

Appendix 1: Environmental Authorisation



REFERENCE: 16/3/3/1/D2/19/0024/19
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 08 FEBRUARY 2022

The Director
8 Mile Investments 236 (Pty) Ltd
1252 Ruimsig Crescent
Woodhill Estate
PRETORIA
0076

Attention: Dr. G. Terblanche

Tel: (011) 425 6677
Email: witsand@gmail.com

Dear Sir

CORRECTION NOTICE FOR THE ENVIRONMENTAL AUTHORISATION REF: 16/3/3/1/D2/19/0024/19 ISSUED ON 31 JANUARY 2022 FOR THE PROPOSED ESTABLISHMENT OF A FILLING STATION, WAREHOUSING AND AIRPORT SUPPORT SERVICES (“GEORGE AIRPORT SUPPORT ZONE”) ON PORTION 4 OF FARM GWAYANG NO. 208, GEORGE

1. The abovementioned Environmental Authorisation (“EA”) which was issued on 31 January 2022 (Ref: 16/3/3/1/D2/19/0024/19) refers.
2. Please be informed that in terms of Section 47A(1)(b) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended), the following typographical errors are corrected.
 - The heading of section B must be corrected to read as follows:
“LIST OF ACTIVITIES AUTHORISED”
 - Section D, Email of the Environmental Assessment Practitioner (EAP) must be corrected to read as follows:
bclark@telkomsa.net/steenbok@aerosat.co.za
 - Condition 2 under section E must be omitted from the Environmental Authorisation.
3. This Department acknowledges the notification that the postal address for the holder has change. This is hereby also corrected. The corrected EA reflecting all the changes is attached to this letter for ease of reference.
4. The remainder of the Environmental Authorisation remains unchanged, in force and valid.

5. This Department reserves the right to revise initial comments and request further information from you based on any new or revised information received.

Yours faithfully

Gavin Benjamin

Digitally signed by Gavin Benjamin
Date: 2022.02.08 09:13:58 +02'00'

MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

DATE OF NOTICE: **08 FEBRUARY 2022**

Ms. Delia Power

Ms. Belinda Clarke

Mr. Mike. Cohen

George Municipality

CEN Environmental

CEN Environmental

dpower@george.gov.za

bclark@telkom.net

steenbok@lsat.co.za

REFERENCE: 16/3/3/1/D2/19/0024/19
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: **31 January 2022**

The Director
8Mile Investments 236 (Pty) Ltd
1252 Ruimsig Crescent
Woodhill Estate

PRETORIA
0076

Attention: Dr. G. Terblanche

Tel: (011) 425 6677
Email: witsand@gmail.com

Dear Sir

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED ON 7 APRIL 2017): PROPOSED ESTABLISHMENT OF A FILLING STATION, WAREHOUSING AND AIRPORT SUPPORT SERVICES ("GEORGE AIRPORT SUPPORT ZONE") ON PORTION 4 OF FARM GWAYANG NO. 208, GEORGE

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended 7 April 2017), the Department herewith refuses Environmental Authorisation for the preferred alternative applied for by the applicant, but **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the alternative described and illustrated in the amended Site Development Plan 2, dated 2 August 2021, which was submitted after the Final Basic Assessment Report was received.

The authorised alternative involves a change of land use from Agriculture I to Subdivisional Area, and subsequent subdivision into 13 erven to accommodate the following land uses:

- 5 x Industrial Zone I portions;
- 1 x Business Zone VI portion;
- 1 x Transport Zone II portion;
- 3 x Open Space Zone II portions &
- 1 x Agriculture Zone I portion (the Remainder));

The proposal also includes the establishment of a Transport Zone II erf to provide for an internal road network to the development, by means of an access and egress point off the R404. The alignment of this access route follows the same alignment of the approved roads master plan which will ensure equitable municipal services and vehicular access to farm portions RE/60/208 (131/208 & 130/208 & 132/208), 4/208 and 139/208.

This EA will be implemented in accordance with the amended Site Development Plan attached to this EA as Annexure 2.

A. DETAILS OF THE APPLICANT

The Director
 8 Mile Investments 236 (Pty) Ltd
 % Dr. G. Terblanche
 1252 Ruimsig Crescent
 Woodhill Estate
PRETORIA
 0076

Tel: (011) 425 6677
 Email: witsand@gmail.com

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Listing Notice 1 of 4 December 2014 (as amended on 7 April 2017)</p> <p>Activity Number 12 Activity Description</p> <p>The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; 	<p>The development will result in the construction of structures of more than 100m² within 32 meters of the watercourse on site.</p>

<p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
<p>Activity Number 14 Activity Description:</p> <p>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>	<p>The development is for a filling station and more than 80 cubic meters of fuel and diesel will be stored for sale on site.</p>
<p>Activity Number: 19 Activity Description:</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The development will result in infilling or excavation of 10 cubic meters of soil from a watercourse.</p>
<p>Activity Number: 27 Activity Description:</p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>i) the undertaking of a linear activity; or</p> <p>ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>More than 1 hectare of indigenous vegetation will be removed to establish the filling station and warehousing on the proposed site.</p>
<p>Activity Number: 28 Activity Description:</p>	

<p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <ul style="list-style-type: none"> (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes. 	<p>The site is located outside the urban area of George and is currently zone Agriculture 1 and is used for grazing. The proposal will result in the transformation of more than 1 hectare for retail and industrial purposes.</p>
<p>Listing Notice 3 of 4 December 2014 (as amended on 7 April 2017)</p> <p>Activity Number: 4 Activity Description:</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres</p> <p>i)Western Cape</p> <ul style="list-style-type: none"> i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; <ul style="list-style-type: none"> (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority. <p>(iii)</p>	<p>The access roads will exceed the thresholds stipulated in this listed activity.</p>
<p>Activity Number: 12 Activity Description:</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i) Western Cape</p> <ul style="list-style-type: none"> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding 	<p>More than 300m² of endangered vegetation will be removed to establish the filling station and warehousing on the site.</p>

<p>where such removal will occur behind the development setback line on erven in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	
<p>Activity Number: 14</p> <p>Activity Description:</p> <p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>i)Western Cape</p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p>	<p>The development will result in the construction of infrastructure of more than 10 square metres within 32 meters of a watercourse on site.</p>

(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

Activity 30 of Listing Notice 1 was also applied for, but it was confirmed with the EAP that it is not applicable to the proposal as no processes were required in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

C. SITE DESCRIPTION AND LOCATION

The site comprises mainly of remnants garden route granite fynbos vegetation, as well as a small and large watercourse that mainly drains to the south eastern part of the site. The proposed site is located on portion 4 of Farm Gwayang No. 208, George, which is situated east of and opposite to the existing entrance to the George Airport, directly off the R404, and south of the R102.

The abovementioned listed activities are proposed at the following site co-ordinates:

Co-ordinates:

Longitude: 33° 59' 53.21" South

Latitude: 22° 23' 06.54" East

SG21 Digit Code:

02700000000020800004

Refer to Annexure 1: Locality Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

CEN Environmental

% Ms. Belinda Clarke/ Mr. Mike Cohen

36 River Road

Walmer

PORT ELIZABETH

6070

Tel: (041) 581 2983

Email: bclark@telkomsa.net/steenbok@aerosat.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **31 January 2042**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements and operation, will be deemed to be concluded at the site.

Further to the above, the Environmental Authorisation is subject to the following:

- 1.1. The non-operational component i.e., installation of services and top structures but excluding the construction of the filling station is subject to the following:

- (a) The holder must start with the physical implementation and exceed the threshold of all the authorised listed activities on the site by 31 January 2027; and
 - (b) Rehabilitation and monitoring must be finalised at the site within a period of 3-months from the date the construction activities (construction phase) are concluded; but by no later than 31 October 2031.
- 1.2. The construction of the facility for the storage and handling of dangerous goods must commence by the 31 January 2027 and conclude within five (5) years.
 - 1.3. The operational aspects of this Environmental Authorisation are granted until 31 January 2042, during which period all operational aspects, rehabilitation and monitoring requirements as well as the final environmental auditing and reporting must be finalised.
 - 1.4. Should the holder of the EA wish to continue with the operational aspects beyond 31 January 2042, an application for amendment must be submitted prior to the EA lapsing on 31 January 2042.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the authorised alternative as described and illustrated in the amended Site Development Plan 2, dated 2 August 2021. The holder is herein authorised to undertake the following alternative that includes the listed activity, as it relates to the development and the development footprint area and entails the change of land use from Agriculture I to Subdivisional Area, and subsequent subdivision into 13 erven to accommodate the following land uses:

The proposed development entails the change of land use from Agriculture I to Subdivisional Area, and subsequent subdivision into 13 erven to accommodate the following land uses:

- 5 x Industrial Zone I portions;
- 1 x Business Zone VI portion;
- 1 x Transport Zone II portion;
- 3 x Open Space Zone II portions &
- 1 x Agriculture Zone I portion (the Remainder));

The proposal also includes the establishment of a Transport Zone II erf to provide for an internal road network to the development, by means of an access and egress point off the R404. The alignment of this access route follows the same alignment of the approved roads master plan which will ensure equitable municipal services and vehicular access to farm portions RE/60/208 (131/208 & 130/208 & 132/208), 4/208 and 139/208.

This EA will be implemented in accordance with the amended Site Development Plan attached to this EA as Annexure 2.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
4. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority, before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes

or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - (a) the decision reached on the application;
 - (b) the reasons for the decision as included in Annexure 3;
 - (c) the date of the decision; and
 - (d) the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. provide the registered I&APs with the:
 - (a) name of the Holder (entity) of this Environmental Authorisation,
 - (b) name of the responsible person for this Environmental Authorisation,
 - (c) postal address of the Holder,
 - (d) telephonic and fax details of the Holder,
 - (e) e-mail address, if any, of the Holder,
 - (f) contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
 - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
 - 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7, 9, 11, 21, 23 and 25.
8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

Management of activity

9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and submitted for approval, subject to the following requirements:
 - 9.1. The EMPr must be amended to incorporate the following —
 - (a) That Environmental Control Officer (ECO) compliance reports must be submitted monthly to this Directorate.
 - (b) All the conditions contained in this Environmental Authorisation;

- (c) A detailed Site Development Plan for the filling station, which also depicts:
 - new access road that is hereby approved as access to the proposed development;
 - tank installations and auxiliary infrastructure for the handling of the dangerous goods;
 - a site-specific stormwater management / drainage system and separation and or treatment devices;
 - monitoring points including boreholes;
 - buffers/corridors around the watercourses
- (d) Clearly list the impact management outcomes and impact management actions for the proposed development;
- (e) An indication of the persons who will be responsible for the implementation of the impact management actions.
- (f) Incorporate an Operational Phase Environmental Management Plan that will deal with the operational aspects including the filling station that must include:
 - The implementation plan with clear impact management outcomes;
 - An indication of the persons who will be responsible for the implementation of the impact management actions.
 - All the conditions and monitoring aspects associated with the groundwater monitoring activities and requirements of the Fuel Retailers Association;
 - All the mitigation measures as described in the Geotechnical Impact Assessment that deals with the filling station and the design measures that were recommended;
 - Emergency procedures and actions to be undertaken for emergency spills or malfunctioning of tanks.
- (g) Incorporate all the conditions contained in this Environmental Authorisation; The section dealing with the management and demarcation of the No-Go area's (including the open space areas) must clearly state how the areas will be demarcated, prior to any earthworks / commencement of construction;
- (h) Include a list of wetland species to be used in re-vegetating the wetland areas;
- (i) Incorporate an alien invasive vegetation clearing plan;
- (j) Incorporate the stormwater management measures as included in the stormwater management plan submitted along with the FBAR plan; and
- (k) Groundwater monitoring measures and intervals;
- (l) Environmental Control Officer ("ECO") compliance reports must be submitted monthly to this Department's Regional Office for attention the Directorate Development Management (Region 3).
- (m) Emergency procedures and actions to be undertaken for emergency spills or malfunctioning of underground fuel storage tanks.

9.2. The amended EMPr must be submitted to the Competent Authority and be approved, prior to construction activities commencing on the site.

Note: The revised EMPr should be submitted to the Competent Authority at least 90-days, prior to the construction activities commencing on site to ensure the competent authority is able to process / review the revised EMPr, prior to the intended date of commencement.

10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.

12. The ECO must–

12.1. be appointed prior to commencement of any works (i.e., removal and movement of soil and / or rubble or construction activities commencing;

12.2. ensure compliance with the EMPr and the conditions contained herein;

12.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;

12.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.

13. A monitoring and implementation programme for the filling station must be developed and incorporated into the EMPr which must include the following:

(a) the development of the facility and infrastructure for the storage and handling of a dangerous good (i.e., construction of the filling station) and must detail the requirements of the fuel containment area, forecourt area, the installation of the underground storage tanks and pipes.

(b) Leak detection and monitoring thereof.

(c) The location of the monitoring boreholes.

(d) Detail the Recordkeeping and Reporting protocol.

14. A monitoring and implementation programme for the treatment of sewage and disposal of effluent must be developed and incorporated into the EMPr which must include the following:

a) The sampling frequency of groundwater to detect contamination if possible.

b) Location of sampling areas.

c) Standards that water samples are measured against.

d) Detail the Recordkeeping and Reporting protocol.

15. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.

16. Access to the site (referred to in Section C) must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

17. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.

18. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:

- 18.1. During the period which the activities have been commenced with on site until the construction of the internal service infrastructure (has been completed on site, the Holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority.

*A final Environmental Audit Report must be submitted to the Competent Authority within **three (3)** months of completion of the construction of internal services and the post construction rehabilitation and monitoring requirements thereof.*

- 18.2. During the period the development of the facility or infrastructure for the storage and handling of a dangerous good (i.e., construction of the filling station) is undertaken, the Holder must ensure that environmental audit(s) are performed annually and submit these Environmental Audit Report(s) to the Competent Authority.

*A final Environmental Audit Report must be submitted to the Competent Authority within **three (3)** months of completion of the filling station component of the development and the post construction rehabilitation and monitoring requirements thereof, but by no later than 31 October 2031.*

During related operation of the facility or infrastructure for the storage and handling of a dangerous good at the filling station, the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr **may not exceed intervals of 5-years.**

19. The Environmental Audit Report(s), must –

- 19.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process.
- 19.2. provide verifiable findings, in a structured and systematic manner, on–
- (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
- 19.3. identify and assess any new impacts and risks as a result of undertaking the activity;
- 19.4. evaluate the effectiveness of the EMPr;
- 19.5. identify shortcomings in the EMPr;
- 19.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 19.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 19.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
- 19.9. include a photographic record of the site applicable to the audit; and
- 19.10. be informed by the ECO reports.

20. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

21. The no-go areas must be clearly demarcated with orange snow-netting/mesh so that construction workers limit their impact to approved areas only.
22. No stormwater may be discharged from the development directly into the nearby watercourse.
23. A buffer of approximately 20m for the larger watercourse and 10m for the smaller watercourse must be maintained to accommodate stormwater flow within the site. These buffers must be clearly depicted in the amended site development plan to be submitted to this Directorate with the amended EMPr.
24. The watercourses must be shaped as open swales that are planted with wetland vegetation such as *Juncus effusus*, *Carex gloerabilis*, *C. clavata*, *Isolepis prolifera*, *Pycreus polystachyos*, *Zantedeschia aethiopica* within the wetter bed together with buffalo grass *Stenotaphrum secundatum* along the banks.
25. A search and rescue operation for indigenous plants must be done prior to commencement of construction activities.
26. Active alien invasive plant control measures must be implemented to prevent the invasion of exotic and alien invasive vegetation within the disturbed areas (including culvert areas).
27. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste generated on the development site must be disposed of at a landfill licensed in terms of the applicable legislation.
28. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section E, this Environmental Authorisation shall lapse for that activity, and a

new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority, prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
- (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.

3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
- (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:

- ❖ Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process / review the revised EMPr prior to the intended date of commencement.
 - ❖ Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
 - ❖ Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. **7, 8, 10, 12, 22, 24 and 26**). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

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

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

Gavin Benjamin
Digitally signed by Gavin Benjamin
Date: 2022.02.08 09:15:13 +02'00'

MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

DATE OF DECISION: **08 FEBRUARY 2022**

CC:

Ms. Delia Power

George Municipality

dpower@george.gov.za

Ms. Belinda Clarke

CEN Environmental

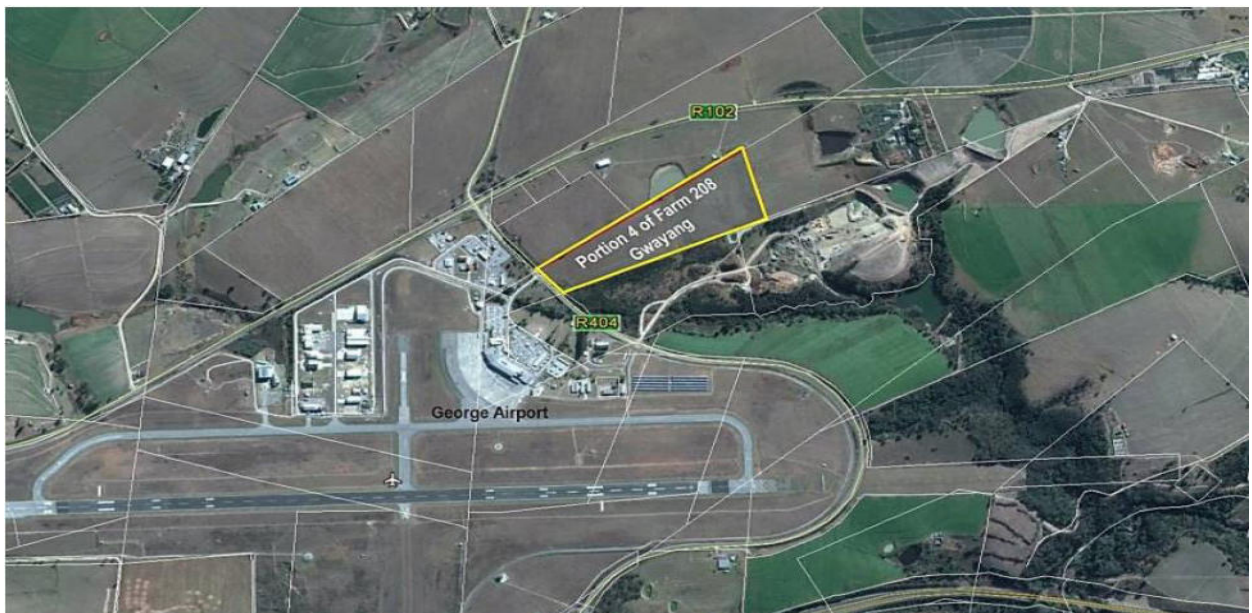
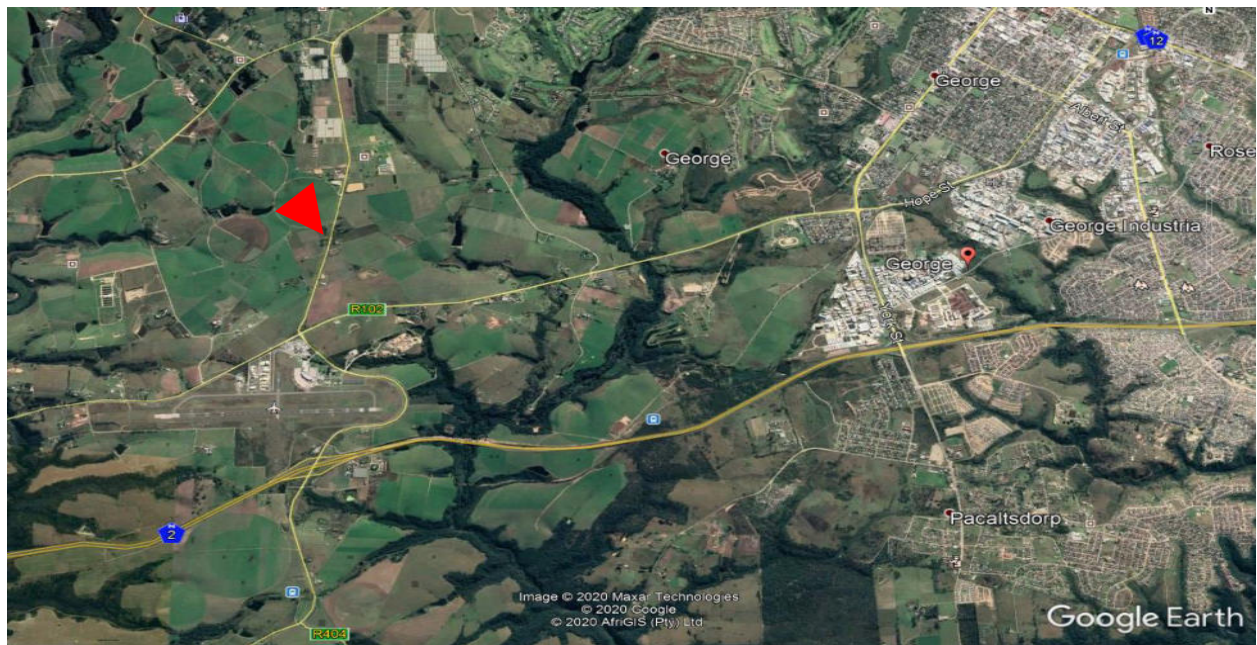
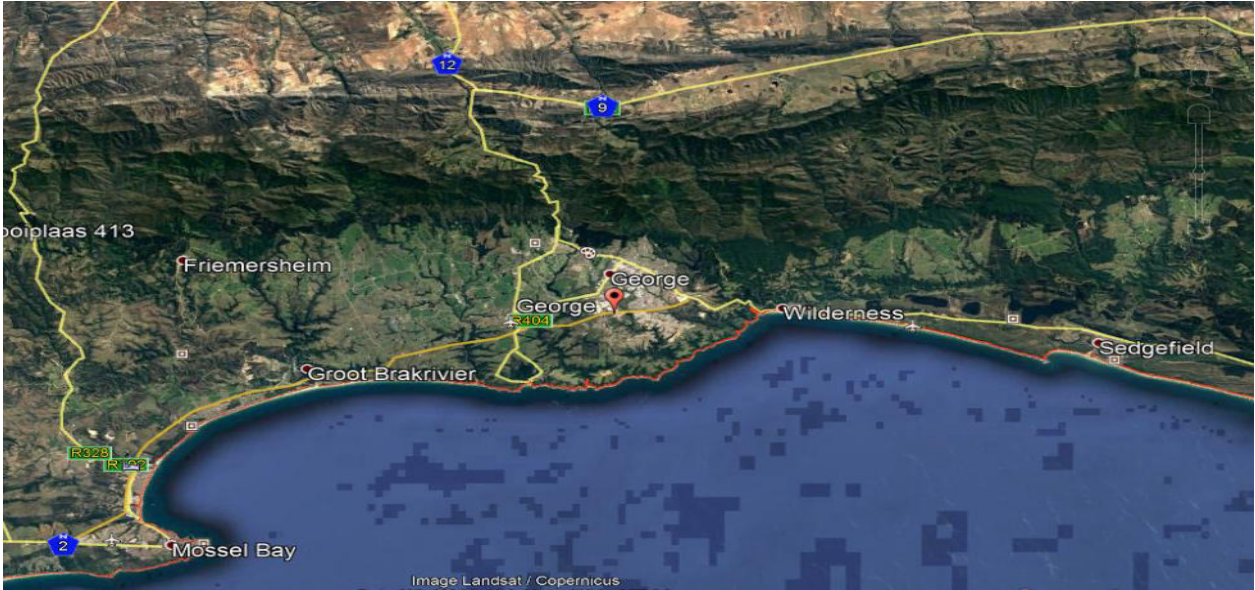
bclark@telkom.net

Mr. Mike. Cohen

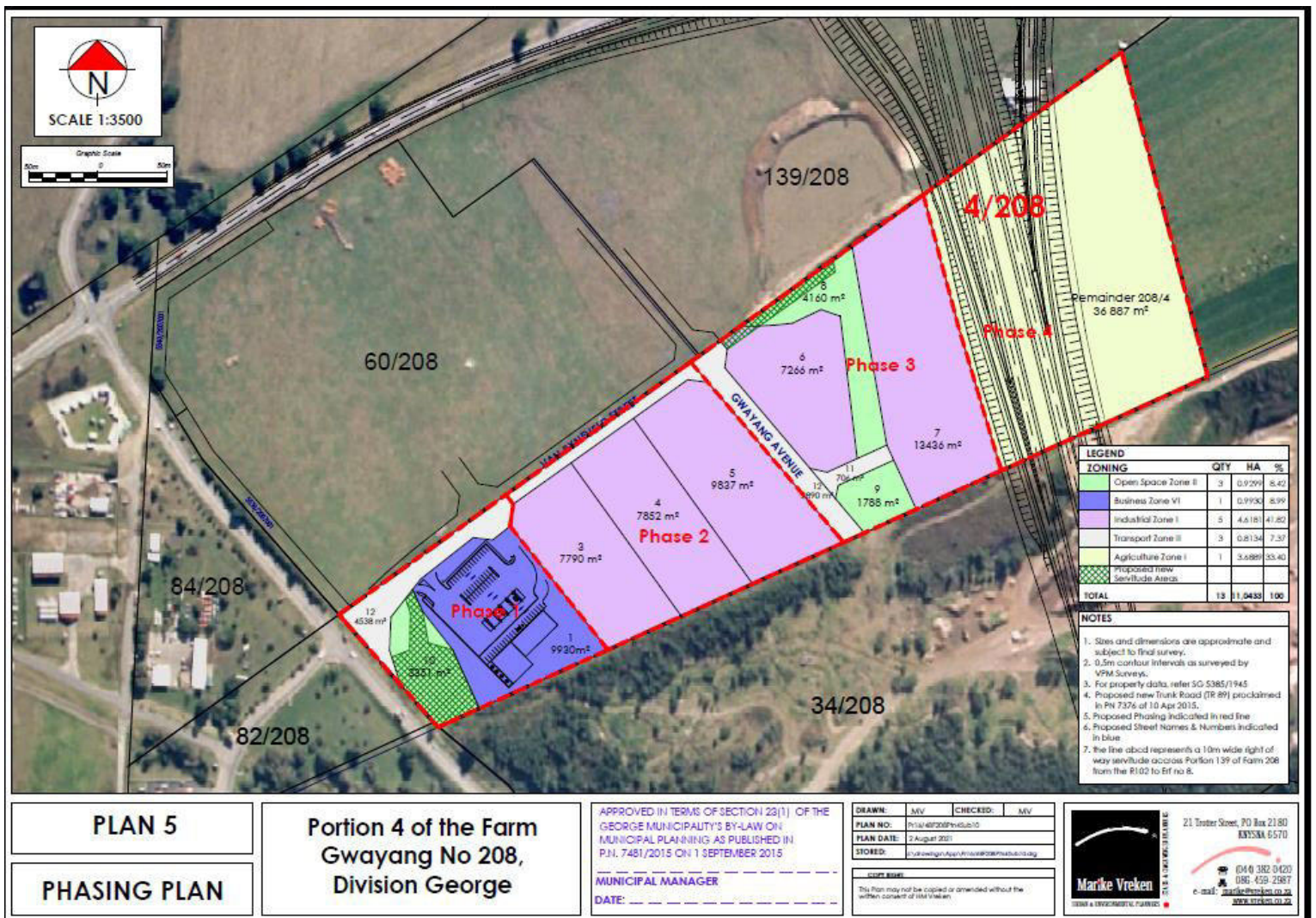
CEN Environmental

steenbok@isat.co.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN 2



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 23 September 2019 and received on 25 September 2018;
- b) The final BAR and the Environmental Management Programme (EMPr) submitted on 13 January 2020;
- c) The additional information received on 15 October 2021 and 16 November 2021;
- d) All relevant information contained in the Departmental information base, including, *inter alia* the Guidelines on Need and Desirability and Alternatives (dated March 2013) and DEA&DP NEMA EIA Circular 1 of 2012;
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- f) The comments received from Interested and Affected Parties (I&APs) and responses to these that were included in the final amended Basic Assessment Report dated March 2019;
- g) The balancing of negative and positive impacts and proposed mitigation measures;
- h) A site visit was conducted on 3 March 2020 by Malcolm Fredericks and Shireen Pullen from this Department and Belinda Clarke from CEN Environmental.
- i) The EA (Referenced: 16/3/3/1/D2/19/0012/20) issued on 28 April 2021 for the proposed upgrading and widening of the R404 and the construction of a new municipal service access road, George.

All information presented to the Department was taken into account in the consideration of the application for Environmental Authorisation.

1. Public Participation

The public participation process (PPP) included:

Both a pre-application and post application public participation process (PPP) were undertaken.

Pre-application PPP included the following:

- A stakeholder database was compiled, consisting of the surrounding businesses, landowners, municipal council and relevant state departments;
- An advertisement was placed in the George Herald on 7 February 2019;
- Two site notices were erected in visible public areas – one at the entrance to the site off the R404 and the other on the public notice board at the George Botanical Gardens;
- Background Information documents were compiled and sent to identified stakeholders;
- A pre-application meeting was held with DEA&DP, Cape Nature and the Breede-Gouritz Catchment Management Agency on 12 July 2019; and
- Interested and Affected Parties (IAPs) were afforded 30 days to submit comments on the pre-application BAR.

Post-application PPP

- A Draft Basic Assessment Report was made available for a 30-day review and comment period. Copies of the report were posted to the Department of Environmental Affairs and Development Planning, George Office, Cape Nature, George Office and Breede-Gouritz Catchment Management Agency, George Office;
- All registered Interested and Affected Parties (IAPs) and mandatory state departments were notified of the availability of the Draft BAR for comment. The notice included a copy of the Executive Summary of

the Draft BAR and a link to access the full report from CEN IEM Unit's website at <https://environmentcen.co.za/project-items/george-airport-support-zone-westerncape/>

- The notice specified that should IAPs have difficulty in downloading the Draft BAR from the website, they should contact the Environmental Assessment Practitioner (EAP) to make alternative arrangements;
- IAPs were given 30 days to submit comments on the Draft BAR; and
- An amended Site Development Plan was made available for comment from 15 October to 15 November 2021 for public comment.

A thorough PPP was undertaken and there were numerous objections and issues raised against by I&APs. The applicant's preferred site development plan was amended to address concerns raised by the adjacent landowners and George Municipality, as the preferred alternative did not facilitate equitable access to other surrounding properties and also did not follow the same alignment of the approved airport precinct roads master plan. The applicant's preferred alternative therefore contradicted the strategic objectives of the aforementioned roads master plan for the airport precinct area. The site development plan was then revised to change the access road to portion 4 to what was approved in the airport roads masterplan (DEADP Reference: 16/3/3/1/D2/19/0012/20) which provided access to portion 4, portion 60 and portion 130. This decision authorises this new site development plan with the more equitable access to the proposed development.

2. Alternatives

Two alternatives and the No-Go alternative were considered as part of the Basic Assessment Process, being:

Alternative 1

This alternative entails the subdivision of the site into 3 portions and rezoning of Portion A to "Business Zone VI" for a service station, Portion B to "Business Zone II" with a consent use for a "supermarket" to allow business and a small convenience store on this portion, and the remainder as 'Agriculture Zone I'.

This is not the applicant's preferred alternative and it was found to be unsuitable, as a retail store is not an airport related service. As above, land parcels surrounding the airport are earmarked to support the expansion of the George Airport in the Gwayang Local Spatial Development Framework (LSDF), therefore services that contribute to structure plans to promote infrastructural growth of airport related uses must be planned. According to the applicant, the proposed land uses do not allow for optimal functional use of the land.

Alternative 2

This alternative entails the rezoning of portion 4 of the Farm Gwayang 208 from Agriculture 1 into 14 erven to accommodate the following land uses namely:

a) One Business Zone VI erf to be used for a Filling Station comprising of:

- 4 dispenser islands for light vehicles
- 1 dispenser island for heavy vehicles;
- Three x 45 000 litre underground fuel storage tanks;
- Convenience store / service station shop;
- Quick Service Restaurant / Take-away with limited seating;
- Parking Bays (~19);
- Ablution and Information Centre;
- Internal service infrastructure that will connect to existing municipal services.

b) Seven Industrial Zone I erven to be used for warehousing and airport support services.

c) One Transport Zone II erf to provide for a vehicular internal road network to the development, by means of an access and egress point off the R404. A new traffic circle is required at the access point, as part of the existing entrance to the George Air Centre, a club house and labourer's accommodation with a total footprint of 4,6 hectares; The alignment of the access route was across portion 4, not in line with the approved roads master plan and did not make provision for equitable access. This access route was changed to derive at the preferred alternative.

- d) Four Open Space Zone II including watercourses and the existing farm dam, that will form part of the stormwater management system for the development; and
- e) One Agricultural Zone I (the Remainder) reserved for the approved Western Bypass Highway across the eastern side of the site.

The site development plan was changed to accommodate the access road to provide more equitable access. The lay-out also changes internally and the approved alternative was developed.

Approved Alternative:

The proposed development entails the change of land use from Agriculture I to Subdivisional Area, and subsequent subdivision into 13 erven to accommodate the following land uses:

- 5 x Industrial Zone I portions;
- 1 x Business Zone VI portion;
- 1 x Transport Zone II portion;
- 3 x Open Space Zone II portions &
- 1 x Agriculture Zone I portion (the Remainder)

The proposal also includes the establishment of a Transport Zone II erf to provide for an internal road network to the development, by means of an access and egress point off the R404. The alignment of this access route follows the same alignment of the approved roads master plan which will ensure equitable municipal services and vehicular access to farm portions RE/60/208 (131/208 & 130/208 & 132/208), 4/208 and 139/208.

This EA will be implemented in accordance with the amended Site Development Plan attached to this EA as Annexure 2.

No-Go Alternative

This alternative implies that the status quo remains and that the planned industrial service infrastructure (airport support zone services) will not take place in close proximity of the George Airport. This is not the applicant's preferred alternative for obvious reasons.

3. ENVIRONMENTAL CONSIDERATIONS

Key Factors Affecting the Decision

In reaching its decision to refuse the proposed development, this Department took the following factors into account:

3.1 Planning context

Western Cape Spatial Development Framework (PSDF)

The PSDF framework has a strong emphasis on revitalising urban spaces creating an urban living environment which is more convenient, efficient and aesthetically pleasing to residents.

According to the BAR, the EAP submits that with the current Covid-19 pandemic the entire world is struggling financially, and the town of George is no different. This Department is in agreement and therefore supports that it is therefore necessary that economic development is unlocked in some way or another. According to the BAR, the proposed development aims to contribute to the regional economic infrastructure by developing airport related uses in close proximity of the regional airport thereby supporting the economic growth in the area.

The proposed development supports the regeneration and revitalisation of urban economies specifically focusing on the areas adjacent the airport, which are earmarked for airport related development. Smart growth is promoted by ensuring efficient use of land and infrastructure by adhering

to the structural plans for the area and ensuring development that is in line with the planning principles of the area.

George Spatial Development Framework (SDF)

According to the George Municipality SDF (2019), the proposed site is situated outside the urban edge of George Municipality and therefore the proposal deviates from the George SDF from a desirability perspective. However, the site is located in a development node designated as an 'Airport Support Area'. The SDF states that "Airport Support Area is not intended as a location for urban expansion but for the uses in addition to and supportive of the airport's functionality and the convenience of users of the airport". The proposed land uses in the development are in line with those recommended in the George SDF for the Area, and the proposed activities are therefore consistent with the SDF and George SDF.

Policy F of George SDF (2019) states that the aim of the George SDF is to 'Manage the growth of urban settlement in George to ensure the optimum and efficient use of existing infrastructure and resources and in turn, secure the Municipality's fiscal sustainability and resilience, while preventing further loss of natural and agricultural assets. The proposed development is in line with this policy as it mainly constitutes airport support services such as a filling station and larger warehouse development. Furthermore, according to Policy F2: 'Direct the medium to long term growth of the George city area, when necessary, connecting to the existing urban footprint in a manner that reinforces existing accessibility and infrastructure networks and minimises impact on natural landscapes and agricultural resources. Item c of the Policy F2's Guidelines indicates that development of the George Airport precinct is supported in so far as it relates to the development of uses ancillary to the airport's operations and should not include activities already well catered for in the built footprint of the George urban area.

In light of the above, this Department agrees that the proposed development is limited within the designated Airport Support Area, and the intended land uses are consistent with the policy guidelines and objectives for the area in the SDF and LSDF. The development in effect will serve to strengthen and support the objectives of the Airport Support Area.

Gwayang Local Spatial Development Framework (GLSDF)

Currently the airport functions in isolation of the town and any complimentary commercial uses such as freight and logistics. According to the Final BAR fuelling facilities are absent and there is no public transport to and from town for employees. The Gwayang Local Spatial Development Framework (LSDF) earmarks the land between the planned (and approved) Western Bypass and the airport for 'Airport Support Zone' purposes. The zone includes properties opposite the airport with the alignment of the future bypass road as the boundary. Land uses will be strictly limited to those that support tourists and airport facilities that cannot be located in the town with the same practical function. Further, the zone is ideally located to provide facilities for tourism support and may include fuelling facilities and a hotel.

This Department is therefore of the opinion that the development proposal and site are therefore within the desired area for airport related land uses. The Gwayang LSDF states that fuelling facilities are absent in the area, thus the development will contribute to the demand of fuelling facilities. The Gwayang LSDF also identifies a new sub-regional industrial node in proximity to the N2 and airport, targeted at Southern Cape manufacturing, freight and logistics, and service industries. The development will support the establishment of the proposed node in the area.

This Department is therefore satisfied that the consequential environmental impacts of the new alignment of the access road to portion 4 has been adequately assessed and addressed. The development proposal (filling station and warehousing) is therefore ideal for the location. The proposed development is therefore in line with the GLSDF.

Airport Precinct Master Plan

On 4 May 2021, this Department approved the Airport Precinct Roads Master Plan. The previous proposal was revised to align the access road to portion 4 with this plan. Access to portion 60 is now equitable as it also allows access to portion 60 and portion 130.

3.2 **Ecological Impacts**

Vegetation

According to Veg map 2018, the vegetation type that occurs on the proposed site is 'Garden Route Granite Fynbos', which has a conservation status of 'endangered'. The Western Cape Biodiversity Sector Plan indicates the same vegetation type, with a threat status of 'critically endangered'. The vegetation on site has however been modified significantly due to grazing and this has been confirmed during the site inspection that was conducted by officials from this Department.

A search exercise will be undertaken for conservation-worthy and indigenous species. These harvested plants will be used for landscaping during rehabilitation post construction.

Aquatics

According to the Final BAR the property is characterised by two watercourses, which drains towards the south eastern part of the subject property. The effects of potential pollution and degradation of these watercourses are a concern considering the nature and type of the proposed development. There is also a small watercourse which drains into the dam that occurs in the south-western corner of the property that comprises of a grass channel with no associated aquatic vegetation. This dam in the south-western corner of the site receives runoff largely from the stormwater drain along the main road, as well as from the afore-mentioned watercourses and small tributary that crosses the site and its associated valley bottom wetland area.

The watercourses and the valley bottom wetland area within the site are considered to be in a seriously modified ecological condition with extensive loss of ecological functionality and as a result of cultivation of the area. The aquatic specialist recommended a corridor of approximately 20m for the larger watercourse and 10m for the smaller watercourse to accommodate stormwater flow within the site. The watercourses will be shaped as open swales that are planted with wetland vegetation such as *Juncus effusus*, *Carex gloerabilis*, *C. clavata*, *Isolepis prolifera*, *Pycreus polystachyos*, *Zantedeschia aethiopica* within the wetter bed together with buffalo grass *Stenotaphrum secundatum* along the banks. These were incorporated as a conditions of approval of this EA.

Groundwater

According to the Final BAR the site is considered suitable for the development of a filling station. The subject property is located on a weathered and fractured granitic aquifer that yields poor groundwater quality and is not used within 1 km of the facility. The aquifer has little potential to be developed. The final BAR further concludes that the risk of groundwater contamination occurring as a result of the proposed development is considered very low; with the consequences thereto insignificant. The report further submits that if the facility is appropriately designed, constructed and managed according to the norms and standards of the industry, no further mitigatory actions will be required. The report further submits that the possibility of groundwater contamination can however not be eliminated. It is further noted from the Final BAR that numerous surrounding landowners makes use of borehole water. The groundwater specialist further submits in his report that a leakage is difficult to detect as the impacts are not visible and can only be detected by indirect means such as drilling of boreholes, vapour surveys, geophysics, tank pressure testing, etc. However, this Department is convinced that the concerns relating to groundwater pollution can be adequately addressed by means of appropriate design, construction and management of the facility.

Traffic

The Traffic Impact Assessment states that a filling station is not regarded as a primary trip generator, since the majority of the total trips generated are passer-by trips that are intercepted from the adjacent road network. The report submits that traffic generated by the airport, as well as growth in the background traffic, was incorporated in the horizon year analysis. This Department is therefore of the opinion that the traffic impacts that may result from the proposed development can be adequately mitigated and will not result in unacceptable negative impacts on the receiving environment.

3.3 Socio Economic Aspects and other filling stations

According to the Final BAR, the proposed development will contribute to the character of the airport area, and it will also support the development of airport related uses adjacent to the George Airport. The Final BAR however acknowledges that the site is located outside the urban edge according to the George SDF and in an area identified as 'Intensive Agriculture', but it is within an area designated for 'Airport Support Zone' land uses in the finer-scale Gwayang LSDF, which guides planning in the area around the airport. The Final BAR further notes that this has now changed with the most recent SDF (2019), and the SDF identifies the area as the 'Airport Support Area'. It must be kept in mind that there are already two (2) approved filling stations within close proximity of the proposed site. The one filling station will be located on Portion 131 of the Farm No 208 and the other one on the ACSA Airport site (Portions 82 & 84 of the Farm No 208). However, it had recently been agreed that the owners of portion 131 will not be constructing a filling station on their property, thus only two filling stations (with the filling station on portion 4) will have rights.

3.4 Need and Desirability

The Guideline on Need and Desirability in terms of the Environmental Impact Assessment (EIA) Regulations, 2013, states that the consideration of "need and desirability" in EIA decision-making requires consideration of the strategic context of the development proposal along with the broader societal needs and the public interest.

The NEMA and the EIA Regulations highlight specific considerations that must be taken into account for every application for environmental authorisation, including the principles set out in section 2 of NEMA, the general objectives of Integrated Environmental Management set out in section 23 of NEMA, the minimum requirements set out in section 24(4) of NEMA, the criteria set out in section 24O of NEMA and in regulation 18 of the NEMA EIA Regulations. The statutory context for the consideration of Need and Desirability in the Need and Desirability Guideline (March 2013) of this Department requires that all administrative action must be based on "relevant considerations". As such, the competent authority must therefore have regard for a number of specific relevant considerations, including specifically having to consider the need for and desirability of the activity.

As such, and in accordance with the NEMA principles (Section 2 of NEMA) the competent authority must take due cognisance of the aforementioned; including...

- "Environmental management must place **people & their needs** at the forefront of its concern, & serve their physical, psychological, developmental, cultural & social interests equitably."
- "Development must be **socially, environmentally & economically sustainable.**"
- "Decisions must take into account the **interests, needs & values of all I&APs...**"
- "The **social, economic & environmental impacts** of activities, including disadvantages & benefits, must be considered, assessed & evaluated, & decisions must be appropriate in the light of such consideration & assessment."

The fact that the proposed development site is located outside the George urban edge as defined by the George SDF, it is therefore deemed to be not consistent with the afore-mentioned document. However, it is recognised that the proposal is in line with the GLSDF, which is a subsection of the George SDF and as such the authorised development falls within what is defined as airport support services".

Technical Services Department of George Municipality submitted in their comment on the draft BAR that the proposed site is located in a greenfields area and therefore the George Municipality must have a Roads Network Master Plan finalised that will impact on this development. Furthermore, the Western Cape Government Transport and Public Works: Roads Planning, indicated in their comment on the draft BAR that the development cannot be supported since the access proposal is in conflict with the Municipality's Roads Network Master Plan (RNMP) for the area. Therefore, the site development plan for the proposed development was amended to bring it in line with the Roads Network Master Plan of the George Municipality recently (28 April 2021) approved by this Department.

3.5 George Airport North Eastern Precinct (GANEP) and the Roads Networks Master Plan

The George Airport North Eastern Precinct (GANEP) has several proposed developments, which will lead to an increase in traffic volumes in the area. As a result, the surrounding road network will need to be upgraded to accommodate the expected development trips. The purpose of this Road Master Plan is to investigate and steer the implementation of the required road infrastructure and to accommodate the expected precinct development traffic. The EA issued on 28 April 2021 grants access to the proposed site with an alignment on the boundaries of Farm 4/208. According to the RNMP, access to the application site is approved via a new single lane roundabout opposite the R404/Airport Main Access intersection and will also provide access to the properties to the immediate north and south of the proposed development site. The preferred access route was then revised to follow the approved alignment as per the EA Referenced: 16/3/3/1/D2/19/0012/20): issued on 28 April 2021.

3.6 Visual Impact

According to the Final BAR the airport occupies a large land portion east of the proposed site and form part of the cultural landscape. The airport has a control tower that forms a landmark and is highly visible when approaching from any direction on the R404 and R102. The visual impact assessment was undertaken with the main focus on this and not how the proposed development will impact on the rural, agricultural character of the surrounding environment.

The Final BAR further submits that the proposed site is located at a similar level as the airport with low lying valleys to the south and south east of the site. The topography to the north increases in height above sea level, while to the south it drops in height towards the ocean. This plays a specific role in the view sheds and visibility of the proposed development.

However, based on the assessment of the 8 identified viewpoints in the assessment, it is clear that the environment as defined by the Guideline for Involving Visual and Aesthetic Specialists in EIA Processes is an area or route of low scenic, cultural, and historical significance and is disturbed. Therefore, based on a Category 4 development, a moderate visual impact can be expected.

According to the findings of the Visual Impact Assessment (VIA), the visual exposure from viewpoints within 500m of the site are relatively high while the overall visual exposure is moderate to low due to the capacity of the environment to absorb the visual impact of the development. Visual sensitivity and landscape integrity are consistently moderate to low due to the surrounding environment being disrupted by the airport which can be seen from most of the viewpoints, as well as the quarry being visible from the eastern approach on the R102 and southern approach on the R404. Due to the underlying topography, existing trees and development, the environment has a moderately high capacity to absorb the visual impact of the development.

3.11 One Environmental System

Chapter 3 of the Constitution, which deals with "co-operative governance", states that all spheres of government and all organs of state within each sphere must ensure that government is "coherent" and must "co-operate" with one another by, amongst other things, "assisting and supporting" one another; informing one another of, and "consulting" one another on matters of common interest, "co-ordinating" their actions and legislation with one another, and adhering to agreed procedures.

Furthermore, in terms of the "Agreement" about the "One Environmental System" (section 50A of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") (as amended) and sections 41(5) and 163A of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA") (as amended) refer) the processes for a water use licence application ("WULA") in terms of NWA and for an application for environmental authorisation in terms of NEMA must be "aligned" and "integrated" in terms of the "fixed" and "synchronised" time frames legislated in terms of the Environmental Impact Assessment Regulations of 2014 (as amended in 2017 and corrected in 2018) ("EIA Regulations") and the Regulations Regarding the Procedural Requirements for Water Use Licence Applications and Appeals of 2017 ("WULA Regulations"). Section 24(4)(a) of NEMA also requires that the processes in terms of WULA and EIA must ensure that there is coordination and

cooperation between the organs of state. Regulation 7 of the EIA Regulations provides for agreements to be entered into to give effect to the requirement for co-operation and coordination.

The water use license in terms of Section 21 (c) and (i) of the National Water Act was issued on 4 October 2021. At the stage of the submission of the amended SDP, the water uses were authorized and the license contains no reason why the proposed development cannot be authorized in terms of the NEMA EIA Regulations.

3.12 Stormwater Management

The Final BAR submits that due to the topography of the terrain, stormwater naturally drains from the north to the south. Portion 4 therefore receives runoff from Portions 130 and 139 of the Farm Gwayang No. 208, which is located to the north of the subject property. The Final BAR further submits that sediment derived from erosion by water and other water borne contaminants such as diesel and oil, are often sources of pollution arising from construction activities, especially considering the nature of the development proposal. The Construction EMPr states that a stormwater management plan must be developed to prevent contamination and entering of contaminated water into the stormwater system to manage flow control and erosion, as well as litter control and maintenance of existing infrastructure. The aquatic specialist further highlights that integration of watercourses within the site and instream dams near the southern boundary of the site in the stormwater management system is acceptable and will not create significant impacts related to loss of aquatic habitat. According to the Final BAR, the anticipated impacts of stormwater can be deemed acceptable as it can be adequately mitigated with appropriate measures in place. The stormwater management plan contains specific measures as to how these impacts can be mitigated. These measures will be incorporated into the amended EMPr.

4. Scope and Validity of the Environmental Authorisation

This environmental authorisation defines specific operational aspects. The applicant has indicated that the construction activities (non-operational aspects) should be completed within a period of 10 years. The environmental authorisation's validity period has been granted for a period of ten years (10) years, (which excludes the operation of the filling station) during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring, and submission of the final environmental audit. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. The Holder is required to substantially implement the proposal within a period of 5-years after the environmental authorisation is issued. Where the activity has been commenced with, the EIA Regulations, 2014 (as amended) allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years. The operational aspects (operation of filling station) of this Environmental Authorisation are granted until 31 January 2042 and during which period the operation, all rehabilitation and monitoring requirements and final environmental auditing and reporting must be finalised.

5. National Environmental Management Act Principles

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

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;

- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

6. Conclusion

After consideration of the information and factors listed above, the Department made the following findings:

- (a) The identification and assessment of impacts are detailed in the FBAR received by this Department on 13 January 2021 and sufficient assessment of the key identified issues and impacts have been completed.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

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