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NEAS REF: WCP/EIA/AMEND/0000676/2022
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 18 May 2023

The Director
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Dear Sir

ADDENDUM TO THE ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PROGRAMME FOR 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 for amendment.

A. DECISION

1. By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority in terms of Part 2 of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, herewith **grants** amendment of the Environmental Authorization issued on 14 November 2012 (DEA&DP Reference Number: EG12/2/4/1-D2/22-0067/11).
2. The Environmental Authorisation issued on 14 November 2012 is amended as set out below:
 - 2.1 The activity Description under Section B is amended to read as follows:

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

A Filling Station to dispense both octane (petrol) and diesel fuels, for passenger, light delivery, and heavy vehicles. The total covered development footprint will be 762.10m² includes:

- Installation of five (5) Underground Storage Tanks (USTs);
 - Depth: 2 to 2.5 metres below natural ground level;
 - Capacity: ~115m³ (~115 000 litres);

- Hard-surfaced fuel dispensing Forecourt and tanker refuelling area;
- Main building (309.92m²), including:
 - a convenience shop, public toilets, freezer/chiller room, storeroom, kitchen freezer/chiller, prep area, servery area, cashiers' cubicle, offices, staff toilets, attendants' cubicle, attendants' change rooms, ATM room.
- Twenty (29) parking bays with two (2) disabled bays;
- Hard-surfaced internal access and service roads;
- Main Access to the development:
 - Entrance only off Main Street;
 - Full access off Golf Street.

The proposed development will be implemented approximate to the site development plan contained in Annexure 1 of this addendum".

2.2 Section E, Condition 1 is amended to read as follows:

"The environmental authorisation is valid for a period of fifteen (15) years until 14 November 2027 during which all construction activities, including auditing and reporting must be finalised. The operational aspects of this Environmental Authorisation are granted for a period until 14 November 2047. The filling station may not be operated without a valid Environmental Authorisation."

3. 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), the competent authority also approves the amended EMPr submitted on 25 January 2023.
4. All the remaining conditions in the Environmental Authorisation issued on 14 November 2012, Reference Number: EG12/2/4/1-D2/22-0067/11, remains unchanged and is still in force.

B. 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 12 October 2022, the Final Impact Report (Ref: GEO139c/05) submitted on 25 January 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Need and Desirability;
- 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 (I&APs) and responses to these, included in the Final Impact Report received by this Department on 25 January 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures;
- f) All relevant information that was made available in the report to understand the environmental and spatial context.
- g) The site inspection that was undertaken by the case officer on 3 March 2023.
- h) EAPs motivation
According to the Final Impact Report, in an attempt to respond to the current site context and marketability, and particularly the development of the "Go George" bus infrastructure adjacent to

the site, the process of designing a responsive layout for the Filling Station started during 2018 already. The amended layout is the product of more than three (3) years of discussions, negotiations and revisions between the Holder of the EA and local authorities, which were subject to an updated Traffic Impact Assessment (TIA) (2021). The approval of the Updated TIA & amended layout / SDP by the George Municipality in June 2021, allowed for the submission of the building plans (reflecting the new layout) thereafter.

The motivation continues by stating that additional delays resulted from on-going negotiations with the Retailer (BP) as the service provider and the Municipality regarding its required capital contributions. The delays associated with these negotiations were further complicated by the Covid-19 epidemic and the complicated litigation processes associated with objections and appeals received from competitors to the application for the site and retail licence (submitted in 2015). These applications were initially rejected by the controller, but following the review and setting aside of those rejections by the High Court, the Controller reconsidered the applications and ultimately granted the site licences. These, however lapsed, while the negotiations referred to above and below were underway.

Further delays resulted from negotiations with the Retailer (BP), however, the new site and retail licences were finally issued by the Department of Mineral Resources & Energy (DMRE) on 8 November 2022. All approvals except for this decision, are now in place.

i) Applicant's Motivation:

According to the applicant, given the delays associated with obtaining all of the necessary approvals, including accommodating critical changes associated with the Go-George bus stop erected at the approved entrance of the filling station, commencement and implementation of the EA could not take place. The findings of the Economic Impact Assessment identified that there is a definite need for this filling station at the proposed development site, particularly to serve transient traffic (traffic moving through George and surrounding areas towards the N2), and in particular heavy vehicles that access Sandkraal Road from the N2 for commercial business purposes, which represents a specific demand market that other filling stations in the area cannot necessarily accommodate either due to site limitations or distance from the N2.

j) The Site

The site, Erf 11221, George is located at the corner of Nelson Mandela Boulevard and Main Street between the residential areas of Parkdene, Ballotsview, Lawaakamp and Borchers. The site is currently vacant with a portion of the wall, foundation and rubble of a demolished creche still remaining in the centre of the site. The site is fenced with a simple fence and monitored daily by a female security guard, to deter trespassers and illegal dumping. There are also biophysical concerns regarding the property. The site is completely transformed, with very few indigenous plants noted. The sparse vegetation is dominated by Kikuyu grass, alien invasive plants (garden escapees) and weedy pioneers.

k) Need and Desirability

The Updated Socio-Economic Impact Assessment submitted as part of the amendment application confirmed that there remains a need for a filling station at the proposed development site, particularly to serve traffic moving from George Industria and surrounding areas towards the N2, and in particular heavy vehicles that access Nelson Mandela Blvd / Sandkraal Road and the N2 for commercial and business purposes.

The George Municipality has confirmed the availability and capacity for civil services, in addition to the site being an existing Municipal serviced site. The amended filling station layout has responded to and accommodated the existing municipal civil services, and public-transport and pedestrian movement infrastructure and operations, in particular, as required by the Municipality. The necessary road infrastructure is in place and the upgrade of the N2 bridge and Nelson Mandela Blvd have been considered in the Updated TIA.

l) Market Potential

According to the Final Impact Report the market for this filling station is not only aimed at the transient market (N2 traffic) alone, but also traffic travelling on the eastern side of Sandkraal Road. There is currently no filling station on the eastern side of the road, north of the N2, catering for vehicles travelling in a southerly direction away from the industrial area towards the N2. A traffic island which stretches the length of Sandkraal Road furthermore creates complications for vehicles travelling in a southerly direction (eastern side of Sandkraal Road). This inconvenience of crossing towards the western side of Sandkraal Road for refuelling, increases with vehicle size, and as such, heavy vehicles in particular seem to have difficulty in refuelling, prior to accessing the N2. The recently established Puma Filling Station, although also located on the eastern side of Nelson Mandela Boulevard, is positioned on the opposite side (south) of the N2 highway, when entering Thembalethu to the south. The filling station will serve the traffic leaving and entering Thembalethu and for this reason, the amended layout of the filling station has been designed to accommodate and service heavy vehicles and trucks in addition to light and/or passenger vehicles on the southern side of the N2 highway.

m) Traffic

The updated Traffic Impact Assessment and Statement found that the filling station can still be supported and it recommends that an entrance only is provided from Main Street and full access is provided via Golf Street.

Given the changes to the context (the new bus stop & associated pedestrian sidewalks), as well as the responsive changes to the new preferred layout (2021) to these existing conditions, the road upgrade recommendations contained in the original TIA (VelaVKE, 2011), which were applicable to the previously approved layout, are no longer required or possible, for the following reasons:

- A turning lane with a 12metre storage length be constructed on the western approach of Main Street:

As result of the Go-George facilities in the road reserve of Main Street, the road reserve width has become inadequate to accommodate an additional turning lane. The access as proposed in the 2012 report needs to move closer to the intersection with Golf Street and is now located only $\pm 22\text{m}$ from Golf Street. The access spacing, Go-George facilities and road reserve width was contributing factors to omit the right-turn lane for the 2021 proposal.

- A stop line and sign should be placed at the access junctions with Main and Golf Street:

There were geometric issues with the access on Golf Street and the intersection with Main Street to accommodate the swept path for the fuel delivery trucks. Upgrades were proposed and incorporated in the site plan, none of these were required in the 2012 report. The stop-line at the access junction on Golf Street is still part of the access, but not required at the entrance on Main Street.

- An additional phase should be implemented within the Sandkraal Road / Main Road signalised intersection, to prevent the future expected right turning saturation problem:

The upgrade of Sandkraal Road to a dual-carriage-way road from Main Street to the N2 was taken into account in the 2021 report. The additional through-lane on Sandkraal Road through the intersection resulted in the signal upgrade no longer required.

In terms of the revised / current preferred layout, the swept path and turning radii for fuel filler trucks (single unit truck and trailer = 19m long), entering the site from Golf and Main Streets and exiting the site at Golf Street (turning within site), require the following upgrades:

- a turning radius at the intersection of Main Street and Golf Street needs widening;
- the full access on Golf Street also needs widening

n) Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

1. Letter drops to erven 16023, 21669, 21668, 21667, 21666, 21665, 25354, 10905, 10962 & 10963 were undertaken on 23 November 2022 to notify occupants of the availability of the draft Impact Report.
2. The draft Impact Report was made available for public review from 28 November 2022 until 18 January 2023. The draft Impact Report was also available on the Cape EAPrac Website: www.cape-eaprac.co.za (under Active Projects, Parkdene Filling Station) for the same period.
3. A legal advert was placed advertising the proposed amendment in the George Herald on 24 November 2022.
4. A site notice was placed at the site on 23 November 2022.
5. Due to wind damage and vandalism, Site Notices were replaced on 06 January/2023. Change in DEA&DP Reference number was written onto site notices (with permanent marker) on 16 January 2023.
6. The following State Departments were notified of the availability of the draft Impact Report:
 - Department of Mineral Resources and Energy
 - South African National Roads Agency Limited (SANRAL)
 - Provincial Roads Department
 - Department of Agriculture
 - George Municipality (Planning)
 - George Municipality (Technical Services)
 - George Municipality (Environmental Management)
 - Garden Route District Municipality
 - Breede Gouritz Catchment Management Agency (BGCMA)
 - Heritage Western Cape

The BGCMA confirmed that no water use license is required for the proposed amendment. The George Municipality has confirmed the availability of all required services to support the proposed development. The Department of Transport and Public Works: Roads indicated that they have no objection to the proposed amendment.

The general concern regarding crime in the area especially around filling stations and the Go-George bus stops were also raised as a concern and mitigation measures such as extra lighting at night, the presence of security at the filling station, as well as the presence of a small gate in the fence for pedestrians during the day, was included in the Environmental Management Programme.

Another issue that was raised was the issue of traffic flow during peak traffic time. The TIA took this into account and the fact that there is a traffic officer that regulates the traffic during peak hours will mitigate this issue. This Department is satisfied that all the comments and issues raised by I&APs and respective Organs of State were adequately captured and responded to and addressed in the Impact Report.

o) Impacts

None of the specialists identified any significant changes to the nature of the impacts, nor are there any increases in the level of significance of the impacts associated with the amendment of the layout. This Department is therefore of the opinion that there is no reason as to why the amendment should not be granted.

C. CONDITIONS

1. The applicant must, in writing, within **14 (fourteen)** calendar days from the date of the Department's decision –
 - 1.1 notify all registered interested and affected parties registered in the previous EIA process of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;

- 1.2 draw the attention of all registered interested and affected parties registered in the previous EIA process to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) in section D below;
 - 1.3 draw the attention of all registered interested and affected parties registered in the previous EIA process to the manner in which they may access the decision.
2. The holder of the environmental authorisation must within thirty (30) calendar days of the issue of this amendment decision, provide the competent authority with written proof of compliance with condition 1 above.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date 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 and the responding statement must be submitted to the address listed below:
By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or
By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to 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. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT
DATE OF DECISION: 18 MAY 2023

Copy: Mrs. L. van Zyl
Mrs. S. Holder
Mr. C. Pietersen

Cape EAPrac
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ANNEXURE 1: SITE DEVELOPMENT PLAN

