



Col no: 1821638
Enquiries: J Daniels
Tel no: (021) 807 4822
Date: 17 March 2023

JD/JA
15/4/1 (F657/8) P

Willie Steyn
1 Flambeau Street North
PAARL
7646

Email: williesteyn1960@gmail.com

Sir

APPLICATION FOR REZONING AND CONSENT USE: FARM 657/8 PAARL DIVISION

Your above - mentioned application refers.

1. **Approval** has been granted in terms of Section 60(1)(a) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, for the following:-
 - 1.1 **Rezoning** of ±2.1740ha of Farm 657/8 Paarl Division, from Agriculture Zone to Transport Zone;
 - 1.2 **Consent use** on Farm 657/8 Paarl Division, to facilitate a freight transport facility, a vehicle depot and fuel retail to develop a truck stop with associated facilities, as indicated on the site development plan drawn by Van Heerden Architecture, Drawing No. 2020-0702-03A Revision 1, Drawing Number 3, dated January 2020 (**Annexure B**);
2. The approvals mentioned in Paragraphs 1.1 to 1.2 above be subject to the following conditions, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
 - 2.1 Adherence to the conditions laid down by the Drakenstein Municipality: Civil Engineering Services Division, in its memorandum dated 10 May 2021 (reference number 15/4/1 (F657/8) P (0736) (**Annexure C**);
 - 2.2 Adherence to the conditions laid down by the Drakenstein Municipality: Electro-Technical Engineering Services Division, in its memorandum dated 21 December 2020 (reference number 657/8) (**Annexure D**);

2./...

- 2.3 Adherence to the conditions laid down by the Environmental Management Division, in its memorandum dated 18 September 2020 (reference 15/4/1 (F657/8) P) (**Annexure E**);
 - 2.4 The applicant takes note of the conditions laid down by the Western Cape Government: Department of Transport and Public Works: Road Network Management Division, in its letter dated 1 December 2020 (reference 16/9/6/1 – 10/209 (Job 25056)) (**Annexure I**);
 - 2.5 The applicant takes note of the conditions laid down by the Western Cape Government: Department of Environmental Affairs and Development Planning: Development Management: Region 1, in its memorandum dated 28 November 2022 (reference 16/3/3/1/B3/28/1039/22) (**Annexure J**);
 - 2.6 This approval only applies to the application in question and shall not be construed as authority to depart from any legal prescriptions or requirements;
 - 2.7 The proposal takes place largely in accordance with the site development plan (**Annexure B**);
 - 2.8 No new buildings are to be erected or existing structures altered without the approval of building plans by Council;
 - 2.9 Energy-saving devices such as are contained in the Drakenstein Municipality's Green Building Manual be made use of as far as possible;
 - 2.10 The applicant ***must*** institute water conservation measure such as rainwater harvesting, grey water recycling and similar technical advancements such as low flow shower heads, dual flush toilets and water-wise gardens;
 - 2.11 Any amendments to the application are subject to the relevant approval;
 - 2.12 Should the applicant fail to comply with any of the above conditions, the Council reserves the right to impose further conditions in future if deemed necessary;
3. The following be regarded as the reasons for the decision:
- 3.1 The proposal is merely to utilise existing infrastructure, in its current position, to activate a previous land use activity with proposed additions;
 - 3.2 The application at hand is not expected to be out of scale, nor character within the surrounding built and natural environment due to existing infrastructure being utilised with proposed additions;

- 3.3 The application is not expected to have a significant negative impact on the health, safety and wellbeing of the surrounding built and natural environment;
- 3.4 The proposal is not expected to have a significant negative traffic impact as the Department of Transport and Public Works and the Drakenstein Civil Engineering Services Division supports the application subject to certain conditions;
- 3.5 The proposal is merely to rezone the application property which is in-line with the spatial direction of the existing area;
- 3.6 The property is located within the delineated urban edge, reducing sprawl as well as guiding and controlling developments within the prescribed urban area;
- 3.7 All relevant internal departments consented to the proposal; and
- 3.8 The proposal is in line with the Drakenstein Spatial Development Framework (SDF).

Your attention is drawn to the general right of appeal to the Executive Mayor being the Appeal Authority in terms of Section 79(3) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, by any person whose rights are affected by the decision, within **21 days** of notification of decision.

This approval is therefore suspended until further notice. Please also notify (**email or per hand**) the **surrounding property owners** who were notified of the application during the public participation process and **the objectors** (inclusive Van der Spuy & Vennote), of their right of appeal – proof of notification **must** be provided. Should there be any appeals against the decision, the application title (heading) must be used as reference. The appeal procedures are laid down in Section 80 of the above-mentioned bylaw (attached).

Your attention is drawn to the fact that all correspondence must be directed to the City Manager and also sent via our official email address.

Yours faithfully



H. G. STRIJDOM (PR. PLN A/1058/1998)
MANAGER: LAND DEVELOPMENT MANAGEMENT

PORTION 1 OF
THE FARM
LELIE FONTEIN
NO. 660

PORTION 10 OF
THE FARM
PALMIET
VALLEY NO. 663

FARM NO. 1267

DIE PLAAS
NO.666

MINOR ROAD OP 5625

TRUNK ROAD 902

NOTE:
PHASE 1:
INDICATED WITHIN RED
CENTRE LINED BLOCK
PHASE 2:
INDICATED OUTSIDE OF RED
CENTRE LINED BLOCK

Legend

Phase 1: 4 000m²
Existing Dwelling / Fuel Station
Existing Fuel Station Canopy
New Walls (Internal Alterations)
New Fuel Station Canopy (Cars)
New Fuel Station Canopy (Trucks)
New Islands Dividing Road/Parking
Green Belt (Play Park)
Green Belt
Green Belt (Water Feature)
Phase 2: 21 670m²
Outside of Red Centre Lined Block

PORTION 9 OF
THE FARM
LELIE FONTEIN
NO. 660

EXISTING ACCESS/EXIT TO BE
CLOSED

A) FIGURE ABCD REPRESENTS PORTION 8 OF FARM 657 PAARL DIVISION, IN EXTENT 2,5740 HA AND ZONED AGRICULTURE ZONE (2,1740 HA) AND TRANSPORT ZONE WITH CONSENT FOR FUEL RETAIL (0,4 HA- AREA BORDERED BY BROKEN RED LINE) IN TERMS OF THE DRAKENSTEIN MUNICIPALITY ZONING SCHEME BY/LAW 2018
B) THE AREA ZONED AGRICULTURE ZONE IS TO BE ZONED TO TRANSPORT ZONE WITH CONCOMITANT CONSENT USES FOR A VEHICLE DEPOT AND DEVELOPED AS INDICATED

Site Development Plan (SDP)

Scale 1:500

ANNEXURE B

NO.	REVISIONS	DATE
1	ISSUED TO CLIENT	10-09-2020
2	ISSUED TO MUNICIPALITY	10-09-2020

Author:
Van Heerden Architecture
All products used in this drawing are of the same quality as the products used in the original drawing. Any other method of reproduction or communication is not allowed. Any other method of reproduction or communication is not allowed. Any other method of reproduction or communication is not allowed. Any other method of reproduction or communication is not allowed.

ERF PTN 8 OF 867 AREA	m ²
GROUND FLOOR	
TOTAL GROUND FLOOR	m ²

NEW TOTAL GROUND FLOOR	m ²
TOTAL HOUSE EXTENT	m ²
TOTAL COVERAGE	%

PROPOSED ADDITIONS &
ALTERATIONS FOR SHIPTECH
PETROLEUM SA

PROPERTY DETAILS
PORTION 8 OF FARM
657 PAARL

VAN HEERDEN ARCHITECTURE
SDP 21A, Boerled Square, Cnr of Brackenell & Profeweg, Protea Heights, Brackenell
REG. NO. 201603448607
Piet van Heerden
072 596 5070
piet@vanheerden.co.za

OWNER'S SIGNATURE
DATE: 10/09/2020

DATE OF ISSUE: 10/09/2020
DRAWN BY: VAN HEERDEN ARCHITECTURE
CHECKED BY: VAN HEERDEN ARCHITECTURE
SCALE: 1:500
DATE: 10/09/2020
PROJECT NO: 2020-0702-03A
SHEET NO: 1
MUNICIPAL APPROVAL



Memo

To: EXECUTIVE DIRECTOR: PLANNING & ECONOMIC DEVELOPMENT
(ATTENTION: C VAN DER BANK)

From: MANAGER: INFRASTRUCTURE MANAGEMENT

Enquiries: L. PIENAAR

Collaborator number: 1682624

Reference number: 15/4/1 (F657/8) P (0736)

Date: 10 May 2021

Subject: APPLICATION FOR REZONING AND CONSENT USE FOR FARM 657 PORTION
8 PAARL DIVISION

Time Limit on Conditions: These conditions will be limited to a period of 2 (two) years from the date as on the covering memo from this department. If after this period no construction has commenced (this excludes any preparatory work or site clearance) all the studies carried out for the proposed development need to be updated and revised accordingly, this shall include compliance with the latest legislation, amended legislation, latest or amended standards and revised master planning.

NOTE: This comment covers a number of disciplines and each section needs to be dealt with by a competent specialist in that field coordinated by the consultant managing the application. No correspondence will be entered into with individual consultants.

INFORMATION REQUIRED/OUTSTANDING

Nil

THE FOLLOWING CONDITIONS WILL APPLY

1. STREETS

- 1.1. Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors; and
- 1.2. *All conditions as stated in the Provincial Roads Engineer's (PRE's) letter dated 1 December 2020 with reference 19/9/6/1-10/209 (Job 25056), shall be adhered to.*

2. TRAFFIC

- 2.1. ***Any alterations to the existing road network will be the responsibility of the developer, including design, approval and construction of any additional traffic control and or traffic calming measures as detailed in the Traffic Impact Assessment by ITS dated 29 April 2020 with reference ITS 4162.1 and as specified in the PRE's letter referred to under condition 1.2 above.***

3. STORMWATER

- 3.1. Any new stormwater networks will be the responsibility of the developer, including all internal and bulk connectors;
- 3.2. Pollution control measures to mitigate chemical and solid pollution must be provided at inlet and outlet structures as may be relevant;
- 3.3. Only pre-development runoff of a 1:2 year storm event will be accepted into the existing system. Provision must be made to accommodate the detention of run-off for a 1:50 year storm event;
- 3.4. Contaminated run-off (washing water, stormwater, etc) must be disposed of in such a manner so as not to cause any pollution to surface, groundwater or create a nuisance; and
- 3.5. Provision must be made for an effective rainwater harvesting system to be planned and designed for all roof water. The volume of the storage facilities should be based on 0.02m³/m² roof area.

4. WATER

- 4.1 ***The developer will be responsible to implement the findings of the GLS capacity analysis of 14 December 2020 at their own cost.***
- 4.2 All potable water supplied to consumers from any on-site borehole shall comply with SANS 241 as amended. Proof of compliance test no older than 6 months must be available on request. All testing must be done by an accredited service provider;
- 4.3 Water saving devices shall be installed in toilets, bathrooms and basins;
- 4.4 The development is to be provided with a bulk meter 1m inside the erf boundary to municipal specifications;
- 4.5 Any existing system that is to remain shall be upgraded to minimum municipal standards;
- 4.6 Any upsizing and/or upgrading required will be for the developer account; and
- 4.7 Any abstraction from any natural water source on the property must be metered (type of meter to be confirmed by Department of Water and Sanitation.).

5. WASTEWATER SERVICES

- 5.1. ***The developer will be responsible to implement the findings of the GLS capacity analysis of 14 December 2020 at their own cost.***
- 5.2. The development is to be provided with a sewer connection 1m inside the erf boundary;
- 5.3. A connection manhole no deeper than 1m must be constructed at the connection point by the developer;
- 5.4. No new septic tanks allowed, all old/existing septic tank and soakaway systems must be upgraded to comply with the Water Research Commissions Report TT 114/99;
- 5.5. The municipality cannot guarantee a tanker service at all times and the owner remains responsible for the servicing of the conservancy tank. Any private company used must be registered with the Municipality and must provide the owner of an invoice for services rendered. All invoices must be submitted on a monthly basis to the Waste Water Services section as proof of compliance;
- 5.6. Any upsizing and/or upgrading required will be for the developer account; and
- 5.7. Any existing system that is to remain shall be upgraded to minimum municipal standards;

6. SOLID WASTE

- 6.1 The Municipality undertakes to remove household refuse in accordance with its by-laws and shall make its own arrangements with the occupants of erf for the removal of such household refuse;
- 6.2 Such collection shall be from individual erven/a single centralised waste collection site for the development;
- 6.3 Provision should be made for a waste disposal facility and entrance to the erf, with a lockable gate for wheelie bins (240l bins) and recyclable bags;
- 6.4 A key should be provided to Drakenstein Municipality to be able to unlock door/gate to garbage area on collection days, from the kerbside;
- 6.5 The garbage area should be enclosed with a 1.8m high fence and need to consist of the following;
 - Tap with running water;
 - A gully which is connected to an approved sewer connection;
 - Concrete floor;
- 6.6 A waste recovery/recycling initiative has been implemented in Drakenstein and the development will have to be prepared to comply with any requirements as the project is rolled out.

7 DEVELOPMENT CHARGES

- 7.1 Based on the information provided in the application, Development Charges are payable by the developer. The Development Charges will be calculated when a more detailed site development plan is submitted indicating Gross Leasable Areas and all other areas to be developed.

8 GENERAL

- 8.1 *A services agreement shall be entered into, prior to the start of construction, wherein shall be detailed the apportionment of funding of any new works common to the area, including but not limited to road network upgrading, sewerage treatment works upgrading, bulk water supply upgrading, sewage network upgrading;*
- 8.2 *When any service is to be taken over by Drakenstein Municipality, any damage caused due to the construction of houses or any other construction activity shall be repaired by the Developer. Failure to do so will result in clearances and occupation certificates being withheld and remedial works shall be done by Drakenstein Municipality for the cost of the developer.*
- 8.3 The developer is responsible for the payment of a Developers Charge (water, sewer, stormwater, solid waste and roads) which can be discounted against the bulk service cost needed for the development;
- 8.4 The developer is responsible for the funding of all connections to the bulk services and all internal works;
- 8.5 The findings of the bulk service capacity analysis carried out by councils consultant GLS Engineers, needs to be implemented simultaneously with the development;
- 8.5 All of the works, including but not limited to; roads, stormwater, water, sewers, landscaping, irrigation, etc. shall be designed by a suitably registered (ECSA registration for the civil works and SACLAP registration for the landscaping) person and any such works shall be constructed under supervision of such registered person. All such design plans shall be submitted to the Civil Engineering Services Department of Drakenstein Municipality for approval prior to the commencement of construction;
- 8.6 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;
- 8.7 Where applicable all water network, sewer network, stormwater network and road network components (downstream of the valve immediately upstream of the bulk water meter, upstream of the connection to the existing system or intersection point with the existing road) shall be a private combined system and shall be indicated as such on all documents and plans;
- 8.8 All private combined systems (including but not limited to water, sewer, stormwater, roads, irrigation, etc) shall be the joint and severalty responsibility (including but not limited to the administration of the joint account and operation and maintenance of the system) of the members of the homeowners association/body corporate and must be noted as such in any constitution of any such body and any such

constitution must be submitted for approval by council. This constitution shall be notarially linked to each separate title deed;

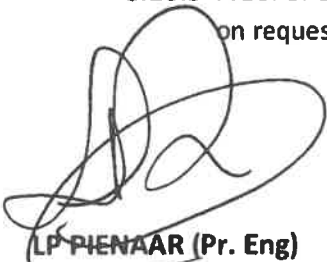
8.9 A set of accurate as-built drawings as per Drakenstein Municipality: Civil Engineering Department's Standards must be submitted at the practical completion inspection;

8.10 The above conditions are to be complied with in stages;

8.10.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;

8.10.2 Requirements associated with the completion of construction, development charges, as-built drawings, maintenance management plans, agreements, etc. These will be complied with prior to the transfer of any property or occupation of any property/building in the phase; and

8.10.3 Proof of compliance for the requirements associated with long term operations must be available on request.



LP PIENAAR (Pr. Eng)

MANAGER: INFRASTRUCTURE MANAGEMENT

I:\DEVELOPMENT APPLICATIONS\15 town planning\15-4-1\2021\comments\Farm 657 Ptn 8 Paarl Division - Rezoning and Consent

Use.docx

LP/rv



Memo

To: Senior Manager: Spatial Planning & Development
For attention: W Hendricks/H Strijdom/C van der Bank

From: Manager: Planning and Customer Services

Enquiries: L Laing

Reference number: 657/8

Date: 21 December 2020

Subject: APPLICATION FOR TECHNICAL APPROVAL, ERF 657/8, PAARL

Time Limit on Conditions: These conditions will be limited to a period of one (2) years from the date as on the covering memo from this department. After this period a re-application has to be submitted for approval by this department.

1. INFORMATION REQUIRED/OUTSTANDING

1.1. Load requirement for the development.

2. THE FOLLOWING CONDITIONS WILL APPLY

- 2.1. Only one service cable connection per erf is allowed.
- 2.2. No trees or any type of structures may be erected under or near any new or existing electrical infrastructure.
- 2.3. The owner shall be responsible for the cost to relocate or move any infrastructure to a position as agreed between the owner, developer and authority.
- 2.4. All electrical equipment shall comply with Drakenstein Municipality standards and have twenty four hour access for maintenance purposes.
- 2.5. In the case where existing services crosses the adjacent erven, it will have to be removed or relocate at the cost of the owner as such that each erf must have its own cable connection from the Street boundary.
- 2.6. A service level agreement between the municipality and the owner or developer of the development have to be arrange at Electro-Technical Services Department (Planning and Design division - Chief Engineering Technician).

3. GENERAL

- 3.1. NRS069 Network recovery cost will apply for any additional load requirement and will be calculated according to the following as indicated in approved tariffs: **R 4 051.25 x per KVA (V.A.T. included) including the material to upgrade the existing supply to the erf which forms part of the linkage portion.** The cost as mentioned above is valid until 30 June 2021 and will escalate thereafter for each upcoming financial year which is between 1 July and 30 June.
- 3.2. The developer will be responsible to carry all cost of the electrical installation.
- 3.3. The network must be upgraded in order to supply the erf of additional power.
- 3.4. All upgrade and service costs must be paid at the finance section in cash before any service connection may be rendered.
- 3.5. A private installation electrician shall be used to do all installations and alterations according to SANS 10142, Occupational Health and Safety Act (Act 85 of 1993) and Drakenstein Municipal by-laws prior to the development.
- 3.6. A certificate of compliance and occupational certificate has to be handed over to the Electro-Technical Services Department (Service section) on the day the service is rendered or as the case may be.
- 3.7. The Manager: Planning and Customer Services with reference to the services and conditions has no objection to this application.

Yours faithfully

L. LAING

MANAGER: PLANNING AND CUSTOMER SERVICES

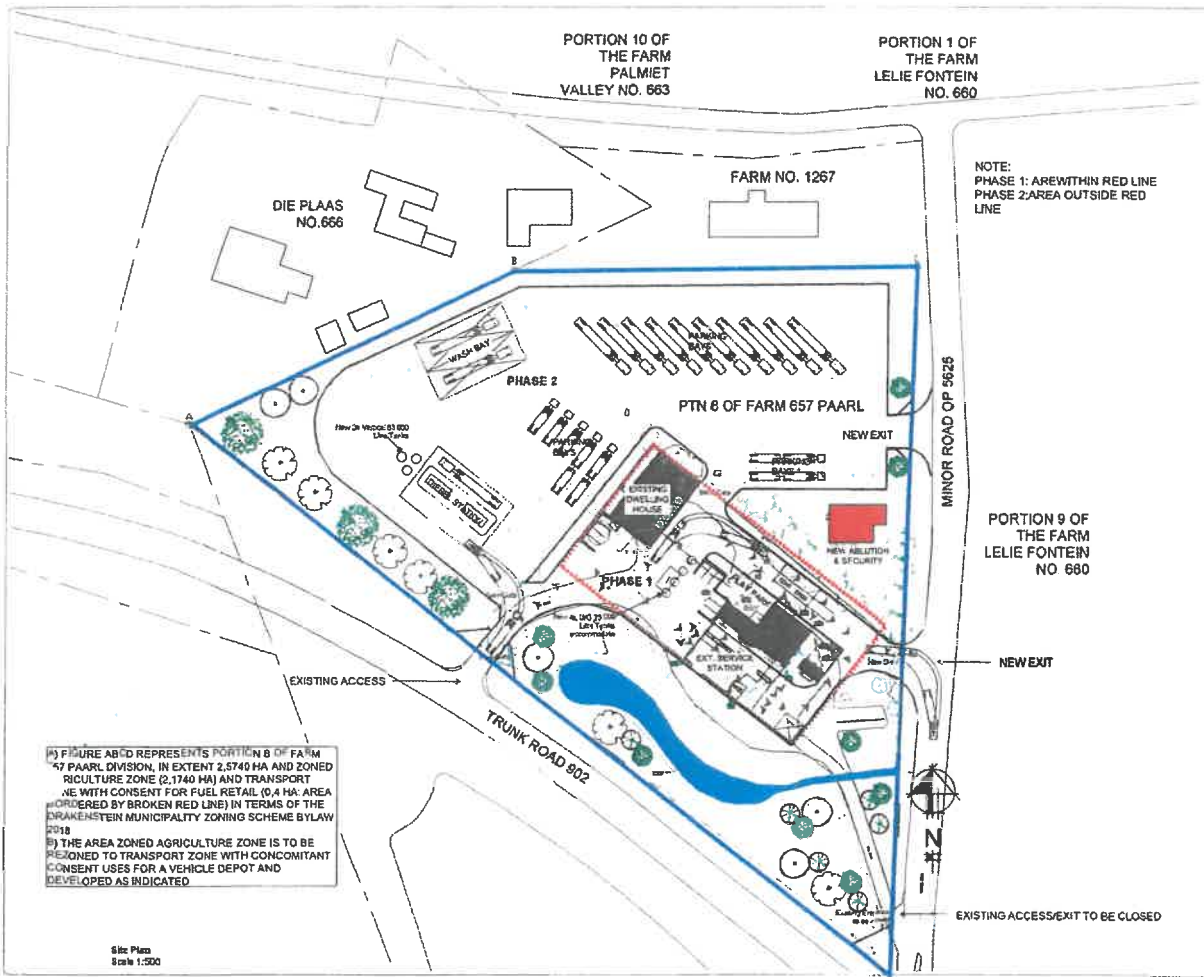
\\BEPLAN_3\Sub_Divisions_Rezoning\2021\657_8

2. ELECTRICITY SUPPLY

Tariff No.	Tariff Details	2020/2021 Tariff Including VAT	2019/2020 Tariff Including VAT	% Increase / (Decrease)
2.9.4	Non-Payers (Excluding Municipal Property)			
2.9.4.1	Same as in 12.2 and 12.3 above, except that a new agreement must be entered into which stipulates that a pre-paid meter is a pre-condition.	Free	Free	
2.9.5	NRS 069 NETWORK RECOVERY COST			
2.9.5.1	A once-off network contribution for the electricity requested for subdivisions, new developers, consent users, scheme amendments or consumer upgrades (existing serviced erven where requested capacity is greater than the original designed or installed capacity). The after-diversified maximum demand (ADMD) for each erven is used in network designs for township development, scheme amendment and service connection upgrades.			
2.9.5.1.1	The ADMD has been determined by STATS SA Census 2011 municipal report which may be use for the following types of residential installations:			
(a)	Residential low income (flats or units) - 3kVA			
(b)	Residential medium or high income (flats or units) - 5kVA			
(c)	Single residential low income (per erf) - 3kVA			
(d)	Single residential medium or high income where the erf size is smaller than 500m ² - 7kVA			
(e)	Single residential medium or high income where the erf size is greater than 500m ² - 9kVA			
2.9.5.1.2	For very high residential three-phase connections or upgrade of existing single phase connection to three phase maybe assume that the ADMD for a three-phase connection is three (3) times that of a single phase connection.			
2.9.5.1.3	The after-diversified maximum demand (ADMD) or notified maximum demand (NMD) per erf for commercial and all non residential applications requested in writing by the owner or developer shall be calculated prior to the NMD as indicated on the application by the owner or developer with the approval from the Manager: Electro-Technical Engineer (Planning, Construction and Design). The NMD's of existing serviced erven are equal to the installed capacity or as per service agreement.			
2.9.5.1.4	Determining charges			
(a)	The NRS069 network recovery cost is determined by the actual level at which the development connects to the supply system. The charge is calculated as follows:			
(i)	$R = (ADMD1 - ADMD2) \times NRC$, where			
(ii)	R = Total network recovery cost payable in rand value			
(iii)	ADMD1 = Sum of new ADMD in kVA			
(iv)	ADMD2 = Sum of existing ADMD in kVA			
(v)	NRC = Network recovery cost per level as indicated below			
2.9.5.1.5	Network contributions			
(a)	The "network recovery cost" charges must be as such to cover the capital liabilities incurred or to be incurred by the municipality in supplying the distribution and/or increase the capacity to the premises or group of premises. The said network recovery cost excludes the linkage portion of the connection and/or upgrade to the linkage as determined by the Manager: Planning and Customer Services. Such cost for the upgrade and/or linkage shall be estimated at the cost of the developer or owner. The contributions per kVA at the different connection levels are as follows:			
(i)	Paarl: Description - Cumulative contribution per kVA			
(ea)	66kV Network	Discontinued	1,517.90	Discontinued
(bb)	66/11kV Trf	2,289.36	2,289.36	0.00%
(cc)	11kV Network	Discontinued	6,340.61	-36.11%
(dd)	11kV/400V Trf	Discontinued	7,330.86	Discontinued
(ee)	400V network of MSS	Discontinued	7,636.36	Discontinued
(ff)	400 V Network	3,376.29	9,716.90	-65.25%
(ii)	Wellington: Description - Cumulative contribution per kVA			
(aa)	11kV Network	4,006.33	4,006.33	0.00%
(bb)	11kV/400V Trf	Discontinued	4,863.50	Discontinued
(cc)	400V network of MSS	Discontinued	5,168.47	Discontinued
(dd)	400 V Network	2,967.79	6,974.12	-57.45%

Appendix B1

SDP



PORTION 10 OF THE FARM PALMIET VALLEY NO. 663

PORTION 1 OF THE FARM LELIE FONTEIN NO. 660

NOTE:
PHASE 1: ARE WITHIN RED LINE
PHASE 2: AREA OUTSIDE RED LINE

DIE PLAAS NO. 666

FARM NO. 1267

PTN 8 OF FARM 657 PAARL

MINOR ROAD OP 5625

PORTION 9 OF THE FARM LELIE FONTEIN NO. 660

TRUNK ROAD 802

A) FIGURE A AND B REPRESENTS PORTION 8 OF FARM 657 PAARL DIVISION, IN EXTENT 2,5740 HA AND ZONED AGRICULTURE ZONE (2,1740 HA) AND TRANSPORT ZONE WITH CONSENT FOR FUEL RETAIL (0,4 HA) AREA ORDERED BY BROKEN RED LINE) IN TERMS OF THE ENKELSTREK MUNICIPALITY ZONING SCHEME BYLAW 2018
B) THE AREA ZONED AGRICULTURE ZONE IS TO BE REZONED TO TRANSPORT ZONE WITH CONCOMITANT CONSENT USES FOR A VEHICLE DEPOT AND DEVELOPED AS INDICATED

Site Plan
Scale 1:500

ERF PTN 8 OF 657 AREA	m ²
GROUND FLOOR	m ²
TOTAL GROUND FLOOR	m ²
NEW TOTAL GROUND FLOOR	m ²
TOTAL HOUSE EXTENT	m ²
TOTAL COVERAGE	%

PROPOSED ADDITIONS & ALTERATIONS FOR SHIPTECH PETROLEUM GA

PORTION 8 OF FARM 657 PAARL

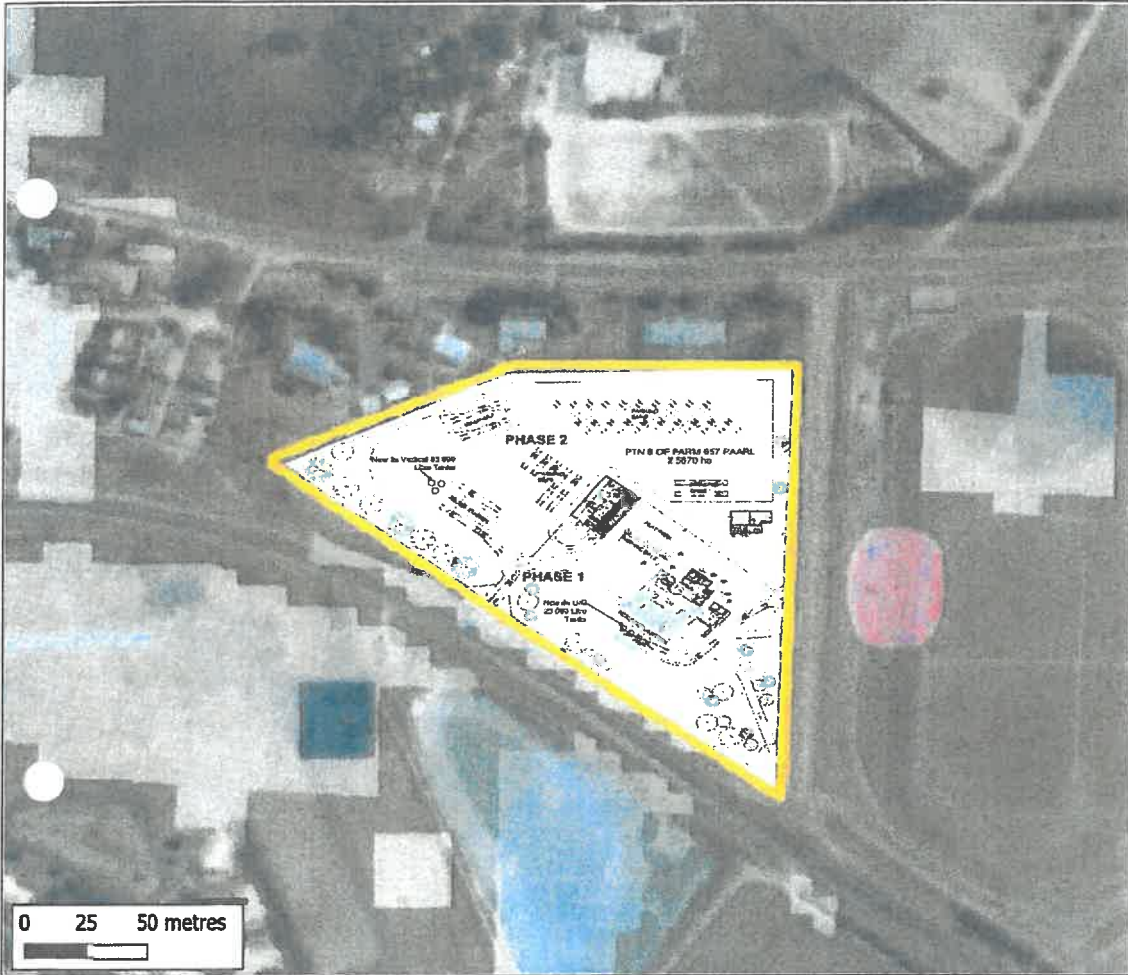
VAN HEERDEN ARCHITECTURE
 6109 21A, Bedford Road, Cur of Bedford & Potlatch, Potlatchville, Bedford
 02101, 02101, 02101
 Potlatchville, Bedford
 02101, 02101, 02101

2020-0702-03A

MUNICIPAL APPROVAL

Appendix B2

Map superimposing on environmental sensitivities



SHIP TECH TRUCK STOP
DEVELOPMENT, PAARL
RIVERS, WETLANDS AND CBA MAP
(May 2020)

LEGEND

	Proposed Site Boundary
BSP ESA: Restore	
ESA2: Restore from other land use	
BSP ESA	
	ESA: Aquatic
	ESA: Terrestrial
BSP CBA: Degraded	
	CBA2: Terrestrial
BSP CBA	
	CBA: Terrestrial
	CBA: River
	CBA: Wetland
	Wetlands (NFEPA)
	Artificial Rivers
	Perennial

Esri, HERE, Garmin, (c) OpenStreetMap contributors and the GIS user community

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Department of Rural Development and Land Reform, Chief Directorate: National

Compiled with CapeFarmMapper

NORTH
Latitude Longitude
WGS84



Memo

To: Manager: Land Use Planning and Surveying
(Attention: C van der Bank)

From: Environmental Officer: Environmental Management Division

Enquiries: M. Lamour

Collaborator number: 1682624

Reference number: 15/4/1 (F657/8) P

Date: 18 September

Subject: APPLICATION FOR REZONING AND CONSENT IN TERMS OF SECTION 15
(2) OF THE DRAKENSTEIN BY-LAW ON MUNICIPAL LAND-USE PLANNING,
2018: PORTION 8 OF FARM 657, PAARL

Reference is made to the above application for rezoning and Consent Use for the establishment of a Truck Stop on Portion 8 of Farm 657, Paarl.

Having reviewed the application, the Environmental Management Division requires the following:

1. Detailed Landscape Plan

1.1 A detailed landscape plan, compiled by a registered Landscape Architect is to be submitted for approval by the Environmental Management Division along with the application for building plan approval.

Such a plan is to indicate, *inter alia*, the extent, location and design of the following:

- existing vegetation to be retained or removed, indicating the types of all vegetation and trees;
- all proposed newly planted vegetation, including types (species) and planting specifications (it is advised that locally indigenous vegetation be used in this regard);
- density of plant species/plant mixes to be planted;
- all landscaping features, including fences, walls, retaining walls, paving, street furniture and lighting;
- a cross-section of the interface of the proposed development with Trunk Road 902, indicating how this interface will be landscaped;
- All Sustainable Drainage Systems, including a cross-section of the detention pond and indicating landscaping and slope of embankments;
- Irrigation plan (alternative water sources to be indicated); and
- phasing and timing of implementation, including a twelve-month establishment period.

1.2 It is advised that the appropriate species of trees be used as screening along the boundary of the adjacent church and the clinic.

2. Noise Mitigation

The proposed development is located in a rural district surrounded by several sensitive receptors including a clinic, dwellings and a school. The potential noise impact of the proposed development should therefore be assessed and if required, appropriate noise management and mitigation measures should be implemented.


The Division therefore requires a Noise Impact Assessment in accordance with SANS 10328, in order to establish whether the noise impact rating of the proposed development exceeds the appropriate rating level for rural districts as indicated in SANS 10103. The assessment must include the calculation and prediction with noise propagation modelling of the additional traffic noise including the noise from trucks and vehicles idling, braking and reversing at the facility as well as the proposed wash bay. Should the Noise Impact Assessment indicate potential exceedances with table 2 of SANS 10103, appropriate mitigation measures should be implemented and an operational noise management plan should be implemented.

3. Dust mitigation

It is noted that Minor Road 5625 will be used for traffic as there is a new exit from the site proposed onto this road. Please note that the additional traffic may cause dust nuisance as this road is a gravel road. Some mitigation measures must be implemented to limit the dust that will be generated by the additional traffic.

The Environmental Management Division would like to reserve the right to revise its comments based on any new or revised information

Yours faithfully



.....

**C. WINTER
MANAGER: ENVIRONMENTAL MANAGEMENT**

K:\Environmental Management\Environmental Applications\15-4-1\2020\Land Use Application\Farm_657_Ptn_8_Rezoning_Consent_Use



Western Cape
Government

Transport and Public Works

ANNEXURE I

ROAD NETWORK MANAGEMENT

Email: Grace.Swanepoel@westerncape.gov.za

tel: +27 21 483 4669

Rm 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-10/209 (Job 25056)

ENQUIRIES: Ms G D Swanepoel

DATE: 1 December 2020

The Municipal Manager
Drakenstein Municipality
PO Box 1
Main Street
PAARL
7622

Attention: Ms C van der Bank

Dear Madam

**PORTION 8 OF FARM 657 PAARL: TRUNK ROAD 9 SECTION 2 (R101) AND MINOR ROAD 5625:
APPLICATION FOR REZONING, CONSENT USE AND APPROVAL OF SITE DEVELOPMENT PLAN**

1. Your e-mail to Ms Grace Swanepoel of this Branch, Collaborator Ref. No. 1682624, File Ref. No. 15/4/1 (F657/8)P dated 7 September 2020 and the attached land use application refer.
2. The property is located on the north side of Trunk Road 9 Section 2 (the R101 Du Toits Kloof Road) on the eastern fringe of Paarl.
3. The application is for the following:
 - 3.1 Rezoning of a portion of the site 2.174 ha in extent from Agriculture Zone to Transport Zone;
 - 3.2 Consent use for a freight transport facility, a vehicle depot and fuel retail to develop a truck stop with facilities;
 - 3.3 Approval of Site Development Plan (SDP) comprising of 2 stages:
 - Re-opening of the fuel station, which has been closed for many years, but with modifications *inter alia* to provide for refuelling of trucks
 - Development of the truck stop.

4. Current access to Farm 657/8 is by way of an access on Trunk Road 9 Section 2 located $\pm 170\text{m}$ west of the intersection of Trunk 9 Section 2 with Minor Road 5625; a gravel access onto Minor Road 5625 at a very acute angle and located $\pm 35\text{m}$ from the Trunk Road 9 Section 2 intersection; and a further access onto Minor Road 5625, located $\pm 185\text{m}$ from Trunk 9 Section 2 and 95m from its intersection with Keerweder Road, which at that point is a municipal street.
5. The existing access onto Minor Road 5625 close to Trunk Road 9 Section 2 will be closed and replaced with a new access onto Minor Road 5625 close to the garage buildings. A second access is proposed on Minor Road 5625 to serve the truck stop area. It is unclear whether this is in the same position as the existing access, or if the access point is to be slightly relocated. Both of the accesses on Minor Road 5625 are proposed to be for exit movements only.
6. It is proposed that all inbound movements to the site take place from the existing surfaced access on Trunk Road 9 Section 2, which will be one-way inbound. The speed limit on Trunk Road 9 Section 2 is 100km/h and the sight distance is adequate for turn movements into the access road. The suitability of the current access for turning movements by large trucks from either direction shall be reviewed and any necessary upgrades designed and constructed.
7. The intersection of Minor Road 5625 with Trunk Road 9 Section 2 is very acute, at $\pm 55^\circ$. With increased truck and other vehicle movements resulting from the proposed filling station and truck stop, this intersection will need to be upgraded to improve the angle and surfaced at the intersection and for an adequate distance beyond the bell mouth to prevent gravel being carried from the minor road onto the surfaced trunk road.
8. This Branch offers no objection to the land use application in respect of Portion 8 of Farm 657, Paarl, as detailed above, subject to the following conditions:
 - 8.1 The Applicant shall accept in writing to be responsible for all costs associated with the design and implementation of the required road upgrades.
 - 8.2 Access shall be limited to a single inbound access off Trunk Road 9 Section 2 (the R101), and two exits onto Minor Road 5625. The existing access on Minor Road 5625 close to the Trunk 9 Section 2 intersection shall be permanently closed and fenced and the verge within the road reserve reinstated. If the northern exit onto Minor Road 5625 is in a different position to the existing access, the existing access shall similarly be closed, fenced and the verge reinstated.
 - 8.3 The Applicant's engineer shall review the existing entry from Trunk Road 9 Section 2 into the Farm 657/8 and shall design such upgrades as are required to ensure safe use of the entrance by vehicles making left or right turns into the property. Particular attention shall be given to ensuring that left turning trucks are not required to turn into the opposing lane on Trunk Road 9 Section 2 in order to be able to enter the access road.

- 8.4 The Applicant's engineer shall provide preliminary designs for the upgrading of the intersection of Trunk Road 9 Section 2 with Minor Road 5625 for review and approval by this Branch's Chief Directorate: Planning (Ms GD Swanepoel) and Chief Directorate: Design (Ms MK Hofmeyr - 021 483 5713). The preliminary design shall consider how to modify the angle of intersection to be least 65° where the minor road meets the trunk road and to accommodate turning movements by trucks using the facilities. The design shall also consider the need to provide access to the property on the south side of Trunk Road 9 Section 2 (Rem. Farm 861). The minor road shall be surfaced from the trunk road to a point at least 25m beyond the northern end of the intersection bell mouth.
- 8.5 The preliminary and detailed designs of the intersection upgrades and the three accesses shall be carried out by an appropriately registered person in accordance with this Department's design guidelines and requirements. Detailed drawings of the road geometry, pavement/materials, drainage, services, road markings and signage shall be submitted to this Branch's Chief Directorate: Design for approval prior to the commencement of construction.
- 8.6 Detailed construction drawings and proposals for traffic accommodation during construction shall be submitted for approval to the District Roads Engineer, Paarl (Mr Elroy Smith – 021 863 2020) prior to construction.
- 8.7 The Applicant's consultant or contractor shall accept the handing over of the site in writing from the Road Authority prior to construction.
- 8.8 After completion of the construction phases to the satisfaction of the District Roads Engineer, Paarl, the Road Authority shall accept in writing the handing over of the site from the Applicant's consultant or contractor.
- 8.9 As built drawings shall be sent to this Branch (Ms GD Swanepoel), the District Roads Engineer, Paarl (Mr Elroy Smith) and the Roads Department of Cape Winelands District Municipality (Mr ACA Stevens - 086 126 5263).
- 8.10 All of the conditions listed above shall be applicable to Phase 1 except for the design and construction of the second (northern) exit onto Minor Road 5625, which may be designed, reviewed and implemented together with the Phase 2 construction.

Yours faithfully



SW CARSTENS
For **CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**



REFERENCE: 16/3/3/1/B3/28/1039/22
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 28 NOVEMBER 2022

Mr Lionel Schulz
Paarl Fuel Stop
Postnet Ballito, Suite 98
Private Bag X001
BALLITO
4420

Cell: 082 892 9959
E-mail: lionel@shiptech.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE DEVELOPMENT OF THE PAARL FUEL STOP FILLING STATION ON PORTION 8 OF FARM NO. 657, PAARL.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2022.11.28 14:39:27
+02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Mr Ryan Kynaston (Geo Pollution Technologies Gauteng (Pty) Ltd)
(2) Ms Cindy Winter (Drakenstein Municipality)

E-mail: ryan@gptglobal.com
E-mail: Cindy.Winter@drakenstein.gov.za



REFERENCE: 16/3/3/1/B3/28/1039/22
NEAS REFERENCE: WCP/EIA/0001122/2022
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 28 November 2022

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: THE DEVELOPMENT OF THE PAARL FUEL STOP FILLING STATION ON PORTION 8 OF FARM NO. 657, PAARL.

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

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, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Layout Alternative 1 described in the Basic Assessment Report ("BAR"), dated 18 August 2022.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Paarl Fuel Stop
c/o Mr Lionel Schulz
Postnet Ballito, Suite 98
Private Bag X001
BALLITO
4420
Cell: 082 892 9959
E-mail: lionel@shiptech.co.za

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

B. ACTIVITIES AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 1 – Activity Number: 14</p> <p><i>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.</i></p>	<p>The storage of a dangerous good with a capacity of 138 cubic metres (138 000 litres).</p>
<p>Listing Notice 1 – Activity Number: 28</p> <p><i>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:</i></p> <p><i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p> <p><i>(ii) will occur outside an urban area, where the land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The development of more than 1ha of land that was used for agriculture.</p>

The abovementioned activities are hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative that includes the listed activities:

The proposed development will entail a fuel service station and truck stop with associated infrastructure on Portion 8 of the Farm No. 657, Paarl. The fuel service station and truck stop will be developed in two phases.

Phase 1

- The installation of 6 x 23 000 litre underground fuel storage tanks with a forecourt, convenience shop, offices and ablution facilities;
- A play park; and
- Parking areas.

Phase 2

- A wash bay;
- Ablution facilities for overnight trucks; and
- Parking areas for trucks.

The truck stop component will be separated from the fuel service station by a fence with security controlled access points. The footprint of the proposed development will be approximately 25 740m². Existing access is available to the site.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 8 of the Farm No, 657, Paarl and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates	33° 44' 25.77" South	19° 01' 27.02" East

The SG digit codes are: C055 0000 00000657 00008

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Geo Pollution Technologies Gauteng (Pty) Ltd.
Mr Ryan Kynaston
PO Box 8442
ROGGEBAAI
8012
Cell: (073) 908 5402
Email: ryan@gptglobal.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Layout Alternative 1 described in the BAR dated 18 August 2022 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.

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.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 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 Appeals Regulations, 2014 detailed in Section F below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,

- 7.4.3 postal address of the holder,
- 7.4.4 telephonic and fax details of the holder,
- 7.4.5 e-mail address, if any, of the holder,
- 7.4.6 the 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.

8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. 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.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
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"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein. The ECO must conduct site visits once a month and must submit ECO reports on a monthly basis to the competent authority for the duration of the construction phase.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above 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

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be

prepared by an independent person (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority within three (3) months of the completion of construction activities of each phase.

The holder must, within 7 days of the submission of each of the above-mentioned reports 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

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

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. Surface, storm or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.

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.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

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 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 to the Appeal Administrator; and

- 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
 Room 809
 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

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

Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2022.11.28 14:40:27
+02'00'

MR. ZAAHIR TOEFY

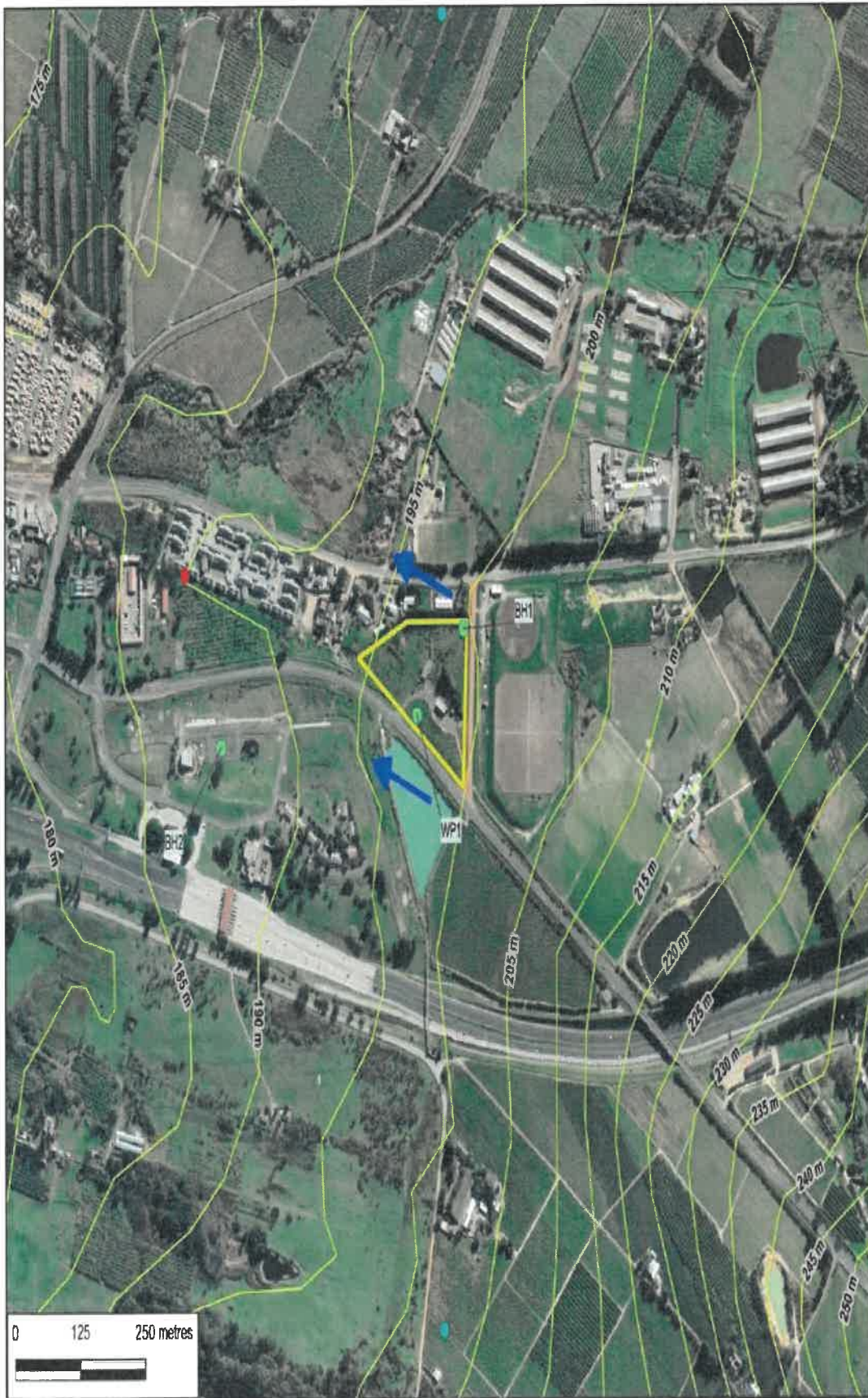
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 28 NOVEMBER 2022

Cc: (1) Mr Ryan Kynaston (Geo Pollution Technologies Gauteng (Pty) Ltd)
(2) Ms Cindy Winter (Drakenstein Municipality)

E-mail: ryan@gptglobal.com
E-mail: Cindy.Winter@drakenstein.gov.za

ANNEXURE 1: LOCALITY MAP



PAARL FUEL STOP
LOCALITY MAP
(November 2021)

LEGEND

- Water Supply Borehole
- Elevation Contour (5 meter Intervals)
- Inferred Groundwater Flow Direction
- Proposed Site Boundary

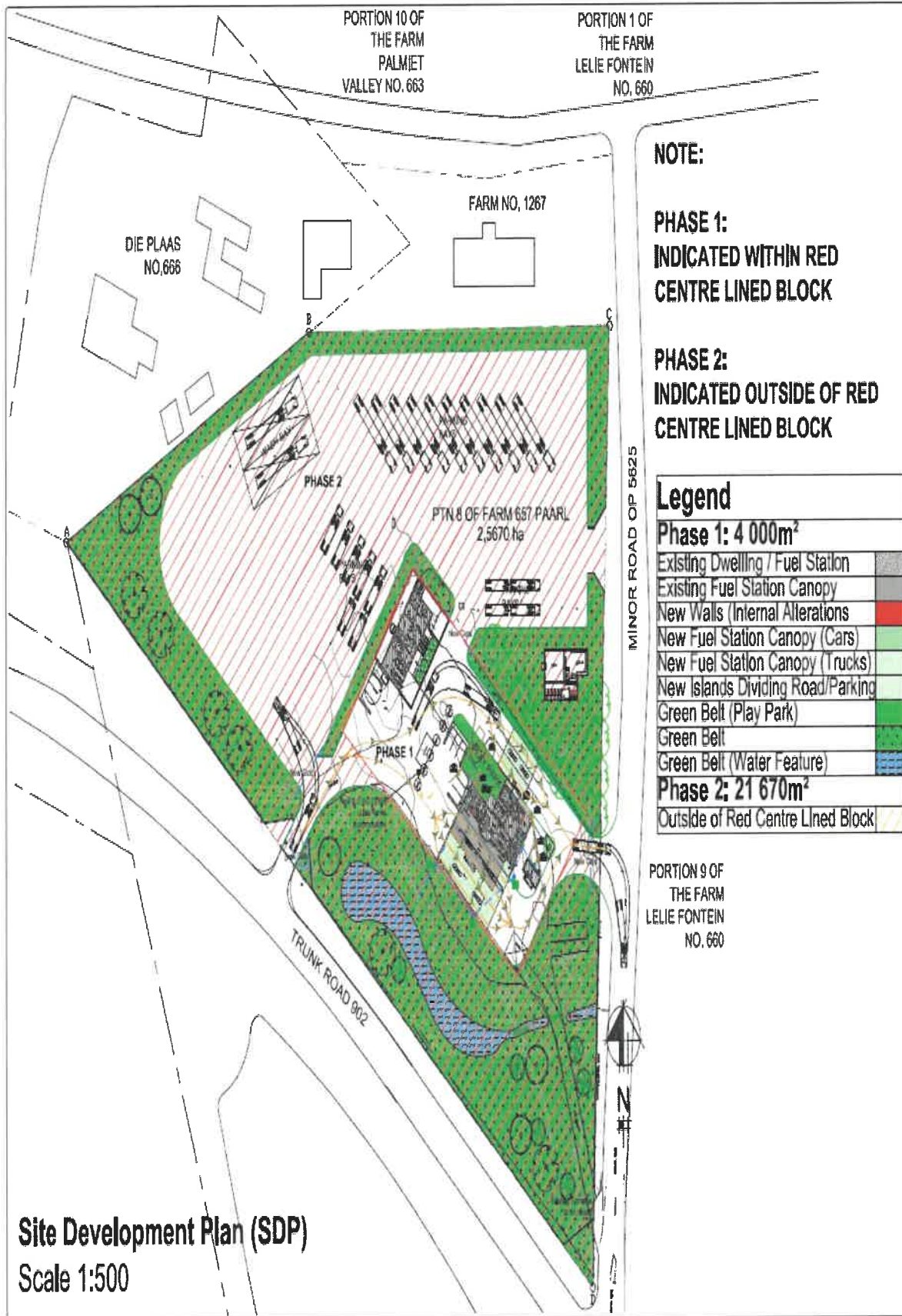
Portion 8 of Farm 657

NGA Borehole

- In Use: Unknown
- Unknown



ANNEXURE 2: SITE PLAN



Site Development Plan (SDP)
Scale 1:500

NOTE:

**PHASE 1:
INDICATED WITHIN RED
CENTRE LINED BLOCK**

**PHASE 2:
INDICATED OUTSIDE OF RED
CENTRE LINED BLOCK**

Legend

Phase 1: 4 000m ²	
Existing Dwelling / Fuel Station	
Existing Fuel Station Canopy	
New Walls (Internal Alterations)	
New Fuel Station Canopy (Cars)	
New Fuel Station Canopy (Trucks)	
New Islands Dividing Road/Parking	
Green Belt (Play Park)	
Green Belt	
Green Belt (Water Feature)	
Phase 2: 21 670m ²	
Outside of Red Centre Lined Block	

PORTION 9 OF
THE FARM
LELIE FONTEIN
NO. 660

NO. 10/13/14	2017
1. DATES TO DATE	17/12/2021
<p>Legend</p> <p>Areas that are to be replaced, or to be replaced by a new structure, shall be indicated by a red center lined block.</p> <p>Areas to be added to the site shall be indicated by a green center lined block.</p> <p>Areas to be removed shall be indicated by a blue center lined block.</p> <p>Areas to be retained shall be indicated by a white center lined block.</p> <p>Areas to be replaced by a new structure shall be indicated by a red center lined block.</p> <p>Areas to be added to the site shall be indicated by a green center lined block.</p> <p>Areas to be removed shall be indicated by a blue center lined block.</p> <p>Areas to be retained shall be indicated by a white center lined block.</p>	

ERF PTN 8 OF 667 AREA	m ²
GROUND FLOOR	
TOTAL GROUND FLOOR	m ²

NEW TOTAL GROUND FLOOR	m ²
TOTAL HOUSE EXTENT	m ²
TOTAL COVERAGE	%

PROPOSED ADDITIONS & ALTERATIONS FOR SHIPTECH PETROLEUM SA
ERF PTN 8 OF 667

WAN HEERDEN ARCHITECTURE

8007 214, Boulevard Square, City of Beaufort & Storming, P.O. Box 100, Beaufort West, 7130

REG. NO. 2018/004-08007

Praxis van Heerden

ERF 588 0007

12/11/2021

MUNICIPAL APPROVAL

2021-0702-01

A

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form dated 30 June 2022, the final BAR dated 18 August 2022 and the updated EMPr dated August 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated 18 August 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- Site notices were placed on 14 April 2022;
- the placing of a newspaper advertisement in the '*Paarl Post*' on 14 April 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 14 April 2021;
- making the pre-application Draft BAR available for comment until 19 May 2022; and
- making the in-process Draft BAR available for comment until 4 August 2022.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMP to adequately address the concerns raised.

2. Alternatives

Layout Alternatives

Layout Alternative 1 (Preferred and herewith authorised)

This alternative includes the development of a fuel service station and truck stop with associated infrastructure on Portion 8 of the Farm No. 657, Paarl. The fuel service station and truck stop will be developed in two phases.

Phase 1

- The installation of 6 x 23 000 litre underground fuel storage tanks with a forecourt, convenience shop, offices and ablution facilities;
- A play park; and
- Parking areas.

Phase 2

- A wash bay;
- Ablution facilities for overnight trucks; and
- Parking areas for trucks.

The truck stop component will be separated from the fuel service station by a fence with security controlled access points. The footprint of the proposed development will be approximately 25 740m². Existing access is available to the site.

This alternative was preferred as additional aboveground diesel storage for the truck stop will not be required, which will eliminate the visual impact associated with aboveground storage tanks. The required storage of fuel for the service station and truck stop could be accommodated in underground storage tanks.

Layout Alternative 2

This alternative includes the development of the following:

- A fuel service station containing 4 x 23 000 litre underground fuel storage tanks and associated infrastructure; and
- A dedicated truck stop containing 3 x 80 000 litre aboveground fuel storage tanks for diesel.

This alternative was not preferred as aboveground storage tanks is more visually intrusive. The additional storage of diesel for the truck stop is not required as diesel is available from nearby sources, should there be a shortage of diesel at the facility.

No Go Alternative

This alternative represents the current *status quo*, where the development of the fuel service station and truck stop will not take place. This alternative was not preferred since it will not provide a fuel service station and truck stop facility in an area where the latter facilities are scarce.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The development is in line with the existing land use rights of the property and the Spatial Development Framework of the local municipality. The site is located in close proximity to the N1 road, which make it ideal to cater for transport and logistical activities prevalent on the N1 road. The proposed development will provide for additional service station amenities and a truck stop facility in a region where such facilities are scarce.

3.2 Biophysical Impacts

According to the Terrestrial Plant Compliance Statement (dated February 2022, compiled by Nicholaas Hanekom), the proposed site historically contained indigenous vegetation namely Boland Granite Fynbos, which is classified as Vulnerable. However, the site is degraded and no species of conservation concern occur on the proposed site. According to the Freshwater Compliance statement (dated January 2022, compiled by Enviroswift), no watercourses are located on or within 32m of the site. No impacts on watercourses are expected.

3.3. Groundwater Impacts

Potential groundwater contamination may occur during the development and operational phase of the proposed development as a result of potential on-site spills which may occur during delivery and potential leakages of the tanks and pipes. The fuel service station will utilise best practice technology and design specifications for the fuel storage infrastructure to ensure that the potential environmental risks are minimised. Potential groundwater impacts will be minimised with the implementation of the mitigation measures contained in the EMPr.

3.4. Agricultural impacts

According to the Agricultural Compliance Statement (dated 3 March 2022, compiled by Johann Lanz), the site has a low agricultural potential and is not suitable for commercial crop production. The Western Cape Department of Agriculture has indicated in their comment (dated 4 October 2022) that they have no objection to the proposed development.

3.5 Socio-Economic Impacts

A Socio-Economic Impact Assessment (dated 11 April 2022, compiled by Grant Smit) was conducted to assess the impacts associated with truck drivers staying overnight at the truck stop. The study focused on factors such as increased risk of the spread of HIV, transactional sex and Gender-Based Violence in the area. The study concluded that the truck stop is of a small scale and is not likely to have any material impact on the surrounding community with respect to the abovementioned factors. Although the applicant cannot control the behaviour of his clients, a system to allow only drivers from companies registered with the applicant to use the truck stop facility, will be implemented. This includes strict access control and measures to encourage drivers from staying at the truck stop once they've arrived, instead of spending time elsewhere in the community. The mitigation measures recommended by the specialist have been included in the EMPr.

Negative Impacts:

Potential groundwater contamination may occur during the development and operational phase of the proposed development. These impacts will be minimised with the implementation of the mitigation measures contained in the EMPr.

Positive impacts:

- The proposed development will have economic benefits for the general area; and
- The proposed development will provide for additional service station amenities and a truck stop facility to the surrounding area.

4. 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.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the 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.

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