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PRE-APPLICATION S24G APPLICATION

FOR THE

ALLEGED UNLAWFUL COMMENCEMENT OF CONSTRUCTION OF BULK FUEL STORAGE STRUCTURES ON PTN 64 OF FARM NO 22, KLEIN DASSENBERG, PHILADELPHIA, CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY



APPLICANT:	MR. A. SEDICK
ENVIRONMENTAL CONSULTANT:	SHARPLES ENVIRONMENTAL SERVICES CC AUTHOR: MISS AMEESHA SANKER (EAPASA: 4372)
FILE REFERENCE NUMBER (ENFORCEMENT)	14/1/1/E1/5/6/3/0715/21 24G Consultation: 14/2/4/1/A5/87/0023/22
SES REFERENCE NUMBER:	CT19/S24G/DEMPR/04/23
DATE:	APRIL 2023

EXECUTIVE SUMMARY

The EAP (Environmental Assessment Practitioner) has chosen to include this section, to assist I&AP's (Interested and Affected Parties), who may not be familiar with the setup and navigation of this document, to understand the process and proposal.

The Department of Environmental Affairs and Development Planning (DEA&DP): Directorate: Environmental Law Enforcement, undertook an investigation into allegations of the commencement of a listed activity in contravention of section 24F of the National Environmental Management Act, 1998 ("NEMA"). Following a site inspection held on Portion 64 of farm, Zoute Rivier no 22, Philadelphia by an Environmental Management Inspector from the Department's Directorate: Environmental Law Enforcement on 28 April 2021, it was confirmed that the Applicant (Mr A Sedick), had commenced with the alleged illegal development for a proposed diesel drop-off facility without obtain the prerequisite environmental authorisation. A Pre-Compliance Notice was issued on the 02nd July 2021, by the DEA&DP: Directorate: Environmental Law Enforcement, to the Applicant, Mr A Sedick Lessee of Portion 64 of Farm No 22, Klein Dassenberg.

Sharples Environmental Services was appointed by Norcross Group (Pty) Ltd, as the independent environmental assessment practitioner, on the 23rd of August 2021, to address the pre-compliance notice issued by this directorate on the 02nd of July 2021, (DEADP Enforcement Ref: 14/1/1/E1/5/6/3/0715/21). After consultation with the DEA&DP: Directorate: Environmental Law Enforcement, the EAP issued a letter on 30th November 2021, advising the DEA&DP that the Applicant intends to apply for ex post facto approval in terms of Section 24(G) of the National Environmental Management Act (Act 107 of 1998) (NEMA) to the Department of Environmental Affairs and Developmental Planning (DEA&DP), for the alleged unlawful commencement of the construction of bulk fuel storage structures, on site, in mid-2021, in line with a Project Schedule agreed to. DEA&DP responded with a Compliance Notice (REFERENCE: 14/1/1/E1/5/6/3/0715/21), dated 28th March 2022, in terms of Section 31L of the National Environmental Management Act, 1998, accepting the way forward and Project Schedule.

The Applicant will be liable for a fine, as determined by the DEA&DP, and thereafter the DEA&DP will make a decision on the Environmental Authorization, required to continue with the proposed development.

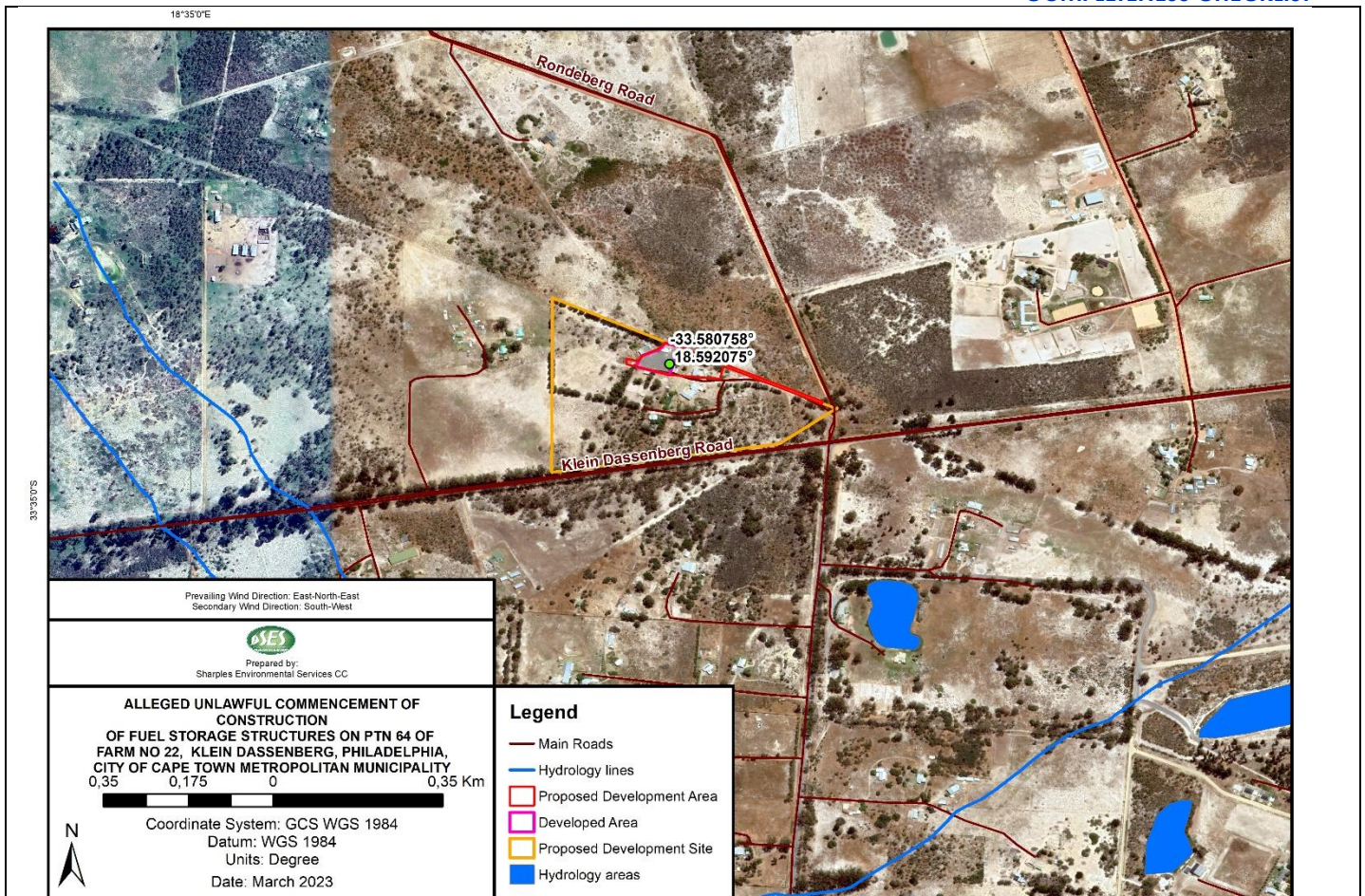


Figure 1: Locality map of the proposed site with development footprint on Ptn 64 of Farm no. 22 Klein Dassenberg (SES, 2023)

It is evident that the Applicant proceeded with the construction, not knowing that there would be applicable activities, however, once this was identified, the Applicant proceeded to follow the relevant process and appointed an appropriately registered and qualified EAP, to provide assistance on the way forward. Since the alleged commencement, there has been no construction works on the property, despite this having a negative impact on the Applicants business.

ENVIRONMENTAL S24G PROCESS

The Section 24G of the NEMA makes provision for any person who has commenced with a listed activity in terms of the EIA Regulations, 2014 (as amended), to submit an application to the relevant MEC/Minister, which, if successful, will enable that person to lawfully continue with the listed activity and/or legalise an otherwise unlawful structure. The Applicant will still be required to pay an appropriate administrative fine, determined by the competent authority.

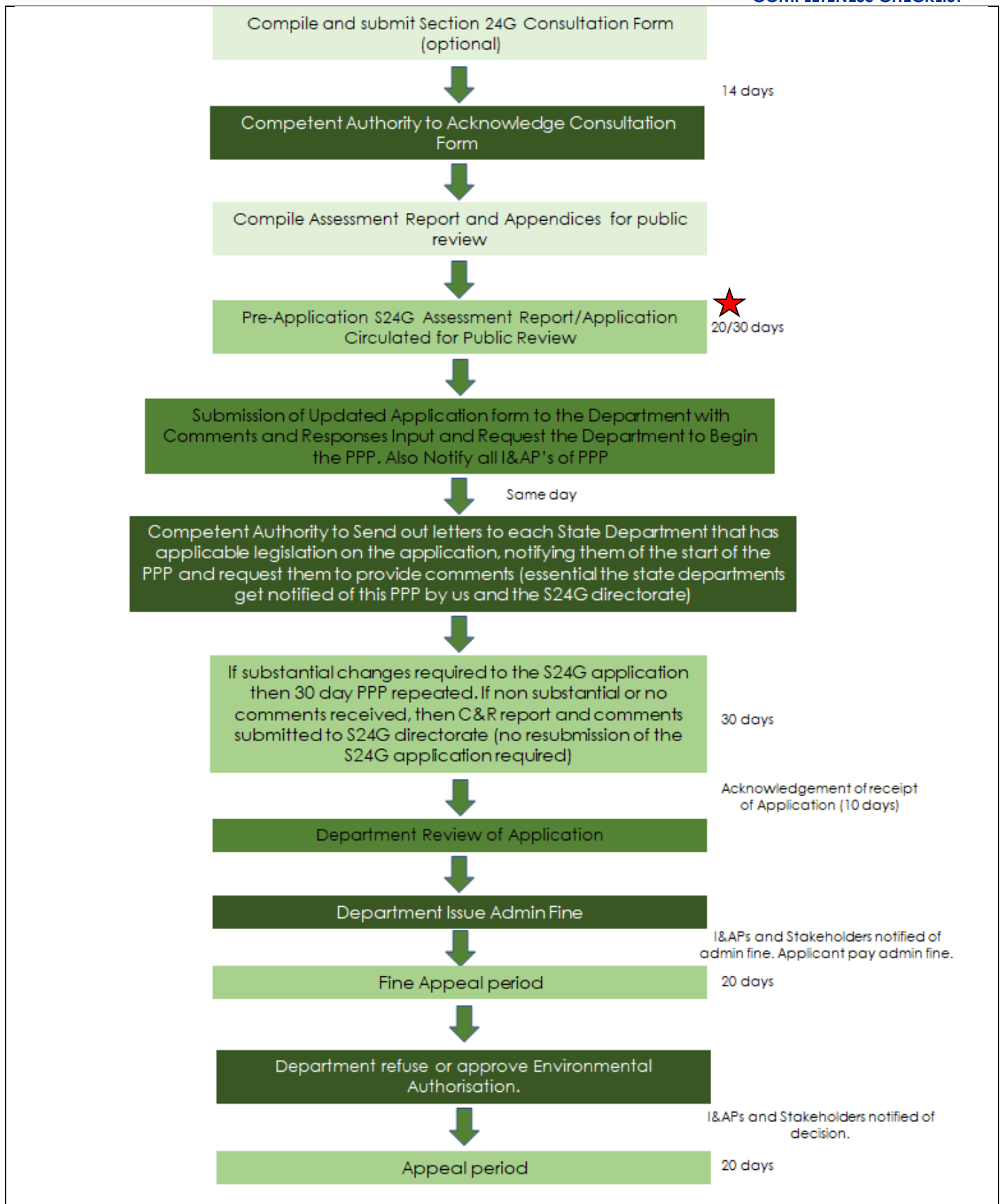


Figure 2: Process Flow Diagram - S24G Application NEMA (SES, 2023).

Where this process is, currently. ★

The Pre-Application Public Participation is currently underway (28th April 2023 – 18th May 2023), in line with Regulation 8 of the Section 24G Fine Regulations, 2017. Kindly refer to Section J (pages 156 – 162 of this document).

PLANNED SCOPE OF WORKS

The Applicant proposes to establish two bunded structures, which will accommodate above-ground diesel storage tanks, with a combined capacity of up-to 500m³, on Ptn 64 of Farm nr. 22, Klein Dassenberg, for exclusive use by the companies' vehicles. This was intended to provide temporary (2 – 4 weeks) storage for bulk fuel to be distributed to the applicant's clients within the surrounding area, by the companies' own vehicles. The proposed development would not require additional services. The proposed development is detailed in pages 23 – 30 of this document.

Intention of proposal:

- The **public will not have access** to this site, as it is not a filling station.
- The maximum number of trips per week are anticipated to be 2 trips per day (private vehicles – maximum 4 vehicles), and two road tanker deliveries (maximum twice trips per week).

APPLICABLE LISTED ACTIVITIES

The DEA Screening Tool undertaken on the 23rd of March 2023, indicted the following sensitivities. However, following the site visit, it was evident that there were no environmental sensitivities.

THEMES	SENSITIVITY			
	VERY HIGH	HIGH	MEDIUM	LOW
Agriculture Theme			X	
Animal Species Theme		X		
Aquatic Biodiversity Theme				X
Archaeological and Cultural Heritage Theme				X
Civil Aviation Theme		X		
Palaeontology Theme				X
Plant Species Theme			X	
Defence Theme				X
Terrestrial Biodiversity Theme	X			

Therefore, the EAP indicated that the Screening Tool (dated 23/08/2022, at the time), indicated specialist input however based on the EAP's observation, there was no need for the recommended specialist studies (see Section D, Item 7 of this Application Form).

- **The National Environmental Management Act, 1998, in accordance with the EIA Regulations, 2014 (as amended).**

GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Commenced with prior to EA
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14	The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres	<p>Did not commence prior to EA, as the original combined capacity of the containers on site, were approximately 79m³.</p> <p>However, will be applicable in terms of this application, for Environmental Authorization.</p>
GN No. R. 324 Activity No(s): (Listing Notice 3 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Commenced with prior to EA
10	<p>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</p> <p>i. Western Cape</p> <p>ii. Areas zoned for use as public open space or equivalent zoning; iii. All areas outside urban areas; or iv. Inside urban areas: (aa) Areas seawards of the development setback line or within 200 metres from the high-water mark of the sea if no such development setback line is determined; (bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; or</p> <p>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>Commenced prior to EA. Applicant is liable.</p> <p>Will be applicable in terms of this application, for Environmental Authorization.</p>

• **National Heritage Resources Act, 1999 (Act No. 25 of 1999) Section 38**

National Heritage Resources Act, 1999 (Act No. 25 of 1999) Section 38 of the Act states as follows: "38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
- (c) any development or other activity which will change the character of a site
 - (i) exceeding 5 000 m² in extent; or

SPECIALIST INPUT

No specialist studies were undertaken, as none were required.

A Technical Study, entitled Risk Assessment in terms of the Major Hazard Installation Regulations and SANS 1461:2018 for the Installations at Alliance Fuel on their property at Klein Dassenberg Road, Philadelphia, was undertaken by Major Hazard Risk Consultants, 18th April 2023 (Appendix N). It was concluded that:

- An incident involving the proposed facility at the Alliance Fuel depot on the outskirts of Philadelphia could impact past the boundaries.
- The risks associated with this MHI were found to be acceptable.
- A site is deemed to be an MHI if more than the prescribed quantity is stored as per the General Machinery Act or if a product is stored, handled or produced which has the potential to cause a major incident as per the Operational Health and Safety Act.
- The risk level posed to various populations included:
 - Risk was noted at Office/ Manager House
 - NO RISK at Main Entrance
 - NO RISK at Neighbour (North)
 - NO RISK At Neighbour (West)
 - Risk at the Staff Accommodation (West)
- Most significant risk is from a Loading Hose Rupture Diesel Road Tanker.
- Risk reduction recommendations and emergency planning.

SUMMARY OF IMPACT TABLES

The impact assessment methodology has been applied as per Section G of this document, and the impact tables detailed in Section F, Item 6 of this document. The following table represents the potential significance of the anticipated impacts after the proposed mitigation to adequately avoid and minimize negative anticipated impacts and enhance positive impacts.

Impacts	Significance rating of impacts AFTER mitigation is applied (Low, Medium, Medium-High, High, Very High):
CONSTRUCTION IMPACTS	
LEGISLATIVE NON-COMPLIANCE (-)	Low
WASTE PRODUCTION AND MANAGEMENT (-)	
TRANSFORMATION OF SURFACE AREA & RELATED CONSTRUCTION (-)	
POOR CONSTRUCTION OF BUNDED AREAS COULD LEAD TO INSTABILITY DURING OPERATIONAL PHASE (-)	
LOSS OF VEGETATION AND HABITAT DISTURBANCE (-)	
REMOVAL OF ALIEN INVASIVES (+)	Negligible – Low (-)
FAUNA DISTURBANCE – WILD AND DOMESTIC (-)	Low (-)
TRAFFIC & ACCESS (-)	Low (-)
VISUAL IMPACTS AND CHANGE TO SENSE OF PLACE (-)	Negligible
EMPLOYMENT OPPORTUNITIES & SUPPORT TO LOCAL ECONOMY	Medium (+)
CONSTRUCTION NOISES AND LABOUR BEING INCONSIDERATE OF SURROUNDINGS.	Low-Medium (-)
OPERATIONAL IMPACTS	
DUST IMPACTS ON SURROUNDING AGRICULTURAL PROPERTIES (-)	Negligible – Low
STORAGE AND HANDLING OF DANGEROUS GOODS (-)	Low (-)
WASTE PRODUCTION AND MANAGEMENT (-)	Low (-)
PERMANENT EMPLOYMENT OPPORTUNITIES AND LOCAL ECONOMY SUPPORT	High (+)
COMMUNITY CONCERNS – FUTURE DEVELOPMENT (-)	Low (-)
TRAFFIC AND ACCESS (-)	Negligible – Low
OPERATIONAL NOISES – LABOUR, VEHICLES, ETC. (-)	
THEFT AND VANDALISM (-)	Low-Medium (-)
CLIMATE CHANGE (-)	Low-Medium (-)

CONCLUSION

The Applicant will be liable for a fine in terms of the Section 24G Fine Regulations (GN. No. 698 of 20 July 2017, for commencing with the relevant listed activities as mentioned above. This will allow the Applicant to take responsibility for the relevant activities, and also allow for the development to be considered in terms of Environmental Authorization.

The EAP notes that **there has been no significant, negative environmental impacts, during the unauthorized establishment of the bund area.** It was however noted that the development footprint selected showed extensive disturbance noted in the historical imagery, the manner in which the site was maintained and housekeeping was in good condition, and the tanks situated on site were all empty (ie, no hazardous storage on site that could have led to pollution).

All anticipated negative environmental impacts can be adequately addressed, to minimize impacts to acceptable levels. The community concern as a result of the development and future of the area has been addressed, and it can be noted that while the development can be seen as a fuel storage depot, it must be acknowledged that:

- The proposed development will not be equivalent to a typical industrial - sized fuel depot.
- This will only service the applicant, and will therefore, not generate significant traffic.
- The MHI concludes that there is no safety risk to the surrounding area.
- The MHI indicates that the risk is acceptable.
- The proposal will be subject to compliance with the relevant legislation/guidelines/policies and by-laws and can therefore be monitored on an on-going basis.
- The proposal poses a significant positive impact particularly in relation to the socio-economic benefits at a larger scale, as it aims to support a key sector, that's lends support to a multitude of sectors, that support livelihoods and business continuation.

The EAP is of the opinion that from an environmental perspective the proposal should be authorized, with the condition that the EMPr and EA be implemented in full.

UITVOERENDE OPSOMMING

Die Omgewingsbeoordelingspraktisyn (OBP) het besluit om 'n Opsomming van die aansoek by te voeg om Belanghebbende & Geaffekteerde Partye (B&GP) wat nie bekend is met die opstel van die dokument by te staan om die proses en die voorstel te verstaan.

Die Departement van Omgewingsake en Onwikkelingsbeplanning (DEA&DP): Direkoraat: Omgewingswetstoepassing afdeling het 'n ondersoek ingestel om te bepaal of die Aansoeker met 'n gelyste aktiwiteit begin het in terme van die Nasionale Omgewingsbestuurwet, 1998 ("NEMA") in oortreding van Seksie 24F van die NEMA. Nadat die terrein besoek afgelê is op Porsie 64 van die Plaas Zoute Rivier No. 22, Philadelphia deur die Omgewingsbestuur inspekteur van die Departement se Direkoraat van Omgewings Wetstoepassing op 28 April 2021, is dit bevestig dat die Aansoeker (Mr. A Sedick) onwettiglik met beweerde ontwikkelings aktiwiteite begin het vir die voorgestelde diesel aflaai fasiliteit sonder om die nodige omgewingsgoedkeuring te verkry. 'n Voorafnakomingskennisgewing is uitgereik op die 02de Julie 2021, deur die DEA&DP: Direkoraat: Omgewingswetstoepassing, aan die Aansoeker, Mr. A Sedick, die huurder van Porsie 64 van die Plaas No 22, Klein Dassenberg.

Sharples Environmental Services was aangestel deur Norcross Group (Pty) Ltd, as die onafhanklike omgewingsbeoordelingspraktisyn op die 23ste Augustus 2021, om die vooraf-nakomingskennisgewing wat deur die Direkoraat uitgereik is op die 2de Julie 2021 (DEADP Handhawing Verwysing: 14/1/1/E1/5/6/3/0715/21) aan te spreek. Nadat konsultasie met DEA&DP: Direkoraat: Omgewings Wetstoepassings afdeling gedoen is, het die OBP 'n brief uitgereik op die 30ste November 2021 om die DEA&DP in kennis te stel van die Aansoeker se besluit om 'n aansoek om Omgewingsgoedkeuring te verkry deur middel van 'n Seksie 24G Aansoekproses. Die brief was vergesel met 'n Projek Skedule. DEA&DP het gevolglik met 'n Nakomingskennisgewing (DEADP Handhawing Verwysing: 14/1/1/E1/5/6/3/0715/21), gedateer 28 Maart 2022, in terme van Seksie 31L van die Nasionale Omgewingsbestuurwet, 1998 (NEMA), wat die weg voorentoe en die projek skedule aanvaar het.

Die Aansoeker sal 'n boete moet betaal wat deur DEA&DP bepaal word en daarna sal 'n besluit geneem rond aanrakend die Omgewingsgoedkeuring voordat die Aansoeker verder sal mag vorder met konstruksie werke.

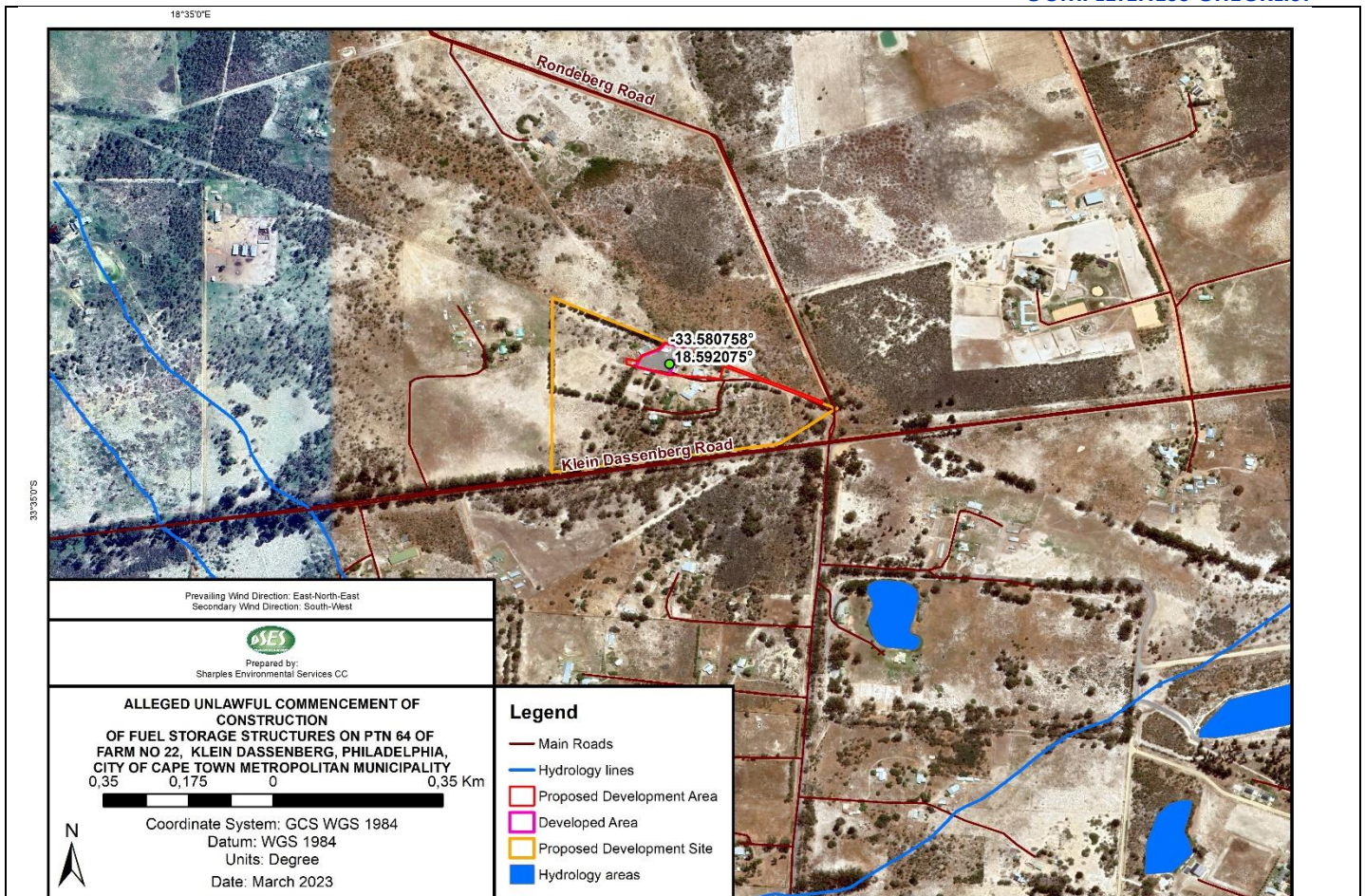
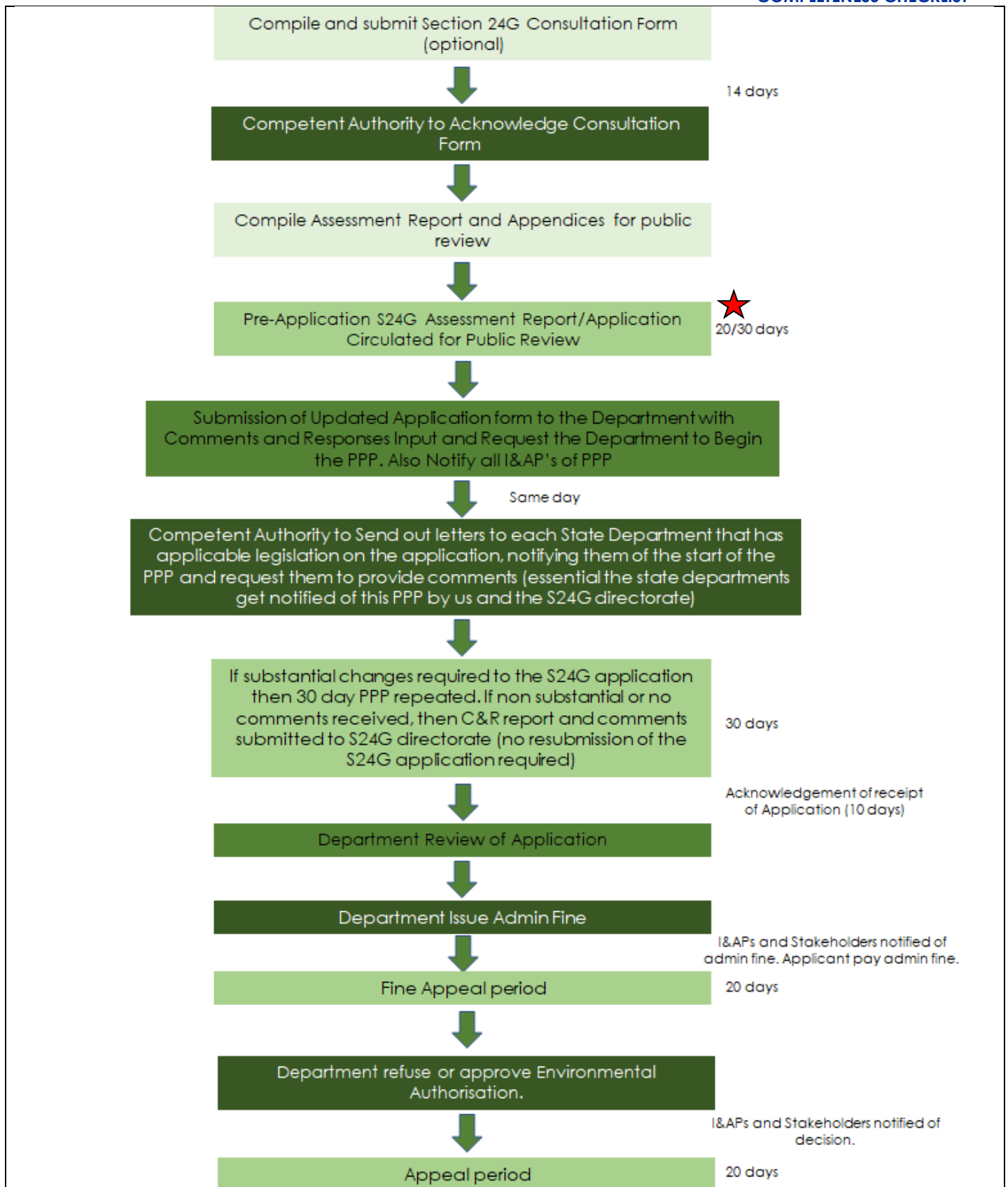


Figure 3: Ligging kaart van die voorgestelde terrein met die ontwikkelings area aangedui op Porsie 64 van Plaas 22, Klein Dassenberg (SES, 2023).

Dit is duidelik dat die Aansoeker met konstruksie begin het, sonder om te besef dat daar toepaslike gelyste aktiwiteite van toepassing sal wees. Toe dit aan die Aansoeker bekend gemaak is dat 'n proses nodig sal wees om omgewingsgoedkeuring te verkry, was onmiddellike stappe tot korreksie geneem en 'n gepaste geregistreerde en gekwalifiseerde OBP aangestel. Die OBP het gevolglik bystand gelever op die weg voorentoe. Vandat die Aansoeker bekend gemaak is van die onwettige bevordering van aktiwiteite op terrein, is geen verdere konstruksie werke gedoen op die eiendom nie. Ongeag die negatiewe impak wat dit op die Aansoeker se besigheid gehad het.

S24G OMGEWINGSPROSES

Seksie 24G van die NEMA maak voorsiening vir enige persoon wat onwettiglik met 'n gelyste aktiwiteit begin het in terme van die Omgewingsbepalingsassesseering Regulasies, 2014 (soos aangepas), om 'n aansoek in te dien na die gepaste MEC/Minister, wat, indien suksesvol, sal toelaat dat 'n persoon wettiglik met die betrokke gelyste aktiwiteit(e) mag voortgaan en/of om 'n onwettige struktuur te bemagtig. Die Aansoeker sal steeds 'n geskikte administratiewe boete moet betaal. Die boete word deur die Bevoegte Owerheid bepaal.



Figuur 4: Vloei Diagram van Proses - S24G Aansoek in terme van die NEMA (SES, 2023).

Waar die proses huidige is. ★

Die Publieke Deelname Proses wat gedoen word voordat die aansoek geloods word is huidiglik aan die gang (28 April 2023 – 18 Mei 2023). Die Publieke deelname word gedoen in lyn met Regulasie 8 van die Seksie 24G Boete Regulasies, 2017. Verwys asseblief na Seksie J (bladsye 156 – 162 van die dokument).

BEPLANDE OMVANG VAN WERKE

Die Aansoeker stel voor om twee bergingsstrukture op te rig wat bo-grondse diesel stoor tenks sal huisves. Die stoor tenks sal 'n gekombineerde kapasiteit van tot en met 500 m³ he en sal op Porsie 64 van Plaas Nommer 22, Klein Dassenberg, gelee wees. Die Infrastruktuur sal eksklusief deur die Aansoeker se voertuie gebruik word. Die intensie vir die infrastruktuur sal wees om brandstof tydelik (2-4 weke) te stoor vir die doeleindes om dit navolgens na die Aansoeker se kliente, wat in die omliggende area gelee is, aan te over. Die voorgestelde ontwikkeling vereis geen addisionele dienste nie. Die voorgestelde ontwikkeling is gedetailleer in bladsye 23 – 30 van die dokument.

Intensie van die Voorstel:

- Die **publiek sal nie toegang hê tot die terrein nie**, aangesien dit nie 'n vulstasie is nie.
- Die maksimum aantal reise per week word geskat om 2 reise per dag te wees (privaat voertuie – maksimum 4 voertuie), en 'n maksimum van 3 reise per week (om brandstof tenks vol te maak).

TOEPASLIKE GELYSDE AKTIWITEITE

Die Departement van Omgewingsake (DEA) se Siftingsinstrument wat op die 23ste Maart 2023 onderneem is, het aangedui dat die volgende sensitiwiteite van toepassing sal wees vir die voorgestelde area. Dit gestel, nadat die terrein besoek afgele is, was dit duidelik dat daar geen omgewings sensitiwiteite was nie.

TEMA	SENSITIWITEIT			
	BAIE HOOG	HOO	MEDIUM	LAAG
Landbou tema			X	
Diere Spesies Tema		X		
Akwatiese Biodiversiteit Tema				X
Argeologiese en Kulturele Erfenis Tema				X
Burgerlugvaart tema		X		
Paleontologie Tema				X
Plant Spesie Tema			X	
Verdediging Tema				X
Terrestriele Biodiversiteit Tema	X			

Daarom het die OBP, na aanduiding van die Siftingsinstrument Verslag wat op 23/08/2022 deurgevoer is, aangedui dat die voorgestelde spesialisette nie geraadpleeg sal word nie (sien Seksie D, Item 7 van die Aansoekvorm).

- **Die Nasionale Omgewingsbestuurwet, 1998, in lyn met die Omgewingsimpakte Regulasies van 2014 (soos aangepas).**

GN No. R. 327 Aktiwiteit No(s): (Noteringskennisgewing 1 van 2014)	Verduidelik die toepaslike gelyste aktiwiteit(e) soos gestel in GN0 No. R.327 of 2014 ("NEMA 2014 Basiese Assesserings Gelyste Aktiwiteit(e))	Begin voordat OG verkry is
14	Die ontwikkeling en bydraende operasie van fasiliteite of infrastruktuur vir die stoor, en stoor	Aktiwiteit is nie mee begin voordat die

	en hantering van 'n gevaarlike produk, waar storting plaasvind in houters met 'n gekombineerde kapasiteit vanaf 80 kubieke meters maar nie meer as 500 kubieke meter nie.	omgewingsgoedkeuring (OG) verkry is nie. Die oorspronklike kapasiteit bsn van die houters op terrain was ongeveer 79m ³ . Alhoewel, die aktiwiteit sal van toepassing wees in die toekoms. Dus die aktiwiteit is van toepassing op die aansoek om OG te verkry.
GN No. R. 324 Aktiviteit No(s): (Noteringskennisgewing 3 van 2014)	Verduidelik die toepaslike gelyste aktiwiteit(e) soos gestel in GN0 No. R.324 of 2014	Begin voordat OG verkry is
10	Die ontwikkeling en bydraende operasie van fasiliteite of infrastruktuur vir die stoor, en stoor en hantering van 'n gevaarlike produk, waar storting plaasvind in houters met 'n gekombineerde kapasiteit van 30 maar nie meer as 80 kubieke meter nie. i. Weskaap ii. Areas wat gesoneer is vir publieke ope spasie of 'n soortgelyke sonering; iii. Alle areas buite die stedelike gebiede ; of iv. Binne stedelike gebiede: (aa) Areas seewaarts vanaf dië ontwikkelingsterugslag lyn of binne 200 meter vanaf die hoog-water merk of die see indien geen ontwikkelingsterugslag lyn al bepaal is nie; of areas op die riviermondingskant van die ontwikkelingsterugslag lyn of in 'n riviermonding se funksionele sone waar die terugslaglyn nog nie bepaal is nie.	Aktiwiteit is mee begin voordat die omgewingsgoedkeuring (OG) verkry is. Die Aansoeker is aanspreeklik. Die sal van toepassing wees in terme van die aansoek om Omgewingsgoedkeuring .

• **Nasionale Erfenis Hulpbronne Wet, 1999 (Wet No. 25 van 1999)**

Die Seksie 38 van die Wet stel die volgende: "38 (1) Afhanklik van die voorsienings van subsieksie (7), (8) en (9), enige persoon wat voorstel om 'n onderneem wat as die volgende geklassifiseer word:

- (a) Die konstruksie van 'n pad, muur, kraglyn, kanaal of soortgelyke vorm van linere ontwikkeling or afskorting wat 300 m in lengte oorskry.
- (c) Enige ontwikkeling of ander aktiwiteit wat die karakter van 'n terrein sal verander.
 - (i) Groter as 5 000 m² in area ; of

Geen spesialiste terugvoer is navolgens aangevra nie, alhoewel verdere stappe sal geneem word na aanleiding van terugvoering van Heritage Western Cape (HWC).

SPESIALIST INSETTE

Geen spesialiste studies was vir die voorstel onderneem nie omdat geen benodig was nie.

'n Tegnieuse Studie getiteld Riskobepaling in terme van die Groot skaalse Gevaar Installasie (GGI) Regulasies en SANS 1461:2018 vir die installeerings by Alliance Fuel op hulle eiendom by Klein Dassenbergweg, Philadelphia, wat onderneem is deur Major Hazard Risk Consultants, 18de April 2023 (Bylaag N). Het bepaal dat:

- Indien 'n insident plaasvind by die voorgestelde fasiliteit by die Alliance Fuel depot aan die buitewyke van Philadelphia, die impakte moontlik die terrein grense kan oorskry.
- Die risikos wat met die GGI geassosieer word was as aanvaarbaar aangedui.
- 'n Terrein word as GGI geïdentifiseer as daar meer as die voorgestelde hoeveelheid (in terme van die Algemene Masjienerie Wet) van 'n produk gestoor, gehanteer of vervaardig word wat 'n potensiaal het om 'n groot skaalse insident te veroorsaak in terme van die Operasie Gesondheids- en Veiligheidswet.
- Die risiko vlake wat gepaard gaan met die verskeie populasies is soos volg:
 - Risiko was gemerk by die Kantoor/Bestuurder se huis op terrein
 - GEEN RISIKO was gemerk by die hoof ingang nie
 - GEEN RISIKO was gemerk by die Bure (Noord) nie
 - GEEN RISIKO was gemerk by die Bure (Wes) nie
 - Risiko is gemerk by die Personeel Akkomodasie (Wes)
- Die meeste risiko is afkomstig van 'n Laaislangbreuk Dieselpadtenkwa.
- Risiko verlagingsvoorstelle en nood beplanning is voorgestel.

OPSOMMING VAN IMPAKTE TABELLE

Die impakte beoordelingsmetodologie wat toegepas is vir die projek is in Seksie G van die dokument gestipuleer en die impakte tabelle is in Seksie F, Item 6 van die document uitgelê. Die volgende table verteenwoordig die potensiele beduidende gewig van die impakte nadat die voorgestelde verlaagings metodes ingestel is om om die impakte te vermy, te minimaliseer (waar die impakte negatief is), of te verbeter (waar impakte positief is).

Impakte	Beduidende gradering van impakte NADAT verlagingsvoorstelle in plek gestel is (Laag, Medium, Medium-Hoog, Hoog, Baie Hoog):
KONSTRUKSIE IMPAKTE	
WETGEWIGLIKE NIE-NAKOMING (-)	Laag
AFVAL PRODUKSIE EN BESTUUR (-)	
TRANSFORMASIE VAN DIE OPPERVLAKTE AREA & GEASSOSIEERDE KONSTRUKSIE (-)	
SWAK KONSTRUKSIE VAN DIE BERGINGSSTRUKTURE KAN LEI TOT INSABILITEIT TYDENS DIE OPERASIELE FASE (-)	
VERLIES VAN PLANTEGROEI EN HABITATSVERTEURING (-)	Onbeduidend – Laag (-)
VERWYDERING VAN INDRINGER PLANT SPESIES (+)	
VERSTEURING VAN DIERE – WILD EN HUISLIK (-)	Laag (-)
VERKEER EN TOEGANG (-)	Laag (-)
VISUEKE IMPAKTE EN VERANDERING VAN DIE GESIN VAN PLEK (-)	Onbeduidend
WERKSVERSKAFFINGSGELEENTHEDE EN PLAASLIKE EKONOMIESE ONDERSTEUNING	Medium (+)
KONSTRUKSIE GERAAS EN WERKERS WAT ONBEDAGSAAM IS TEENOR DIE OMLIGGENDE AREA.	Laag-Medium (-)
OPERASIONELE IMPAKTE	
STOF IMPAKTE OP DIE OMLIGGENDE LANDBOU EIENDOMME (-)	Onbeduidend – Laag
STOOR EN HANTERING VAN GEVAARLIKE PRODUKTE (-)	Laag (-)

AFVAL PRODUKSIE EN BESTUUR (-)	Laag (-)
PERMANENTE WERKSVERSKAFFINGSGELEENTHEDE EN PLAASLIKE EKONOMIESE ONDERSTEUNING	Hoog (+)
GEMEENSKAPSBESWARE – TOEKOMSTIGE ONTWIKKELING (-)	Laag (-)
VERKEER EN TOEGANG (-)	Onbeduidend – Laag
OPERASIONELE GERAAS – WERKERS, VOERTUIG, ENS. (-)	
DIEFSTAL EN VANDALISME (-)	Laag-Medium (-)
KLIMAATSVERANDERING (-)	Laag-Medium (-)

SLOTSOM

Die Aansoeker sal aanspreeklik gehou word vir 'n boete in terme van die Seksie 24G Boete Regulasies (GN No. 698 van 20 Julie 2017), vir die bevordering van die relevante gelyste aktiwiteite soos bo genoem. Dit sal toelaat dat die Aansoeker eienaarskap van oor die relevante aktiwiteite en ook dat die voorgestelde ontwikkeling oorweeg sal word vir Omgewingsgoedkeuring.

Die OBP het vasgestel dat daar **geen merkwaardige, negatiewe omgewingsimpakte ontlaar het as gevolg van die instandstelling van die beperkingsarea** was nie. Dit was wel gemerk dat die ontwikkelingsarea histories heelwat versteur was en dat die manier waarop die terrein versorg is toegelaat het dat die area in 'n goeie kondisie is. Verder was al die tenks wat op terrein gestoor is almal leeg (i.e. geen gevaarlike middels is op terrein gestoor wat kon lei tot besoedeling nie).

All bepaalde negatiewe omgewingsimpakte kan tereglik versag word na 'n aanvaarbare vlak toe. Die gemeenskap se kommer rondom die duidelike ontwikkeling en gevolglike toekomstige ontwikkelings is geadresseer en dit is gemerk dat alhoewel die ontwikkeling as 'n brandstof stoor depot gesien kan word, die volgende in ag geneem moet word:

- o Die voorgestelde ontwikkeling sal nie dieselfde kaliber (grootte) as 'n tipiese industriële depot wees nie.
- o Die infrastruktuur sal slegs deur die Aansoeker gebruik word, dus grootskaalse verkeer impakte sal nie aangemeld word nie.
- o Die GGI het tot die slotsom gekomdat daar nie 'n veiligheidsrisiko is op die omliggende area nie.
- o Die GGI het aangedui dat die risiko as aanvaarbaar gesien word.
- o Die voorstel sal aan alle relevante wetgewing/riglyne/beleide en verordenings moet voldoen, wat beteken dat die infrastruktuur op 'n gereelde basis gemoniteer kan word.
- o Die voorstel het 'n merkwaardige positiewe impak op spesifiek die socio-ekonomiese aspekte van die projek omrede dit 'n kern sektor ondersteun. Die sektor ondersteun vele ander sektore wat in werklikheid lewensbestaan en besigheidsvoortsetting ondersteun.

Die OBP is van die opinie dat, vanaf 'n omgewingsperspektief, die voorstel gemagtig moet word, met die kondisie dat die EMPr en die Omgewingsgoedkeuring ten volle geïmplimenteer moet word.



IMPORTANT: Kindly ensure that this checklist is completed and attached to the NEMA SECTION 24G Application.

Please indicate by ticking the following below to serve as confirmation that the required information has been included in the application.

No.	Application Requirements	Please tick for confirmation	
1.	Requirements of Preliminary Advertisement (pre-application public participation requirements including register of all I&APs), in accordance with Annexure A, Section D of the Section 24G Fine Regulations. (Note: Failure to meet the Regulation 8 will result in rejection of the application)	TBD	
2.	Application form has been completed and attached, which includes among others:		
	2.1. A list of all listed activities and/or waste management activities that was triggered when the development activity was commenced with.	✓	
	2.2. A list of all similarly listed activities in terms of the current EIA regulations (if applicable).	N/A	
	2.3. A description of the receiving environment before commences of the activity(ies).	✓	
	2.4. A description of the receiving environment after commences of the activity(ies).	✓	
	2.5. All appendices and annexures:		
	2.5.1. Locality map	✓	
	2.5.2. Site plans or/and Layout plan	✓	
	2.5.3. Building plans (if applicable)		
	2.5.4. Colour photographs	✓	
	2.5.5. Biodiversity overlay map	✓	
	2.5.6. Permit(s) / license(s) from any other organ of state including service letters from the municipality	✓	
	2.5.7. Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information	TBD	
	2.5.8. Environmental Management Programme	✓	
	2.5.9. Certified copy of Identity Document of Applicant	✓	
	2.5.10. Certified copy of the title deed (or title deeds in the case of linear activities)	✓	
	2.6. Signed declaration forms.		
3.	Are any specialist assessments required: e.g. Botanical, Hydro-geological, soil, socio-economic?	Y	N ✓
	3.1. If yes, has the specialist assessment report been attached to the application?		
4.	An assessment of the impacts of the activity or activities in terms of the following categories:		
	• Socio-economic	✓	
	• Biodiversity	✓	
	• Sense of place &/or Heritage/ Cultural	✓	

	<ul style="list-style-type: none"> Any pollution or environmental degradation which has been, is being, is being or may be caused 	✓
5.	A methodology of how the investigation into the impacts associated with the unlawful activity was undertaken.	✓
6.	Completed and attached representations of Annexure A, Section A (Directives) in terms of the S24G Fine Regulations: Information/ Representation submitted in terms of any Directives the Minister/ decision maker may issue in terms of the National Environmental Management Act (Act 107 of 1998) (NEMA) s24G(1)(b)(i)-(viii).	✓
7.	Completed and attached representations in terms of Annexure A, Section B (Deferral) of the S24G Fine Regulations.	-
8.	Completed and attached representations in terms of Annexure A, Section C, Part 1 (Fine Quantum based on the assessment as specified above (4).	✓
	Confirmation that Annexure A, Section C, Part 1 has been completed by an environmental assessment practitioner (EAP)	✓
9.	Compliance history of the applicant:	
	9.1. Completed Annexure A, Section C, Part 2 and 3; namely:	
	9.1.1. Whether or not administrative enforcement notices, including pre -notices where appropriate, have previously been issued to the applicant in respect of a contravention of section 24F(1) of the NEMA and/or section 20(b) of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM: WA).	
	9.1.2. Whether or not the applicant has previously been convicted in respect of a contravention of section 24F(1) of the Act and /or section 20(b) of the NEM: WA;	
	9.1.3. Whether or not the applicant has previously submitted a section 24G application in respect of an activity or activities which commenced prior to the activity or activities that are the subject of the current application; and	✓
	9.1.4. Whether the applicant is a firm or a natural person. (see Section 24G Fine Regulations for definition of "firm")	
	9.2. Provided information or whether or not any of the directors of the applicant firm are, or were, at the relevant time, directors of a firm to whom the above (9.1.1. - 9.1.3.) applies;	
	9.3. Advise on whether an applicant who is a natural person is, or was, at the relevant time a director of a firm to whom the above (9.1.1.- 9.1.3.) may apply.	
10.	Consultation with relevant State departments in terms of section 24O(2) & 24O(3) of the NEMA.	
	10.1 Proof of Consultation with relevant State departments, including, <i>inter alia</i> , notices, adverts etc.	
	10.2 Copies of comments and responses included in the application.	
	10.2 Comments and Response report attached to the application.	TBD
11.	Public Participation Process undertaken in terms of Chapter 6 of the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations, 2014") (GN No. R.326 of 7 April 2017) (if conducted/undertaken)	



Section 24G Application Form for the consequences of unlawful commencement of listed activity/ies in terms of the:

- **National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA");**
- **National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM: WA")**

April 2018

Form Number S24GAF/04/2018

Kindly note that:

1. This application must be submitted where a person has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1) of NEMA (i.e. where the person commenced with an activity listed or specified in terms of section 24(2) (a) or (b) of NEMA - the activities contained in the EIA Listing Notices) or has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20 (b) of the NEM:WA.
2. This **Application Form** must be completed for all section 24G applications, by an independent Environmental Assessment Practitioner ("EAP").
3. This Application Form is current as of 01 April 2018. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the Application Form have been published or produced by the competent authority. Note that this Application Form replaces all the previous versions. This updated Application Form must be used for all new applications submitted from 01 April 2018.
4. **The contents of this Application Form includes the following:**
 - PART 1 -**
 - Section A: Background Information**
 - Section B: Activity Information**
 - Section C: Description of Receiving Environment**
 - Section D: Need and Desirability**
 - Section E: Alternatives**
 - Section F: Impact Assessment, Management, Mitigation and Monitoring Measures**
 - Section G: Assessment Methodologies and Criteria, Gaps in Knowledge, underlying Assumptions and Uncertainties**
 - Section H: Recommendations of the EAP**
 - Section I: Representations - Response to an Incident or Emergency Situation**
 - Section J: Public Participation Process**
 - PART 2 -**
 - ANNEXURE A of Fine Regulations**
 - Section A: Directives**
 - Section B: Deferral of the Application**
 - Section C: Quantum of the section 24G fine**
 - Section D: Preliminary advertisement**
 - PART 3 -**
 - Appendices and Declarations**
 - PART 4 -**
 - ANNEXURE B: Waste Management Activity Supporting Information (if relevant)**
5. An independent EAP must be appointed to complete the required sections (in terms of NEMA and its Regulations) of the Application Form on behalf of the applicant; the declaration of independence must be completed by the independent EAP and submitted with this Application Form. If a specialist report is required, the specialist will also be required to complete the declaration of independence.
6. Two hard copies (including the original) and one electronic copy (CD/DVD/Flash drive) of this application form must be submitted.

7. The required information must be typed within the spaces provided. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The space provided extend as each space is filled with typing. **A legible font type and size must be used when completing the form.** A digital copy of the Application Form is available on the Department's website <https://www.westerncape.gov.za/eadp/>
8. The use of "not applicable" in the Application Form must be done with circumspection.
- 9. No faxed or e-mailed application forms will be accepted.**
10. Unless protected by law, all information contained in and attached to this application will become public information on receipt by the competent authority. Please note that, unless exemption has been granted in terms of the National Exemption Regulations published under GN R994 in GG 38303 of 8 December 2014, any Interested and Affected Party should be provided with the information contained in and attached to this Application Form as well as any subsequent information submitted.
11. This Application Form must be submitted to the Department at the postal address given below or by delivery thereof to the Registry Office of the Department.

PROCESS TO BE FOLLOWED:

- a) **Prior to submission of an Application Form**, the applicant is required to undertake a pre-application public participation process in terms of Regulation 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of section 24G published in the Government Gazette on 20 July 2017, Gazette No 40994, No. R. 698 ("Section 24G Fine Regulations").
- b) Together with the submission of a section 24G Application Form, the form **must include Proof of compliance of with Regulation 8** of the Section 24G Fine Regulations, including, but not limited to, proof of the pre-application advertisement in a local newspaper and register of I&APs.
- c) The Department will acknowledge receipt of the application (within 14 days) and provide the Applicant / EAP with the relevant application reference number to be used in all future correspondence and the application public participation processes.
- d) Upon receipt of the application, the MEC/Competent Authority may direct the applicant in terms of section 24G(1)(i-viii) of the NEMA.
- e) In terms of the provisions of section 24G of NEMA, the applicant must pay an administrative fine up to a maximum of R5 million before the MEC/Competent Authority decides on the application.
- f) The applicant **must within 14 days** of receipt of the determination of the quantum of the fine, ensure that all registered interested and affected parties are notified of the determination of the quantum of the fine, including the reasons and provided with access to the determination.
- g) The administrative fine **must be paid within the time period stipulated** in the determination. Failure to pay the fine within the specified period, will result in the lapse of the application and any partial amounts paid in will not be refunded.
- h) **Proof of payment of the fine must be submitted to the Department.** Upon payment of the administrative fine, the MEC/Competent Authority may-
 - refuse to issue an environmental authorisation; or
 - issue an environmental authorisation to such person to continue, conduct or undertake the activity subject to such conditions as may be deemed necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or
 - direct the applicant to provide further information or take further steps prior to making a decision provided for above;
 - together with the above decision the MEC/Competent Authority may direct a person to rehabilitate the environment within such time and subject to such conditions as may deem necessary or take any other steps necessary under the circumstances.

PLEASE NOTE THE FOLLOWING:

1. Failure to comply with a directive may result in the institution of appropriate legal action as is deemed necessary and as provided for in the legislation.
2. The submission of an application or the granting of an environmental authorisation shall in no way derogate from—
 - (a) the environmental management inspector's or the South African Police Services' authority to investigate any transgression in terms of NEMA or any specific environmental management Act;

- (b) the National Prosecuting Authority's legal authority to institute any criminal prosecution.
3. If, at any stage after the submission of an application it comes to the attention of the Minister, Minister for mineral resources or MEC that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1) or section 20(b) of the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)*, the Minister, Minister for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time that the investigation is concluded and—
- (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
 - (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or
 - (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.
4. A person is guilty of an offence if that person:
- Prior to submission of a section 24G application:
 - o fails, in terms of Regulation 8(1), to place a preliminary advertisement in a local newspaper in circulation in the area in which the activity was, or activities were, commenced and on the applicant's website, if any or
 - o fails, in terms of Regulation 8(2), to comply with the advertisement requirements set out in Annexure A, section D or
 - o fails, in terms of Regulation 8(3), to open and maintain a register of interested and affected parties)); or
 - o fails, in terms of Regulation 8(4), to attach to the application form the register of interested and affected parties, which must be included in the report, or form part of the information submitted in terms of section 24G(1) of NEMA.
 - Provides incorrect, false or misleading information in any form, including in any document submitted to a competent authority in terms of the Section 24G Fine Regulations or omits information that may have an influence on the outcome of a recommendation of the fine committee or determination of the competent authority.
5. A person convicted of an offence in terms of these Regulations is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.
-

DEPARTMENTAL DETAILS

Department of Environmental Affairs
and Development Planning,
Directorate: Environmental Governance
Attention: Sub-directorate: Rectification
Private Bag X9086
Cape Town, 8000

Registry Office
1st Floor Utilitas Building
1 Dorp Street, Cape Town

Queries should be directed to the Sub-
directorate: Rectification at:
Tel: (021) 483-5827 Fax: (021) 483-4033

DEPARTMENTAL REFERENCE NUMBER(S) (for official use)

File Reference number (S24G)	
Administrative Fine Reference	

DEPARTMENTAL REFERENCE NUMBER(S) (to be completed by the EAP)

File Reference number (Enforcement), if applicable	14/1/1/E1/5/6/3/0715/21
File reference number (EIA), if applicable:	
File reference number (Waste), if applicable:	
File reference number (Other (specify)):	

View the Department's website on <http://www.westerncape.gov.za/eadp> for the latest version of the documents

PART 1**PROJECT TITLE**

ALLEGED UNLAWFUL COMMENCEMENT OF CONSTRUCTION OF BULK FUEL STORAGE STRUCTURES ON PTN 64 OF FARM NO 22, KLEIN DASSENBERG, PHILADELPHIA, CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY

RELEVANT REGION IN WHICH THE ACTIVITY COMMENCED

Cross out the appropriate box "☒" in which region the unlawful activity/ies has commenced.

REGION 1 City of Cape Town and West Coast District	REGION 2 Cape Winelands District and Overberg District	REGION 3 Central Karoo District and Eden District
X		

SECTION A: BACKGROUND INFORMATION**1. APPLICANT PROFILE INDEX**

Cross out the appropriate box "☒".

1.1	The applicant is a Natural Person (individual)	X
1.2	The applicant is a Firm (i.e. any body incorporated by, or established in terms of, any law as well as any partnership, trust, parastatal or organ of state)	
1.2.1	If a firm, please tick the relevant box below:	
	Body Corporate	Partnership
	Trust	Parastatal
	Organ of State	
	Directors of a Company	Members of a Board
	Other, please specify	

Applicant's details (duplicate this section where there is more than one applicant)	Mr Ashraf Sedick
Applicant Name:	Mr Ashraf Sedick
RSA Identity Number/ Passport Number of Applicant, if natural person:	

Name of Firm (if applicable):	N/A		
Firm Registration Number:	N/A		
Contact Person at the Firm:	N/A		
List of all (as applicable at the relevant time):	Please insert the names and RSA ID numbers of the relevant persons below – (In the list below, delete the firms that are not applicable to this application)		
<ul style="list-style-type: none"> ● Directors of a company; or ● Members of the board; or ● Executive committee or other managing body of a corporate body or parastatal; or ● Members of close corporation; or ● Partners of a partnership; or ● Trustees of a trust 	Name:		
	RSA ID No.:		
	Name:		
	RSA ID No.:		
	Name:		
	RSA ID No.:		
	Name:		
	RSA ID No.:		
	Name:		
	RSA ID No.:		
Postal address:		Postal code:	
Telephone:	()	Cell:	+27 74 114 7147
E-mail:	ashie.majestic@gmail.com	Fax:	()
Project Consultant			
Contact person:			
Postal address:		Postal code:	
Telephone:	()	Cell:	
E-mail:		Fax:	()
Name of the Environmental Assessment Practitioner ("EAP") responsible for the application:	Ameesha Sanker		
Company name (if any):	Sharples Environmental Services.cc		
Postal address:	PO Box 443, Milnerton		
		Postal code:	7435
Telephone:	(021) 554 5195	Cell:	
E-mail:	ameesha@sesc.net	Fax:	()
EAP Qualifications	BSc Hons: Environmental Management; BSc Geological Science		
EAP Registrations/Associations	EAPASA Reg: 2021/4372 Review EAP is Mrs Betsy Ditcham (EAPASA Reg: 1480)		
Name of the Landowner:	Tango Investments (Pty) Ltd		
Name of the contact person for the land owner (if other):	Mr Walter Gilbert		
Postal address:	PO Box 362, Louis Trichardt, Limpopo		
		Postal code:	0920

		code :	
Telephone:	()	Cell:	
E-mail:	walter@alliancefuel.co.za projects@alliancefuel.co.za	Fax:	()
Person in control of land:	Same as landowner.		
Contact person:			
Postal address:			
		Postal code :	
Telephone:	()	Cell:	
E-mail:		Fax:	()

Please note:

In instances where there is more than one landowner, please attach a list of landowners with their contact details to the back of this form.

A certified copy of the applicant's (if natural person), alternatively a director's (as defined), Identity Document must be attached to the application.

A certified copy of the title deed of the property/s on which the unlawful listed activity/ies has commenced must be attached to the application.

Municipality in whose area of jurisdiction the activity falls:	City of Cape Town Local Municipality		
Contact person, if known:	Ms. S. Warnich-Stemmet - City of Cape Town Municipality: Environmental and Heritage Management		
Postal address:			
		Postal code :	
Telephone	021 444 0598	Cell:	
E-mail:	sonja.warnichstemmet@capetown.gov.za	Fax:	()

Please note:

In instances where there is more than one Municipality involved, please attach a list of Municipalities with their respective contact details to the form.

Property location(s):	Located off of Rondeberg Road, via Klein Dassenberg Road, approximately 10km's east of Atlantis Industria		
Farm/Erf name(s) & number(s) including portion(s)	Zouterivier 64/22		
Property size(s) (m ²)	100 200m ²		
Development footprint size(s) (m ²)	<p>The planned development footprint covers approximately 8000 m² within the aforementioned area, approximately 5 100m² has been transformed, with the remainder of this area being landscaped and disturbed from previous activities. Existing transformation includes the following:</p> <ul style="list-style-type: none"> • Approximately 2 841 m² turning circle, transformed prior to proposed development, but will be utilized for the proposed development. • 1 x bunded area including floors and partial height of walls, for approximately 184m³ fuel storage, built off of an existing building, adjacent to the turning circle. No works have proceeded since the Pre-compliance Notice was received by the applicant, dated 02nd July 2021. • Approximately 1 898m² gravel road, leading to the proposed development (existing prior to proposed development). • Existing structures = approximately 423m² 		

SG21 Digit code(s)	C0160000000002200064
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Property boundary:

Point	Latitude (S)	Longitude (E)
1	33°34'58.12" South	18°35'24.12" East
2	33°34'46.45" South	18°35'24.17" East
3	33°34'53.82" South	18°35'43.22" East
4	33°34'56.21" South	18°35'39.37" East

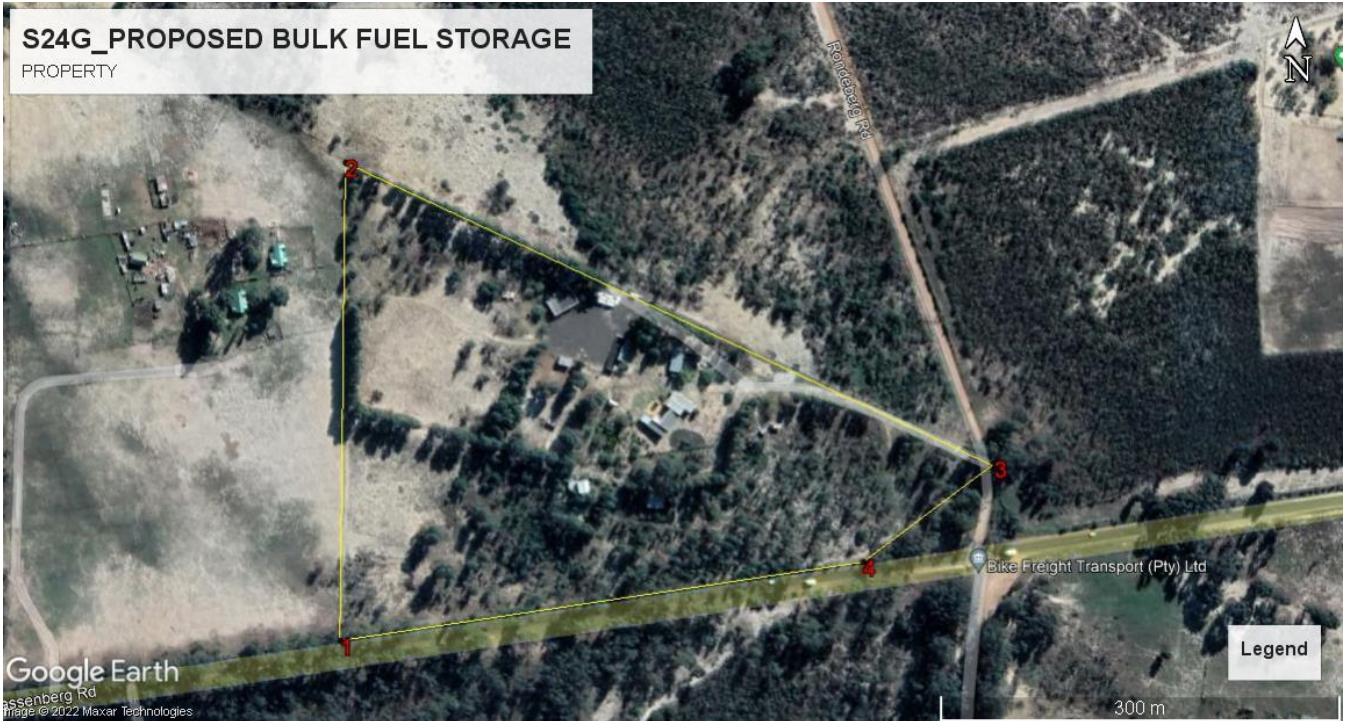


Figure 5: Farm Zouterivier 64/22.

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
A	33°34'49.33" South	18°35'31.47" East
B	33°34'53.56" South	18°35'42.37" East
C	33°34'53.63" South	18°35'42.32" East
D	33°34'50.95" South	18°35'35.10" East
E	33°34'52.05" South	18°35'34.38" East
F	33°34'51.77" South	18°35'32.10" East
G	33°34'51.02" South	18°35'29.02" East
H	33°34'50.66" South	18°35'29.13" East
I	33°34'50.04" South	18°35'31.16" East

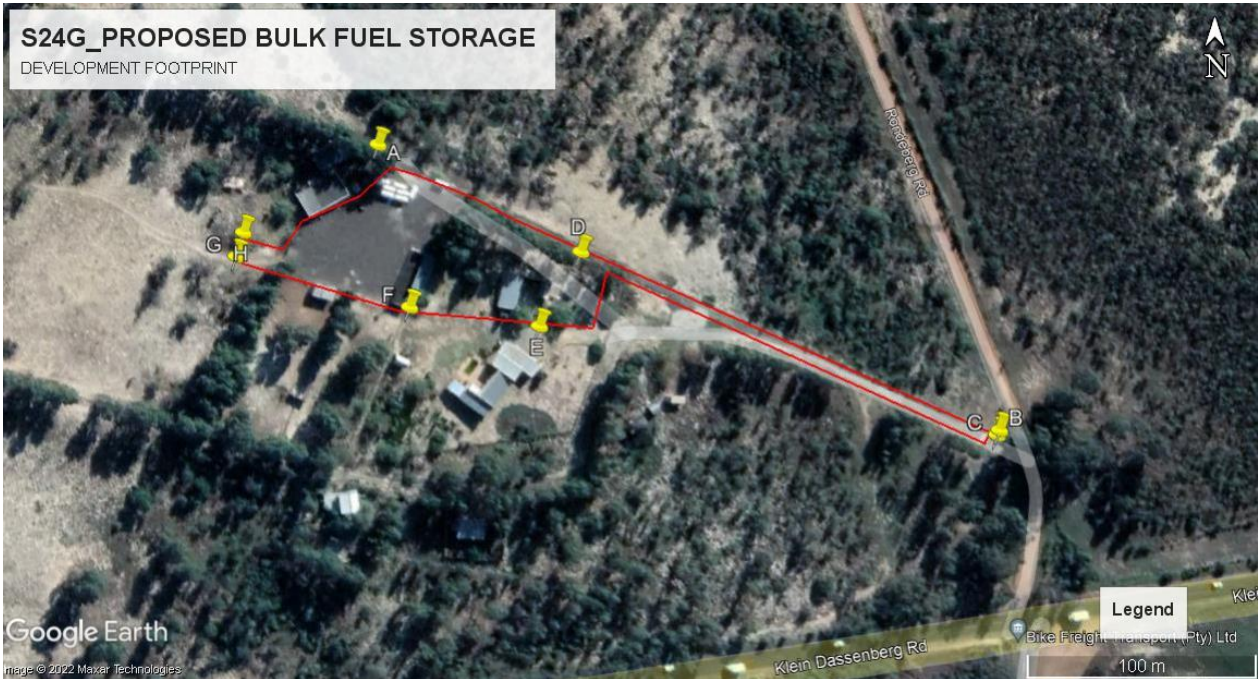


Figure 6: Proposed development footprint including disturbed portions.

Please note:

Where numerous properties/sites are involved (e.g. linear activities), attach a list of property descriptions and street addresses to the consultation form.

Street address:	Off of Rondeberg Road, via Klein Dassenberg Road		
Magisterial District or Town:	City of Cape Town		
Closest City/Town:	Atlantis	Distance	Approximately 11.3km
Zoning of Property:	Agriculture		

Please note:

In instances where there is more than one zoning applicable, please attach a list or map of the properties indicating their respective zoning to the Application Form.

Was the property rezoned after commencement of activities? If yes, what was the previous zoning?	YES	NO
Is a rezoning application required? This will be managed by Danfour Designs and will be managed in a separate process.	YES	NO
Is a consent use application required? This will be managed by Danfour Designs and will be managed in a separate process.	YES	NO
Locality map:	<p>A locality map must be attached to the Application Form as an appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must indicate the following:</p> <ul style="list-style-type: none"> • an accurate indication of the project site position as well as the positions of the alternative sites, if any; • road names or numbers of all the major roads as well as the roads that provide access to the site(s) • a north arrow; • a legend; • the prevailing wind direction; and • GPS co-ordinates (Indicate the position of the proposed activity using the latitude and longitude of the centre point of the site for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should have at least three decimals to ensure adequate accuracy. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection) 	
Landowner(s) Consent:	<p>If the applicant is not the owner or person in control of the land on which the activity has been undertaken, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix G. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.</p> <p>Note:</p>	

	(of the site and all alternative sites). This must be attached to this document as Appendix G. Such consent must indicate whether or not the owner or person in control of the land would support approval of the application and that the land need not be rehabilitated.
	Note: The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the <i>Infrastructure Development Act, 2014 (Act No. 23 of 2014)</i> .

2. APPLICATION HISTORY


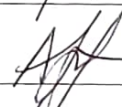
(Cross out the appropriate box "X" and provide a description where required).

Has any national, provincial or local authority considered any development applications on the property previously?	<input type="checkbox"/>	<input checked="" type="checkbox"/> No
If so, please give a brief description of the type and/or nature of the application/s as well as a reference number, if applicable: (In instances where there was more than one application, please attach a list of these applications)		
None.		
Which authority considered the application:		
Not applicable.		
Has <u>any</u> one of the previous application/s on the property been approved or refused?	<input type="checkbox"/>	<input checked="" type="checkbox"/> No
If so provide a list of the successful and unsuccessful application/s and the reasons for decision(s).		
None.		
Provide detail on the period of validity of decision and expiry dates of the above applications/ permits etc.		
None.		

SECTION B: ACTIVITY INFORMATION

1. ACTIVITIES APPLIED FOR

I hereby apply in terms of section 24G of the National Environmental Management Act (Act 107 of 1998) for the regularisation of the unlawful commencement or continuation of the listed or waste management activities as specified in Section B:1 below.

Applicant (Full names): <u>Mr. Ashraf Sedick</u>	Signature: <u></u>
Place: <u>CAPE TOWN</u>	Date: <u>6/04/2023</u>
EAP (Full names): <u>Ms. Ameesha Sanker</u>	Signature: <u></u>
Place: <u>CAPE TOWN</u>	Date: <u>6/04/2023</u>

All listed activities associated with the development must be indicated below.

1.1 Applicable EIA listed activities

ECA EIA Contraventions: between 08 September 1997 and end of 09 May 2002			
Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the ECA, Act 73 of 1989			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity

Activities commenced with on or after 08 September 1997 and before end 09 May 2002: EIA regulations promulgated in terms of the ECA, Act 73 of 1989			
Government Notice No. ("GN") R1182 Activity No(s):	Describe the relevant listed activity/ies in writing as per GN No. 1182 of 1997	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
ECA EIA Contraventions: between 10 May 2002 and end of 02 July 2006			
Activities unlawfully commenced with on or after 10 May 2002 and before end 02 July 2006: EIA regulations promulgated in terms of the ECA, Act 73 of 1989,			
NEMA EIA Contraventions: between 03 July 2006 and end of 01 August 2010			
Activities unlawfully commenced with on or after 03 July 2006 and before end 01 August 2010: EIA regulations promulgated in terms of the NEMA			
GN R386 Activity No(s): (Listing Notice 1 of 2006)	Describe the relevant listed activity/ies in writing as per GN No. R. 386 of 2006 ("NEMA 2006 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
Government Notice No. R387 Activity No(s): (Listing Notice 2 of 2006)	Describe the relevant listed activity/ies in writing as per GN No. R. 387 of 2006 ("NEMA 2006 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
NEMA EIA Contraventions: between 02 August 2010 and end of 07 December 2014			
Activities unlawfully commenced with on or after 02 August 2010 and before end 07 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,			
GN No. R. 544 Activity No(s): (Listing Notice 1 of 2010)	Describe the relevant listed activity(ies) in writing as per GN No. R. 544 of 2010 ("NEMA 2010 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
GN No. R. 545 Activity No(s): (Listing Notice 2 of 2010)	Describe the relevant listed activity/ies in writing as per GN No. R. 545 of 2010. (NEMA 2010 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
GN No. R. 546 Activity No(s): (Listing Notice 3 of 2010)	Describe the relevant listed Activity(ies) in writing as per GN No. R. 546 of 2010	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
NEMA EIA Contraventions: on or after 08 December 2014			
Activities unlawfully commenced with on or after 08 December 2014: EIA regulations promulgated in terms of the NEMA, Act 107 of 1998,			
GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
14	The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a	According to the Department of Environmental Affairs and Development Planning, Directorate: Environmental Law Enforcement, a banded area of approximately 6.8 x 26m, has been developed with the	Mid 2021

	combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres	intention to house fuel, as indicated in the initial Pre-Compliance Notice (dated 02 July 2021), the proposed capacity was 92m ³	
GN No. R. 325 Activity No(s): (Listing Notice 2 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
GN No. R. 324 Activity No(s): (Listing Notice 3 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.	State the date of commencement of each activity
10	<p>The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</p> <p>i. Western Cape ii. Areas zoned for use as public open space or equivalent zoning; iii. All areas outside urban areas; or iv. Inside urban areas: (aa) Areas seawards of the development setback line or within 200 metres from the high-water mark of the sea if no such development setback line is determined; (bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined; or 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>According to the Department of Environmental Affairs and Development Planning, Directorate: Environmental Law Enforcement, a bunded area of approximately 6.8 x 26m, has been developed with the intention to house fuel, as indicated in the initial Pre-Compliance Notice (dated 02 July 2021), the proposed capacity was 92m³.</p> <p>The site is not located within an urban area.</p>	Mid 2021

Please ensure that you have provided the similarly listed activities if the listed activities were commenced before the period the EIA Regulations came into effect, i.e. before 08 December 2014.

1.2 Applicable Waste Management Activities

List the relevant waste management activity/ies applied for:

Waste Management Activity Contraventions: On or after 03 July 2007 up to end of 28 November 2013			
Activities unlawfully commenced with in terms of GNR 718 of 03 July 2009 under the National Environmental Management Waste Act, Act 59 of 2008			
GN No. 718– Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing:	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
GN No. 718– Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing:	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity

Waste Management Activity Contraventions: On or after 29 November 2013			
Activities unlawfully commenced with in terms of GNR 921 of 29 November 2013 under the National Environmental Management Waste Act, Act 59 of 2008,			
GN No. 921— Category A Activity No(s):	Describe the relevant <u>Category A</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity
GN No. 921— Category B Activity No(s):	Describe the relevant <u>Category B</u> waste management activity/ies in writing.	Describe the portion of the development as per the project description that relates to the applicable waste activity.	State the date of commencement of each activity

Please note:

The National Department of Environmental Affairs is the competent authority for activities regarded as hazardous waste. Such activities must be indicated as hazardous waste in the abovementioned lists.

Only those activities listed above shall be considered for authorisation. The onus is on the applicant to ensure that all applicable listed activities are included in the application. If a specific listed activity is not included in an Environmental Authorisation, an application for amendment or a new application for Environmental Authorisation will have to be submitted.

1.3 Activities listed similarly in terms of the EIA Regulations

Kindly indicate the listed activities in terms of the EIA Regulations that is listed similar to the unlawfully commenced activities. The descriptions provided below must clearly state why the activity/development is still similarly listed in terms of the EIA Regulations, 2014.

The development did not commence before 2017, therefore this is not applicable.

The similarly listed activities in terms of the EIA Regulations promulgated in terms of the NEMA, Act 107 of 1998,		
GN No. R. 327 Activity No(s): (Listing Notice 1 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
GN No. R. 325 Activity No(s): (Listing Notice 2 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.325 of 2014 ("NEMA 2014 Scoping/EIA listed activity/ies")	Describe the portion of the development as per the project description that relates to the applicable listed activity.
GN No. R. 324 Activity No(s): (Listing Notice 3 of 2014)	Describe the relevant listed activity(ies) in writing as per GN No. R.324 of 2014	Describe the portion of the development as per the project description that relates to the applicable listed activity.

Please note:

Where approvals for the activity have been obtained in terms of any other legislation (e.g. National Water Act, Act 36 of 1998), certified copies of such approvals must be attached to this form.

2. ACTIVITY DESCRIPTION

(Cross out the appropriate box "☒" and provide a description where required).

Is/are the activity(ies) complete or is/are the activity(ies) still to be completed?	Completed	Incomplete
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(a) Is/was the project a new development or an upgrade of an existing development? Also indicate the date (e.g. 2 August 2010) when the activity commenced as well as the original date of commencement if the application is an upgrade.

New

Upgrade

Date of commencement of activity: Mid 2021

(b) Clearly describe the activity and associated infrastructure commenced with, indicating what has been completed and what still has to be completed.

The applicant proposed to establish bunded areas for the above-ground storage of fuel, mobile tankers, with a combined capacity of up-to 500m³, on Ptn 64 of Farm nr. 22, Klein Dassenberg. This was intended to provide temporary (2 – 4 weeks) storage for bulk fuel to be distributed to the applicant's clients within the surrounding area, by the applicants own private vehicles. The proposed development would not require additional services. This was not intended to be a public filling station, and no public vehicles are intended to utilize this site.

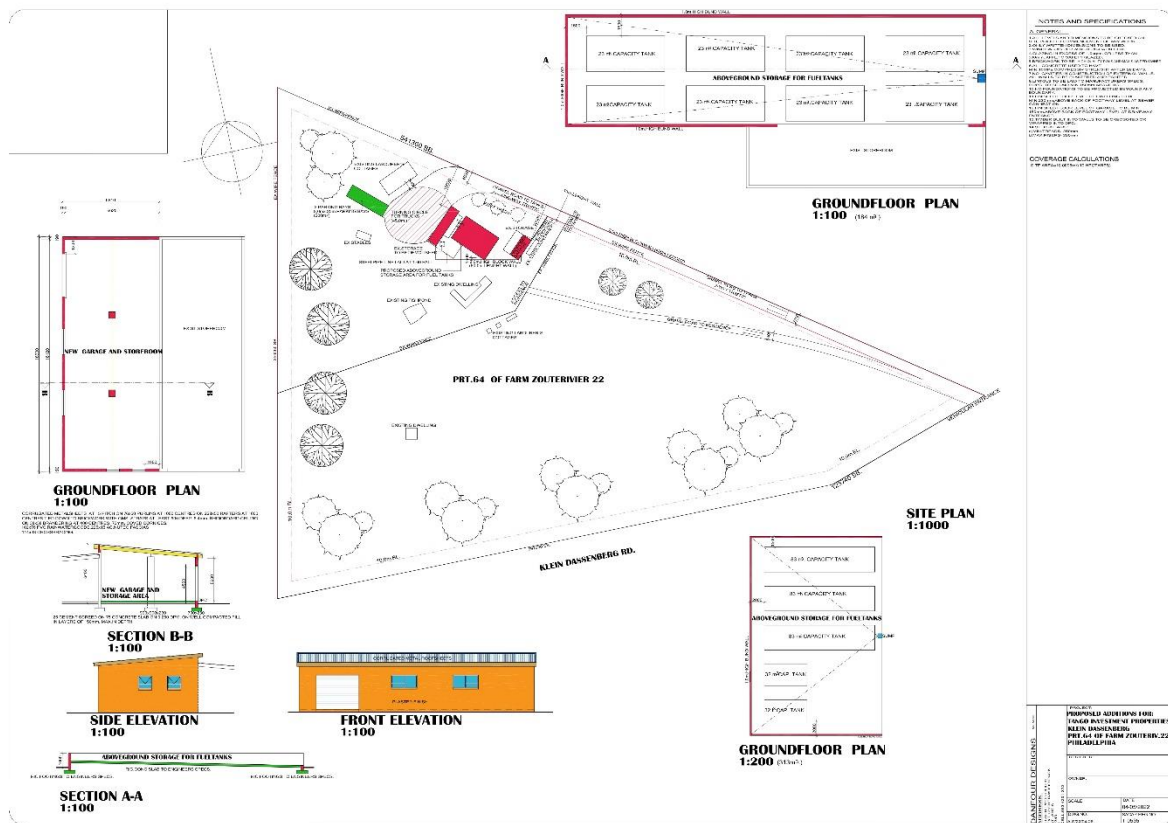


Figure 7: Proposed Layout Plan

Originally planned infrastructure:

- 1 x bunded structure approximate dimensions (6.8m x 26m) with a 1m high bund wall.
- 1 x bunded structure approximate dimensions (9m x 25m), with a 1m high bund wall.
- 1 x garage (for personal use) structure approximate dimensions (6.810m x 16.5m).
- Gravelled turning area for vehicles.
- Access road for vehicles.
- Gum trees along access road will be retained.
- The total capacity of the tanks stored on site will not exceed 500m³.

The MHI Specialist has recommended that the loading area should be located to the west of tank farm 1. The slab will be sloped towards to a catchment drain. The drain will be connected and the water/ oil mixture from spills and rainwater will be fed through an oil/ water separator before going into a soakaway system.

Construction commenced within Mid 2021:

- 1 x bunded structure, approximate dimensions (6.8m x 26m). The applicant commenced with the construction of only the walls (1m high), and the floor remains incomplete.
- The area indicated for the turning of vehicles was covered in loose gravel, approximately 2841m².

However, once the Pre-compliance notice was issued, construction activities were stopped.



Figure 8: Bunded above-ground structure – incomplete



Figure 9: Gravelled preferred access (northern access) to turning area



Figure 10: Gravelled turning point from southern access (not intended for use by fuel vehicles)

It should be noted that given the historical imagery of the site, it is clear that the area transformed for the proposal was disturbed and utilized for equestrian purposes. Environmental sensitivities were limited, given the disturbed nature of this area and the utilization of the existing access. There was limited vegetation cover, therefore minimal vegetation was removed, as well as a few potential juvenile tree species. This is below the threshold for other relevant triggered activities in terms of NEMA.

The remainder of the proposal, as detailed above in “*Originally planned infrastructure*”, will be completed only if environmental authorization is awarded.

(c) Please provide details of all components of the activity and attach diagrams (e.g. architectural drawings or perspectives, engineering drawings, process flow charts etc.).

Buildings YES NO

Provide brief description:

- 1 x bunded structures approximate dimensions (6.8m x 26m) with a 1m high bund wall.

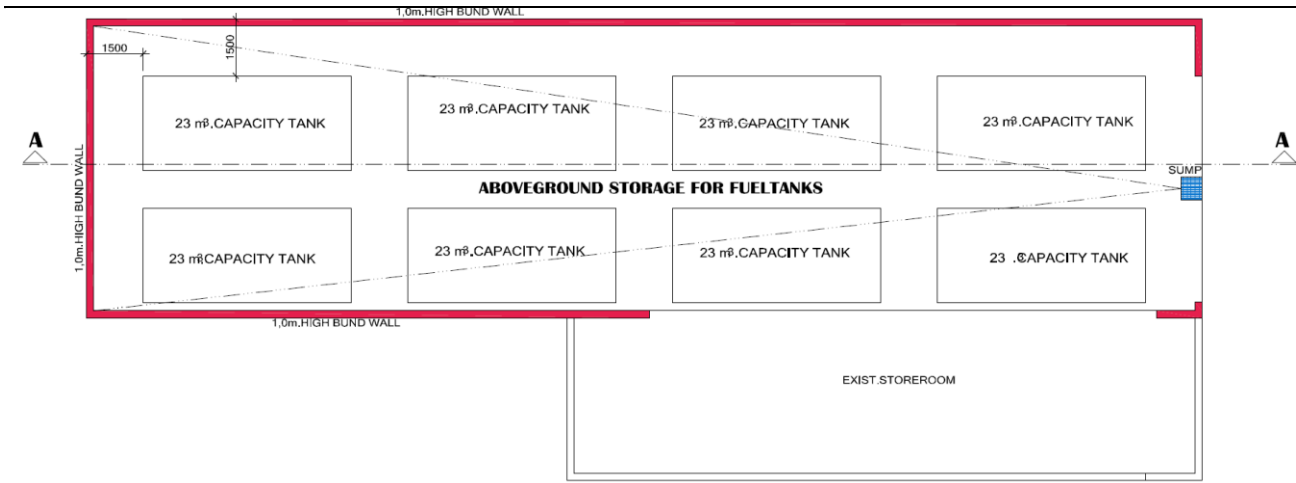


Figure 11: Proposed above-ground storage tank, partially commenced with intended to store approximately 184m³.

- 1 x bunded structures to contain approximately 313m³, with a 1m high bund wall.

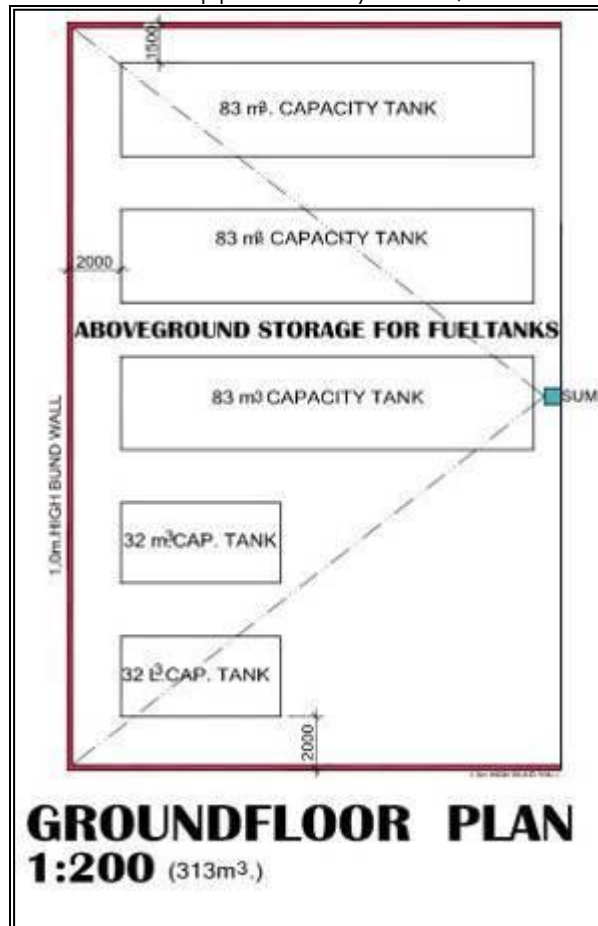


Figure 12: Proposed bund structure (9m x 25m), not constructed.

- 1 x garage (for personal use) structure approximate dimensions (6.810m x 16.5m).

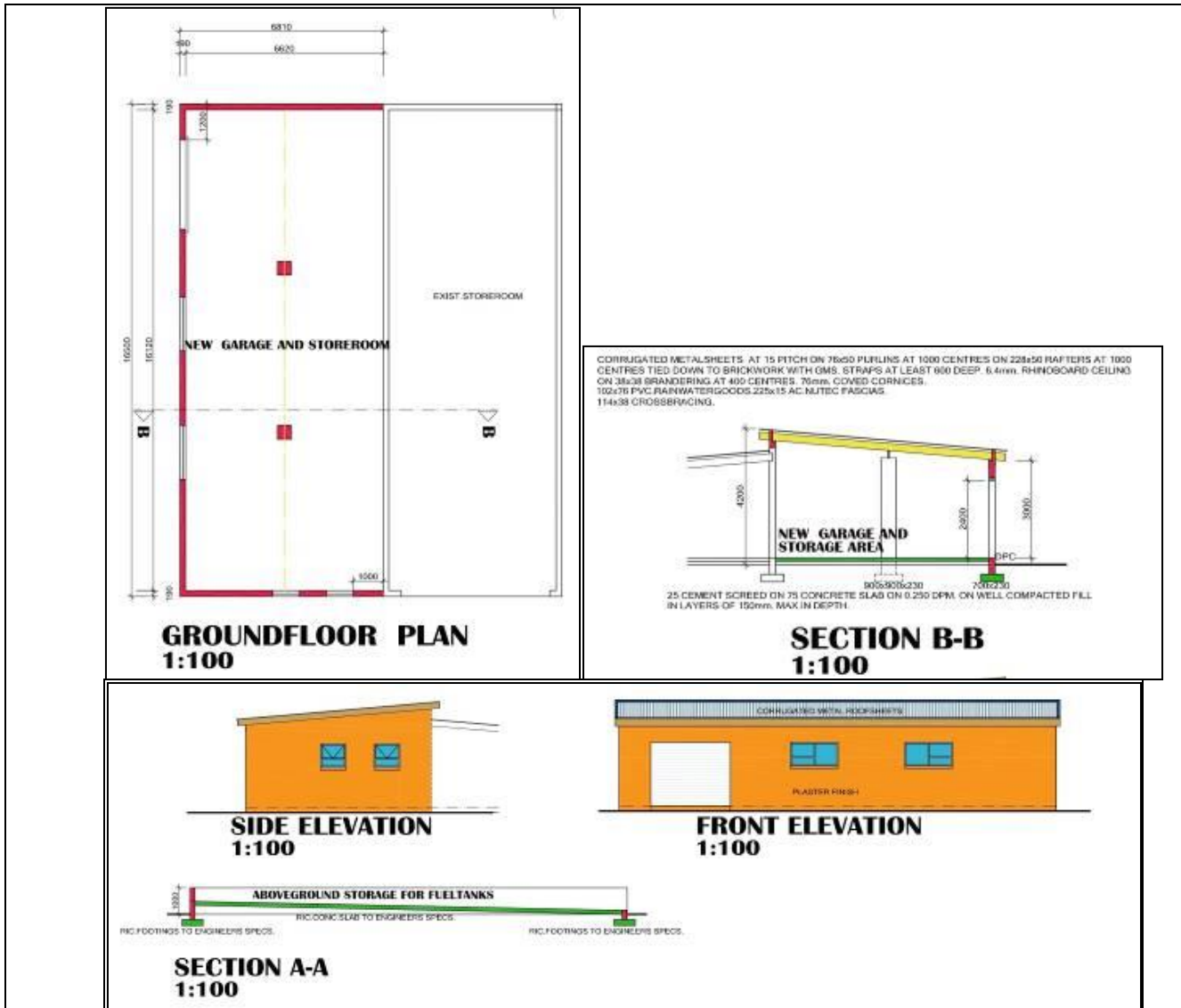


Figure 13: Proposed garage infrastructure

- Gravelled turning area for vehicles (approximately 2841m², will also accommodate the proposed bunded structures).
- Access road for vehicles (existing).

Infrastructure (e.g. roads, power and water supply/ storage)	YES	NO
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Provide brief description:

No additional services will be required. The existing access road along the northern boundary will be utilized as a two-way lane for movement of delivery/pick-up vehicles. The main access off of Klein Dassenberg Road into Rondeberg Road, will be utilized as an entrance and exit point, during construction and operational activities.

Rondeberg Road provides access to the proposed site as well as to the neighbouring property.



Figure 14: Access to be utilised.



Figure 15: Intersection between the Klein Dassenburg Rd and Rondeberg Rd.



Figure 16: Main access to site (left), continuation of Rondeberg road to rear property (right).



Figure 17: Access road split to residential portion of site (direction car is driving from) and toward the proposed development (photo is taken from).



Figure 18: Existing access road to proposed turning circle from split facing west.

Processing activities (e.g. manufacturing, storage, distribution)	YES	NO
Provide brief description:		
No processing activities will be undertaken on site.		
Storage facilities for raw materials and products (e.g. volume and substances to be stored)	YES	NO
Provide brief description		
Approximately 500m ³ of bulk fuel in above-ground, mobile storage tanks, stored for approximately 2 – 4 weeks, in bunded structures as described above under “(c) Buildings”.		
Storage and treatment facilities for solid waste and effluent generated by the project	Yes	No
Provide brief description		
<p>No separate facility will be established for the storage and treatment facilities for solid waste and effluent generated, there is limited effluent intended to be generated as a result of the operations. A sump has been indicated in each proposed bunded structure, and the foundation of the infrastructure will be raised in order to channel any leaks/spills toward the sump area.</p> <p>The sump will capture any excess fuel. This fuel can be considered contaminated and therefore effluent/waste. It can be pumped out directly from the sump, using a submersible pump, contained and disposed of in an appropriate manner at an appropriate licensed disposal site.</p> <p>In terms of litter generated by employees, this is not a filling station, therefore it will not need to accommodate for on-going, large quantities of waste. Existing waste receptacles will be utilized for business waste, and spill kits will be made available on site. The existing sewer infrastructure will be utilized (French Drain)</p>		

(d) Other activities (e.g. water abstraction activities, crop planting activities)	Yes	No
Provide brief description		
None. There is an existing borehole being utilized as there is no municipal connection.		

3. PHYSICAL SIZE OF THE ACTIVITY

Indicate the physical spatial size of the activity as well as associated infrastructure (footprints):	8 402	m ²
Indicate the area that has been transformed / cleared to allow for the activity as well as associated infrastructure	Approximately	m ² 5 200
Total area: All transformation/clearance is within the proposed footprint.	Approximately	m ² 8402

4. SITE ACCESS

Was there an existing access road?	YES	NO
If NO, what was the distance over which the new access road was built? Please indicate the length and width of the new road.	(Length) _____	m
	(width) _____	m
Describe the type of access road constructed:		
None, the existing gravel access was and will be utilized.		

Please Note:

Indicate the position of the access road on the site plan (See Section 5 below)

5. SITE PHOTOGRAPHS

Colour photographs of the site and its surroundings (taken of the site and from the site), both before (if available) and after the activity commenced, with a description of each photograph, must be attached to this application. The vantage points from which the photographs were taken must be indicated on the site plan, or locality plan as applicable. If available, please also provide past and recent aerial photographs. It should be supplemented with additional photographs of relevant features on the site. Date and source of photographs must be included. Photographs must be attached as an **appendix** to this form.

Please note:

Should the relevant photographs not be included in the application, the application may be deemed insufficient and further information in this regard will be requested.

6. APPLICABLE LEGISLATION, POLICIES AND/OR GUIDELINES

Please list all legislation, policies and/or guidelines that were or are relevant to this activity.

LEGISLATION	ADMINISTERING AUTHORITY	TYPE Permit/ license/ authorisation/comment	DATE (if already obtained):
National Environmental Management Act, 1998 (Act No. 107 of 1998) - Environmental Impact Assessment Regulations, 2014, (as amended 2017).	Department of Environmental Affairs and Development Planning (DEA&DP)	Environmental Authorisation	In progress
National Heritage Resource Act, 1999 (Act No. 25 of 1999)	Heritage Western Cape	Record of Decision	In progress

Occupational Health & Safety Act		Major Hazard Installation Investigation	Complete (Appendix N)
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POLICY/ GUIDELINES	ADMINISTERING AUTHORITY
Department's Circular EADP 0028/2014 (dated 9 December 2014) on the "One Environmental Management System"	Circular and guidelines consulted and adhered to when compiling this document. Guideline was consulted while compiling the S24G Application.
Guidelines on EIA Regulations 2014	
Guidelines on Public Participation, 2014	
Guidelines on Need and Desirability, 2017	
Guidelines on Alternatives, 2014	
Guideline for Environmental Management Plans (June 2005)	
Guideline for the Review of Specialist Input in the EIA process (June 2005).	
City of Cape Town Municipal Planning Amendment By-law, 2019	
Western Cape Provincial Spatial Development Framework (2014)	
City of Cape Town's Integrated Development Plan (2022-2027)	
City of Cape Town Spatial Development Plan and Environmental Management Framework - Blaauwberg District Plan 2012	
City of Cape Town Community Fire Safety By-law, 2002 (as amended 2015)	
Hazardous Substances Act 15 of 1973 (amended 1999)	

7. APPLICATIONS IN TERMS OF NEMA AND SPECIFIC ENVIRONMENTAL MANAGEMENT ACTS ("SEMAS")

If not specifically applied for in terms of this application, does the development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)?	YES	NO
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?	YES	NO
If yes, has an application been submitted to the licensing authority?	YES	NO
If no, please provide evidence of existing water use rights (if applicable) with this application form.		
Does the proposed project require an application for an atmospheric emissions license in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?	YES	NO
If yes, has an application been submitted to the licensing authority?	YES	NO
Does the proposed project require an application in terms of the National Environmental Management: Integrated Coastal Management Act ("NEM: ICMA")?	YES	NO
If yes, has an application been submitted to the relevant competent authority?	YES	NO
If yes, provide more details of the application submitted/to be submitted in terms of the NEM: ICMA		
N/A		

8. APPLICATIONS IN TERMS OF OTHER LEGISLATION

Is any permission, licence or other approval required in terms of any other legislation? (Please tick)	YES	NO
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If yes, please

complete the table below:

Type of approval required (List the applicable legislation & approval required):	Name of the authority responsible for administering the applicable legislation	Application submitted (Yes / No)	Status of application (e.g. pending/ granted/ refused)
National Heritage Resources Act, 1999 (Act No. 25 of 1999) Section 38 of the Act states as follows: "38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as <u>(a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;</u> (c) any development or other activity which will change the character of a site (i) exceeding 5 000 m ² in extent; or	Heritage Western Cape	No	To be issued, depending on the feedback from HWC
Rezoning/Consent Use application	City of Cape Town	No	-

SECTION C: DESCRIPTION OF RECEIVING ENVIRONMENT

Site/Area Description

For linear activities (pipelines, etc.) as well as activities that cover very large sites, it may be necessary to complete copies of this section for each part of the site that has a significantly different environment. In such cases please complete copies of Section C and indicate the area which is covered by each copy No. on the site plan.

Section C Copy No. (e.g. 1, 2, or 3):

1. THE GEOLOGICAL FORMATIONS UNDERLYING THE SITE (Tick the appropriate box)

GRANITE		QUARTZITE	
SHALE		DOLOMITE	
SANDSTONE		DOLERITE	
OTHER (specify)	According to CapeFarmMapper, the site falls under the Sandveld Group. The lithology is characterized as Quartzose sand, pelletal phosphorite, gravel, sandy silt, grey-black carbonaceous kaolinitic clay, peat, shelly limestone and sandstone, shelly sand and (aeolian) calcarenite, coquinite, light grey to reddish sandy soil, loamy sand.		

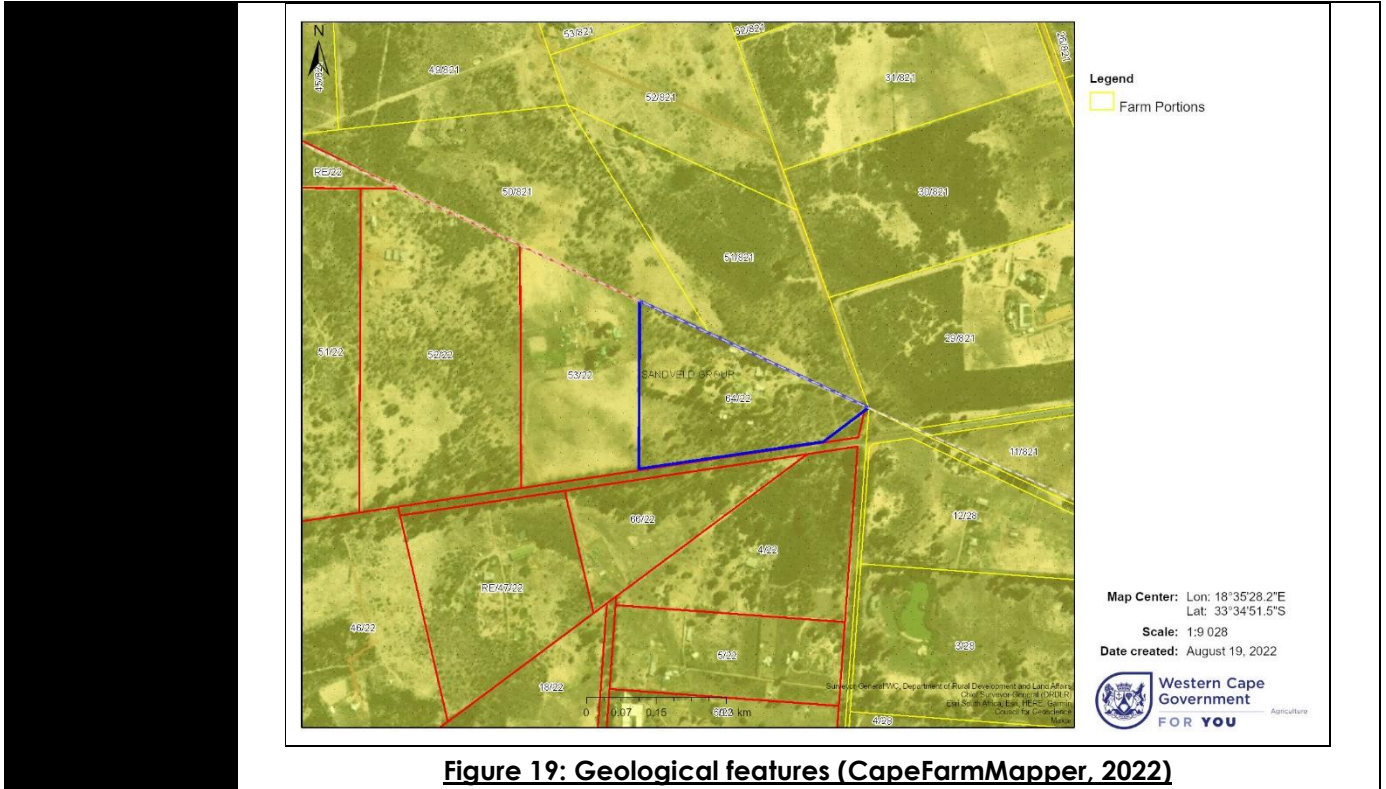


Figure 19: Geological features (CapeFarmMapper, 2022)

2. GRADIENT OF THE SITE

Indicate the general gradient of the site(s) (cross out the appropriate box).

Flat	Flatter than 1:10	1:10 – 1:5	Steeper than 1:5
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3. LOCATION IN LANDSCAPE

Indicate the landform(s) that best describes the site (cross out ("☒") the appropriate boxes).

Ridgeline	Plateau	Side slope of hill/mountain	Closed valley	Open valley	Plain	Undulating plain/low hills	Dune	Sea-front	Other
If other, please describe									

The gradient decreases from north-west to south-east as can be seen in the CapeFarmMapper below (2022).

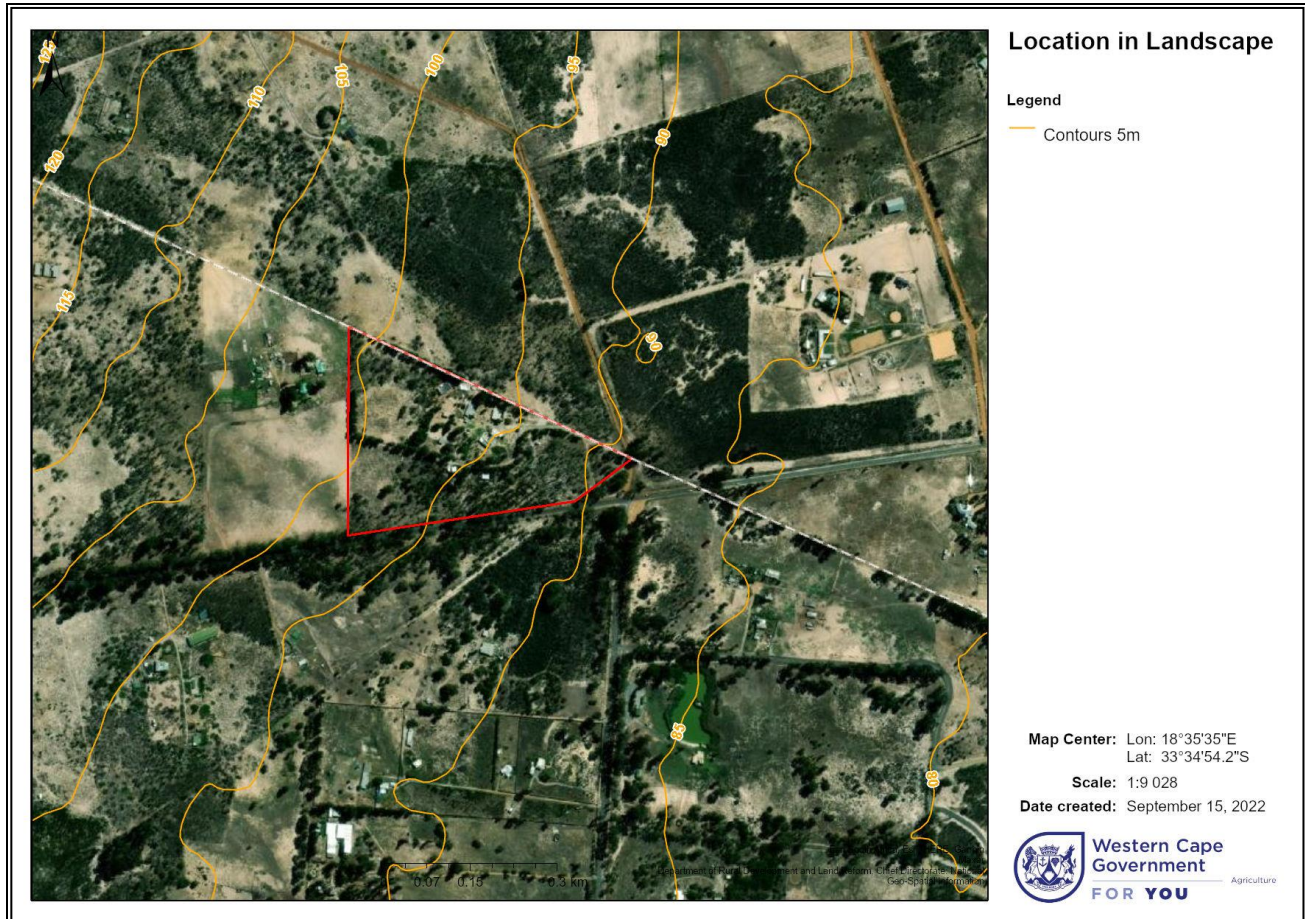


Figure 20: Location in Landscape (Contour)(CapeFarmMapper,2022).

4. GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE

4.1 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (PRE-COMMENCEMENT)

Is the site(s) located on or near any of the following (cross out ("X") the appropriate boxes)?

Shallow water table (less than 1.5m deep)	YES	NO X	UNSURE
Seasonally wet soils (often close to water bodies)	YES		UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES		UNSURE
Dispersive soils (soils that dissolve in water)	YES		UNSURE
Soils with high clay content	YES		UNSURE
Any other unstable soil or geological feature	YES		UNSURE
An area sensitive to erosion	YES		UNSURE

4.2 GROUNDWATER, SOIL AND GEOLOGICAL STABILITY OF THE SITE (POST-COMMENCEMENT)

Shallow water table (less than 1.5m deep)	YES	NO X	UNSURE
Seasonally wet soils (often close to water bodies)	YES		UNSURE
Unstable rocky slopes or steep slopes with loose soil	YES		UNSURE

Dispersive soils (soils that dissolve in water)	YES		UNSURE
Soils with high clay content	YES		UNSURE
Any other unstable soil or geological feature	YES		UNSURE
An area sensitive to erosion	YES		UNSURE

If any of the answers to the above are "YES" or "unsure", specialist input may be requested by the Department. (Information in respect of the above will often be available at the planning sections of local authorities. Where it does not exist, the 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

5. SURFACE WATER

5.1 SURFACE WATER (PRE-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") the appropriate boxes)?

Perennial River	YES	NO X	UNSURE
Non-Perennial River	YES		UNSURE
Permanent Wetland	YES		UNSURE
Seasonal Wetland	YES		UNSURE
Artificial Wetland	YES		UNSURE
Estuarine / Lagoonal wetland	YES		UNSURE

5.2 SURFACE WATER (POST-COMMENCEMENT)

Indicate the surface water present on and or adjacent to the site and alternative sites (cross out ("☒") the appropriate boxes)?

Perennial River	YES	NO X	UNSURE
Non-Perennial River	YES		UNSURE
Permanent Wetland	YES		UNSURE
Seasonal Wetland	YES		UNSURE
Artificial Wetland	YES		UNSURE
Estuarine / Lagoonal wetland	YES		UNSURE

6. VEGETATION AND/OR GROUND COVER

Please note: The Department may request specialist input/studies depending on the nature of the biodiversity occurring on the site and potential impact(s) of the activity/ies. To assist with the identification of the biodiversity occurring on site and the ecosystem status consult <http://bgis.sanbi.org.za> or BGIShelp@sanbi.org.za. Information is also available on compact disc ("cd") from the Biodiversity-GIS Unit, Ph (021) 799 8738. This information may be updated from time to time and it is the applicant/ EAP's responsibility to ensure that the latest version is used. A map of the relevant biodiversity information (including an indication of the habitat conditions as per (b) below) and must be provided as an overlay map to the property/site plan as an **appendix** to this form.

6.1 VEGETATION AND/OR GROUND COVER (PRE-COMMENCEMENT)

Cross out ("☒") the block **and** describe (where applicable) the vegetation types / groundcover present on the site before commencement of the activity.

Indigenous Vegetation - good condition		Indigenous Vegetation with scattered aliens		Indigenous Vegetation with heavy alien infestation	
Describe the vegetation type above:		Describe the vegetation type above:		Describe the vegetation type above:	
Provide ecosystem status for above:		Provide ecosystem status for above:		Provide Ecosystem status for above:	

Indigenous Vegetation in an ecological corridor or along a soil boundary / interface	Veld dominated by alien species	Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe
Bare soil	Building or other structure	Sport field
Other (describe below)	Cultivated land	Paved surface

(a) Highlight the applicable pre-commencement biodiversity planning categories of all areas on site and indicate the reason(s) provided in the biodiversity plan for the selection of the specific area as part of the specific category.

Systematic Biodiversity Planning Category				If CBA or ESA, indicate the reason(s) for its selection in biodiversity plan
Critical Biodiversity Area (CBA)	Ecological Support Area (ESA)	Other Natural Area (ONA)	No Natural Area Remaining (NNR)	<p>The site holds no biodiversity area of conservation importance.</p> <p>According to CapeFarmMapper, there is an ESA (Aquatic) along the <u>outer edge</u> of the northern boundary of the site, and an area classified as “other natural area” located at the south-eastern tip of the site.</p> <p>All areas within the proposed and developed area, did not and does not contain biodiversity of conservation importance. The proposed wall along the northern boundary, will be constructed within the site property, therefore no works will extend beyond this point. There are no planned works within the indicated Other Natural Area, therefore no impacts will occur.</p>

(b) Highlight and describe the habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
Natural	%	
Near Natural (includes areas with low to moderate level of alien invasive plants)	50%	As depicted in Figure 21 , taken from Google Earth imagery from 2020, prior to the commencement of the proposed activity. The southern portion of Farm Zouterivier 64/22 exhibits dense vegetation clusters and tree species. However, it should be noted that the proposal does not impact on this southern portion. It is in fact focused on the northern portion of the site, within disturbed areas. Prior to the development the site had been used for equestrian purposes. Existing buildings and infrastructure (roads) had been established, to support this activity.
Degraded (includes areas heavily invaded by alien plants)		

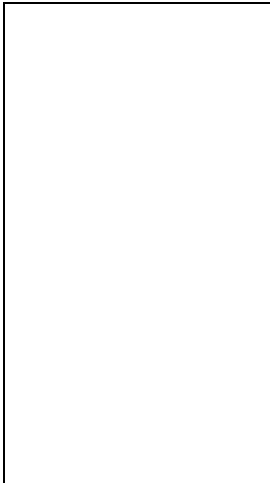


Figure 21: Google Earth imagery 2020 depicting the site.

Transformed
(includes cultivation,
dams, urban,
plantation, roads, etc)

50%

As mentioned previously, the site was used for equestrian purposes, and housed multiple dwelling infrastructure as well as existing access roads.

The commencement of the listed activity occurred in an area that was previously transformed (see Figure 17). The storeroom in which the non-compliance had been identified was existing as well as the storeroom connected to the proposed garage (for personal use), all within the proposed development area.

As per **Figure 22**, the point at which the non-compliance occurred, is depicted as a roof based on this aerial footage. This roof was an extension of the storage infrastructure and covered a bare area.



Figure 22: Google Earth imagery, 2020, of proposed development area prior to any non-compliance

- (c) Complete the table to indicate:
 (i) the type of vegetation, including its ecosystem status, that was previously present on the site; and
 (ii) whether an aquatic ecosystem was previously present on site.

Terrestrial Ecosystems		Aquatic Ecosystems						
Ecosystem threat status as per the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)	Critical	Wetland (including rivers, depressions, channelled and un-channelled wetlands, flats, seeps pans, and artificial wetlands)			Estuary		Coastline	
	Endangered							
	Vulnerable							
	Least Threatened							
		YES	NO	UNSURE	YES	NO	YES	NO

- (d) Please provide a description of the vegetation type and/or aquatic ecosystem present on site, including any important biodiversity features/information identified on site (e.g. threatened species and special habitats)

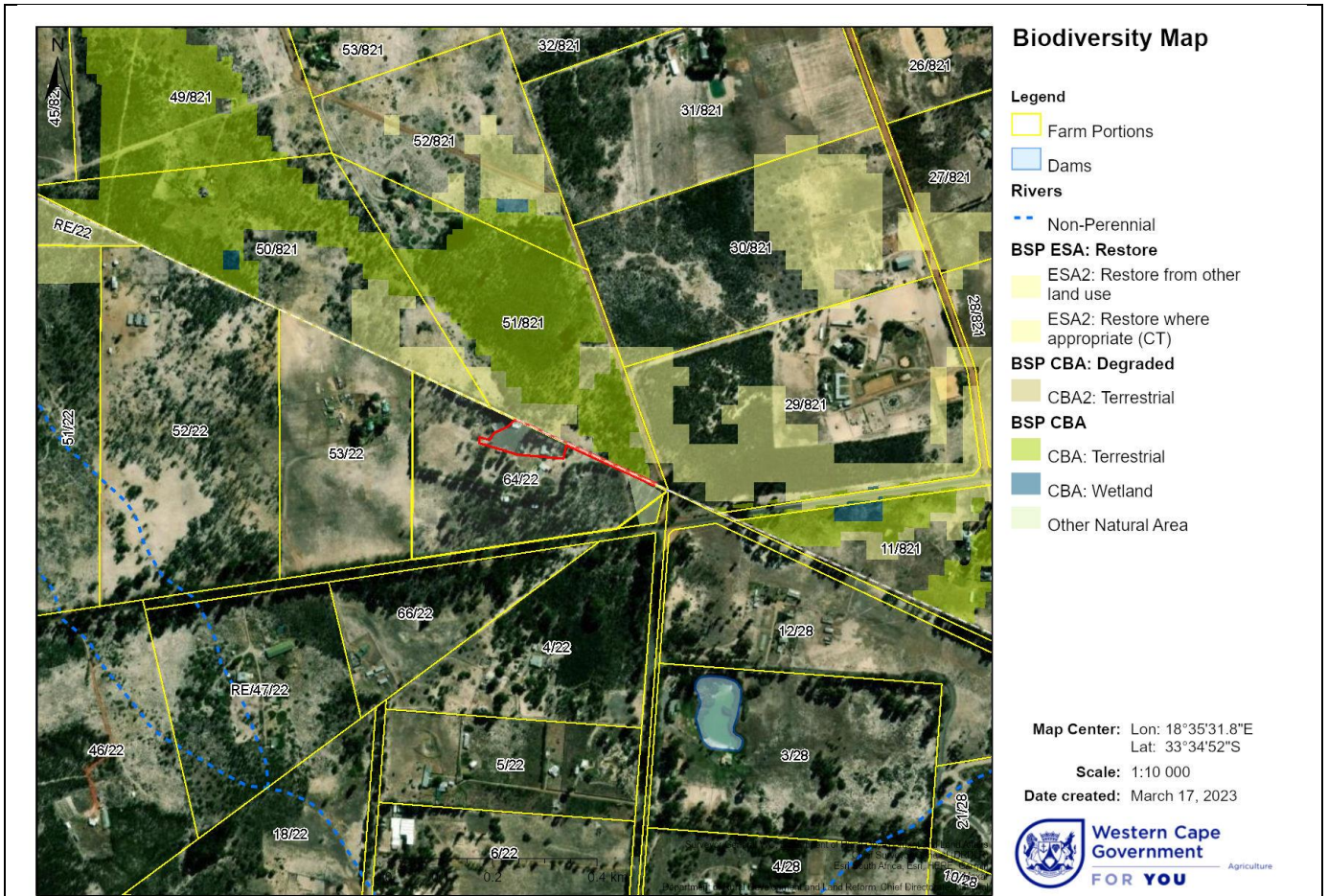


Figure 23: Biodiversity Map

According to CapeFarmMapper the site holds no biodiversity area of conservation importance. There is an ESA (Aquatic) along the outer edge of the northern boundary of the site, and an area classified as "other natural area" located at the south-eastern tip of the site, only. The proposed wall along the northern boundary, will be constructed within the proposed property, therefore no works will extend beyond this point, and there is no planned or associated development within the Other Natural Area.

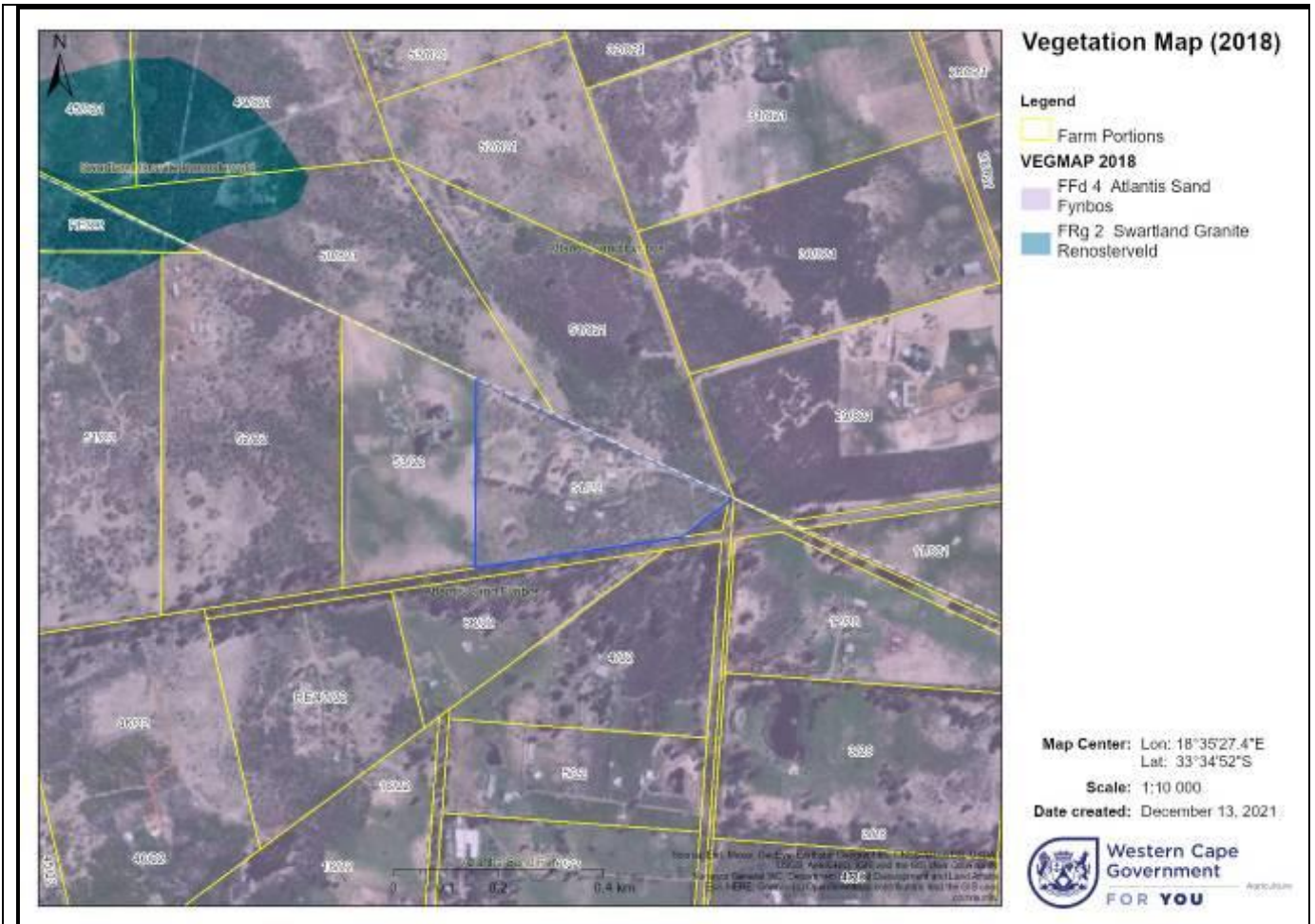


Figure 24: Vegetation Map (dataset 2018) accessed on CapeFarmMapper, 2021.

According to the Vegetation Map, accessed via CapeFarmMapper, 2021, the site contains Atlantis Sand Fynbos, which is classified as Endangered.

The site contains patches of shrub like vegetation, with gum trees lining the access and tracks. Within the central portion of the site is the existing infrastructure, with concreted areas, a pool, and the proposed fuel storage area that has been covered by gravel, with hardened concreted surfaces around the existing bunded area.

There are no notable biodiversity features/species habitats present on site. Particularly, within the disturbed, and intended areas for use.

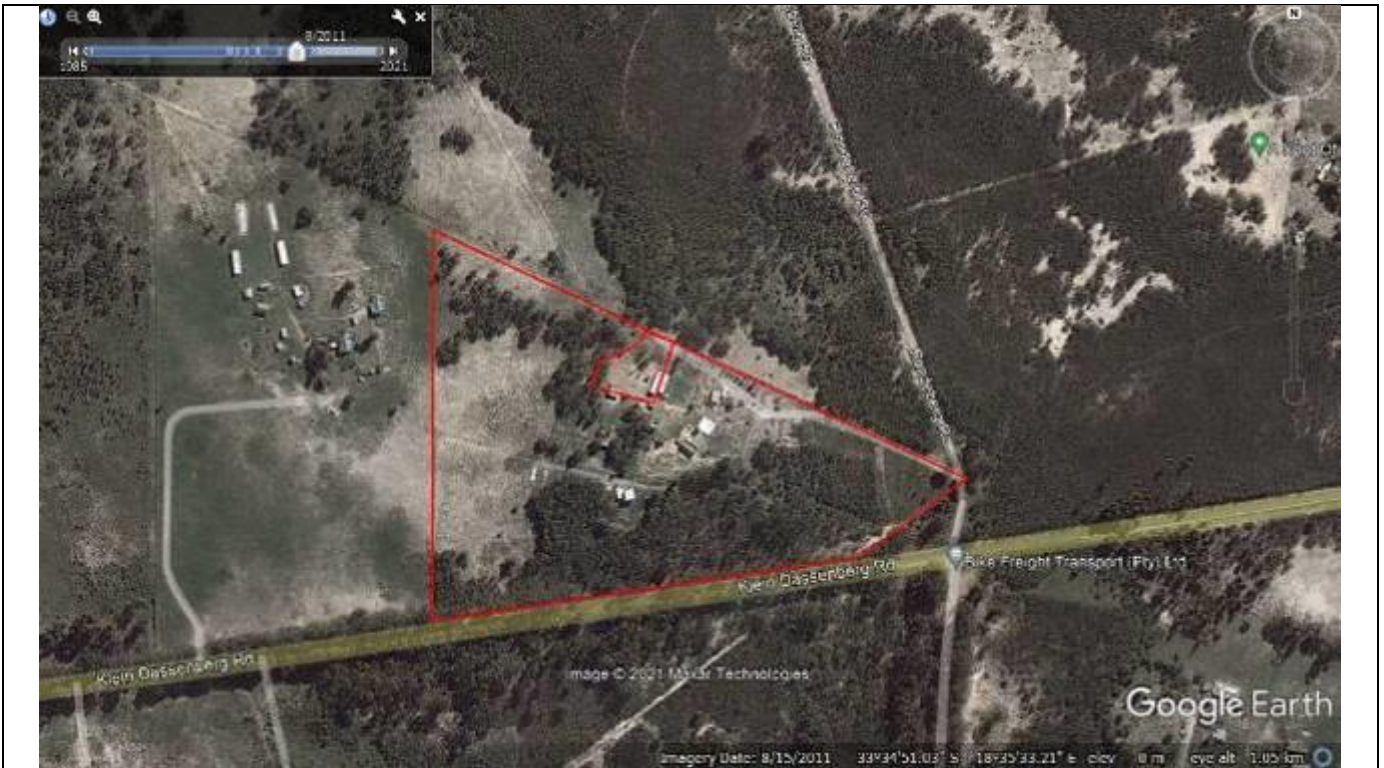


Figure 25: 2011 Google Earth imagery of the site.

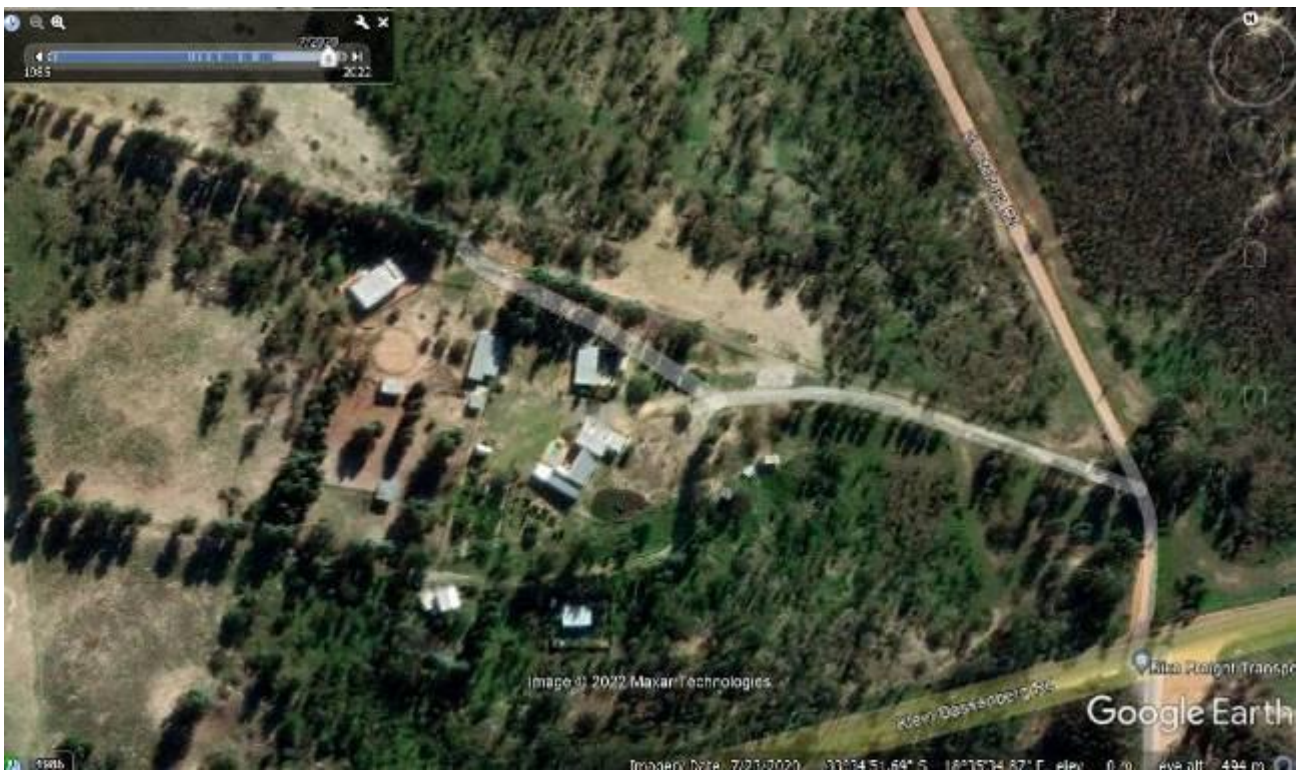


Figure 26: 2020 Google Earth imagery of the site.

As is evident between 2011 and 2020, the central portion of the site has been utilized for years, to accommodate housing and other infrastructure. The proposed development area is located within this disturbed portion.



Figure 27: Neighbouring property along the northern boundary depicting alien infestation.



6.2 VEGETATION AND/OR GROUNDCOVER (POST-COMMENCEMENT)

Cross out ("☒") the block **and** describe (where required) the vegetation types / groundcover present on the site after commencement of the activity.

Indigenous Vegetation - good condition		Indigenous Vegetation with scattered aliens		Indigenous Vegetation with heavy alien infestation	
Describe the vegetation type above:		Describe the vegetation type above:		Describe the vegetation type above:	
Provide ecosystem status for above:		Provide ecosystem status for above:		Provide Ecosystem status for above:	
Indigenous Vegetation in an ecological corridor or along a soil boundary / interface		Veld dominated by alien species		Distinctive soil conditions (e.g. Sand over shale, quartz patches, limestone, alluvial deposits, termitaria etc.) – describe	
Bare soil		Building or other structure		Sport field	
Other (describe below)		Cultivated land		Paved surface	

(a) Highlight and describe the post-construction habitat condition on site.

Habitat Condition	Percentage of habitat condition class (adding up to 100%)	Description and additional Comments and Observations (including additional insight into condition, e.g. poor land management practises, presence of quarries, grazing/harvesting regimes etc).
-------------------	---	--

<p>Natural</p>	<p>%</p>	
<p>Near Natural (includes areas with low to moderate level of alien invasive plants)</p>	<p>50%</p>	<p>As mentioned previously, the southern portion of Farm Zouterivier 64/22 exhibits dense vegetation clusters and tree species. No change has been made to this area post-commencement and none are planned to be made in the future as this area is not included in the proposed development footprint.</p>
<p>Degraded (includes areas heavily invaded by alien plants)</p>		 <p>Figure 28: Google image depicting the vegetation on site (2022).</p>
<p>Transformed (includes cultivation, dams, urban, plantation, roads, etc)</p>	<p>50%</p>	<p>As mentioned previously, the site was used for equestrian purposes, and housed multiple dwelling infrastructure as well as access roads.</p> <p>The commencement of the listed activity occurred in an area that was previously transformed (see Figure 25). The storeroom in which the non-compliance had been identified was existing. The extended roof was removed, and the bunded area constructed in its place. The once bare area was covered in gravel and the fuel storage tanks were stockpiled to the north-west of the non-compliant bunded area, all within the proposed development area. Therefore, these areas were already disturbed and went from a relatively bare area to further transformed.</p>  <p>Figure 29: Google Earth imagery 2021, depicting the site after commencement of the listed activity.</p>

(b) How have the vegetation and/or aquatic ecosystem(s) present on site (including any important biodiversity features identified on site (e.g. threatened species and special habitats)) been affected by the commencement of the listed activity(ies)?

The commencement of the listed activity occurred in an area that was previously transformed. Although the vegetation map indicates that the proposed area is predominantly Atlantis Sand Fynbos, it is noted that the area was already transformed, and was utilized for equestrian purposes, contained pasture grass, with a few tree species. The access road along the northern border existed, as well as the storeroom in which the non-compliance had been identified, and the storeroom connected to the proposed garage (for personal use). All prior to the proposed development commencing.

Once construction occurred, this already disturbed portion was further transformed, as is depicted below. The establishment of the wall along the northern boundary will take place within the site, and will not affect the adjacent properties landscape, which is disturbed and contains alien invasive species. Further to this no expansion is planned for the existing road, that may impact on the indicated Other Natural Area. **Therefore, the proposed development has not and will not disturb natural, sensitive vegetation or areas of conservation importance.**



Figure 30: Google Earth imagery 2022 - post-commencement.

Areas along the existing access road remained untransformed, such as the Gum Trees bordering the northern most access road, which will remain as a natural screen. Gum Trees or *Eucalypts* are categorized in the Alien and Invasive Species Lists, 2020, in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 Of 2004). As per List 1: National list of Invasive Terrestrial and Fresh-water Plant Species, item no. 133 – 138, states that

- River red Gum (*Eucalyptus camaldulensis*)
- Spider Gum (*Eucalyptus conferruminata*)
- Sugar Gum (*Eucalyptus cladocalyx*)
- Karri (*Eucalyptus diversicolor*)
- Saligna Gum (*Eucalyptus grandis*)
- Forest Red Gum (*Eucalyptus tereticornis*)

Are categorized as:

- a. Category 1b within-
- (i) riparian areas;

- (ii) a Protected Area declared in terms of the Protected Areas Act; or,
- (iii) within a Listed Ecosystem or an ecosystem identified for conservation in terms of a Bioregional Plan or Biodiversity Management Plans published under the Act.

b. Not listed within Nama-Karoo, Succulent Karoo and Desert biomes, excluding within any area mentioned in (a) above.

c. Category 1b in Fynbos, Grassland, Savanna, Albany Thicket, Forest and Indian Ocean Coastal Belt biomes, but-

- (i) Category 2 for plantations, woodlots, bee-forage areas, wind-rows and the lining of avenues.
- (ii) Not listed within cultivated land that is at least 50 metres away from untransformed land, but excluding within any area in (a) above.
- (iii) Not listed within 50 metres of the main house on a farm, but excluding in (a) above.
- (iv) Not listed in urban areas for trees with a diameter of more than 400 mm at 1000 mm height at the time of publishing of this Notice, but excluding in (a) above.

Based on the above, it is recognized that the northern screen of gum trees is within 50metres of the main house on the farm portion, and is therefore not listed, as it is not within any areas listed as per a (i – iii). Therefore, this screen will not be removed, however mitigation measures will be included to manage these trees.



Figure 31: The gum trees along existing access road have been present prior to the commencement of the listed activity and will remain even after the development is established.

A single species of what is anticipated to be a young African Fan Palm (*Borassus aethiopum*), and a young gum tree, are seen within the proposed area intended to accommodate the second bund.

Borassus aethiopum is not a listed invasive species. These species will require removal, appropriate management measures will be included in the EMPr.

As the species are not listed, the Conservation of Agricultural Resources Act 43 of 1983 (CARA) does not apply.



Figure 32: Young African Fan Palm (left) and Gum Tree (right), within proposed construction area.

6.3 VEGETATION / GROUNDCOVER MANAGEMENT

(a) Describe any mitigation/management measures that were adopted and the adequacy of these:

No mitigation measures were adopted. However, when noting the area prior to transformation, it is evident that these areas were mostly bare and sandy, with pasture grass and minor small trees positioned aesthetically. The area once accommodated a lunging arena for horses. The impacts associated with this activity prior to commencement includes horses grazing upon grasses, and the trampling of any shrubs/grass in this area. Considering this, impacts are considered minor/low with regard to vegetation cover, based on the existing disturbance of this area.



Figure 33: Google Earth imagery 2020.

7. LAND USE OF THE SITE (PRE-COMMENCEMENT)

Please note: The Department may request specialist input/studies depending on the nature of the land use character of the area and potential impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):	Equestrian			

(a) Please provide a description.

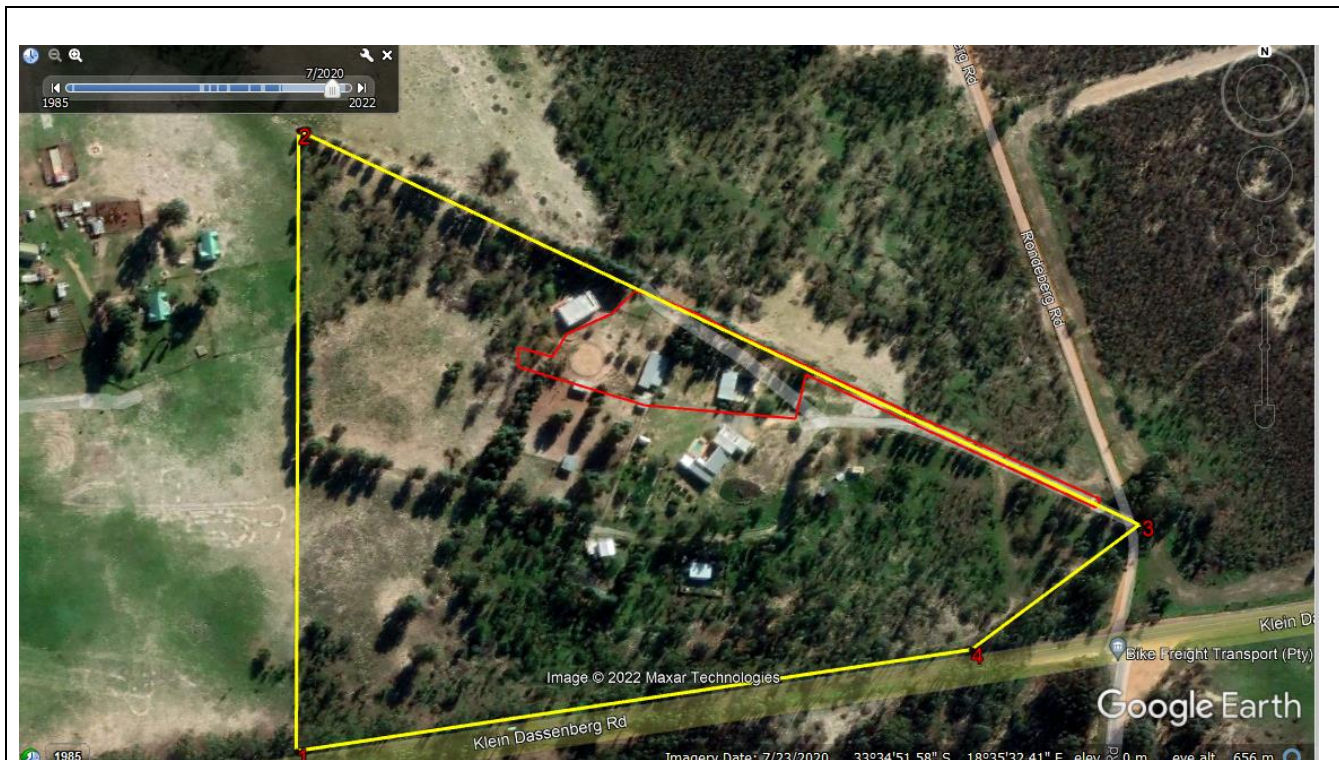


Figure 34: Google Earth imagery 2020 - pre-commencement.

The site was and is zoned as Agricultural Zone 1. As depicted in Figure 34 the site contained existing disturbance, particularly along the northern and central portions of the site. Landuse included low-density residential dwellings with associated infrastructure, including a pool. A horse-lunging arena, stables and bare areas that were most likely utilized for the grazing of horses, which is permitted within a site zoned for Agricultural use.

8. LAND USE CHARACTER OF SURROUNDING AREA (PRE-COMMENCEMENT)

Cross out ("☒") the block that reflects the past land uses and/or prominent features that occur/red within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
--------------------	--------------------------------	----------------------------	--------------------------	----------------------

Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):	The surrounding land use character is that of large agricultural farm portions, occupied by a few low-density dwelling houses. There are a number of businesses in the area, to the east is a horse boarding stable, a restaurant and logging company. An Eco-Farm to the west. And what's indicated to be a transport company to the south (as per google maps).			

9. LAND USE CHARACTER OF SURROUNDING AREA (POST-COMMENCEMENT)

Cross out ("✖") the block that reflects the current land uses and/or prominent features that occur(s) within +/- 500m radius of the site and neighbouring properties if these are located beyond 500m of the site. **Please note:** The Department may request specialist input/studies depending on the nature of the land use character of the area and impact(s) of the activity/ies.

Untransformed area	Low density residential	Medium density residential	High density residential	Informal residential
Retail	Commercial & warehousing	Light industrial	Medium industrial	Heavy industrial
Power station	Office/consulting room	Military or police base/station/compound	Casino/entertainment complex	Tourism & Hospitality facility
Open cast mine	Underground mine	Spoil heap or slimes dam	Quarry, sand or borrow pit	Dam or reservoir
Hospital/medical centre	School	Tertiary education facility	Church	Old age home
Sewage treatment plant	Train station or shunting yard	Railway line	Major road (4 lanes or more)	Airport
Harbour	Sport facilities	Golf course	Polo fields	Filling station
Landfill or waste treatment site	Plantation	Agriculture	River, stream or wetland	Nature conservation area
Mountain, koppie or ridge	Museum	Historical building	Graveyard	Archaeological site
Other land uses (describe):	The surrounding land use character is that of large agricultural farm portions, occupied by a few low-density dwelling houses. There are a number of businesses in the area, to the east is a horse boarding stable, a restaurant and logging company. An Eco-Farm to the west. And what's indicated to be a transport company to the south (as per google maps).			

10. SOCIO-ECONOMIC CONTEXT

10.1 SOCIO-ECONOMIC CONTEXT (PRE-COMMENCEMENT)

Describe the pre-commencement social and economic characteristics of the community in order to provide baseline information.

According to the Blaauwberg Integrated District Spatial Development Framework (IDSDF) and The Environmental Management Framework (EMF) (COCT, 2023*¹), the population in Blaauwberg almost doubled between 2001 and 2011, with an annual population growth rate around 7%. Despite this rapid increase, the unemployment rate remained relatively constant. The household growth rate in the district was slightly faster than the population growth rate, which indicates a slight trend in the

district of decreasing household sizes. This was not as marked in Blaauwberg as in other areas of Cape Town. Thus, while we can expect housing demand from households splitting into smaller units, and not only from increasing populations, but this is also not as strong a force in comparison to the rest of the City. Overall, ±75% of the population in Blaauwberg live in formal housing, while ±25% live in informal housing, including stand-alone and backyard shacks. Areas of informality are clustered mainly in Du Noon, Racing Park, Joe Slovo and Phoenix. These areas are among those which have relatively lower average household incomes in the district, making them more vulnerable to stresses and shocks (COCT, 2023).

At 0.59, Blaauwberg has a slightly lower Gini-coefficient than the Cape Town average of 0.62, and the national average of 0.63 (COCT, 2023). However, based on its Gini-Coefficient, South Africa has one of the highest levels of income inequality in the world. Thus, despite being below the local average, it is still a key issue in the district. According to the Blaauwberg IDSD & EMF, Blaauwberg District had an unemployment level of 18.24% in 2011 which is relatively low in comparison to the metro average (COCT, 2023).

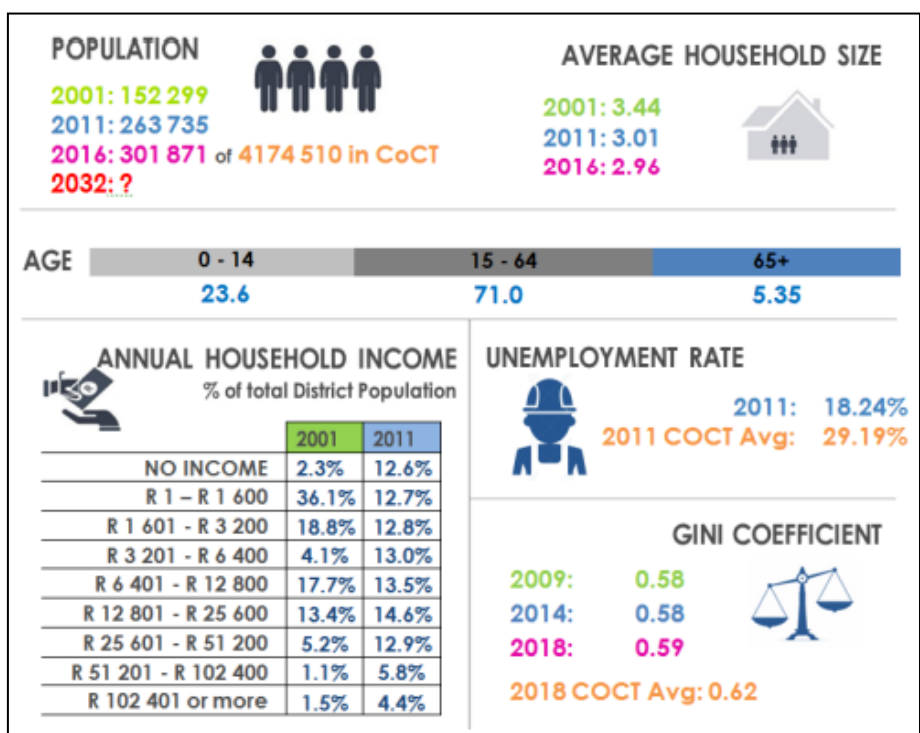


Figure 35: Overview Demographic Profile of the Blaauwberg District in the COCT (COCT, 2023).

According to the City of Cape Town GIS Viewer, accessed in 2023, although the Pre-Compliance Notice had indicated the site as being within the Philadelphia area, it is actually classified within the Cape Farm suburb of the Blaauwberg District. As per the 2011 StatsSA data, Cape Farm suburb has a working age population of 73.4%.

The proposed site is located within the Klein Dassenberg Smallholdings (to the west of the N7 and east of Atlantis). According to the (COCT, 2023*), this area has a range of land uses, many of which are illegal.

According to the (COCT, 2023*), Klein Dassenberg is subject to the Klein Dassenberg Smallholding Area Development Framework (2002), in recent years there has also been an increase in enquiries to accommodate zonings other than agricultural or rural. The area is constrained in respect of services capacity (with particular reference to water), of which the proposed development will use minimal amounts of. It is further indicated that the area falls within the Koeberg Nuclear protection zones which prevent intensive land use (COCT, 2023*).

*1 City of Cape Town, 2023. Blaauwberg Integrated District Spatial Development Framework and The Environmental Management Framework.

* The Gini coefficient is a measure of income variance among a population which is often used to indicate income inequality. The coefficient ranges from 0, which represents "absolute equality", to 1, which represents "absolute inequality" (Statistics South Africa, 2014).

10.2 SOCIO-ECONOMIC CONTEXT (POST-COMMENCEMENT)

Describe the post commencement social and economic characteristics of the community in order to determine any change. Where differences between pre- and post-commencement exist, state which are as a result of the activity(ies) for which rectification is being applied for.

Post-commencement had seen the surrounding community raise concerns about the potential development. Their concerns may be as a result of a misunderstanding of the scale or intention of the proposed development (ie. compared to a large-public fuel station, or alternatively, a large fuel storage area typically seen in an industrial area, and this developments impact on the future of the area). Public participation is intended to be undertaken to identify specific comments that will be addressed.

However, during construction and once operational, employment opportunities will be created for unskilled labour, and the opportunity for skills transfer will be established. Further to this the proposed development will add to the local economy by utilizing local suppliers, employees, and catering to local clients in and around the area.

The Applicant has further highlighted that being in the fuel industry, they have noted the shutting down of multiple fuel refineries across South Africa, and this development would work toward supporting their existing client base, who are heavily dependent on fuel availability to ensure continuation of their business, which in turn supports a significant number of jobs, livelihoods and the local economy.

11. HISTORICAL AND CULTURAL ASPECTS

- (a) Please be advised that every application for Environmental Authorisation including an application for a Waste Management Licence, must include, where applicable the investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act.

Please be further advised that if section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to your application, then you are requested to furnish this Department with written comment from Heritage Western Cape as part of your public participation process. Section 38 of the Act states as follows: "38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as-

- (a) the construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;
 - (b) the construction of a bridge or similar structure exceeding 50m in length;
 - (c) any development or other activity which will change the character of a site-
 - (i) exceeding 5 000 m² in extent; or
 - (ii) involving three or more existing erven or subdivisions thereof; or
 - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
 - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority;
 - (d) the re-zoning of a site exceeding 10 000 m² in extent; or
 - (e) any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority, must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development."
- (b) The impact on any national estate referred to in section 3(2), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii), of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), must also be investigated, assessed and evaluated. Section 3(2) states as follows: "3(2) Without limiting the generality of subsection (1), the national estate may include—
- (a) places, buildings, structures and equipment of cultural significance;
 - (b) places to which oral traditions are attached or which are associated with living heritage;
 - (c) historical settlements and townscapes;
 - (d) landscapes and natural features of cultural significance;
 - (e) geological sites of scientific or cultural importance;
 - (f) archaeological and palaeontological sites;

- (g) graves and burial grounds, including—
 - (i) ancestral graves;
 - (ii) royal graves and graves of traditional leaders;
 - (iii) graves of victims of conflict;
 - (iv) graves of individuals designated by the Minister by notice in the Gazette;
 - (v) historical graves and cemeteries; and
 - (vi) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- (h) sites of significance relating to the history of slavery in South Africa;
- (i) movable objects, including—
 - (i) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - (ii) objects to which oral traditions are attached or which are associated with living heritage;
 - (iii) ethnographic art and objects;
 - (iv) military objects;
 - (v) objects of decorative or fine art;
 - (vi) objects of scientific or technological interest; and
 - (vii) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996)."

Is section 38 of the National Heritage Resources Act, 1999, applicable to the development?		YES	NO
		UNCERTAIN	
If YES, explain:	<p>In terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), 38. (1) states:</p> <ul style="list-style-type: none"> - Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as <ul style="list-style-type: none"> • S38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length. • S38(1)(c) Any development or activity that will change the character of a site – 1 (i) exceeding 5 000m² in extent; <p>According to the updated layout plan the proposed development will include the construction of a 2m high block wall along the northern boundary of the access road, approximately 430m in length. However, the area is significantly transformed, the northern property contains alien invasives and the proposed property contains an existing gravel road and existing wire fence line, where a portion will be replaced with a solid wall.</p> <p>There will not be a significant change to the character, as it is not unusual for a farm to have above ground storage tanks. The area to be developed will be within the disturbed portion of the site, therefore, there will be minimal clearance of vegetation.</p> <p>According to the SAHRIS website, there are no existing studies regarding the historical significance of Gum Trees in the area. Heritage Western Cape will be included as an I&AP. The PalaeoSensitivity Map has indicated that there is no</p>		
Did/does the development impact on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999?		YES	NO
		UNCERTAIN	
If YES, explain:	N/A		
Was any building or structure older than 60 years affected in any way?		YES	NO
		UNCERTAIN	
If YES, explain:	N/A		

Please Note:

If uncertain, the Department may request that specialist input be provided. If, yes, a copy of the Notice of Intent submitted to Heritage Western Cape must be submitted with this form.

12. COASTAL ASPECTS (SEAFRONT/SEA ENVIRONMENT)

- (a) Is the site(s) located within any of the following areas? (highlight the appropriate boxes).
 If the site or alternative site is closer than 100m to such an area, please provide the approximate distance in (m).

AREA	YES	NO	UNSURE	If "YES": Distance to nearest area (m)
An area within 100m of the high water mark of the sea	YES	NO	UNSURE	
An area within 100m of the high water mark of an estuary/lagoon	YES	NO	UNSURE	
An area within the littoral active zone	YES	NO	UNSURE	
An area in the coastal public property	YES	NO	UNSURE	
Major anthropogenic structures	YES	NO	UNSURE	
An area within a Coastal Protection Zone	YES	NO	UNSURE	
An area seaward of the coastal management line	YES	NO	UNSURE	
An area within the high risk zone (20 years)	YES	NO	UNSURE	
An area within the medium risk zone (50 years)	YES	NO	UNSURE	
An area within the low risk zone (100 years)	YES	NO	UNSURE	
An area below the 5m contour	YES	NO	UNSURE	
An area within 1km from the high water mark of the sea	YES	NO	UNSURE	
A rocky beach	YES	NO	UNSURE	
A sandy beach	YES	NO	UNSURE	

- (b) If any of the answers to the above is "YES" or "UNSURE", specialist input may be requested by the Department. (The 1:50 000 scale Regional Geotechnical Maps prepared by Geological Survey may also be used).

13. REGIONAL PLANNING CONTEXT

Is the activity permitted in terms of the property's existing land use rights?	YES	NO	Please explain
<p>In accordance with the City of Cape Town's Zoning Scheme, the proposed development is intended to be developed on land that is currently zoned for agricultural use (Refer to Figure 36).</p>			

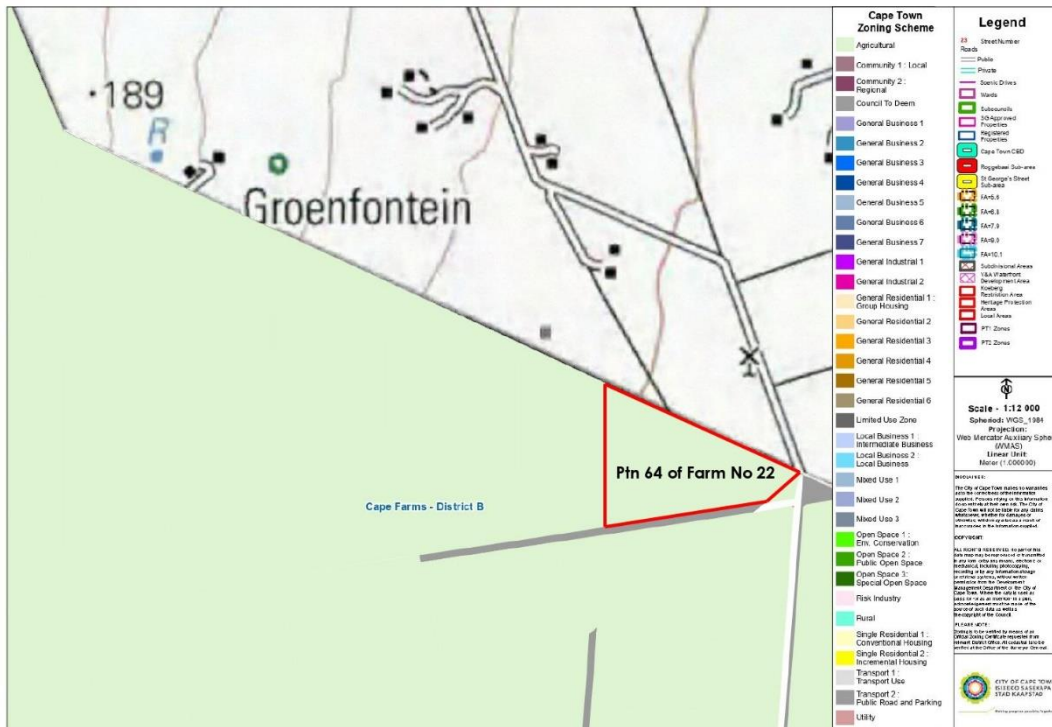


Figure 36: City of Cape Town Zoning Scheme

In terms of the City of Cape Town Municipal Planning Amendment By-law 2019, the following land-use restrictions apply for agricultural zoned areas:

AGRICULTURAL, RURAL AND LIMITED USE ZONINGS	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
			To wallplate	To top of roof	Street boundary	Common boundaries		
AGRICULTURAL ZONING (AG) PRIMARY USES Agriculture, intensive horticulture, dwelling house, riding stables, environmental conservation use, environmental facilities, rooftop base telecommunication station, minor freestanding base telecommunication station, minor rooftop base telecommunication station and additional use rights ADDITIONAL USE RIGHTS Second dwelling and home occupation or bed and breakfast establishment or home child care CONSENT USES Additional dwelling units, guest house, hotel, tourist accommodation, tourist facilities, intensive animal farming, harvesting of natural resources, mine, utility service, freestanding base telecommunication station, wind turbine infrastructure, aquaculture, animal care centre, farm shop, agriculture industry veterinary practice and renewable energy structure	1 500 m ² for all dwelling units 100 m ² for farm shop Refer to item 109(a)	N/a	9,0 m for dwelling house	11,0 m for dwelling house 12,0 m for agricultural buildings other than dwelling house	> 20 ha : 30,0 m ≤ 20 ha : 15,0 m	> 20 ha : 30,0 m ≤ 20 ha : 15,0 m	N/a	Parking Minimum subdivision size Agricultural industry Second dwelling and additional dwelling units

Figure 37: Agricultural Zoning (City of Cape Town Municipal Planning Amendment By-law, 2019)

Although the above by-law does not define whether bulk fuel storage is permitted in areas zoned for agricultural use, it is not unusual for farms to have some fuel storage (not significantly high quantities) to

service their own machinery, (i.e.: generators, tractors etc.), particularly given their locations (usually outside urban areas, where fuel stations are not readily available).

The City of Cape Town's Zoning Scheme mentions that the City of Cape Town may approve consent use applications for the proposed activity provided that the activity does not adversely affect the agricultural potential of the property. As previously described, the site supported equestrian activities, and no livestock or crop farming was established on site. Regardless, the proposal will accommodate for above-ground tanks, within bunded areas. The bunded areas are located in the already disturbed portions of the site and can easily be converted for other uses, and the tanks removed without causing any lasting impacts. Therefore, the proposal will not adversely affect the agricultural potential of the property.

A Town Planning Application will be undertaken once the S24G Application has concluded.

Will the activity be in line with the following?

Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
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The *Western Cape Provincial Spatial Development Framework (2014)* has been designed in a way to contribute to the *2030 National Development Plan's (NDP)* objectives. The NDP is a broad strategic framework that sets out a coherent and holistic approach to confronting poverty and inequality.

The proposed activity aligns with the *Western Cape PSDF (2014)* as follows:

Guiding Principle 1 of "Spatial Justice".

The guiding principle makes mention of a society that is equal and inclusionary. In achieving equality and social justice, opportunities are to be made to all in the community which also includes marginalised and disadvantaged groups in society. Philadelphia is an area of great socio-economic stress, as noted in this document. The proposed development will be contributing to the achievement of guiding principle 1, by employing those in the local communities during the construction and operational phase of the development, although at a small-scale (approximately 20 opportunities for employment during construction and only 5 during operational phase). Regardless employment is a key struggle in the Western Cape, particularly for people with low- levels or no education, therefore employment, even if its temporary will be beneficial to individuals and their quality of life as well as potential for future employment, as a result of skills transfer. This also contributes to the NDP's proposal of increased employment opportunities, broadened skills and work experience.

According to Guiding Principle 2, "sustainability and resilience".

This requires that "*land development be spatially compact, resource-frugal, compatible with cultural and scenic landscapes and should not involve the conversion of high potential agricultural land or compromise ecosystems.*" The proposed site has been zoned for agricultural use, however, the site has been significantly transformed, particularly around the proposed development areas, and there is existing infrastructure present.

Given that the area was not utilized for intensive agricultural activities, in the last 10 years, the proposal will not compromise any ecosystem or the potential for the land to be utilized for agriculture. Considering the bunded areas can be utilized for other purposes, and the above ground storage tanks removed from site easily, the development will not compromise the use of the site in the long-term. It is also not unusual for agricultural properties to contain bulk fuel storage, as they are usually situated outside of urban areas, in addition, the Applicant intends to build a wall along the northern boundary (the most visible boundary) of the site, therefore the development will not create impacts on any scenic routes, and significant visual impacts are lowered. The tanks will serve to support the Applicant's business while not compromising the natural environment and will utilize existing resources. These measures ensures that the proposed development is in line with the guiding principle 2 of the *Western Cape PSDF (2014)*.

In terms of the *Guiding Principle 4, "Accessibility"*.

The proposed site is connected to the Atlantis Industrial area via Klein Dassenberg Road. The site is ideally situated between the N7 and the Atlantis Special Economic Zone (SEZ) and being close to these main networks allows for easier distribution, supporting the Applicant's business. Additionally, consideration is given to the rising fuel prices and the strain this can have on the logistics industry, which is an industry that is linked to multiple other industries, and by extension offers continuity and support to these other industries.

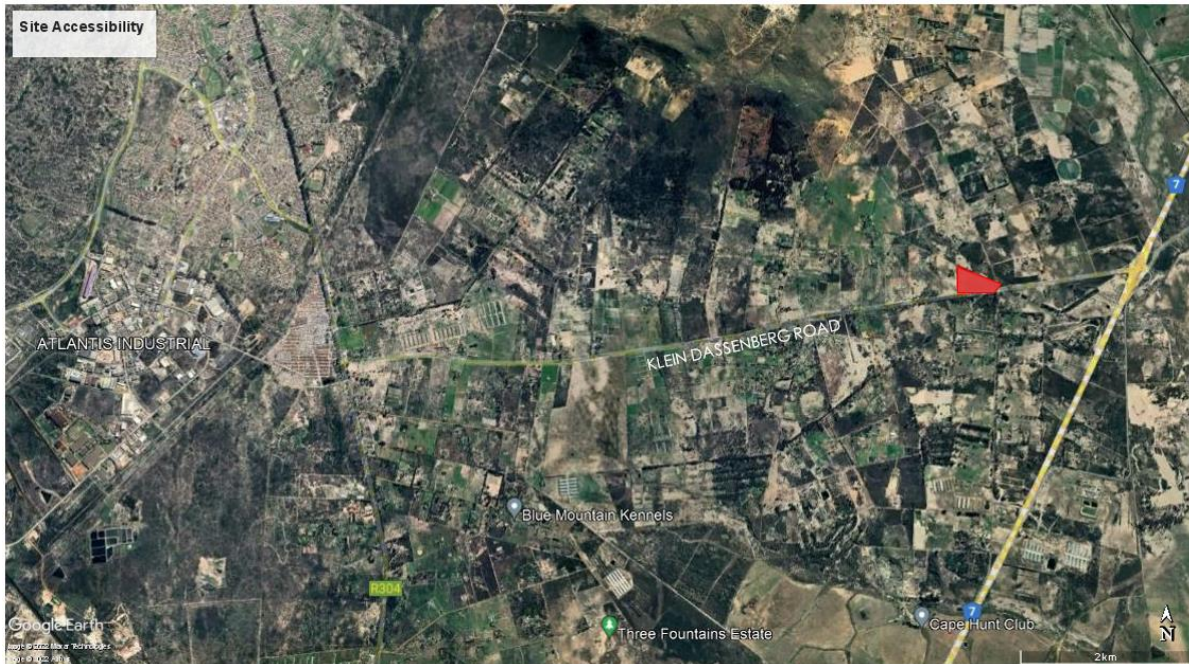
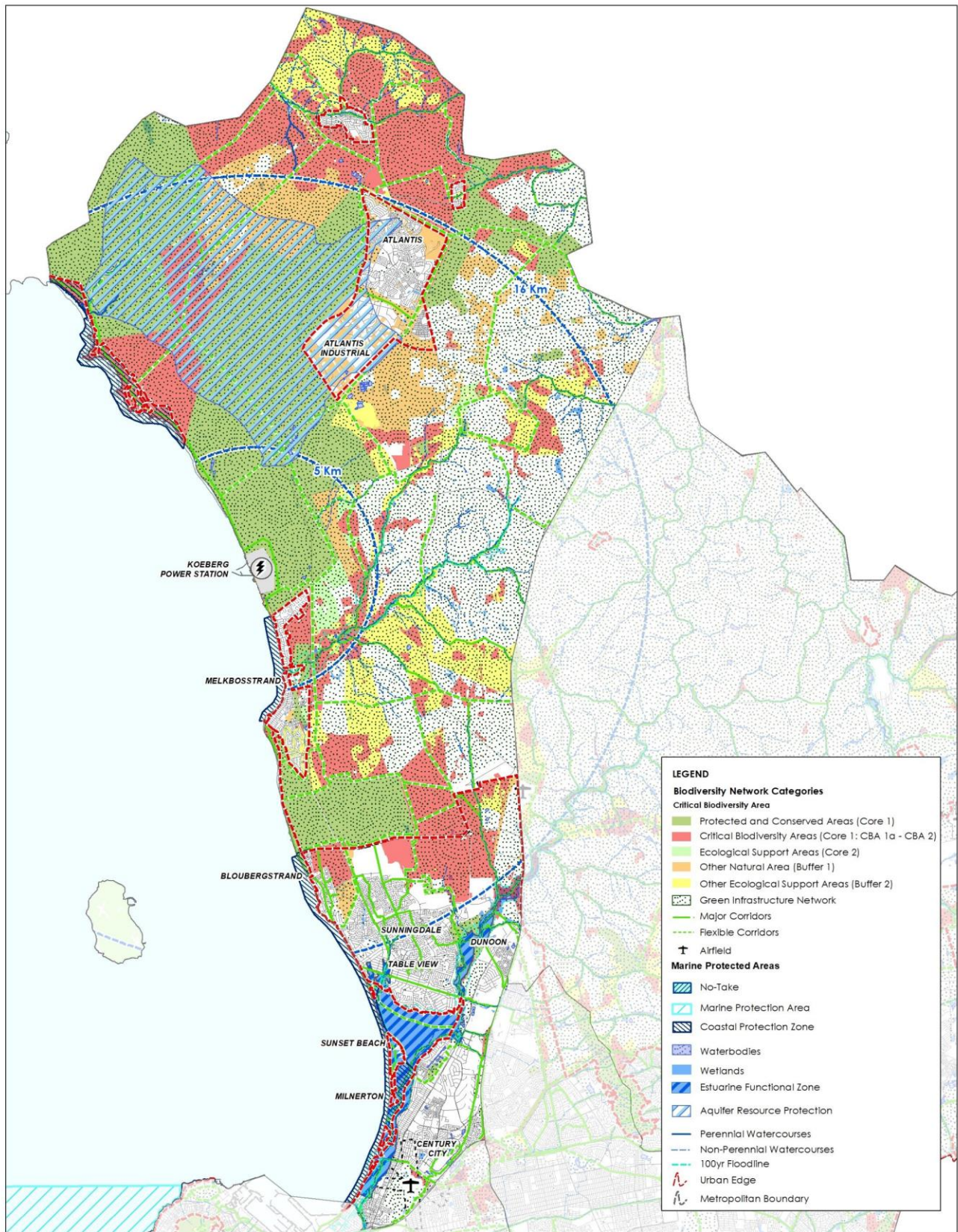


Figure 38: Access routes surrounding the proposed development.

The proposed development also aligns with the *Guiding Principle 5 of "Quality and Liveability"*, the quality of the environment contributes to liveability. The proposed development will occur in an already transformed area consisting of existing infrastructure and will not compromise the quality of any natural area, as well as not compromise on the living conditions evident on the property. The bunded areas are relatively small and the fuel will be stored above ground. The *National Environmental Health Norms and Standards for Premises (2015)* have been considered to ensure the protection of human health and the environment.

The *Western Cape PSDF (2014)* also makes provision for a city that challenges the issues of climate change and carbon emissions. In a 2011 study presented in the *Western Cape PSDF (2014)*, they compared urban sprawl to a compact city, they found that the most significant difference and implication is the increase in carbon emissions with a 22% difference in tons per CO² per annum. The proposed development is in a suitable location to centralise their service, reducing the travel costs when delivering to their clients. It is noted that the Applicant is attempting to reduce their carbon footprint, by centralizing their storage area, to meet the needs of their clients within the surrounding area. It will be recommended that if a feasible, carbon offset initiative is established locally, the applicant will be recommended to consider this in the future, in relation to the rest of their business activities.

Urban edge / Edge of Built environment for the area	YES	NO	Please explain
As indicated in Figure 39 the site is not located within the designated urban area.			



 <p>CITY OF CAPE TOWN ISIXEKO SASEKAPA STAD KAAPSTAD</p>	<p>SPATIAL PLANNING & ENVIRONMENT</p> <p>Spatial Planning & Design Urban Planning & Mechanisms</p> <p><small>Reason Note: Every effort has been made to ensure the accuracy of information in this map at the time of publication. The spatial data published in this map is a current, accurate and complete as provided by the various line departments responsible for the maintenance of these datasets. The City of Cape Town accepts no responsibility for, and will not be liable for, any errors or omissions contained herein.</small></p>	<p>Green Infrastructure & Conservation Biodiversity</p>		 <p>Transverse Mercator Projection, Central Meridian: 18° East, WGS84 Ellipsoid using the Hartebeesthoek94 Datum</p>	<p>District Spatial Development Framework</p> <p>BLAAUWBERG DISTRICT</p> <p>Date : August 2021</p>
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Figure 39: Green Infrastructure and Conservation Biodiversity Map from the Integrated District Spatial Development Framework and Environmental Management Framework, Blauwberg District, 2022.

Although not within the urban edge, the site falls within an area earmarked for Green Infrastructure Network and does not contain any area of conservation. Furthermore, the area is located outside of the 16km Koeberg Buffer Zone for restricted development.

Integrated Development Plan of the Local Municipality	YES	NO	Please explain
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The City of Cape Town's *Integrated Development Plan (2022-2027)* is the central strategy of the CoCT that communicates the City's long-term vision and how the City plans to achieve it. The vision is for Cape Town to be a 'City of Hope for all'. In achieving this vision there are six priority areas, refer to the figure below:

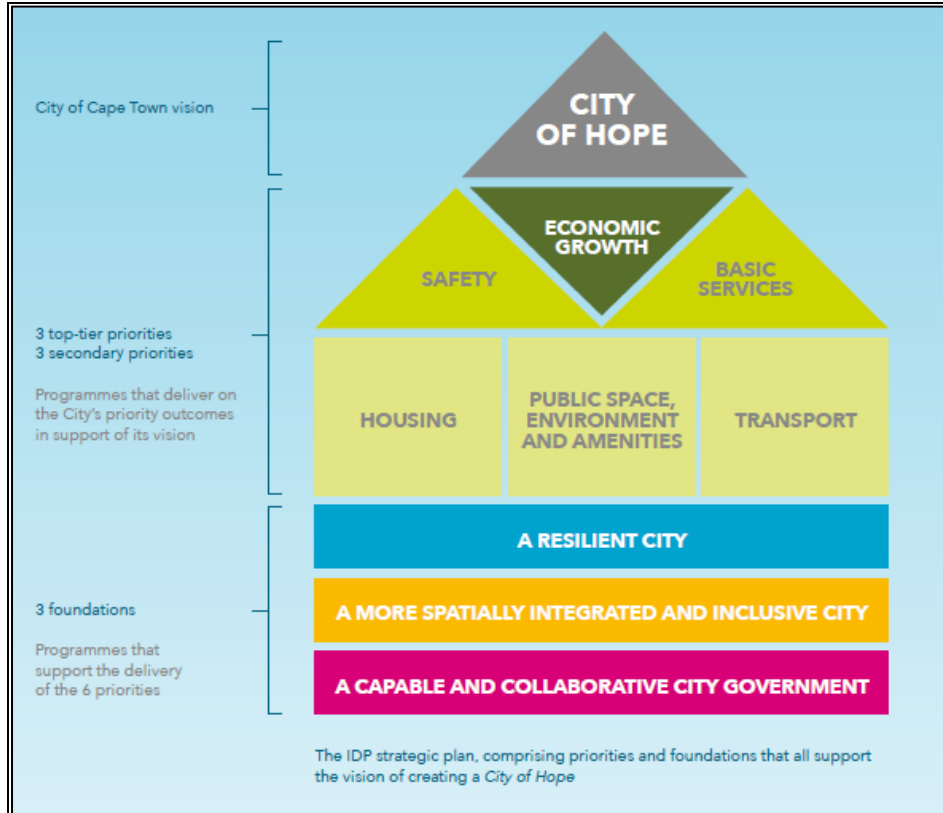


Figure 40: Priority Areas in achieving a City of Hope (CoCT IDP 2022-2027)

The proposed activity aligns with the priority of economic growth. According to the *CoCT IDP (2022-2027)*, economic growth is one of the most important priorities to focus on. It is proposed that those in the local areas be employed during the construction and operational phase of the development. This will allow for skills transfers, a contribution to employment opportunities and economic growth.

Due to the location of the proposed development, the operations of the proposed development will be centralised to provide fuel to the Applicant's local clients, this allows for efficient operations, reduced travelling costs and times. Additionally, the Applicant is providing fuel to their clients during a time where South Africa is faced with a shortage of oil refineries. Refineries across sub-Saharan Africa combined can process 1.36 million barrels of oil per day, but with many not being operational, only 30% of this capacity was used last year ¹.

Not only will the Applicant benefit from the proposed site location, but the development will contribute broadly to the logistical economy of South Africa. According to Stats SA (March 2023) freight transportation income between November 2022 – January 2023 for petroleum including other commodities was 3919 million Rand (see Figure 41 below)². As discussed, the proposed site is ideally located to provide bulk fuel services to the Applicant's clients. The proposed development will be

¹ Energy World (Accessed 04 October 2022) <https://energy.economicstimes.indiatimes.com/news/oil-and-gas/opinion-shortage-of-oil-refineries-haunts-africa-as-fuel-prices-rocket/91935453>

² StatsSA (Accessed 20 March 2023 October 2022) <https://www.statssa.gov.za/publications/P7162/P7162January2023.pdf>

supporting a key industry that employs multiple people, which in turn supports multiple other businesses and employees, in conclusion the development will be supporting the continuation and growth of the local economy.

Table B – Freight transportation income at current prices for the latest three months by type of commodity

Type of commodity	Nov 2021 – Jan 2022 (R million)	Weight (%)	Nov 2022 – Jan 2023 (R million)	% change between Nov 2021 – Jan 2022 and Nov 2022 – Jan 2023	Contribution (% points) to the total % change
Agriculture and forestry primary products	3 201	7,4	4 294	34,1	2,5
Primary mining and quarrying products	14 197	32,6	16 268	14,6	4,8
Manufactured food, beverages and tobacco products	5 311	12,2	6 552	23,4	2,9
Textiles, clothing and leather goods	1 129	2,6	1 204	6,6	0,2
Chemicals, coke, petroleum, rubber, plastic and other mineral products	3 521	8,1	3 919	11,3	0,9
Basic metals and fabricated metal products	630	1,4	680	7,9	0,1
Non-metallic products	384	0,9	449	16,9	0,2
Electrical machinery, transport machinery and equipment	542	1,2	629	16,1	0,2
Motor vehicles, parts and accessories	1 050	2,4	1 428	36,0	0,9
Paper and paper products	208	0,5	256	23,1	0,1
Commercial products	510	1,2	701	37,5	0,5
Used household and office products	1 225	2,8	1 666	36,0	1,0
Containers	1 793	4,1	1 943	8,4	0,3
Parcels	1 254	2,9	1 292	3,0	0,1
Other freight	8 590	19,7	10 281	19,7	3,9
Total income	43 547	100,0	51 562	18,4	18,4

Figure 41: Freight Transportation income (StatsSA 2023).

The priorities of the City of Hope rests on the foundation of "a resilient city" to increase the resilience of the city, poverty must be reduced, and employment opportunities should be made available to reduce the vulnerabilities of citizens. It is proposed that local labour (permanent and temporary) and, local contractors be used, and local materials be sourced during the construction and operational phase of the development.

Another foundation to be mentioned is that of 'a more spatially integrated and inclusive city'. The proposed development will contribute to the foundation of a 'spatially integrated and inclusive city' being that it is ideally located in an area that needs socio-economic upliftment, the construction and operations of the development will require employees, and as such by providing employment opportunities to local citizens, this will ensure a contribution towards a more inclusive city.

Spatial Development Framework of the Local Municipality

YES

NO

Please explain

Blaauwberg Spatial Development Framework and Environmental Management Framework, 2023

The Blaauwberg Spatial Development Framework and Environmental Management Framework, 2023, compiled by the City of Cape Town, was issued in January 2023 and is available in 3 volumes, ie:

- Volume 1 – Baseline and Analysis Report.
- Volume 2 – Draft Technical Report.
- Volume 3 – Implementation Plan.

Volume 1 of this document addresses the State of Freight in the District (section 6.5, page 89). The document highlights that this sector is critical to the efficient movement of goods in support of the economy and the provision of services. While there are concerns related to the:

- Hindrance to traffic flow, and trucks place a disproportionate maintenance burden on road infrastructure (and the impact of accidents are great).

Volume 1: The Blaauwberg SDF & EMF, 2023, further identifies one of the smallholdings identified in the area, as the Klein Dassenberg Smallholdings. This report indicates that the Klein Dassenberg is subject to the Klein Dassenberg Smallholding Area Development Framework (2002) which guides development in the area. This document notes, that the subdivision sizes are limited to 7ha, and there has been sporadic applications for subdivisions, and an increase in enquiries to accommodate zonings other than agricultural or rural. The area is indicated to be constrained in respect of services capacity (with particular reference to water). It should be noted that the site is beyond the 16km Koeberg Nuclear protection zones which prevent intensive land use, and will not require additional water capacity for operational purposes.

Volume 2 – Technical Report of this document, states that one of the Components & district elements are Smallholdings Properties, these are properties that came about primarily as a result of subdivision of former agricultural farmland and that still predominantly present a rural character, however with property sizes that do not support extensive farming. The Klein Dassenberg Smallholdings Area which includes the proposed site, is characterized as a Smallholding Property. The Guideline and management priority for this area includes:

Smallholdings outside of the urban development edge:

- Discourage the use of these properties for uses other than agricultural or related purposes to prevent the undermining of the predominantly rural character of these areas and potential decay of these areas as a result of establishment of undesirable uses such as industries including storage and warehousing.

Smallholdings inside the urban development edge:

- Encourage the redevelopment of these areas in a holistic and coherent manner in accordance with applicable approved development frameworks that are consistent with the proposals of the District Plan.

It is noted that according to Volume 2: Blaauwberg SDF & EMF, 2023, the site is located in a 'Discouraged Growth Area'. This is reflected in the City of Cape Town Municipal Spatial Development Framework (MSDF), 2018, as well. The City applies the principle of no investment from the City and the public. The emphasis/desired spatial outcome for this area is:

- Development permitted in respect of existing agricultural/rural zoning.
- The existence of soils with low agricultural potential is not sufficient reason to consider allocating urban development rights.

However, in terms of guidelines for development edges (page 75, Volume 2), it is recommended that with regard to all areas beyond the urban development edge (General), the following development guidelines are recommended:

- Land beyond the urban development edge should not be considered in general for any urban development normally associated with, and which should be accommodated within, city development. **However, application can still be made for uses not accommodated under the Agricultural or Rural zoning in the MPBL, but site- specific circumstances will need to be motivated and argued.**
- These areas support non-urban development and activities supportive of the recreational and/or tourism economy.
- However, limit the scale of such development, and restrict any sub-division, to maintain and consolidate the long-term integrity of these areas. Ensure any development is of limited visual impact from all significant roads, neighbours, and wider cultural landscape, with location, scale, form and screening key in this regard.

It is acknowledged that the proposal is located in an area zoned for such purposes. It is key to note that in terms of the MSDF (City of Cape Town Municipal Spatial Development Framework (2018), the proposal would align with the City's spatial strategies as follows:

- City of Cape Town's spatial strategy 2 i.e. 'Manage Urban Growth and Create a Balance Between Urban Development and Environmental Protection'.

To mention a few of the imperatives of this spatial strategy this includes the avoidance and appropriate management of negative development impacting on natural resources as well as taking into account biodiversity, aquatic resources and networks and agricultural areas. The proposed site is transformed and the proposed development will have low impacts on the environment. The site has little potential for agriculture because of the disturbed nature of the site. There are no existing areas of biodiversity or aquatic importance. It is for these reasons that the proposed development is in line with Spatial Strategy 2.

- City of Cape Town's spatial strategy 3 i.e. 'Plan for Employment and Improve Access to Economic Opportunities'.

According to the City of Cape Town Municipal Spatial Development Framework (2018), one of the imperatives for this spatial strategy is 'facilitating economic growth and responding appropriately to the spatial needs of the economic sectors that are attracted to and operate in Cape Town'. As raised previously the logistics industry is a key support industry for multiple other industries, that allow the various sectors within the City to thrive. This further supports the sub-strategy: 'promote inclusive, shared economic growth and development'. The proposed development will contribute to economic growth by supporting an industry that allows for the continuation and support of other sectors. It will further create employment and training for labour of various skill levels, regardless of background, both temporarily and permanently. In addition, the proposal will not create a typical industrial setup that would attract other similar or more significant developments, as this would only be for the Applicants use.

- Spatial Strategy 3 includes the introduction of land use policies and mechanisms that will support the development of small businesses (informal and formal). The city intends to support development of small businesses by unlocking industrial development close to areas of socio-economic need through non-financial incentives. The proposed activity is to provide support to the land occupier, with consent of the landowner, to utilize the transformed areas of the site to support the Applicants personal business. Additionally, the proposed development once operational will be contributing to larger scale logistic companies by providing clients with bulk fuel. When logistic companies can operate more efficiently, they are contributing to economic growth, supporting employment and improving livelihoods.

As per the recommendation for development guidelines, Volume 2, of the Draft SDF & EMF, 2022, pages 75 – 76, *"However, limit the scale of such development, and restrict any sub-division, to maintain and consolidate the long-term integrity of these areas. Ensure any development is of limited visual impact from all significant roads, neighbours, and wider cultural landscape, with location, scale, form and screening key in this regard."*

The site has not been utilized for intensive farming purposes and has been utilized to accommodate housing and equestrian activities. Therefore, attempting to retain the property (including the transformed area), for agricultural purposes will not prove feasible to the applicant, or to the landowner. This is a privately owned property, and should the landowner choose not to utilize it for agricultural purposes, etc., he is not inclined to, within reason. Taking into consideration, the above recommendation, the proposal is intended to:

- Accommodate two bunded areas, smaller than the existing housing on site. Therefore, all development will be confined to developed/disturbed areas and will not compromise the use of the rest of the site. Given that bunded areas will be utilized with above-ground tanks, any potential spillage will be contained, and the above-ground tanks can easily be removed with minimal risk or activity, during decommissioning. The bunded areas, can then be easily transformed for other purposes. Therefore, the proposal will not compromise the long-term integrity of the site.
- Support the continuation of the applicant's business, and will create minimal traffic impacts during operational phase, given that the development will only permit the movement of fuel in the applicant's personal vehicles, while still providing the support highlighted to be critical by the CoCT. The proposal is intended to accommodate for a wall along the northern boundary of the site, to limit visual impacts, and will retain existing trees (within the development footprint, if permitted following the risk assessment), where possible, for screening purposes. The site is not visible from the Klein Dassenberg Rd.

Approved Structure Plan of the Municipality	YES	NO	Please explain
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The Blaauwberg Spatial Development Framework and Environmental Management Framework, 2023, compiled by the City of Cape Town, was issued in January 2023 and is available in 3 volumes, ie:

- Volume 1 – Baseline and Analysis Report.
- Volume 2 – Draft Technical Report.
- Volume 3 – Implementation Plan.

Are discussed above.

An Environmental Management Framework (EMF) adopted by the Department	YES	NO	Please explain
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Please refer to responses provided above for the, "Spatial Development Framework of the Local Municipality".

Any other Plans	YES	NO	Please explain
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• SPATIAL PLANNING LAND USE MANAGEMENT ACT 16 OF 2013

The five founding principles as set out in Section 7 (a) to (e) of SPLUMA that apply throughout the country and to all SDFs are:

1. Spatial Justice: Redressing past spatial and other development imbalances through improved access to and use of land by disadvantaged communities.

The development will support the local community, by employing labour from the local community, of various skill levels, particularly those with limited skills, in order to upskill and educate. A predominant number of labour from previously disadvantaged backgrounds, will be sourced from the community.

2. Spatial Sustainability: Relates to the need to promote spatial planning and land use management and land development systems that are based on and promote the principles of socio-economic and environmentally sustainable development in South Africa.

The proposed development is aligned with the above principle as it intends to develop and operate on land that has been disturbed, utilizing existing infrastructure, and will result in low environmental impacts. The property is positioned away from dense residential/built-up areas, and will work toward supporting the logistics industry, which in turn supports multiple other industries and jobs. A rezoning consent use will be applied for in terms of the *City of Cape Town Municipal Planning By-law 2019*.

3. Efficiency: The spatial efficiency pillar places significant importance on the optimization of existing resources and the accompanying infrastructure, including efficiency of development application procedures in order to promote growth and employment.

The proposed development is aligned with the above principle as it intends to utilise existing infrastructure and retain as much of the natural resources as possible, without incurring additional strain on resources. The facility will provide for temporary and permanent employment and will support key industries, which if are able to thrive, can support additional employment.

4. Spatial Resilience: Relates to mitigation, adaptability and innovations to secure communities from spatial dimensions of socio-economic and environmental (climate change) shocks.

It has been indicated that the anticipated environmental impacts will be low, however consideration has been given to potential climate change mitigation and adaption measures, as follows:

- As the fuel storage site will only be utilized by the Applicant's personal vehicles, there will not be an increase in traffic in this areas, and therefore will not be a significant increase in carbon emissions.
 - Waste will be managed efficiently and where re-use or recycling can occur, this will be undertaken.
 - It has been recommended that a Major Hazard Installation Risk Assessment be undertaken to advise on appropriate safety measures to reduce fire risks.
 - It has been recommended that design measures be considered when positioning the above ground storage tanks to ensure that they are secure and stable.
 - On-going inspections/maintenance has been recommended during operational phase.
 - The Applicant will have a submersible pump available on site, to extract any water that may fill the bund areas, after a storm.
 - The Applicant will be encouraged to look into potential carbon off-setting programmes during operational phase.
5. Good Administration: Spatial planning vision and objectives are not only highly dependent upon a strong co-ordinating role of central government, but is also predicated upon good governance mechanisms, incorporating meaningful consultations and coordination with a view to achieving the desired outcomes across the various planning spheres and domains.

In accordance with Sections 41 and 42 of the 2014 EIA Regulations (as amended 2017) and the Guideline on Public Participation (2013), the environmental assessment of the proposed development will be subjected to public participation period which will allow for all registered interested and affected parties to comment on the proposed development.

• **SOUTH AFRICAN NATIONAL STANDARDS 10131:2004 (ABOVE -GROUND STORAGE TANKS FOR PETROLEUM PRODUCTS)**

The general purpose of bunding is to limit, contain, divert, minimise and manage the impact of accidental spillages and fires. The design should consider the optimisation of the installation and size of the bunded area in conjunction with the fire-fighting requirements of the installation.

The design of the bunded area has complied with the following standards in terms of its construction (the layout plans are provided within this application form):

- A slope of at least 1:100 away from the tank shall be provided to the bund wall toe.
- To permit access to the bunded area, the outside toe of the bund wall at ground level shall be:
 - the building line of the property, or
 - at a position not closer than 2 m from the property boundary that is or can be built on.

- The wall of the bunded area shall be of earth, solid masonry or concrete, and shall be designed to be liquid-tight and to withstand a full hydrostatic head of water. Earthen walls of height 1 m or higher shall have a flat section, not less than 0,6 m wide at the top. The slope of an earthen wall shall not exceed the angle of repose of the material of which the wall is constructed. Bund walls around the tank or the facility concerned shall have a minimum height of 350 mm.
- The minimum distance between a tank and the toe of an interior bund wall shall be 1,5 m.
- Provide for the drainage of rain and seepage water from the bunded area through a valve (the bund drain valve) on the outside of the bund wall. The valve shall always be kept closed. A drainage sump shall be provided inside the bunded area for all tanks of capacity exceeding 1 000 L. If provision has not been made for an oil or water separator downstream of the bund drain valve, the sump shall have an underflow arrangement.
- No storage of combustible materials shall be permitted in any bunded area.
- A bund wall shall not enclose any tank that contains anything other than a petroleum product.

The applicant is to comply with the SANS 10131:2004 where relevant.

NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT 103 OF 1977 (AMENDED 2008)

Section 4 of the act regulates that no person shall without the prior approval in writing of the local authority, erect any building in respect of which plans, and specifications are to be drawn and submitted in terms of this act. Furthermore, the application for approval must be in writing on a form made available for that purpose by the local authority. The application is to include the name and address of the applicant, plans, specifications as well as documents and information as required. Anyone in contravention of these provisions will be guilty of an offence and liable on conviction to a fine.

The Applicant is to ensure that all relevant building plans are approved by the City of Cape Town, prior to development, where applicable.

- **CITY OF CAPE TOWN COMMUNITY FIRE SAFETY BY-LAW, 2002 (as amended)**

The CoCT Community Fire Safety By-law, 2002 (as amended) provides for procedures, methods and practices to regulate fire safety within the COCT Municipality.

- Chapter 3 pertains to Fire Protection of Buildings.
- Chapter 4 pertains to Fire Safety Equipment.
- Chapter 5 pertains to Public Safety.
- Chapter 6 Housekeeping.
- Chapter 7 pertains to Fire Hazards and Fire Breaks.

All relevant items in line with the CoCT Community Fire Safety By-law, 2002 (as amended), Chapters 3 – 7, must be taken into consideration when finalizing the planned design and operation of the facility.

Chapter 8 provides for the regulations pertaining to Flammable Substances in the local government sphere so as to prevent and reduce fire hazards and/or threatening dangerous conditions. The following sections of the by-law may apply to the proposed development:

- 37 (1), it states that, "Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed."

The applicant is to submit a building plan to the municipality in accordance with the National Building Regulations and Building Standards Act 1977 (amended 2008). Building plans have been included in this application form.

- 37(6), states that the owner or person in charge of the premises may not store or use:—“(ii) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres, unless he has obtained a flammable substance certificate from the controlling authority.”

DANGER GROUP BASED ON FLAMMABILITY.

1	2	3
Danger Group	Closed Cup Flash Point (°C)	Initial Boiling Point(°C)
i	—	≤35 (°C)
ii	<23(°C)	>35 (°C)
iii	≥23≤60,5 (°C)	>35 (°C)
Iv	>60,5 – 100 (°C)	>35 (°C)

The proposed development includes:

- 1 x bunded structure approximate dimensions (6.8m x 26m) with a 1m high bund wall (8 x 23m³ tanks). Total anticipated capacity = 184m³
- 1 x bunded structure approximate dimensions (9m x 25m), with a 1m high bund wall (3 x 83m³ tanks and 2 x 32m³). Total anticipated capacity = 313m³

The owner or person in charge of the premises will need to apply for a flammable substance certificate from the controlling authority.

- Flammable Substance Certificate:

38. (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 37(6), must submit an application to the controlling authority as prescribed in the Schedule 2 of this By-law.

(2) The controlling authority may request additional information from the applicant.

(3) The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations as well as additional requirements set out in this By-law, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, they must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 37(6) and the issuing of the certificate.

(4) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed

(5) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-law.

(6) Notwithstanding subsection (5), when in the opinion of the controlling authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.

(7) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the controlling authority.

(8) A flammable substance certificate is valid only:—

- (a) for the installation for which it was issued;
- (b) for the state of the premises at the time of issue, and
- (c) for the quantities stated on the certificate.

(9) The flammable substance certificate must be available on the premises for inspection at all times.

(10) The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

- Section 39 Permanent or temporary above ground storage tank for a flammable liquid

Section 39(2) mentions, "A temporary above ground storage tank other than that at a bulk storage depot is permitted at the discretion of the controlling authority on the merit of the situation, provided that the following requirements are complied with – ..."

As this is a bulk storage depot, this Section is not applicable.

Further to this the following sections must be adhered to in terms of the design of the proposed development (the construction layout has been included in this application form).

- 39 (4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- 39 (6) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- 39 (7) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- 39 (8) A permanent or temporary tank must have a bund wall.
- 39 (9) Adequate precautions must be taken to prevent spillage during the filling of a tank.

It is required that the following be adhered to in terms of the City of Cape Town Community Fire Safety By-law, 2002 (as amended 2015) Section 39:

- (10) Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.
- (11) Symbolic safety signs depicting "**No Smoking**", "**No Naked Lights**" and "**Danger**" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.
- (12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- (13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (14) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

- Termination of the storage and use of flammable substances

Upon termination of the storage and use of the bulk fuel storage, the applicant is to ensure the correct procedures are followed in line with the CoCT Community Fire Safety By-law, 2022

Section 47. (1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:—

- (a) within seven days of the cessation, notify the controlling authority in writing thereof;
 - (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
 - (c) within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and
 - (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.

- Reporting accidents

Section 48 "If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the controlling authority."

- Container handling and storage Section 50

The applicant is to adhere to the below requirements in term of the handling and storage of the hazardous/flammable substances, where applicable.

- (1) All flammable substance containers must be kept closed when not in use.
- (2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.
- (3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
- (4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
- (5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.
- (6) An empty flammable liquid container must be placed in a flammable store.
- (7) Where a flammable store is not available for the storage of empty flammable liquid containers, the controlling authority may permit such storage in the open; provided that:—
 - (a) the storage area must be in a position and of sufficient size which in the opinion of the controlling authority, will not cause a fire hazard or other threatening danger;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence and:—
 - (i) the fence supports are of steel or reinforced concrete;
 - (ii) has an outward opening gate that is kept locked when not in use, and
 - (iii) when the floor area exceeds 10 m² an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
 - (c) the storage area is free of vegetation and has a non-combustible firm level base;
 - (d) a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;

(e) when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;

(f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SABS 1186: Part 1

(g) fire-fighting equipment is installed as determined by the controlling authority.

(8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

- Section 52A

Provides that the controlling authority may require a risk assessment to be carried out on a premises or portion of a premises where an installation or a quantity of a substance is present which in the opinion of the controlling authority poses a risk that could affect the safety of employees and the public.

In line with the City of Cape Town Community Fire Safety By-law, 2002 (as amended 2015) the applicant is to ensure that the above procedures, methods, and practices are adhered to, where applicable.

- Section 53. Dangerous goods certificate

(1) The operator of a vehicle designed for the transportation of flammable materials in excess of the exempt quantities as contained in Annexure A of SABS 0232-1 may not operate such a vehicle in the jurisdiction of the controlling authority, unless he has obtained a dangerous goods certificate issued by a fire brigade service in terms of the National Road Traffic Act.

[subsection (1) substituted by section 18 of the Amendment By-law, 2006 and of the Amendment By-law, 2007]

(2) An operator of a vehicle mentioned in subsection (1), must submit an application to the controlling authority as prescribed in Schedule 2 of this By-law.

(3) The controlling authority may request additional information from the applicant.

(4) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SABS 087: Part 4, SABS 089: Part 1, SABS 0230, SABS 1398, SABS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with subsection (1) as well as the dangerous goods certificate.

(5) A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.

(6) If at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 4(2) or 6(1) and section 7 of this By-law.

(7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection (1), unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.

(8) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in subsection (1), unless the operator meets the requirement in subsection (7).

(9) A dangerous goods certificate is valid only:—

- (a) for the vehicle for which it was issued;

(b) for the state of the vehicle at the time of issue, and

(c) for the quantities stated on the certificate.

(10) The dangerous goods certificate must be available in the vehicle mentioned in subsection (1) for inspection at all times.

(11) The controlling authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

Ensure that all vehicles designated for transporting dangerous goods, are certified accordingly, in line with Chapter 9, Section 53, of the Community Fire Safety By-law, 2002 (as amended).

- **NATIONAL ENVIRONMENTAL HEALTH NORMS AND STANDARDS FOR PREMISES, 2015**
- Section 14: Monitoring Standards for Hazardous Substances Control and Chemicals Management

The regulation and control of hazardous substances is vital to ensure the protection of human health and the environment.

The Department of Health is the custodian of the Hazardous Substances Act, 1973 and regulates the use of hazardous substances and chemicals and their impact on human health and the environment. In accordance with the norms and standards, the applicant is to ensure:

- Correct labelling of hazardous substances
- All active ingredients are indicated
- Warning signs are indicated
- Precautions are taken during storage
- All hazardous substances are registered with the Departments of Agriculture and Environmental Affairs;
- Hazardous substances control to prevent injury, ill-health or death by reason of the toxic, corrosive, irritant or flammable nature of substances;
- Control over the importation, manufacture, sale, operation, application, modification or dumping of such substances;
- Premises are licensed and registered with the appropriate authorities;
- Labelling regulations are complied with;
- Checking all stock records and ensuring the hazardous substance register is up to date
- That empty, containers are disposed of according to statutory requirements

The applicant is to ensure compliance with the South African Bureau of Standards (SABS) national standards on the identification and classification of dangerous goods and correct labelling. The Applicant is to ensure that an appropriate Environmental Health Practitioner is appointed to undertake the relevant inspections and assessments.

The applicable environmental health monitoring standards in terms of the proposed development are:

- Environmental Health Practitioners (EHP) are to inspect hazardous substances premises at least twice a year. The inspections include the assessment of aspects such as storage and labelling.
- Environmental health practitioners issue the valid license in terms of the hazardous substance for the proposed development.

- Inspection checklists are designed and utilised for all inspections conducted to guide and ensure complete assessment.
 - An inspection report, indicating the conditions of the premises as well as the recommendations applicable, is issued to the owner or person in charge after every inspection.
 - Health and safety education forms an integral part of all Environmental Health compliance monitoring inspections.
 - A risk assessment of hazardous substance dealers' premises is conducted by an authorized EHP to assess conditions on the premises that may pose a threat to the health, safety and welfare of workers and the public.
 - An inventory of hazardous substances dealers and premises (both registered and unregistered) is kept and maintained for monitoring and control purposes.
- **HAZARDOUS SUBSTANCES ACT 15 OF 1973 (AMENDED 1999)**

The Hazardous substances act provides for the control of substances which may cause harmful impacts or mortality if not handled and managed in accordance with the regulations.

In addition to the above National Environmental Health Norms and Standards for Premises, 2015, the general requirements for the storage of hazardous substances in terms of the Hazardous Substances Act 1973 (amended 1999) are to be adhered to, where necessary.

- Section 1: No operation should commence on any premises unless approval has been granted by the relevant municipality concerned; and

(a) A certificate of occupancy has been issued by the relevant municipality concerned in accordance with the national building regulations.

(b) All permits are renewed as necessary and as required by the relevant municipality concerned.

(c) The continuation of operation without a prescribed permit is not permitted.

(d) The operation of a hazardous facility on any premises shall be based on:

(i) Nature of the goods to be stored, proposed stock levels and the degree of hazard that will be presented to be considered;

(ii) The zoning or land use requirements of the municipality;

(iii) Fire protection, security and general service facilities in the area;

(iv) Proximity to houses, schools, hospitals, shopping areas, food manufacturers and offices;

(v) Proximity to water courses (surface and underground) and to open storm water channels;

(vi) Proximity to combustible vegetation;

(vii) Prevailing winds and climatic factors;

(viii) The highest recorded flood level in the proposed storage area, and the susceptibility of the area to flooding;

(ix) Water table depths, soil types and the location of existing boreholes within 500 m of the site;

(x) Access to the site and in particular to buildings, by emergency services vehicles, preferably from two sites;

(xi) Safe escape from the effects of fire or other hazards in each of the buildings on site; and

(xii) Suitable access for the loading and unloading of delivery vehicles.

- Section 2: In relation to the construction, the following is to be complied with:

(a) The building design and construction must comply with the requirements of the *National Building Regulations* (as discussed above under the National Building Regulations Act)

(b) The recommendations of SANS 10139 shall be taken into account with regard to the fire prevention and firefighting aspects of the building.

(d) Load bearing construction elements, walls, floors, doors and gates must be made of non-combustible materials that are impervious to the hazardous substances/pesticides to be stored.

(e) The frame shall be concrete or steel. If steel frame used, it is fire protected to give the required stability.

- In addition to the above, section 3 makes provision for the requirements of the floor and spillage containment

(e) The kerb, sill or bund wall that forms the perimeter of the floor should at least be 200 mm high and 110 mm wide (two layers of bricks).

(f) The floor and the bund wall must be plastered and sealed with ramps inclined to a gradient of 1 in 10 to allow for vehicle access. Alternatively, a sump of capacity 10% of the total available storage volume can be constructed.

According to the site layout plans the applicant adheres to the above requirements, as relevant to their design.

- Section 12 provides for the storage facilities for flammable substances

(a) Flammable liquids must be stored in a separate area or room and must be enclosed with a fire resistant material that can resist fire for at least 120 minutes from any room, cabinet or enclosure.

(b) The floor of the storage area must be constructed in such a way that in case of a spillage, a volume equal to the quantity of the flammable liquid ordinarily kept in the store, plus 10 % of that quantity can be obtained.

(c) The flammable liquids store must be clearly marked with the flammable liquid hazard class diamond and the applicable symbolic safety signs in accordance with SANS 1186-1. The type and amount of flammable liquid stored should be indicated at the entrance to the store.

(d) An adequate amount of firefighting equipment should be provided, as required by the local fire authority.

- In addition to this the following fire protection, emergency planning and emergency training should be implemented and adhered to if appropriate

(c) The health safety representative(s) or the health and safety committee must develop an on-site emergency plan in consultation with the local emergency services. Any risks related to the health and safety of the public in the event of an incident must be taken into consideration.

(d) The on-site emergency plan must be updated at least once every three years in consultation with the local emergency services. A copy of the emergency plan must be signed by the operator in the presence of two witnesses who attest the signature.

(e) All operators must be conversant with the on-site emergency plan and it is readily available at all times for implementation and use.

(f) The on-site emergency plan must be tested (by means of an emergency exercise) at least once a year and a record shall be kept of each emergency exercise.

(g) All operators must be trained in the use of the different types of fire extinguishers on site, and practice their duties as set out under the emergency plan.

(h) The emergency training includes initiation of the alarm; correct use of the firefighting equipment; evacuation procedures; roll calls and fire drills.

Comply with the MHI (Major Hazard Installation) Specialist's recommendations.**CITY OF CAPE TOWN WASTEWATER AND INDUSTRIAL EFFLUENT BY-LAW, 2013**

While no separate facility will be established for the storage and treatment facilities for solid waste and effluent generated, there is limited effluent intended to be generated. A sump has been indicated in each proposed bunded structure, and the foundation of the infrastructure will be raised in order to channel any leaks/spills toward the sump area.

The sump will capture any excess fuel. This fuel can be considered contaminated and therefore effluent/waste. It can be pumped out directly from the sump, using a submersible pump, contained, and disposed of in an appropriate manner at an appropriate disposal site.

According to section 2(1) of the City of Cape Town Wastewater and Industrial Effluent By-law (2013), the owner of the property must submit and implement a waste management plan, including a waste minimisation schedule which includes a chemical management plan or any other plan the City deems necessary.

- **CITY OF CAPE TOWN INTEGRATED WASTE MANAGEMENT BY-LAW 2009 (AS AMENDED 2016)**

As per section 4 it is required that that a waste generator must:

- Avoid the generation of waste or where it cannot be avoided minimise the toxicity of and the amount of waste generated
- Any person who directly or indirectly generates building waste or the owner of the property on which such building waste is generated shall remove and dispose of it at a licenced crushing plant or landfill site or any other licenced building waste disposal facility
- Manage waste so that it does not endanger health or the environment or create a nuisance;

As per section 5, should hazardous waste incur, the waste generator (i.e. who generates hazardous waste) must keep record of the waste generated and the waste handover to the waste transporters to be delivered to waste management facilities.

In accordance with section 10, an Integrated Waste Management Plan must be submitted to the waste management officer for approval prior to the generation of the waste to be dealt with. The Integrated Waste Management Plan must include:

- a)an assessment of the quantity and type of waste that will be generated;
- (b)a description of the services required to store, collect, transport and dispose of such waste;
- (c)a description of how they intend separating recyclable and non-recyclable material at the point of source;
- (d)the waste minimisation and pollution prevention plans of such waste generator;
- (e)the impact or potential impact on the environment of the waste created by them;
- (f)the type or characteristics of waste produced of an environmentally sensitive nature or the amount of natural resources that are consumed in the manufacturing or production process that result in waste; and
- (g)targets for waste production through waste minimisation, re-use, recycling and recovery measures or programmes that can minimise the consumption of natural resources and the method of disposal of waste.

During operational phase, it is anticipated that there will be minimal hazardous waste produced, however, spill kits will be accommodated on site, to collect hazardous waste, and these will be managed appropriately, in line with the applicable legislation.

SECTION D: NEED AND DESIRABILITY

Please Note: Before completing this section, first consult this Department's *Guideline on Need and Desirability* (March 2013) available on the Department's website (<http://www.capegateway.gov.za/eadp>).

1. Was the activity permitted in terms of the property's land use rights at the time of commencement?	YES	NO	Please explain
<p>No, the property is zoned as an agricultural zone according to the <i>City of Cape Town's Municipal Planning By-law (2019)</i> and does not make provision for bulk fuel storage. However, the City of Cape Town may approve consent use applications for the proposed activity provided that the activity does not adversely affect the agricultural potential of the property.</p> <p>The site has not been utilized for intensive farming purposes and has been utilized to accommodate housing and equestrian activities. Therefore, attempting to retain the property (including the transformed area), for agricultural purposes will not prove feasible to the applicant, or to the landowner, This is a privately owned property, and should the landowner choose not to utilize it for agricultural purposes, etc, he is not inclined to, within reason. Taking into consideration, the above recommendation, the proposal is intended to:</p> <ul style="list-style-type: none"> Accommodate two bunded areas, smaller than the existing housing on site. Therefore, all development will be confined to developed/disturbed areas and will not compromise the use of the rest of the site. Given that bunded areas will be utilized with above ground tanks, any potential spillage will be contained, and above ground tanks can easily be removed with minimal risk or activity, during decommissioning. The bunded areas, can then be easily transformed for other purposes. Therefore, the proposal will not compromise the long-term integrity of the site. Support the continuation of the applicant's business, and will create minimal traffic impacts during operational phase, given that the development will only permit the movement of fuel in the applicant's personal vehicles, while still providing the support highlighted to be critical by the CoCT. The proposal is intended to accommodate for a wall along the norther boundary of the site, to limit visual impacts, and will retain existing trees (within the development footprint, if permitted following the risk assessment), where possible, for screening purposes. The site is not visible from the Klein Dassenberg Rd. <p>A Town Planning application will be undertaken on the conclusion of the S24G.</p>			

2. Was the activity in line with the following?	YES	NO	Please explain
(a) Provincial Spatial Development Framework (PSDF)	YES	NO	Please explain
<p>The proposed activity aligns with the <i>Western Cape Provincial Spatial Development Framework (2014) Guiding Principles</i>.</p> <p><i>Guiding Principle 1 – "Spatial Justice"</i> The guiding principle makes mention of a society that is equal and inclusionary. In achieving equality and social justice, opportunities are to be made to all in the community which also includes marginalised and disadvantaged groups in society. The proposed development will be contributing to the guiding principle 1, by employing those in the local communities during the construction and operational phase of the development. This will allow for quality of life to be improved for those employed.</p> <p><i>Guiding Principle 2 – "sustainability and resilience"</i> This requires that "<i>land development be spatially compact, resource-frugal, compatible with cultural and scenic landscapes and should not involve the conversion of high potential agricultural land or compromise ecosystems.</i>" As mentioned previously, the proposed development will include a small bunded area and above-ground fuel, therefore resulting in minimal impact to the existing</p>			

groundcover of the site to allow for future use. The proposed site has been zoned for agricultural use, however, the site has been significantly transformed and there are existing infrastructures present, as such the site has low agricultural potential. In terms of the visual aspect of the development, 1 meter high bund walls will be constructed to minimise the view of the fuel storage tanks. Additionally a wall will be constructed in the northern boundary of the site.

Guiding Principal 4 – “Accessibility”

The proposed site is connected to the Atlantis Industrial area via Klein Dassenberg Road. The site is ideally situated between the N7 and the Atlantis Special Economic Zone (SEZ). This transport linkage between the site and the Atlantis SEZ allows for accessibility because the applicant will be able to efficiently provide fuel to their clients via the existing transport routes, by centralising their services for their clients in the surrounding areas.

Guiding Principle 5 - “Quality and Liveability”

The quality of the environment contributes to liveability. The proposed development will have low impact on the environment. The development is taking place on an already transformed area consisting of existing infrastructure. As indicated in Section D of this application form, the site holds no biodiversity area of conservation importance. A wall is proposed to be built on the northern boundary within the site and will not extend beyond. The bunded areas are small and the fuel will be stored above ground.

The Western Cape PSDF also makes provision for a city that challenges the issues of climate change and carbon emissions. In a 2011 study presented in the Western Cape PSDF (2014), they compared urban sprawl to a compact city, they found that the most significant difference and implication is the increase in carbon emissions with a 22% difference in tons per CO² per annum. The proposed development is in a suitable location to centralise their service and allow ease of access to fuel for clients in the surrounding areas, thereby reducing their carbon emission contributions. The proposed development is in a suitable location to centralise their service, reducing the travel costs when delivering to their clients. It is noted that the Applicants is attempting to reduce their carbon footprint, by centralizing their storage area, to meet the needs of their clients within the surrounding area. It will be recommended that if a feasible, carbon offset initiative is established locally, the applicant will be recommended to consider this in the future, in relation to the rest of their business activities.

(b) Urban edge / Edge of Built environment for the area	YES	NO	Please explain
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The proposed site and activity is and will be located outside the urban edge. However, the development will support the logistics industry directly, which in turn will support other industries in the urban areas.

(c) Integrated Development Plan and Spatial Development Framework of the Local Municipality (e.g. would the approval of this application have compromised the integrity of the existing approved and credible municipal IDP and SDF?).	YES	NO	Please explain
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Blaauwberg Spatial Development Framework and Environmental Management Framework, 2023

The Blaauwberg Spatial Development Framework and Environmental Management Framework, 2022, compiled by the City of Cape Town, is available in 3 volumes, i.e.:

- Volume 1 – Baseline and Analysis Report.
- Volume 2 – Technical Report.
- Volume 3 – Implementation Plan.

Volume 1 of this document addresses the State of Freight in the District (section 6.5, page 89). The document highlights that this sector is critical to the efficient movement of goods in support of the economy and the provision of services. While there are concerns related to the:

- Hindrance to traffic flow, and trucks place a disproportionate maintenance burden on road infrastructure (and the impact of accidents are great).

Volume 1: Blaauwberg SDF & EMF, 2022, further identifies one of the smallholdings identified in the area, as the Klein Dassenberg Smallholdings. This report indicates that the Klein Dassenberg is subject to the Klein Dassenberg Smallholding Area Development Framework (2002) which guides development in the area. This document notes, that the subdivision sizes are limited to 7ha, and there have been sporadic applications for subdivisions, and an increase in enquiries to accommodate zonings other than agricultural or rural. The area is indicated to be constrained in respect of services capacity (with particular reference to water). It should be noted that the site is beyond the 16km Koeberg Nuclear protection zones which prevent intensive land use, and will not require additional water capacity for operational purposes.

Volume 2 – Technical Report of this document, states that one of the Components & district elements are Smallholdings Properties, these are properties that came about primarily as a result of subdivision of former agricultural farmland and that still predominantly present a rural character, however with property sizes that do not support extensive farming. The Klein Dassenberg Smallholdings Area which includes the proposed site, is characterized as a Smallholding Property. The Guideline and management priority for this area includes:

Smallholdings outside of the urban development edge:

- Discourage the use of these properties for uses other than agricultural or related purposes to prevent the undermining of the predominantly rural character of these areas and potential decay of these areas as a result of establishment of undesirable uses such as industries including storage and warehousing.

Smallholdings inside the urban development edge:

- Encourage the redevelopment of these areas in a holistic and coherent manner in accordance with applicable approved development frameworks that are consistent with the proposals of the District Plan.

It is noted that according to Volume 2: Blaauwberg SDF & EMF, 2023, the site is located in a 'Discouraged Growth Area'. This is reflected in the City of Cape Town Municipal Spatial Development Framework (MSDF), 2018, as well. The City applies the principle of no investment from the City and the public. The emphasis/desired spatial outcome for this area is:

- Development permitted in respect of existing agricultural/rural zoning.
- The existence of soils with low agricultural potential is not sufficient reason to consider allocating urban development rights.

However, in terms of guidelines for development edges (page 75, Volume 2), it is recommended that with regard to all areas beyond the urban development edge (General), the following development guidelines are recommended:

- Land beyond the urban development edge should not be considered in general for any urban development normally associated with, and which should be accommodated within, city development. **However, application can still be made for uses not accommodated under the Agricultural or Rural zoning in the MPBL, but site- specific circumstances will need to be motivated and argued.**
- In these areas support should be provided to non-urban development and activities supportive of the recreational and/or tourism economy.
- However, limit the scale of such development, and restrict any sub-division, to maintain and consolidate the long-term integrity of these areas. Ensure any development is of limited visual impact from all significant roads, neighbours, and wider cultural landscape, with location, scale, form and screening key in this regard.

It is acknowledged that the proposal is located in an area zoned for such purposes. It is key to note that in terms of the MSDF (City of Cape Town Municipal Spatial Development Framework (2018)), the proposal would align with the City's spatial strategies as follows:

- City of Cape Town's spatial strategy 2 i.e. 'Manage Urban Growth and Create a Balance Between Urban Development and Environmental Protection'.

To mention a few of the imperatives of this spatial strategy this includes the avoidance and appropriate management of negative development impacting on natural resources as well as taking into account biodiversity, aquatic resources and networks and agricultural areas. The proposed site is transformed and the proposed development will have low impacts on the environment. The site has little potential for agriculture because of the disturbed nature of the site. There are no existing areas of biodiversity or aquatic importance.

- City of Cape Town's spatial strategy 3 i.e. 'Plan for Employment and Improve Access to Economic Opportunities'.

According to the City of Cape Town Municipal Spatial Development Framework (2018), one of the imperatives for this spatial strategy is 'facilitating economic growth and responding appropriately to the spatial needs of the economic sectors that are attracted to and operate in Cape Town'. As raised previously the logistics industry is a key support industry for multiple other industries, that allow the various sectors within the City to thrive. This further supports the sub-strategy: 'promote inclusive, shared economic growth and development'. The proposed development will contribute to economic growth by supporting an industry that allows for the continuation and support of other sectors, it will further create employment and training for labour of various skill levels, regardless of background, both temporarily and permanently. In addition, the proposal will not create a typical industrial setup that would attract other similar or more significant developments, as this would only be for the Applicants use.

- Spatial Strategy 3 includes the introduction of land use policies and mechanisms that will support the development of small businesses (informal and formal). The city intends to support development of small businesses by unlocking industrial development close to areas of socio-economic need through non-financial incentives. The proposed activity is to provide support to the land occupier, with consent of the landowner, to utilize the transformed areas of the site to support the Applicants personal business. Additionally, the proposed development once operational will be contributing to larger scale logistic companies by providing clients with bulk fuel. When logistic companies can operate more efficiently, they are contributing to economic growth, supporting employment and improving livelihoods.

As per the recommendation for development guidelines, Volume 2, of the Draft SDF & EMF, 2022, pages 75 – 76, "However, limit the scale of such development, and restrict any sub-division, to maintain and consolidate the long-term integrity of these areas. Ensure any development is of limited visual impact from all significant roads, neighbours, and wider cultural landscape, with location, scale, form and screening key in this regard."

The site has not been utilized for intensive farming purposes and has been utilized to accommodate housing and equestrian activities. Therefore, attempting to retain the property (including the transformed area), for agricultural purposes will not prove feasible to the applicant, or to the landowner. Taking into consideration, the above recommendation, the proposal is intended to:

- Accommodate two bunded areas, smaller than the existing housing on site. **Therefore, all development will be confined to developed/disturbed areas and will not compromise the use of the rest of the site.** Given that bunded areas will be utilized with mobile tanks, any potential spillage will be contained, and mobile tanks can easily be removed with minimal risk or activity,

<p>during decommissioning. The bunded areas, can then be easily transformed for other purposes. Therefore, the proposal will not compromise the long-term integrity of the site.</p> <ul style="list-style-type: none"> Support the continuation of the applicant's business, and will create minimal traffic impacts during operational phase, given that the development will only permit the movement of fuel in the applicant's personal vehicles, while still providing the support highlighted to be critical by the CoCT. The proposal is intended to accommodate for a wall along the norther boundary of the site, to limit visual impacts, and will retain existing trees (within the development footprint, if permitted following the risk assessment), where possible, for screening purposes. The site is not visible from the Klein Dassenberg Rd. 			
(d) Approved Structure Plan of the Municipality	YES	NO	Please explain
<p>The Blaauwberg Spatial Development Framework and Environmental Management Framework, 2022, compiled by the City of Cape Town, is available in 3 volumes, i.e.:</p> <ul style="list-style-type: none"> Volume 1 – Baseline and Analysis Report. Volume 2 – Technical Report. Volume 3 – Implementation Plan. <p>Are discussed above.</p>			

(e) An Environmental Management Framework (EMF) adopted by the Department (e.g. Would the approval of this application have compromised the integrity of the existing environmental management priorities for the area and if so, can it be justified in terms of sustainability considerations?)	YES	NO	Please explain
<p>Refer to the response for point (c) above.</p>			
(f) Any other Plans (e.g. Guide Plan)	YES	NO	Please explain
<p>As detailed in Section C, other plans addressed includes:</p> <ul style="list-style-type: none"> Spatial Planning Land Use Management Act 16 Of 2013. South African National Standards 10131:2004 (Above-Ground Storage Tanks for Petroleum Products). National Building Regulations and Building Standards Act 103 Of 1977 (Amended 2008). City of Cape Town Community Fire Safety By-Law, 2002 (as amended). National Environmental Health Norms and Standards for Premises, 2015. Hazardous Substances Act 15 Of 1973 (Amended 1999). City Of Cape Town Wastewater and Industrial Effluent By-Law, 2013 City Of Cape Town Integrated Waste Management By-Law 2009 (As Amended 2016) 			

3. Was the land use (associated with the activity for which rectification is sought) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority (i.e. was the development in line with the projects and programmes identified as priorities within the relevant IDP)?	YES	NO	Please explain
<p>While this development did not fall under a priority project and programmes, it does align with priority strategies detailed in the SDF, as mentioned in Section C.</p>			

4. Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) have occurred here when activities commenced?	YES	NO	Please explain

No, the property is zoned as an agricultural zone according to the City of Cape Town's Municipal Planning By-law (2019) and does not make provision for bulk fuel storage. However, the City of Cape Town may approve consent use applications for the proposed activity provided that the activity does not adversely affect the agricultural potential of the property (

The site has not been utilized for intensive farming purposes and has been utilized to accommodate housing and equestrian activities. Therefore, attempting to retain the property (including the transformed area), for agricultural purposes will not prove feasible to the applicant, or to the landowner. Taking into consideration, the above recommendation, the proposal is intended to:

- Accommodate two bunded areas, smaller than the existing housing on site. Therefore, all development will be confined to developed/disturbed areas and will not compromise the use of the rest of the site. Given that bunded areas will be utilized with above ground tanks, any potential spillage will be contained, and above ground tanks can easily be removed with minimal risk or activity, during decommissioning. The bunded areas, can then be easily transformed for other purposes. Therefore, the proposal will not compromise the long-term integrity of the site.
- Support the continuation of the applicant's business, and will create minimal traffic impacts during operational phase, given that the development will only permit the movement of fuel in the applicant's personal vehicles, while still providing the support highlighted to be critical by the CoCT. The proposal is intended to accommodate for a wall along the norther boundary of the site, to limit visual impacts, and will retain existing trees (within the development footprint, if permitted following the risk assessment), where possible, for screening purposes. The site is not visible from the Klein Dassenberg Rd.

A Town Planning application will be undertaken once the S24G Application has concluded.

5. Does the community/area need the activity and the associated land use concerned (was it a societal priority)? (This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate.)	YES	NO	Please explain
<p>It does not directly support the local community/area, however it does support the districts growth, as it supports a key industry, that has a national reach, that being the logistics industry. The proposal will support the area and district as follows:</p> <p><u>Fuel Prices and Availability:</u></p> <p>From a national priority context, South Africa is faced with a shortage of oil refineries (as mentioned previously) and fuel prices have fluctuated over the past few years. GlobalPetrolPrice.com indicated that South Africa observed an average value of R24.88, between the periods of 14-Nov-2022 to 20-Feb-2023, with a maximum of R27.45 on 14-Nov-2022². South Africa's fuel prices are adjusted on a monthly basis and are informed by international and local factors. International factors include movements in the international price of crude oil. South Africa imports both crude oil and finished products at a price set at the international level, including importation costs³.</p> <p>The price of fuel is expected to continue to fluctuate, meaning transport costs have the potential to rise, particularly diesel. For local businesses responding to the increase in prices and ensuring a reliable</p>			

³ Minister Gwede Mantashe announces adjustment of fuel prices effective from 7 September 2022. Published 05 September 2022. <https://www.gov.za/speeches/minister-gwede-mantashe-announces-adjustment-fuel-prices-effective-7-september-2022-5-sep>

² GlobalPetrolPrices.com (2023) Accessed on February 2023. https://www.globalpetrolprices.com/South-Africa/diesel_prices/#:~:text=The%20average%20value%20for%20South,is%2033.23%20South%20African%20Rand.

¹ StatsSA (2011) https://www.statssa.gov.za/?page_id=4286&id=295

supply of quality fuel is a major challenge. The intended bulk fuel storage proposal will provide bulk fuel for their local logistics clients and thereby contributing to their operations by eliminating the uncertainty of the fuel availability, that exists nationally, furthermore, by ensuring that these companies can continue, the industries that they service (ie. transport of food, goods, etc.) will also be supported. This ensures that the delivery of these goods, are undertaken as planned, which supported the urban areas, as these are where most of these goods are sold. The site is located off of Klein Dassenberg Road and situated between the N7 and the Atlantis SEZ. By centralizing their location, the Applicant will support their local clients, while reducing travelling time for supply.

Supporting Employment

Economic growth at both a national and city level has not managed to keep pace with population growth. According to the *City of Cape Town's IDP (2022-2027)* in 2020, altogether 1,5 million individuals in Cape Town were employed, 429 128 were unemployed but searching, and another 29 241 were discouraged job seekers. Although Cape Town's broad unemployment rate has remained lower than any other metro, the 30,2% recorded in the third quarter of 2021 is the city's highest recording since 2008. The IDP further explains that the pandemic has declined economic growth, raised unemployment, and increased the levels of poverty in Cape Town. As such *the City of Cape Town's IDP (2022 – 2027)* indicates that economic growth is one of its priorities in achieving a 'City of Hope'. The guiding priority is to support meaningful faster economic growth that enables people to lift themselves out of poverty.

According to the Draft Blaauwberg SDF & EMF (COCT, 2022), the population in the Blaauwberg District more than doubled from 152 299 to 321 692 between 2001 and 2018, this translates to an annual population growth rate around 7%. As per the 2011 StatsSA¹ data, there is no information available on the Klein Dassenberg Smallholdings, however Cape Farms has a total population of 1,563, of this approximately 20,9% comprised of youth between the ages of 0 – 14years old, however, the population is dominated by people of working age, (15-64), equating to approximately, 73,4%. Therefore, labour can be sourced from the local community, which would provide opportunity for employment, skill transfer, knowledge growth, and experience, which can then be applied to future job opportunities, regardless of employment being temporary or permanent.

The site is located in close proximity to the Atlantis Industrial Zone, which is approximately 7,8 km west of the site. The Atlantis Industrial Zone was declared as a Special Economic Zone in June 2018. According to the official Atlantis SEZ webpage, the area has attracted R790 Million investment as of June 8, 2022. The site is connected to the Atlantis SEZ via Klein Dassenberg Road and is ideally situated between the N7 and the Atlantis SEZ. A bulk fuel storage facility will provide support for industries in the surrounding area, including the Atlantis SEZ, reducing traveling costs for bulk fuel supply and contributing towards local economic growth.

The proposed development's establishment and construction will contribute to economic growth by providing employment opportunities, during construction and on a permanent basis, during operational phase, for labour of various skill levels, backgrounds, and genders. The Applicants target industry is the logistics industry, which is highly dependent on fuel, and fuel availability to ensure business continuation, which in turn supports their range of employees, and in turn supports their clients, and the employees of those businesses. The development will essentially provide key support for the local economy, and business continuation for significant industries that cater to people in both urban and outlying areas.

<p>6. Were the necessary services with adequate capacity available (at the time of commencement), or was additional capacity created to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the Application Form / additional information as an appendix, where applicable.)</p>	<p>YES</p>	<p>NO</p>	<p>Please explain</p>
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The proposal did not require additional services and did not create additional strain on existing resources. The site is serviced by a borehole for water, utilizes a french drain in terms of sewer system, and depends on Eskom for electricity supply (which is not anticipated to increase significantly due to the proposed development).

<p>7. Is/was this development provided for in the infrastructure planning of the municipality, and if not what was/will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)? (Comment by the relevant Municipality in this regard must be attached to the Application Form / additional information as an appendix, where applicable.)</p>	<p>YES</p>	<p>NO</p>	<p>Please explain</p>
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The infrastructure was not planned for by the municipality.

However, as the development will have such a low dependence on services, the Local Authority will not be required to provide additional services to the area. The proposal will provide for employment opportunities during construction and operational phases.

<p>8. Was this project part of a national programme to address an issue of national concern or importance?</p>	<p>YES</p>	<p>NO</p>	<p>Please explain</p>
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This development is not a part of any national programme however it does intend to address a key concern of all South Africans: fuel shortages. The development will contribute to economic growth and continuation, by supporting their clients in the logistics companies, who in turn support other business which they service. Employees across all these sectors, benefit from business continuation and potential business growth. In addition, the proposal will employ both temporary and permanent labour.

<p>9. Did location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the land use on this site within its broader context.)</p>	<p>YES</p>	<p>NO</p>	<p>Please explain</p>
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Land use should be dictated by the zoning scheme adopted by the Local Authority, which in this case is the City of Cape Town. According to the municipalities zoning scheme the site is Agricultural Zone I, which does not make provision for bulk fuel storage. However, a consent-use application can be undertaken to allow for the support of this activity, as long as it doesn't compromise the sites future agricultural potential.

Despite the previous statement, the EAP does confirm that this site in particular holds a number of favourable factors to support the proposed development. This includes:

- Disturbance footprint on existing site:

The site does not have a CBA/ESA present on site and holds no ecological importance within the planned development footprint, which is the disturbed and transformed area of the farm portion. No indigenous trees/vegetation will be removed to accommodate the development, and no additional access routes will be established, as all existing routes will be sufficient. All works have and will occur within the disturbed area of the site.

- Accessibility:

The site is located off of Klein Dassenberg Road and approximately 10km's east of the Atlantis Industria and provides access to the N7, which is a national road, meaning that the Applicant has clear access to multiple areas, can travel efficiently and still access their site easily. The bulk fuel storage facility will allow support for local industries and the Atlantis SEZ, reducing travelling costs for the applicant to provide bulk fuel to their clients and because the operations will be centralised this will contribute to economic growth. The proposed development will be contributing to the logistical economy by providing bulk fuel for their operations. Improved operations may result in increased profits and improved livelihoods for employees.

10. How did/does the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural/natural environment)?	YES	NO	Please explain
<p>The site contained no heritage resources, and no heritage resources were found during the establishment of the unauthorized infrastructure. A NID will be undertaken, in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), 38. (1) states: Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as</p> <ul style="list-style-type: none"> (b) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length; (c) Any development or activity that will change the character of a site – <ul style="list-style-type: none"> (i) exceeding 5 000m² in extent; <p>This site does not contain an ESA or a CBA. The other Natural Area indicated in CapeFarmMapper is actually the existing access to the site, which was established and used for this purpose prior to the development occurring. No indigenous species will be removed, no habitats or Species of Conservation Concern, will be destroyed or disturbed, as the area was disturbed prior to the unauthorized development.</p>			

11. How did/does the development impact on people's health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc.)?	YES	NO	Please explain
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Sense of Place and Visual:

The impact on the sense of place will depend on the receiver.

The development was reported by a neighbour to DEA&DP's Enforcement Division. However, the EAP was not informed of what the specific complaint was in relation to.

The EAP can confirm that the site is surrounded by other farm portions to the north and west, the Rondeberg Road to the east and Klein Dassenberg Road to the south. The surrounding farm portions, beyond the roads as well, have homesteads and other existing infrastructure, some are utilised for agricultural practices and quite a few are indicated to have various businesses, such as logistics, timber and stables. The proposed development site has a limited impact on the sense of place, as it is not unusual to have some fuel storage on an agricultural site. There are only two bunded areas required to support the proposed development, which will be situated amongst the existing infrastructure. The site is not visible from Klein Dassenberg Road, or from the western boundary. A wall will be established along the northern boundary. Although this is the adjacent property, there are no homesteads, and the area is infested with alien invasive vegetation.

Noise and Dust:

There may be noise and dust generated during the undertaking of construction activities. However, this will remain within acceptable standards, and mitigation has been proposed. During operational phase, only the Applicants vehicles will be offloading/loading fuel, therefore there will not be excessive traffic, and the Applicants vehicles may only make a limited number of trips per day per day.

Lighting:

Lighting may need to be integrated for safety. The additional lighting will be implemented in accordance with the mitigation measures posed in the EMPr. The positioning of the bunded areas and access areas during operational phase, will be amongst the existing infrastructure, and the proposed northern boundary wall, will limit lighting from creating a nuisance to surroundings.

Traffic:

The traffic impacts will be low as the applicant proposes to deliver bulk fuel to clients in the surrounding areas. Any traffic that may occur during the construction and operational phase, is to be managed in accordance with EMPr.

Odour:

The activity should not result in any odours during either phase. The tanks are designed for easy detection of leaks so if there are any leaks, they can be easily managed.

Health and Safety:

While it is recognized that the proposal does include the storage of hazardous goods, that are flammable, it is noted that the development is relatively small – medium scale, and the EMPr makes clear indication that the relevant risk assessment, permits/license be obtained in line with safety and relevant legislation/policies and by-laws, or the proposal will be non-compliant.

If managed appropriately, and mitigation measures are employed (particularly complying with health and safety requirements), the proposal will not create significant impacts on the surrounding community but will support the local economy and provide permanent employment for people of various skill levels. This will have a very real impact on people's well-beings, as the proposed development will support larger industries, and their business continuation, will support many employs and households.

12. Did/does the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	YES	NO	Please explain
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The development does not require extensive changes to the existing property, and will utilize disturbed areas, and existing access. The construction footprint holds no biodiversity importance, and no indigenous SCC will be disturbed or removed. No additional strain is expected on services, and no additional services will be required. By centralizing this activity, the Applicant will have reduced transport costs, in order to reach his clients in and around the area.

13. What were the cumulative impacts (positive and negative) of the land use associated with the activity applied for?	YES	NO	Please explain
<p>Potential Cumulative Impact: Loss of Agricultural Land</p> <ul style="list-style-type: none"> - This impact is considered negligible. As the land was not utilized for intensive farming, and the remainder of the site can be utilized for equestrian purpose (the original use of the disturbed area). <p>Potential Cumulative Impact: Traffic and Access</p> <ul style="list-style-type: none"> - This impact is considered low to negligible. This is not a facility that will be utilized by the public, or by the Applicant's clients directly. The maximum number of trips anticipated per week are anticipated to be 2 trips per day (private vehicles – maximum 4 vehicles), and two road tanker deliveries (maximum twice trips per week), which will not create significant traffic. <p>Potential Cumulative Impact: Employment Stability as a Result of Business Continuation.</p> <ul style="list-style-type: none"> - By supporting an industry that is highly dependent on reliable fuel, logistics, the development is supporting the continuation of these businesses, thereby their ability to support their own employees and customers/other industries they service. <p>Potential Cumulative Impact: Emissions of Greenhouse Gases</p> <ul style="list-style-type: none"> - According to CapeFarmMapper, the agricultural enterprise dominating the area is grain farming, with some livestock farming within the surrounding community. The facility is below the requirements for an Air Emissions License. The tanks are designed with leak detection technology, to contain all substances. Therefore, the contribution to greenhouse gases would be low. 			

14. Is/was the development the best practicable environmental option for this land/site?	YES	NO	Please explain
<p>The land is zoned for agricultural purposes, and this is not an agricultural use. However, the activity would not result in significant environmental impacts, as the bund is similar to other structures on site, no fuel was stored in the tanks, and the area that was disturbed had no biodiversity importance and was disturbed. The developed area of the farm portion was an already transformed area consisting of existing infrastructure, structures and access. Agricultural activities may have resulted in a larger disturbance footprint, as compared to this activity.</p>			

15. What are/were the benefits to society in general and to the local communities?	Please explain
<ul style="list-style-type: none"> • Employment opportunities; During construction an estimated 20 labour will be employed. 100% of which will be sourced from previously disadvantaged backgrounds, predominantly unskilled, where there would be a high potential for skills transfer. During operational phase, approximately 5 permanent positions will be created for individual with varied skill backgrounds. • No additional strain on resources/services. 	

- No significant traffic impacts.
- Support to the local economy.
- No construction activities in public areas, that will cause delays or obstruction, as all works are contained within the site.
- No significant air emissions.
- Limited visual impacts after construction.
- As the site will be subjected to other relevant permits/licences that must be obtained, and monitored strictly, in relation to the storage of dangerous goods. There will be on-going monitoring, and legislative constraints to ensure safety is paramount.
- As the development will only be utilized by the applicants vehicles, and will not be open to the public or his clients, the area will not be open to the public, nor will it encourage large scale industrial establishments.

16. Any other need and desirability considerations related to the activity?	Please explain
<p>The proposed development will address a current issue faced by South Africans, that being fuel shortage and fuel pricing. For the logistics industry, a reliable fuel source is imperative to support business continuation, thereby supporting:</p> <ul style="list-style-type: none"> • The existing employees, and their livelihoods. • Continuation of the services that the logistics companies supply to their customers and other industries. • The local economy. <p>Considering the area is not densely occupied and can easily access main routes like the N7 to the east and Atlantis Industria to the west, the proposal is conveniently located, without the usual traffic concerns. All relevant health and safety and consent-use compliance will be undertaken.</p>	

17. Please describe how the general objectives of Integrated Environmental Management as set out in section 23 of NEMA were taken into account:
<p>The general objectives of NEMA were not specifically taken into account by the applicant when the bund area was established. However, once the applicant was alerted to the non-compliance, all activities were ceased on site, and professional guidance was sought to engage with the competent authority, and undertake the correct activities.</p> <p>The general objectives of NEMA will in the S24G process be complied with by:</p> <ul style="list-style-type: none"> • Taking into consideration Section 2 principles, when compiling the relevant documentation. • Considering all risks related to the proposal over the various phases of the development. • Undertaking impact assessment of all potential alternatives, recommending appropriate mitigation measures in line with the Mitigation Hierarchy. • The impacts will be rated and ranked in terms of significance and the socio-economic impacts will be predicted and evaluated in terms of the risks and consequences as well as what alternatives are available to ensure the impact on the environment is reduced as far as possible.

18. Please describe how the principles of environmental management as set out in section 2 of NEMA were taken into account:

NEMA (1998) Section 2: Principles	Manner in which the principle is addressed by the proposed development
(2) Environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably	The Environmental Assessment process underscoring this S24G, holistically considers the social, economic, and ecological needs of the local community, as well as the social, economic, and ecological consequences (disadvantages and benefits) of the proposed development and accordingly how the proposed development will contribute to meeting local needs.
(3) Development must be socially, environmentally, and economically sustainable.	The needs and desirability for this proposal have been extensively addressed in Section D of this document. In this manner, the proposed development forefronts people and their needs in a manner which is socially, economically and ecologically sustainable.
(4) – (a) Sustainable development requires the consideration of all relevant factors including the following:	
(i) That the disturbance of ecosystems and loss of biological diversity are avoided, or, where they cannot be altogether avoided, are minimised and remedied;	The Screening Tool indicated no ESA/CBA within the proposed development area. Furthermore, looking back at historical imagery, it is clear that the developed area had been disturbed, and utilized consistently for at least the past 10 year's, therefore there is no significant risk to any ecosystem or potential for loss of biological diversity. CapeNature will be included in Public Participation, and may provide recommendations/guidance, going forward.
(ii) that pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied;	The Applicant will ensure that all relevant applications are made for compliance purposes related to the storage of hazardous goods. The EMPr gives consideration to waste management, and the recommendations made by the MHI Specialist. The DEA&DP Pollution Management will be included in Public Participation, and may provide recommendations/guidance, going forward.
(iii) that the disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimised and remedied;	According to the South African Heritage Resources Information System (SAHRIS) Palaeontology Sensitivity Map (Accessed February, 2023), the proposed site has a Low Palaeontology Sensitivity, which is recommended to managed as follows: <i>No palaeontological studies are required however a protocol for finds is required.</i>

	A NID will be submitted to HWC (Heritage Western Cape) Section 38(1) of the National Heritage Resources Act.
(iv) that waste is avoided, or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner;	<p>The proposed site and associated development will be managed in accordance with City of Cape Town Integrated Waste Management By-Law 2009 (As Amended 2016).</p> <p>In the EMPr (Appendix I), it is recommended that an integrated waste management system is adopted on site. The system must be based on waste minimisation and must incorporate reduction, recycling, re-use and appropriate disposal. Separate waste bins/skips must be provided for recyclable waste, general waste and hazardous waste including construction waste. These bins/skips must be emptied, and the waste taken to a registered disposal facility – the receipts of which must be kept on file for inspection.</p>
(v) that the use and exploitation of non-renewable natural resources is responsible and equitable, and takes into account the consequences of the depletion of the resource;	The anticipated additional electrical demand is considered low.
(vi) that the development, use and exploitation of renewable resources and the ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardised;	
(vii) that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions; and	<p>The S24G Application takes into consideration all available information, and where additional expertise is required, such as a Risk Assessment for Health and Safety purposes, this has been recommended to be undertaken as a condition of EA, prior to the commencement of any activities.</p> <p>Therefore, if this is not undertaken the EA can be considered invalid.</p>
(viii) that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.	<p>Potential negative environmental impacts and respective mitigation measures have been addressed and integrated in the BAR and EMPr (Appendix I).</p> <p>Public participation will allow the public to provide input on the proposed development, and should additional issues arise they can be addressed through this process.</p>
(b) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into	The Environmental Assessment process underscoring this S24G process holistically considers the social, economic, and ecological impacts (disadvantages and benefits) of the proposed

<p>account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option</p>	<p>development and provides mitigation measures for possible negative impacts. Provision has been made for stringent public participation process to take into account the interests, needs and values of all interested and affected parties.</p>
<p>(c) Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons</p>	<p>To safeguard against the unjust distribution of adverse environmental impacts, mitigation measures are included in the mitigation tables (Section J) which are translated into the EMPr (Appendix I).</p> <p>In addition, no person, particularly vulnerable and disadvantaged persons, were found to be directly affected by the proposal, or site development in a negative manner. However, persons of this nature may benefit, through socio-economic benefits that will be created by the proposed development.</p>
<p>(d) Equitable access to environmental resources, benefits and services to meet basic human needs and ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination</p>	<p>It is noted that no environmental resources, benefits or services, will be lost, by establishing such a development. Given that there is no evidence that the development area, held or has any environmental significance.</p> <p>It is noted that the development will support the logistics industry (freight), which is noted to be a key industry that supports multiple sectors, which support multiple jobs/livelihoods, for people of various backgrounds. Further to this during construction an estimated 20 labour will be employed. 100% of which will be sourced from previously disadvantaged backgrounds, predominantly unskilled, where there would be a high potential for skills transfer. During operational phase, approximately 5 permanent positions will be created for individuals with varied skill backgrounds.</p> <p>The proposed development will, therefore, improve economic opportunities for the local personnel from previously disadvantaged backgrounds, and support various sectors, which will in turn support multiple livelihoods.</p>
<p>(e) Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity exists throughout its life cycle</p>	<p>Temporary nuisances and their relevant mitigation measures have been identified and integrated into the EMPr. It has been recommended that the relevant approvals and investigations be undertaken in terms of the Occupational Health and Safety Act, to ensure compliance in terms of Health and Safety.</p>
<p>(f) The participation of all interested and affected parties in environmental governance must be promoted, and all</p>	<p>Provisions have been made for a stringent public participation process (see Section J), in order to take into account the interests, needs and values</p>

<p>people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured.</p>	<p>of all interested and affected parties. Public participation measures include placing a notice board at the proposed site, placing an advertisement in a local newspaper, providing environmental assessment documents to registered interested and affected parties, adjacent property owners, relevant organs of state and providing access to these documents on the EAP's website and in hardcopy form at a Avondale Public Library.</p>
<p>(g) Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge.</p>	<p>Provisions have been made for a stringent public participation process in order to take into account the interests, needs and values of all interested and affected parties.</p>
<p>(h) Community wellbeing and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience and other appropriate means.</p>	<p>The public participation process allows I&AP's to understand the intention of such an assessment and the relevant requirements and investigation of the proposed development.</p> <p>Furthermore, it has been recommended that the applicant, if awarded the EA, must engage with the local community via a community platform, and allow the local community access to public documentation, proving compliance.</p>
<p>(i) The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.</p>	<p>This S24G process holistically considers the social, economic, and ecological impacts (disadvantages and benefits) of the proposed development and provides mitigation measures for possible negative impacts. These mitigation measures are translated through to the EMPr (Appendix I) to guide decision-making and promote monitoring and corrective action during the planning, pre-construction, construction and operational phases of the development.</p>
<p>(j) The right of workers to refuse work that is harmful to human health or the environment and to be informed of dangers must be respected and protected.</p>	<p>In terms of the Occupational Health and Safety Act (85 of 1993), it is recommended that all relevant measures be complied with and a Risk Assessment be undertaken, by an appropriately qualified individual to guide compliance, in terms of this act.</p>
<p>(k) Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.</p>	<p>Undertaking this process allows for accountability and transparency for the proposed actions undertaken, as well as the planned development intended. The documents will be submitted for public participation, to any interested and affected party, and will be subject to comments, and appeals, in accordance with section 41 of the NEMA EIA Regulations (2014, as amended). Information, reports and documentation will be made available to I&APs via the SES website for download, review and comment. The SEScc website is designed to be mobile friendly, allowing</p>

	<p>those with only mobile internet the availability to view the relevant reports. On request, reports would also be shared via bulk online sharing sites such as WeTransfer, and in hard-copy form through individual deliveries or in Avondale Public Library.</p> <p>In accordance with Section 4(1) of the NEMA EIA Regulations (2014, as amended), upon reaching a decision on whether to grant an Environmental Authorisation for the proposed development, the competent authority must provide the applicant with the decision, with accompanying reasons for the decision, and inform the applicant that such decision can be appealed.</p> <p>Further to this, in terms of Section 4(2) the applicant must within 14 days of the date of the decision provide I&APs with access to the decision and reasons for such decision, and that such decision may be appealed. These regulations, and compliance therewith, ensure that decisions are taken in an open and transparent manner, and access to information is provided.</p>
<p>(l) There must be intergovernmental co-ordination and harmonisation of policies, legislation and actions relating to the environment.</p>	<p>The Applicant will take all necessary measures to comply with the requirements of relevant policies, legislation, and the relevant organs of state will be included as I&APs to provide comment during the public participation process.</p>
<p>(m) Actual or potential conflicts of interest between organs of state should be resolved through conflict resolution procedures.</p>	<p>No conflicts were encountered, however, should any arise, they will be addressed appropriately</p>
<p>(n) Global and international responsibilities relating to the environment must be discharged in the national interest.</p>	<p>The proposed development aligns with the relevant national legislation which as promulgated by the relevant domestic legislatures gives effect to international environmental responsibilities.</p>
<p>(o) The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage.</p>	<p>No area of environmental significance was identified within the proposed development area, and therefore will not be lost or directly impacted upon.</p>
<p>(p) The costs of remedying pollution, environmental degradation and consequent adverse health effects and of preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.</p>	<p>Mitigation measures are included in the mitigation tables of this report (Section J) which are translated into the EMPr (Appendix I).</p> <p>This process will assist in identifying the relevant fine, required in terms of the activities that have been commenced with, and will assist in determining whether or not the proposal is to be implemented. The applicant has agreed to follow due process and accept responsibility for the activities in question.</p>

(q) The vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted.	During the development process, multiple jobs will be created and opportunity for skills transfer and knowledge sharing will be supported. This will equip labour with skills and experience that will aid in securing future employment. These skills and knowledge can also be passed on to younger generations, creating a virtuous cycle of skills development, livelihood improvement and economic upliftment. Labour will include female labour and the process of appointment will not discriminate against any person based on gender.
(r) Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as coastal shores, estuaries, wetlands, and similar systems require specific attention in management and planning procedures, especially where they are subject to significant human resource usage and development pressure.	Based on desktop information and site verification, no sensitive, vulnerable, highly dynamic or stressed ecosystems, were identified, and therefore no sensitive, vulnerable, highly dynamic or stressed ecosystem is anticipated to be directly impacted upon.

SECTION E: ALTERNATIVES

Please Note: Before completing this section, first consult this Department's *Guideline on Alternatives* (March 2013) available on the Department's website (<http://www.capegateway.gov.za/eadp>).

"Alternatives", in relation to an activity, means different means of meeting the general purposes and requirements of the activity, which may include alternatives to –

- (a) the property on which, or location where, it is to undertake the activity/the activity was undertaken;
- (b) the type of activity to be undertaken;
- (c) the design or layout of the activity;
- (d) the technology to be used in the activity;
- (e) the operational aspects of the activity; and
- (f) the option of not implementing the activity.

The NEMA prescribes that the procedures for the investigation, assessment and communication of the (potential) consequences or impacts of activities on the environment must, *inter alia*, with respect to every application for environmental authorisation –

- ensure that the general objectives of integrated environmental management laid down in NEMA and the National Environmental Management Principles set out in NEMA are taken into account; and (where applicable)
- include an investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity.

The general objective of integrated environmental management is, *inter alia*, to "identify, predict and evaluate the actual and potential impact on the environment, socio-economic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management" set out in NEMA.

1. In the sections below, please provide a description of any considered alternatives and alternatives that were found to be feasible and reasonable.

Please note:

- Detailed written proof of the investigation of alternatives must be provided. If no reasonable or feasible alternative exists, a motivation must be provided.
- Alternatives considered for a Section 24G application are used to determine if the development was the best practicable alternative (environmentally, socially and economically) for the site or property.
- In respect of a section 24 application, the option of not implementing the activity ("no-go"), includes the option of ceasing the activity, not implementing continuation of the activity, refusal of the commenced activity and complete rehabilitation of the affected site.

(a) Property and location/site alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

PREFERRED ALTERNATIVE SITE/PROPERTY: FARM ZOUTERIVIER 64/22

No other site alternative will be considered given that the applicant has an agreement with Tango Investments (landowner), to utilize the property. The applicant has invested and is willing to invest further on the site and development. Furthermore, the applicant is occupying the premises, and is managing the site at present.

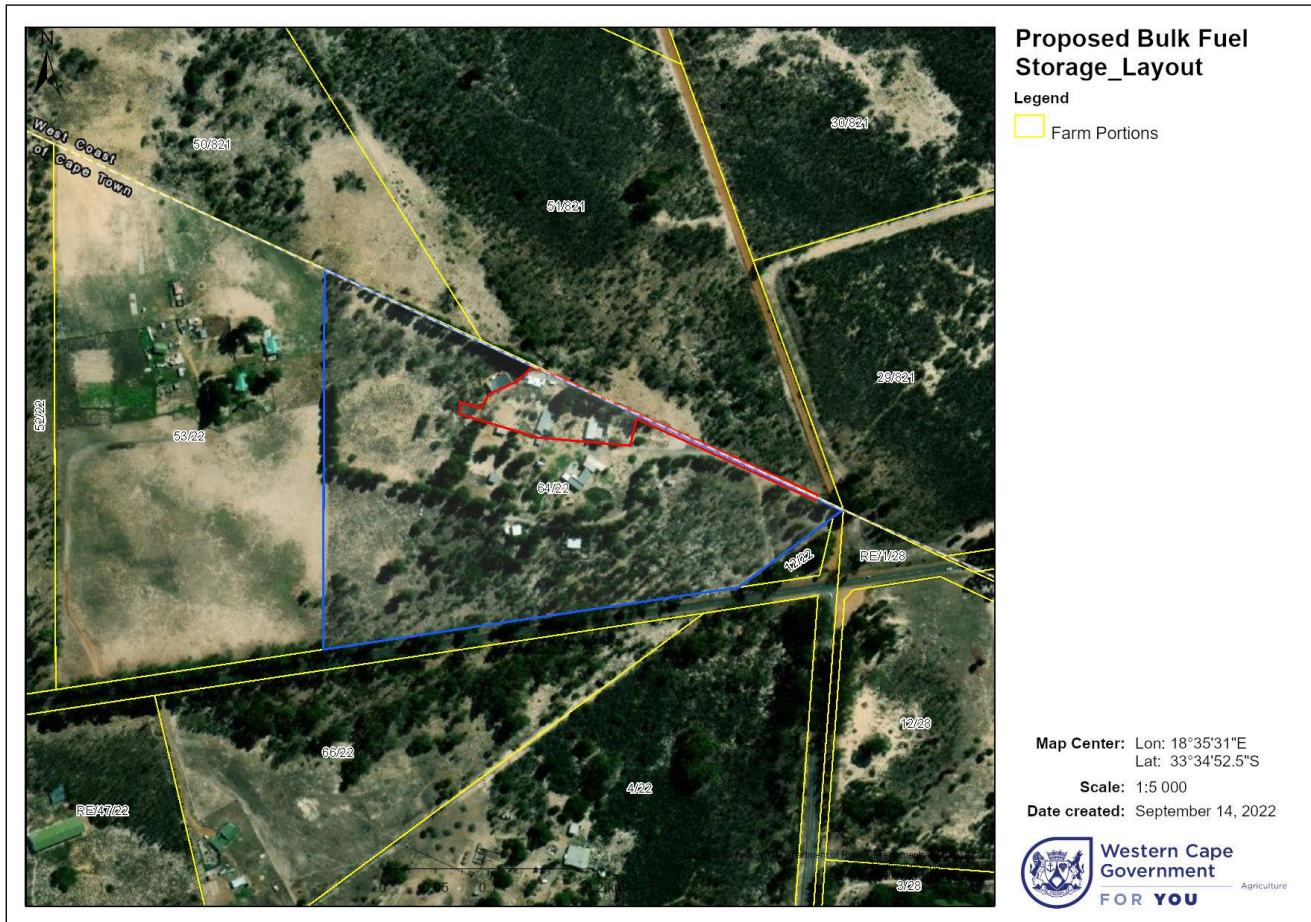


Figure 42: Farm Zouterivier 64/22.

(b) Activity alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

No activity alternative will be investigated. Only a small portion of the site will be transformed further, this does not however prohibit the use of the rest of the property for other activities.

(c) Design or layout alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

DESIGN ALTERNATIVE 1: ABOVE GROUND STORAGE TANKS

Above ground storage tanks, are usually made of metal, temporarily contain substances like liquids or gases for any number of reasons and are positioned on top of the ground.

DESIGN ALTERNATIVE 2: UNDERGROUND/BURIED STORAGE TANKS

Underground or buried storage tanks, are similar to above ground storage tanks in that they are usually made of metal, temporarily contain substances like liquids or gases for any number of reasons, however they are positioned below the ground surface.

Comparative analysis of the design alternatives:

ASPECTS	PROPOSED DESIGN ALTERNATIVE 1	PROPOSED DESIGN ALTERNATIVE 2
Space Limitations	<ul style="list-style-type: none"> Take up above ground space. 	<ul style="list-style-type: none"> Don't consume above ground space, therefore ideal for areas with limited space. Needs to be vented and accessible.
Accessibility	<ul style="list-style-type: none"> Easily accessible. 	<ul style="list-style-type: none"> Difficult to access.
Need and desirability in terms of Developer	<ul style="list-style-type: none"> Fuel will be utilized for the applicant's business (logistics). Aboveground storage tanks will allow for mobility, in case there are changes/growth. If the applicant chooses to change his site (he is not the landowner), the tanks can be easily relocated and banded areas can be utilized for other purposes. 	<ul style="list-style-type: none"> Fuel will be utilized for the applicant's business (logistics). If changes are required, the tanks cannot be easily removed/replaced.
Need and desirability in terms of Public	<ul style="list-style-type: none"> None 	None
Cost to applicant	<ul style="list-style-type: none"> Lower costs related to establishment Quicker to assemble and position. Will require safety and legislative compliance in terms of health and safety. Less expensive to maintain, however the frequency of maintenance may be more significant than below ground tanks, due to exposure to elements. 	<ul style="list-style-type: none"> Higher costs related to establishment than AGT's. Require expensive excavations, with potentially specialized equipment. Less time consuming. More expensive to maintain Will require safety and legislative compliance in terms of health and safety
Cost to public	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None
Disturbance Footprint	<ul style="list-style-type: none"> Can be contained and established within the existing disturbance footprint. 	<ul style="list-style-type: none"> Larger disturbance footprint than what is expected, during establishment.
Mobility	<ul style="list-style-type: none"> Mobile, therefore can be moved around and removed easily. 	<ul style="list-style-type: none"> Not mobile, therefore, once positioned can be difficult and expensive to move.
Security and Vandalism	<ul style="list-style-type: none"> Higher risk, mitigation exists. 	<ul style="list-style-type: none"> Far lower risk
Risk and Safety to Human Health	<ul style="list-style-type: none"> Susceptible to weather conditions, and vandalism. Can pose a risk if damaged, however detection of leaks is more easily implemented, and monitored. 	<ul style="list-style-type: none"> Not exposed, however, harder to detect leaks therefore, if addressed too late it can pose a risk to underground conditions, such as groundwater and soils. This can lead to long-term and expensive remediation efforts,
Risk and Safety to Environment		

	<ul style="list-style-type: none"> • If leak occurs, this can be contained sooner, and efficiently managed. • Well positioned away from surrounding properties. • But close to existing infrastructure on site. • Higher risk of fire and explosions 	<p>and even then there is no guarantee that the contamination can be controlled.</p> <ul style="list-style-type: none"> • Lower risk of fire and explosions.
Visual impacts	<ul style="list-style-type: none"> • Cannot be avoided, however screening can be implemented. 	<ul style="list-style-type: none"> • No visual impacts once established.

Taking the above comparison into consideration, it is noted that the site does not belong to the applicant. Further to this, the commenced activity would be in line with the accommodation of above ground storage tanks, which will be subject to strict compliance in terms of Health and Safety, and the disturbance footprint cannot be allowed to expand further or create issues regarding tracks. Therefore, the Preferred Design Alternative is Alternative 1, as it is, is the most feasible and reasonable option.

* *Worldwide Power Products (2023) Storing Diesel Fuel For Generators – Above Ground Or Underground Tanks?* <https://www.wpowerproducts.com/news/above-ground-vs-underground-storage-tanks/> Accessed in January 2023.

(d) Technology alternatives (e.g. to reduce resource demand and resource use efficiency) to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts or detailed motivation if no reasonable or feasible alternatives exist:

No technology alternatives are applicable.

(e) Operational alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

Operational Alternatives based on design alternatives, have been discussed below.

Operational Alternative 1: Aboveground Bulk Fuel Storage.
This is in-line with the proposed development.

Operational Alternative 2: No-Go Alternative (rehabilitation to original state).
This is the option to not proceed with the bulk storage development, but to alternatively rehabilitate the site (ie: demolish the bund area) and rehabilitate this area.

Operational Alternative 3: Storage infrastructure.
This option is to not proceed with the proposed development, but rather to re-purpose the infrastructure as an extension of the existing storeroom.

Comparative Assessment:

ASPECTS	OPERATIONAL ALTERNATIVE 1	OPERATIONAL ALTERNATIVE 2	OPERATIONAL ALTERNATIVE 3
Land use	<ul style="list-style-type: none"> • Does not align with the appropriate land use, therefore, a consent use application will need to be undertaken. 	<ul style="list-style-type: none"> • Does not conflict with the current land use. 	

<p>Need and desirability in terms of Developer</p>	<ul style="list-style-type: none"> Fuel will be utilized for the applicant's business (logistics), only. Aboveground storage tanks will allow for mobility, in case where there are changes/growth. If the applicant chooses to change the site, the tanks can be easily relocated and bunded areas can be utilized for other purposes. 	<ul style="list-style-type: none"> The rehabilitation of the bund area will not add value, as the bund area is surrounded by existing disturbance, and was originally sparsely vegetated and disturbed. 	<ul style="list-style-type: none"> The storeroom would not support or add value to the Applicants business, and would therefore fail to achieve the significant anticipated socio-economic benefits.
<p>Need and desirability in terms of Public</p>	<ul style="list-style-type: none"> Indirectly, the various sectors that will be supported by the development, once operational, will have a positive impact on the community, over a longer period of time. 	<ul style="list-style-type: none"> As the community may have safety concerns regarding the proposed development, were the option to rehabilitate the site found to be preferred, the community may be assured that such a development will not occur. This does not stop other developments, agricultural related, from being undertaken, and potentially posing other risks. 	<ul style="list-style-type: none"> As the community may have safety concerns regarding the proposed development, were the option to re-purpose the site, found to be preferred, the community may be assured that such a development will not occur. This will add no further value to the public.
<p>Cost to applicant</p>	<ul style="list-style-type: none"> Significant in the short-term. Once operational, the Applicant will benefit from the operation. 	<ul style="list-style-type: none"> Significant, as rehabilitation will not support the applicant's business. This proves to not be feasible. 	<ul style="list-style-type: none"> Significant, the design will need to change, and will not support the applicant's business. This proves to not be feasible.
<p>Cost to public</p>	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None
<p>Disturbance Footprint</p>	<ul style="list-style-type: none"> Can be contained and 	<ul style="list-style-type: none"> Could result in a larger disturbance 	<ul style="list-style-type: none"> Can be contained and

	established within the existing disturbance footprint.	footprint than what is expected, as a result of demolition.	established within the existing disturbance footprint.
Security and Vandalism	<ul style="list-style-type: none"> Higher risk, mitigation exists. 	<ul style="list-style-type: none"> Far lower risk 	<ul style="list-style-type: none"> Far lower risk
Risk and Safety to Human Health	<ul style="list-style-type: none"> Susceptible to weather conditions, and vandalism. Can pose a risk if damaged, however detection of leaks is more easily implemented, and monitored. If leak occurs, this can be contained sooner, and efficiently managed. Well positioned away from surrounding properties. But close to existing infrastructure on site. Higher risk of fire and explosions 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None
Risk and Safety to Environment			
Visual impacts	<ul style="list-style-type: none"> Screening can be implemented, however, considering the scale, it would not reflect an industrial development, but rather bund areas with storage tanks, which is not unusual on farms. 	<ul style="list-style-type: none"> No visual impacts once established. 	<ul style="list-style-type: none"> No visual impacts
Monitoring	<ul style="list-style-type: none"> Thorough and comprehensive opportunity for on-going monitoring. 	<ul style="list-style-type: none"> Short-term. No opportunity for on-going monitoring. 	

	<ul style="list-style-type: none"> • Security will be essential. 	
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As Operational Alternative 2 and 3 will prove to not be feasible, which will have an impact on the business continuation of not just the applicant, but his clients, and the sectors they support. Operational Alternative 1 will be assessed going forward. It is anticipated that mitigation exists, to efficiently address the potential impacts, which would make this option the most feasible and reasonable option.

(f) The option of ceasing the activity (the refusal of the activity(ies) and/or rehabilitation of the site):

Although the activity was undertaken without prior to authorization, it **did not** result in significant impacts or loss of significant biodiversity features, as the applicant utilized a disturbed portion of the site, without hindering the other activities on site. Rehabilitation of just this disturbed area would not be reasonable, as the area is still surrounded by disturbance, and prior to development this area was bare of vegetation (bunded area).

Socio-economically the applicant would lose out on significant financial opportunities and gain, as he would be forced to rehabilitate a site that was disturbed and will be disturbed again (if the site reverts back to the No-Go Option), as well as lose out on the opportunity to provide support to his business and potential clients who are reliant on him. The applicant proposes to establish a relatively small fuel storage site, to cater to their customers in the surrounding area, they are not on a level similar to other major fuel suppliers, nor will the site be transformed in this manner.

According to the City of Cape Town Municipal Spatial Development Framework, April 2018, Spatial Strategy 3: Plan for Employment, And Improve Access to Economic Opportunities, the City of Cape Town aims to support and promote inclusive, shared economic growth and development, including those of small businesses, as is the case of the applicant's business. Ceasing this activity will result in this business being impacted upon in a significantly negative manner. Considering the changing economic climate, businesses, especially small – medium scale require support and guidance, which is what this process will allow for from an environmental management perspective.

This proposal will allow for the continuation of a key industry, that supports multiple sectors in the Western Cape. It should be noted that historically the diesel fuel prices, can fluctuate dramatically, but are essential to the logistics industry. Logistics companies, in order to bare the change in prices (particularly increases), can raise their costs, therefore the customers of this industry (various sectors), shoulder this burden, this impact is felt by their customers. This proposal will support the local economy and indirectly the local community.

Further to this, rehabilitation will not add any value to this environment, given that the disturbance was centrally located within an existing disturbed portion of the site.

(g) Any other alternatives to avoid negative impacts, mitigate unavoidable negative impacts and maximise positive impacts, or detailed motivation if no reasonable or feasible alternatives exist:

Alternatives have been considered, as above.

(h) Please provide a summary of the alternatives investigated and the outcomes of such investigation:

Please note: If no feasible and reasonable alternatives exist, the description and proof of the investigation of alternatives, together with motivation of why no feasible or reasonable alternatives exist, must be provided.

The only potential alternatives considered were the design alternatives related to above-ground storage tanks and under-ground storage tanks.

The two options were comparatively assessed, and various aspects were looked at that would need to be considered from planning to decommissioning phase. It was determined that the Design Alternative 1: Above-ground storage tanks would be the most feasible and reasonable option. Amongst other this alternative provided the following positive characteristics:

- Allow for the existing infrastructure to be utilized.
- Easy to access and maintain, as well as to monitor for potential hazardous leaks.
- Lower costs related to establishment, and shorter construction period.
- If decommissioned, the storage tank can easily be removed from site, and the bund area utilized for alternative purposes, this ensures that the site does not remain unusable long-term.

The Design Alternative 1 will require extensive health and safety planning and compliance, which will be undertaken if environmental authorization is approved.

The No-Go Alternative has been assessed against the Proposed development, as per Section

SECTION F: IMPACT ASSESSMENT, MANAGEMENT, MITIGATION AND MONITORING MEASURES

Please note, the impacts identified below refer to general impacts commonly associated with development activities. The list below is not exhaustive and may need to be supplemented. Where required, please append the information on any additional impacts to this application.

Please note: The information in this section must be duplicated for all the feasible and reasonable alternatives (where relevant).

1. PLEASE DESCRIBE THE MANNER IN WHICH THE DEVELOPMENT HAS IMPACTED ON THE FOLLOWING ASPECTS:

(a) Geographical and physical aspects:

There has been no significant impacts to any geographical aspects or physical aspects. Although the gravel surface has been established, as well as the bunded area, this has been done on a relatively flat surface. Basic stormwater management is recommended for site. Furthermore, although the bunded area has been transformed to a hardened surface, it was previously bare and may have been prone to alien invasive establishment, trampling by horses, people and vehicle movement.

It will be recommended that appropriate stormwater considerations and method statements/plans be compiled for the cleaning and managing of the bund area, in the event of heavy rainfall collection on site, during operational phase.

(b) Biological aspects:

Has the development impacted on critical biodiversity areas (CBAs) or ecological support areas (ESAs)?	YES	NO
If yes, please describe:		

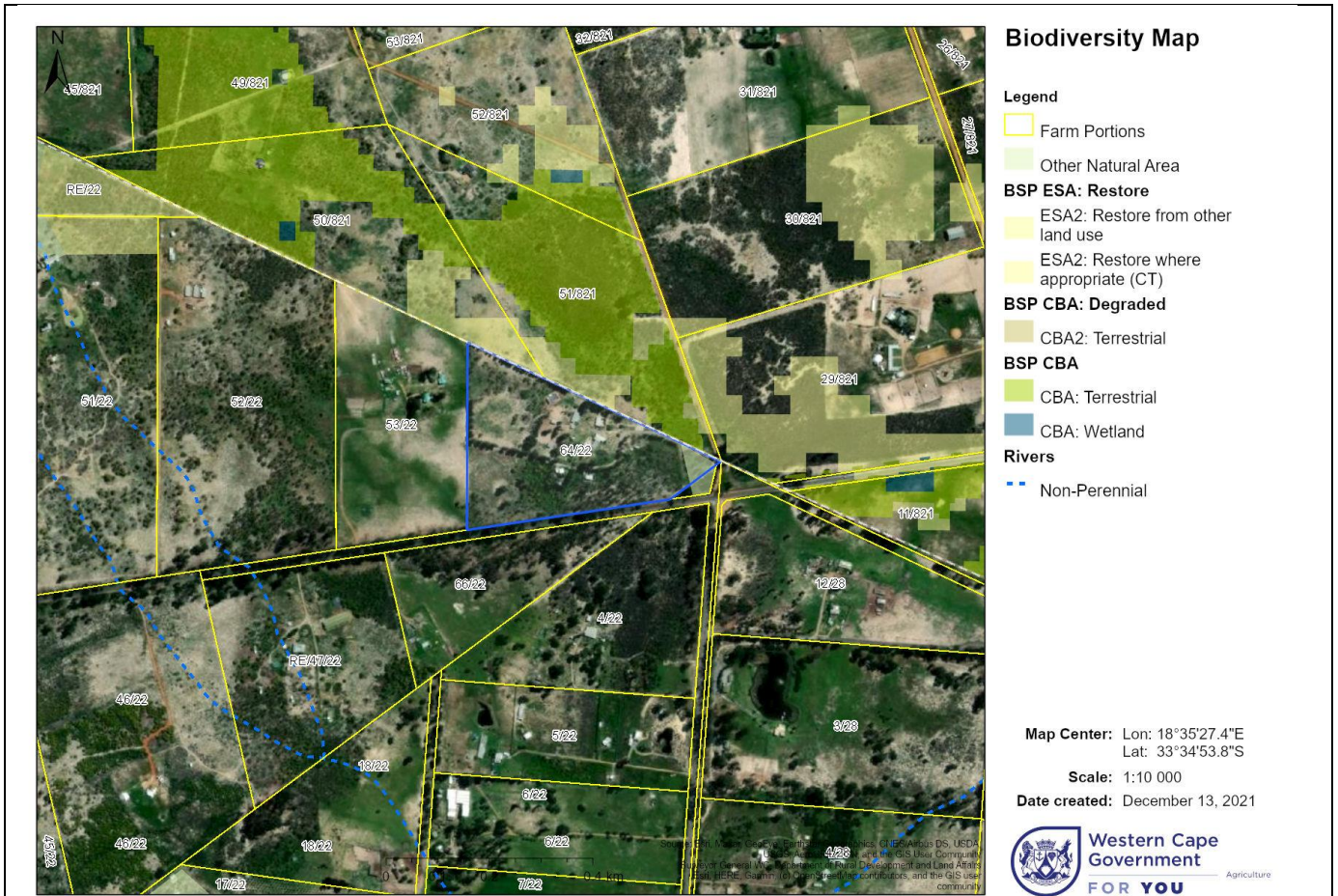


Figure 43: Biodiversity Map (CapeFarmMapper, 2022).

As per Figure 43, although there is an 'Other Natural Area' indicated at the eastern end of the site, the EAP has confirmed (see Figure 44) that this area was transformed prior to the unauthorized construction, as this portion of the site has always been utilized for access purposes, off of Rondeberg Road. No widening of the access road or additional works are planned.



Figure 44: Access road to site (east-facing). Area indicated to be 'Other Natural Area' by CapeFarmMapper.

Has the development impacted on terrestrial vegetation, or aquatic ecosystems (wetlands, estuaries or the coastline)?

YES

NO

If yes, please describe:

As depicted below, the developed areas were previously disturbed and bare, with some sporadic grass and trees, prior to the changes associated with the development. It is evident that the area accommodated a horse riding/lunging ring, and the vegetation was not similar in nature to the southern portion of the site, which is more intact and dense. No impacts occurred on any aquatic ecosystem.

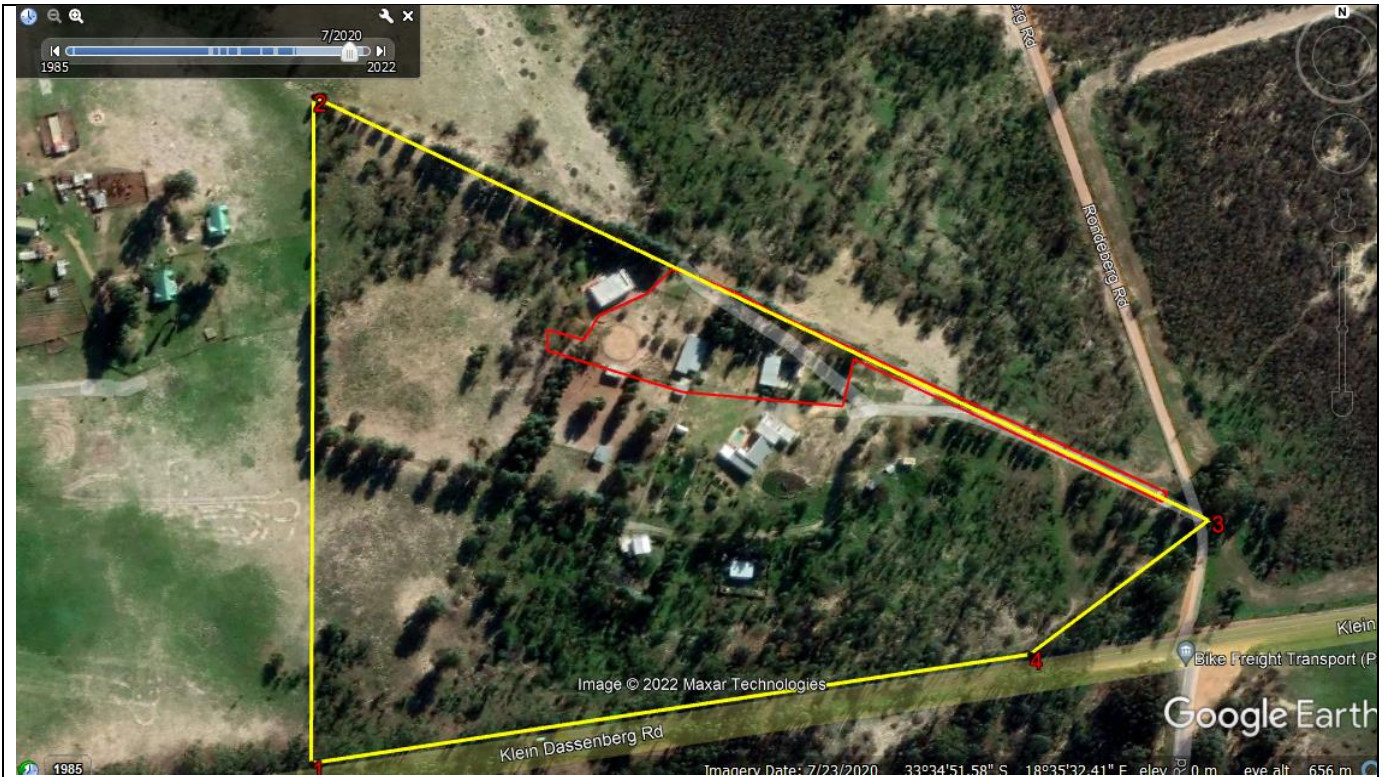


Figure 45: Google Earth imagery 2020.

Figure 46 depicts the area intended to accommodate the second bund area. As is evident, the area contains two sporadic patchy grass species, with leaf litter, loose sands and two young tree species, a palm tree and a younger gum tree.

The palm tree is potentially a young African Fan Palm (*Borassus aethiopum*), which was identified as a Red List Species, of Least Threatened status¹. This species is native to Africa and India. Within southern Africa, it occurs in the Limpopo Province (where it is rare), eastern Zimbabwe, and parts of Mozambique². Recommendations will be made to transplant this species out of the proposed construction area.

A single young gum tree is situated in the centre of the proposed development area, similar to the mature species seen in the background of the Figure 46. These mature species will not be removed and will remain as a screen between the access road and the proposed construction area. Gum trees or Eucalyptus species are considered Category 1b Alien Invasive.

The SAHRA and Heritage Western Cape website does not indicate that there have been any studies undertaken on the significance of gum trees in the surrounding area, or any relevant heritage studies.



Figure 46: Area intended to accommodate the second bunded area.

1. <http://redlist.sanbi.org/species.php?species=3423-1>
2. http://www.biodiversityexplorer.info/plants/arecaceae/borassus_aethiopum.htm

Has the development impacted on any populations of threatened plant or animal species, and/or on any habitat that may contain a unique signature of plant or animal species?	YES	NO
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If yes, please describe:

N/A

Please describe the manner in which any other biological aspects were impacted:

As discussed above, impacts were considered **significantly low**, as the vegetation present was sporadic, grass species, and immature tree species, which were likely positioned for aesthetic purposes, as the immediate surroundings were mostly bare and sandy.

(c) Socio-Economic aspects:

What was the capital value of the activity on completion?	Approximately R 6 million
What is the (expected) yearly income or contribution to the economy that is/will be generated by or as a result of the activity?	Approximately R528 billion
Has/will the activity have contributed to service infrastructure?	YES NO
How many new employment opportunities were/will be created in the construction phase of the activity?	20
What was the value of the employment opportunities during the construction phase?	Estimated to be R700 000.00
What percentage of this accrued to previously disadvantaged individuals?	100%
How was this ensured and monitored (please explain):	Only BEE contractors were utilized.
How many permanent new employment opportunities were/will be created during the operational phase of the activity?	5
What is the current/expected value of the employment opportunities during the first 10 years?	Approximately R 9 million
What percentage of this accrued/will accrue to previously disadvantaged individuals?	90%
How was/will this be ensured and monitored (please explain):	Permanent employment to 90% of workforce to be historically disadvantaged South African residents.

Any other information related to the manner in which the socio-economic aspects was/will be impacted:

Negative Impacts Anticipated:

- The community's concern regarding the safety risk related to such activity.
- The community's concern related to the potential precedent being set, for future transformation of the area.
- Traffic/access implications.
- Change to sense of place (visual, noise, dust related impacts)

Positive Impacts Anticipated:

- During construction and once operational, employment opportunities will be created, and the opportunity for skills transfer will be established. Further to this the proposed development will add to the local economy by utilizing local suppliers, employees, and catering to local clients in and around the area.
- Constant training and skills development.
- Small business continuation, and support to the local economy. Particularly to a key sector that has a ripple effect on the continuation, and support of other sectors.

(d) Cultural and historic aspects:

In terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), 38. (1) states:

- Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as
 - S38(1)(a) Construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier over 300m in length.
 - S38(1)(c) Any development or activity that will change the character of a site – 1 (i) exceeding 5 000m² in extent;

According to the updated layout plan the proposed development will include the construction of a 2m high block wall along the northern boundary of the access road, approximately 430m in length. However, the area is significantly transformed, the northern property contains alien invasives and the proposed property contains an existing gravel road and existing wire fence line, where a portion will be replaced with a solid wall.

There will not be a significant change to the character, as it is not unusual for a farm to have above ground storage tanks. The area to be developed will be within the disturbed portion of the site, therefore, there will be minimal clearance of vegetation.

According to the SAHRIS website, there are no existing studies regarding the historical significance of Gum Trees in the area. Heritage Western Cape will be included as an I&AP.

2. WASTE AND EMISSIONS

(a) Waste (including effluent) management

Did the activity produce waste (including rubble) during the construction phase?	YES	NO
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?	Approximately 10m ³	
Any and all waste (both hazardous(cement bags, etc) and non-hazardous (general waste), will be disposed of at a registered waste disposal facility. This will be integrated into the mitigation measures of the EMP and this application form for implementation.		
Does the activity produce waste during its operational phase?	YES	NO
If yes, indicate the types of waste (actual type of waste, e.g. oil, and whether hazardous or not) and estimated quantity per type?	Approximately less than 5m ³	

There will be general waste produced by employees, however this is considered minor. Potential hazardous spills that may occur are within a bunded area, and this will be treated as hazardous waste and disposed of at an appropriately registered licensed disposal site.

Where and how was/will the waste be treated / disposed of (describe)?

While no separate facility will be established for the storage and treatment facilities for solid waste and effluent generated, there is limited effluent intended to be generated.

As per the EMPr waste will need to be separated into appropriately labelled waste receptacles, and positioned on site, in a location that protects the receptacles from displacement/damage as a result of harsh weather conditions, and in an area where it can be monitored for pests. It should not be permitted to exceed 75% of the receptacle capacity, and it should not be permitted to be stored on site for more than 90-days. All waste should be kept at a safe distance away from the tank storage area.

Non-hazardous waste will have separate receptacles, where re-use or recycling can occur, the waste should be utilized for this.

Hazardous waste: A sump has been indicated in each proposed bunded structure, and the foundation of the infrastructure will be raised in order to channel any leaks/spills toward the sump area. The sump will capture any excess fuel. This fuel can be considered contaminated and therefore effluent/waste. It can be pumped out directly from the sump, using a submersible pump, contained and disposed of in an appropriate manner at an appropriate disposal site. All hazardous waste will be separated from other waste and disposed of at Vissershok Hazardous Waste Facility. Mitigation measures in the EMPr, will support this, and spill kits will be recommended for site.

Has the municipality or relevant authority confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? If yes, provide written confirmation from Municipality or relevant authority	YES	NO
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Does/will the activity produce waste that is/will be treated and/or disposed of at another facility other than into a municipal waste stream?	YES	NO
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If necessary, the private Vissershok Hazardous Waste Facility will be utilized.

If yes, has this facility confirmed that sufficient capacity exists for treating / disposing of the waste (to be) generated by this activity(ies)? Provide written confirmation from the facility and provide the following particulars of the facility:	YES	NO
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As one of the only facilities in the Western Cape that accepts hazardous waste, the capacity does not need to be confirmed, as minor amounts of hazardous waste will potentially be produced, and this is the only site to dispose of hazardous waste.

Does the facility have an operating license? (If yes, please attach a copy of the license.)	YES	NO
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Facility name: VISSERSHOK WASTE MANAGEMENT FACILITY- CITY OF CAPE TOWN

License: 12/9/11/L210720143618/9/V (Variation of WMLs 12/9/11/L180621144320/9)

Contact person: City of Cape Town

Postal address:

Postal code:

Telephone: 0860 103 089	Cell:
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E-mail:	Fax:
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Describe the measures that were/will be taken to reduce, reuse or recycle waste:

Considering the significantly small amounts of waste to be produced, waste exchange may not be a viable option.

As per the EMPr waste will need to be separated into appropriately labelled waste receptacles, and positioned on site, in a location that protects the receptacles from displacement/damage as a result of harsh weather conditions, and in an area where it can be monitored for pests. It should not be

permitted to exceed 75% of the receptacle capacity, and it should not be permitted to be stored on site for more than 90-days. All waste should be kept at a safe distance away from the tank storage area.

Non-hazardous waste will have separate receptacles, where re-use or recycling can occur, the waste should be utilized for this, and where appropriate drop off facilities can be identified this must be used. A green waste drop-off facility can be identified, this option will also be considered for green waste (if any is produced from labour activities etc.). Any other drop-off facility such as green waste, will be an initiative by the applicant to identify other options than disposal, and only if this waste is produced, will such a facility be sourced.

(b) Emissions into the atmosphere

Does/will the activity produce emissions that will be disposed of into the atmosphere?	YES	NO
If yes, does it require approval in terms of relevant legislation?	YES	NO
Describe the emissions in terms of type and concentration and how it is/will be treated/mitigated:		
N/A		

3. WATER USE

Please indicate the source(s) of water for the activity by ticking the appropriate boxes)

Municipal	Water board	Groundwater	River, Stream, Dam or Lake	Other	The activity did/does/will not use water
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If water was extracted from a groundwater source, river, stream, dam, lake or any other natural feature, please indicate the volume that was extracted per month: m³

Please provide proof of assurance of water supply (e.g. Letter of confirmation from municipality / water user associations, yield of borehole)

Did/does the activity require a water use permit / license from DWA? YES **NO**

If yes, please submit a certified copy of the water use permit/license or submit the necessary application to Department of Water Affairs and attach proof thereof to this application, whichever is applicable.

Describe the measures that were/ will be taken to reduce water demand, and measures to reuse or recycle water:

Development, Design and Construction.

- Labour will be encouraged to utilize buckets of water to clean tools and machinery, rather than running water, to preserve water.
- Labour will be encouraged to capture rainwater for utilization on site.
- The fire safety designs must consider non-water dependant measures, such as fire extinguishers, etc.
- Future designs must give consideration to rain-water capturing and storage, where possible.

Operation:

- Infographics and educational notices should be established in bathroom facilities and kitchen facilities to create awareness, encourage water saving measures.

4. POWER SUPPLY

Please indicate the source of power supply e.g. Municipality / Eskom / Renewable energy source

There is currently power supply available at the property, sourced from the City of Cape Town. Although a diesel genset is on standby, should it be required.

If power supply is not available, where will power be sourced from?
Power is available, sourced from the City of Cape Town.

5. ENERGY EFFICIENCY

Describe the design measures, if any, that have been taken to ensure that the activity is energy efficient:
A diesel genset is on standby, should it be required.

Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any:

No alternative energy sources will be integrated into the design, as this is a storage facility not a processing or manufacturing facility that will be energy straining. Energy requirements are low.
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6. DESCRIPTION AND ASSESSMENT OF THE SIGNIFICANCE OF IMPACTS prior to and after MITIGATION

Please note:

- While sections are provided for impacts on certain aspects of the environment and certain impacts, the sections should also be copied and completed for all other impacts.
 - Mitigation measures that were implemented and mitigation measures that are to be implemented should be clearly distinguished.
 - **Mitigation measures that were undertaken will be underlined.**
- (a) **Impacts that resulted from the planning, design and construction phases (briefly describe and compare the impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that occurred as a result of the planning, design and construction phases.**

Impacts on geographical and physical aspects: LEGISLATIVE NON-COMPLIANCE	
The proposal required appropriate Town Planning and environmental approvals to permit the proposed land use. It should be noted that no bulk hazardous substances were being stored at the time of non-compliance, and none are being stored at present, therefore there are no existing risks to the site or surrounding areas, that would inflate the impact prior to mitigation.	
Nature of impact:	Negative
Extent and duration of impact:	Local and Long-term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> • The design may not be sufficient in terms of compliance with vital hazardous storage and safety requirements, thereby resulting in risk and costly changes.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	High
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>General:</p> <ul style="list-style-type: none"> • Undertake the necessary Town Planning application to appropriately permit the proposed land use. • Ensure all necessary permits are obtained prior to commencement of construction (those that are required for construction), this may include, but is not limited to: <ul style="list-style-type: none"> - Potential updated and approved building plan. - Town planning approval.

	<ul style="list-style-type: none"> • Ensure that the process for obtaining the necessary permits for operational phase, is also commenced with if not already obtained. • All development must be in line with the approved plans for development and no additional construction works may be undertaken without appropriate approval, including creation of additional new access roads, etc. • Ensure that all relevant by-law considerations have been met, in terms of the final design and operational plan, particularly those relevant to the Fire Safety By-Law, 2002 (as amended). • Ensure that all recommendations from the Final Major Hazard Installation study are included in the planned works, layouts updated, and measures are complied with. Including: <ul style="list-style-type: none"> - Good housekeeping must always be observed on site. - Emergency Plan must be implemented to address the risks identified in the MHI report. - Emergency Plan must comply with the MHI Regulations and SANS:1514 Codes - Incident Register must be kept to detail all near misses. - Maintenance on equipment to be done as per manufacturer requirements. - Fuel installations must comply with relevant SANS Codes and Municipal Bylaws. - All work must be done by qualified companies. - Council to approve drawings. - Fire department to issue a flammable substance certificate. - Area around the depot must be kept clean and clear of ignition sources and combustible materials. - This MHI report must be distributed to Local, Provincial and National Government as per MHI Regulations. <p>Monitoring:</p> <ul style="list-style-type: none"> • Appoint an appropriately experienced and qualified ECO (Environmental Control Officer), to monitor compliance during construction. • Appoint an appropriately experienced and qualified Environmental Auditor to undertake compliance audits during construction and implementation. • Establish an Environmental File which will contain all relevant information as detailed in the EMPr. Ensure this file is always available on site, and is updated with the relevant information, as detailed in the EMPr. • Ensure that all labour (including consultants and sub-consultants) are inducted by the ECO prior to commencing with activities.
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	Low

Impacts on geographical and physical aspects: WASTE PRODUCTION AND MANAGEMENT

There is currently no evidence of waste receptacles on site, however there is no evidence of dumping of material of a hazardous or non-hazardous nature, and no evidence of contamination or significant impacts in relation to waste management. If activities are to re-commence, appropriate planning needs to be given to waste management, both temporary and permanent.

Nature of impact:	Negative
Extent and duration of impact:	Site Specific and short-term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Poorly managed waste can be dispersed into the surrounding areas, impacting on the surrounding community, if liquid, it can contaminate the soil, if allowed to leak onto natural ground.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low - Medium
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>General</p> <ul style="list-style-type: none"> <u>Practice good house-keeping and plan set-up and programme of works ahead of time.</u> <u>Be mindful of weather patterns, that may interrupt work as well as shelter waste areas so as to not be dispersed in bad weather.</u> <u>Ensure storage of material is done in an orderly fashion.</u> <u>Contain disturbance to the transformed areas within the farm.</u> No storm water runoff containing waste, or water containing waste emanating from construction activities may be discharged into the environment. Any accidental release of a hazardous substance during the construction phase of the proposed development, must be reported to the relevant authorities, including the Department of Environmental Affairs and Development Planning's Directorate: Pollution and Chemicals Management, in terms of Section 30 of the NEMA. Waste generated on site must be classified and managed in accordance with the National Environmental Management: Waste Act – Waste Classification and Management Regulations (GN No. R. 634 of August 2013). Disposal of waste to landfill must be undertaken in accordance with the National Environmental Management: Waste Act – National Norms and Standard for the Assessment of Waste for Landfill Disposal (GN No. R. 635 of August 2013). All waste, hazardous as well as general, resulting from the proposed activities must be disposed of appropriately at a licensed Waste Disposal Facility (WDF). Ensure a spill kit is available on site, and emptied as soon as possible, at an appropriately registered disposal site or by an appropriately registered waste disposal company, eg: Spilltech). <u>No waste may be stored on site for more than 90-days.</u> <u>No waste may be burned, buried or disposed of into the natural environment.</u> <p>Waste Receptacles:</p> <ul style="list-style-type: none"> Dedicated waste bins or skips must be provided on site and kept in a demarcated area on an impermeable surface. Separate waste bins/skips must be provided for recyclable waste, general waste and hazardous waste. They must be appropriately labelled so as to ensure that all labour understands the requirements of each receptacle.

- Skips/ bins must be provided with secure lids or covering that will prevent scavenging and prevent wind from displacing the waste or creating dust.
- Littering is not permitted.
- Waste bins/skips must be regularly emptied and must not be allowed to overflow.
 - Ensure that waste receptacles are weighted down, or have weighted covers, are labelled appropriately, and/or are cleaned by a reputable waste disposal company.
 - Obtain a disposal/cleaning slip for this waste, to file in the Environmental File.

Educating Labour

- Workers appointed for construction must be instructed not to litter and to place all waste in the appropriate waste bins provided on site.
- The Contractor must ensure that all workers on site are familiar with the correct waste disposal procedures to be followed.
- Utilize infographics where necessary.
- Ensure labour is inducted appropriately.

Pollution Management -Hydrocarbons (oil, fuel etc.)

- Polluted stormwater must be contained on the site and disposed of appropriately.
- Vehicles and machinery must be in good working order and must be regularly inspected for leaks.
- If a vehicle or machinery is leaking pollutants it must, as soon as possible, be taken to an appropriate location for repair. The ECO has the authority to request that any vehicle or piece of equipment that is contaminating the environment be removed from the site until it has been satisfactorily repaired.
- Repairs to vehicles/ machinery may take place on site, within a designated maintenance area where contamination cannot access the stormwater network, or impact on the natural ground.
- Drip trays must be utilized when:
 - Refuelling.
 - During decanting of hazardous substances and when refilling chemical fuel storage tanks.
 - Generators are being utilized on site where there is risk of leakage/spillage.
- If fuel is to be utilized, fuel tanks must be elevated so that leaks are easily detected.
- A spill kit to neutralise/treat spills of fuel/ oil/ lubricants must be available on site, and workers must be educated on how to utilise the spill kit.
- Soil contaminated by hazardous substances must be excavated and disposed of as hazardous waste.

Pollution Management – Ablution facilities

- Utilize existing ablution facilities on site.
- If this is not possible, provide the necessary chemical toilets on a levelled surface and ensure toilets are secured from blowing over.
 - Toilets must be located well outside of any storm water drainage lines and may not be linked to the storm water drainage system in any way.

- Chemical toilets must be regularly emptied, by an appropriate service provider. Care must be taken to prevent spillages when moving or servicing chemical toilets.
- Toilet facilities must be supplied by the Contractor for the workers at a ratio of at least 1 toilet per 30 workers in areas approved by the ECO.
- Separate toilets must be supplied as per gender.
- Temporary/ portable toilets must be secured to the ground to prevent them toppling due to wind or any other cause, to the satisfaction of the ECO.
- The Contractor must ensure that no spillage occurs when the toilets are cleaned or emptied and that the contents are removed from the site, disposal/cleaning slips must be filed in the Environmental File, to ensure that these are available for review.
- Toilets should be emptied before the Contractors' holidays or any other temporary site closure.
- No labour may be permitted to utilize any natural or disturbed area of the site for ablution purposes.

Pollution Management – Hazardous Substances

- Any hazardous substances (materials, fuels, other chemicals etc.) that may be required on site must be stored according to the manufacturers' product-storage requirements, which may include a covered, waterproof bunded housing structure.
- Material Safety Data Sheets (MSDSs) should be readily available on site for all chemicals and hazardous substances to be used on site. Where possible and available, MSDSs must additionally include information on ecological impacts and measures to minimise negative environmental impacts during accidental releases.
- Utilize existing bunded areas on site for hazardous storage and refuelling areas. If none of the existing areas can be utilized, ensure that no spills are able to contaminate the stormwater network.

Cement Batching

- Cement batching and wastewater from such activities must not be permitted to wash into the stormwater network, bunding must be applied where necessary.
- No natural area may be used for cement mixing.
- Unused cement bags must be stored in such a way that they will be protected from rain. Empty cement bags must be disposed of in an appropriate waste bin, for other hazardous waste materials.
- All excess cement must be removed from site and disposed of at an appropriately registered licensed disposal facility.

Fire safety

- Avoid stockpiling waste material on site for excessive timeframes.
- No uncontrolled or unpermitted burning of waste is permitted.
- If utilized, ensure that any flammable substances are stored according to industry standards.
- Ensure that fire safety measures are available on site, including fire extinguishers, in case of an emergency.
- Erect fire safety signage, and warning signage to alert people that flammable items are stored in a certain area, etc. and to indicate where fire safety equipment (e.g. fire extinguishers) are located.

	<ul style="list-style-type: none"> Ensure emergency contact details are available on site, with access to a working telephone.
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW

<p>Impacts on geographical and physical aspects: TRANSFORMATION OF SURFACE AREA & RELATED CONSTRUCTION ACTIVITY</p> <p>It is noted that the establishment of the non-compliant infrastructure did not result in any significant impacts, as the area was disturbed, and all activities remained within these disturbed portions. However, if construction recommences, consideration is needs to be given to the various activities related to construction activities and construction sites.</p>	
Nature of impact:	Negative
Extent and duration of impact:	Site Specific and Short-term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Poor planning of construction activities can lead to additional impacts and risks during construction activities.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - MEDIUM
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>General:</p> <ul style="list-style-type: none"> Ensure appropriate planning is undertaken to consider the following, during construction: <ul style="list-style-type: none"> Security. Site access and movement of vehicles. Parking areas and maintenance of equipment or vehicles. Stockpiling and storage areas. Designate waste areas. Site establishment may only be undertaken in areas of transformation/disturbance. The ECO must be included in deciding on a location for site establishment. Utilize barrier netting and signage, to designate working corridor and prohibit access to no-go areas. Contain disturbance to the demarcated construction area. Already disturbed/transformed areas should be used for the accommodation of construction plant, construction material, offices, etc. during the construction phase. Ensure permits/licenses applicable, are obtained prior to commencement of construction works on site. Close off access to the working area to prohibit access when not in use. Ensure working hours remain within reasonable timeframes so as to not disturb neighbours or other residents on the property. Allow safe movement of other residents (within the existing dwellings) onto and off site. Ensure construction works are undertaken with sufficient lighting. Ensure lighting does not disturb neighbouring dwellings. <p>Security:</p>

- Ensure security is available on site when stockpiling material and fuels or other hydrocarbons for use, overnight.
- Ensure access onto site is controlled.

Site Access and Vehicle Movement:

- Ensure deliveries/collections during construction are well planned and avoids construction areas. Ensure safety measures are considered.
- Avoid peak hours.
- Ensure construction programme is planned prior to commencement of activities on site.
- Ensure all vehicles entering the site are familiar with the appropriate access roads, and rules of utilizing these access roads.
- No speeding should be permitted.

Traffic:

- A signboard indicating construction activities must be positioned at the intersection between Klein Dassenberg Road and Rondeberg Road, and at the entrance to the Farm Portion.
- Signage should not obstruct the view of motorists entering and exiting Rondeberg Road.
- Signage should be implemented at the entrance of site indicating speed limits to be observed on site.
- Vehicles should not be parked outside of the site and may not obstruct traffic onto Rondeberg Road for extended periods of time.

Parking Areas and Maintenance of Equipment or Vehicles:

- Designate an appropriate area for these activities.
- Ensure maintenance is undertaken on transformed surfaces and wastewater cannot contaminate natural ground.
- Implement bunding where necessary.

Stockpiling and Storage Areas:

- Designate appropriate storage areas, for various materials.
- Ensure hazardous material is managed as mentioned previously.
- Ensure stockpiles are not excessively high, which may create a risk in windy conditions.
- Ensure that stockpiles are not situated on site for more than 90 consecutive days.
- Be mindful that animals such as rats and snakes may take refuge within stockpiled undisturbed material, therefore, workers must be careful when handling stockpiled materials by hand, and should not allow any debris to be stockpiled on site for long periods of time.

Designate waste areas.

- Implement waste management measures as per EMPr.

Emergency Plans

- Ensure all emergency procedures are clearly planned and readily available. Ensure all labour is briefed on emergency procedures and no-go areas, as well as prohibited activities including smoking or establishing fires on site.

	<p>No-Go Areas:</p> <ul style="list-style-type: none"> Ensure that that all areas to the west and south of the existing dwelling infrastructure be considered no-go areas for construction activities, labour and vehicles. Even for temporary activities.
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW

Impacts on geographical and physical aspects: POOR CONSTRUCTION OF BUNDED AREAS COULD LEAD TO INSTABILITY DURING OPERATIONAL PHASE

The applicant must ensure that the designs of the bunded area meets the necessary design requirements, and any relevant foundations are integrated into the design for implementation to ensure that the bunded structures are levelled (particularly given the sandy loose soils) and stable.

Nature of impact:	Negative
Extent and duration of impact:	Site Specific and Short-term
Probability of occurrence:	Improbable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Poor design considerations can lead to incidents during operational phase.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - MEDIUM
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	<p>General:</p> <ul style="list-style-type: none"> Ensure appropriate planning is undertaken to ensure that bund area foundations are stable and meet relevant design standards. Implement safety recommendations relevant to the design and construction phase, from the Health and Safety professional who undertakes the risk assessment. Comply with SANS 10131: 2004, where necessary. Ensure if any building plans need to be approved or building inspections are to be undertaken, this is done prior to filling the fuel tankers, and if necessary, prior to positioning them in the bund area.
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW

Impact on biological aspects: LOSS OF VEGETATION AND HABITAT DISTURBANCE

It is noted that the vegetation removed from site was a small portion of grass species, and immature tree species, less than 300m². Areas planned for development are areas that have already been transformed or are predominantly sandy with sporadic grass vegetation. No SCC (Species of Conservation Concern), were present or have been present. Based on the on-going disturbance existing within this area (before the unlawful construction activity). It is clear that no habitat was present and would not be disturbed were the development to proceed.

<p>A single species of a young African Fan Palm (<i>Borassus aethiopum</i>), and a young gum tree, are seen within the proposed area intended to accommodate the second bund. Neither are endemic to South Africa, however <i>Borassus aethiopum</i> is not a listed invasive species. These species will require removal from this area. Appropriate management measures will be included in the EMPr.</p>	
Nature of impact:	Negative
Extent and duration of impact:	Site Specific and Short-term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	Poor planning of construction activities can lead to additional impacts and risks during construction activities.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>General:</p> <ul style="list-style-type: none"> • Ensure site plans are available on site, and labour is familiar with the working area. <p>Tree Species Removal and Management</p> <ul style="list-style-type: none"> • If there are tree species within the working area (such as the gum trees along the access road to the north), that will remain, ensure that labour is briefed on this, and place markers (ie: danger tape around the trees) to indicate that the trees should not be removed/damaged. • Appoint a local contractor with experience in tree removal. • The individual trees should be removed as follows: <i>Gum Tree and Palm Tree (if necessary)</i> Via Mechanical Control (single species) <ul style="list-style-type: none"> ➢ Use a 'Tree Popper'. Alternatively, cut off the top growth and then remove the stem and roots from the soil. It is vital that the root ball and any taproots are totally removed to prevent regrowth, as invasive plants often have roots capable of regeneration. ➢ The leaves should be stripped and the wood given to the local labour for firewood purposes, off-site. ➢ Stripped leaves should be immediately managed as green waste. Alternatively the leaves should be burnt in a receptacle where it can be contained and controlled, thereafter the waste can be . • Ensure green waste is stockpiled in an appropriate bin/waste receptacle and then disposed of at a green waste drop-off facility. A disposal slip should be obtained for this. <p>Stockpiles</p> <ul style="list-style-type: none"> • The topsoil must be stored separately and should not be contaminated, if it is to be donated. • All topsoil stockpiles must be less than 1.5m in height and have adequate signage to illustrate which are topsoil and subsoil.

	<ul style="list-style-type: none"> • Topsoil not to be utilized should be removed from site, and disposed of at an appropriate facility, with a disposal slip to record this activity. <p>Vegetation</p> <ul style="list-style-type: none"> • No surrounding natural vegetation must be disturbed unnecessarily. • If any vegetation is intended for removal that has not been covered in this assessment, it must be brought to the attention of the responsible ECO to address. • Utilize existing infrastructure, or already disturbed/transformed area for the accommodation of construction plant, construction material, offices, etc. during the construction phase. • No disturbance or spoiling may occur outside this working area. • Uncontrolled fires are prohibited on site. • Clear all waste within the working area, while clearance takes place, and dispose of it appropriately. • Remove all alien invasive species (under the guidance of the ECO).
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	NEGLIGIBLE TO LOW

Impact on biological aspects: REMOVAL OF ALIEN INVASIVES

It is recognized that the existing mature gum trees located along the access road, north of the bund area, are isolated from the surrounding vegetation, as development has occurred around these trees. Based on historical imagery, these trees were established around 2009 – 2011, and are intended to be retained on site, as a natural screen. In terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 Of 2004), List 1: National list of Invasive Terrestrial and Fresh-water Plant Species, item no. 133 – 138, states that

- River red Gum (*Eucalyptus camaldulensis*)
- Spider Gum (*Eucalyptus conferruminata*)
- Sugar Gum (*Eucalyptus cladocalyx*)
- Karri (*Eucalyptus diversicolor*)
- Saligna Gum (*Eucalyptus grandis*)
- Forest Red Gum (*Eucalyptus tereticornis*)

Are listed as Category 1b Alien Invaders, and must be removed, unless c (iii) – they are not listed within 50 metres of the main house on a farm, but excluding in riparian areas. However, based on the recommendations made by the MHI Specialist, this may need to be removed for safety measures, as a result of being a fire hazard. No such recommendation was made by the MHI specialist.

The remaining area of the development footprint will need to be cleared of any alien invasive vegetation.

Nature of impact:	Positive
Extent and duration of impact:	Site Specific and Short-term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> • Poor management of alien invasive species, can result in spread, and loss of indigenous vegetation, in the surrounding area.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW

Degree to which the impact can be mitigated:	Positive Impact therefore it is an enhancement.
<p>Proposed mitigation:</p>	<p>Positive impact – General:</p> <ul style="list-style-type: none"> • Ensure site plans are available on site, and labour is familiar with the working area. • Ensure that the MHI Specialists recommendations have been taken into consideration. <ul style="list-style-type: none"> - If removal of tree species is required, within the working area (such as the mature gum trees), appoint an appropriate tree felling company to remove trees. - If they are to remain, ensure that labour is briefed on this, and place markers (e: danger tape around the trees) to indicate that the trees should not be removed/damaged. • Ensure green waste is stockpiled in an appropriate bin/waste receptacle and then disposed off at a green waste drop-off facility. A disposal slip should be obtained for this. <p>Stormwater Control</p> <ul style="list-style-type: none"> • Ensure stormwater management has been taken into consideration. • All stormwater runoff within the development area must be managed in a manner so as to minimise or prevent erosion. Areas susceptible to erosion must be protected by installing the necessary temporary structures. <p>Stockpiles</p> <ul style="list-style-type: none"> • Designated areas for stockpiling of raw materials must be identified before material is brought onto site. • Ensure stockpiles are bunded, especially if positioned along fence line. • Erosion control measures including silt fences, low soil berms and/or shutter boards must be put in place around the stockpiles to limit sediment runoff from stockpiles. • Stockpiles of topsoil & spoil material must be protected from wind & water erosion. • Stockpiles of earth material may not be located within any storm-water drainage pathways. • The topsoil must be stored separately and should not be contaminated, if it is to be donated. • All topsoil stockpiles must be less than 1.5m in height and have adequate signage to illustrate which are topsoil and subsoil. • Topsoil not to be utilized should be removed from site, and disposed of at an appropriate facility, with a disposal slip to record this activity. <p>Vegetation</p>

	<ul style="list-style-type: none"> • No surrounding natural vegetation must be disturbed unnecessarily. • If any vegetation is intended for removal that has not been covered in this assessment, it must be brought to the attention of the responsible ECO to address. • Utilize existing infrastructure, or already disturbed/transformed area for the accommodation of construction plant, construction material, offices, etc. during the construction phase. • No disturbance or spoiling may occur outside this working area. • Uncontrolled fires are prohibited on site. • Clear all waste within the working area, while clearance takes place, and dispose of it appropriately. • Remove all alien invasive species (under the guidance of the ECO).
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	NEGLECTIBLE TO LOW

Impact on biological aspects: FAUNA DISTURBANCE – WILD AND DOMESTIC	
The site is utilized as a farm with natural areas on site and in the surrounding areas. Snakes and other small fauna may wander onto site or cross the construction area. Further to this there are domestic pets on site, including horses and dogs.	
Nature of impact:	Negative
Extent and duration of impact:	Site Specific and Short-term
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> • Animals may be harmed should they wander onto site, or become a danger to people.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - MEDIUM
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>Faunal Management:</p> <ul style="list-style-type: none"> • Limit access onto site using fencing to stop animals from entering the construction area. Use shade cloth over existing fence line (boundary of working area), to stop animals from wandering onto site. • Don't leave excavations open, unattended or overnight, where possible. • Time and allowances should be made prior to the commencement of construction activity to allow for all relevant safety mitigation to take place. • If fauna is found, it should be gently and safely relocated outside of the working footprint, if harmless. • Ensure contact details for animal removal services are available on site, such as SPCA, or snake catchers.

	<ul style="list-style-type: none"> • Ensure infographics are available on site indicating common snakes, and how to identify them. • Environmental inductions must include this management measure. The ECO is to advise labour on future conduct in terms of faunal management throughout construction phase, during inductions, including but not limited to: <ul style="list-style-type: none"> - No person/s may harm, kill, capture or keep any fauna. - Appropriate access control must be put in place to reduce the risk of animal species gaining access to the development area. - Where possible, avoid interactions, particularly with fauna that can inflict harm, if such fauna is identified on site contact local SPCA or other animal protection and removal services. - Maintain good housekeeping, so that fauna cannot hide amongst waste and material.
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW

Impacts on socio-economic aspects: TRAFFIC & ACCESS	
<p>The site is accessible off of Rondeberg Road which is a narrow dirt road just off of Klein Dassenberg Road. There is a risk that as a result of construction vehicle movement, large trucks transporting material, etc. there may be traffic created along Klein Dassenberg Road and at the fork off of Rondeberg Road and the entrance of the site. Visibility between at the fork of Rondeberg Road is obscured by a large tree, therefore safety measures must be implemented to avoid incidents. However, considering the scope of works, the number of construction vehicles will be fairly limited, as this is NOT a large-scale development, but a few bunded areas, a relatively short boundary walls and a garage. The tanks have already been stockpiled on site.</p>	
Nature of impact:	Negative
Extent and duration of impact:	Site Specific and short-term
Probability of occurrence:	Improbable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No Loss of Resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> • Traffic and delays. • Reckless or impatient drivers could cause accidents.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - MEDIUM
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>General:</p> <ul style="list-style-type: none"> • All construction vehicles need to adhere to traffic laws. The speed of construction vehicles and other heavy vehicles must be strictly controlled to avoid dangerous conditions for other road users. As far as possible care should be taken to ensure that the local traffic flow pattern is not significantly disrupted. • All vehicle operators need to be educated in terms of "best-practice" operations to minimise unnecessary traffic congestion or dangers.

	<p>Construction vehicles should therefore, not unnecessarily obstruct the access point or traffic lanes used to access the site. Construction vehicles also need to consider the load carrying capacity of road surfaces and adhere to all other prescriptive regulations regarding the use of public roads by construction vehicles.</p> <ul style="list-style-type: none"> • Adequate signage, that is both informative and cautionary to passing traffic (motorists and pedestrians), warning them of the construction activities must be suitably located: <ul style="list-style-type: none"> - Identifying working area as a construction site; - Cautioning against relevant construction activities; - Prohibiting access to construction site; - Clearly specifying possible detour routes and/or delay periods; - Possible indications of time frames attached to the construction activities, and; - Details of responsible contractors and engineers are working on the site. • Signage should be positioned at the corner of Klein Dassenberg Road and Rondeberg Road, as well as at the fork on Rondeberg Road, so that it is visible in both directions. • If needed, appropriate traffic management measures and/ or points men (traffic marshals) should be utilized to assist vehicles entering/ exiting the site, particularly where vehicles must cross the path of oncoming traffic. • Speed of construction vehicles and other heavy vehicles must be strictly controlled to avoid dangerous conditions for other road users. • The Contractor must ensure that any large or abnormal loads (including hazardous materials), that must be transported to/ from the site are routed appropriately, and that appropriate safety precautions are taken. • Truck drivers, transporting construction material or vehicles must be briefed on the appropriate route, and speed limits etc. The driver should be experienced at transporting large loads. • Ensure any damage done by vehicle movement is identified and reinstated as soon as possible. • Consideration needs to be given to notifying adjacent affected landowner, in case a significantly large delivery is planned, that will result in some obstruction on Rondeberg Road.
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW

Impacts on socio-economic aspects: VISUAL IMPACTS AND CHANGE TO SENSE OF PLACE	
Impacts related to the change of sense of places as a result of construction activities and visual impacts, need to be considered. The property is surrounded by neighbouring farm portions and the fencing around site is limited to wire fencing, which offers limited visual screening. However, there are no neighbouring dwellings visible from the site. Furthermore, there are other people renting dwellings within the property which can have additional visual impacts, as construction is not always a visually tolerant process.	
Nature of impact:	Negative
Extent and duration of impact:	Local and short-term
Probability of occurrence:	Definite

Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	No Loss of Resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Complaints from neighbouring properties and occupiers on site.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - MEDIUM
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	<p>General:</p> <ul style="list-style-type: none"> It is highly recommended that the proposed wall along the northern boundary of the site be constructed first, before continuing with other construction activities. Special attention should be given to the screening of highly reflective material. Work on site must be well-planned and well-managed so that work proceeds quickly and efficiently, thus minimizing the disturbance time. Use of lighting (if required) should take into account surrounding residents and land users and should present little or no nuisance.
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - NEGLIGIBLE

Impacts on socio-economic aspects: EMPLOYMENT OPPORTUNITIES & SUPPORT TO LOCAL ECONOMY	
The proposed development's establishment will contribute to economic growth by providing employment opportunities, during construction, for labour of various skill levels, backgrounds, and genders.	
Nature of impact:	Positive
Extent and duration of impact:	Local and short-term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	No Loss of Resources
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	MEDIUM
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	<p>Positive impact therefore can be enhanced as follows:</p> <p>General</p> <ul style="list-style-type: none"> It is highly recommended that all labour be sourced from the local community. Where possible, people from previously disadvantaged backgrounds, must be given an opportunity to work. Source materials and contractors from the local community.
Cumulative impact post mitigation:	

Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	MEDIUM (+)
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Noise impacts: CONSTRUCTION NOISES AND DUST CREATION	
Construction sites are notoriously loud, although temporary. The movement of large vehicles, offloading/loading of heavy materials, and the communication between employees can create a disturbing atmosphere, in an area that is typical agricultural and natural. During construction there is potential for dust to be generated and create a nuisance to surrounding area.	
Nature of impact:	Negative
Extent and duration of impact:	Local and short-term
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No Loss of Resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Complaints from neighbouring properties and occupiers on site. Disturbance to surroundings, including domestic pets and horse farms present, etc.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	MEDIUM
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	<p>Noise</p> <ul style="list-style-type: none"> A complaints register must be available on site. Strict operating hours for heavy vehicles and construction activities must be implemented so as to avoid times of day when noise impacts are more likely to affect adjacent landowners, i.e.: construction activities, including the movement of vehicle must be limited to between 07h30 and 17h30. Work on site must be well-planned and must proceed efficiently so as to limit the duration of the disturbance. Vehicles and equipment must be kept in good working condition. If deemed necessary, machinery and equipment must be fitted with mufflers/ exhaust silencers. No unnecessary disturbances must be allowed to emanate from the construction site. Workers must be educated on how to control noise-generating activities that have the potential to become disturbances, particularly over an extended period of time. Noise levels must comply with the relevant health & safety regulations and SANS codes and must be monitored by the Health & Safety Officer as necessary and appropriate. Affected parties must be informed of the excessive noise factors. <p><u>Dust</u></p> <ul style="list-style-type: none"> Land clearing and earthmoving activities must not be undertaken during strong winds, where possible. Cleared areas must be provided with a suitable cover as soon as possible, and not left exposed for extended periods of time. Stockpiles of topsoil, spoil material and other material that may generate dust must be protected from wind erosion.

	<ul style="list-style-type: none"> • The location of stockpiles must take into account the prevailing wind direction and must be situated so as to have the least possible dust impact to surrounding residents, road-users and other land-users. • Speed limits must be enforced in all areas to limit the levels of dust pollution. • The general speed limits must be adhered to in public areas. • Dust must be suppressed on access roads and the construction site during dry periods by the regular application of water or a biodegradable soil stabilisation agent. Water used for this purpose must be used in quantities that will not result in the generation of excessive run off. • Dust suppression measures such as the wetting down of sand heaps as well as exposed areas around the site must be implemented especially on windy days. • The use of straw worked into the sandy areas may also help and the ECO must advise when this is necessary. • If dust appears to be a continuous problem the option of using shade cloth to cover open areas may be necessary or the erecting of shade netting above the fenced off areas may need to be explored. • All vehicles transporting sand (if any), need to have tarpaulins covering their loads which will assist in any windblown sand occurring off the trucks. • Work on site must be well-planned and must proceed efficiently so as to minimise the handling of dust generating material. • Material loads must be properly covered during transportation. • Wetting of soils must be considered, if dust dispersal is excessive. • Dust levels specified in the National Dust Control Regulations (GN 827 of November 2013) may not be exceeded. <p>A Complaints Register must be available at the site for inspection by the ECO, in relation to any dust complaints that may have been received.</p>
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - MEDIUM

Impacts on cultural-historical aspects: NO CULTURAL-HISTORICAL ASPECTS WILL BE IMPACTED UPON.	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Impacts on cultural-historical aspects: NO CULTURAL-HISTORICAL ASPECTS WILL BE IMPACTED UPON.	
Nature of impact:	

Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

(b) Impacts that result from the operational phase (briefly describe and compare impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the operational phase.

<p>Impacts on geographical and physical aspects : DUST IMPACTS ON SURROUNDING AGRICULTURAL PROPERTIES</p> <p>Movement of vehicles on and off site, may generate dust due to their lack of impermeable surfacing. Dust and sand has been noted to have a number of negative impacts on surrounding agricultural land, including burial of seedlings that can impact on crop productivity.*1 Given that the predicted trips generated per day will be limited, this is not anticipated to be a significant impact. Furthermore, no evidence of agricultural crop farming has been identified immediately adjacent to the development footprint. According to historical imagery, the property to the west of the Farm Ptn 64/22 Klein Dassenberg, did historically support agricultural crops, but there is no evidence at present (based on Google Earth imagery). Furthermore, area surrounding the site is vegetated and contains a significant number of mature trees that act as a natural screen.</p> <p><i>*1 R Stefanski and M V K Sivakumar 2009 IOP Conf. Ser.: Earth Environ. Sci. 7 012016</i></p>	
Nature of impact:	Negative
Extent and duration of impact:	Local and short-term
Probability of occurrence:	Improbable
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	No Loss of Resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Complaints from neighbouring properties and occupiers on site. Potential impacts to agricultural crops, if located within close proximity.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	<p><u>Dust</u></p> <ul style="list-style-type: none"> Speed limits must be enforced in all areas to limit the levels of dust pollution. The general speed limits must be adhered to in public areas.
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - NEGLIGIBLE

Impacts on the socio-economic aspects: STORAGE AND HANDLING OF DANGEROUS GOODS	
Mismanagement and negligence on site when storing and handling the fuel, can lead to incidents that can result in harm to human health, infrastructure and the environment. On-going maintenance checks, and monitoring must be undertaken.	
The MHI study has confirmed that the risks are acceptable.	
Nature of impact:	Negative
Extent and duration of impact:	Local and long-term
Probability of occurrence:	Improbable
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	Can cause loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Poor management and negligence can put workers, environment and surroundings in harms way.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium - High
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>General</p> <ul style="list-style-type: none"> Ensure all relevant permits/licenses required for storage and handling of dangerous goods are obtained. Ensure designated storage area is secure, well-ventilated and free of any fire risks. Ensure storage tanks and connections are checked on a daily basis. Ensure that safety and emergency plans are drafted and available to all employees. Ensure designated areas are acceptable as per all relevant legislative requirements. Manage storage in line with SANS 10123: 2004. <p>MHI Recommendations:</p> <ul style="list-style-type: none"> <p>Educating Labour</p> <ul style="list-style-type: none"> Ensure the relevant personnel are fully aware and trained on the following: <ul style="list-style-type: none"> ➤ Offloading/loading, management, and storage of hazardous goods. All farm or business personnel who pump fuel should be trained on good ➤ fueling procedures. They should know how to use all spill kit items, how ➤ to prevent overfills, and how to react if an emergency occurs. Hands-on ➤ training usually is better received and remembered than training from ➤ written materials. ➤ Spill prevention is the single most important thing, and periodic refresher

- training should be provided. Employees need to be reminded of routine
- filling procedures such as turning pumps on and off, locking tanks,
- inspecting hoses and fittings, and completing the use log; and they must
- always be reminded to stay present at the tank when fueling.
- Emergency plans, including fire safety.
- Conditions required to comply with relevant permits/licenses required for storage and handling of dangerous goods.
- Evidence of incidents/contamination.
- Ensure employees are aware of appropriate PPE (if recommended by Health and Safety Specialist).
- Ensure employees are fully aware of the standard reporting procedure should any incidents/complaints arise.

Waste Management

- Situate spill kits at delivery/loading points.
- Ensure relevant emergency/safety plans are in place and all permanent personnel are fully aware of these plans.
- The emergency preparedness and response plan must be made known to all relevant personnel in the event that any vehicle accidentally spills hazardous goods.
- Any transport accidents that may result in leaks or spills of hazardous waste from the vehicles will require:
 - Emergency action to contain the spill material; and
 - Immediate steps must be taken to clear any materials that could drain toward the drainage areas on site or that are causing traffic congestion and delays.
- A designated waste storage area must be allocated. This area must have the following characteristics:
 - Be enclosed and shielded from wind/rain.
 - Must be located on an impermeable surface located away from any drainage areas.
 - Must have a spill kit in close proximity of this storage area.
 - The storage area must have a combined volume that amounts to 110% of the volume of the storage tanks within the storage area.

- All skips/bins must be labelled appropriately, eg: skips/bins containing hazardous waste must be labelled "hazardous waste".
- All storage areas must be equipped with a fire hydrant in the event of emergencies, or any other precautionary equipment.
- Dispose of the various waste types at appropriately registered licensed waste disposal sites.

Fire Safety

- Establish a 5m firebreak around the bunded areas, particularly to the north of the bunds (the existing road to the south, can be utilized for this purpose).
 - Ensure that this is maintained in line with relevant fire safety requirements.
 - Ensure that no leaf litter builds up in the bunded areas.
- Ensure fire-fighting equipment is readily accessible, functioning, and in close proximity to storage areas.
- Establish signage and indicate that the storage areas, beyond the southern proposed solid wall, will have a strict zero-tolerance for smoking. Establish similar signage at the entrance to indicate that no drivers accessing this portion to the property will be permitted to smoke.
- Ensure emergency numbers are visible, with a working landline/phone to utilize.
- Ensure all infrastructure is operating as per manufacturer specifications.
- Landowner/occupier must register with the local Fire Protection Association.
- Establish firebreaks around the storage area and ensure that these are maintained.

Storage Tanks:

- Ensure storage tanks are maintained as per manufacturers and Health and Safety specifications.
- Ensure that all monitoring required to be undertaken, is undertaken timeously and in compliance with the relevant permit/license.
- Staff must ensure that the correct fuel is placed in the tank and the correct amount of fuel is dispensed (calculate beforehand to prevent overfill).

MHI Recommendations:

	<ul style="list-style-type: none"> • Ensure that all recommendations from the Final Major Hazard Installation study are included in the planned works, layouts updated, and measures are complied with. Including: <ul style="list-style-type: none"> - Good housekeeping must always be observed on site. - Emergency Plan must be implemented to address the risks identified in the MHI report. - Emergency Plan must comply with: <ul style="list-style-type: none"> ➤ the MHI Regulations and SANS:1514 Codes. ➤ Must be accepted and signed by management and the Local Authority. - Incident Register must be kept to detail all near misses. - Maintenance on equipment to be done as per manufacturer requirements. - Fuel installations must comply with relevant SANS Codes and Municipal Bylaws. - All work must be done by qualified companies. - Council to approve drawings. - Fire department to issue a flammable substance certificate. - Area around the depot must be kept clean and clear of ignition sources and combustible materials. - This MHI report must be distributed to Local, Provincial and National Government as per MHI Regulations. • Review of Risk Assessment (Appendix N) : The Risk Assessment is valid for the duration of 5 years from the above date unless: <ul style="list-style-type: none"> - Changes have been made to the plant that can alter the risks on the facility. - The Emergency Plan was invoked or there was a near miss. - The changing neighbourhood could result in offsite risks. - There is reason to suspect that the current Assessment is no longer valid. • Risk Reduction Programmes : Risk reduction programmes should continually be investigated to reduce the impact from accidental fires and explosions on surrounding communities.
Cumulative impact post mitigation:	None
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW

Impacts on geographical and physical aspects: WASTE PRODUCTION AND MANAGEMENT

<p>Waste management must be considered a key aspect of operational activities, as both hazardous and general waste is anticipated to be produced (minimal – however requires consideration).</p> <p>As recommended by the MHI consultant, the catchment drain will be connected and the water/ oil mixture from spills and rainwater will be fed through an oil/ water separator before going into a soakaway system.</p>	
Nature of impact:	Negative
Extent and duration of impact:	Site Specific and short-term
Probability of occurrence:	Definite
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Poorly managed waste can be dispersed into the surrounding areas, impacting on the surrounding community, if liquid, it can contaminate the soil, if allowed to leak onto natural ground.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - MEDIUM
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>General</p> <ul style="list-style-type: none"> Practice good house-keeping. Adopt a waste management plan in line with the City of Cape Town Integrated Waste Management By-Law 2009 (As Amended 2016). Be mindful of weather patterns, that may affect waste storage area (based on placement). Ensure storage of waste is done in an orderly fashion. Polluted stormwater must be contained on the site. Dedicated waste bins or skips must be provided on site and kept in a demarcated area on an impermeable surface (may be permitted within, if non-hazardous, if hazardous utilize spill kits on site). Separate waste bins/skips must be provided for recyclable waste, general waste and hazardous waste. Green waste (if any) may be stockpiled in separate bin until removal. Be mindful of weather patterns, that may interrupt work as well as shelter waste areas so as to not be dispersed in bad weather. Ensure storage of material is done in an orderly fashion. Contain disturbance to the transformed areas within the farm. No storm water runoff containing waste, or water containing waste emanating from construction activities may be discharged into the environment. Any accidental release of a hazardous substance during the construction phase of the proposed development, must be reported to the relevant authorities, including the Department of Environmental Affairs and Development Planning's Directorate: Pollution and Chemicals Management, in terms of Section 30 of the NEMA. Waste generated on site must be classified and managed in accordance with the National Environmental Management: Waste Act – Waste Classification and Management Regulations (GN No. R. 634 of August 2013). Disposal of waste to landfill must be undertaken in accordance with the National Environmental Management: Waste Act – National Norms and

Standard for the Assessment of Waste for Landfill Disposal (GN No. R. 635 of August 2013).

- All waste, hazardous as well as general, resulting from the proposed activities must be disposed of appropriately at a licensed Waste Disposal Facility (WDF).
- Ensure a spill kit is available on site, and emptied as soon as possible, at an appropriately registered disposal site or by an appropriately registered waste disposal company, eg: Spilltech).
- No waste may be stored on site for more than 90-days.
- No waste may be burned, buried or disposed of into the natural environment.

Waste Receptacles:

- Waste must be placed in the appropriate waste bins/skips/ stockpiles.
- Skips/ bins must be provided with secure lids or covering that will prevent scavenging and windblown (if exposed) waste or dust.
- Waste bins/skips must be regularly emptied and must not be allowed to overflow.
- Always dispose waste at a registered waste disposal site, unless there is a chance that the waste can be re-used etc. in which case utilize an appropriate facility.
- Minimize office waste.
- Remain as a paperless as possible.
- Ensure that, if necessary, any OH&S monitoring is undertaken as required by any permit/license etc.
- Receptacles should be inaccessible to animals.

Educating Labour

- Workers appointed for operational works are to be educated on the the requirements in terms of waste management, and the waste management plan.
- The Contractor must ensure that all workers on site are familiar with the correct waste disposal procedures to be followed.
- Utilize infographics where necessary.
- Ensure labour is inducted appropriately.

Pollution Management -Hydrocarbons (oil, fuel etc.)

- After separation, the oil should be managed as hazardous waste.
- Any hazardous substances (materials, fuels, other chemicals etc.) that may be required on site must be stored according to the manufacturers' product-storage requirements, which may include a covered, waterproof bunded housing structure.
- Material Safety Data Sheets (MSDSs) shall be readily available on site for all chemicals and hazardous substances to be used on site.
- Where possible and available, MSDSs must additionally include information on ecological impacts and measures to minimise negative environmental impacts during accidental releases.
- Utilize existing bunded areas on site for hazardous storage, in spill kits (if storage is necessary).

Fire Safety

- Avoid stockpiling waste material on site for excessive timeframes.
- No waste may be stored on site for more than 90-days.

	<ul style="list-style-type: none"> No uncontrolled or unpermitted burning of waste is permitted. Ensure that gas or any flammable substances are stored according to industry standards. Ensure that appropriate signage is established. Maintain fire hoses and extinguishers (if applicable). Erect fire safety signage, and warning signage to alert people that flammable items are stored in a certain area, etc. and to indicate where fire safety equipment (e.g. fire extinguishers) are located. Ensure emergency contact details are available on site, with access to a working telephone.
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW

Impacts on the socio-economic aspects: PERMANENT EMPLOYMENT OPPORTUNITIES AND LOCAL ECONOMY SUPPORT	
<p>The proposed development's establishment and construction will contribute to economic growth by providing employment opportunities, during construction and on a permanent basis, during operational phase, for labour of various skill levels, backgrounds, and genders. The Applicants target industry is the logistics industry, which is highly dependent on fuel, and fuel availability to ensure business continuation, which in turn supports their range of employees, and in turn supports their clients, and the employees of those businesses. The development will essentially provide key support for the local economy, and business continuation for significant industries that cater to people in both urban and outlying areas.</p>	
Nature of impact:	Positive
Extent and duration of impact:	Local and long-term
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Positive – the development will support the local economy, and cater to various sectors that provide services to personnel across the western cape and nationally.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	High (+)
Degree to which the impact can be mitigated:	
Proposed mitigation:	<p>Positive impact therefore can be enhanced as follows:</p> <p>General</p> <ul style="list-style-type: none"> It is highly recommended that all labour be sourced from the local community. Where possible, people from previously disadvantaged backgrounds, must be given an opportunity to work. Source materials and contractors from the local community.
Cumulative impact post mitigation:	None
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	High (+)

Impacts on the socio-economic aspects: COMMUNITY CONCERNS – FUTURE DEVELOPMENT	
<p>The community may have concerns that the proposed development will set a precedent for other industrial related activities in the area, essentially transforming the area into an industrial extension of the Atlantis industrial area.</p>	

Nature of impact:	Negative
Extent and duration of impact:	Local and long-term
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	Can cause loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Public may perceive the project as problematic, and create unrest.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	MEDIUM - HIGH
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>General</p> <ul style="list-style-type: none"> Engage with the public on a community forum, and allow the public to view compliance approvals, ECO Reports, etc. (information that is not proprietary). <ul style="list-style-type: none"> Written requests must be made from the public for this information. A database must be managed, by the applicant, profiling requests from the public and details of individuals who made requests. Obtain and comply with all relevant permits/licenses. Ensure that the construction plan is implemented, as approved, and no deviations are permitted. Restrict access to the site, to only the applicant's business vehicles. Daily monitoring must be undertaken by a technician or person responsible for monitoring safety compliance and noting any signs of emergency on site.
Cumulative impact post mitigation:	None
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW

Impacts on the socio-economic aspects: TRAFFIC AND ACCESS	
As a result of poor planning, the vehicles entering and leaving the site may create traffic, as they exit onto Rondeberg Rd and Klein Dassenberg Rd. This is very unlikely as the anticipated operational vehicle movement is anticipated to be approximately 2 trips per day (private vehicles – maximum 4 vehicles), and two road tanker deliveries (maximum two trips per week).	
Nature of impact:	Negative
Extent and duration of impact:	Local and long-term
Probability of occurrence:	Unlikely
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> Delays to neighbours utilizing Rondeberg Road for access. Potential accidents as a result of negligence
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Low
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>General</p> <ul style="list-style-type: none"> Ensure employees are fully licensed to operate the relevant vehicles. Ensure signage is erected to indicate: <ul style="list-style-type: none"> The entrance to the site.

	<ul style="list-style-type: none"> - Safety for vehicles carrying fuel. - Speed limits. • Plan trips ahead of schedule and notify neighbours if there are concerns. • Neighbours are to communicate concerns or schedules, ahead of time, if necessary. • The applicant is to ensure that the employees are fully aware of all concerns raised by the public/neighbours, and must ensure that their schedule does not create disruptions.
Cumulative impact post mitigation:	None
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - NEGLIGIBLE

Noise impacts: OPERATIONAL ACTIVITIES	
Inappropriate behaviour from employees, negligible driving, and poor maintenance of infrastructure and vehicles, can lead to noise complaints from the neighbouring properties.	
Nature of impact:	Negative
Extent and duration of impact:	Local and short-term
Probability of occurrence:	Unlikely
Degree to which the impact can be reversed:	Reversible
Degree to which the impact may cause irreplaceable loss of resources:	No loss of resources
Cumulative impact prior to mitigation:	-
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW
Degree to which the impact can be mitigated:	High
Proposed mitigation:	<p>General:</p> <ul style="list-style-type: none"> • Ensure that the few employees (drivers, managers/technicians, etc). on site are restricted by a Code of Conduct, and are warned of noise restrictions. • Ensure that machinery and vehicles are well maintained, to limit noise, and where necessary utilize mufflers. • Restrict access to the site, to only the applicant's business vehicles.
Cumulative impact post mitigation:	None
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - NEGLIGIBLE

Impacts on the socio-economic aspects: THEFT AND VANDALISM	
Fuel storage sites place much emphasis on the security of these sites, considering the risk related to storage of hazardous goods, and the potential for nefarious persons to target such facilities, based on fuel being such a significant commodity.	
Nature of impact:	Negative
Extent and duration of impact:	Local and long-term
Probability of occurrence:	Unlikely
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	Potential loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> • Potential for incidents to occur that may put infrastructure or personnel at risk.

Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	Medium
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	<p>General</p> <ul style="list-style-type: none"> • Ensure that appropriate security measures are put in place. • Ensure access is controlled. • Ensure trips are pre-planned, and schedules are altered from time to time, to ensure that vehicles cannot be targeted. • Employ full-time security. • Engage with local law enforcement, and have emergency numbers available on site.
Cumulative impact post mitigation:	None
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - MEDIUM

Impacts on the climate aspects: CLIMATE CHANGE AND SUSTAINABLE DEVELOPMENT	
It is evident that this proposal supports an industry that is dependent on fossil fuels, from their product to their transportation dependence. According to the Green Transport Strategy for South Africa: (2018-2050), emissions from the transport sector accounts for 10.8% of the country's total Greenhouse Gas (GHG) Emissions. With direct emissions arising from the combustion of fuels, and indirect emissions from, amongst other things, transportation of fuels.	
Nature of impact:	Negative
Extent and duration of impact:	Local and long-term
Probability of occurrence:	Probable
Degree to which the impact can be reversed:	Irreversible
Degree to which the impact may cause irreplaceable loss of resources:	Potential loss of resources
Cumulative impact prior to mitigation:	<ul style="list-style-type: none"> • Continuous contributor to greenhouse gas emissions.
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	HIGH
Degree to which the impact can be mitigated:	Medium
Proposed mitigation:	<p>General</p> <ul style="list-style-type: none"> • Adopt renewable energy initiatives for future planning, and power needs, such as solar panels, for security lighting etc. • Adopt water conservation initiatives, such as rain-water capturing, etc. for any requirements on site (not drinking water). • Pre-plan routes and avoid unnecessary delays or trips. • Ensure drivers travelling long-distances are accompanied, for safety reasons, thereby avoiding delays. • As much as possible, ensure trips are always undertaken with full loads. • It is noted that the client is attempting to reduce their carbon footprint, by centralizing their storage area, to meet the needs of their clients within the surrounding area. In future, if a feasible, carbon offset initiative is established, regulated, and adopted locally, the applicant is recommended to

	consider contributing to this offset, in relation to the rest of their business activities.
Cumulative impact post mitigation:	None
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	LOW - MEDIUM

¹ Fulton. L and Wright. L, (2005) Climate Change Mitigation and Transport in Developing Nations, Transport Reviews, 25:6, 691-717, DOI: 10.1080/01441640500360951

(c) Impacts that may result from the decommissioning and closure phase (briefly describe and compare the potential impacts (as appropriate), significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the decommissioning and closure phase.

No decommissioning is planned, however, given that the tanks are above-ground storage tanks, this would not result in significant impacts. It will be encouraged that should decommissioning ever be considered, an appropriate plan is drawn up for this prior to the commencement of such activities.

Potential impacts on the geographical and physical aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential impact on biological aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential impacts on the socio-economic aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential impacts on the cultural-historical aspects:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	

Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential noise impacts:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Potential visual impacts:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

(d) Any other impacts:

Potential impact:	
Nature of impact:	
Extent and duration of impact:	
Probability of occurrence:	
Degree to which the impact can be reversed:	
Degree to which the impact may cause irreplaceable loss of resources:	
Cumulative impact prior to mitigation:	
Significance rating of impact prior to mitigation (Low, Medium, Medium-High, High, or Very-High)	
Degree to which the impact can be mitigated:	
Proposed mitigation:	
Cumulative impact post mitigation:	
Significance rating of impact after mitigation (Low, Medium, Medium-High, High, or Very-High)	

Please note: If any of the above information is not available, specialist input may be requested.

7. SPECIALIST INPUTS/STUDIES AND RECOMMENDATIONS

Please note: Specialist inputs/studies that will be undertaken as part of this application. These specialist inputs/studies must take into account the Department's relevant Guidelines on the Involvement of Specialists in EIA Processes available on the

Department's website (<http://www.capegateway.gov.za/eadp>). A summary of all the specialist inputs/studies must be provided with the additional information.

Specialist inputs/studies and recommendations:

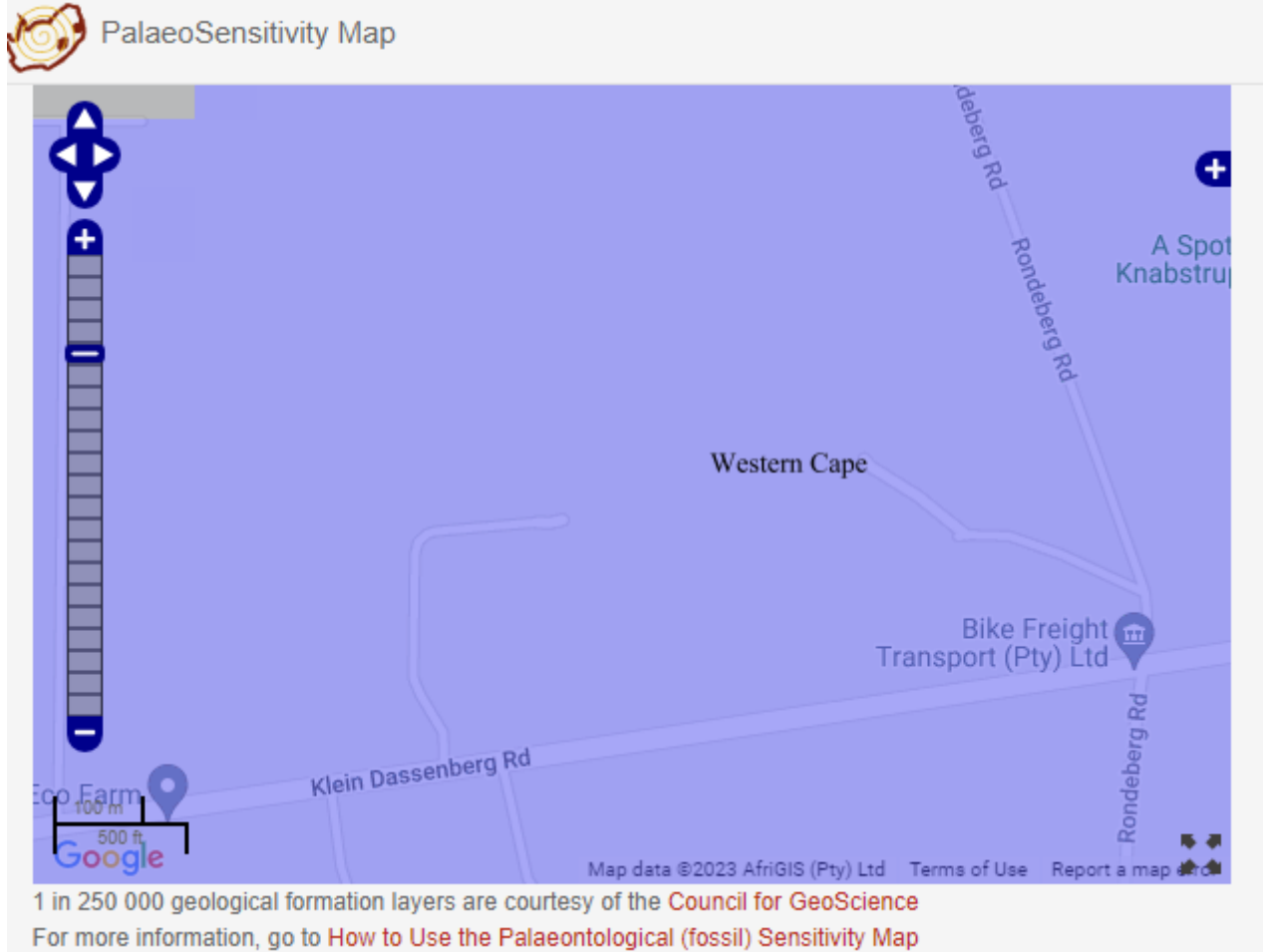
The Screening Tool Report undertaken on 23rd of August 2022, was submitted to the Competent Authority on the 23rd of August 2023. A follow-up Screening was done on the 23rd of March 2023, which indicated no changes between the screening tool sensitivities.

The Screening Tool indicated the following sensitivities:

THEMES	SENSITIVITY			
	VERY HIGH	HIGH	MEDIUM	LOW
Agriculture Theme			X	
Animal Species Theme		X		
Aquatic Biodiversity Theme				X
Archaeological and Cultural Heritage Theme				X
Civil Aviation Theme		X		
Palaeontology Theme				X
Plant Species Theme			X	
Defence Theme				X
Terrestrial Biodiversity Theme	X			

The following specialist studies were recommended, but would not be undertaken as stated below:

- Agricultural Impact Assessment
 - Although the site is zoned for agricultural use, the proposed development was and will be confined to the existing disturbed area, in between existing buildings, utilizing existing infrastructure (access roads, and the existing storage building) and will therefore not limit the use of the site from an agricultural perspective, in future. No further studies will be undertaken. See Appendix D for site photographs.
- Archaeological and Cultural Heritage Impact Assessment & Palaeontology Impact Assessment
 - Although a wall will be established exceeding 300m in length, and the proposed area will exceed 5000m², the change to character is limited, as only two bund areas will be accommodated, therefore, the actual area that will be transformed, will be less than 5000m², as the remainder of the area is existing infrastructure. The site holds no heritage resources (confirmed by the landowner), and as per the SAHRIS PalaeoSensitivity Map, the area is indicated to require no further investigation. SAHRA and HWC websites, do not indicate any existing heritage assessments undertaken in the surrounding area, and no reference to Gum Tree historical significance.



Colour	Sensitivity	Required Action
RED	VERY HIGH	field assessment and protocol for finds is required
ORANGE/YELLOW	HIGH	desktop study is required and based on the outcome of the desktop study, a field assessment is likely
GREEN	MODERATE	desktop study is required
BLUE	LOW	no palaeontological studies are required however a protocol for finds is required
GREY	INSIGNIFICANT/ZERO	no palaeontological studies are required
WHITE/CLEAR	UNKNOWN	these areas will require a minimum of a desktop study. As more information comes to light, SAHRA will continue to populate the map.

- Terrestrial Biodiversity Impact Assessment
 - The site holds no ESA/CBA, and the proposed development was and will be confined to the existing disturbed area and will therefore not impact on any natural area within the site. No further studies will be undertaken.

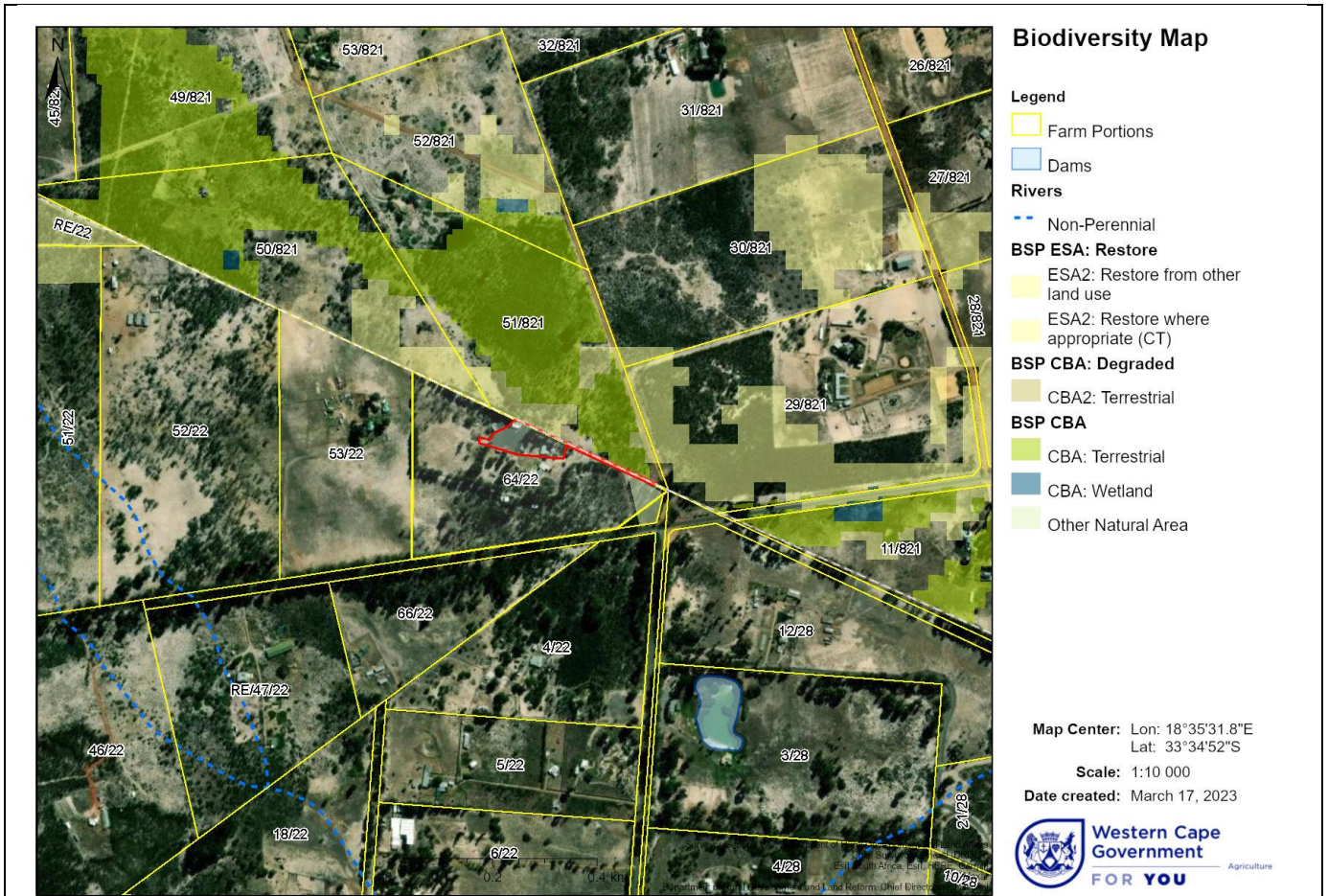


Figure 47: Biodiversity Map.

- Aquatic Biodiversity Impact Assessment & Hydrology Assessment
 - As per Figure 47, the site holds no aquatic features, and the proposed development was and will be confined to the existing disturbed area, will therefore not impact on any natural area within the site. No further studies will be undertaken.
- Noise Impact Assessment
 - The development is fairly small and will require a limited number of labour (maximum 20) during construction, and even less during operation, therefore it is anticipated that no further study will be undertaken. Mitigation measures will be included in the EMPr.
- Traffic Impact Assessment
 - This is a technical report. No traffic impact is anticipated as the access to Rondeberg Rd is utilized by other landowners, the range of vehicles include small vehicles, to trucks. The number of trips per day is anticipated to be limited (maximum 4 vehicles twice a day, and only 3 trips per week to fill-up fuel) , and mitigation measures will be recommended in the EMPr. However, the impact is not considered, highly significant. No further studies will be undertaken, unless deemed necessary by the engineer.
- Geotechnical Assessment
 - This is a technical report. As the bund areas will remain single story, and the anticipated tanks are mobile aboveground tanks, no further studies will be undertaken, unless deemed necessary by the engineer.
- Socio-Economic Assessment
 - It is noted that the proposal is not a large-scale industrial storage area and can be likened to small-scale bulk storage site (two bunds no larger than the surrounding buildings). The policy

and legislation, as well as need and desirability of this development, has been addressed in this document. No further studies will be undertaken.

- Plant Species Assessment
 - According to the historical imagery available on google, it is evident that the development area was sparsely vegetated, and extensively disturbed, prior to construction. If construction continues, all works will remain within the disturbed portion of the site. Therefore, no further studies will be undertaken. See Appendix D for Photographs from site.

- Animal Species Assessment
 - According to the historical imagery available on google, the area is highly disturbed and was utilized for equestrian purposes. No evidence of habitat or species of conservation concern was identified during verification. Based on the use of the development area, and the disturbance, no further studies will be undertaken.

As per the communication received from the Case Officer, on the 29th of August 2022, the following was confirmed: "Regarding the screening tool, DEA&DP agrees with the finding of the EAP. "

A Technical Study, entitled *Risk Assessment in terms of the Major Hazard Installation Regulations and SANS 1461:2018 for the Installations at Alliance Fuel on their property at Klein Dassenberg Road, Philadelphia*, was undertaken by Major Hazard Risk Consultants, 18th April 2023.

According to the Major Hazard Installation (MHI) Risk Assessment (April 2023), the study was conducted in accordance with the Major Hazard Installation Regulations and SANS 1461:2018 Codes of Practice and could be used as notification of the facility. The Risk Assessment includes the following:

- Identifying likely hazards associated with the processes of the installations including the causes, consequences, and their effects.
- Quantifying the likely hazards in terms of their magnitude.
- Quantifying the consequences for each hazard (thermal radiation, domino effect, and toxic cloud formation).
- Determining the lethality of the effects of the consequences.
- Determining the frequency of all the hazardous events.
- Calculating the individual risk values considering all accidents, meteorological conditions and lethality. Using the population density around the facility to determine the societal risk posed by the facility
- Reporting on the risks in terms of internationally acceptable criteria.
- Providing an assessment of the adequacy of emergency response programmes, fire prevention and fire-fighting measures.
- Proposing measures to reduce or eliminate the risks.

The author has indicated that the Risk Assessment may not meet the requirements of environmental legislation as it is not intended as an Environmental Risk Assessment.

The conclusions include the following:

This Risk Assessment has modelled the effects of the proposed bulk diesel installations.

- The 1.0e-5 contour (one-in-a-hundred thousand) orange contour is confined to the road tanker loading area and tank farm 1.
- The 1.0e-6 contour (one-in-a-million) yellow contour, extends past the diesel installations as follows:
North – 13m
South – 0m
West – 24m
East – 0m

The contour does not reach the property boundaries.

- The 3.0×10^{-7} contour (one-in-thirty million) green contour, extends past the diesel installations as follows:
 - North – 20m
 - South – 4m
 - West – 28m
 - East – 12m

The contour does not reach the property boundaries.

The contours do not reach any sensitive areas.

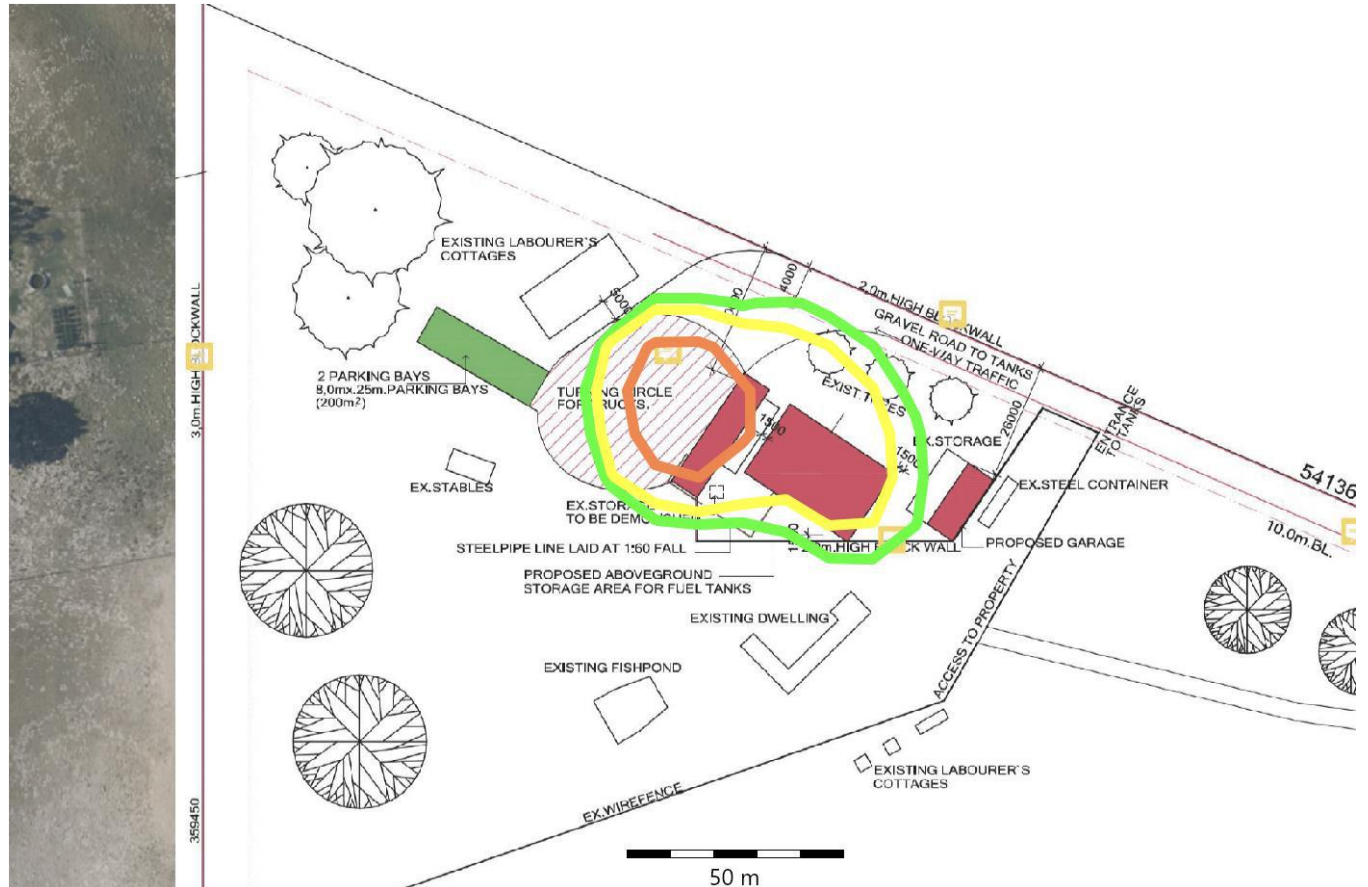


Figure 48: Individual Risk (Extracted from MHI Risk Assessment - Appendix N).

The MHI specialist made the following recommendations:

- The scenario contributing the most towards the total risk at the facility is a loading hose rupture of a diesel road tanker.
- The risks posed by the installations were found to be acceptable for the area in which the facility is located.
- Recommendations are as follows:
 - Good housekeeping must always be observed on site.
 - Emergency Plan must be implemented to address the risks identified in this report.
 - Emergency Plan must comply with the MHI Regulations and SANS:1514 Codes
 - Incident Register must be kept to detail all near misses.
 - Maintenance on equipment to be done as per manufacturer requirements.
 - Fuel installations must comply with relevant SANS Codes and Municipal Bylaws
 - All work must be done by qualified companies.
 - Council to approve drawings.
 - Fire department to issue a flammable substance certificate.
 - Area around the depot must be kept clean and clear of ignition sources and combustible materials.

- This MHI report must be distributed to Local, Provincial and National Government as per MHI Regulations.

The EAP has integrated the compliance with the recommendations made by the MHI into the EMP and mitigation tables.

8. IMPACT ASSESSMENT SUMMARY

Briefly describe the impacts (as appropriate), significance rating of impacts, mitigation and significance rating of impacts of the activity. This must include an assessment of the significance of all impacts.

Impacts	Significance rating of impacts AFTER mitigation is applied (Low, Medium, Medium-High, High, Very High):
CONSTRUCTION IMPACTS	
LEGISLATIVE NON-COMPLIANCE (-)	Low
WASTE PRODUCTION AND MANAGEMENT (-)	
TRANSFORMATION OF SURFACE AREA & RELATED CONSTRUCTION (-)	
POOR CONSTRUCTION OF BUNDED AREAS COULD LEAD TO INSTABILITY DURING OPERATIONAL PHASE (-)	
LOSS OF VEGETATION AND HABITAT DISTURBANCE (-)	
REMOVAL OF ALIEN INVASIVES (+)	Negligible – Low (-)
FAUNA DISTURBANCE – WILD AND DOMESTIC (-)	Low (-)
TRAFFIC & ACCESS (-)	Low (-)
VISUAL IMPACTS AND CHANGE TO SENSE OF PLACE (-)	Negligible
EMPLOYMENT OPPORTUNITIES & SUPPORT TO LOCAL ECONOMY	Medium (+)
CONSTRUCTION NOISES AND LABOUR BEING INCONSIDERATE OF SURROUNDINGS.	Low-Medium (-)
OPERATIONAL IMPACTS	
DUST IMPACTS ON SURROUNDING AGRICULTURAL PROPERTIES (-)	Negligible – Low
STORAGE AND HANDLING OF DANGEROUS GOODS (-)	Low (-)
WASTE PRODUCTION AND MANAGEMENT (-)	Low (-)
PERMANENT EMPLOYMENT OPPORTUNITIES AND LOCAL ECONOMY SUPPORT	High (+)
COMMUNITY CONCERNS – FUTURE DEVELOPMENT (-)	Low (-)
TRAFFIC AND ACCESS (-)	Negligible – Low
OPERATIONAL NOISES – LABOUR, VEHICLES, ETC. (-)	
THEFT AND VANDALISM (-)	Low-Medium (-)
CLIMATE CHANGE (-)	Low-Medium (-)

9. SUMMARY OF THE CONSEQUENCES OF/ IMPACTS OF THE UNLAWFULLY COMMENCED ACTIVITY/IES

Please provide a detailed summary of the consequences/impacts of commencement of the activity/ies on the environment.

Summary:

It is evident that there was minimal consequence to the natural environment, as the area was already extensively disturbed, and utilized for equestrian purposes. While it is acknowledged that the site is zoned for agricultural purposes, the most significant impacts are anticipated to be the socio-economic impacts related to public perception and the legislative impacts, due to the incorrect zoning. These can be addressed via this process.

LEGISLATIVE NON-COMPLIANCE (-)
 Non-compliances in terms of commencement with relevant activities prior to obtaining an appropriate license/authorization, have resulted in this S24G application, which will hold the applicant liable for impacts incurred, and the rectification of such non-compliances. This process will determine an

appropriate fine, and provide the applicant with guidance on the best way forward with the development. This does not determine the outcome in terms of other relevant legislation/permits, as this process focuses on the NEMA Legislation, and relevant legislation considered in terms of the One Environmental System.

WASTE PRODUCTION AND MANAGEMENT (-)

There was no evidence of environmental degradation, litter or stockpiling of waste, during the site verification. The site was managed in good order. However, going forward a waste management plan must be adopted that provides guidance on appropriate classification and management of waste in accordance with the National Environmental Management: Waste Act - Waste Classification and Management Regulations (GN No. R. 634 of August 2013). Disposal of waste to landfill must be undertaken in accordance with the National Environmental Management: Waste Act – National Norms and Standard for the Assessment of Waste for Landfill Disposal (GN No. R. 635 of August 2013). All waste, hazardous as well as general, resulting from the proposed activities must be disposed of appropriately at a licensed Waste Disposal Facility (WDF). Records of activities and evidence of waste receptacles must be evident.

TRANSFORMATION OF SURFACE AREA & RELATED CONSTRUCTION (-)

It is acknowledged that a natural area, albeit disturbed, and sparsely vegetated was transformed to accommodate the non-compliant activities. However, based historical imagery, it is evident that the bund area formed a part of the existing building, and therefore, the area transformed for the bund was in fact a transformed area. All construction is anticipated to remain within the disturbed portion of the site utilizing existing access roads.

POOR CONSTRUCTION OF BUNDED AREAS COULD LEAD TO INSTABILITY DURING OPERATIONAL PHASE (-)

Poor planning and lack of technical input could lead to issues during operational phase, related to bund and tank stability. This was not a concern during the unlawful construction, but is anticipated to be in future, if technical guidance is not sought to confirm that specifications are met.

LOSS OF VEGETATION AND HABITAT DISTURBANCE (-)

As indicated previously, there was limited vegetation within the disturbed portion and no evidence of habitat compatibility, based on the disturbance in this area prior to the unlawful development. Therefore, there were no significant impacts. Going forward guidance is provided for activities related to construction and vegetation management.

REMOVAL OF ALIEN INVASIVES (+)

There was no indication that this was undertaken prior to commencement. This is a positive impact, that would allow clearance of alien invasives in future.

FAUNA DISTURBANCE – WILD AND DOMESTIC (-)

There was no evidence of disturbance to any fauna, both wild and domestic. Going forward measures have been recommended to ensure that should this impact arise it can be managed.

TRAFFIC & ACCESS (OPERATION AND CONSTRUCTION)(-)

During construction there may have been some traffic created, given the shared access off of Rondeberg Road. This was not considered significant as this road was observed to be fairly under-utilized by the general public, except for the neighbouring properties that utilized this as access to their properties. Going forward measures have been recommended to ensure that should this impact is considered, the design does include this impact, and should this impact arise it can be managed.

VISUAL IMPACTS AND CHANGE TO SENSE OF PLACE – COMMUNITY CONCERNS – FUTURE DEVELOPMENT

(-)

Given that the site is surrounded by vegetation, there is limited line of sight onto the property, an development area. There was an impact on the communities perception, that was raised during the unlawful development. This was the misconception that the site would be:

- Transformed into a typical industrial site - The development cannot be likened to a large-scale bulk fuel storage area, but is more similarly related to storage of fuel (bund areas), on farms.
- The establishment of such a facility would set a precedent for future transformations of a similar nature – As is clearly stated in the Draft Blaauwberg SDF/EMF (2022), applications can be made to accommodate other activities within these zones, however this entirely site specific and with motivation. As mentioned previously, the landowner approves of this use on the site, the development will have significant (positive) impacts on the local businesses and economy, and no natural areas will be disturbed, while the site still will not resemble an industrial area. Should this proposal be approved, it will not guarantee that other developments will be.

EMPLOYMENT OPPORTUNITIES & SUPPORT TO LOCAL ECONOMY (+)

During construction and operational phase the development will have significant (positive) impacts, on both the local economy and local community, with regard to employment opportunities.

CONSTRUCTION NOISES AND LABOUR BEING INCONSIDERATE OF SURROUNDINGS (-)

It is not evident that noise was a significant impact during the unlawful development. However, measures have been recommended to manage this impact.

STORAGE AND HANDLING OF DANGEROUS GOODS (-)

No evidence of risk, as a result of the storage and handling of the dangerous goods, was noted during the unlawful development. Although the fuel tanks were on site, they remained empty. Going forward extensive compliance will be required to mitigate this impact, once it becomes a concern.

THEFT AND VANDALISM (-)

No evidence of a lack of security, or evidence of incidents were noted. As the site had controlled access and was entirely fenced off. Going forward, mitigation measures have been recommended, for consideration, should this become an impact of concern.

CLIMATE CHANGE (-)

No evidence of climate impacts were observed on site, as given the activities, no fuel was stored or transported on and off the site. This is an impact that needs to be given consideration, prior to becoming operational, and provision must be made to address potential climate impacts.

10. OTHER MANAGEMENT, MITIGATION AND MONITORING MEASURES

(a) Over and above the mitigation measures described above, please indicate any additional management, mitigation and monitoring measures.

None

(b) Describe the ability of the applicant to implement the management, mitigation and monitoring measures.

The applicant is capable of committing to all relevant mitigation measures as listed in this document and detailed in the EMPr. The applicant is responsible for all financial provision, to enforce the approved EMPr and relevant conditions of the EA.

Please note: A draft **ENVIRONMENTAL MANAGEMENT PROGRAMME** must be attached to this application as **Appendix I**.

SECTION G: ASSESSMENT METHODOLOGIES AND CRITERIA, GAPS IN KNOWLEDGE, UNDERLYING ASSUMPTIONS AND UNCERTAINTIES

(a) Please describe adequacy of the assessment methods used.

The following assessment methodology was used by the Specialists and the EAP. It has been adapted from the DEAT (2002) Information Series 5, Integrated Environmental Management Information Series on Impact Significance:

Determination of Extent (Scale):

Site Specific	1	The impact is limited to the development site (development footprint) or part thereof.
Local	2	The impacted area includes the whole or a measurable portion of the site, but could affect the area surrounding the development, including the neighbouring properties and wider municipal area.
Regional	3	The impact would affect the broader region (e.g. neighbouring towns) beyond the boundaries of the adjacent properties.
National	4	The impact would affect the whole country (if applicable).

Determination of Duration:

Temporary	1	The impact will be limited to part of the construction phase or less than one month.
Short term	2	The impact will continue for the duration of the construction phase, or less than one year.
Medium term	3	The impact will continue for part the operational phase
Long term	4	The impact will continue for the entire operational lifetime of the development, but will be mitigated by direct human action or by natural processes thereafter.
Permanent	5	This is the only class of impact that will be non-transitory. Such impacts are regarded to be irreversible, irrespective of what mitigation is applied.

Determination of Probability:

Improbable	1	The possibility of the impact occurring is very low, due either to the circumstances, design or experience.
Probable	2	There is a possibility that the impact will occur to the extent that provisions must therefore be made.
Highly probable	3	It is most likely that the impacts will occur at some stage of the development. Plans must be drawn up to mitigate the activity before the activity commences.
Definite	4	The impact will take place regardless of any prevention plans.

Determination of Significance (without mitigation):

No significance	1	The impact is not substantial and does not require any mitigation action.
Low	2	The impact is of little importance, but may require limited mitigation.

Medium	3	The impact is of sufficient importance and is therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels.
Medium-High	4	The impact is of high importance and is therefore considered to have a negative impact. Mitigation is required to manage the negative impacts to acceptable levels.
High	5	The impact is of great importance. Failure to mitigate, with the objective of reducing the impact to acceptable levels, could render the entire development option or entire project proposal unacceptable. Mitigation is therefore essential.
Very High	6	The impact is critical. Mitigation measures cannot reduce the impact to acceptable levels. As such the impact renders the proposal unacceptable.

Determination of Significance (with mitigation):

No significance	1	The impact will be mitigated to the point where it is regarded to be insubstantial.
Low	2	The impact will be mitigated to the point where it is of limited importance.
Medium	3	Notwithstanding the successful implementation of the mitigation measures, the impact will remain of significance. However, taken within the overall context of the project, such a persistent impact does not constitute a fatal flaw.
High	4	Mitigation of the impact is not possible on a cost-effective basis. The impact continues to be of great importance, and, taken within the overall context of the project, is considered to be a fatal flaw in the project proposal.

Determination of Reversibility:

Completely Reversible	1	The impact is reversible with implementation of minor mitigation measures
Partly Reversible	2	The impact is partly reversible but more intense mitigation measures
Barely Reversible	3	The impact is unlikely to be reversed even with intense mitigation measures
Irreversible	4	The impact is irreversible and no mitigation measures exist

Determination of Degree to which an Impact can be Mitigated:

Can be mitigated	1	The impact can be completely mitigated
Can be partly mitigated	2	The impact can be partly mitigated
Can be barely mitigated	3	It is possible to mitigate the impact only slightly
Not able to mitigate	4	It is not possible to mitigate the impacts

Determination of Loss of Resources:

No loss of resource	1	The impact will not result in the loss of any resources
Marginal loss of resource	2	The impact will result in marginal loss of resources
Significant loss of resources	3	The impact will result in significant loss of resources
Complete loss of resources	4	The impact will result in a complete loss of all resources

Determination of Cumulative Impact:

Negligible	1	The impact would result in negligible to no cumulative effects
Low	2	The impact would result in insignificant cumulative effects
Medium	3	The impact would result in medium cumulative effects
High	4	The impact would result in significant cumulative effects

(b) Please describe the assessment criteria used.

The Significance ratings have been calculated based on the Consequence, Probability and the Reversibility of the impacts.

The following formulas were used to calculate the Significance:

$$\text{Significance} = (\text{Consequence} \times \text{Likelihood}) + \text{Reversibility}$$

where:

$$\text{Consequence} = \text{Degree of Loss} + \text{Extent} + \text{Duration}$$

and:

$$\text{Likelihood} = \text{Probability} + \text{Level of Mitigation}$$

Significance ratings of impacts after mitigation have been colour coded for ease of reference, as follows:

POSITIVE IMPACTS	Rating	NEGATIVE IMPACTS
Very High	90-108	Very High
High	76-90	High
Medium-High	61-75	Medium-High
Medium	46-60	Medium
Low-Medium	31-45	Low-Medium
Low	16-30	Low
Negligible	0-15	Negligible

(c) Please describe the gaps in knowledge.

- The actual site prior to development is unknown, as the EAP did not have an opportunity to view this site prior-transformation, and no ground level photographs were available for reference. However, the EAP did make use of Google Earth historical imagery, to conclude the potential impacts on the environmental aspects.
- The Occupational Health and Safety Act does not form a part of the One Environmental System, or NEMA, however, the EAP has recommended safety compliance. The final decision on these aspects, will need to be sourced from the appropriate professional, ie. engineer, and risk assessment specialist, and competent authorities, responsible for approving these aspects.

(d) Please describe the underlying assumptions.

- It is assumed that all information provided by the specialists/applicant, to the EAP, is current and correct at the time of compiling this report.
- The competent authorities advice received thus far, has been followed as instruction on the way forward. Therefore, as no additional specialist studies were requested by the Competent Authority. None have been undertaken.
- The impact assessment has been undertaken by the relevant EAP, based solely on her expertise and experience, and any relevant input from the review expert.

(e) Please describe the uncertainties.

It is uncertain at this stage if all mitigation measures will be successful, however the likelihood is high, based on the relevant mitigation measures being implemented in its entirety.

SECTION H: RECOMMENDATIONS OF THE EAP

In my view (EAP), the information contained in the Application and the documentation attached hereto is sufficient to make a decision in respect of the activity applied for. **YES** **NO**

If "NO", list the aspects that should be further assessed through additional specialist input/assessment:

N/A

If "YES", please indicate below whether in your opinion the applicant should be directed to cease the activity or if it should be authorised:

Applicant should be directed to cease the activity: **YES** **NO**

Please provide reasons for your opinion

It is noted that the applicant commenced with activities without the appropriate environmental authorization. However, ceasing the activity would have significant negative impacts. By approving the development in line with an EA and approved EMPr, the development can be undertaken efficiently and sustainably, monitoring will allow for compliance enforcement, continuous improvement.

The proposal should be authorised for the following reasons:

- Low to negligible negative impacts on the environment as a result of the commencement of the activities.

It is noted that the area utilized was significantly disturbed, and all activities did not in fact result in significant negative impacts to the natural environment, or result in environmental degradation. All areas of environmental sensitivity are intended to be avoided. Therefore, completion in line with the proposal, is still not anticipated to result in significant impacts, particularly if guided by an approved EMPr, and EA.

There are socio-economic concerns that must be addressed, and the relevant mitigation measures have been recommended with a comprehensive EMPr. This will guide the process, ensuring compliance

monitoring which allows for continuous improvement, and sustainable development. With the implementation of an EMPr to guide construction, any existing and predicted impacts can be easily managed and controlled.

- Opportunity to support local businesses – Economic benefits.

The socio-economic benefit of the proposal would be significant to the Applicant. Given the current economic climate and strain on the fuel industry, if undertaken correctly the proposed development will be a positive addition to City of Cape Town. As the proposal supports the freight industry, which in turn supports multiple key sectors. These multitudes of sectors supported by the freight/logistics industry, can in turn benefit through support to business continuation, and support to employees livelihoods. Further to this, the development will not prohibit the use of the rest of the property, nor compromise the future use of the property, for the current land use.

- Safety Enforcement

An approved EMPr and EA, combined with the conditions recommended by the EAP, will create the opportunity for sustainable developments, and continuous monitoring of the relevant operational phase. This will allow the development to be subjected to on-going monitoring and where necessary improvement, therefore ensuring that risks are managed.

It should be noted that in terms of the unauthorized activity, only one of the bunded structures were partially established on a disturbed area, along with the gravel turning area. In terms of the tanks stockpiled on site, **no hazardous goods (fuel) were stored on site that may have resulted in spillage or risk to the environment.** It is acknowledged that:

- The storage areas are essentially 2 x bunded areas, to contain approximately 500m³ of fuel for the applicant's business purposes.
- Will require a soakaway for separated water extracted from the bunds (this water will be put through a separator, separating oil and water, and the water is anticipated to be released into a soakaway, while the oil will be managed as hazardous waste.)
- This is not a fuel service station, and will not dominate the use of the site, therefore, the remainder of the site may be utilized for other purposes.
- This development will not service the public.
- Access will be controlled.
- All relevant permits/licenses, and their relevant conditions, particularly related to occupational health and safety, will be obtained, maintained and implemented by the applicant, until such a time that the applicant decides to decommission the structures. Which must be done in line with any specific conditions from any applicable license/permits/authorizations.
- The proposal will create employment and aims to support a critical industry (logistics), that affects multiple sectors, jobs, and livelihoods in the Western Cape and South Africa.
- The development will also not generate high traffic volumes by limiting access to the applicant's business vehicles only, no clients/public use will be permitted.
- By helping to ensure business continuation for the industries they support, these industries can ensure continuation, and can support their own employees and livelihoods.
- The MHI report has indicated that the risks associated with this MHI were found to be acceptable.

The EAP notes that the proposal cannot be likened to a significant and established facility for bulk fuel storage, as is typical in an industrial area, based on the proposed infrastructure, and transformation required. It is not unusual to have bulk fuel storage on agricultural land, to be utilized by farmers, to service their own machinery, etc. as it is not unusual for farms, usually located outside of urban areas, to establish their own fuel storage to save on logistic expenses related to sourcing fuel on an on-going basis. It is however a significant amount of fuel and must therefore be addressed as a significant risk. The MHI report has indicated that the risks associated with this MHI were found to be acceptable.

The development will only be for the applicants use and will not allow for public use. Therefore, if all mitigation measures and conditions (as recommended below and in the EMP, are met, and as per the MHI), the EAP believes that the proposal can be implemented in an appropriate manner that will allow for the applicant to continue, thereby supporting small businesses, which will support the future development and economic growth within the area, while limiting the potential environmental impacts.

If you are of the opinion that the activity should be authorised, then please provide any conditions, including mitigation measures that should in your view be considered for inclusion in an authorisation.

The proposal should be authorised, for the following reasons:

- Environmental impacts are minimal based on the transformation of the area, and utilization of the disturbed portions of the site, furthermore all works will be contained within the site, away from natural undisturbed areas, if continued.
- **There were no significant negative environmental impacts identified as a result of the construction already undertaken.**
- No areas of biological importance will be encroached upon, and no aquatic features will be impacted upon.
- The developed area will not limit the use of the remainder of the site.
- The Applicant is willing to shoulder the economic burden that will arise from such a development. And pursue all legal requirements to implement a legitimate premises for this development.
- Multiple positive social impacts have been flagged including:
 - Continuation of business – not just for the applicants business, but also for the businesses and sectors supported by the freight/logistics industry.
 - Job creation and security for permanent employees, and support of the sectors which this development will service, and job security of their personnel, by extension.
 - Skills development and skills transfer opportunities, for previously unskilled employees, during both construction and operational phase.

Recommended Conditions:

This S24G Application highlighted multiple relevant legislative conditions and requirements that the applicant will need to obtain prior to commencement. These have been included in the EMP, further to this the EMP supports on-going monitoring and compliance with conditions of other licenses. The recommended conditions to be included if approved, are as follows:

- The EMP must be enforced.
- Comply with the MHI Recommendations.
- An Environmental Control Officer must be appointed to monitor the compliance and implementation of the Environmental Management Programme, mitigation measures and the Environmental Authorization conditions.
- The Applicant is to ensure that all relevant applications are made for compliance purposes related to the operation of the facility and storage of hazardous goods, this should include as a minimum, and only where applicable:
 - The premises of must be registered under the Occupational Health and Safety Act (Act No. 85 of 1993) and kept orderly and clean in terms of the OHS Act.
 - The Applicant is to comply with the SANS 10131:2004 where relevant.
 - The Applicant is to ensure that all relevant building plans are approved by the City of Cape Town, prior to development, where applicable.
 - The Applicant must comply with the City of Cape Town Community Fire Safety By-Law, 2022, including, but not limited to:
 - Chapter 8, section 37 (1), the applicant is to submit a building plan to the municipality in accordance with the National Building Regulations and Building Standards Act 1977 (amended 2008). Building plans have been included in this application form.

- 37(6), the owner or person in charge of the premises will need to apply for a flammable substance certificate from the controlling authority.
- Upon termination of the storage and use of the bulk fuel storage, the applicant is to ensure the correct procedures are followed in line with the CoCT Community Fire Safety By-law, 2022, Section 47 .
- In terms of the National Environmental Health Norms and Standards for Premises, 2015, the applicant is to ensure compliance with the South African Bureau of Standards (SABS) national standards on the identification and classification of dangerous goods and correct labelling. The Applicant is to ensure that an appropriate Environmental Health Practitioner is appointed to undertake the relevant inspections and assessments.
- The general requirements for the storage of hazardous substances in terms of the Hazardous Substances Act 1973 (amended 1999) are to be adhered to, where necessary.
- Comply with the City of Cape Town Wastewater and Industrial Effluent By-Law, 2013, where necessary
- Comply with the City of Cape Town Integrated Waste Management By-Law 2009 (As Amended 2016), where necessary.
- All pre-construction, construction, and operational conditions must be complied with prior to commencement of the relevant activities on site.
- All relevant permits from the municipality or in line with any relevant legislation/policy, will need to be obtained prior to re-commencement of construction activities on site.
- Engage with the relevant public community group to create an open line of communication with the community, allowing them access to public documentation (this does not include financial records, or any records that are considered proprietary). This may be done by sharing the relevant documentation online, or via written request from I&AP's. This may include, but not be limited to:
 - Sharing ECO reports.
 - Sharing certificates/approvals in terms of occupational health and safety and approved EA/EMPr.
 - A platform for I&AP's to raise concerns with the Applicant or share information.

SECTION I: REPRESENTATIONS – RESPONSE TO AN INCIDENT OR EMERGENCY SITUATION

This section is only applicable to instances where Section 49A (2) of NEMA applies. Please list all steps that were taken in response to the incident or emergency situation.

There were no incidents or emergency situations encountered.

Please note:

Section 30 of NEMA deals with the procedures to be followed for the control of emergency incidents and Section 30A deals with procedures to be followed in the case of emergency situations.

SECTION J: PUBLIC PARTICIPATION

1. PUBLIC PARTICIPATION PROCESS TO BE FOLLOWED

1.1 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF THE SECTION 24G FINE REGULATIONS, 2017

Regulation 8 of the Section 24G Fine Regulations require that all applicants must conduct public participation **prior to submission** of a section 24G application (as outlined in Annexure A of the Section 24G Fine Regulations - Section D: Preliminary Advertisement).

"The applicant must place a preliminary advertisement in-

(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.

(2) This advertisement must comply with the requirements set out in Annexure A, Section D of the Section 24G Fine Regulations, 2017.
(3) The applicant must open and maintain of a register of interested and affected parties.
(4) The register must be attached to the application form and included in the report , or form part of the information submitted in terms of section 24G(1) of the Act, which the register must, as a minimum, contain the names, contact details and addresses of- (a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application; (b) all persons who have requested the applicant, in writing, to place their names on the register; and (c) all organs of state that have jurisdiction in respect of the activity to which application relates."

Please provide a summary of the steps followed where public participation was undertaken in accordance with Regulation 8 prior to submission of this Application Form. Ensure that proof of compliance with Regulation 8 is submitted with this Application Form, including, *inter alia*, proof of preliminary advertisement in a local newspaper.

Public Participation will be conducted from Friday, 28th April 2023 – Thursday, 18th May 2023.

PRELIMINARY REQUIREMENTS IN TERMS OF REGULATION 8 OF THE SECTION 24G FINE REGULATIONS, 2017	INTENDED ACTIVITIES TO ENSURE COMPLIANCE
(1) A local newspaper in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.	An advertisement will be placed in the Impact Unlimited newspaper, in Afrikaans, prior to the commencement of the public participation commenting period.
(2) This advertisement must comply with the requirements set out in annexure A, section D of the Section 24G fine regulations, 2017.	Annexure A, section D of the Section 24G Fine Regulations: "The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for ex post facto approval. It must include the following: <ul style="list-style-type: none"> • the date; • the location; • the applicable legislative provision contravened; and • the activity or activities commenced with without the required authorisation. Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.
(3) The applicant must open and maintain of a register of interested and affected parties.	An extensive I&AP database (Appendix G) has been compiled, which identifies affected adjacent landowners, authorities, organs of state and other affected parties.
(4) The register must be attached to the application form and included in the report, or form part of the information submitted in terms of Section 24G(1) of the act, which the register must, as a minimum, contain the names, contact details and addresses of-	A summary of the means proposed to notify the various I&APS has been included in the section below. These include email notification, direct telephonic calls, Whatsapp broadcasts, site notices and advertisement.

<p>a) All persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application;</p> <p>a) All persons who have requested the applicant, in writing, to place their names on the register; and</p> <p>B) All organs of state that have jurisdiction in respect of the activity to which application relates.</p>	<p>Letter-drops are proposed to be undertaken as per the proposed public participation map (see Figure 50), below, to both the landowners and if present the land occupiers (where possible).</p>
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KENNISGEWING VAN AANSOEK OM REKTIKASIE INGEVOLGE ARTIKEL 24G VAN DIE NASIONALE OMGEWINGSBESTUURWET (WET 107 VAN 1998), VIR DIE AANVANG VAN KONSTRUKSIE VAN BRANDSTOF BERGINGS STRUKTURE OP PORSIE 64 VAN PLAAS 22, KLEIN DASSENBERG, KAAPSTAD MUNISIPALITEIT (DEADP REF: 14/1/1/E1/5/6/3/0715/21)

UITNODIGING OM AS 'N BELANGHEBBENDE EN GEAFFEKTEERDE PARTY (B&GP) TE REGISTREER EN KOMMENTAAR TE LEWER.

VOORSTANDER, BESKRYWING VAN AKTIWITEIT & LIGGING:

Die aansoeker beoog om aansoek te doen vir *ex post facto* goedkeuring ingevolge Artikel 24(G) van die Wet op Nasionale Omgewingsbestuur (Wet 107 van 1998) (NEMA) by die Departement van Omgewingsake en Ontwikkelingsbeplanning (DEA&DP) vir die beweerde onwettige aanvang en die konstruksie van grootmaat brandstof bergings strukture op die bepaalde porsie, gedurende middel 2021. Die voorgestelde ontwikkeling is geleë op Porsie 64 van Plaas No. 22, Klein Dassenberg, ongeveer 10 km oos van Atlantis.

GELYTE AKTIWITEITE VAN TOEPASSING:

National Environmental Management Act Nasionale Omgewingsbestuur Wet (Wet 107 of 1998), in ooreenstemming met die EIA Regulasies, 2014 (soos aangepas 2017):

Gelyste Kennisgewing 1 (GNR No. R. 327) Aktiwiteit 14

Gelyste Kennisgewing 3 (GNR No. R 325) Aktiwiteit 10

GELEENTHEID OM TE REGISTREER AS 'n B&GP:

Die publiek word uitgenooi om as potensiele Belanghebbende & Geaffekteerde Partye (B&GP's) te registreer en kommentaar op hierdie voorstel te lewer. B&GP's moet hul kommentaar saam met hul naam, kontakbesonderhede (voorkeurmetode van kennisgewing, bv. e-pos of faksnommer) verskaf en enige direkte besigheids-, finansiële, persoonlike of ander belang wat hulle in die aansoek het, aan die kontakpersoon wat hieronder aangedui word, aandui. Versoeke om geregistreer te word en/of kommentaar te lewer moet aan Mej. A. Sanker gestuur word. Kommentaar moet SES voor of op **18 Mei 2022** bereik. Alle inligting sal bestuur word binne die mandaat van die POPI-wet, 2013.

KOMMENTAARTYDPERK: 28 APRIL 2023 – 18 MEI 2023

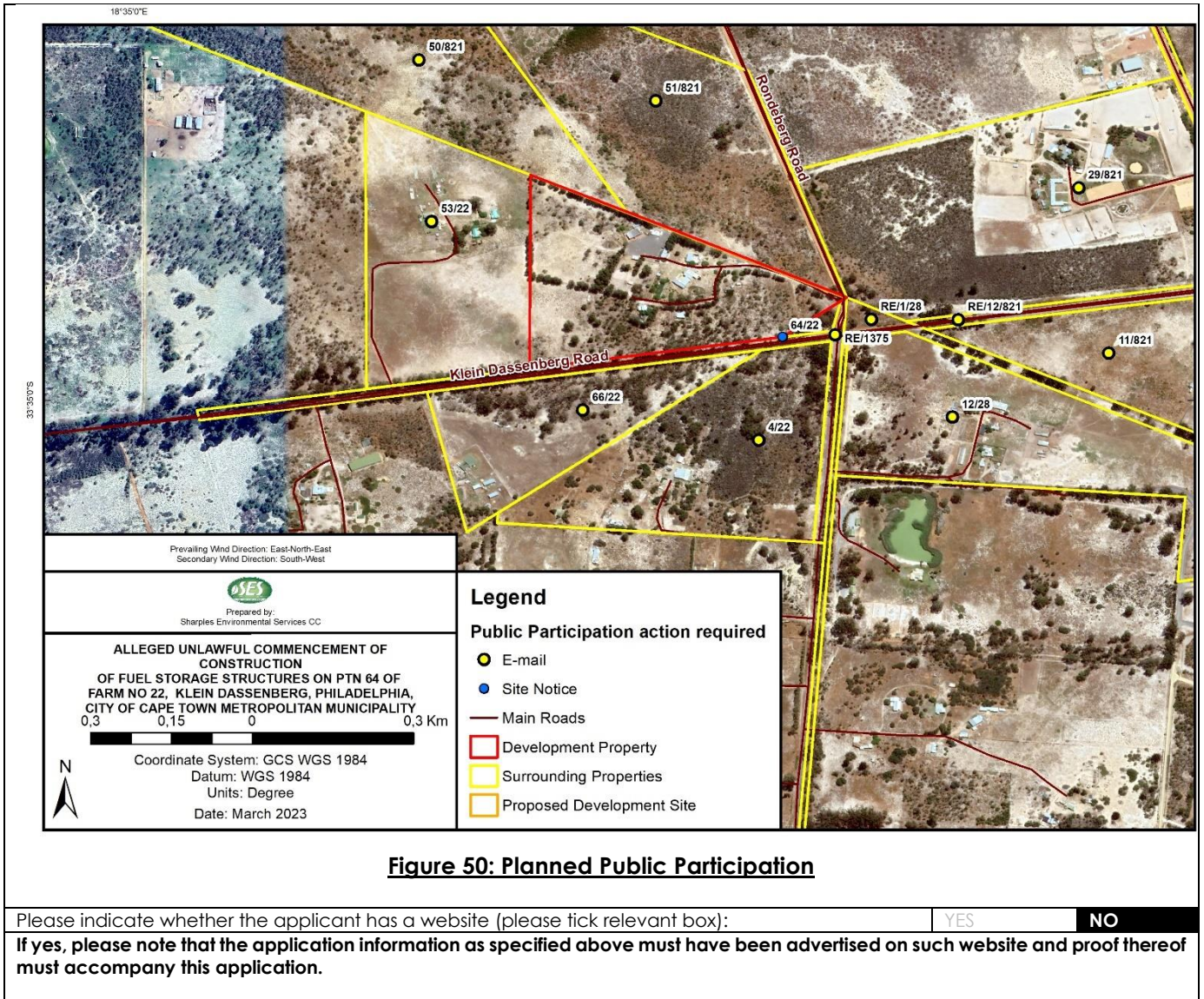
BESKIKBAARHEID VAN S24G-TOEPASSING EN BYLAE:

Die verslag en gepaardgaande dokumente is vir 20 dae beskikbaar op die SES-webwerf (www.sescc.net) onder die "openbare dokumente"-afdeling. 'n Fisiese kopie van die verslag kan ook gevind word by Avondale Openbare Biblioteek, Avondale Gemeenskapsentrum, Grosvenor Ave, Avondale, Kaapstad, 7349.



Vir meer inligting: Mej. Ameesha Sanker
Tel: 021 554 5195 | Faks: 086 575 2869
E-pos: ameesha@sescc.net
✉ Sak 443, Milnerton, 7435

Figure 49: Proposed Advertisement



Please note: Annexure A: Section D attached to this Application form must be strictly adhered to.

1.2 THE PUBLIC PARTICIPATION PROCESS IN TERMS OF NEMA EIA REGULATIONS, 2014

As the applicant, you may be directed to conduct the public participation process that fulfils the requirements outlined in Chapter 6 of the EIA Regulations, 2014. In doing so, you must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 as well as any other guidance provided by the Department. Note that the public participation requirements are applicable to all proposed sites.

Please highlight the appropriate box below to indicate the public participation process that has been or will be undertaken to give notice of the application to all potential interested and affected parties, including deviations that may be agreed to by the competent authority:

1. In terms of regulation 41 of the EIA Regulations, 2014 -			
(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -			
(i) the site where the activity to which the application relates is or is to be undertaken; and	YES	DEVIATION	
(ii) any alternative site	YES	DEVIATION	
(b) giving written notice, in any manner provided for in section 47D of the NEMA, to -			
(i) the occupiers of the site and, if the applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	N/A
(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;	YES	DEVIATION	

(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;	YES	DEVIATION	
(iv) the municipality (Local and District Municipality) which has jurisdiction in the area;	YES	DEVIATION	
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	YES	DEVIATION	
(vi) any other party as required by the Department;	YES	DEVIATION	N/A
(c) placing an advertisement in -			
(i) one local newspaper; or	YES	DEVIATION	
(ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	YES	DEVIATION	N/A
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken	YES	DEVIATION	N/A
(e) using reasonable alternative methods, as agreed to by the Department, in those instances where a person is desirous of but unable to participate in the process due to— (i) illiteracy; (ii) disability; or (iii) any other disadvantage.	YES	DEVIATION	N/A
If you have indicated that "DEVIATION" applies to any of the above, then Section 2. below must be completed.			
NOTE: 2. The NEM: WA requires that a notice must be placed in at least two newspapers.			
If applicable, have/will an advertisement be placed in at least two newspapers?	YES	NO	
If "NO", then an application for exemption from the requirement must be applied for.			

1. Provide a list of all the state departments that has been / will be consulted:		
List of State Depts.	Comment obtained (YES/NO)	If not, provide reasons
Western Cape Government: Department of Environmental Affairs and Development Planning	TBD after public participation	TBD after public participation
Western Cape Government: Department of Environmental Affairs and Development Planning - Pollution and Chemicals Management		
Eskom: Land Development		
DWS: Berg-Olifants Catchment Management Agency		
Western Cape Government: Department of Transport and Public Works		
Western Cape Government: Department of Agriculture		
Western Cape Government: Department of Agriculture, Forestry and Fisheries (DAFF)		
Heritage Western Cape		

2. Provide a summary of the issues raised by I&APs and an indication of the manner in which the issues raised were incorporated, or the reasons for not being incorporated or addressed. (The details of the outcomes of this process, including supporting information must be included in the Comments and Report to be attached to this application as Appendix G.)
To be determined after public participation.

3. Provide a summary of any conditional aspects identified / highlighted by any Organs of State, which have jurisdiction in respect of any aspect of the relevant activity.

To be determined after public participation.

Please note:

- A list of all the potential interested and affected parties, including the organs of State must be opened, maintained and made available to any person requesting access, in writing, to the register.
- All comments of interested and affected parties on the Application Form and Additional Information must be recorded, responded to and included in the Comments and Responses Report attached as Appendix G to the Application. The Comments and Responses Report must also include a description of the Public Participation Process followed.
- The minutes of any meetings held by the EAP with interested and affected parties and other role players which record the views of the participants must also be submitted as part of the public participation information to be attached to the additional information/Environmental Impact Report as Appendix G.
- Proof of all the notices given as indicated, as well as of notice to the interested and affected parties of the availability of the Application Form/Additional Information must be submitted as part of the public participation information to be attached to the application as Appendix G.

2. REPRESENTATIONS REGARDING DEVIATION FROM PUBLIC PARTICIPATION REQUIREMENTS IN TERMS OF THE EIA REGULATIONS, 2014

Please provide detailed reasons (representations) as to why it would be appropriate not direct you to comply with all of the requirements and to deviate from the requirements of regulation 41 as indicated above.

No alternative site has been identified, as the landowner does not have access to an alternative site, therefore, no advertisement will be positioned on an alternative site, as per Regulation 41 (1)(a)(ii).

All other requirements will be met.

3. LIST OF STATE DEPARTMENTS

Section 24(O)(2) obliges the relevant authority to consult with every State department that administers a law relating to a matter affecting the environment when such authority considers an application for an environmental authorisation.

Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.

State Department	Name of person	Contact details	
Western Cape Government: Department of Environmental Affairs and Development Planning	Mr S Mallick	Tel	
		Fax	
		E-mail	Shafeeq.Mallick@westerncape.gov.za
Western Cape Government: Department of Environmental Affairs and Development Planning - Pollution and Chemicals Management	Ms A McClelland	Tel	
		Fax	
		E-mail	Arabel.McClelland@westerncape.gov.za
Eskom: Land Development	Mr O Peters	Tel	
		Fax	
		E-mail	PetersOw@eskom.co.za
Berg-Olifants Catchment Management Agency	Ms N Ndobeni	Tel	
		Fax	
		E-mail	NdobeniN2@dws.gov.za
		Tel	

Western Cape Government: Department of Transport and Public Works	Mr X. Smuts	Fax	
		E-mail	xander.smuts@westerncape.gov.za
Western Cape Government: Department of Agriculture	Mr C van der Walt	Tel	
		Fax	
Western Cape Government: Department of Agriculture, Forestry and Fisheries (DAFF)	Ms M Koen	E-mail	corvdw@elsenburg.com
		Tel	
Heritage Western Cape	Ms S Barnardt	Fax	
		E-mail	Mkoen@environment.gov.za
		Tel	
		Fax	
		E-mail	Stephanie.bernardt@westerncape.gov.za

Please note:

A State department consulted in terms of Section 24O(2) of NEMA and Regulations 3(4) and 43(2) must within 30 days from the date of the Department/EAP's request for comment, submit such comment in writing to the Department. The applicant/EAP is therefore required to inform this Department in writing when the application/relevant information is submitted to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 30-day commenting period.

PART 2 – ANNEXURE A TO THE SECTION 24G APPLICATION FORM**SECTION A: DIRECTIVES**

Section 24G(1) of NEMA provides that on application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention of section 24F(1); or a person who has commenced, undertaken or conducted a waste management activity without a waste management licence in terms of section 20(b) of the National Environment Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") the Minister, the Minister responsible for mineral resources or the MEC concerned (or the official to which this power has been delegated), as the case may be, may direct the applicant to-

	<i>Requirements in terms of S24G</i>	<i>Status</i>
i	<i>immediately cease the activity pending a decision on the application submitted in terms of this subsection</i>	<i>Confirmed. To the best of the EAPs knowledge, the Applicant has not proceeded with any further development, since receiving the Pre-Compliance Notice. And will not proceed until a decision is made.</i>
ii	<i>investigate, evaluate and assess the impact of the activity on the environment</i>	<i>See section F, point 6 of this document.</i>
iii	<i>remedy any adverse effects of the activity on the environment</i>	
iv	<i>cease, modify or control any act, activity, process or omission causing pollution or environmental degradation</i>	<i>No environmental damage, or degradation was observed on site, as discussed in this document. All activities were confined to the disturbed portions of the site, and all existing access points were utilized. No fuel was stored on site, therefore there was no immediate risk of pollution.</i>
v	<i>contain or prevent the movement of pollution or degradation of the environment</i>	
vi	<i>eliminate any source of pollution or degradation</i>	<i>All activities have ceased and pose no risk to the environment.</i>
vii	<i>compile a report containing-</i>	

	aa	<i>a description of the need and desirability of the activity</i>	<i>See section</i>
	bb	<i>an assessment of the nature, extent, duration and significance of the consequences for or impacts on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity</i>	<i>See section F, point 6 of this document.</i>
	cc	<i>a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impacts on the environment of the activity</i>	<i>See section F, point 6 of this document.</i>
	dd	<i>a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed</i>	<i>See section J of this document.</i>
	ee	<i>an environmental management programme</i>	<i>See Appendix I of this document.</i>
viii		<i>provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.</i>	<i>To be determined.</i>

You are hereby provided with an opportunity to make representations on any or all of the abovementioned instructions including where you are of the opinion that any of these instructions are not relevant for the purposes of your application setting out the reasons for your assertion. Kindly note further that after taking your representation into account a final directive may be issued.

Please Note:

Notwithstanding the above, subsequent to submission of the application form to the Department, you may be issued with a specific directive in terms of section 24G(1)(i) to (viii), and you will therefore be provided with an opportunity to make further representations as to the specific directive.

The appointed Environmental Assessment Practitioner, on behalf of the applicant, may be directed to compile and submit a report that meets the requirements of section 24G(vii)(aa)-(ee) as specified above.

SECTION B: DEFERRAL OF THE APPLICATION

Section 24G(7) of the NEMA provides that if at any stage after the submission of an application it comes to the attention of the Minister, the Minister responsible for mineral resources or the MEC, that the applicant is under criminal investigation for the contravention of, or failure to comply with, section 24F(1) of the NEMA or section 20(b) of the NEM:WA, the Minister, Minister responsible for mineral resources or MEC may defer a decision to issue an environmental authorisation until such time as the investigation is concluded and-

- (a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;
- (b) the applicant concerned is acquitted or found not guilty after prosecution in respect of which such contravention or failure has been instituted; or
- (c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review.

Kindly answer the following questions:

Are you, the applicant, being investigated for a contravention of section 24F(1) of the NEMA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?	YES <hr style="width: 100%;"/>	NO <input checked="" type="checkbox"/> <hr style="width: 100%;"/>	UNCERTAIN <hr style="width: 100%;"/>
If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.			
Are you, the applicant, being investigated for the contravention of section 20(b) of the NEMWA in respect of a matter that is <u>not subject to this application</u> and in any province in the Republic?	YES <hr style="width: 100%;"/>	NO <input checked="" type="checkbox"/> <hr style="width: 100%;"/>	UNCERTAIN <hr style="width: 100%;"/>
If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.			
Are you, the applicant, being investigated for an offence in terms of section 24F(1) of the NEMA or section 20(b) of the NEMWA in terms of which this application directly relates?	YES <hr style="width: 100%;"/>	NO <input checked="" type="checkbox"/> <hr style="width: 100%;"/>	UNCERTAIN <hr style="width: 100%;"/>
If yes provide details of the offence being investigated and authority conducting the investigation. If uncertain provide details of the activity or activities in relation to which you suspect you may be under investigation.			

If you have answered yes or uncertain to any of the above questions, you are hereby provided with an opportunity to make representations as to why the Minister, Minister responsible for mineral resources or MEC, as the case may be, should not defer the application as he or she is entitled to do under section 24G(7).

SECTION C: QUANTUM OF THE SECTION 24G FINE

In terms of section 24G(4) of the NEMA, it is mandatory for an applicant to pay an administrative fine as determined by the competent authority before the Minister, Minister responsible for mineral resource or MEC may take a decision on whether or not to grant an *ex post facto* environmental authorisation or a waste management licence as the case may be. The quantum of this fine may not exceed R5 million.

Having regard to the factors listed below, you are hereby afforded with an opportunity to make representations in respect of the quantum of the fine and as to why the competent authority should not issue a maximum fine of R5 million.

Please note that Part 1 of this section must be completed by an independent environmental assessment practitioner after conducting the necessary specialist studies, copies of which must be submitted with this completed application form.

Please also include in your representations whether or not the activities applied for in this application (if more than 1) are in your view interrelated and provide reasons therefor.

PART 1: THE IMPACTS OR POTENTIAL IMPACTS OF THE ACTIVITY/ACTIVITIES

Index	Socio Economic Impact	Place an "x" in the appropriate box
Description of variable		
	The activity is not giving, has not given and will not give rise to any negative socio-economic impacts	
	The activity is giving, has given, or could give rise to negative socio-economic impacts, but highly localised	X
	The activity is giving, has given, or could give rise to significant negative socio-economic and regionalized impacts	
	The activity is resulting, has resulted or could result in wide-scale negative socio-economic impacts.	
<p>Motivation:</p> <p>A concern was raised by a neighbour. Unfortunately, beyond the commencement of a listed activity, no further explanation was given to the EAP, as to what this concern was related to. It should be noted though, that this process involves a 20-day minimum public participation process, whereby the public can raise their concerns (pre-application submission).</p> <p>It is anticipated that the local community may have concerns relating to safety and transformation of the site, which may set a precedent for future development of a similar nature in the area (transformation into a typical industrial site). However, it must be noted that:</p> <ul style="list-style-type: none"> • The development cannot be likened to a large-scale bulk fuel depot, but is more similarly related to storage of fuel (bund areas), on small scale developments. Furthermore, the actual proposal, is limited to a small portion of the site, that is already disturbed, and access and use will be limited to only the applicant and his business vehicles. • There may have been a misunderstanding as to the scale of the development. • The concern related that the establishment of such a facility would set a precedent for future transformations of a similar nature, can be seen as a misunderstanding. As is clearly stated in the Draft Blaauwberg SDF/EMF (2022), applications can be made to accommodate other activities within these areas, however this is entirely site specific and must be motivated. As mentioned previously, the landowner approves of this use on the site, the development will have significant (positive) impacts on the local businesses and economy, and no natural areas will be disturbed, while the site, will not resemble an industrial area. Should this proposal be approved, it will not guarantee that other developments will be approved. • The MHI Consultant has indicated that there is no anticipated risk based on the applicants proposal, to the surrounding neighbours in terms of safety. Recommendations have been made that will be integrated into the design and planning. 		

Furthermore, the opportunity for employment and for skills transfer will be established. Further to this the proposed development will add to the local economy. By utilizing local suppliers, employees, and catering to local clients in and around the area, without creating excessive traffic, as it will only be utilized by the applicant. Furthermore, the proposal will support, multiple key sectors, that impact on the local community and broader areas (ie. freight proves to be a key support to multiple sectors, and given the fuel fluctuations, and strain on this industry, having a steady supply of fuel, can ensure business continuation, which supports businesses, and livelihoods.)

Index	Biodiversity Impact	Place an "x" in the appropriate box
Description of variable		
	The activity is not giving, has not given and will not give rise to any impacts on biodiversity	X
	The activity is giving, has given or could give rise to localised biodiversity impacts	
	The activity is giving, has given or could give rise to significant biodiversity impacts	
	The activity is, has or is likely to permanently / irreversibly transform/ destroy a recognised biodiversity 'hot-spot' or threaten the existence of a species or sub-species.	
Motivation: The development footprint holds no biodiversity area of conservation importance , confirmed during site verification. There is an ESA (Aquatic) indicated to be along the outer edge of the northern boundary of the site, and an area classified as "other natural area" located at the south-eastern tip of the site, only. The proposed wall along the northern boundary, will be constructed within the site property, therefore no works will extend beyond this point. The area developed, and planned to be developed is disturbed and proves to be historically disturbed, and contains no indigenous vegetation, or evidence of a habitat related to any faunal species.		

Index	Sense of Place Impact and / or Heritage Impact	Place an "x" in the appropriate box
Description of variable		
	The activity is in keeping with the surrounding environment and / or does not negatively impact on the affected area's sense of place and /or heritage	
	The activity is not in keeping with the surrounding environment and will have a localised impact on the affected area's sense of place and/or heritage	X
	The activity is not in keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
	The activity is completely out of keeping with the surrounding environment and will have a significant impact on the affected area's sense of place and/ or heritage	
Motivation: Heritage: As confirmed by the landowner there is no record that there are heritage resources within the site. Furthermore, the existing mature gum trees will be maintained. The palaeosensitivity map available on SAHRA's website, indicates that the site is low (significance), and will not require further investigation. Sense of Place: This can include visual, noise, dust and odour impacts. Although these impacts will occur, they are considered to be low after mitigation, and temporary during construction. During operational phase, a wall will be established along the northern border, which is the closest fence line to the development area, this will obscure views of only the working area, the remainder of the fence line along the northern boundary will allow for the natural movement of fauna (if required). The		

remainder of the impacts including noise, dust and odour are considered to be low to negligible, during operational phase, as only 5 permanent employees will be appointed on site, and the facility will only give However, the development will accommodate only 2 x bunded structures with above ground tanks, this is not a large scale facility and will not require an Air Emissions License, as it is below the threshold of the requirements in terms of NEM:AQA.

In terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), 38. (1) states:

- Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as
 - (a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;

According to the updated layout plan *Figure 7* the proposed development will include the construction of a 2m high block wall along the northern boundary of the access road, approximately 430m in length. However, the area is significantly transformed, the northern property contains alien invasives and the proposed property contains an existing gravel road and existing wire fence line, where a portion will be replaced with a solid wall.

Index	Pollution Impact	Place an "x" in the appropriate box
	Description of variable	
	The activity is not giving, has not given and will not give rise to any pollution	X
	The activity is giving, has given or could give rise to pollution with low impacts.	
	The activity is giving, has given or could give rise to pollution with moderate impacts.	
	The activity is giving, has given or could give rise to pollution with high impacts.	
	The activity is giving, has given or could give rise to pollution with major impacts.	
Motivation: When inspections were undertaken by the EAP, after the unauthorized construction had commenced, there was no evidence of any pollution or environmental degradation. There was no evidence of dumping of waste, both general and hazardous. Should the proposal be authorized, there will be some pollution generated during construction and even less during operational phase. However, all impacts are anticipated to be of low significance, after mitigation measures have been integrated. On-going monitoring will allow for this matter to be monitored and reported on.		

PART 2: COMPLIANCE HISTORY AND KNOWLEDGE OF THE APPLICANT

Index	Previous administrative action (i.e. administrative enforcement notices) issued to the applicant in respect of a contravention of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
	Description of variable	
	Administrative action was previously taken against the applicant in respect of the abovementioned provisions.	
	No previous administrative action was taken against the applicant but previous administrative action was taken against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time when the administrative action was taken.	

Administrative action was not previously taken against the applicant in respect of the abovementioned provisions.	X
Explanation of all previous administrative action taken in respect of the above:	

Index	Previous Convictions in terms of section 24F(1) of the National Environmental Management Act and/or section 20(b) of the National Environmental Management Waste Act	Place an "x" in the appropriate box
Description of variable		
	The applicant was previously convicted in terms of either or both of the abovementioned provisions.	
	No previous convictions have been secured against the applicant but a conviction has been secured against a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time; or a conviction was secured against a director of the applicant in his or her personal capacity.	
	The applicant has not previously been convicted in terms of either or both of the abovementioned provisions.	X
Explanation of all previous convictions in respect of the above:		

Index	Number of section 24G applications previously submitted by the applicant	Place an "x" in the appropriate box
Description of variable		
	Previous applications in terms of section 24G of NEMA were submitted by the applicant.	
	No previous applications have been submitted by the applicant but a previous application(s) have been submitted by a firm(s) on whose board one or more of the applicant's directors sit or sat at the relevant time.	
	No previous applications have been submitted by the applicant but the applicant sat on the board of a firm that previously submitted an application.	N/A
Explanation in respect of all previous applications submitted in terms of section 24G:		
None of the above. The applicant did not previously submit other applications and was not involved in a firm that submitted an application previously. Hence his lack of knowledge with regard to compliance in terms of NEMA and EIA Regulations.		

PART 3: APPLICANT'S PERSONAL CIRCUMSTANCES

Index	Applicant's legal persona	Place an "x" in the appropriate box
Description of variable		
	The applicant is a natural person.	X
	The applicant is a firm.	
Describe the firm:		

Index	Any other relevant information that the applicant would like to be considered.
	<p>Motivate and explain fully:</p> <p>It is evident from the above assessment that the unauthorized construction occurred as a result of the Applicants lack of knowledge and familiarity with the relevant regulations/legislation. However, once this was identified, the Applicant proceeded to follow the relevant process and appointed an appropriately registered and qualified EAP, to provide assistance on the way forward. Since the alleged commencement, there has been no construction works on the</p>

property, despite this having a negative impact on the Applicants business, which in the current economic climate, is a significant factor.

It can be noted though that the transformation occurred within disturbed areas only, as an extension to an existing building. No indigenous vegetation was disturbed or removed, as according to historical imagery, the disturbed area contained pasture grasses and exotic young tree species. Only existing access roads were utilized, and no environmental degradation is noted on site, as a result of the unauthorized works.

It should be noted that in terms of the unauthorized activity, only one of the bunded structures were partially established on a disturbed area, along with the gravel turning area. In terms of the tanks stockpiled on site, no hazardous goods (fuel) were stored on site that may have resulted in spillage or risk to the environment. It is acknowledged that:

- The storage areas are essentially 2 x bunded areas, to contain up-to approximately 500m³ of fuel for the applicant's business purposes.
- This is not a fuel service station, and will not dominate the use of the site, therefore, the remainder of the site may be utilized for other purposes.
- This development will not service the public.
- Access will be controlled.
- All relevant permits/licenses, and their relevant conditions, particularly related to occupational health and safety, will be obtained, maintained and implemented by the applicant, until such a time that the applicant decides to decommission the structures. Which must be done in line with any specific conditions from any applicable license/permits/authorizations, and in line with the recommendations from the MHI.
- The proposal will create employment and aims to support a critical industry (logistics), that affects multiple sectors, jobs, and livelihoods in the Western Cape and South Africa.
- The development will also not generate high traffic volumes by limiting access to the applicant's business vehicles only, no clients/public use will be permitted.
- Contributing to business continuation for a multitude of industries, employees and livelihoods.

The EAP notes that the proposal cannot be likened to an industrial scale facility, based on the proposed infrastructure, and transformation required. It is not unusual to have bulk fuel storage on agricultural land, to be utilized by farmers, to service their own machinery, etc. as it is not unusual for farms to be located outside of urban areas, therefore making it not feasible for the farmers to rely on sources located within urban areas. It is however, a significant amount of fuel, and must therefore be addressed as a significant risk. As shown in the MHI Risk Assessment, the proposal does not pose a risk to the neighbouring properties, but must comply with the relevant recommendations.

It is noted that another significant impact is the public's concern of the risks associated with this development, along with the potential for the area to be transformed for such purposes, other than agricultural activities, as the proposal may set a precedent for future transformation. These impacts are acknowledged, and the impact tables discussed above recommend appropriate mitigation measures to address these impacts.

The proposal, if permitted to be undertaken in line with an approved Environmental Authorization (EA) and EMP_r, will remain within the disturbed portion of the site, without compromising the use of remainder of the site for alternative purposes. The proposal will not impact on an area of biodiversity importance, and the Applicant intends to ensure that all relevant permits/license are obtained prior to operation, this includes:

- Relevant permits from the municipality.
- Comply with MHI recommendations.

- Any other appropriate permit/license/authorization, in line with any relevant legislation/policy.

Recommended conditions, should the EA be awarded:

- The EMPr must be enforced.
- An Environmental Control Officer must be appointed to monitor the compliance and implementation of the Environmental Management Programme, mitigation measures and the Environmental Authorization conditions.
- The Applicant is to ensure that all relevant applications are made for compliance purposes related to the operation of the facility and storage of hazardous goods, this should include as a minimum, and where applicable:
 - The premises of must be registered under the Occupational Health and Safety Act (Act No. 85 of 1993) and kept orderly and clean in terms of the OHS Act.
 - The Applicant is to comply with the SANS 10131:2004 where relevant.
 - The Applicant is to ensure that all relevant building plans are approved by the City of Cape Town, prior to development, where applicable.
 - The Applicant must comply with the City of Cape Town Community Fire Safety By-Law, 2022, including, but not limited to:
 - Chapter 8, section 37 (1), the applicant is to submit a building plan to the municipality in accordance with the National Building Regulations and Building Standards Act 1977 (amended 2008). Building plans have been included in this application form.
 - 37(6), the owner or person in charge of the premises will need to apply for a flammable substance certificate from the controlling authority.
 - Upon termination of the storage and use of the bulk fuel storage, the applicant is to ensure the correct procedures are followed in line with the CoCT Community Fire Safety By-law, 2022, Section 47 .
 - In terms of the National Environmental Health Norms and Standards for Premises, 2015, the applicant is to ensure compliance with the South African Bureau of Standards (SABS) national standards on the identification and classification of dangerous goods and correct labelling. The Applicant is to ensure that an appropriate Environmental Health Practitioner is appointed to undertake the relevant inspections and assessments.
 - The general requirements for the storage of hazardous substances in terms of the Hazardous Substances Act 1973 (amended 1999) are to be adhered to, where necessary.
 - Comply with the City of Cape Town Wastewater and Industrial Effluent By-Law, 2013, where necessary
 - Comply with the City of Cape Town Integrated Waste Management By-Law 2009 (As Amended 2016), where necessary.
- All pre-construction, construction, and operational conditions must be complied with prior to commencement of the relevant activities on site.
- All relevant permits from the municipality or in line with any relevant legislation/policy, will need to be obtained prior to re-commencement of construction activities on site.
- Engage with the relevant public community group to create an open line of communication with the community, allowing them access to public documentation (this does not include financial records, or any records that are considered proprietary). This may be done by sharing the relevant documentation online, or via written request from I&AP's. This may include, but not be limited to:
 - Sharing ECO reports.
 - Sharing certificates/approvals in terms of occupational health and safety and approved EA/EMPr.
 - A platform for I&AP's to raise concerns with the Applicant or share information.

NOTE: An explanation as to why the applicant did not obtain an environmental authorisation and/or waste management licence must be attached to this application.

SECTION D: PRELIMINARY ADVERTISEMENT

When submitting this application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.

The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management licence and is now applying for *ex post facto* approval. It must include the following:

- the date;
- the location;
- the applicable legislative provision contravened; and
- the activity or activities commenced with without the required authorisation.

Interested and affected parties must be provided with the details of where they can register as an interested and affected party and / or submit their comment. At least 20 days must be provided in which to do so.

This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of this application form.

NOTE: Unless protected by law, all information contained in and attached to this application form may become public information on receipt by the competent authority. This application must be attached to any documentation or information submitted by an applicant further to section 24G(1).

PART 3 -

APPENDICES

The following appendices must, where applicable, be attached to this form:

Appendix		Tick the box if Appendix is attached
Appendix A:	Locality map	✓
Appendix B:	Site plan(s)	✓
Appendix C:	Building plans (if applicable)	-
Appendix D:	Colour photographs	✓
Appendix E:	Biodiversity overlay map	✓
Appendix F:	Permit(s) / license(s) from any other organ of state including service letters from the municipality (protected in terms of POPI, 2013 – only shared with Commenting Authorities)	✓
Appendix G:	Public participation information: including a copy of the register of interested and affected parties, the comments and responses report, proof of notices, advertisements, Land owner consent and any other public participation information as required in Section J above.	✓
Appendix H:	Specialist Report(s), if any	-
Appendix I:	Environmental Management Programme	✓
Appendix J:	Supporting documents relating to compliance/enforcement history of the applicant, including but not limited to, Pre-compliance/compliance notices, Pre-directives/directives etc.	✓
Appendix K:	Certified copy of Identity Document of Applicant (protected in terms of POPI, 2013 – only shared with Commenting Authorities)	✓
Appendix L:	Certified copy of the title deed (or title deeds in the case of linear activities) (protected in terms of POPI, 2013 – only shared with Commenting Authorities)	✓
Appendix M:	Any Other (if applicable) (describe)	
Appendix N:	Technical Report – Major Hazard Installation (MHI) Risk Assessment	✓
Appendix O:	Screening Tool	✓
Appendix P:	Permission from Land Owner (protected in terms of POPI, 2013 – only shared with Commenting Authorities)	✓

Where an application has been made in terms of the waste management activities, please complete and annex Annexure 1 as in the following:

Annexures for waste listed activity/ies supporting information		Tick the box if Annexure is attached
Annexure 1	Waste listed activities supporting information (as in prescribed attached form)	
Other	(please list accordingly)	

DECLARATIONS

THE APPLICANT

Note: Duplicate this section where there is more than one applicant

- I ASHRAF SEDIQA, in my personal capacity or duly authorised as APPLICANT (state capacity) by thereto hereby declare/affirm that all the information contained in this application to be true and correct, and that I:
 - am fully aware of my responsibilities in terms of I the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and all relevant specific environmental management Act(s), and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
 - appointed the environmental assessment practitioner as indicated above, which meet all the requirements in terms of Regulation 13 of the EIA Regulations to act as the independent Environmental Assessment Practitioner for this application;
 - have provided the environmental assessment practitioner and the competent authority with access to all information at my disposal that is relevant to the application;
 - am aware that I may be issued with a directive and that I must comply with such a directive;
 - am fully aware of the administrative fine to be paid before a decision, with respect to the continuation of the listed activity(ies), will be made;
 - will be responsible for the costs incurred in complying with the environmental legislation including but not limited to
 - costs incurred in connection with the appointment of the environmental assessment practitioner or any specialist appointed in terms of Regulation 13 of the EIA Regulations);
 - costs incurred in respect of the undertaking of any process required in terms of this application;
 - costs in respect of any prescribed fee payable in respect of this application;
 - costs in respect of specialist reviews, if the competent authority decides to recover costs;
 - the provision of security to ensure compliance with the applicable management and mitigation measures; and
 - fine costs
 - am responsible for complying with the conditions that might be attached to any decision(s) issued by the competent authority;
 - have the ability to implement the applicable management, mitigation and monitoring measures; and
 - hereby indemnify, the government of the Republic of South Africa, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, the content of any report, any procedure or any action for which the applicant or environmental assessment practitioner is responsible.

am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations, 2014 (

Please Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

Ashraf

Signature of the applicant:

ASHRAF

Name:

Name of Firm (if applicable):

06/04/23

Date:

THE INDEPENDENT ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

I ...Ameesha Sanker..., as the appointed independent environmental practitioner ("EAP") hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- act/ed as the independent EAP in this application;
- regard the information contained in this application to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the the National Environmental Management Act of 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA, the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) ("NEM:WA") and the relevant specific environmental management Act(s);
- have and will not have any vested interest in the proposed activity proceeding;
- have disclosed, to the applicant and competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the EIA Regulations, the NEM:WA and any specific environmental management Act(s);
- am able to meet the responsibilities in terms of NEMA, the EIA Regulations (specifically in terms of Regulation 13 of the EIA Regulations, 2014) and any specific environmental management Act, and am fully aware that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the application was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments;
- have ensured that the comments of all interested and affected parties were considered, recorded and submitted to the competent authority in respect of the application;
- have kept a register of all interested and affected parties that participated in the public participation process; and
- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not.
- am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations

Note: The terms of reference must be attached.



Signature of the environmental assessment practitioner:

Sharples Environmental Services

Name of company:

24 April 2023

Date:

~~PART 4~~

~~ANNEXURE B – SUPPORTING INFORMATION WHERE THE ACTIVITY BEING APPLIED FOR IS A LISTED WASTE MANAGEMENT ACTIVITY/IES (IF RELEVANT)~~

~~1. WASTE QUANTITIES~~

Indicate or specify types of waste and list the estimated quantities (expected to be) managed daily (should you need more columns; you are advised to add more)

Note: In this case of hazardous waste, the National Department of Environmental Affairs is the relevant competent authority to consider the 24G application.

Non-hazardous waste	Total waste handled (tonnes per day)

Source of information supplied in the table above Mark with an "X"

Determined from volumes

Determined with weighbridge/scale

Estimated

~~1.1. Recovery, Reuse, Recycling, treatment and disposal quantities:~~

Indicate the applicable waste types and quantities expected to be disposed of and salvaged annually:

TYPES OF WASTE	MAIN SOURCE (NAME OF COMPANY)	QUANTITIES		ON-SITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE RECOVERY REUSE RECYCLING TREATMENT OR DISPOSAL	OFFSITE DISPOSAL
		Tons/ Month	M ³ / Month	Method & Location	Method & Location and Contractor details	

~~2. GENERAL~~

Prevailing wind direction (e.g. NWW)

November – April

May – October

The size of population to be served by the facility:

	Mark with "X"	Comment
0-499		
500-9,999		
10,000-199,999		
200,000 upwards		

LANDFILL PARAMETERS (if applicable)

The method of disposal of waste:

Land building Land filling Both

The dimensions of the disposal site in metres

	At commencement	After rehabilitation

The total volume for the disposal of waste on the site:

Volume Available	Mark with "X"	Source of information (Determined by surveyor/ Estimated)
Up to 99		
100-34 999		
35 000-3,5 million		
>3,5 million		

The total volume already used for waste disposal on the site:

(a) Will the waste body be covered daily	Yes	No
(b) Is sufficient cover material available	Yes	No
(c) Will waste be compacted daily	No	No

If the answers (a) and/or (b) are No, what measures will be employed to prevent the problems of burning or smouldering of waste and the generation of nuisance?

The Salvage method

Mark with an "X" the method to be used.

At source	<input type="checkbox"/>
Recycling installation	<input type="checkbox"/>
Formal salvaging	<input type="checkbox"/>
Contractor	<input type="checkbox"/>
No salvaging planned	<input type="checkbox"/>

Fatal flaws for the site:

Indicate which of the following apply to the facility for a waste management activity:

Within a 3000m radius of the end of an airport landing strip	Yes	No
Within the 1 in 50-year flood line of any watercourse	Yes	No
Within an unstable area (fault zone, seismic zone, dolomitic area, sinkholes)	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within the drainage area or within 5 km of water source	Yes	No
Within an area adjacent to or above an aquifer	Yes	No
Within an area with shallow bedrock and limited available cover material	Yes	No
Within 100 m of the source of surface water	Yes	No

Within 1km from the wetland	Yes	No
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Indicate the distance to the boundary of the nearest residential area
 Indicate the distance to the boundary of the industrial area

metres
metres

Wettest six months of the year

November - April

May - October

For the wettest six month period indicated above, indicate the following for the preceding 30 years

	Total rainfall for 6 months	Total rainfall for 6 months	Total rainfall for 6 months
For the 1st wettest year			
For the 2nd wettest year			
For the 3rd wettest year			
For the 4th wettest year			
For the 5th wettest year			
For the 6th wettest year			
For the 7th wettest year			
For the 8th wettest year			
For the 9th wettest year			
For the 10th wettest year			

Location and depth of ground water monitoring boreholes:

Codes of the boreholes	Borehole locality	Depth (m)	Latitude	Longitude
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "
			° ' "	° ' "

Location and depth of landfill gas monitoring test pit:

Codes of the boreholes	Borehole locality	Latitude	Longitude
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "
		° ' "	° ' "

