

# Comments and Response Table:

## 06125 - PROPOSED DEVELOPMENT OF A FUEL SERVICE STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 164232, MUIZENBERG

Comments Received during the 30-Days Public Participation on the <u>Pre Application</u> BAR (Initial Commenting Period)					
Nr	Comment Received	Date Received	I&AP	Company / Representing	Response
<b>POLLUTION / NEED AND DESIRABILITY/ SECURITY</b>					
1.	<p>I am a resident of Evergreen Lifestyle village in Muizenberg which is directly adjacent to the land of the proposed development. Evergreen is a retirement village with more than 300 residents and rapidly growing, between the ages of 65 and 95 years of age. I strongly oppose the development of an operating fuel station for the following reasons: -</p> <p>1. The deterioration of air quality due to petrol fumes and the constant traffic, especially as the access road is adjacent to our properties. This could have an adverse impact on the health of the residents, including those in the frail care centre. Many residents already suffer from respiratory diseases and ailments;</p> <p>2. The increase in noise pollution from motor vehicles, pedestrian traffic, 24/7 convenience store, music and a car wash operating 24/7;</p>	<p>22 October 2019</p> <p>23 October 2019</p> <p>27 October</p>	<p>Dereck Charles Drew: Representative of the Evergreen Lifestyle Village.</p> <p><b>Petition from the 213 Evergreen Lifestyle Village residents. This comment has therefore been submitted by 213 residents as part of a petition.</b></p> <p>Chris Bennett.</p> <p>Shirley van Eeden</p>	<p>Evergreen Lifestyle Village</p>	<p>1. Air quality impacts have been identified in the Basic Assessment EIA Report as a potential impact that could occur (if unmitigated), as follows:</p> <p><i>“Fuel vapour emissions may cause an odour nuisance or health impacts to adjacent residents, staff on site or to users of the fuel depot”.</i></p> <p>Therefore, this impact, during the operational phase of the fuel station was assessed to have a Medium Negative Impact significance (without mitigation). According to the Impact Assessment Methodology outlined in the BAR Report, this means that “the impact is of sufficient importance and is therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels”.</p> <p>Various mitigation measures are therefore required to be implemented by the applicant, as listed in SECTION G: IMPACT ASSESSMENT, IMPACT AVOIDANCE, MANAGEMENT,</p>

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	<p>3. Constant intermittent light pollution from cars and the fuel station</p> <p>4. We are both aware of the security issues in South Africa which poses an added security risk with unconsolidated persons alongside our perimeter wall;</p> <p>5. I see no logic or business sense to build an additional fuel station when there are fuel stations situated 80m along Prince Georges Drive, 700m at Capricorn shopping centre and another one a 1km away along Military Road. No need for another.</p> <p>I trust you will take into account all the different arguments and make the correct decision.</p>	<p>22 October 2019</p>	<p>Trunell Morom</p>		<p>MITIGATION AND MONITORING MEASURES – section 2.2.5 (Air Quality Impact).</p> <p>These same mitigation measures have been included in the Environmental Management Programme (which is the construction and operational phase “procedure” that must be implemented by the applicant to avoid and reduce impacts). The EMP, once approved by the DEA &amp; DP if they issue an Environmental Authorisation, will become legally binding on the applicant to implement. The EMP will also be audited by an external independent auditor during the construction and operation stages of the fuel station, to monitor the compliance of the fuel station developer with the conditions of the EA and the requirements of the approved Environmental Management Programme.</p> <p>The Environmental Assessment Practitioner has found that if the mitigation measures are implemented (as listed in the BAR &amp; EMP), this impact will be reduced to a low impact significance. This means, when looking at the Impact Methodology, that “the impact will be mitigated to the point where it is of limited importance”</p> <p>Air quality, health and nuisance impacts as a result of the fuel station are therefore highly unlikely.</p>
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					<p>Fuel stations are built to very stringent fuel industry standards and South African National Standards (SANS) standards. They are very often located near residential communities and do not cause a nuisance to the adjacent communities if managed and designed correctly.</p> <p>2. In response to concerns from Evergreen Lifestyle Village pertaining to noise impacts / nuisance a Noise Specialist Impact Assessment has been undertaken. Please refer to Appendix G5 of the Revised Draft Basic Assessment Report.</p> <p>The majority of patrons frequenting the facility will come off Prince George Drive (M5) and access the site from the south (St George Street not adjacent to the Evergreen Retirement Village), before existing via Eastbourne Road (refer to Appendix B2). The three resident's east of Eastbourne road have therefore been identified to be the most sensitive traffic noise receptors from traffic entering and existing the fuel service station from Eastbourne Road (although majority will enter from St George). The noise specialist study (Appendix G5) has found that there is existing traffic noise (residual noise) to the West of the property on Prince George Drive and to the South of the property on St Georges Street. A Noise Modelling Study was undertaken (based on predicted traffic</p>
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					<p>during peak hours and the site layout plan) to calculate / predict the anticipated noise levels as a result of the fuel station (based on layout plan, development type and traffic expectation). According to the predicted overall noise contribution results, the maximum anticipated sound pressure level at the property boundary of Muizenberg Fuel Station will not exceed the maximum allowable limit (as per the Western Cape Noise Control Regulations) of 60 dBA during the daytime during peak hour operations. The results of the noise impact assessment also show that it is not anticipated that Muizenberg Fuel Station will exceed the maximum allowable limit of 50 dBA during the night-time. The noise specialist therefore concluded that the significance ranking of the proposed Muizenberg Fuel Station is therefore considered to be LOW in terms of noise impact because the predicted noise contribution at the nearest dwellings to the proposed site complies with the legal standards and regulations applicable to inhabited areas and the development will not cause an increase in residual noise levels already existing in the area at its southern and west boundaries (M5 and St George Roads).</p> <p>3. Visual impacts (light pollution) have been identified in the Basic Assessment EIA Report as a potential impact that could occur (if unmitigated), as follows:</p>
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					<p><i>“Visual Impact: The visibility of the fuel station and associated infrastructure by adjacent residents. Service station visual impacts are greatest at night due to light impacts during this time. Fuel service stations operate 24/7”.</i></p> <p>Therefore, this impact, during the operational phase of the fuel station was assessed to have a Medium Negative Impact significance (without mitigation). According to the Impact Assessment Methodology outlined in the BAR Report, this means that <i>“the impact is of sufficient importance and is therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels”.</i></p> <p>Various mitigation measures are therefore required to be implemented by the applicant, as listed in SECTION G: IMPACT ASSESSMENT, IMPACT AVOIDANCE, MANAGEMENT, MITIGATION AND MONITORING MEASURES – section 2.2.6 (Visual Impact).</p> <p>The following mitigation measures are listed in section 2.2.6 of the BAR Report and in the Environmental Management Programme required to be implemented prior to construction:</p>
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					<ul style="list-style-type: none"> <li>• <i>A lighting expert is required to be appointed during the design phase to inform on the lighting required to be installed with the aim of not causing significant light pollution impacts to adjacent sensitive receptors.</i></li> <li>• <i>Focused, under-canopy lighting should be installed.</i></li> <li>• <i>A Complaints Register must be kept on site to record lighting complaints, if any.</i></li> <li>• <i>If significant and justified light pollution complaints are received during normal operating conditions, additional measures must be investigated and implemented (such as higher walls or alternative lighting technology etc).</i></li> </ul> <p>The Environmental Assessment Practitioner has found that if the mitigation measures listed above are implemented (as listed in the BAR &amp; EMP), this impact will be reduced to a low impact significance. This means, when looking at the Impact Methodology, that “the impact will be mitigated to the point where it is of limited importance”.</p> <p>It is noteworthy that there are walls surrounding the Evergreen Retirement Village so light pollution from vehicles will not be an impact.</p>
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				<p>4. With the erf currently vacant, the security risk is higher than if a fuel service station is built. Fuel stations are not known to attract “unconsolidated persons” or crime.</p> <p>5. The need and desirability of the fuel station has been assessed in the form of a Socio-Economic Feasibility Assessment (see Annexure H2 of the BAR Report) which has assessed the need taking into account other fuel stations in the area and if they would be negatively affected as well as if the development is desirable / feasible for the applicant to be a successful business venture given the other fuel stations in the area. In summary, the socio-economic feasibility assessment found the following:</p> <ul style="list-style-type: none"> <li>• This feasibility study shows that this new development is viable and meets the objectives of the Petroleum Products Act 120 of 1977, specifically section 2B as well as Employment Equity goals of the Liquid Fuels Charter.</li> <li>• An extensive analysis of the local volume potential using sophisticated estimation techniques and on site observation, coupled with a potential volume draw ranking exercise, indicates that all viable service stations within a 3km radius of the new development will remain so. There are currently 6 service stations operating with a 3km radius of this proposed development with a total volume of 1</li> </ul>
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					<p>730 000 litres and a site average of 289 000 litres per month. It is estimated that 141 000 litres per month (8%) will come from this area. The balance will be drawn from the scattering of service stations that surround this area and from which its customers are drawn.</p> <ul style="list-style-type: none"> <li>• Area analysis shows a trading area where population density is well established, upgrading, expanding and growing, where traffic is drawn from local area inhabitants as well as via a commuter corridor from neighbouring suburbs. The customer base is convenience driven and would benefit from a well-tailored convenience and fuel offering.</li> <li>• This new fuel development will provide a total of 25 new permanent jobs during the operational phase (Petrol Attendants = 18, Cashiers = 4, Management = 1, Administration = 2) as well as a further 12-15 permanent jobs in the car wash and fast foods side of the business. Temporary jobs will also be created for local inhabitants during construction. This aligns well with South Africa's Broad-based Black Economic Empowerment (BBB-EE) goals in terms of employing individuals from different Genders, Race Groups, HDSA backgrounds and from within the local community.</li> </ul>
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					<ul style="list-style-type: none"><li>• This 3km area contains 6 currently operating service stations (2 BP, 1 Caltex, 1 Engen, 1 Shell and 1 Total), providing fuel plus a range of retail and added value service offerings.</li><li>• The nearest other fuel station, ENGEN (200m away), on Prince George Drive (northbound) is on the other side of the dual carriage way on the M5 and therefore not convenient to access when travelling southbound, only north bound. The BP on Prince George Drive (1.8km away) is on the name southbound side of the dual carriage way and therefore will experience an impact as some commuters / trucks may now fill up at the proposed fuel service station further down the road. The socio-economic feasibility assessment however found that the BP is reliant on shopping centre support as Capricorn Park is located near the BP. The Assessment found that both the ENGEN and BP site will remain viable business operations, as with the other 4 operating service stations within a 3km radius of the site that are less impacted. A minimal impact on competitor sites was found.</li><li>• The Service Station complemented by an array of convenience services is a lucrative and sustainable project with a positive impact on the local area and its</li></ul>
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					<p>residents with the following benefits:</p> <ul style="list-style-type: none"> <li>○ Viable Return on Investment;</li> <li>○ Marginal / Minimal Impact on Competitor Sites;</li> <li>○ Uplifting Status of Neighbourhood;</li> <li>○ Bridging Gap of Lack of Convenience Services to Resident &amp; Commuters in Area;</li> <li>○ Additional Employment Opportunities for individuals of all Genders, Race, Walks of Life; and</li> <li>○ Business operation – 100% HDSA owned.</li> </ul>
2.	<p>What the applicant proposes is yet another filling station in an already overtraded area small town which will be unjustified and not rational. Authorising another filling station in such a congested local market would be undesirable in the extreme in that inter alia. It would undermine the viability/feasibility of existing filling stations; It would cost at least as many jobs as it creates.</p> <p>There are already more than the optimal number of filling stations in the area. The local market can't accommodate another site unless the</p>	28 October 2019	Zibele Sokabo	Fuel Retailers Association	<p>The feasibility / need for the filling station as well as its impacts to other filling stations and jobs, has all been assessed. Please refer to the socio-economic feasibility assessment in Annexure H2 of the BAR Report.</p> <p>Please also refer to our response to this concern on the need for the development under comment no 1 of this table (the comment above, point No 5). This concern has been responded to in detail above.</p> <p>Please refer to the socio-economic impact assessment / feasibility assessment which has assessed the viability of the development</p>

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<p>MUIZENBERG wants to make the retailing industry inefficient. In fact, the MUIZENBERG should look into limiting the number of sites as volumes are declining.</p> <p>Authorities need to ensure that all the existing filling stations maintain sales volumes considered in the industry to be necessary to sustain viability which are above 400 000 litres per month. To compound issues even more, MUIZENBERG as a town has been in decline for the past couple of years and the backbone of the town which is agriculture, factories has been struggling. Every service station in the town has been experiencing volume reduction consistently for the past 5 years, this is a fact the consultants can verify with the Energy department. To further compound issues, there are wholesalers who retail.</p> <p>The applicant filling station is 1 km away from the objector's site and will be adversely affected by the granting of the site, Retail License's and ultimately the operation of the filling station.</p> <p>In view of the overlap between the applications for site and retail licenses in this instance and subject to what is stated below, it is submitted that it makes imminent sense to present a</p>				<p>proposal and has confirmed that it is a viable development expected to have a minimal impact on other service stations in the region.</p>
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<p>combined objection to both and the Controller is herewith specifically requested to consider these objections in respect of both the Site and the Retail License applications herein, if both such applications have, in fact, been made.</p> <p><b>Grounds for Objection</b></p> <p>For a new site to be viable in the area it would need to pump in excess of 350 000 litres per month on average. The volumes would come from the 10 existing filling stations in town. This would mean that each filling station would lose between 50 000 to 150 000 litres per month <b>minimum</b>. Losing these volumes would seriously impact on the profitability of the other filling stations in town. This could lead to one or more of these filling stations going out of business.</p> <p>In the current business environment, none of the existing filling stations in the area can comfortably absorb a decline in their respective fuel volumes. Fuel is becoming more and more of a grudge purchase as disposable income is declining at a rapid rate as we speak a litre of petrol costs R16.00.</p> <p>Traffic volumes in MUIZENBERG are mainly locally based as commuters are</p>				
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<p>travelling to and from work as well as doing business in town mainly in Cape Town which has a lot of sites. There are some transient traffic passing through town, but these visitors do rarely stop as the area is already congested and most filling stations are difficult to access.</p> <p>Granting an extra license would again put the current filling stations under severe pressure.</p> <p>There is no major future development planned for the area. People are also relocating to bigger centres like the Durban and Gauteng due to a lack of job opportunities. The proposed filling station will lead to even more job losses at the current filling stations as they would no longer be able to afford to keep their current staff compliment numbers.</p> <p>Between the existing filling stations have more residual/spare capacity than the entire capacity of the proposed new filling station. More-over there are a number of sites have undergone an extensive revamp which cost millions. There is no unserved or underserved niche in the local fuel retailing market – clearly the applicant has not analysed or quantified the local market or sales at existing filling stations. There are no</p>				
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<p>future developments which should be relied upon when an application is lodged, and nothing has been planned municipality level for the foreseeable future. Historical sales at existing filling stations show, resonant with the global economic decline of the past few years, a shrinkage of the local fuel market and not a market growing exponentially as is assumed by the applicant.</p> <p>If the unwarranted assumption of growth is removed from the equation, the proposed filling station cannot and will not be feasible.</p> <p>The Department should be committed to protect the efficient investment in the Filling Station sector and the productive use of retail facilities by inter alia, limiting the number of sites.</p> <p><b>Loss of Employment</b></p> <p>The objective of the Department surely must be that of protecting existing employment and should be as high on the agenda as to creating new ones at the expense of existing jobs. It is therefore put forward that this proposed site will not promote sustainable business practises, and on this basis the application should be rejected. If the site is developed the “<b>existing cake</b>” will just be further divided, with</p>				
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<p>no significant increase in new business, it will place a burden on the other sites and render both the new site and the objector's site uneconomical units.</p> <p>Due to the expected loss in fuel volumes, it can reasonably be said that retail sales will also drop. This coupled with the loss in fuel sales will put the jobs of 8 people at risk per site. Them being 3 petrol attendants, 2 kitchen staff, 1 cashier, 1 supervisor &amp; 1 junior manager. This could lead to possibly 80 people within the staff support system without any means of possible income. The proposed site will create a meagre number of jobs.</p> <p>The above will impact all the sites in town not only the objector's filling station. The ripple effect at the other existing filling stations in town could be much worse. Total closure of sites might be a reality if this site is allowed.</p> <p>Conclusion</p> <p>Employment at filling stations is a product and a function of fuel sales volumes; Filling stations are trip interceptors, not trip generators with the result that: every litre of fuel sold at a new filling station is "taken" from an existing filling station; and for every job</p>				
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<p>created at a new filling station, one is lost at an existing. filling station – and if an existing filling station is forced into closure, the loss of jobs is often exponentially greater. The lack of environmental and economic sustainability is dealt with. The proposed filling station is not socially sustainable because it will cost at least as many presently sustainable jobs as it will create. The applicant wants to build an entirely unnecessary petroleum filling station on an admittedly sensitive and protection-worthy site that can only be reached by crossing a vulnerable stream.</p> <p>Clearly the applicant has failed to even determine the size of the local fuel retailing market and/or gauge historical sales volumes at existing filling stations in the area and with no verifiable understanding of the growth/stagnation/shrinkage of the local market, the applicant and its consultants thumb suck a fictitious annual growth that they claim that the proposed filling station will be catch.</p> <p>In these circumstances, these objectors submit that: The application is fatally flawed and ought to be finally refused considering the actual size of the local fuel retailing market has been established. The actual present and</p>				
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	<p>historical fuel sales volumes at existing filling stations is factored into the assessment.</p> <p>We therefore implore the controller to reject this application taking into account the objectives of the act, on grounds that the proposed site is not necessary. It will have a severe impact on the sustainability and viability of other sites in the area. More importantly I will lose my investments.</p>				
3.	<p>Water Pollution Control has the following requirements</p> <p>1. <u>Fuel Containment Area</u></p> <p>The containment slab must be graded to drain a catch-pit that is connected to discharge to the stormwater system via a 6KL oil separator while the surrounding paved surface areas must be graded to ensure rainwater runoff to the stormwater system. No washing in this area is allowed.</p> <p>2. <u>Forecourt Area</u></p> <p>The roofed forecourt area must be provided with its own set of catch pits that is connected to discharge to the sewer via a separate oil separator. Please note that the</p>	24 October 2019	Brain February	City of Cape Town Directorate: Water Pollution Control	<p>Please refer to the EMPR which has been updated to reflect these requirements to be implemented in the Design Phase (Design of the SWMP) and the Operation Phase (Avoid Contamination and Pollution).</p> <p>The following sections of the EMPR have been updated to include these requirements:</p> <p><i>Section 8.1.2: Design Phase:</i></p> <p>Objective 2: Compensate for Loss of Wetland by Compiling a Detailed SWMP &amp; New Wetland Design</p> <p><i>Section 8.2.1: Operation Phase:</i></p> <p>Objective 1: Avoid Contamination and Pollution of the Soil and Groundwater.</p>

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	<p>aforesaid areas (1 &amp; 2 above) cannot be interconnected. The surface area of the forecourt must be graded to the abovementioned catchpits while the surrounding surface area graded to drain rainwater to the stormwater system. Washing of the forecourt surface is allowed in this instance.</p> <p>3. <u>Car Wash Area</u></p> <p>Please note that the vehicle wash bay and the forecourt may share the same oil separator but cannot be connected to the separator serving the fuel containment slab.</p> <p>The CCT's requirements for Vehicle Wash Bays must be implemented.</p> <p>4. <u>Rainwater Discharge</u></p> <p>No rainwater is allowed to be discharged to the sewer system.</p>				<p>The EMPR has been updated to include an Appendix with the Requirements for a Vehicle Wash Bay installation.</p>
<b>TRAFFIC AND ACCESS</b>					
4.	<p>1. In principle, Transport: Road Infrastructure and Management offers no objection to the proposal provided that a full set of civil services plans, particularly roads and stormwater, are submitted</p>	<p>18 October 2019</p>	<p>Kloey Bam</p>	<p>City of Cape Town: Road Infrastructure and Management</p>	<p>1. An existing small depression wetland (85m<sup>2</sup>) is proposed to be infilled on site. It is therefore required to compensate for this lost wetland by building a new wetland to serve the function of stormwater retention. A significant amount of additional</p>

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	<p>prior to building plan approval.</p> <p>2. No stormwater run-off from the filling station platform will be allowed into the municipal stormwater system.</p>				<p>stormwater is proposed as a result of the development, due to increased hard surfaces.</p> <p>Please refer to section 8.1.2 of the EMPR. During the Design Phase (building plan approval phase) it is a requirement to undertake a detailed design SWMP that must include the design mitigation requirements listed in section 8.1.2 of the EMPR.</p> <p>2. This requirement has been included in section 8.1.2. The developer does propose to retain stormwater on site.</p> <p>A Detailed Stormwater Management Plan(s) must be developed. The SWMP must include the design of a new wetland to compensate for the lost wetland on site in terms of the function of stormwater retention. The new wetland should be approximately sized (20m X 5m) and could be built near the entrance to the site within the building line.</p>
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5.	<p>The application affects main Road 119 (Prince George Drive) for which the City of Cape Town is the Road authority and this Branch is the Approving Authority.</p> <p>This Branch offers no objection to the issuing of the environmental authorization in terms of NEMA.</p> <p>Detailed comments on the traffic issues will be provided to the local authority in terms of the land use process which will require a recommendation from the Road Authority.</p>	23 October 2019	Devlin Fortuin	Department of Transport and Public Works	Noted.
<b>BOTANICAL</b>					
6.	<p>The proposal is the same as what was made several years ago by Chevron. I remember years ago that we conducted a chameleon search &amp; rescue a few years ago on the site- there was a large number of chameleons (100+) on the site at the time.</p> <p>This site is not on bionet but the vegetation is still relatively intact. If the development goes ahead careful consideration should be given to the plants which may be removed- there are several small conservation areas near to the site and the plants could go, there. The search and rescue practitioner should liaise with the Zandvlei Nature reserve staff (Owen</p>	03 October 2019	Dalton Gibbs	City of Cape Town: Biodiversity Management	<p>Please refer to Section 8.1.4. of the EMPR: Objective 4: Reduce Botanical Impact by Undertaking a Search &amp; Rescue Operation. This is a construction phase objective listed in the EMPR that must be implemented during the land clearing stage of construction and will be monitored by the ECO.</p> <p>The mitigation measures under this objective states the following:</p> <ol style="list-style-type: none"> <li>1. Search and rescue must take place where possible for those species that are transplantable. The vegetation can be used for the landscaping of the site.             <ol style="list-style-type: none"> <li>a) The species that must be relocated</li> </ol> </li> </ol>

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	Wittridge & Kyran Wright)				<p>include <i>Albuca cooperi</i>, <i>Chasmanthe aethiopica</i>, <i>Scirpoides nodosus</i> and <i>Zantedeschia aethiopica</i> as per the search and rescue carried out on the site in November 2009 (Jangle, 2009) in anticipation of the site being developed then. These species are all red list Least Concern (LC).</p> <p>b) In addition, should the species <i>Capnophyllum africanum</i> or <i>Psoralea repens</i> be found on site ('Near Threatened' (NT)), these species should be relocated.</p>
<b>AIR QUALITY</b>					
7.	<p>Please include the following in the Final BAR:</p> <p><b>CONSTRUCTION PHASE: DUST MANAGEMENT:</b></p> <p>1.1. Compliance with:</p> <p style="margin-left: 20px;">a. The City of Cape Town, Air Quality Management By- Law, PG 7662 of 17 August 2016.</p> <p style="margin-left: 20px;">b. The National Dust Control, Regulation Government, Notice 827 dated 01 November 2013 as amended.</p> <p>1.2. In view of the above, no dust nuisance is to be created during construction, and post construction</p>	23 October 2019	Fundiswa Sandi	City of Cape Town: Community Services & Health Directorate: Environmental Health Specialised Services, Air Quality Management	<p>1.1 – 1.5)</p> <p>The BAR and the EMPR has been updated to include these mitigation requirements in the impact tables relevant to the construction phase (Dust Impact Management) and operation phase (Air Quality Management).</p> <p>1.6) Noted.</p> <p>1.7) No Dust Management Plan is proposed to be compiled. Dust Management is a key objective that needs to be managed as per the EMPR Section 8.2.4. Various mitigation measures have been included in this section of the EMP to ensure dust is managed appropriately.</p>

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	<p>rehabilitation phase of the project. Provision must be made for dust mitigation measures to be implemented.</p> <p><b>OPERATIONAL PHASE: AIR QUALITY IMPACT-VOLATILE ORGANIC COMPOUND (VOC)</b></p> <p>1.3. The proposed combined underground fuel storage facilities on would not exceed 1000m<sup>3</sup> for the storage of petroleum related products and therefore would not trigger a listed activity in terms of Subcategory 2.4 of Listing Notice 893 of 2013 (as amended), However it must comply with:</p> <ul style="list-style-type: none"> <li>• Section 35 of the National Environmental Management: Air Quality Act (NEMAQA) 39 dated 2004 as amended-Chapter 4, Part 6: Measures in respect of offensive odours.</li> <li>• During operational phase the occupier of the premises must take all reasonable steps to prevent the emission of any offensive odour caused by any activity on such premises.</li> </ul> <p>1.4. When Section 30 (emergency incident) of the National</p>				<p>1.8 &amp; 1.9) As per the EMPR, an ECO will be appointment to monitor the compliance of the developer during the construction phase.</p>
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## Comments and Response Table:

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<p>Environmental Management Act 107 of 1998 is triggered, the Act defines an emergency incident as an 'unexpected sudden and uncontrolled release of a hazardous substance, including from a major emission, fire or explosion, that causes, has caused or may cause significant harm to the environment, human life or property'. The relevant authority includes the municipality with jurisdiction over the area in which the incident occurred must be notified.</p> <p>1.5. The Vapour Recovery System and Vent Pipes must be fully maintained and fully operational at all times to prevent odour emissions.</p> <p><b>ENVIRONMENTAL MANAGEMENT PROGRAMME</b></p> <p>1.6. All conditions and recommendations stipulated in the EMP (8.2.4) must be complied with by the applicant /developer.</p> <p>1.7. The Dust Management Plan (DMP) must be accessible onsite to the Environmental Control Officer (ECO) until the construction, and post construction rehabilitation phase has been completed.</p>				
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## Comments and Response Table:

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	<p>1.8. An Environmental Control Officer must ensure the EMP and DMP are implemented effectively and efficiently at all time during the construction, and post construction rehabilitation phase.</p> <p>1.9. The Environmental Control Officer must comply with and ensure compliance onsite by the employees, agents and sub-contractors with the EMP and DMP.</p>				
<b>CONFIRMATION OF SERVICES (solid waste disposal, electricity, water, sewage etc.)</b>					
8.	<p><u>Services</u></p> <p>The civil services technical report attached as Appendix H1 indicates that the capacity for water and sewerage supply will be sufficient. Confirmation of these available services from the City of Cape Town must be included in the BAR. Confirmation of available power supply from the City of Cape Town must be also included in the BAR.</p>	28 October 2019	Mr. Chambeau	R DEA & DP Directorate: Development Management	Please refer to Appendix E3 of the Final BAR: Confirmation of Services Letters.
9.	<p>I have no objection to the proposal subject to the following conditions:</p> <p>1. There is currently no supply to the property. Any alterations, deviations or relocations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be</p>	02 October 2019	Susan Nel	City of Cape Town Electricity Generation & Distribution	<p>1 – 4)</p> <p>It is noted that electricity supply is available. These comments are of relevance to the land use and building plan approval process.</p>



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	<p>carried out at the applicant's cost.</p> <p>2. The general area is serviced with electricity. All metering equipment shall be accommodated in a location directly accessible from public road, i.e. on the erf boundary adjacent to the road reserve, and at street level, subject to departmental requirements. Metering requirements must be resolved in consultation with the Electricity Services Department, prior to commencing construction.</p> <p>3. Depending on the power requirement, substations may be required. These substations shall be directly accessible from public road, i.e. on the erf boundary adjacent to the road reserve, at street level and free from any traversing services, subject to departmental requirements. Depending on requirements this can take the form of any combination of the following</p> <ul style="list-style-type: none"><li>• Outdoor substation on 5m X4m site;</li><li>• Outdoor substation 6m X 4m site;</li><li>• Substation building on 20m X 14m site; or</li></ul>				
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## Comments and Response Table:

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	<ul style="list-style-type: none"> <li>• Substation contained within the building (dimension to be determined).</li> </ul> <p>Subdivision of such substation sites will be required.</p> <p>4. Electrical infrastructure may exist on the property or in its vicinity. A wayleave shall be obtained from the Electricity Generation and Distribution Department before any excavation work may commence. In this regard, please contact the Drawing and Record Centre Office (North (telephone 021 444 2146)/ East (telephone 021 444 8340)/ South (telephone 021 400 4780)).</p>				
10.	<p>The wastewater discharge is minimal its impact on the overall system is also minimal. The report does include a masterplan enquiry report which will be tested on the Master-planning Division's IMQS software.</p> <p>There would be no operational glitches from this development.</p> <p>The application from the operational side is therefore supported.</p>	25 October 2019	Moegamat Ishmail	City of Cape Town Directorate: Water and Sanitation (Operations)	It is noted that wastewater capacity is confirmed by the CCT.

## Comments and Response Table:

### 06125 - PROPOSED DEVELOPMENT OF A FUEL SERVICE STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 164232, MUIZENBERG

11.	The Environmental Management Section (EMS) is satisfied with the identification and assessment of the potential environmental impacts. EMS therefore has no objection to the proposed development of a service station on Erf 164232 provided that the mitigation measures described in the dBAR and the Environmental Management Plan report (EMPr) are implemented.	28 October 2019	Rashaad Samaai	City of Cape Town Directorate: Environmental Management	
12.	<p>1. The wash bay must be roofed, kerbed and provided with screening (walls) on three sides to prevent the ingress of rainwater.</p> <p>NB: ONLY WATERPROOF SHADECLOTH IS ALLOWED TO BE USED FOR ROOFING AND CLADDING.</p> <p>2. The entrance to the wash bay must be provided with a roll-over kerb.</p> <p>3. Effluent generated must discharge to the sewerage system via a sand trap petrol/oil interceptor and sampling chamber.</p> <p>4. All hosepipes used in the wash bay must be fitted with automatic shut-off nozzles and the water supply to the wash bay must be sub</p>	03 June 2019	Mr Brian February	City of Cape Town Directorate: Water and Waste.	The EMPr has been updated to include an Appendix with the Vehicle Wash Bay Requirements.

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	<p>metered.</p> <p>5. All taps to be located inside the wash bay.</p> <p>6. No washing of vehicles to be conducted outside of the wash bay.</p> <p>A detailed plan must be submitted to the Building Control Officer for approval before construction.</p>					
13.	<p>This report is the confirmation of water and sewer infrastructure capacity is adequate to accommodate the proposed development. The proposed development will consist of filling station with a car wash and a convenience store. Currently the site is vacant and zoned Single Residential 1: Conventional Housing according CTZS Regulations with an extent measure 4 456m<sup>2</sup>.</p> <p>The report provided an overview of the existing water and sewer structure near the development and associated conditions and technical requirements to be implemented with respect to this application.</p> <p><b>Table 1.1: Estimated water and sewer demands provide by EFG</b></p>	30 August 2019	Michael Webster	John	City of Cape Town Department: Water and Sanitation	It is noted that services have been confirmed by the CCT. This Confirmation of Services Letter has been included in Appendix E3 of the updated BAR.

# Comments and Response Table:

## 06125 - PROPOSED DEVELOPMENT OF A FUEL SERVICE STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 164232, MUIZENBERG

<b>Engineers</b>				
	Portable Water Demand			Sewer Flow
ERF Number	Application	Peak Flow l/s	Fire Flow l/s	Peak Flow l/s
164 232	Filling Station	1.26	25	0.145

  

Water Reticulation

The proposed development falls in the “Capricorn zone” pressure management system

There is an existing 609mmØ bulk distribution main running across west boundary of the property.

At the corner of Eastbourne road and St Georges street there is an existing 160mmØ with an average static pressure of 30m and 77m respectively that tie off 160mmØ along ST Georges street with a velocity of 0.41m/s, and at the North-West corner of the property is an existing 160mmØ stub tie off 609 mmØ along Prince George Drive.

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<p>The existing water reticulation system in the vicinity has sufficient capacity to supply the proposed development with potable water. Refer to Figure 1 for Existing Water Layout.</p> <p><u>Bulk Water Branch</u></p> <p>The City of Cape Town's bulk supply system is expected to have sufficient water resources, treatment, bulk storage and conveyance capacity to supply the estimated annual average daily demand of 1.26 l/s of the proposed development.</p> <p><u>Sewer Reticulation</u></p> <p>There is an existing 150 mm<math>\varnothing</math> sewer main along St Georges street. The sewer discharged from the development drains by gravity to the catchment of Clifton road Pump Station.</p> <p>Refer to Figure 2 of the Existing Sewer layout.</p> <p>The sewer model shows future master plan that requires upgrading of Clifton Rd Pump station and upsizing of the existing 500mm<math>\varnothing</math>—rising main. However, the small flows from the development will not have big impact</p>				
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### 06125 - PROPOSED DEVELOPMENT OF A FUEL SERVICE STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 164232, MUIZENBERG

<p>on the existing infrastructure as they will be off peak compared to residential sewer flows.</p> <p><u>Wastewater Branch</u></p> <p>The anticipated wastewater flow from the proposed development has been circulated to be 0.145l/s.</p> <p>This proposed development is situated within the catchment of the Cape Flats Wastewater Treatment Works; the wastewater treatment works has sufficient hydraulic capacity to accommodate the proposed development.</p> <p><u>Water pollution control</u></p> <p>The wastewater from the property must comply with Wastewater and Industrial effluent by-law which states the owner must ensure that-</p> <ol style="list-style-type: none"> <li>a. Industrial effluent which is likely to contain grease, oil, or fat or inorganic solid Matter in suspension, must be passed through a suitable treatment facility, as may be required by Council, before it is allowed to enter any sewer; and</li> <li>b. Any cleaning agent used on</li> </ol>				
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	<p>the premises for any activity may not form a stable emulsion of solidify in the system.</p> <p><u>Conclusion</u></p> <p>The sewer and water bulk infrastructure have sufficient spare capacity to accommodate the proposed development.</p> <p><u>Condition</u></p> <p>The Water and Sanitation Department has no objection to the proposed application provided the following conditions are adhered to:</p> <ol style="list-style-type: none"><li>1. The developer/owner is responsible for the payment of development contributions towards the provision of bulk water and sewerage services, in accordance with the City policy and will be subject to annual escalation and the amount payable will be the amount calculated at the time of payment.</li><li>2. Where municipal services traverse private property or fall outside a public road reserve, a minimum 3m wide servitude to be registered in favour of the</li></ol>				
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<p>City by the developer.</p> <p>3. A wayleave to be obtained from Water and Sanitation Department prior to any work on municipal land or any activity within 3m from any municipal services.</p> <p><u>Technical requirements</u></p> <p>4. The water and sewer capacities allocated to this document shall not be reserved if not taken up before the lesser of 5 years or the approved development office.</p> <p>5. Application must be made for any new water metered connection to the Reticulation District Head.</p> <p>6. Service infrastructure is subject to quality control during construction and testing prior to approval.</p> <p><u>General/Disclaimer</u></p> <p>Information provided is based on best available data. The flows and pressures provided in this comment are theoretical and not measured. All engineering infrastructure locations are an approximate indication and to be</p>				
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## Comments and Response Table:

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	verified and confirmed in the field prior to excavation.				
<b>NUISANCES</b>					
14.	I would like to add my objection to this proposal. I am a resident at Evergreen Lifestyle Retirement Complex which borders on this site. The noise, pollution, additional traffic emanating from this service station, as well as the potential security risks to our complex , all on a 24/7 basis, is completely unacceptable to senior residents living here and I urgently request that you place this objection where it will be recognized in a very serious light.	23 October 2019	Audrey Marshall	Evergreen Lifestyle Retirement Complex	Please refer to our response to these concerns under No. 1 of this comments & responses table.
15.	<p>As a resident of Evergreen Retirement Village, Muizenberg, it is with grave concern that your proposal to develop a Service Station bordering 2 sides of the village.</p> <p>We came into the village as residents with the hope &amp; intention of spending our later years in an environment of peace &amp; quiet which so far has been met with exactly that.</p> <p>Now we are being possibly faced with 24/7 traffic in &amp; out of a service station, dispensing unleaded &amp; lead replacement fuel, as well as diesel for cars, light &amp; heavy commercial vehicles together with forecourt facilities &amp; a car</p>	22 October 2019	Barrie Howard	Evergreen Lifestyle Village	<p>It is noted that your concern is with regards to noise disturbance from the facility and associated traffic noise disturbance.</p> <p>Fuel stations are built to very stringent fuel industry standards and South African National Standards (SANS) standards. They are very often located near residential communities (as with the ENGEN facility on the other side of the dual carriage way nearby) and do not cause a nuisance to the adjacent communities if managed and designed correctly.</p> <p>Consideration of the potential noise nuisance to the Evergreen Lifestyle Village has certainly been taken into account in the Impact Assessment. Noise Specialist Impact</p>

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<p>wash, a convenience store &amp; Co Brand shop which clearly demonstrates &amp; constitutes never ending 24/7 disturbance.</p> <p>Whilst not wanting to stand in the way of progress-Progress is a 2-way street which to succeed in business it should be combined with consideration!!!</p> <p>I doubt any consideration has been applied to the residents of a retirement home who's only concern is to live in peace, quiet &amp; contentment in these extremely difficult political times of unrest &amp; increasing violence.</p>				<p>Assessment has been undertaken. Please refer to Appendix G5 of the Revised Draft Basic Assessment Report.</p> <p>The majority of patrons frequenting the facility will come off Prince George Drive (M5) and access the site from the south (St George Street not adjacent to the Evergreen Retirement Village), before existing via Eastbourne Road (refer to Appendix B2). The three resident's east of Eastbourne road have therefore been identified to be the most sensitive traffic noise receptors from traffic entering and existing the fuel service station from Eastbourne Road (although majority will enter from St George). The noise specialist study (Appendix G5) has found that there is existing traffic noise (residual noise) to the West of the property on Prince George Drive and to the South of the property on St Georges Street. A Noise Modelling Study was undertaken (based on predicted traffic during peak hours and the site layout plan) to calculate / predict the anticipated noise levels as a result of the fuel station (based on layout plan, development type and traffic expectation). According to the predicted overall noise contribution results, the maximum anticipated sound pressure level at the property boundary of Muizenberg Fuel Station will not exceed the maximum allowable limit (as per the Western Cape Noise Control Regulations) of 60 dBA during the daytime during peak hour operations. The results of the noise impact assessment also show that it is not anticipated</p>
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## Comments and Response Table:

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					<p>that Muizenberg Fuel Station will exceed the maximum allowable limit of 50 dBA during the night-time. The noise specialist therefore concluded that the significance ranking of the proposed Muizenberg Fuel Station is therefore considered to be LOW in terms of noise impact because the predicted noise contribution at the nearest dwellings to the proposed site complies with the legal standards and regulations applicable to inhabited areas and the development will not cause an increase in residual noise levels already existing in the area at its southern and west boundaries (M5 and St George Roads).</p> <p>Please also refer to the key findings and key recommendations of the Noise Impact Assessment summarised on page 102 – 103 of the BAR.</p>
16.	<p>I refer to the above project, namely a proposal to place a service station complex on Erf 164232, Muizenberg. As an adjacent resident, I wish to record an objection on the following grounds,</p> <ol style="list-style-type: none"> <li>1. This property borders on a retirement complex.</li> <li>2. As a 24-hour operation, noise levels from vehicles and staff will be unacceptable.</li> <li>3. Pollution on the retirement</li> </ol>	22 October 2019	Chris Turner	Evergreen Lifestyle Village.	<ol style="list-style-type: none"> <li>1. The retirement complex borders the back (north border of the development proposal) of the proposed ENGEN service station and associated facilities and therefore will be bordered by the retail buildings rather than the fuel dispensing area / forecourt of the facility which is on the southern border of the site. There are 4 units of the retirement village that are located on the east border of Eastborne Road, the proposed full entrance to the facility.</li> <li>2. A Noise Impact Assessment has now been undertaken in response to noise concerns</li> </ol>

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	<p>centre from fuel fumes and catering smells will be unacceptable.</p> <p>4. This will remove the last green space in the area.</p> <p>5. A service station already exists on the opposite side of the road.</p> <p>6. A car wash will put undue stress on water, whether municipal or well point.</p>				<p>from the retirement village. Please see response to comment No 15 above.</p> <p>3. Please refer to section 8.4.2 of the Environmental Management Programme (EMPR) as follows:</p> <p><i>Objective 2: Avoid Air Quality Impact</i></p> <p>The mitigation measures listed under this section of the EMPR will be legally binding on the applicant to implement if an Environmental Authorisation is issued and the EMPR approved.</p> <p>The Environmental Assessment Practitioner has found that if the mitigation measures are implemented (as listed in the BAR &amp; EMP under air quality impacts), this impact will be reduced to a low impact significance. This means, when looking at the Impact Methodology, that “the impact will be mitigated to the point where it is of limited importance”.</p> <p>Air quality, health and nuisance impacts as a result of the fuel station fumes and odours are therefore highly unlikely.</p> <p>Fuel stations are built to very stringent fuel industry standards and South African National Standards (SANS) standards. They are very often located near residential</p>
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					<p>communities and do not cause a nuisance to the adjacent communities if managed and designed correctly.</p> <p>4. Should this green space not be removed by the proposed development, it will certainly be lost to residential development anyway. The site is currently zoned for residential purposes, within the urban edge and has been set aside by the CCT to be developed.</p> <p>5. Yes, an ENGEN service station is on the other side of the dual carriage way. This service station serves the cars travelling north bound on the M5. The proposed fuel station, if approved, will serve the vehicles travelling south bound on the M5.</p> <p>6. Please refer to the EMPR which has been updated to include water demand management measures required to be implemented at the car wash. Please see Objective 8: Reduce Water Demand.</p>
17.	<p>I write in my personal capacity with regard to the proposed development of Erf 164232 as a fuel service station adjacent to my home at 26 Evergreen Retirement Village, Muizenberg.</p> <p>I would like to place on record my objections as part of the public</p>	22 October 2019	Mrs L.T Wilson	Evergreen Lifestyle Village	<p>7. A Noise Impact Assessment has now been undertaken in response to noise concerns from the retirement village. Please see response to comment No 15 above for our response to the noise impact concerns.</p> <p>1. Fuel stations are built to very stringent fuel industry standards and South African</p>

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<p>participation process.</p> <p>1. Noise Concern</p> <p>The proposed fuel station is directly adjacent to Evergreen Retirement Village which offers home based care for the elderly. My home is situated on the boundary of Eastbourne Road, my bedroom faces the boundary wall. The boundary wall is merely a vibacrete wall which offers no protection from traffic noise, particularly taxi's that have their music blearing day and night. How do you suggest I get a restful night's sleep with vehicles driving in and out 24/7?</p> <p>2. Property Value</p> <p>Another concerning issue for myself and other residents on the boundary of Eastbourne is the negative impact this development will have on the value of our properties. Who in their right mind would want to live out their "golden years" next to a fuel station with no respite from the volume of noise this proposed development would bring.</p> <p>3. Need and Desirability Concern</p> <p>There is a fuel station directly across the road, there is absolutely no need</p>				<p>National Standards (SANS) standards. They are very often located near residential communities and do not cause a nuisance to the adjacent communities if managed and designed correctly.</p> <p>2. An ENGEN service station is on the other side of the dual carriage way. This service station serves the cars travelling north bound on the M5. The proposed fuel station, if approved, will serve the vehicles travelling south bound on the M5.</p> <p>The need and desirability of the fuel station has been assessed in the form of a Feasibility Assessment (see Annexure H2 of the BAR Report) which has assessed the need taking into account other fuel stations in the area and if they would be negatively affected as well as if the development is desirable / feasible for the applicant to be a successful business venture given the other fuel stations in the area. In summary, the socio-economic feasibility assessment found the following:</p> <ul style="list-style-type: none"> <li>• It concludes that the Service Station complemented by an array of convenience services is a lucrative and sustainable project with a positive impact on the local area and its residents with the following benefits:</li> </ul>
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## Comments and Response Table:

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	<p>for an additional fuel station in the same vicinity.</p> <p>4. Health &amp; Safety Risk</p> <p>I view the planned development as needless, ridiculous and furthermore a health and safety risk for the senior citizens resident at Evergreen Lifestyle Village.</p>				<ul style="list-style-type: none"> <li>• Viable Return on Investment;</li> <li>• Marginal / Minimal Impact on Competitor Sites;</li> <li>• Uplifting Status of Neighbourhood;</li> <li>• Bridging Gap of Lack of Convenience Services to Resident &amp; Commuters in Area;</li> <li>• Additional Employment Opportunities for individuals of all Genders, Race, Walks of Life; and</li> <li>• Business operation – 100% HDSA owned.</li> </ul> <p>3. The site will be operated according to international oil industry standards when it comes to fire prevention and health &amp; safety impacts associated with its operation.</p> <p>Please refer to section 8.4.3 of the Environmental Management Programme Objective 3 which lists the mitigation requirements that are legally binding on the applicant to implement to avoid health &amp; safety risk.</p> <p>The Impact Assessment found that should these mitigation requirements be</p>
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## Comments and Response Table:

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					<p>implemented to health and safety risk is expected to be low.</p> <p>The Environmental Assessment Practitioner has found that if the mitigation measures are implemented (as listed in the BAR &amp; EMP), this impact will be reduced to a low impact significance. This means, when looking at the Impact Methodology, that “the impact will be mitigated to the point where it is of limited importance”.</p>
18.	<p>I wish to register my objection to the proposed project. I am a resident of the retirement village adjacent to the proposed site. Although Costa da Gama, has become a fairly densely built-up area, it is still very quiet and relatively safe and so suitable for the senior citizens living at Evergreen. With the establishment of a service station, open for business at all hours, this must inevitably change, with lights shining into the complex and high levels of noise until late at night. Many of the cottages in this complex are right next to the site of the proposed service station and even those situated further away will be affected.</p> <p>I hope that my comments will be taken into consideration when the siting of the service station is considered.</p>	22 October 2019	Margaret Clough	Evergreen Retirement Village	<p>It is noted that your concerns pertain to light and noise pollution as well as security risk.</p> <p>In response to concerns from Evergreen Lifestyle Village pertaining to noise impacts / nuisance a Noise Specialist Impact Assessment has been undertaken. Please refer to Appendix G5 of the Revised Draft Basic Assessment Report.</p> <p>A Noise Impact Assessment has been undertaken in response to concerns over noise. Please refer to Appendix G5 of the Revised Draft Basic Assessment Report.</p> <p>The majority of patrons frequenting the facility will come off Prince George Drive (M5) and access the site from the south (St George Street not adjacent to the Evergreen Retirement Village), before existing via Eastbourne Road (refer to Appendix B2). The</p>

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					<p>three resident's east of Eastbourne road have therefore been identified to be the most sensitive traffic noise receptors from traffic entering and existing the fuel service station from Eastbourne Road (although majority will enter from St George). The noise specialist study (Appendix G5) has found that there is existing traffic noise (residual noise) to the West of the property on Prince George Drive and to the South of the property on St Georges Street. A Noise Modelling Study was undertaken (based on predicted traffic during peak hours and the site layout plan) to calculate / predict the anticipated noise levels as a result of the fuel station (based on layout plan, development type and traffic expectation). According to the predicted overall noise contribution results, the maximum anticipated sound pressure level at the property boundary of Muizenberg Fuel Station will not exceed the maximum allowable limit (as per the Western Cape Noise Control Regulations) of 60 dBA during the daytime during peak hour operations. The results of the noise impact assessment also show that it is not anticipated that Muizenberg Fuel Station will exceed the maximum allowable limit of 50 dBA during the night-time. The noise specialist therefore concluded that the significance ranking of the proposed Muizenberg Fuel Station is therefore considered to be LOW in terms of noise impact because the predicted noise contribution at the nearest dwellings to the proposed site complies with the legal standards and regulations applicable to inhabited areas and the development will not cause an increase in</p>
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					<p>residual noise levels already existing in the area at its southern and west boundaries (M5 and St George Roads).</p> <p>Please also refer to the key findings and key recommendations of the Noise Impact Assessment summarised on page 102 – 103 of the BAR Visual impacts (light pollution) have been identified in the Basic Assessment EIA Report as a potential impact that could occur (if unmitigated), as follows:</p> <p><i>“Visual Impact: The visibility of the fuel station and associated infrastructure by adjacent residents. Service station visual impacts are greatest at night due to light impacts during this time. Fuel service stations operate 24/7”.</i></p> <p>Therefore, this impact, during the operational phase of the fuel station was assessed to have a Medium Negative Impact significance (without mitigation). According to the Impact Assessment Methodology outlined in the BAR Report, this means that <i>“the impact is of sufficient importance and is therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels”.</i></p> <p>Various mitigation measures are therefore required to be implemented by the applicant, as listed in SECTION G: IMPACT ASSESSMENT, IMPACT AVOIDANCE, MANAGEMENT, MITIGATION AND MONITORING MEASURES</p>
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### 06125 - PROPOSED DEVELOPMENT OF A FUEL SERVICE STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 164232, MUIZENBERG

					<p>– section 2.2.6 (Visual Impact).</p> <p>The following mitigation measures are listed in section 2.2.6 of the BAR Report and in the Environmental Management Programme required to be implemented prior to construction:</p> <ul style="list-style-type: none"> <li>• <i>A lighting expert is required to be appointed during the design phase to inform on the lighting required to be installed with the aim of not causing significant light pollution impacts to adjacent sensitive receptors.</i></li> <li>• <i>Focused, under-canopy lighting should be installed.</i></li> </ul> <p>The Environmental Assessment Practitioner has found that if the mitigation measures listed above are implemented (as listed in the BAR &amp; EMP), this impact will be reduced to a low impact significance. This means, when looking at the Impact Methodology, that “the impact will be mitigated to the point where it is of limited importance”.</p> <p>With the erf currently vacant, the security risk is higher than if a fuel service station is built. Fuel stations are not known to attract “unconsolidated persons” or crime.</p>
19.	My wife and I being residence of Evergreen Retirement Village strongly object to the construction of yet another	24 October 2019	Jeffrey Levey	Evergreen Retirement Village	It is noted that your concerns pertain to air quality (fumes and odours), noise and the need for the facility. These are the same concerns

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	<p>service station in this area. This is a high density residential are of several complexes.</p> <p>The effect of pollution of the surrounding area will be detrimental to the health of the senior citizen of this village notwithstanding the increase in traffic volume and noise. We already have to contend with Sunrise Boulevard being a secondary motorway.</p> <p>Considering there are already two service stations in the area one at Capricorn Park the other on Marina Da Gama side of Prince George Drive another one is not necessary.</p> <p>Once again, we strongly object to this proposal.</p>				<p>submitted in the petition signed by 213 residents of the Retirement Village. Please therefore refer to our response to these concerns under No 1 of this comments &amp; responses table.</p>
20.	<p>We are residents of Evergreen Lifestyle Village, Sunrise Boulevard, Costa da Gama, Muizenberg. This complex is adjacent to the land for the proposed development. It is a community of elderly residents with a Frail Care facility on the property. We purchased a dwelling here almost five years ago and appreciate the peace and security offered.</p> <p>The impact of a fuel station on this erf directly adjacent to the village would be considerable. The increase in air</p>	23 October 2019	Neville and Patricia Baling	Evergreen Lifestyle Village	<p>It is noted that your concerns pertain to air quality (fumes and odours), noise and the potential security risk. These are the same concerns submitted in the petition signed by 213 residents of the Retirement Village. Please therefore refer to our response to these concerns under No 1 of this comments &amp; responses table.</p>

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	<p>pollution, noise pollution, and the constant disturbance of cars and people that form part of the activities of a fuel station right on our doorstep will be considerable. To say nothing of the increased security concerns.</p> <p>For these reasons plus the fact that there are already fuel stations fairly close, we strongly object to the proposed plan.</p>				
21.	<p>I am a resident of Evergreen Lifestyle village in Muizenberg, a retirement village accommodating at least 300 elderly people, which is directly adjacent to the land of a proposed development.</p> <p>I live close to the area concerned and I was appalled when I heard of this proposed development.</p> <p>We are a village of elderly people and the idea of having all that fuel (even if it is underground) so close to our homes does not bear thinking about.</p> <p>The noise pollution will be horrendous with vehicles going back and forth, revving and braking almost on my doorstep. Most people do not speak without shouting which could continue day and night especially if there is a shop open 24/7.</p>	22 October 2019	Mrs P. Lightfoot	Evergreen Lifestyle Village, Muizenberg	It is noted that your concerns pertain to air quality (fumes and odours), noise and health and safety risk. These are the same concerns submitted in the petition signed by 213 residents of the Retirement Village. Please therefore refer to our response to these concerns under No 1 of this comments & responses table.

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	<p>Should there be a fire the outcome is too dreadful to contemplate. There is no need for an additional fuel station as there is one a few hundred yards up at Capricorn Square as well as another fuel station virtually across the road from this new proposal.</p> <p>I strongly oppose the development of an operating fuel station so close to our village.</p>				
22.	<p>I write with regard to the proposed development of erf 164232 as a fuel service station in my capacity as a homeowner at Village 25 Evergreen Retirement Village, Muizenberg. I would like to place on record my comments as part of the public participation process.</p> <p>I believe the development of the erf as a fuel service station is unsuitable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed fuel station would be in the immediate vicinity of two other fuel stations in a 3km radius.</li> <li>• The proposed fuel station is directly adjunct to Evergreen Retirement Village which offer healthcare and palliative care</li> </ul>	22 October 2019	S. Kietzman	Evergreen Lifestyle Village	<p>It is noted that your concerns pertain to noise, health and safety risk, need and desirability for the development, traffic safety impact and devaluation of property.</p> <p>These are similar concerns submitted in the petition signed by 213 residents of the Retirement Village. Please therefore refer to our response to these concerns under No 1 of this comments &amp; responses table.</p> <p>In response to the concern on potential devaluation of the property, Fuel stations are built to very stringent fuel industry standards and South African National Standards (SANS) standards. They are very often located near residential communities and do not cause a nuisance to the adjacent communities if managed and designed correctly. The convenience of the 24 hour shop and fuel supply convenience is expected to benefit the</p>

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	<p>for the elderly;</p> <ul style="list-style-type: none"> <li>• The proposed fuel station would service leaded, unleaded, and diesel for vehicles which poses health risks as they are flammable and explosive substances and could cause injury or loss of life.</li> <li>• The proposed fuel station would operate 24/7 which would pose a noise nuisance for nearby residence.</li> <li>• The proposed fuel station would introduce a new exit route at Eastbourne Street which would create additional traffic and road noise in the area;</li> <li>• The proposed fuel station would invite additional traffic related safety concerns for pedestrians (who predominantly are less mobile and are elderly).</li> <li>• The proposed fuel station would devalue nearby properties in the area.</li> </ul> <p>It is for the above concerns that I view the planned development as undesirable, needless, and as a health</p>				<p>surrounding residents.</p> <p>Traffic related safety concerns were assessed in the impact assessment by a traffic engineer and has been found to be a low impact significance.</p> <p>Please refer to the Environmental Management Programme, which will become legally binding on the applicant to implement should the development be authorized, Section 8.2.5: <i>Objective 5</i> and Section 8.4.4: <i>Objective 4</i>. These measures will be implemented during the construction and operation phase to “Limit Traffic &amp; Safety Impacts to Road Users”.</p>
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	<p>and safety concern to at-risk and vulnerable neighbors.</p> <p>For these reasons I propose that the development be reconsidered entirely.</p>				
23.	<p>My wife and I are residents of Lifestyle Village in Muizenberg. We are in our mid-eighties. Our home is directly adjacent to the land of the proposed development.</p> <p>We strongly oppose this development of a fuel service station, because of:</p> <ol style="list-style-type: none"> <li>1. The huge increase of noise, not only in the development phase, but then in the 24-hour operation of all the facilities.</li> <li>2. The deterioration of air quality, particularly for those already suffering from respiratory issues.</li> <li>3. The increased security risk from all the activities on the other side of our wall.</li> <li>4. The intermittent and constant light pollution.</li> <li>5. The fact that there are already convenient fuel service stations on Prince George Drive nearby, one only 80 metres away from this site.</li> </ol>	23 October 2019	Wouter and Judy van Warmelo	Evergreen Retirement Village	<p>It is noted that your concerns pertain to air quality (fumes and odours), noise, security risk and the need for the facility. These are the same concerns submitted in the petition signed by 213 residents of the Retirement Village. Please therefore refer to our response to these concerns under No 1 of this comments &amp; responses table.</p>

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24.	<p>As owners and residents of 40 Ventnor Road and 61 P. G. Drive we will be affected by the suggested development as we will be in close proximity to the proposed service station. We object, based on the following;</p> <ol style="list-style-type: none"> <li>1) We already have 2 service stations, one in very close proximity (North-bound) and one within 1km (South-bound), comfortably servicing the traffic in the community.</li> <li>2) Residential properties in close proximity will/may devalue as a result.</li> <li>3) Fumes emitted during filling and the extra vehicle traffic attracted, will/may pollute the air.</li> <li>4) There will be all day and all-night commotion, billboard etc. lighting and noise, affecting the residents, esp. those in close proximity – they have invested in buying property, mostly not knowing about the service station.</li> <li>5) It, surely, will not be pleasant for the elderly residents of Evergreen, directly adjoining.</li> </ol> <p>Sell the land to Evergreen for them to</p>	23 October 2019	Sandra and Jacob Beute	Evergreen Retirement Village	<p>It is noted that your concerns pertain to air quality (fumes and odours), noise, security risk, valuation of property and the need for the facility. These are the same concerns submitted in the petition signed by 213 residents of the Retirement Village. Please therefore refer to our response to these concerns under No 1 of this comments &amp; responses table.</p> <p>In response to the concern on potential devaluation of the property, Fuel stations are built to very stringent fuel industry standards and South African National Standards (SANS) standards. They are very often located near residential communities and do not cause a nuisance to the adjacent communities if managed and designed correctly. The convenience of the 24 hour shop and fuel supply convenience is expected to benefit the surrounding residents.</p>
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	<p>place a Bowling Green and plants and the much-needed shrubs and trees (no trees east of P G Drive) to clean the air.</p> <p>We are in need of green, not more structure, more commotion and more pollution. I trust you understand.</p>				
25.	<p>I cannot support this proposal. There is a delicate balance in this sensitive environment both socially and in terms of traffic. In my opinion this is not necessary or desirable.</p>	<p>22 October 2019</p>	<p>Shelley Wolstenholme</p>	<p>Evergreen Retirement Village</p>	<p>It is noted that your comments pertain to noise / nuisance to the retirement village as well as traffic impact concerns.</p> <p>In response to concerns from Evergreen Lifestyle Village pertaining to noise impacts / nuisance a Noise Specialist Impact Assessment has been undertaken. Please refer to the response above to comment No 15 &amp; 18 in response to noise concerns submitted by various people.</p> <p>A Traffic Impact Assessment was undertaken by a traffic engineer resulting in the following key findings:</p> <ul style="list-style-type: none"> <li>• The resulting trip generation rate for the service station (based on 400m<sup>2</sup> Retail GLA) would be: 28 trips/100 m<sup>2</sup> in the AM peak hour, 29.5 trips/100 m<sup>2</sup> in the MD peak hour and 30 trips/100 m<sup>2</sup> in the PM peak hour. These trip generation rates are higher than the TMH17 rates for 400 m<sup>2</sup> Retail GLA for the PM peak hour which is 21.7 trips/100m<sup>2</sup>. Of this rate only 33% would be new trips (i.e. 7.16 new</li> </ul>

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					<p>trips/100 m<sup>2</sup>) with the remaining trips being pass-by and diverted trips.</p> <ul style="list-style-type: none"> <li>• No significant traffic impact is expected as a result of the new service station.</li> <li>• The forecourt is well located allowing for good traffic flow from both accesses.</li> </ul>
26.	<p>1. There is no sense in the location of this proposal to build an additional fuel station when there are already three other fuel stations in short proximity. These fuel stations are situated 80m along Prince Georges Drive, 700m away, at Capricorn Shopping Centre, and a third, a 1000m away, along Military Road.</p> <p>2. The inevitable night-time light pollution of the proposed development is not suitable for a residential area. The constant light from customer cars and the fuel station and its suppliers will immediately exceed allowable light levels for a location of this zoning, also negatively affecting local critically endangered wildlife.</p> <p>3. The proposed development will negatively affect aesthetic intent of the landscape through deterioration of streetscape, with a negative visual impact and no</p>	28 October 2019	Shirley van Eeden	Shirley van Eeden	<p>1. The need and desirability of the fuel station has been assessed in the form of a Feasibility Assessment (see Annexure H2 of the BAR Report) which has assessed the need taking into account other fuel stations in the area and if they would be negatively affected as well as if the development is desirable / feasible for the applicant to be a successful business venture given the other fuel stations in the area. In summary, the socio-economic feasibility assessment found the following:</p> <ul style="list-style-type: none"> <li>• This feasibility study shows that this new development is viable and meets the objectives of the Petroleum Products Act 120 of 1977, specifically section 2B as well as Employment Equity goals of the Liquid Fuels Charter.</li> <li>• An extensive analysis of the local volume potential using sophisticated estimation techniques and on site observation, coupled with a potential volume draw ranking exercise, indicates that all viable service stations</li> </ul>

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	<p>proposed screening within the design.</p> <p>4. The proposed development will have a damaging impact on existing landscape through the removal of indigenous and endangered vegetation with no intent to better the pre-existing conditions.</p> <p>5. The site is not zoned for business development within the local development plan. Our understanding is that local development plans are earmarked for residential use and there is no reason that it should deviate from that.</p> <p>6. The deterioration of air quality due to petrol fumes and the constant traffic, especially as the access road is adjacent to our properties, would have an adverse impact on the health of the residents, including those in the frail care centre. Many residents already suffer from respiratory diseases and ailments.</p> <p>7. A specific health concern is the known carcinogen (WHO reference) which is petroleum. Petroleum and associated by-products carry not only carcinogens but also the risk of</p>				<p>within a 3km radius of the new development will remain so. There are currently 6 service stations operating with a 3km radius of this proposed development with a total volume of 1 730 000 litres and a site average of 289 000 litres per month. It is estimated that 141 000 litres per month (8%) will come from this area. The balance will be drawn from the scattering of service stations that surround this area and from which its customers are drawn.</p> <ul style="list-style-type: none"> <li>• Area analysis shows a trading area where population density is well established, upgrading, expanding and growing, where traffic is drawn from local area inhabitants as well as via a commuter corridor from neighbouring suburbs. The customer base is convenience driven and would benefit from a well-tailored convenience and fuel offering.</li> <li>• This new fuel development will provide a total of 25 new permanent jobs during the operational phase (Petrol Attendants = 18, Cashiers = 4, Management = 1, Administration = 2) as well as a further 12-15 permanent jobs in the car wash and fast foods side of the business. Temporary jobs will also be created for local inhabitants during construction. This aligns well with South Africa's Broad-based Black Economic Empowerment (BBB-EE) goals in terms of employing individuals</li> </ul>
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	<p>contamination of the adjacent water supply.</p> <p>8. A further health concern is the contamination of the air quality, raising particulate matter well beyond safe standards as set out in WHO Guidelines. The fumes from petrol and other contaminants will be constantly in the air, poisoning the air and polluting the environment, with no credible remediation strategy carried out.</p> <p>9. The increase in noise pollution and the exceeding of permissible decibels from motor vehicles; pedestrian traffic; a 24/7 convenience store; music; a car wash operating 24/7; constant activities from fuel tankers; customers and additional traffic 24 hours a day is not appropriate for a residential area.</p> <p>10. Finally, the increased risk and vulnerability of the local residents with the unsecured perimeter boundary wall of Evergreen's Lifestyle Village, would only add to the already heightened security risk, with unsolicited persons further inviting raised crime levels.</p>				<p>from different Genders, Race Groups, HDSA backgrounds and from within the local community.</p> <ul style="list-style-type: none"> <li>• This 3km area contains 6 currently operating service stations (2 BP, 1 Caltex, 1 Engen, 1 Shell and 1 Total), providing fuel plus a range of retail and added value service offerings.</li> <li>• The nearest other fuel station, ENGEN (200m away), on Prince George Drive (northbound) is on the other side of the dual carriage way on the M5 and therefore not convenient to access when travelling southbound, only north bound. The BP on Prince George Drive (1.8km away) is on the name southbound side of the dual carriage way and therefore will experience an impact as some commuters / trucks may now fill up at the proposed fuel service station further down the road. The socio-economic feasibility assessment however found that the BP is reliant on shopping centre support as Capricorn Park is located near the BP. The Assessment found that both the ENGEN and BP site will remain viable business operations, as with the other 4 operating service stations within a 3km radius of the site that are less impacted. A minimal impact on competitor sites was found.</li> <li>• The Service Station complemented by</li> </ul>
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					<p>an array of convenience services is a lucrative and sustainable project with a positive impact on the local area and its residents with the following benefits:</p> <ul style="list-style-type: none"> <li>○ Viable Return on Investment;</li> <li>○ Marginal / Minimal Impact on Competitor Sites;</li> <li>○ Uplifting Status of Neighbourhood;</li> <li>○ Bridging Gap of Lack of Convenience Services to Resident &amp; Commuters in Area;</li> <li>○ Additional Employment Opportunities for individuals of all Genders, Race, Walks of Life; and</li> <li>○ Business operation – 100% HDSA owned.</li> </ul> <p>2. There is no local critically endangered wildlife on or near the site. This is the last small patch of undeveloped land.</p> <p>Visual impacts (light pollution) have been identified in the Basic Assessment EIA Report as a potential impact that could occur (if unmitigated), as follows:</p> <p><i>“Visual Impact: The visibility of the fuel station and associated infrastructure by adjacent residents. Service station visual impacts are greatest at night due to light impacts during this time. Fuel service</i></p>
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					<p><i>stations operate 24/7".</i></p> <p>Therefore, this impact, during the operational phase of the fuel station was assessed to have a Medium Negative Impact significance (without mitigation). According to the Impact Assessment Methodology outlined in the BAR Report, this means that <i>"the impact is of sufficient importance and is therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels"</i>.</p> <p>Various mitigation measures are therefore required to be implemented by the applicant, as listed in SECTION G: IMPACT ASSESSMENT, IMPACT AVOIDANCE, MANAGEMENT, MITIGATION AND MONITORING MEASURES – section 2.2.6 (Visual Impact).</p> <p>The following mitigation measures are listed in section 2.2.6 of the BAR Report and in the Environmental Management Programme required to be implemented prior to construction:</p> <ul style="list-style-type: none"> <li>• <i>A lighting expert is required to be appointed during the design phase to inform on the lighting required to be installed with the aim of not causing significant light pollution impacts to</i></li> </ul>
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				<p><i>adjacent sensitive receptors.</i></p> <ul style="list-style-type: none"> <li>• <i>Focused, under-canopy lighting should be installed.</i></li> </ul> <p>The Environmental Assessment Practitioner has found that if the mitigation measures listed above are implemented (as listed in the BAR &amp; EMP), this impact will be reduced to a low impact significance. This means, when looking at the Impact Methodology, that “the impact will be mitigated to the point where it is of limited importance”.</p> <p>It is noteworthy that there are walls surrounding the Evergreen Retirement Village so light pollution from vehicles will not be an impact it is most likely going to be from canopy lighting from the forecourt/shops.</p> <p>3. An aesthetic and visually pleasing wetland are proposed to be built near the entrance to the facility. The wetland near the entrance will also be appropriately landscaped in accordance with a landscaping plan to be compiled by a freshwater ecologist.</p> <p>Please refer to section 8.1.3 of the EMPR.</p> <p>4. The botanical specialist explains that</p>
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				<p>overall, the current state of the vegetation on the site can be described as being “poor” as ecological functionality has been severely compromised or lost, in addition to alteration of the structure and composition of the vegetation.</p> <p>The site does not form part of the City of Cape Towns Biodiversity Network, either as a Terrestrial Critical Biodiversity Area (CBA) or Ecological Support Area (ESA). In terms of terrestrial vegetation, the site has therefore not been identified to be of any biodiversity conservation importance.</p> <p>5. It should be noted that a Record of Decision (now called an Environmental Authorisation) for the same development was approved by the Department of Environmental Affairs &amp; Development Planning (DEA &amp; DP) on the 30th June 2008 (see Appendix K of the BAR). The development proposal approved in 2008 was almost exactly the same proposal as the current proposal except there is now one addition underground tank now proposed. The development rights lapsed because the applicant did not build the fuel service station within a 2 year period and hence this is a re-submitted application.</p> <p>A town planner has been appointed to undertake the land use application process to apply with the CCT to rezone the site</p>
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					<p>from residential to business zoning to allow for the development of the fuel service station.</p> <p>Should the proposed development be found to be a sustainable development that does not significantly impact the health and well being of people or have significant environmental impacts, there is no reason it should not be authorized.</p> <p>6. Air quality impacts have been identified in the Basic Assessment EIA Report as a potential impact that could occur (if unmitigated), as follows:</p> <p>“Fuel vapour emissions may cause an odour nuisance or health impacts to adjacent residents, staff on site or to users of the fuel depot”.</p> <p>Therefore, this impact, during the operational phase of the fuel station was assessed to have a Medium Negative Impact significance (without mitigation). According to the Impact Assessment Methodology outlined in the BAR Report, this means that “the impact is of sufficient importance and is therefore considered to have a negative impact. Mitigation is required to reduce the negative impacts to acceptable levels”.</p> <p>Various mitigation measures are therefore</p>
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					<p>required to be implemented by the applicant, as listed in SECTION G: IMPACT ASSESSMENT, IMPACT AVOIDANCE, MANAGEMENT, MITIGATION AND MONITORING MEASURES – section 2.2.5 (Air Quality Impact).</p> <p>These same mitigation measures have been included in the Environmental Management Programme (which is the construction and operational phase “procedure” that must be implemented by the applicant to avoid and reduce impacts). The EMP, once approved by the DEA &amp; DP if they issue an Environmental Authorisation, will become legally binding on the applicant to implement. The EMP will also be audited by an external independent auditor during the construction and operation stages of the fuel station, to monitor the compliance of the fuel station developer with the conditions of the EA and the requirements of the approved Environmental Management Programme.</p> <p>The Environmental Assessment Practitioner has found that if the mitigation measures are implemented (as listed in the BAR &amp; EMP), this impact will be reduced to a low impact significance. This means, when looking at the Impact Methodology, that “the impact will be mitigated to the</p>
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				<p>point where it is of limited importance”</p> <p>Air quality, health and nuisance impacts as a result of the fuel station are therefore highly unlikely.</p> <p>7. The potential soil and groundwater contamination risk of the fuel service station has been assessed in the Environmental Impact Assessment. Please refer to section G (2) of the Updated BAR Report.</p> <p>Please refer to the EMPR section 8.2 Objective 1 and section 8.4 Objective 1 which details the mitigation measures required to be implemented by the applicant to avoid soil and groundwater contamination during the construction and operation phases.</p> <p>The EIA has found that should the mitigation measures be implemented only a Low-Medium risk of contamination is expected. A Low-Medium impact significance (after successful mitigation) means that <i>“The impact will be mitigated to a point where it will occur, however, taken within the overall context of the project this impact can be mitigated to a significance rating that is acceptable given the overall benefit”</i>.</p>
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					<p>8. Please response 6 above.</p> <p>9. In response to concerns from Evergreen Lifestyle Village pertaining to noise impacts / nuisance a Noise Specialist Impact Assessment has been undertaken. Please refer to the response above to comment No 15 &amp; 18 in response to noise concerns submitted by various people.</p> <p>10. With the erf currently vacant, the security risk is higher than if a fuel service station is built. Fuel stations are not known to attract “unconsolidated persons” or crime.</p>
27.	<p>It came to my attention via the notice erected on the corner of Prince George Drive (M5) and St Georges Street that you are proposing the development of a fuel service station on the vacant Erf 164232 which is directly adjacent to the Evergreen Muizenberg Retirement Village.</p> <p>Our house is very close to the border wall separating the vacant erf from the retirement village. It is a known fact that a fuel service station pollutes the air and is generally a very noisy business. Therefore, we hereby oppose in the strongest terms your plans for the development of a fuel</p>	23 October 2019	AM Petrick	Evergreen Muizenberg Retirement Village	<p>It is noted that your concerns pertain to security risk, air quality pollution, noise pollution, need for the development and potential nuisance from the facility.</p> <p>These are similar concerns noted by the other residents of the community and has been responded to in detail under comment no 1 above. Please refer to the response already provided on these concerns.</p>

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<p>service station on the vacant Erf 164232.</p> <p>There are more good reasons why we oppose your proposal, and these are:</p> <ol style="list-style-type: none"><li>1. The proposed fuel service station would be separated from the retirement village by only a wall and an electric fence and thus certainly increase the security risk of the village-there is a general awareness of the security risks amongst sus South Africans.</li><li>2. The vacant Erf is in a quiet residential area and shall thus, from a purely aesthetical point of view, not be considered for any small business ventures nor small industry. Business also tend to attract people with the result of increase in noise pollution.</li><li>3. There is already an Engen fuel station about 70metes higher up in Prince Georges Drive, and another at the Capricorn Shopping Centre. The proposed fuel station would, therefore, only be able to serve south going traffic (there is no connection between the right and left lanes at this point). There is thus in our humble opinion no logic in the choice of this site for a new fuel station.</li><li>4. Fuel stations generally expand to</li></ol>				
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	<p>include inter alia such things as convenience stores, car wash operations, small tyre repairs, etcetera-all activities contributing to an increase in noise pollution (and particularly during night-time could be very disturbing).</p> <p>I trust that you will find the above arguments helpful in your considerations and at final decision making.</p>				
<b>HERITAGE</b>					
28.	<p>You are hereby notified that, since there is no reason to believe that the proposed construction New Filling Station on Erf 164232, Corner of Prince George Drive (M5) and St Georges Street, Muizenberg, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.</p> <p>However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.</p>	27 September 2019	Lwazi Bhengu	Heritage Western Cape	Noted.
<b>LAND USE PLANNING</b>					
29.	Erf 164232 Cape Town at 2 St.	10	Yunus Hugo	City of Cape Town	Noted. A land use application is proposed to be



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	<p>Matthews Street Muizenberg is currently zoned for residential purposes (Single Residential 1). A rezoning application is required to allow for the proposed development / use (service station). A formal pre-application consultation meeting will need to be setup by the applicant via the Development Management Department, Land Use Section Head, Adele McCann (<a href="mailto:adele.mccann@capetown.gov.za">adele.mccann@capetown.gov.za</a>) 021 684 4341</p> <p>Land use and building applications may only be submitted via the City's e-services portal. Register as a business partner to submit your application via e-Services and track its progress</p>	October 2019		Directorate: Spatial Planning and Environment	submitted shortly.
30.	<p>Planning Partners acts on instruction by Evergreen Property Investments (Pty) Ltd, the property owner Evergreen Retirement Village located to the north and east of Erf 164 232.</p> <p>Our client wishes to lodge its objection to the application for a fuel service station and associated infrastructure on Erf 164232. The grounds for the objection are set out below:</p> <p><b>1. Undesirable location/use</b></p> <p>1.1. The property is zoned <i>Single Residential Zoning 1</i> in terms of the City of Cape Town's Development Management</p>	28 October 2019	Mauritz van den Heever on behalf of Evergreen Property Investments (Pty) Ltd.	Planning Partners	1.1) & 1.2) It should be noted that a Record of Decision (now called an Environmental Authorisation) for the same development was approved by the Department of Environmental Affairs & Development Planning (DEA & DP) on the 30th June 2008 (see Appendix K of the BAR). The development proposal approved in 2008 was almost exactly the same proposal as the current proposal except there is now one addition underground tank now proposed. The development rights lapsed because the applicant did not build the fuel service station within a 2 year period and hence this is a re-submitted application.

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	<p>Scheme. This property, as with adjacent and surrounding properties, has been earmarked for some form of <i>residential</i> development.</p> <p>1.2. Although the property is located in the <i>Consolidation Area</i> as indicated by the City of Cape Town Municipal Spatial Development Framework (MSDF), this designation does not imply that all forms of urban development are desirable or appropriate at all locations. The MSDF does not indicate the site as being part of an <i>economic area, emerging coastal node or structuring corridor</i>.</p> <p>1.3. Although the property is located in the urban area as indicated by the Cape Flats District Plan, this designation does not imply that all forms of urban development are desirable or appropriate at all locations. The District Plan does not indicate the site or surrounding properties to be part of a <i>mixed use intensification area or local node</i>. Further, the subject property is not part of or adjacent to the existing</p>				<p>A town planner has been appointed to undertake the land use application process to apply with the CCT to rezone the site from residential to business zoning to allow for the development of the fuel service station.</p> <p>The relevant policy documentation does not exclude the proposed business zoning and usage. The use is regarded as a normal land use under the designated permissible uses within the prescribed urban and consolidated zones (Policy documentation). As such the merits of the application will guide the decision making by council.</p> <p>Should the proposed development be found to be a sustainable development that does not significantly impact the health and well-being of people or have significant environmental impacts, there is no reason it should not be authorized or rezoned to business as the relevant policy documentation does not exclude business land use rights.</p> <p>1.3) It is common town planning practice to not only locate filling stations in so-called business areas. A filling station is a convenience complementary use to surrounding areas and serves to facilitate an important service to an area. The subject property abuts a primary route</p>
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	<p>business nodes of Capricorn Square Shopping Centre and Capricorn Park.</p> <p>1.4. The subject property is located in the residential section of Muizenberg East. The proposed business use in this location is not desirable or compatible within the abutting and surrounding residential developments.</p> <p>1.5. The proposal will adversely impact on the immediate area. Continuous vehicular movement and queuing, loitering, noise and strong odours are common experiences associated with a 24-hour operating fuel station.</p> <p>1.6. The proposal is insensitive to the adjoining elderly residents bordering the subject property. The fuel station will adversely affect and impose upon the retirement village, noting that hours of operation will be 24/7.</p> <p>1.7. In total three (3) fuel filling stations exist within a 3km distance, namely Engen (Eastlake) also along Prince George Drive less than 200m away from the subject property, BP (Capricorn Park)</p>				<p>(Prince George Drive) which is ideally located to serve the needs of the surrounding community.</p> <p>1.4) Responded to above.</p> <p>1.5) Traffic, noise and air quality impacts have all been identified as impacts associated with fuel service stations and it for this reason that these impacts have been assessed to determine the degree of impact for this development proposal and to establish if the impacts can be avoided or reduced to be within acceptable levels.</p> <p>Please refer to the Environmental Management Programme which describes in detail the various mitigation measures proposed to avoid, and if unavoidable to reduce these impacts.</p> <p>With reference to the Basic Assessment EIA Report, SECTION G: IMPACT ASSESSMENT, IMPACT AVOIDANCE, MANAGEMENT, MITIGATION AND MONITORING MEASURES, It has been found that the traffic and air quality impacts are expected to be of a low impact significance for this development proposal should the mitigation measures outlined in the EMPR be implemented.</p> <p>Please refer to the response above to comment No 15 &amp; 18 in response to noise concerns submitted by various people. Various mitigation measure are proposed to reduce the noise impact to be within the maximum decibels allowed according to the Western Cape Noise</p>
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	<p>also along Prince George Drive towards the north and Caltex situated along Military Road. It is evident that this area is already well served with fuel service stations.</p> <p>1.8. Evergreen Property Investments has made a substantial investment in the development of its residential property in this residential location based on the understanding that Erf 164232 has a residential zoning and that the MSDF and the District Plan does not designate the subject property for future business development. The proposed development of Erf 164232 for the purpose of a fuel service station negatively impacts Evergreen Property Investments' existing rights and places its investment in jeopardy by impacting on the desirability of the immediately adjacent properties for the residential living environment for the elderly.</p> <p><b>2. Environmental risks</b></p> <p>2.1. In light of the proposed use, groundwater vulnerability is classified as "<i>very high</i>". This is due to the highly permeable</p>				<p>Control Regulations, 2013.</p> <p>Statements regarding loitering are unfounded and speculative without any motivation.</p> <p>It should be noted that the Evergreen Bergvliet Retirement Village, although abutting the subject property, "lives" towards the north and east. As such there is no direct interaction between the two. The filling station will front towards the south and west.</p> <p>The actual operation of providing fuel to vehicles are not a noisy business.</p> <p>Similarly, patrons frequenting the convenience store, do not generate any adverse noise.</p> <p>The majority of patrons frequenting the facility will come off Prince George Drive and exit back onto same.</p> <p>1.7) Please refer to comment No 1 of this table and our response in terms of the assessed need and desirability of the development.</p> <p>1.8) The relevant policy documentation does not exclude the proposed business zoning and usage. The use is regarded as a normal land use under the designated permissible uses within the prescribed urban and consolidated zones (Policy documentation). As such the merits of the application will guide the decision making by council. It is common town planning practice to not only locate filling stations in so-called business areas. A filling station is a convenience complementary use to</p>
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	<p>sands and shallow water table. The underground fuel tanks proposed are extreme concern and presents a great risk to the public, groundwater users, marine environment and aquifer as emphasised in the GEOSS report. Accidents do happen, even with the best intentions and management plans in mind.</p> <p>2.2. Groundwater is a precious resource and need to be protected. Based on a precautionary approach, it will be irresponsible for the Department to allow this hazardous use and activity on the subject property.</p> <p><b>3. Other comments</b></p> <p>3.1. Although some plans, specialist reports and other annexures were provided, the pre-application draft <i>Basic Assessment Report</i> (BAR) is not provided on the website as indicated- the incorrect document is uploaded on the website and could be misinterpreted by the public.</p> <p>3.2. We request that the full set of documentation be made available during the formal</p>			<p>surrounding areas and serves to facilitate an important service to an area. The subject property abuts a primary route (Prince George Drive) which is ideally located to serve the needs of the surrounding community.</p> <p>Filling stations are very often located in residential areas along major traffic routes (such as the ENGEN on the other side of the M5 servicing the north bound traffic).</p> <p>Statements on land devaluation are unfounded and speculative without any motivation.</p> <p>2.1) The groundwater specialist assessment explains that the site is regarded as sensitive in terms of groundwater due to the highly impermeable sands and shallow groundwater level. Should any of the prevention / mitigation measures fail, the aquifer will become contaminated and receptors will be at risk. Therefore, GEOSS (2019) concludes that the proposed development should proceed however, the highest levels of protection and monitoring should be installed on site with regards to the storage of the fuel.</p> <p>Please refer to the EMPR, section 8.4.1. Objective 1: Avoid Soil &amp; Groundwater Contamination which details the various measures proposed to be implemented to reduce the medium – high risk to an acceptable</p>
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	<p>application process in order to submit considered response to the final submission to the Department.</p> <p>To conclude the proposal is undesirable from a land use planning perspective and will negatively impact on existing rights. The proposal is also undesirable from an environmental perspective. Based on a precautionary approach, the proposal should be rejected by the Department.</p> <p>We await your further communication in this regard.</p>				<p>low-medium risk.</p> <p>A Low-Medium impact significance (after successful mitigation) means that <i>“The impact will be mitigated to a point where it will occur, however, taken within the overall context of the project this impact can be mitigated to a significance rating that is acceptable given the overall benefit”</i>.</p> <p>2.2) see response above.</p> <p>3.1) It was found that the Pre-App BAR was incorrectly uploaded onto the website. This was rectified as soon as the issue was highlighted. Given the significant response during the initial PPP round it is clear that sufficient notification has been provided during the pre-app PPP stage.</p> <p>Given that pre-application consultation phase is not a regulatory requirement and is done over and above the legally required post application public consultation phase and that notification and details of the development proposal were provided to potential I &amp; AP’s in other forms in addition to the website upload of the BAR, it was not deemed necessary to repeat the pre-app PPP phase but to proceed with the post application PPP. Therefore, all I &amp; AP’s will be provided with another opportunity to comment on the BAR Report.</p>
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					<p>3.2) Please see comment above.</p> <p>Please refer to the conclusions and recommendation made by the environmental assessment practitioner in the Final BAR.</p>
<b>LEGISLATION /LISTED ACTIVITIES / ALTERNATIVES/ EIA PROCESS</b>					
31.	The Directorate notes that the Department of Water and Sanitation confirmed that a General Authorisation application is required. You are reminded that comment must be obtained from the Department of Water and Sanitation.	28 October 2019	Mr R Chambeau	Department of Environmental Affairs & Development Planning Directorate: Development Management Region 1.	Please refer to Appendix E2: Proof of Submission of GA Application for the Registration of the Water Use.
32.	<p>Alternatives:</p> <ol style="list-style-type: none"> <li>1. Consideration should be given to the investigation of technology alternatives with respect to the car wash proposed as part of the development.</li> <li>2. Given the existing water shortages experienced in the City of Cape Town, details must be provided regarding the use of possible water recycling systems and/or water saving mechanism to be implemented.</li> </ol>	28 October 2019	Mr R Chambeau	Department of Environmental Affairs & Development Planning Directorate: Development Management Region 1.	<p>Section F (3) (d) of the BAR (Water Use) has been updated to describe the measures that will be taken to reduce water demand, and measures to reuse or recycle water.</p> <p>In addition, an additional impact management objective has been added to the EMPR. Please refer to Section 8.4.8. Objective 8: Reduce Water Demand, which describes the water demand management mitigation measures that must be implemented by the developer during the operational phase of the facility.</p>
<b>SPECIALIST STUDIES</b>					

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33.	<p>It is noted that previously a Record of Decision (ROD) was approved by this department on 30 June 2008 for development of a fuel service station, except now there is an additional underground tank being proposed. The applicant, however, did not commence within the allocated 2-year period which resulted in the ROD lapsing.</p> <p>Specialist studies</p> <p>1. This Directorate notes that all of the studies recommended in the Department of Environmental Affairs' Screening Tool report were conducted, except for the Agricultural Impact Assessment and the Noise Impact Assessment.</p> <p>In terms of the Agricultural Impact Assessment, the Directorate concurs with the motivation provided by the Environmental Assessment Practitioner that an assessment will not be required.</p> <p>Regarding the noise assessment, the Directorate notes that specialist input has been sought from a noise specialist to verify the site sensitivity rating provided by the Screening tool. As such, following the noise specialist's findings, a noise impact assessment may be undertaken should the noise impacts be in the range of medium-</p>	28 October 2019	Mr R Chambeau	Department of Environmental Affairs & Development Planning Directorate: Development Management Region 1.	<p>Noted.</p> <p>A Noise Impact Assessment has since been conducted given the comments received on the Pre- App BAR as well as initial feedback from the noise specialist on the potential Medium – High Noise sensitivity.</p> <p>The BAR and EMPR have therefore been updated to reflect the findings of the Noise Impact Assessment.</p>
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	<p>very high sensitivity.</p> <p>2. The potential noise impacts have been assessed in the BAR as being of medium negative significance prior to mitigation and low-medium negative significance post mitigation. Be advised that should a noise assessment be required; the significance ratings and recommended mitigation measures will need to be revised accordingly.</p>				
<b>PUBLIC PARTICIPATION PROCESS</b>					
34.	<p>Public Participation</p> <p>1. You are reminded that all comments received on the pre-application draft BAR must be adequately addressed prior to submission of the BAR, to be submitted as part of the EIA application.</p> <p>2. Proof of the public participation conducted as part of the pre-application (copy of the newspaper notice, site notice and comments received) must be included in the BAR to be submitted to the competent authority as part of the application.</p>	28 October 2019	Mr R Chambeau	Department of Environmental Affairs & Development Planning Directorate: Development Management Region 1.	Noted. All comments have been addresses and all proof of PPP has been provided in the updated version of the BAR.
35.	Would it be unreasonable to request a further period to strengthen the	27 October	Shirley van Eeden	Evergreen Lifestyle Village	The EIA Process does allow for two public participation periods, each of 30 days.

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	objections	2019			<p>All comments received during the initial PPP period have been responded to in this table. In addition, the Environmental Management Programme and the EIA Report have been updated in response to the comments received.</p> <p>The Post Application BAR Report will be made available to you for a further 30 days.</p>
36.	<p>My name is Rae Graham and I live alone in flat 306 Evergreen Village; Sunrise Boulevard, Muizenberg, and I wish to register my objections to the new application for the land on the corner Prince George Drive, for a set of buildings containing a petrol station, and several small shops.</p> <p>I have not been given the existing Zoning and what that contains, with documents to protect that Zoning. The Project number is SEC 06125.</p> <p>My business life was conducted in the Johannesburg City Council, where I served my city for 18 yrs, and I became the head of All Town Planning, what existed and what changes could and maybe should be made. I was the chairman of the Town Planning group, and also of the Legal Tribunal for Town Planning, with a Casting vote on both.</p> <p>In Feb 1989 I was requested by the Council to give up All of my portfolios and to Create a Legal Town Planning Policy. I gave up my normal</p>	24 October 2019	Rae Graham	Evergreen Retirement Village	<p>The public participation process for the Environmental Impact Assessment Process (Environmental Authorisation Application) has been and is being undertaken in accordance with the Public Participation requirements listed in the 2014 EIA Regulations, as amended.</p> <p>A public meeting is not a requirement in the 2014 EIA Regulations. We have received significant comments from adjacent residents in writing and it is therefore well documented and recorded what the key issues / concerns are from the public. A public meeting is therefore not required as the concerns have been well documented and expressed in writing already. A public meeting will not add any further value to the process as the same issues will be repeated.</p> <p>In response to the public concern, the Basic Assessment EIA Report has been updated. In addition, a noise specialist study was undertaken. All the details and reports (Basic Assessment Environmental Impact Assessment Report, Environmental Management</p>

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	<p>life, and researched fully for three whole years, everything that concerns good town planning for a City, and I wrote one in Oct 1990 and placed it before the whole Council.</p> <p>It was Unanimously Voted YES; sent to Pretoria to Province; another complete YES, and then to the Union Buildings for our Main Government, and yet another YES. The Policy has been sent to every region, every village, town, city, and place of structure and government.</p> <p>The POLICY IS PUBLIC PARTICIPATION IN THE PLANNING PROCESS POLICY.</p> <p>Cape Town has the Policy, and I have used it publicly in Hout Bay, with success.</p> <p>I suggest that it is time that you called a public meeting with everyone present; those For and those Against the new development;</p> <p>With All the Documents that fully describe every detail on both sides.</p>				<p>Programme and all specialist studies will be placed on our website for free download during the second round of public consultation.</p> <p>In addition, a hardcopy of the EIA Report and all studies will be provided to Dereck Drew who is representing the Evergreen Community.</p>
<b>ENVIRONMENTAL MANAGEMENT PROGRAMME</b>					
37.	<ol style="list-style-type: none"> <li>1. The pages of the EMPr must be numbered.</li> <li>2. The site co-ordinates must also be included in the EMPr.</li> </ol>	28 October 2019	Mr R Chambeau	Department of Environmental Affairs & Development Planning Directorate: Development Management Region 1.	<ol style="list-style-type: none"> <li>1. The EMPR pages have bene numbered now.</li> <li>2. Section 3 of the EMPR has been updated</li> </ol>

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	<p>3. Under Objective 4 of the construction phase: Dust management, point number 5 states, "Dust must be suppressed on access roads and the construction site during dry and windy periods by the regular application of water or a biodegradable soil stabilisation agent." Please note that no potable water must be used for dust suppression.</p>				<p>now to include the co-ordinates of the site, thank you.</p> <p>3. This has been updated now to reflect that no potable water is allowed to be used for dust suppression.</p>
<b>OTHER/ GENERAL</b>					
38.	<p>General</p> <p>1. Appendix 1 and 2: Impact significance rating method and Proposed site development plans, in the freshwater impact assessment report dated 5 April 2019, compiled by Freshwater Consulting cc is incomplete, as the appendices have not been attached to the report.</p> <p>2. The applicant is reminded of their general duty of care and the remediation of environmental damage. Section 28 (1) of the NEMA specifically states that-</p> <p><i>"Every person who causes, has caused or may cause significant pollution or degradation of the</i></p>	28 October 2019	Mr R Chambeau	Department of Environmental Affairs & Development Planning Directorate: Development Management Region 1.	<p>1. The FIA has been updated to include the Appendices.</p> <p>2 – 4) Noted.</p>

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	<p><i>environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.'</i></p> <p>3. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department. No information provided, views expressed and /or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:</p> <ul style="list-style-type: none"> <li>• That additional information or documents will not be requested; or</li> <li>• Of the outcome of the application.</li> </ul> <p>4. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.</p>				
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## Comments and Response Table:

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Comments Received after the 30-Days Public Participation on the Pre Application BAR (Initial Commenting Period) – Outside Commenting Period Provided but Still Recorded & Responded To					
Nr	Comment Received	Date Received	I&AP	Company / Representing	Response
<b>POLLUTION OF WATER RESOURCES</b>					
1.	<ol style="list-style-type: none"> <li>1. The proposed sewage disposal method should please be confirmed.</li> <li>2. Section 21c &amp; I water uses are triggered. A Water Use Application must therefore be submitted via e WULA, together with a Risk Matrix.</li> <li>3. Chemical Toilets must be properly located and its contents disposed of at a licensed facility.</li> <li>4. The fuel and oil storage area during construction must be hardened and banded.</li> <li>5. Since the groundwater level is shallow (1.47 – 2m below ground), the tanks will be within the groundwater table. Mitigation measures must therefore be put in place to prevent groundwater</li> </ol>	22.11.2019	M. Noqhamza	Department of Water & Sanitation	<ol style="list-style-type: none"> <li>1. The site is located within an urban area. It is proposed to connect to the existing municipal sewage reticulation system. A 110mm diameter sewer pipeline connection is proposed to connect to the existing sewer pipe on St George Street.</li> <li>2. A GA water use application and Risk Matrix has been submitted – see Appendix E2 of the BAR.</li> <li>3. Please refer to Objective 7: Establishment of Site Camp &amp; Site Facilities where the establishment of chemical toilets has been provided for in the EMPR and included this condition.</li> <li>4. Please refer to Objective 1: Avoid Contamination and Pollution of the Soil and Groundwater where the storage areas for hazardous waste have been defined, which includes</li> </ol>

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	<p>contamination. The shallow water table is a concern and therefore the highest level of preventing groundwater contamination is required, such as the use of double walled tanks, automatic fuel level monitoring and secondary contained fuel lines.</p> <p>6. Groundwater monitoring boreholes must be drilled at least two upgradient of the fuel station activity and two down gradient.</p> <p>7. Groundwater level and quality monitoring must be conducted quarterly for the first year, thereafter the groundwater level and quality monitoring can potentially be reduced to twice per year.</p> <p>8. The water samples collected from monitoring boreholes but be submitted to an accredited laboratory and the following must be analysed: PH, Calcium, EC, Chloride, Magnesium, Sodium, Sulphate, Silicon and Hydrocarbons.</p> <p>9. Clean and dirty stormwater must be separated according to a</p>				<p>these requirements.</p> <p>5. Please refer to Objective 1: Avoid Soil &amp; Groundwater Contamination (Operation Phase) in the EMPR.</p> <p>The highest levels of protection and monitoring is proposed to be installed on site regarding the storage of the fuel (both petrol and diesel).</p> <p>Key Mitigation Requirement (amongst others please refer to the EMPR to see them all) include:</p> <ul style="list-style-type: none"> <li>• At least two groundwater monitoring boreholes will be installed in order to detect any potential contamination as quickly as possible.</li> <li>• The monitoring boreholes will be drilled to a depth slightly deeper than the fuel storage tanks (depth to be determined by site layout).</li> <li>• Monitoring boreholes will follow the specifications provided in the Groundwater Monitoring Action Plan (Annexure D of EMPR).</li> <li>• Tanks will be double walled /" Jacketed" i.e. possessing</li> </ul>
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	<p>SWMP.</p> <p>10. Solid waste must be managed in accordance with the relevant legislation.</p> <p>11. All the requirements of the NWA must be adhered to.</p>				<p>secondary containment to prevent tank content release into surrounding soil and groundwater. The UST must have an internal leak detection monitoring system between the two walls to monitor for product leakage;</p> <ul style="list-style-type: none"> <li>• Fuel lines and sumps will be secondary contained where lines are joined.</li> </ul> <p>These mitigation measures (in addition to the various other SANS UST design requirements) are sufficient to reduce the risk of groundwater contamination.</p>
2.	<p>1. I have since read most of the specialist studies conducted for this project and would like to make you aware that the Pre-application phase ground water study did not include any of the well points and boreholes that exist in our and those of neighbouring complexes located downstream of the proposed filling station (including the groundwater that our complex uses for irrigation of the common areas) . If not done already, the groundwater specialist should contact Fisherman's Village, Aurora Sands and Villa D'Algarve</p>	8.01.2020	Vera Liebau – Adjacent Resident	Vera Liebau	<p>A hydro-census was conducted to establish groundwater users within a 1km radius of the site. GEOSS (2019) states that only one registered borehole, registered with the National Groundwater Archive, exists within 1km of the site. Additional boreholes, not registered, were however found by looking for borehole / well-point signage on houses. Based on the hydro-census data it is evident that there are a number of groundwater users in the area surrounding the proposed site. The majority of the groundwater users make use of shallow well points and use the water for irrigation in their gardens.</p> <p>GEOSS (2019) further explains in the</p>



## Comments and Response Table:

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	<p>for a better understanding of the number of water users situated downstream of the proposed fuelling station to adequately assess the risk that this filling station would pose to water users.</p> <p>2. The specialist report rates the risk of contamination as 'high' but does not rate the impact as per the EIA regulations (I. E. Duration of impact, magnitude, probability, consequence and significance).</p> <p>3. I understand that that our comments are being submitted outside of the commenting period. However, the purpose of the Pre-application process is to ensure that no significant changes to the BAR are required such that the applicant can meet the required 90 day period for submission of the Final Bar. I therefore strongly recommend that if possible, the below changes are included in the application-phase Draft BAR (although I am aware this may have been addressed already in response to someone else's comment during the pre-application phase).</p>				<p>groundwater impact assessment that the site is regarded as sensitive in terms of groundwater due to the highly impermeable sands and shallow groundwater level. Should any of the prevention / mitigation measures fail, the aquifer will become contaminated and receptors will be at risk. Therefore, GEOSS (2019) concludes that the proposed development should proceed however, the highest levels of protection and monitoring should be installed on site with regards to the storage of the fuel. For example, double-walled tanks, automatic fuel level monitoring of the tanks for leak detection and secondary contained fuel lines should be provided. At least two monitoring boreholes should be drilled down gradient from the location of the underground storage tanks and monitored hydrocarbon testing from the boreholes should take place regularly to monitor the groundwater.</p> <p>One of the most significant identified impacts of the development proposal, as highlighted in the Environmental Impact Assessment, is its potential to cause soil and groundwater contamination (given the location of the underground tanks within the water table) and the risk of indirect health impacts to adjacent residents which may come into contact with the contaminated groundwater as several nearby dwellings use well point/borehole water for irrigation purposes. However, this risk of groundwater contamination is expected to be a low risk because risk is a measure of</p>
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	<p>4. We would therefore hope that the next edition of the groundwater specialist study will include.</p> <p>(a) a more detailed account of water users in the area 'downstream' of the proposed fuelling station (I. E. Southward, the groundwater flows to the sea). Fisherman's Village, Aurora Sands and Villa de Algarve.</p> <p>(b) an assessment of the impact. I. E. Duration, magnitude, probability, consequence, significance, confidence rating of the impact, as well as cumulative impact on groundwater in the area.</p> <p>(c) the executive summary must state that the risk is considered high. This is the key finding of the report (if done correctly this would be the outcome of the impact assessment).</p> <p>5. Finally, I was not able to download the actual BAR (completed Form). The download link takes me to the notification. I am very interested to understand the need and desirability of the proposed project considering that we already have two fuelling</p>				<p>the likelihood of an event and the consequence of an event. With the proposed mitigation measures implemented to reduce the likelihood of the event occurring, the likelihood of a leak occurring is low, resulting in the level of risk expected to be of an acceptable low – medium significance.</p> <p>Therefore, it is not necessary to identify further well point users as it has already been identified that there are several well point users within the 1km radius that use borehole water for irrigation and the findings of the impact assessment will remain the same in terms of the fact that a medium - high risk to groundwater resources has been identified (without mitigation) but with high level mitigation measure implemented and strict SANS design standards as well as regular monitoring of the downstream boreholes, this risk can be reduced to a low-medium level of risk.</p> <p>2. Please refer to section 3.2: Operation Phase Assessment of Significance – page 83 of the BAR.</p> <p style="text-align: center;">Section 2.2.1      Soil &amp; Groundwater Pollution and Contamination (and Indirect Health Impacts)</p> <p>3&amp;4: As per response above, no update to the Groundwater study is required and an assessment of the impact has been included</p>
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	stations in the area.					<p>in the BAR Report. In addition, the executive summary of the BAR makes it clear in terms of the risk to groundwater pollution.</p> <p>5. We have been made aware that Pre-Application Basic Assessment EIA Report did not upload correctly, however as you have correctly pointed out, pre-application consultation is not a regulated requirement it is only an advisory stage where key issues are sought to prevent delays in the actual application stage given the regulated timeframes. Significant comments have been received during the pre-application phase based on the various information (layout plans, specialist reports etc) that was available for public review and comment despite the BAR report not being uploaded correctly.</p> <p>The Post App BAR is now on our website for review and further comment.</p>
<b>NOISE</b>						
3.	<p>Based upon the relevant information given, a Noise Impact assessment is required</p> <p>As soon as the NIA is available, please email a copy for the City of Cape Town's scrutiny.</p>	27.12.2019	Peter Gossman	CCT: Engineering	Mechanical  Health	<p>A Noise Impact Assessment was undertaken following the various concerns regarding noise communicated during the pre-app PPP stage.</p> <p>Please refer to Appendix G5 of the BAR.</p>

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				Noise Control	
<b>NEED AND DESIRABILITY AND PUBLIC PARTICIPATION</b>					
4	<p>1. Please register me and my husband as stakeholders for the basic assessment process for the proposed fuelling station in Muizenberg (06125). We are residents at the adjacent Fisherman's Village. My husband and I own a unit that would be impacted by increased traffic and especially increased traffic noise as our unit faces the St George's Street. Many units of our complex face this road and it would be good to notify our body corporate as soon as possible so that our complex can submit meaningful comment during the application phase (see details below).</p> <p>2. We already have two service stations that supply our area and my husband and I do not believe that there is a need for another one in such close proximity.</p> <p>3. Please confirm when the application-phase public participation will be conducted and notify me of any meetings to</p>	4.01.2020	Vera Liebau	Vera Liebau – Adjacent Resident	<p>1. You and your husband have been registered with the email contact details provided and we shall also notify Melissa of the second opportunity to comment.</p> <p>2. The need and desirability of the fuel station has been assessed in the form of a Socio-Economic Feasibility Assessment (see Annexure H2 of the BAR Report) which has assessed the need taking into account other fuel stations in the area and if they would be negatively affected as well as if the development is desirable / feasible for the applicant to be a successful business venture given the other fuel stations in the area. In summary, the socio-economic feasibility assessment found the following:</p> <ul style="list-style-type: none"> <li>This feasibility study shows that this new development is viable and meets the objectives of the Petroleum Products Act 120 of 1977, specifically section 2B as well as Employment Equity goals of the Liquid Fuels Charter.</li> <li>An extensive analysis of the local volume potential using sophisticated estimation</li> </ul>

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	<p>be held.</p> <p>4. Faircape is our body corporate and you should formally notify them as soon as possible. Melissa Myburg at Faircape has been CC'd on this email.</p>				<p>techniques and on site observation, coupled with a potential volume draw ranking exercise, indicates that all viable service stations within a 3km radius of the new development will remain so. There are currently 6 service stations operating with a 3km radius of this proposed development with a total volume of 1 730 000 litres and a site average of 289 000 litres per month. It is estimated that 141 000 litres per month (8%) will come from this area. The balance will be drawn from the scattering of service stations that surround this area and from which its customers are drawn.</p> <ul style="list-style-type: none"> <li>• Area analysis shows a trading area where population density is well established, upgrading, expanding and growing, where traffic is drawn from local area inhabitants as well as via a commuter corridor from neighbouring suburbs. The customer base is convenience driven and would benefit from a well-tailored convenience and fuel offering.</li> <li>• This new fuel development will provide a total of 25 new permanent jobs during the operational phase (Petrol Attendants = 18, Cashiers = 4, Management = 1, Administration = 2) as well as a further 12-15 permanent jobs in the car wash and fast foods side of the business. Temporary jobs will also be created for local inhabitants during construction. This</li> </ul>
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					<p>aligns well with South Africa's Broad-based Black Economic Empowerment (BBB-EE) goals in terms of employing individuals from different Genders, Race Groups, HDSA backgrounds and from within the local community.</p> <ul style="list-style-type: none"> <li>• This 3km area contains 6 currently operating service stations (2 BP, 1 Caltex, 1 Engen, 1 Shell and 1 Total), providing fuel plus a range of retail and added value service offerings.</li> <li>• The nearest other fuel station, ENGEN (200m away), on Prince George Drive (northbound) is on the other side of the dual carriage way on the M5 and therefore not convenient to access when travelling southbound, only north bound. The BP on Prince George Drive (1.8km away) is on the name southbound side of the dual carriage way and therefore will experience an impact as some commuters / trucks may now fill up at the proposed fuel service station further down the road. The socio-economic feasibility assessment however found that the BP is reliant on shopping centre support as Capricorn Park is located near the BP. The Assessment found that both the ENGEN and BP site will remain viable business operations, as with the other 4 operating service stations within a 3km radius of the site that are less impacted. A minimal</li> </ul>
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					<p>impact on competitor sites was found.</p> <ul style="list-style-type: none"> <li>• The Service Station complemented by an array of convenience services is a lucrative and sustainable project with a positive impact on the local area and its residents with the following benefits:             <ul style="list-style-type: none"> <li>a. Viable Return on Investment;</li> <li>b. Marginal / Minimal Impact on Competitor Sites;</li> <li>c. Uplifting Status of Neighbourhood;</li> <li>d. Bridging Gap of Lack of Convenience Services to Resident &amp; Commuters in Area;</li> <li>e. Additional Employment Opportunities for individuals of all Genders, Race, Walks of Life; and</li> <li>f. Business operation – 100% HDSA owned.</li> </ul> </li> </ul> <p>The subject property abuts a primary route (Prince George Drive) which is ideally located to serve the needs of the surrounding community.</p> <p>The nearest other fuel station, ENGEN (200m</p>
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					<p>away), on Prince George Drive (northbound) is on the other side of the dual carriage way on the M5 and therefore not convenient to access when travelling southbound, only north bound. The BP on Prince George Drive (1.8km away) however is on the same southbound side of the dual carriage way and therefore will experience an impact as some commuters / trucks may now fill up at the proposed fuel service station further down the road. The socio-economic feasibility assessment however found that the BP is reliant on shopping centre support as Capricorn Park is located near the BP. The Assessment found that both the ENGEN and BP site (two nearest fuel stations) will remain viable business operations.</p> <p>3. We are currently within the application phase. This Comments &amp; Responses Table as well as the Post App BAR is now available for a final 30 day review and commenting period as per the notification provided to you.</p> <p>4. Melissa has been notified.</p>
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