



Ref.: DM 2002/1481

Fax: (044) 695 2453

2003 -02- 1 0

Mr A Calitz
Oilcon Construction
P O Box 824
HARTENBOSCH
6520

Dear Mr Calitz

APPEAL AGAINST THE AUTHORISATION FOR THE CONSTRUCTION OF A SERVICE STATION AND RESORT ON A PORTION OF PORTION 1 OF THE FARM KRAAIBOSCH 195, GEORGE

The appeal received against the authorisation granted by the Department of Environmental Affairs and Development Planning on 4 September 2002, for the construction of a service station and a resort consisting of 50 chalets, 18 caravan stands, restaurant and conference centre on a portion of Portion 1 of the Farm Kraaibosch No. 195, George, refers.

After considering all relevant facts and supportive documents, I wish to advise that, in terms of section 35(4) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), I have decided to vary the decision of the above department by amending condition 23 of the Record of Decision (ROD) to read as follows:

"All structures, including signage and roofs must not exceed 6m in height".

The remaining conditions under which the authorisation was granted are therefore still valid.

Yours faithfully


**JOHAN GELDERBLOM
ACTING MINISTER OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT
PLANNING: WESTERN CAPE**

ITEM 6.1 ANNEXURE



Reference Number SNOC 25/4/37 (3638)
Name of Applicant D SWANEPOEL
Date 23/07/2002



Departement van Omgewing- en Kultuursake
Department of Environmental and Cultural Affairs
Isebe Lolondolozo Lwendalo neNkcubeka

Oilcon Construction
 PO Box 824
 Hartonbosch
 6520

Attention: Mr A Calitz
 625-0919

UNITED PROVINCES
 PALMTRIEF GEORGE
 Dept. Administration
 Office of the Manager

2002 -03- 06/23

Tel: 083-

Fax: (044) 695-2453

Dear Sir

APPLICATION: CONSTRUCTION OF A SERVICE STATION AND RESORT ON A PORTION OF PORTION 1 OF THE FARM KRAAIBOSCH 195, GEORGE

With reference to your application, find below the Record of Decision in respect of this application.

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The construction of a service station and a resort consisting of 50 chalets, 18 caravan stands, each with a permanent structure, restaurant and conference centre as indicated on the attached plan by Nel & De Kock (no date or number). The service station will comprise of four underground storage tanks (UST's) of 43 000 l capacity each. One tank will contain diesel, another 95 octane petrol and the other two tanks will store 97 octane petrol. All underground storage tanks will have a fibreglass lining.

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

Item 1(c) The construction, erection or upgrading of, with regard to any substance that is dangerous or hazardous and is controlled by national legislation- (i) infrastructure, excluding road and rail, for

ITEM 6.1 ANNEXURE "U" CONTINUED

the transportation of :
storage, handling, the
substance.

Item 1(m) The construction, erection or upgrading of public and private resorts and associated infrastructure.

Item 2(c) The change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use.

hereinafter referred to as "the activity"

B. LOCATION:

A portion of portion 1 of the farm Kraaibosch 195, George indicated on the attached layout plan by Nel & De Kock (no date or number). The site is situated north of the N2 national road between George and Wilderness, opposite the Kraaibosch rural node. The co-ordinates are 33° 59' 43" South and 22° 31' 60" East.

C. APPLICANT:

Oilcon Construction
Mr A Calitz
PO Box 824
HARTENBOS
6520

Tel: (083-625-0919
Fax: (044) 695-2453

D. CONSULTANT:

CODEV
Mr C Gaigher
PO Box 100
WILDERNESS
6560

Tel: (044) 877-1182
Fax: (044) 877-1182

E. SITE VISIT(S):

Date: 8 October 2001
Persons Present: Mr D Swanepoel of DECAS

F. DECISION:

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Chief Director, Environmental Affairs of the Department of Environmental and Cultural Affairs and Sport hereby grants authorisation, with the conditions contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the

purposes of undertaking the **ITEM 6.1 ANNEXURE "U" CONTINUED**
except the holder thereof from
legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory 30 day appeal period expires.
2. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 27 & 28.
3. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of operation activities.
 - 3.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 3.2 The said notice must also include proof of compliance with the following conditions described herein:
Condition: 18
4. The proposed installation of the fuel tanks and pipes must comply with the requirements from the South African Bureau of Standards (SABS). The relevant SABS codes for this activity are SABS 1536 (tank manufacturing standards), SABS 089 Part 3 (underground tanks and pipe installation standards) and SABS 1830.
5. Only internationally approved non-corrosive pipe work systems should be installed. All piping must be thoroughly wrapped to limit corrosion.
6. Cathodic protection for all piping must be considered.
7. Dependent on the location of the filler points to the UST's and the oil-water separator, consideration should also be given to installing at least two shallow monitoring wells adjacent to these points.
8. Breather pipes for the UST's must be placed away from the forecourt area and buildings used by the general public.
9. All pipes (vent, filler and delivery) should slope back to the underground storage tank so that fuel does not remain in the pipes.
10. Shear off valves will be anchored below fuel dispensers, so that no spillage occurs if the dispenser is accidentally knocked over.
11. Fuel will be dispensed to vehicles at the service station via a pressurised system with mechanical leak detectors linked to the

ITEM 6.1 ANNEXURE "U" ¹¹ CONTINUED

22. The recommendations described in the traffic impact assessment by VKE/0048/100 (ref. VKE0048/01/1) and indicated on Plan VKE/0048/100 must be implemented. Any upgrade of the intersection must be undertaken to the approval and satisfaction of the SA National Roads Agency.
23. All structures, including signage and roofs must not exceed 5m in height
24. The construction of conservancy tanks must be of such a nature that no water must seep into the system or out of the system.
25. All relevant sections and regulations contained in the National Water Act 1996 (Act 36 of 1996) especially regarding water pollution shall be strictly adhered to.
26. An integrated waste management approach must be used that is based on waste minimisation and should incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
27. The applicant must compile and submit an acceptable construction phase Environmental Management Plan ("EMP"), for the installation of the UST's services, roads, resort units and other structures to this Directorate for approval prior to any land clearing and construction commencing;
- 24.1 The EMP must be submitted to this Directorate at least three weeks prior to construction activities commencing.
- 24.2 The EMP must be included in all contract documentation for the construction phase of the development.
26. The applicant must appoint a suitably experienced Environment Control Officer to undertake the mitigating/rehabilitation measures and recommendations referred to in this Record of Decision and to ensure compliance with the provisions of the construction phase EMP.
29. The applicant must submit an Environmental Audit Report, ("audit report") to this Directorate six months after construction has been completed.
- 26.1 The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorisation.
- 26.2 This Directorate may require remedial action should the audit report reflect that rehabilitation is inadequate.
- 26.3 If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
27. The applicant must, within five calendar days of receipt of this Record of Decision:

ITEM 6.1 ANNEXURE "U" CONTINUED

- Inform the relevant local authority parties, ("I & AP's") registered details of the outcome of this application and, if requested, provide copies of this Record of Decision.
- Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, which reads as follows:
 - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
- Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
- Inform all I & AP's that a signed and certified Appeal Questionnaire, is obtainable from the Minister's office at tel. (021) 483 3915, e-mail Gbrunnir_er@pawc.wcape.gov.za, or URL http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp must accompany the appeal.
- If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal, if requested.
 - 2i). This Directorate must be notified, within 30 days thereof, of any change of ownership and/or project developer, as well as any change of address of the owner and/or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
 - 2ii). The conditions of the authorisation must be brought to the attention of all persons (employees, sub-consultants etc.) associated with the undertaking of this activity and the applicant shall take such measures necessary to bind such persons to these conditions.
 - 3i). All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:

The Director: Environmental Impact Management
Department of Environmental Affairs and Tourism
Private Bag X447, Pretoria, 0001.
 - 3ii). The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.

ITEM 6.1 ANNEXURE "U" CONTINUED

H. RECOMMENDATIONS:

This Chief Directorate would recommend that:

- The local authority provides a water-borne sewerage system for the Kraaibosch rural node.
- Indigenous plants are used for landscaping and gardening.
- Storm water runoff from adjacent car-park areas must be directed through a wetland/reedbed area, which can form part of the site landscaping. Indigenous trees and shrubs should be used to screen off the development from the N2 national road.
- No further development takes place on the northern side of the N2 opposite the existing Kraaibosch rural node as the proposed development is considered as a "rounding off" of the Kraaibosch rural node and that this is included in the SDF and IDP for George.

I. KEY FACTORS AFFECTING THE DECISION:

Biophysical:

The vegetation on site consists of a commercial Pine plantation, which has recently been harvested. Although there has been some natural regeneration of pioneer species, the site is dominated by alien invasive species.

Within the immediate vicinity of the site the groundwater potential is most likely to be low. Shallow (contact) groundwater may be present, but is likely to be at low yields and of poor quality. Deeper (> 40m) groundwater may exist in the area of the site, but would be confined to deeper fracturing within the granite. The groundwater potential and quality to the east is likely to be good. Morris Environmental and Groundwater Alliances classified the proposed site as having a low to moderate environmental rating. New service stations can incorporate modern engineering technologies to manage environmental risks.

Socio-economic

There is an existing filling station directly opposite the site for the proposed filling station and resort. Most of the letters of objection are from landowners or business owners on the opposite side of the N2. The owners of the existing service station have written three separate letters of objection. The competitive nature of the proposed development to existing facilities is a contentious issue, which some people believe not to be a pure environmental issue. Furthermore, open, free market competition may either improve service provision or detrimentally affect the economic viability and sustainability of existing businesses.

The safety of the access road entrance has been raised by I&APs. VKE Engineers conducted a traffic assessment and made recommendations in the report dated June 2001 (ref. VKE0048/01/1). The South African National Roads Agency approved the proposed development subject to the implementation of the recommendations and other conditions regarding financial contributions.

ITEM 6.1 ANNEXURE "U" CONTINUED

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Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended.

If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.

A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3915, e-mail Gbrummer@pawc.wcape.gov.za, or URL http://westcape.wcape.gov.za/environmental_cultural_affairs/default.asp must accompany the appeal.

If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



DIPOLELO ELFORD
CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE OF DECISION: 04/09/02

Copies to: (1) Mr J Vrolik (George Municipality)
(2) Mr C Caigher (CODEV)
(3) Mr R Morris (MFCGA)

Fax: (044) 801-9196
Fax: (044) 877-1182
Fax: (044) 790 6793



REFERENCE NO: 14/3/1/1/E3/5/0521/21

Mr. A. Calitz
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Email: Oilcon@mweb.co.za

Dear Mr Calitz

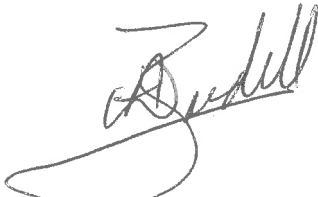
APPLICATION FOR THE AMENDMENT OF THE APPEAL RECORD OF DECISION GRANTED FOR THE CONSTRUCTION OF A SERVICE STATION AND RESORT ON A PORTION OF PORTION 1 OF THE FARM KRAAIBOSCH 195, GEORGE

1. With reference to your application received on 3 May 2021 for the amendment of the Appeal Record of Decision ("RoD") (also known as Environmental Authorisation ("EA")) issued on 2 August 2018 and additional information dated 12 May 2021, find below the Amended Appeal RoD in respect of the Amendment application.
2. **EMPOWERING PROVISIONS IN TERMS OF THE APPLICABLE LEGISLATION:**
Sub-regulation 27(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) Environmental Impact Assessment ("EIA") Regulations, 2014 (Government Notice No. R. 982) states that "The competent authority that issued an environmental authorisation has jurisdiction in all matters pertaining to the amendment of that environmental authorisation as long as the environmental authorisation is still valid, provided that the competent authority that issued such environmental authorisation still has jurisdiction in terms of the Act."
3. **DECISION:**
By virtue of the powers conferred on me by the EIA Regulations, 2014 (Government Notice No. R. 982), I have decided to amend to the Appeal RoD to exclude the resort consisting of 50 chalets, 18 caravan stands, each with a permanent structure, restaurant and conference centre, in order to enable the applicant to apply for a separate EA on the portion of the property for a different development (which will constitute a new listed activity in terms of Government Notice No. R. 983 of 4 December 2014) other than what was authorised on the resort portion of the site.
4. **REASONS FOR THE DECISION:**
Find below the reasons to amend the Appeal RoD:
 - 4.1. The exclusion of the resort from the existing Appeal RoD will enable applicant to apply for a separate EA on the portion of the property which was authorised to construct a resort consisting of 50 chalets, 18 caravan stands, each with a permanent structure, restaurant and conference centre.

- 4.2. The proposed amendment will not change the scope of the valid EA nor increase the level or nature of the impact, which was initially assessed and considered when application was made for the original authorisation.
- 4.3. No new activities are triggered by the proposed amendment in terms of the EIA Regulations, 2014 (Government Notices No. R. 983, R. 984 and R. 985 of 4 December 2014) promulgated in terms of the NEMA.

Your interest in the future of our environment is appreciated.

Yours faithfully,



ANTON BREDELL

**PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE: 25/6/2021

Copied to:

Mr M. Bennett/ Mr John Sharples (Sharples Environmental Services)

Email: michael@sesc.net/ john@sesc.net