



DIRECTORATE: LAND MANAGEMENT
REGION 3

EIA REFERENCE NUMBER: EG12/2/4/1-D2/22-0067/11

ENQUIRIES: Mrs. R. Roets

DATE OF ISSUE: 2012 -11- 14

Mr. Aboobaker Ismail
PO Box 6007
LENASIA NORTH
1838

received
14 November 2012
Sltt.

Tel: (011) 852 3288
Fax: (011) 854 2451

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND EXEMPTION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: PROPOSED PARKDENE FILLING STATION ON ERF 11221, PARKDENE, GEORGE

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

ENVIRONMENTAL AUTHORISATION AND EXEMPTION

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, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to Design Alternative 3 described in the final Basic Assessment Report dated 19 September 2012

The granting of this environmental authorisation (hereinafter referred to as the "environmental authorisation") is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Mr. Aboobaker Ismail
PO Box 6007
4th Floor York Park Building York Street GEORGE Private Bag X6530, GEORGE, 6530
tel: +27 44 805 8600 fax: +27 44 874 2423 www.westerncape.gov.za/eadp

LENASIA NORTH

1838

Tel: (011) 852 3288

Fax: (011) 854 2451

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

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 -

Activity Number: 13

Activity Description: *The construction 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 but not exceeding 500 cubic metres;*

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

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

Layout Alternative 1 (Preferred Alternative):

Layout Alternative faces north (towards Main Street) and has a total development footprint of 769.55m². This larger development footprint is within the Business Zone rights and coverage rights of the erf and is therefore preferred above a smaller layout as shown in Alternative 2.

The development further entails the installation of five Underground Storage Tanks (USTs) with a combined capacity of approximately 115 m³ (115 000 litres) on the premises at a depth of approximately 2 to 2.5 metres below natural ground level. In addition to the forecourt and tanker refuelling area, the development also includes the establishment of small commercial and retail facilities, such as a convenience store. Provision will also be made for twenty-two surfaced parking bays (two parking bays will be designated for disabled persons) and internal access and service roads that will be surfaced. The development will also make provision for a carwash facility on the filling station premises and the establishment of a hard-surfaced fuel dispensing forecourt. The filling station will be equipped for the dispensing of octane (petrol) and diesel fuels, for passenger and light delivery vehicles, as well as heavy vehicle.

C. PROPERTY DESCRIPTION AND LOCATION

The site covers an area of approximately 4 995m² and is currently zoned for Business and the consent use under this zoning allow for the operation of a filling station on Erf 11221. The site falls within the jurisdictional area of the George Municipality and is located within the urban edge of George on the corner of Sandkraal and Main Road, Parkdene, which is approximately 3,5 kilometres South-East of the Central Business District of George.

Co-ordinates:

Latitude: 33° 59' 33.00"South

Longitude: 22° 28' 31.10"East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Cape EAPrac (Pty) Ltd.
C/o Ms. Francini van Staden
PO Box 2070

GEORGE
6530

Tel: (044) 874 0365

Fax: (044) 874 0342

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with all the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)–
 - 3.1 notify all registered interested and affected parties of –
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision;
 - 3.2 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 Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below;

3.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision.

4. Seven calendar day's notice, in writing, must be given to the competent authority before commencement of construction activities.

4.1. The notice must make clear reference to the site details and EIA Reference number given above.

4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3, 8 and 12

5. 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.

6. 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.

7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.

8. The draft Environmental Management Programme ("EMP") must be amended to address the following aspects and be re-submitted to the competent authority for approval, prior to commencement of construction:

8.1. Incorporate all the conditions of this Environmental Authorisation;

8.2. Amend the draft EMP to include all the key mitigation measures recommended by the specialists and contained in the BAR, as well as those conditions that are practically implementable and imposed by all organs of state who commented on the proposal.

An application for amendment to the EMP must be submitted to the competent authority if any further amendments are to be made to the EMP and this may only be implemented once the amended EMP has been authorised by the competent authority. The EMP must be included in all contract documentation for all phases of implementation.

9. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to

in section C above must be granted and the environmental authorisation and EMP must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

10. The applicant must submit an application for amendment of the environmental authorisation to the competent authority where any detail with respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
 - 10.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activities were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
 - 10.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
11. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
12. The holder must appoint a suitably experienced environmental control officer ("ECO"), for the construction phase before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions contained herein.
13. 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.

14. All procedures and equipment used within the site should comply with the Occupational Health and Safety Act (Act 85 of 1983) and should also comply with the SANS 10089 Part 3's particulars for the industry standards associated with pumps and dispensers to ensure that the equipment used is accord to these standards, thereby reducing any avoidable vapour emissions.
15. 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; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010.

1. An appellant must –
 - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
 - 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
 - 1.3.1. a copy of the notice of intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having

submitted the responding or answering statement, serve a copy of the statement on the other party.

3. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
4. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:
 - 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 J. de Villiers
Room 305 A
3rd Floor Leeusig Building (Entrance at: Utilitas Building, 1 Dorp Street, Cape Town, 8001)
5. A prescribed notice of intention to appeal form and 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 Jaap.deVilliers@pgwc.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. KOBUS MUNRO

DIRECTOR: LAND USE MANAGEMENT (REGION 3)

DATE OF DECISION: 13/11/2012

Copied to: (1) Ms. Francini van Staden (EAP) Fax: (044) 874 0365
(2) The Municipal Manager (George Municipality) Fax: (044) 873 3776

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:	EG12/2/4/1-D2/22-0067/11
NEAS EIA REFERENCE NUMBER:	WCP/EIA/0000698/2011
EXEMPTION REFERENCE NUMBER:	N/A
NEAS EXEMPTION REFERENCE NUMBER:	N/A

ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 9 November 2011, the Final Basic Assessment Report dated and received on 19 September 2012 by the competent authority, the EMP submitted together with the aforementioned Final Basic Assessment Report;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated October 2011);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the Final Basic Assessment Report dated 19 September 2012;
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures; and
- f) No site visit was conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit and verified the site with the site photographs that were submitted as part of the application documentation.

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 included:

- identification of and engagement with interested and affected parties on 10 November 2011;
- fixing notice boards (English and isiXhosa) on 24 November 2011 at the site where the listed activities are to be undertaken;
- giving written notice on 10 November 2011 to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities; and
- the placing of a newspaper advertisement in the 'George Herald' on 24 November 2011.

All the concerns raised by interested and affected parties were responded to and adequately addressed during the public participation process. Specific management

and key mitigation measures recommended by the specialists and the EAP have been incorporated in the EMP to adequately address the concerns raised.

Comments from authorities:

Hard copies of the FBAR were submitted to Department's of Health, Minerals and Energy and Transport. Only Department of Health responded and indicated that they have no objection against the proposed development (30 August 2012).

Cape Nature:

According to comment received from Cape Nature the property is not a designated sensitive area. It is further submitted that the proposed site does not contain sensitive Wetlands as identified by the Freshwater Ecosystem Priority Areas ("FEBA") project as confirmed in the BAR and there appears to be no biodiversity issues associated with this application;

Cape Nature also recommends that the underground storage Tanks ("UST's") be extremely impermeable (double layered) and that monitoring and regular testing of the UST's be done to assess potential leakages. Cape nature requires that measures be implemented to prevent contamination of surface or groundwater by UST's and activities associated with filling stations. In principle Cape Nature does not object to the abovementioned proposal.

Department of Water Affairs:

The Department has no objection to the development, subject to the following conditions being adhered to:

- The internal reticulation and connections service infrastructure must be done according to the specifications laid out by George Municipality;
- The construction of the storm water management system and the associated infrastructure must be done to the satisfaction of the responsible local authority;
- All waste should be kept in appropriate containers and disposed of at an appropriate and permitted disposal site.

Department of Health:

The Department of Health has no objection to the proposed filling station development on erf 1122, George provided that no environmental, underground or surface water pollution takes place.

George Municipality:

The municipality requires that the developer be responsible for all costs related to the proposed development. The municipality further submits that any damaged to existing service-infrastructure must be repaired by the developer and at the developer's expense and in accordance with municipal standards.

This Department concurs with the environmental assessment practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this environmental authorisation to adequately addresses all the issues and concerns that were raised by I&APs.

2. Alternatives

Layout Alternative 1 (Preferred)

This Layout Alternative faces north (towards Main Street) and has a total development footprint of 769.55m². This larger development footprint is within the Business Zone rights and coverage rights of the proposed erf and is therefore preferred above a smaller layout as shown in Alternative 2.

Layout Alternative 2

Layout Alternative 2 also faces north towards Main Street, and the development components remain the same, except for a smaller commercial component. The total development footprint is 634.70m². Layout Alternative 2 does not allow for maximum traffic flow and movement convenience. The commercial facility of this alternative has a less cost effective layout and design. Alternative 2 is furthermore slightly smaller in covered footprint, (Alternative 1 has a total covered area of 769.55m² compared to Alternative 2, which has a total covered area of 634.70m²).

"No-Go" Alternative

In addition to the two layout alternatives, the Status Quo (No-Go) alternative was also considered as part of the environmental assessment process. For the purpose of this exercise the No-Go option was considered as having nothing on the property.

3. Impact Assessment and Mitigation Measures

3.1. Activity Need and Desirability

According to the Basic Assessment Report ("BAR") and the Economic Impact Assessment there is a definite need for a filling station at the proposed development site, particularly to serve transient traffic (i.e. traffic moving through George and surrounding areas towards the N2), and in particular heavy vehicles that access Sandkraal Road and the N2 for commercial / business purposes. The George Municipality has confirmed the availability and capacity for all civil services.

It is further submitted in the FBAR that the proposed site has established business rights and that a filling station development is allowed for under the Consent Use of the registered rights.

3.2. Services/Bulk Infrastructure

George Municipality has confirmed the availability and capacity for civil services, in addition to the site being an existing Municipal serviced site.

3.3. Cumulative Impacts

Cumulative impacts were considered to be low according the FBAR. No adverse impacts were identified that is associated with the building of the filling station. The comments raised during the public participation were distributed to the project team and specialists for consideration and addressed. The mitigation measures required to address these issues and avoid associated impacts have been described in the FBAR. Measures to first avoid and secondly to mitigate any potential negative impacts have been prescribed for the design, construction and operational phases of the proposed development. This Department is confident

that these measures will contribute to avoid, and reduce the significance of any potential negative impacts.

3.4. Biodiversity

According to the National Spatial Biodiversity Assessment (NSBA) the vegetation in the area consists of Garden Route Granite Fynbos which is considered to be "Endangered." There is however no remaining natural vegetation found on the site as the entire site has been transformed. Over the years the site has been used for various purposes. There is no remaining vegetation with any significant conservation status left on the development site, or on the surrounding properties, which are within a mixed residential / commercial area.

3.5. Visual / Sense of Place

The proposed construction of the filling station will not change or negatively affect the visual character of the surrounding environment. There are existing businesses on the surrounding properties and the design is in line with the area and its neighbouring properties.

3.6. Noise

Noise that will be generated during the construction phase is unavoidable, but this will be minimal and restricted to the proposed site and immediate surroundings.

3.7. Impact Assessment and Significance

According to the FBAR, there are no adverse impacts associated with the construction of the filling station. The comments raised during the public participation were also distributed to the project team and specialists for consideration and addressing. The mitigation measures required to address these issues, and to avoid these impacts, are described in the FBAR. Avoidance and mitigation measures proposed are prescribed for the design, construction and operational phases and will contribute to avoiding, and reducing the significance of the potential negative impacts.

Positive impacts, mainly economic-related, were also identified. These include direct and indirect positive economic benefits from the construction and operational phases and various types of job opportunities. A definite feasibility for the development proposal has been confirmed in the outcome of the Economic Impact Assessment. All impacts identified to date, have been adequately investigated and addressed, and there are no impacts that, with mitigation, will result in significantly detrimental impacts on the receiving environment, including the surrounding land users and residents.

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;
- that the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimized and remedied;
- that a risk-averse and cautious approach is applied, which takes into account the limits of the current knowledge about the consequences of decisions and actions; and
- the selection of the best practicable environmental option.

The development will result in both negative and positive impacts.

Negative Impacts:

The construction of the filling station will not have any significant negative impacts as the site is already severely transformed and surrounded by existing business, institutional and residential developments. There will however be economic competition with other service stations that are within close proximity, but these will mainly be dictated by the market, as well as service delivery standards.

Positive impacts:

Positive impacts, mainly economic-related, were also identified. These include direct and indirect positive economic benefits from the construction and operational phases and various types of job opportunities. A definite feasibility for the development proposal has been confirmed in the outcome of the Economic Impact Assessment. All impacts identified to date, have been adequately investigated and addressed, and there are no impacts that, with mitigation, will result in significantly detrimental impacts on the receiving environment, including the surrounding land users and residents.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, 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.

THE END
