

Verwysing
Reference
Isalathiso E12/2/1-AM21-ERF 164232, MUIZENBERG

Navrae
Enquiries
Imibuzo Zaidah Toefy

Datum
Date
Umhla Of Issue
2008-06-30



Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISEbe leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso

The Board of Directors
Chevron South Africa (Pty) Ltd
19 DF Malan Street
Foreshore
CAPE TOWN
8001

Attention: Mr. Bruce Low

Tel : (021) 403 7239
Fax: (021) 403 0239

Dear Sir

APPLICATION: THE PROPOSED DEVELOPMENT OF A FUEL SERVICE STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 164232, MUIZENBERG

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

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The proposed activity includes the construction of a new service station on Erf 164232, Muizenberg. The activity will include a convenience store, forecourt facilities and associated parking bays. Provision has also been made for an additional co-branded retail/commercial facility at the site. The proposed service station will dispense unleaded and lead replacement fuel, as well as diesel.

Fuel will be stored in four 30m³ capacity jacketed GRP coated underground storage tanks (UST's) with associated infrastructure. Each of the tanks will be linked via a non-corrosive underground pipe system to the relevant fillers and fuel dispenser points on the forecourt.

The UST's will be supplied with fuel by road tanker that will discharge fuel via filler points which are located remotely from the fuel dispensers and forecourt.

This is an activity identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

- Item 1(c):** The construction, erection or upgrading of with regard to any substance which is dangerous or hazardous and is controlled by national legislation-
- (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;

hereinafter referred to as "the activity".

B. LOCATION:

The site is located on remainder Erf 164232, Prince George Drive, Muizenberg.

The co-ordinates are:

Latitude: 34° 5'55.86"S

Longitude: 18°28'51.05"E

hereinafter referred to as "the property/site".

C. APPLICANT:

Chevron South Africa (Pty) Ltd

% Mr Bruce Low

19 DF Malan Street

Foreshore

CAPE TOWN

8001

Tel: (021) 403 7239

Fax: (021) 403 0239

D. CONSULTANT:

Sillito Environmental Consulting

% Mr Adrian Sillito/Fabio Venturi

P.O. Box 30134

TOKAI

7966

Tel: (021) 712 5060

Fax: (021) 712 5061

E. SITE VISIT(S):

Mr Clint Joseph and Mrs Zaidah Toefy from the Department of Environmental Affairs & Development Planning ("DEA&DP") conducted a site visit on 18 October 2007.

F. DECISION:

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No R1183 of 5 September 1997, as amended) hereby grants **authorisation with the conditions** contained in this Record of Decision, for the execution of the activity described above.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may only commence once the statutory thirty (30) day appeal period has expired and no appeals have been lodged against this Record of Decision in terms of section 35(3) of the Environment Conservation Act 1989, (Act 73 of 1989). In the case of an appeal being submitted to the competent authority, the effect of this Record of Decision will be suspended until such time as the appeal is decided.
2. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region B), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2 The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1 and 8
3. No surface or ground water may be polluted due to any activity on the property/site. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
4. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a waste disposal facility licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
5. The recommendations from the Department of Water Affairs and Forestry ("DWAF") in their letter dated 28 March 2008 must be adopted and implemented (attached hereto as Appendix 1).
6. The mitigation measures to minimise environmental impacts as stipulated in section 13.2 on pages 31-32 of the Scoping Report dated June 2008, (reference number 06125), compiled by Sillito Environmental Consulting must be adopted and implemented (attached hereto as Appendix 2).
7. The Environmental Management Plan ("EMP") submitted as Appendix E with the Scoping Report dated June 2008 (reference number 06125) compiled by Sillito Environmental Consulting, must be adopted and implemented.
 - 7.1 Any substantial changes, updates or upgrades to the EMP must be communicated to this Directorate within 14 days of such changes, updates or upgrades by the applicant.
 - 7.2 The EMP may only be amended with the approval of this Directorate.
 - 7.3 The EMP must be included in all contract documentation for the construction phase of the development.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

8. The applicant must, **within five calendar days** of the date of issue of this Record of Decision:
- Inform the relevant local authority as well as all interested and affected parties, ("I & AP's") registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;
 - Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, as amended, which reads as follows:
 - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
 - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
 - Inform all I & AP's that a signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3721, email jedevill@pgwc.gov.za or URL <http://www.capegateway.gov.za/eadp> must accompany the appeal.
 - If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.
9. The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
10. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
11. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

H. RECOMMENDATIONS:
None.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

I. KEY FACTORS AFFECTING THE DECISION:

Need and Feasibility

The site is located in a rapidly growing middle to upper income residential area which is currently underserved with service stations. A feasibility study was conducted for the site and surrounding area using locally sourced traffic information as well as traffic and flow projection software. Based on the findings it is anticipated that the proposed activity will be feasible. According to the applicant, the available traffic flows in the area is more than sufficient to make the proposed activity economically viable.

Interception rates were calculated for passing traffic. The capture rates for the site comprises a 3.3% capture rate for traffic travelling in a southerly direction along Prince George Drive and a 1.5% for traffic travelling in a northerly direction. This effectively means that traffic flows in each of these directions are 8330 per 24 hrs and 8492 vehicles per 24hrs, respectively. It is anticipated that these figures will grow by 3% annually.

Biophysical

The site comprises Cape Flats Dune Strandveld which is listed as Endangered according the National Spatial Biodiversity Assessment. Based on this, a botanical assessment was conducted. The assessment concluded that, although the site contains a vegetation type that is endangered, the vegetation patch is too isolated to function as a viable conservation area and is therefore of low value. A Search & Rescue; and Biodiversity Offset was however recommended; which is included in the mitigation measures that been made conditional in this Record of Decision.

CapeNature (which was consulted as a commenting authority) expressed concern that various flowering species may have been missed by the botanical assessment and referred to an isolated wet depression located on the site. The botanist responded that they are familiar with the site, having conducted various botanical studies for these types of open spaces for the City of Cape Town, they are confident of their findings. A wetland specialist was commissioned to conduct an assessment of the site. It was confirmed that the site does not contain any wetland environment warranting conservation or further investigation.

Hydrogeology and Groundwater usage

Limited information is available for groundwater abstraction from the DWAF national groundwater abstraction database regarding the area surrounding the site. Based on previous geotechnical investigations, it is anticipated that the site is underlain at shallow depth by a perched water table, which will show seasonal fluctuations. Groundwater flow direction is anticipated to be sub-parallel to the surface slope and will eventually flow in a southerly direction towards the sea. The site is located within an urban municipal environment that can readily link to municipal mains supply; it was concluded that it is thus unlikely that groundwater is abstracted for potable use.

Storm water drainage management from recent developments on two sides of the property will generally lower the water table; and effectively dry out the area in the immediate vicinity of the site. Thus the property may no longer become as wet as it had been in the past.

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

Social Considerations

The site is located in an area that is rapidly developing into high density residential development. The next building to the north of the site is used for commercial activity; with a café type development located to the southwest of the site and an Engen Service Station to the northwest. The site has its correct zoning for a service station (i.e. General Business – Subzone B1); its location is typically one that is associated with such heavily trafficked intersections.

It is anticipated that ~40 people will be working on the site during construction; and ~30 permanent employment opportunities will be created at the facility. It is stated that casual labour during the operational and construction phases will be sourced from previously disadvantaged individuals from the local communities in the area. This will allow for skills transfer and an associated opportunity for upliftment of these individuals.

Alternatives

The applicant considered site and technology alternatives.

Site Alternatives

Three sites were initially identified that were primarily informed by the traffic impact assessment and economic feasibility.

Site 1- the preferred alternative

This site will serve traffic moving in a southerly direction along Prince George Drive and also traffic in an easterly and westerly direction on St. George's Street. Access to this site will be taken from St. George's Street as no access will be allowed off Prince George's Drive.

Site 2

This site is located in a more southerly direction, also along Prince George Drive, closer to Sunrise Circle. This site was however rejected as it did not meet the required safety standards due to safety concerns relating to accessibility off Prince George Drive.

Site 3

This site is located at the traffic circle providing southerly access to Capricorn Park on Baden Powell Drive. The site is located immediately to the north of the traffic circle on an access road into Villa D' Algarve. Accessibility was not considered suitable due to the proximity of site to the circle and the site would be located on a back road. In addition, the very close proximity of residential development to the proposed activity was not considered ideal. The site was thus rejected.

Design considerations

The design of the proposed activity is based on current international Oil Industry best practise standards.

Public Participation

An initial public participation process was undertaken by CNdV Africa; which included the following:

- Notification of adjacent properties through registered letters (a total of 12 registered letters were sent);

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

- A copy of the notification was also provided to the Ward Councillor for Muizenberg;
- A newspaper advert was placed in The Cape Argus, Die Burger and the Southern Mail.
- At the end of the commenting period, one Interested and Affected Party (I&AP) registered (the Fuel Retailers Association (FRA), now known as the Petroleum Retailers Alignment Forum (PRAF)).

PRAF provided a general objection to the proposed filling station and its potential impacts on the members of the PRAF.

SEC was subsequently appointed as the independent environmental consultants, who undertook the scoping process and released the draft scoping report for comment.

The Department of Water Affairs and Forestry (DWAF) was consulted regarding the proximity of water abstraction points and the specialist wetland assessment of the site. CapeNature and the City of Cape Town was also consulted and provided comment regarding the vegetation of the site.

Issues that were raised included the following:

- Endangered vegetation type identified on the site;
- Degree of confidence w.r.t. the botanical assessment;
- Identification of a wet depression on the site;

A comments and response section was provided for in the scoping report. The Department is satisfied that all the issues and concerns raised were adequately addressed and mitigated. At the end of the commenting period, no further comments were received.

The Department is satisfied that an adequate, all inclusive public participation process was undertaken that meets the minimum legal requirements.

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within **two (2) years** of the date of issue of this authorisation.

K. APPEAL:

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals must be directed within thirty (30) days of the date of the issuing of this Record of Decision, to:

By post: Provincial Minister for Environment, Planning and Economic Development
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

*Department of Environmental Affairs & Development Planning
Directorate: Integrated Environmental Management (Region B)*

By hand: Mr Jaap de Villiers
3rd floor Leeusig Building
4 Leeuwen Street
CAPE TOWN
8001

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

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

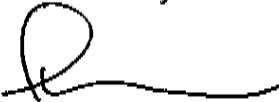
A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 3721, email jedevill@pgwc.gov.za or URL www.capegateway.gov.za/eadp must accompany the appeal.

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

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

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

Yours faithfully



**ANTHONY BARNES
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION B)**

DATE OF DECISION: 27/6/2008

Copies to: (1) Adrian Sillito/Fabio Venturi (SEC)
(2) Nigel Titus (CNdV Africa)
(3) Colin Lovember (City of Cape Town)

Fax: (021) 712 5061
Fax: (021) 461 6466
Fax: (021) 419 6260

APPENDIX 1



water & forestry

Department:
Water Affairs and Forestry
REPUBLIC OF SOUTH AFRICA

Private Bag X16, Sanlamhof, 7532, 17 Strand Street, Bellville, 7530

✉ Zanele Bila
☎ 27/2/1/G100/A/11
E bilam@dwaf.gov.za

☎ (021) 950 7146
F ☎ (021) 950 7224
28 March 2008

Strategic Environmental Focus
Environmental Consultants & Landscape Architects
P. O. Box 1330
DURBANVILLE
7551

Attention: Fabio Venturi

COMMENTS ON A PROPOSED NEW SERVICE STATION ON REMAINDER OF ERF 164232, CHEVRON MUIZENBERG

With reference to the Environmental Impact Report done by Mr Adrian Silito of Silito Environmental Consulting and the Freshwater Report dated 11 March 2008, compiled by Dr Bill Harding of D. H. Environmental Consulting this Department comments as follows:

- No surface, ground or storm water may be polluted as a result of any activities on the site.
- All the requirements of the National Water Act (NWA), 1998 (Act 36 of 1998) must be adhered to at all times.
- Solid waste must be managed in accordance with the requirements of Section 20 of the Environmental Conservation Act, 1989 (Act 73 of 1989).
- All reasonable measures must be taken to prevent pollution of water resources in case of accidents and/or during installation and operation.
- All the mitigation measures to reduce the potential impacts as stipulated under table 1.1e, 1.1f, 1.1g1 and 1k of the draft Environmental Management Plan must be implemented and adhered to at all times;
- A ground water monitoring programme must be installed and implemented by a

qualified and competent groundwater specialist.

- It is recommended that monitoring boreholes be established down-gradient of the underground storage tanks, and monitored on a quarterly basis. **Please note that analysis results must be submitted to this office on a quarterly basis.**
- An approved Environmental Management Programme (EMP) must be implemented during the construction phase.
- All reasonable measures must be taken to prevent pollution of water resources in case of accidents on or within the area.
- The installation of the additional tank must be in accordance with SANS 10089-3 underground pipe and tank installation standards as stated under Table 1.1g point no. 8.
- The proposed construction must take place above the 1:100 year flood line or 100m from any watercourse.

You are welcome to contact this office should you have any further questions in this regard.

Yours faithfully


Chief Director, Western Cape

APPENDIX 2

13.2 Summary of mitigation measures to minimise environmental impact

To minimise the likelihood of potential negative environmental effects, and thereby mitigating these impact, the Oil Company involved with this project will take the following measures:

- Ensure adequate training of all on site personnel in their relevant roles to minimise environmental impacts (this applies to both above and underground tanks).
- The proposed underground installation will comply with SANS 1535 (tank manufacture standards) and SANS 10089 Part 3 (underground tanks and pipe installation standards).
- Tank flotation (relating to underground tanks) will be prevented using methods approved in SANS 10089 Part 3.
- Installation of jacketed underground storage tanks (UST's). The outer coating is used to minimise the possibility of corrosive failure.
- Installation of observation wells in the fill surrounding the UST's. These can be used to check for product losses (visual and olfactory) assessment, and may in the case of product loss, be used for product recovery/remediation.
- Installation of internationally approved non-corrosive pipe work systems. This is to limit the possibility of pipe failure due to corrosion; this being the most common cause of pipe failure before this system was introduced to the RSA. All joints in the fuel lines will be located in containment manholes. Containment manholes also occur where the pipe work enters the tanks and under the pump dispensers.
- Leak detectors will detect leaks in the fuel lines and automatically switch off the submersible pump installation in the underground storage tank.
- Vent and filler lines slope back to the UST so that fuel does not remain in the pipes. Delivery lines are pressurised at all times, leak detectors will immediately switch of the submersible pump in the tank should a leak be detected.
- Shear off valves will be anchored below fuel dispensers, so that no spillage occurs if the dispenser is accidentally knocked over. There are also breakaway couplings on the hoses in case a car pulls away from the pump dispenser while the nozzle is still in the filler.
- Filler containment manholes will be installed at filler points to contain minor spillages from the delivery discharge hoses.
- Provision of overfill protection devices in the tank filling pipe work to prevent tank overfills during filling operations.
- During fuel tanker delivery, the tanker driver will be present at all times during product offloading. Should an incident occur an emergency cut-off switch is used to immediately stop fuel delivery. This is applicable to both above and underground tank operations.

- The forecourt area beneath the canopy comprises a hardened surface and is to be sloped to a catch-pit/s which will collect any spillage or wash down which will then feed through a separator system prior to discharge to the municipal sewer.
- An Oil Industry standard oil interceptor system will be installed. This will allow for the removal of free product from any surface runoff or spillages prior to discharge to the Municipal sewer. The separator will be emptied on a regular basis and the material disposed of at a suitable waste disposal facility. Chain of custody documentation will be completed as proof of a suitable end recipient.
- The fuel storage system will be equipped with automatic tank gauging for continuous stock monitoring.
- Fire fighting equipment on the site will be to Oil Industry standards.
- In the unlikely event of a product loss at the site (possibly a spillage during tanker delivery or a fuel line failure), the Oil Company involved will rapidly respond in order to contain any spilled product. They will also ensure that no additional health risks to any of the surrounding developments result from this incident.
- A groundwater monitoring system (i.e. groundwater monitoring wells) will be installed and monitored by an experienced and professionally competent groundwater pollution expert and a quarterly monitoring programme implemented. Results will be forwarded to the DWAF for comment and records.
- A **search and rescue operation** to relocate the plants on site to conservation areas.
- Consideration of a **Biodiversity Offset** in conjunction with the applicant and City of Cape Town for the loss of vegetation on site.

13.3 Potential Positive Impacts

- The availability of fuel and convenience goods on a 24 hourly basis to the surrounding community.
- The provision of unskilled and semi-skilled employment opportunities both during and after construction for previously disadvantaged individuals.
- It is expected that the entire facility will generate approximately 40 temporary jobs during the construction phase and approximately 30 permanent jobs during the operational phase.
- The facility will also make a contribution to the local economy (rates, taxes, employee salaries).

13.4 Potential Negative Impacts

- The negative impacts associated with the proposed development will include a cumulative negative increase in noise, light, vibration and dust in the vicinity and immediate surrounds of the site.