heritage resource of concern is the historic building on the proposed site. Although modified, the majority of the original stone-built core survives and is of historical value. However, the historic building will be retained with minor alterations being required. The report further indicates that archaeological and paleontological resources are likely to be present on the proposed site. However, with the implementation of the proposed mitigations measures the impacts on these resources will be of low negative significance.

Heritage Western Cape has indicated in their comment (dated 03 June 2019) that they support the recommendations of the Heritage Impact Assessment Report (dated 28 August 2017 and compiled by Asha Consulting). These recommendations have been included as a condition of the environmental authorisation.

3.6. Socio-Economic Impacts

According to the Socio-Economic Impact Assessment Report (dated February 2020 and compiled by Innovative Transport Solutions) all existing service stations are more than 1km away from each other. The report further indicates that based on the traffic volumes along the road network at the different sites, the impacts on the existing service stations will be less than 10% in terms of litres pumped per month which is acceptable. The proposed service station is not expected to have a significant impact on the existing service stations.

3.7. Noise Impacts

All noise and sounds generated during the development and operational phase of the proposed development will comply with the relevant SANS codes and standards, the relevant noise regulations and the municipal by-laws. Furthermore, noise impacts will be mitigated by the implementation of the conditions in this environmental authorisation and the EMPr.

3.8. Dust Impacts

Potential dust generated during the development phase will be mitigated by the implementation of the conditions of this environmental authorisation and the mitigation measures included in the EMPr. No potable water will be used to mitigate dust nuisance as far as is practically possible. Alternative dust suppression methods (such as shade netting screens and/or straw stabilisation) will be implemented instead.

3.9. Impact Assessment and significance rating

- 3.9.1. Potential groundwater contamination during the development and operational phase as a result of the proposed development has been identified in the BAR as being of medium and low negative significance (respectively) after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.9.2. The potential fire and explosion risks, due to the flammability of the product to be stored on the site has been identified in the BAR as being of low negative significance after mitigation. The potential impacts will be mitigated by the implementation of the conditions of the environmental authorisation and the EMPr.
- 3.9.3. Potential impacts on heritage resources as a result of the development phase have been identified in the BAR as being of very low negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.

- 3.9.4. Potential socio-economic impacts as a result of the proposed development have been identified in the BAR as being of low negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.9.5. Potential noise impacts during the development and operational phase as a result of the proposed development has been identified in the BAR as being of low negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.
- 3.9.6. The generation of dust as a result of the proposed development has been identified in the BAR as being of low negative significance as appropriate dust suppression methods will be implemented. Potential impacts will be mitigated by the implementation of the EMPr and conditions of this environmental authorisation.

National Environmental Management Act Principles

The National Environmental Management Act 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.

The activity will result in both negative and positive impacts.

Negative Impacts Include:

- Potential groundwater contamination;
- Potential noise and dust impacts; and
- Potential fire and explosion risks.

Positive impacts Include:

- The proposed development will allow for additional service station amenities;
- The proposed development will have economic benefits for the general area; and
- The proposed development will create some employment opportunities during the development and operational phase.

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 the 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.”*

-END

APPENDIX A

RECOMMENDATIONS (SECTION 12) OF THE HERITAGE IMPACT ASSESSMENT REPORT (DATED 28 AUGUST 2017 AND COMPILED BY ASHA CONSULTING)

Section 12. RECOMMENDATIONS

Because impacts to heritage resources are of relatively low significance and can be managed and/or mitigated, it is recommended that the proposed project be allowed to proceed but subject to the following recommendations:

- Detail design and specifications for the reuse of the historic building to be approved by HWC prior to the commencement of construction;
- The detail design plan must indicate the historic fabric within the historic building;
- A Landscape Plan should be compiled to include trees on the vehicular parking bays and the street interface to visually soften the development and provide a street definition along the site boundaries;
- Retain and maintain the mature Eucalyptus trees situated in close context to the building where possible⁴, unless a registered horticulturist or Landscape Architect advises their removal and replacement with a suitable tree species;
- Construction phase management procedures to be approved at the municipal level and effected so as to safeguard the historic building during construction;
- The historic building is to be upgraded for use in the same construction period as the Service Station construction phase;
- The applicant to implement the approved Landscape Plan within two months of the start of operation of the Service Station; and
- If any archaeological material, palaeontological material (concentrations of bones or shells), or human burials are uncovered during the course of development then work in the immediate area should be halted. The find would need to be reported to the heritage authorities and may require inspection by an archaeologist or palaeontologist. Such heritage is the property of the state and may require excavation and curation in an approved institution.
- HWC to ensure inclusion of the following conditions in the HIA comment:
- Detail design and specifications for the reuse of the historic building to HWC approval;
- Construction Phase Management procedures to municipal approval are effected in order to safeguard the historic building during the construction phase of the Service Station;
- The historic building is to be upgraded for use in the same construction period as the Service Station construction phase;
- The applicant to implement the approved Landscape Plan within two months of the start of operation of the Service Station.

In addition, the proponent might consider incorporating the name 'Tolhuis' into the development in recognition of the local memory of the site. This is not a requirement though.