



**EIA REFERENCE:** 16/3/3/1/A5/37/2013/20

**NEAS REFERENCE:** WCP/EIA/0000741/2020

**DATE OF ISSUE:** 11 January 2021

## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE DEVELOPMENT OF A TRUCKSTOP AND ASSOCIATED INFRASTRUCTURE ON PORTION 8 OF THE FARM NO. 732, JOOSTENBERGVLAKTE.

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

## DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and 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 Layout Alternative 1, (i.e., the Preferred Alternative) on Portion 8 of the Farm No. 732, Joostenbergvlakte, described in the Basic Assessment Report ("BAR") received on 03 September 2020.

This Environmental Authorisation replaces the Environmental Authorisation issued on 09 March 2020 (Reference: 16/3/3/5/A5/37/2002/20).

The holder of 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  
ASLA DEVCO (Pty) Ltd  
c/o M. Stuyck  
P. O. Box 118  
**GORDON'S BAY**  
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Tel.: (021) 508 3838  
E-mail: [marcs@asla.co.za](mailto:marcs@asla.co.za)

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>GN No. R. 983 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 12</p> <p>Activity Description:</p> <p><i>“The development of—</i>  <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i>  <b><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></b>  <i>where such development occurs—</i>  <b><i>(a) within a watercourse;</i></b>  <i>(b) in front of a development setback; or</i>  <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i>  —  excluding—  <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i>  <i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i>  <i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i>  <i>(dd) where such development occurs within an urban area;</i>  <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i>  <i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared”.</i></p>	<p>The development will result in the loss of seasonal wetlands on the site in that the development includes the infilling of all the wetlands on the site in order to construct infrastructure or structures with a physical footprint of 100 square metres or more.</p> <p>(This Environmental Authorisation replaces the Environmental Authorisation previously granted to undertake this Listed Activity.)</p>
<p>GN No. R. 983 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 14</p> <p>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>A fuel station with more than 80m<sup>3</sup> but less than 500m<sup>3</sup> of fuel stored in underground fuel tanks will be established on the site.</p>
<p>GN No. R. 983 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 19</p> <p>Activity Description:</p> <p><i>“The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or</i></p>	<p>The development proposal includes the infilling of wetlands with material of more than 10m<sup>3</sup>.</p> <p>(This Environmental Authorisation replaces the</p>

<p>moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</p>	<p>Environmental Authorisation previous granted to undertake this Listed Activity.)</p>
<p>GN No. R. 983 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 27</p> <p>Activity Description:</p> <p><i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan".</i></p>	<p>An area of more than 1ha of Critically Endangered Cape Flats Sand Fynbos will be cleared from the site.</p>
<p>GN No. R. 985 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 12</p> <p>Activity Description:</p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><b>a. Western Cape</b></p> <p><i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></p> <p><i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p><i>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in</i></p>	<p>An area of more than 1ha of Critically Endangered Cape Flats Sand Fynbos will be cleared from the site.</p>

<p><i>the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister”.</i></p>	
<p>GN No. R. 985 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 14</p> <p>Activity Description:</p> <p>“The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p><b>a. Western Cape</b></p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined”.</p>	<p>The development footprint of the truckstop with associated infrastructure is bigger than 10m<sup>2</sup> and will be located outside of the urban area, within 32m of a wetland.</p>

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

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

The development and operation of a truckstop and associated infrastructure on Portion 8 of the Farm No. 732, Joostenbergvlakte, which comprise of the following:

- High canopy fuel station with underground fuel tanks with a storage capacity of more than 80m<sup>3</sup> but less than 500m<sup>3</sup>;
- Truck workshop (approximately 3 180m<sup>2</sup> in size);
- Offices (approximately 600m<sup>2</sup> in size);
- Boarding house consisting of no more than 49 rooms (approximately 426m<sup>2</sup> in size);
- Boarding house ablutions;
- General ablution facilities;
- Shop/ restaurant (approximately 883m<sup>2</sup> in size); and
- Parking bays for trucks, staff members and visitors (253 parking bays in total).

All of the buildings are located on the eastern side of the aforesaid property. The entrance to the site is located off Sandringham Road, at a point along the northern border of Portion 8 of the Farm No. 732, Joostenbergvlakte. Trucks must pass through a security checkpoint before being able to enter the parking area. The exit towards Maroela Road includes an acceleration lane.

Runoff and water draining from the truck washbay area, high canopy fuelling station and other parts of the site will be dealt with by means of the site stormwater management system.

The City of Cape Town will supply potable water, sewage disposal and refuse removal services to the development and Eskom will supply the electricity.

The total development footprint will be approximately 5.9ha.

A previous Environmental Authorisation (EA) (Reference No. 16/3/3/1/A5/37/2062/17) was granted in 2018 for the subject property, as well as the property directly to the north to establish a light industrial area as well as associated infrastructure. Subsequently, an EA Amendment (Reference No. 16/3/3/5/A5/37/2002/20) was granted to split the EA for the two subject properties, so that each property has its own EA. The previous EA and subsequent EA Amendment authorised the complete removal and infilling of wetlands on the site. A Water Use License (Licence No. 19/G21E/CI/3857) (File Reference No. 27/2/1/G521/108/1) was also granted by the Department of Water and Sanitation. The applicant has also entered into an agreement with the World Wide Fund for Nature South Africa to administer the wetland offset funds and ring-fence the funds for conservation purposes to offset the loss of wetlands with a receptor wetland site on the Remainder of the Farm No. 1294, Kraaifontein, which forms part of the Joostenbergkloof.

The applicant decided to, rather than a light industrial development on Portion 8 of the Farm No. 732, Joostenbergvlakte, apply for approval to do the abovementioned truckstop with associated infrastructure development. Because the new proposal involves Listed Activities not previously authorised, a new application for Environmental Authorisation had to be submitted and subjected to a new Environmental Impact Assessment process. This EA replaces the Amended EA granted on 9 March 2020 (Reference No. 16/3/3/5/A5/37/2002/20).

### C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken alongside Sandringham Road, on Portion 8 of the Farm No. 732, Joostenbergvlakte, Kraaifontein.

The SG 21-digit code for Portion 8 of the Farm No. 732, Joostenbergvlakte, is C0550000000073200008.

The geographic coordinates for the midpoint of Portion 8 of the Farm No. 732, Joostenbergvlakte are given below:

33° 50' 14.12" South, 18° 44' 35.68" East

Refer to **Annexure 1: Locality Plan** and **Annexure 2: Site Development Plan**.

The said parcel of land is hereinafter referred to as "**the site**".

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

GroenbergEnviro (Pty) Ltd  
c/o Ms. Nerine Coertzen  
P. O. Box 1058  
**WELLINGTON**  
7654

Tel.: (082) 052 6122  
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## E. CONDITIONS OF AUTHORISATION

1. This Environmental Authorisation replaces the Environmental Authorisation issued on 09 March 2020 (Reference: 16/3/3/5/A5/37/2002/20).
2. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Layout Alternative 1 (i.e., the Preferred layout alternative) described in the BAR received on 03 September 2020 on the site described in Section C above.
3. The holder must commence with and conclude, the listed activities within the respective validity periods stipulated below, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

All portions of this Environmental Authorisation applies in respect of all the non-operational and all the operational aspects of the development. The Environmental Authorisation is granted for:

- (a) in respect of the non-operational aspects, a period of five years from the date of issue, during which period the holder must commence with the authorised listed activities; and
  - (b) in respect of both the non-operational and operational aspects a period of 10 years from the date of issue, during which period the construction/development phase, must be concluded.
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 approved in writing by the Competent Authority, before such changes or deviations may be implemented. In assessing whether or not to grant such approval, 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/ amendment in terms of the applicable legislation.

### Written notice to the Competent Authority

6. A written notice of at least seven calendar days must be given to the Competent Authority before the listed activities can be commenced with.
  - 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, 9, 10, 13.1, 16, 19, 20, 21 and 22.

## **Notification and administration of appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this Environmental Authorisation–
  - 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; and
  - 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 details of the holder,
    - 7.4.5. e-mail address 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 activities, 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 activities, including site preparation, must not be commenced with until the appeal is decided.

## **Management of activity**

9. The Environmental Management Programme (“EMPr”) that was submitted as Appendix H of the BAR must be adjusted to align with all the requirements contained in this Environmental Authorisation. The adjusted EMPr must be submitted to this Department for approval at least 60 days before the intended date of commencing with the development.

## **Monitoring**

10. The holder must appoint a suitably experienced environmental control officer (“ECO”) before commencing with any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
11. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept on the site of the authorised listed activities and must be made available to any authorised person on request.
12. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see these for the purpose of assessing and/or monitoring compliance with the conditions contained herein.

## Auditing

12. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits once a year during the development phase (construction phase) of the development and submit the Environmental Audit Reports to the Competent Authority within one month of completion of the audit, but not later than the end of December each year. The Environmental Audit Reports must be prepared by an independent person with the required expertise and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
  - 12.1. The first environmental audit must be conducted within six months of the commencement of the listed activities.
  - 12.2. A final Environmental Audit Report must be submitted to the Competent Authority within one month of the completion of the development/construction phase of the development.
  - 12.3. The holder must, within seven days of the submission of an audit 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

13. Wetlands Offset:
  - 13.1. The complete hectare equivalent offset area of 14.8ha equivalent, i.e. a 12.8 ha area, must be provided as the wetland receptor site as reflected in the Wetland Offset Agreement, duly signed by all the parties. The location of the wetland receptor site and the monetary equivalent of the wetland offset receptor site must be as specified in the Wetland Offset Agreement.
  - 13.2. The Wetland Offset Agreement must be audited at least every three years to determine the degree to which the equivalent functional and equivalent ecosystem targets have been met on the identified receptor site.
14. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
15. 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.
16. The applicant must submit a letter of comment from National Department of Water and Sanitation Department on the groundwater monitoring plan recommended in the Groundwater Impact Assessment dated 07 February 2020 that was compiled by GEOSS South Africa (Pty) Ltd before the development can be commenced with.
17. The following traffic impact mitigation measures must be implemented:
  - 17.1 The applicant must provide a right-turn lane leading from Sandringham Road into the site.
  - 17.2 The applicant must provide an acceleration lane for vehicles going from the site towards Maroela Road.
  - 17.3 The applicant must establish the on-site access control point with boom gates further into the site as is indicated in the Site Development Plan attached hereto as Annexure 2, instead of at the entry point of the site.



18. The following noise control measures must be implemented on the site:
  - 18.1 Working hours must be restricted to between 06h00 and 18h00 from Monday to Saturday and no construction work must take place on Sundays.
  - 18.2 All plant and machinery must be fitted with appropriate silencers in order to keep noise that reaches the residential area of Bloekombos from exceeding the permissible noise limits for residential areas.
  - 18.3 No sirens nor hooters must be used on the site outside of normal working hours, except during emergencies.
19. The final letter of comment from the City of Cape Town regarding the Fire Risk Management Plan dated 28 July 2020 that was compiled by FMW (Pty) Ltd, must be submitted to this Department before the development can be commenced with.
20. The applicant must implement the following measures to mitigate the botanical impact of the development:
  - 20.1 The applicant must appoint a suitably qualified and experienced botanist or horticulturalist to oversee in consultation with CapeNature, a search for conservation-worthy plants on the site as well as the relocation of the said plants to a suitable place,
  - 20.2 The applicant must submit to this Department for consideration, a rehabilitation plan for the plants that will be relocated as well as a letter in which CapeNature provides comment on the rehabilitation plan before the development can be commenced with.
21. The applicant must submit to this Department for consideration, a landscape masterplan with an accompanying letter in which the City of Cape Town provides comment on the landscape masterplan before the development can be commenced with.
22. The applicant must submit to this Department for consideration, a letter in which the City of Cape Town provides comment on the stormwater management system of the truckstop before the development can be commenced with.
23. The applicant must implement all the recommendations contained in the geotechnical report that was included in the Civil Engineering Services Report dated March 2020.
24. Employment opportunities must as far as possible be given to the local community possible during all phases of the development.
25. The development must include water, energy and resource demand management and efficiency measures that include *inter alia*, the following:
  - Lighting controls such as dimmers and motion sensors must be used where possible;
  - Use of only high energy efficient lighting technologies;
  - Energy saving bulbs such as CFLs and LEDs must be installed instead of incandescent bulbs in all structures;
  - All water hoses are to be fitted with a trigger gun spray nozzle with high pressure to limit water wastage;
  - All taps are to be fitted with flow reduction devices and aerators that reduce the flow of water by at least 30%;
  - Energy saving geysers which are properly insulated with geyser blankets to reduce demand on electricity must be used;
  - Solar heating to heat water; and
  - The use of solar heating must be maximized wherever possible and adequate thermal insulation must be used in the roofs, walls and ceilings.

## 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 any 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 specified in Condition 3, 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. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, must be 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: Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
**CAPE TOWN**  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. M. Venter (Tel: 021 483 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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**GERHARD GERBER**  
**ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 11 JANUARY 2021**

Copied to: Ms Nerine Coertzen (GroenbergEnviro (Pty) Ltd) E-mail: [nerine@groenbergenviro.co.za](mailto:nerine@groenbergenviro.co.za)

## ANNEXURE 1: LOCALITY MAP

Portion 8 of the Farm No. 732, Joostenbergvlakte (depicted as yellow shaded polygon below).



# ANNEXURE 2: SITE DEVELOPMENT PLAN

Truckstop and associated infrastructure on Portion 8 of the Farm No. 732, Joostenbergvlakte



## 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 received on 18 June 2020 by the competent authority, the BAR received by the competent authority on 03 September 2020 and the EMPr submitted together with the BAR;
- b) the objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) the comments received from I&APs and responses to these, as included in the BAR that was received on 03 September 2020;
- d) the balancing of negative and positive impacts and proposed mitigation measures; and
- e) while no site visits were conducted, the competent authority had sufficient information 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 process which entailed the following:

- Identification of and engagement with I&APs;
- Fixing a notice board on the site where the listed activities are to be undertaken on 18 March 2020;
- 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 councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 18 March 2020;
- The placing of a newspaper advertisement in the "Tygerburger Kraaifontein" on 18 March 2020;
- Uploading the pre-application BAR onto the website of the EAP for public review and comment and notifying all the I&APs of this.
- Making the BAR available to I&APs for comment from 18 March 2020 until 21 April 2020.

The post-application process entailed the following:

- 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 councilor, and the various organs of state having jurisdiction regarding any aspect of the listed activities on 12 June 2020; and
- Uploading the consultation BAR onto the website of the EAP for public review and comment on 12 June 2020 and notifying all the I&APs and commenting authorities of this.
- Email notification was given on 22 July 2020 to registered I&APs that the commenting period on the consultation BAR had incorrectly been commenced with, as the public participation process plan had not yet been approved by the competent authority. I&APs were notified that an additional period of 30 days was granted for commenting on the consultation BAR and the I&APs were informed of how to access the consultation BAR.
- Making the consultation BAR available again to I&APs for public review from 23 July 2020 until 23 August 2020.
- On 30 July 2020 registered I&APs were notified via email that DEA&DP requested a Fire Risk Management Plan to be compiled and made available for public review and comment.

- The Fire Risk Management Plan was e-mailed to all I&APs, with the explanation that the commenting period that was going to end on 23 August 2020, has been extended to 31 August 2020.

All the concerns raised by I&APs were adequately responded to during the public participation processes. This Department is satisfied that the PPP that was followed met the minimum legal requirements. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMP to adequately address the concerns raised.

## 2. Alternatives

The applicant considered a single site alternative, two layout alternatives and the 'no-go' alternative.

### Site alternative

The site alternative considered is Portion 8 of the Farm No. 732, Joostenbergvlakte. This is the only site alternative considered by the applicant, as the applicant is the holder of a previous amended Environmental Authorisation that authorises the applicant to clear the wetlands on the site. However, the amended Environmental Authorisation does not include some of the listed activities that are triggered by the truckstop and the EIA Regulations of 2014 (as amended) do not allow for listed activities to be added to an existing Environmental Authorisation through an amendment process. The applicant therefore lodged an application to obtain additional Environmental Authorisation for the listed activities triggered by the truckstop and associated infrastructure that are not included in the amended Environmental Authorisation.

In addition, the applicant considered only the said property as a site alternative, as the current Mixed Use 2 zoning and Transport 2 zoning of the property are suitable for the development of a truckstop.

### Layout Alternatives

#### Layout Alternative 1 (Preferred alternative and herewith authorized)

This alternative entails the development and operation of a truckstop and associated infrastructure that comprise of the following:

- High canopy fuel station with underground fuel tanks with a storage capacity of more than 80m<sup>3</sup> but less than 500m<sup>3</sup>;
- Truck workshop (approximately 3 180m<sup>2</sup> in size);
- Offices (approximately 600m<sup>2</sup> in size);
- Boarding house consisting of no more than 49 rooms (approximately 426m<sup>2</sup> in size);
- Boarding house ablutions;
- General ablution facilities;
- Shop/ restaurant (approximately 883m<sup>2</sup> in size); and
- Parking bays for trucks, staff members and visitors (253 parking bays in total).

All of the buildings are located on the eastern side of the aforesaid property. The entrance to the site is located off Sandringham Road, at a point along the northern border of Portion 8 of the Farm No. 732, Joostenbergvlakte. Trucks must pass through a security checkpoint before being able to enter the parking area. The exit towards Maroela Road includes an acceleration lane.

Runoff and water draining from the truck washbay area, high canopy fuelling station and other parts of the site will be dealt with by means of the site stormwater management system.

The City of Cape Town will supply potable water, sewage disposal and refuse removal services to the development and Eskom will supply the electricity.

The total development footprint will be approximately 5.9ha.

A previous Environmental Authorisation (EA) (Reference No. 16/3/3/1/A5/37/2062/17) was granted in 2018 for the subject property, as well as the property directly to the north to establish a light industrial

area as well as associated infrastructure. Subsequently, an EA Amendment (Reference No. 16/3/3/5/A5/37/2002/20) was granted to split the EA for the two subject properties, so that each property has its own EA. The previous EA and subsequent EA Amendment authorised the complete removal and infilling of wetlands on the site. A Water Use License (Licence No. 19/G21E/CI/3857) (File Reference No. 27/2/1/G521/108/1) was also granted by the Department of Water and Sanitation. The applicant has also entered into an agreement with the World Wide Fund for Nature South Africa to administer the wetland offset funds and ring-fence the funds for conservation purposes to offset the loss of wetlands with a receptor wetland site on the Remainder of the Farm No. 1294, Kraaifontein, which forms part of the Joostenbergkloof.

The applicant decided to, rather than a light industrial development on Portion 8 of the Farm No. 732, Joostenbergvlakte, apply for approval to do the abovementioned truckstop with associated infrastructure development. Because the new proposal involves Listed Activities not previously authorised, a new application for Environmental Authorisation had to be submitted and subjected to a new Environmental Impact Assessment process. This EA replaces the Amended EA granted on 9 March 2020 (Reference No. 16/3/3/5/A5/37/2002/20).

Layout Alternative 1 is the more desirable layout alternative as a result of the following advantages:

- Layout Alternative 1 allows for the highest number of truck parking bays;
- Layout Alternative 1 allows for provision of higher number high canopy fuelling stations, whereas Layout Alternative 2 allows for only four high canopy fuelling stations;
- All the buildings are located together, making it easier for the applicant to fence off the property and include gates for safety and security purposes;
- The high canopy fuelling stations have been positioned within the parking area, allowing for trucks that temporarily enter the site to turn around and leave the site without waiting in line behind other trucks that need to fill up with fuel;
- The security control point is positioned along the internal road, in a manner that allows trucks to stack up while waiting for their turn to fuel up or park.

This alternative is therefore the authorized layout alternative.

#### Layout Alternative 2

This alternative entails the development of a truckstop and associated infrastructure comprising of the following:

- Industrial buildings;
- Warehouse/storage;
- Motor repair garage;
- Offices;
- Café/restaurant/shop;
- Ablutions;
- Boarding house;
- Fuelling station; and
- Parking bays for trucks, staff and visitors.

In the case of this layout alternative, industrial buildings and warehouse/ storage buildings are located on the northern portion of the property, bordering Sandringham Road. In addition, the entrance to the site is located on the northern border, with the road leading to the pumps winding along the eastern border before entering the parking area through the four high canopy fuelling stations.

The total development footprint is approximately 5.9ha.

This is the less desirable layout alternative as a result of the following disadvantages:

- This layout is associated with less parking space on the site than Layout Alternative 1.
- This layout includes the provision of only four high canopy fuelling stations, whereas Layout Alternative 1 includes the provision of eight high canopy fuelling stations;
- The inclusion of the industrial buildings in this layout creates the opportunity for an additional revenue stream on the site. However, the industrial buildings take up a significant amount of space



that should rather be used for parking trucks, as the primary goal of the applicant is to help alleviate the shortage of safe and secure facilities where truck drivers can park and rest in the Cape Town Metropolitan area.

- This layout poses various security risks for the applicant and in order to address these security risks, the applicant will have to separately fence off all the groups of buildings on the site. This will significantly increase the cost of security on the site.
- The location of the high canopy fuelling station right at the entrance of the truck parking area does not allow trucks to turn around and leave the site without waiting in line for trucks that are fuelling up to finish and move out of the way. This layout alternative is therefore likely to cause a serious backlog of trucks along the entrance road.
- The security control point on the site is located along the internal road leading to the high canopy fuelling stations and as a result of this, the likelihood of trucks lining up near the entrance and extending to outside of the site is high. This will pose a danger to traffic outside of the site.

### "No-Go" Alternative

The "no-go" alternative entails the implementation of the previously granted Environmental Authorisation, as amended. A previous Environmental Authorisation (EA) (Reference No. 16/3/3/1/A5/37/2062/17) was granted in 2018 for the subject property, as well as the property directly to the north, to establish a light industrial area as well as associated infrastructure. Subsequently, an EA Amendment (Reference No. 16/3/3/5/A5/37/2002/20) was granted to split the EA for the two subject properties, so that each property has its own EA. The previous EA and subsequent EA Amendment authorised the complete removal and infilling of wetlands on the site. A Water Use License (Licence No. 19/G21E/CI/3857) (File Reference No. 27/2/1/G521/108/1) was also granted by the Department of Water and Sanitation. The applicant has also entered into an agreement with the World Wide Fund for Nature South Africa to administer the wetland offset funds and ring-fence the funds for conservation purposes to offset the loss of wetlands with a receptor wetland site on the Remainder of the Farm No. 1294, Kraaifontein, which forms part of the Joostenbergkloof.

The applicant decided to, rather than a light industrial development on Portion 8 of the Farm No. 732, Joostenbergvlakte, apply for approval to do the abovementioned truckstop with associated infrastructure development. Because the new proposal involves Listed Activities not previously authorised, a new application for Environmental Authorisation had to be submitted and subjected to a new Environmental Impact Assessment process. This EA replaces the Amended EA granted on 9 March 2020 (Reference No. 16/3/3/5/A5/37/2002/20).

The No-Go Alternative therefore means that the truckstop will not be developed, despite the existing shortage of facilities at which freight trucks can be parked in a safe and secure manner so that truck drivers that have travelled long distances can rest in the Cape Town Metropolitan Area. The likelihood of road accidents that involve truck drivers as a result of not resting adequately will therefore remain high. The employment opportunities that are to be provided to households living in the nearby area around the site during the construction phase and during the operational phase of the truckstop will also not materialise.

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

### **3.1. Activity Need and Desirability**

The drivers of freight trucks travel long distances transporting goods by road across the country and out of the country. It is very important that the drivers of freight truck be provided with an adequate number of facilities at which to park trucks and rest after the long journeys, or else the likelihood of road accidents that involve trucks will remain high. At present, a major shortage of truckstops exists in the Cape Metropolitan Area and therefore a great need exists for truckstops such as the truckstop to be established on the site.

The truckstop to be established on the site is conveniently located on the northern outskirts of the City of Cape Town, within close proximity to the N1 National Road as well as to the R300 Regional Road which makes it easy to connect to the N2 National Road.

According to the Market and Socio-economic Impact Assessment study report compiled by Urban-Econ dated 17 February 2020, unemployment in the nearby Bloekombos residential area is approximately 14.6%. The truckstop will provide employment opportunities during the construction phase and as many as possible of these will be given to residents of Bloekombos in order to alleviate unemployment in the area. The truckstop will help to strengthen other businesses such as construction materials supply companies, building contractors as well as security services companies that will be contracted to work on the site etc.

The truckstop will also provide employment opportunities during the operational phase for cleaners, fuel station attendants, cashiers and waitrons in the restaurant etc. These employment opportunities will be given to residents of Bloekombos as much as is possible.

The establishment of the truckstop and associated infrastructure in compliance with the conditions of this Environmental Authorisation will therefore help to ensure that the truckstop is economically, socially and ecologically desirable.

### 3.2. Freshwater impacts

The development will result in the loss of all wetlands on the site. A previous Environmental Authorisation (EA) (Reference No. 16/3/3/1/A5/37/2062/17) was granted in 2018 for the subject property, as well as the property directly to the north to establish a light industrial area as well as associated infrastructure. Subsequently, an EA Amendment (Reference No. 16/3/3/5/A5/37/2002/20) was granted to split the EA for the two subject properties, so that each property has its own EA. The previous EA and subsequent EA Amendment authorised the complete removal and infilling of wetlands on the site. A Water Use License (Licence No. 19/G21E/CI/3857) (File Reference No. 27/2/1/G521/108/1) was also granted by the Department of Water and Sanitation. The applicant has also entered into an agreement with the World Wide Fund for Nature South Africa to administer the wetland offset funds and ring-fence the funds for conservation purposes to offset the loss of wetlands with a receptor wetland site on the Remainder of the Farm No. 1294, Kraaifontein, which forms part of the Joostenbergkloof. The wetlands offset was informed by the specialist study compiled by Liz Day.

### 3.3. Groundwater impacts

As stated above, a Water Use License (Licence No. 19/G21E/CI/3857) (File Reference No. 27/2/1/G521/108/1) was granted by the Department of Water and Sanitation, and the applicant has also entered into an agreement with the World Wide Fund for Nature South Africa to administer the wetland offset funds and ring-fence the funds for conservation purposes to offset the loss of wetlands with a receptor wetland site on the Remainder of the Farm No. 1294, Kraaifontein, which forms part of the Joostenbergkloof.

A groundwater impact assessment was conducted by GEOSS South Africa (Pty) Ltd to determine the impact of the fuel service station on groundwater and this culminated in a groundwater specialist assessment report dated 07 February 2020.

The groundwater specialist indicates in the report that a number of groundwater users exist in the area around the site and that the risk of contamination is lower in the secondary fractured aquifer as well as that the risk is higher in the primary aquifer of unconsolidated sands. Furthermore, the groundwater specialist explains that the activities that will be taking place aboveground at the filling station as well as the fuel stored in tanks underground pose a potential groundwater contamination threat.

In view of this, the groundwater specialist has recommended measures in the groundwater impact assessment in order to mitigate the potential impact of the development on

groundwater and these mitigation measures are included in the EMPr. The implementation of these mitigation measures mentioned in conditions of this Environmental Authorisation and as contained in the EMPr and the implementation of the conditions of the Water Use Licence by the applicant will help to minimise the risk faced by current groundwater users in the area.

### 3.4. Botanical impacts

A botanical study report was compiled for Portion 36 of the Farm No. 326 and Portion 8 of the Farm No. 732, Joostenbergvlakte in 2013 by Bergwind Botanical Surveys cc and the same botanist surveyed the site again in December 2019 and confirmed in correspondence dated 21 January 2020 that the on-site vegetation is Critically Endangered Cape Flats Sand Fynbos that is in a moderate to poor condition.

The botanist concluded that the vegetation is a poor representative of Cape Flats Sand Fynbos as a result of infestation by alien vegetation and as a result of human activities that include dumping and bulldozing. The botanist further concluded that the probability of the vegetation being successfully restored to good quality Cape Flats Sand Fynbos is low.

In order to help minimise the botanical impact of developing the truckstop and associated infrastructure on the site, the applicant is required in the conditions of this Environmental Authorisation to appoint a suitably qualified professional to oversee, in consultation with CapeNature, a search for conservation-worthy plants on the site and the relocation of the plants to a suitable area. In addition, the applicant is required in the conditions of this environmental authorisation to compile a satisfactory rehabilitation plan for the plants that will be relocated.

### 3.5. Geotechnical impacts

A Geotechnical investigation was conducted for establishing the truckstop and associated infrastructure on the site and was included in the Civil Engineering Services Report dated March 2020.

The general soil profile to depths of at least 2.5m generally comprises sandy surficial soils over cohesive soils with gravelly ferricrete soils occurring in places and fill materials covering smaller areas. However, the actual composition of the soil types and their distribution is very variable across the site.

Earthworks will be required in order to improve subgrade conditions and to construct engineered cut-to-fill platforms and shape the site so that drainage can be directed accordingly.

Strip and pad footings are considered appropriate but variations from the general foundation layout such as deep founding to ensure founding below the engineered fill and surficial sand will be required in some areas and where clayey silty soils occur. Reduced bearing pressures will also be applicable in the latter soils.

Subgrade conditions for both surface beds and roads and parking areas will be very poor. Adequate compaction of the subgrades will therefore be essential to avoid distress in the surfacing for these structures, particularly the roads and parking areas.

The applicant is required in the conditions of this Environmental Authorisation to implement the measures that are specified in the geotechnical report.

### 3.6. Traffic-related Impacts

A Traffic Impact Assessment dated August 2018 was undertaken for the development on the northern side of Sandringham Road, together with the truckstop and now discarded light industrial units that were proposed on the southern side of Sandringham Road. An addendum dated 10 March 2020 to update the traffic impact Assessment was compiled in response to the removal of the light industrial units from the development contemplated on the southern side of Sandringham Road.

It was concluded in the updated Traffic Impact Assessment that the impact of the development on traffic in the surrounding area will be acceptable, as long as the access control point with boom gates on the site is located further into the site and not at the entry point of the site. It was also concluded that the developer should provide a right turn lane from Sandringham Road into the site as well as an acceleration lane for vehicles leaving the site towards Maroela Road. These requirements have been incorporated in the conditions of this Environmental Authorisation.

### 3.7. Noise impacts

The residential area of Bloekombos near to the site is also near to the N1 National Road where trucks and cars travel day and night. It is therefore unlikely that the trucks that will be turning off from the N1 to make use of the truckstop will cause any significant new noise in the area. Noise mitigation measures are specified in the conditions of this Environmental Authorisation.

The adherence of the applicant to the noise mitigation measures In Condition 19 will make it unlikely that the development will cause significant noise impact in the area.

### 3.8. Dust-impacts

The applicant is required to implement the dust control measures contained in the EMPr. The implementation of these measures will help to ensure that the potential dust and impact of the development is adequately mitigated.

### 3.9. Air quality impacts

Fuel vapour emissions during the operational phase of the authorised development may cause odours that will inconvenience the residents of Bloekombos, staff on the site or users of the truckstop. The implementation of the mitigation measures contained in the EMPr will help to adequately mitigate the air quality impact of the development.

### 3.10. Heritage-related impacts

Heritage Western Cape provided comment in a letter dated 03 March 2017 on the previous approved application (Reference No. 16/3/3/1/A5/37/2062/17) for the development on the northern side of Sandringham Road, together with the truckstop and now discarded light industrial units that were proposed on Portion 8 of the Farm No. 732, Joostenbergvlakte. Heritage Western Cape indicated in the said letter that no significant impacts on heritage resources are likely and therefore no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), was required.

Although Heritage Western Cape issued the letter commenting in the manner described above, a condition has been included in this Environmental Authorisation for the protection of heritage resources that may be encountered on the site.

The adherence of the applicant to the requirements in condition will help to ensure that the development does not cause any significant heritage-related impacts.

### 3.11. Visual impacts

The visual impact associated with the construction of the truckstop and associated infrastructure be limited to the construction phase.

Industrial and warehousing facilities exist in the area where the truckstop and associated infrastructure will be located and so during the operational phase, the truckstop is unlikely to look out of place in the area. In addition, the applicant must implement a landscape masterplan at the truckstop and associated infrastructure premises during the operational phase and this will help to make the truckstop and associated infrastructure more visually appealing.

### 3.12. Fire-related impacts

The potential risk of a fire at the truckstop has been dealt with in the Fire Risk Management Plan compiled by FMW (Pty) Ltd and dated 28 July 2020. In a letter dated 31 August 2020, the City of Cape Town indicated that final scrutiny and official commenting on the document will take place during the land use planning/ building plans process. In order to help ensure that the fire-related risks of the development will be adequately dealt with, the conditions of this Environmental Authorisation, that the final letter of comment on the Fire Risk Management Plan be submitted to this Department for consideration before the development can be commenced with.

### 3.13. Services

The City of Cape Town has confirmed in correspondence dated 10 July 2020 that sufficient unallocated capacity exists to provide potable water and sewage treatment services to the truckstop. Eskom has also confirmed in a letter dated 02 April 2020 that Eskom is able to meet the electricity supply needs of the truckstop.

In view of the above, the establishment of the truckstop and associated infrastructure will not inconvenience people that reside or work in the area of the site by overwhelming the municipal potable water supply, refuse removal and sewage disposal systems. Furthermore, the truckstop will not cause the electricity supply in the area to be overwhelmed.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The loss of vegetation as a result of construction;
- The infilling of wetland;
- Potential visual impacts during the construction and operational phase;
- Potential dust and noise impacts during the construction and operational phase;
- Potential soil and groundwater contamination during the construction and operational phases;
- Potential traffic impacts during the construction and operational phases;
- Potential air quality impacts during the operational phase; and
- Potential fire, health and safety impacts during the construction and operational phases

Positive impacts include:

- The fuel service station will provide employment opportunities during the construction phase and operational phase;
- A truckstop with associated infrastructure will provide convenience and a safe place to rest for the drivers of freight trucks in the Cape Town Metropolitan area and help to curb the occurrence of accidents involving trucks;
- Economic gain for the applicant; and
- The development will provide a revenue stream for the City of Cape Town through taxes, levies and the supply of municipal services.

#### 4. National Environmental Management Act Principles

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

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

#### 5. Conclusion

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

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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