

DBAR COMMENT AND RESPONSE TRAIL REPORT r1

PROPOSED DEVELOPMENT OF A FILLING STATION AND BUSINESS PREMISES ON ERF 1071, CHATSWORTH

(DEA&DP Ref. No: 16/3/3/1/F5/4/2039/22)

APPLICANT: Swartland Municipality

DBAR/post application public participation comment period started 24 June 2022 and ended 25 July 2022 with additional public participation after DEA&DP comment on DBAR taking place in August and September 2022.

Public participation process included advertisements in local newspaper/s. Placement of A2 posters on site; Display and placement of A3 posters, maildrop letters in public facilities where possible e.g. Municipality, library, large retail shops, community clinic; Display of A3 posters at local community shops/'spaza' shops; Hand delivery of maildrop letters to (and conversations with) immediate neighbours.

No.	Comment Date, Comment Format, Organisation/I&AP	Comment	Response from EAP/Applicant/Specialist/Project Manager
01	<p>Date: 04/07/2022 Format: Email letter I&AP: Letter signed by Ms. Ayesha Hamdulay, pp. Head of Component, Directorate: Development Management (Region1), Department of Environmental Affairs and Development Planning (DEA&DP) Enquiries: Ms Natasha Bieding</p>	<p>Email and letter (both dated 04 July 2022) received from the DEA&DP acknowledging receipt of application form and draft basic assessment report (BAR):</p> <ol style="list-style-type: none"> 1. The Application Form dated 24 February 2022, Screening Tool Report dated 24 February 2022, the Site Sensitivity Verification ("SSV") Report, the Project Plan (undated), and the draft BAR received by this Department via electronic mail correspondence on 24 June 2022, refers. 2. This letter serves as an acknowledgement of receipt of the aforementioned documents by this Department. 3. This Department will provide comments on the Draft BAR within the prescribed time period and advise you accordingly. 4. Based on the information provided by you, this Department notes that the proposed development entails the transformation of land zoned Open Space Zone 1 to Business Zone 1 and the storage of less than 80m³ of fuel for the proposed development of a filling station, business premises and associated infrastructure on Erf 1071, Chatsworth. 	<p>EAP:</p> <ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. Noted. 4. Noted. 5. <i>Applicable Listed Activities:</i> Noted. 6. <i>National Sector Classification Categories:</i> Cognisance taken of comment – only one National Sector Classification category selected in the revised application form submitted with the final BAR. National Sector

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		<p>5. <i>Applicable Listed Activities:</i> 5.1. Having considered the information contained in the Application Form, this Department concurs that the proposed development constitutes Listed Activities 10 and 15 of Listing Notice 3 of the EIA Regulations, 2014 (as amended). 5.2. You are hereby advised that only those Listed Activities applied for in terms of the EIA Regulations, 2014 (as amended) will be considered for authorisation. The onus is on the applicant to ensure that all the applicable Listed Activities are applied for and assessed as part of the Basic Assessment process. Failure to include any applicable Listed Activity may invalidate the application.</p> <p>6. <i>National Sector Classification Categories</i> This Department notes that two (2) National Sector Classification categories were selected for this development proposal. Section D (National Sector Classification List) must be limited to the selection of one main sector for the proposed development, which will also be the same sector indicated in the DEA Screening Tool.</p> <p>7. <i>Heritage Resources</i> 7.1. It is noted that a Notice of Intent to Develop (“NID”) was submitted to Heritage Western Cape (“HWC”) to determine whether the development proposal will not trigger Section 38(1) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (“NHRA”). 7.2. The Record of Decision (“RoD”) from HWC (dated 8 February 2022), stated that there is no reason to believe that the proposed development will impact on heritage resources. Consequently, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.</p> <p>8. <i>Confirmation of Availability of Municipal Services</i> 8.1. Since water supply, solid waste removal, electricity supply and effluent discharge services will be provided by the Swartland Municipality/Eskom, you are requested to provide this office with written proof that the Swartland Municipality/Eskom has sufficient capacity to provide the necessary services to the proposed development. 8.2. Confirmation of the availability of services from the service providers must be provided together with the BAR submitted to this Department for decision-making.</p> <p>9. <i>Screening Tool, Protocols, Site Sensitivity Verification and Specialist Assessments</i> 9.1. Screening Tool Report 9.1.1. This Directorate notes that the Screening Tool Report (dated 24 February 2022) has identified a number of specialist studies to be conducted. A motivation as to why certain specialist studies highlighted in the Screening Report will/will not be conducted has been provided. 9.1.2. The following specialist assessments were identified in the Screening Tool Report (dated 24 February 2022):</p> <ul style="list-style-type: none"> • Landscape/Visual Impact Assessment; • Archaeological and Cultural Heritage Impact Assessment; • Paleontology Impact Assessment; • Terrestrial Biodiversity Impact Assessment; • Aquatic Biodiversity Impact Assessment; 	<p>Classification category selected is in line with Screening Tool Report.</p> <p>7. <i>Heritage Resources</i> : Noted.</p> <p>8. <i>Confirmation of Availability of Municipal Services</i> : Please refer to Appendix E4 for letter confirming capacity to provide required Municipal services.</p> <p>9. <i>Screening Tool, Protocols, Site Sensitivity Verification and Specialist Assessments</i>: Cognisance has been taken of the comments made and requirements have been adhered to.</p> <p>10. <i>Guidelines</i>: Noted.</p> <p>11. <i>BAR Requirements</i>: Noted.</p> <p>12. <i>PPP</i>: 12.1 Noted. 12.2 The PPP for all I&APs (governmental and non-governmental) was for a minimum commenting period of thirty (30) days in the pre-application and post application/DBAR stages of the EIA process. 12.3 Noted. 12.4 Refer to Appendices E (Correspondence with Organs of State) and Appendix F (Public Participation) for written evidence of BAR submission date to relevant State Departments and/or Organs of State, as well as indication that same were notified of the commenting period in terms of Section 24O of the NEMA. 12.5 Refer to Appendices E (Correspondence with Organs of State) and Appendix F (Public Participation) for proof of notification of State Departments and/or Organs of State.</p>

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		<ul style="list-style-type: none"> • Hydrology Assessment; • Socio-Economic Assessment; • Plant Species Assessment; • Animal Species Assessment. <p>9.1.3. It is indicated in the Application Form that the following specialist assessments will be undertaken, as part of the Basic Assessment application process:</p> <ul style="list-style-type: none"> • Terrestrial Biodiversity Compliance Statement; and • Specialist Geohydrological and Geotechnical preliminary assessment <p>9.2. The Protocols</p> <p>9.2.1. The “Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation” (“the Protocols”) were published on 20 March 2020 (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) and the Protocols are applicable to your proposed development.</p> <p>9.2.2. Be advised that the Protocols must be complied with for every new application that is submitted after 9 May 2020. Specialist studies/compliance statements conducted during the pre-application phase must meet the requirements of the Protocols by the time the draft report is submitted to the Competent Authority.</p> <p>9.3. Site Sensitivity Verification and Specialist Assessments</p> <p>9.3.1. According to the Protocols, before commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool must be confirmed by undertaking Site Sensitivity Verification (“SSV”). This Directorate notes that the outcome of the SSV has been recorded in the format of a report.</p> <p>9.3.2. The motivation for not conducting certain specialist studies as identified in the Screening Tool Report is noted.</p> <p>9.3.3. Please note that should any authority that have jurisdiction in respect of any aspect of the proposed development request that further specialist studies be conducted, and where the request is supported by this Directorate, this must take precedence.</p> <p>9.3.4. Please be advised that the Terrestrial Biodiversity Compliance Statement, must meet the requirements of the Protocols. Furthermore, the Terrestrial Biodiversity Compliance Statement and the Specialist Geohydrological and Geotechnical preliminary assessment must be made part of the information that will be circulated during the Public Participation Process.</p> <p>10. <i>Guidelines</i> You are advised that when undertaking the Basic Assessment process, you must take into account the applicable guidelines including the guidelines developed by this Department. This Department’s guidelines can be downloaded from this Department’s website (http://westerncape.gov.za/eadp). In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:</p> <ul style="list-style-type: none"> • Guideline for the Review of Specialist Input in the EIA process (June 2005); • Guideline for Environmental Management Plans (June 2005); • Guideline on Alternatives (March 2013); and • Guideline on Need and Desirability (March 2013) <p>11. <i>BAR Requirements</i></p>	<p>12.6 State Departments and/or Organs of State engaged in the PPP during the EIA process. EAP consulted with State Departments and/or Organs of State via email and telephonic conversations.</p> <p>12.7 Refer to Appendices Appendix F (Public Participation) for pre-application and post application I&AP lists/registers, as well as pre-application and post application comments and response reports.</p> <p>13. <i>EMPr:</i> 13.1 Cognisance taken of comment and draft EMPr revised. 13.2 Tables in the EMPr which list environmental impacts with the management/mitigation activities required together with allocated responsibilities and applicable timeframes, cover the various phases of the project’s life cycle i.e the Design and Planning, Construction / Installation, and Operational and Decommissioning / Demolition Phases.</p> <p>14. <i>Alternatives:</i> No site alternatives exist since land within the Chatsworth CBD is limited, Alternatives in terms of technology, layout, design, activity and operation will be considered by the successful tenderer/developer for the proposed development i.e. potential alternatives in technology, layout, design, activity and operation will form part of the developer’s proposal to the Municipality.</p> <p>15. <i>No-go option:</i> Assessment of the no-go option in the draft BAR has been revised for the final BAR in line with comments received from competent authority.</p> <p>16. <i>Exemptions:</i> Noted.</p> <p>17. <i>Need and Desirability:</i></p>

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		<p>11.1. The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations 2014 (as amended) and must include the information requested in this letter. Failure to submit any information prescribed in Appendix 1 of the EIA Regulations 2014 (as amended) may result in Environmental Authorisation being refused.</p> <p>11.2. This Department awaits the submission of the final BAR for decision-making, as prescribed by Regulation 19 of the EIA Regulations, 2014 (as amended). In accordance with Regulation 19 of GN No. R.982 (as amended), this Department hereby stipulates that the final BAR for decision-making must be submitted to this Department within 90 days from the date of receipt of the Application Form for Environmental Authorisation by this Department, calculated from 24 June 2022.</p> <p>11.3. If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/ EAP must notify this Department that an additional 50 days (i.e., 140 days from receipt of the Application Form for Environmental Authorisation) will be required for the submission of the final BAR for decision-making. The additional 50 days must include a minimum commenting period of 30 days to allow registered Interested and Affected Parties ("I&APs") to comment on the revised report/additional information.</p> <p>11.4. If the final BAR for decision-making is not submitted within the prescribed timeframe, the application will lapse in terms of Regulation 45 of the EIA Regulations, 2014 (as amended) and your case file will be closed for administrative purposes, unless an extension has been granted in terms of Regulation 3(7). Should you wish to pursue the application again, a new EIA application process would have to be initiated. A new Application Form for Environmental Authorisation would have to be submitted to the Competent Authority with proof of having again paid the prescribed application fee.</p> <p>12. <i>Public Participation Process ("PPP")</i></p> <p>12.1. The BAR must be subjected to a PPP that complies with Chapter 6 of the EIA Regulations, 2014 (as amended) and must take into account any applicable Guidelines published in terms of Section 24J of the NEMA, this Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 (as amended), as well as any other guidelines developed by this Department. Note that the public participation requirements are applicable to all proposed sites.</p> <p>12.2. In addition to the above, the EAP must submit an electronic copy of the BAR to this Department for a minimum commenting period of thirty (30) days. The BAR must be made available to all relevant State Departments and/or Organs of State that administer laws relating to a matter affecting the environment, for a minimum commenting period of thirty (30) days.</p> <p>12.3. This Department herewith provides the following comments:</p> <p>12.3.1. Your attention is drawn to Circular 0027 of 2021 regarding the electronic administration of EIA applications. The Directorate: Development Management (Region 1 and 2) will continue with the electronic submission of correspondence and has for this reason established a dedicated e-mail address for the submission of all correspondence to the Directorates. For the Cape Town office, the e-mail address is DEADPEIAAdmin@westerncape.gov.za.</p> <p>12.3.2. This new electronic means of working is effective from 01 February 2022 and all general EIA queries, correspondence, applications, non-applications and reports must be e-mailed to the aforementioned email address.</p>	<p>The need for and desirability of the proposed activity must be considered and reported on in the BAR.</p> <p>18. <i>Project Plan:</i> Competent authority's acceptance of the project plan is acknowledged.</p> <p>19: <i>NEMA Principles:</i> The principles outlined in Section 2 of the NEMA (including reference to sustainable practises which aim to meet the requirements of sustainable development) are outlined in Section E (point 12) and Section I (Point 4) of the BAR as well as in sections 7.1, 7.1 and 7.3 of the EMPr which detail management and mitigation measures/actions for the proposed development</p> <p>20. <i>Social and Gender Considerations:</i> Social and gender considerations are captured in the final BAR in Section I, point 4 and Section J, point 1.3, as well as in the Construction / Installation Phase table in the EMPr (point 17.8) and the Operation Phase table (point 8.10), and a method statement on the management of this issue is listed as a requirement prior to an.</p> <p>21. <i>Climate Change:</i> Tables in the EMPr which list environmental impacts with the management/mitigation activities required together with allocated responsibilities and applicable timeframes, cover the various phases of the project's life cycle i.e the Design and Planning, Construction / Installation, and Operational Phases, and include energy efficient measures and resource conservation actions and mitigation measures which promote sustainable development. In addition, the developer has been encouraged to investigate electricity supply which is off-grid (e.g. solar PV power supply to the fuel pumps) to avoid</p>

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		<p>12.3.3. Please ensure that where electronic copies cannot be accessed by I&APs, alternative access to copies of the draft BAR are made available.</p> <p>12.3.4. E-mail notification to I&APs is strongly supported. However, other means of notification for those I&APs will be required, where no e-mail addresses are available, or where the likelihood of success of this electronic correspondence is expected to be low.</p> <p>12.3.5. Where I&APs are unable to access electronic copies of the draft BAR, a hard copy of the report must be made available. Alternatively, the EAP will be required to engage with I&APs, with respect to alternative methods of accessing electronic copies of the draft BAR.</p> <p>12.4. The EAP must notify this Department in writing of the date the BAR was submitted to the relevant State Departments and/or Organs of State and clearly indicate whether such State Departments and/or Organs of State were notified of the commenting period in terms of Section 24O of the NEMA.</p> <p>12.5. It is imperative that State Departments and/or Organs of State be in possession of the Reports when the EAP issues them with the notice in terms of Section 24O of the NEMA. Please note that the EAP is responsible for such consultation. Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments and/or Organs of State in terms of Section 24O(2) and (3) of the NEMA in the BAR, where appropriate.</p> <p>12.6. In terms of good environmental practice, you are encouraged to engage with State Departments and/or Organs of State early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the BAR available to State Departments and/or Organs of State as stipulated above. The following State Departments and/or Organs of State must be consulted during the EIA process as part of the PPP:</p> <ul style="list-style-type: none"> • CapeNature; • Heritage Western Cape; • Swartland Local Municipality; • West Coast District Municipality; and • This Department's Waste Management Directorate; • This Department's Pollution and Chemicals Management Directorate; and • Western Cape Government: Health. <p>12.7. A register of I&APs must be opened and maintained. The said register must be submitted to this Department. The EAP must record and respond to all comments received. The comments and responses must be captured in a 'Comments and Responses Report' and must include a description of the PPP followed. This report must be included in the public participation information attached to the final BAR to be submitted for a decision.</p> <p><i>13. Environmental Management Programme</i></p> <p>13.1. In accordance with Section 24N of the NEMA and Regulation 19 of the EIA Regulations 2014 (as amended), this Department hereby requires the submission of an Environmental Management Programme ("EMPr"). The contents of such an EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of the EIA Regulations 2014 (as amended).</p> <p>13.2. The EMPr must address the potential environmental impacts of the proposed expansion throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The EMPr must be submitted</p>	<p>reliance on current coal-fired electricity supply. Indigenous, climate change resilient vegetation and low maintenance / water-wise landscape design has been stipulated in the EMPr (Appendix H) and which also includes the <u>final/rehabilitation</u> landscaping design.</p> <p>22. <i>General:</i> Noted.</p> <p>23. Concluding comment is noted.</p>

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		<p>together with the BAR. When compiling the EMPr, this Department's Guideline for Environmental Management Plans (June 2005), available on this Department's website: http://www.westerncape.gov.za/eadp, must be taken into account as well as Appendix 4 of the EIA Regulations, 2014 (as amended).</p> <p><i>14. Alternatives</i> 14.1. Be advised that in terms of the EIA Regulations, 2014 (as amended) and the NEMA the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that this Department may grant authorisation for an alternative as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for as specified in Regulation 20 of the EIA Regulations, 2014 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives.</p> <p>15. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (i.e., the "no-go" option) in addition to other alternatives identified. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is proof that the investigation was undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the 'no-go' option exist.</p> <p><i>16. Exemptions</i> 16.1. This Department notes that you do not intend to apply for exemption in terms of the National Exemption Regulations, 2014 promulgated on 08 December 2014 from any of the requirements of the PPP as stipulated in Regulation 41 of the EIA Regulations, 2014 (as amended) and that you do not intend to apply for exemption from any other provisions contained in the EIA Regulations, 2014 (as amended), the NEMA or any notice issued under the NEMA. 16.2. Please note that should you fail to meet a requirement of the EIA Regulations, 2014 (as amended) or the NEMA and if no exemption from that provision was applied for and granted, your EIA application may be refused by this Department.</p> <p><i>17. Need and Desirability</i> In terms of the EIA Regulations, 2014 (as amended), when considering an application, this Department must take into account a number of specific considerations including, inter alia, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability.</p>	

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		<p>18. <i>Project Plan</i> Your Project Plan included in the Public Participation Plan (submitted together with the Application Form), is hereby acknowledged and appears to be in order with regards to the allocated timeframes for each phase of the application process.</p> <p>19. <i>NEMA Principles</i> In addition to the above, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.</p> <p>20. <i>Social and Gender Considerations</i> You are reminded that the social context of the proposed development must always be considered. This includes the impact that the development proposal may have on the prevalence of HIV/AIDS, Sexually Transmitted Infections (“STI”) and Tuberculosis (“TB”), as well as equity and gender related concerns.</p> <p>21. <i>Climate Change</i> 21.1. The BAR must report on the potential impacts on climate change. One of the objectives of the Western Cape Provincial Spatial Development Framework published by this Department is to minimise the consumption of scarce environmental resources such as water, fuel, building materials, mineral resources, electricity, and land. To this effect and as part of the efforts to reduce the effects of climate change, you must, as part of the EIA process, identify energy efficient technologies (e.g., the use of low voltage or compact fluorescent lights instead of incandescent globes, maximising the use of solar heating, etc.) that could be implemented for the proposed development. 21.2. Considering that South Africa is a water scarce country and that many catchments in the Western Cape are already water stressed, you must also consider implementing the use of water saving devices and technologies (e.g., dual flush toilets, low-flow shower heads and taps, etc.) for the proposed development.</p> <p>22. <i>General</i> 22.1. Kindly quote the abovementioned reference number in any future correspondence in respect of the application. 22.2. It is prohibited in terms of Section 24F of the NEMA for a person to commence with a Listed Activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. A person convicted of an offence in terms of the above is liable for a fine not exceeding R10 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>23. This Directorate reserves the right to revise or withdraw its comments and request further information from you based on any information received.</p>	
02	Date: 25/07/2022 Format: Email	Email received providing CapeNature's comment on application.	EAP: 1. Noted. 2. Noted.

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	<p>I&AP: Mr Ismat Adams, Land-Use Scientist (Landscape West), Conservation Operations, CapeNature</p>	<p>1. It is clear from the biodiversity specialist survey and the SSVR that the site is transformed and no longer contains Atlantis Sand Fynbos. The original vegetation type has been replaced by alien invasive vegetation and weedy indigenous species. Furthermore, the site is unselected in the WCBSP.</p> <p>2. The biodiversity specialist statement is supported. The SSVR conclusions regarding, plant, animal, and terrestrial biodiversity sensitivities are accepted.</p> <p>3. Potential impact on groundwater is of concern. In addition to double lined storage tanks and bunding of other fuel storage equipment, a monitoring programme that includes both on-site and off-site (e.g. borehole) monitoring should be put in place.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>3. CapeNature's concern regarding the potential impact on groundwater is noted. Comment on monitoring programme including both on- and off-site monitoring has been captured in the final basic assessment report and associated Appendices G2 (Geohydrological/geotechnical specialist preliminary assessment report in) and H (EMPr).</p> <p>Final paragraph is noted.</p>
03	<p>Date: 26/07/2022 Format: Email letter I&AP: Letter signed by Ms. Ayesha Hamdulay, pp. Head of Component, Directorate: Development Management (Region1), Department of Environmental Affairs and Development Planning (DEA&DP) Enquiries: Ms Natasha Bieding</p>	<p>Email (dated 26 July 2022) and letter (dated 25 July 2022) with comments on DBAR received from the DEA&DP:</p> <p>1. The draft BAR dated June 2022, as received by the Department via electronic mail correspondence on 24 June 2022, and the acknowledgement of receipt thereof dated 4 July 2022, refer.</p> <p>2. Having considered the information contained in the draft BAR, this Directorate hereby provides the following comments:</p> <p>2.1. <i>Applicant Details</i> 2.1.1. This Directorate notes that the person whose details have been include in Section A of the draft BAR as the applicant (Mr. Alwyn Zaayman), differs from the person who has signed the applicant's declaration page (Ms. Madelaine Sophia Terblanche). 2.1.2. Kindly ensure that the person who has signed the applicant's declaration page is the same person whose details have been entered as the applicant in subsequent reports submitted to the Competent Authority.</p> <p>2.2. <i>Confirmation of Availability of Municipal Services</i> You are reminded that written confirmation that the Swartland Municipality/Eskom has sufficient capacity to provide the necessary services to the proposed development must be included in the final BAR submitted to the Competent Authority for decision-making.</p> <p>2.3. <i>National Sector Classification Categories</i> This Department notes that two (2) National Sector Classification categories were selected for this development proposal. Section D (National Sector Classification List) must be limited to the selection of one main sector for the proposed development, which will also be the same sector indicated in the DEA Screening Tool.</p> <p>2.4. <i>Heritage Resources</i> You are reminded that the Record of Decision ("RoD") from Heritage Western Cape ("HWC") (dated 8 February 2022) must be submitted with the final BAR submitted to the Competent Authority for decision-making.</p> <p>2.5. <i>Public Participation Process ("PPP") Particulars</i></p>	<p>EAP:</p> <p>1. Noted.</p> <p>2. <i>Applicant Details</i> 2.1 The Applicant, Swartland Municipality, is represented by Ms Madelaine Terblanche and the Ms Terblanche's/the Municipality's contact person is Mr Alwyn Zaayman. has communicated that it will make the need for an amendment application to transfer rights and obligations of the EA holder, a contractual requirement of the party to receive the EA from the Municipality (should an EA be granted). 2.2 Written confirmation from Swartland Municipality reagtrding provision of relevant services has been included as Appendix E4 of the final BAR. 2.3 A revised application form indicating only one National Sector Classification category has been submitted with the final BAR. National Sector Classification category selected is in line with Screening Tool Report. 2.4 Final comment/the RoD from HWC has been included as Appendix E8 of the final BAR. 2.5 Proof of PPP includes as Appendices E and F of the final BAR. 2.6 <i>Assessment of Impacts</i></p>

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		<p>Please note that proof of the PPP conducted, and all comments received, must be included in the final BAR to be submitted to the Competent Authority for decision-making.</p> <p>2.6. Assessment of Impacts</p> <p>2.6.1. Please ensure that Appendix K of the draft BAR is updated to provide an assessment of the health and safety related impacts (e.g., accidental fires) associated with the proposed development during the operational phase. These must include measures to avoid, or if not possible, mitigate such impacts.</p> <p>2.6.2. Alternatively, and given the site's distance from the local municipality' emergency services and nearby located residential areas, it is recommended that an Emergency Response Plan (as also proposed in the Environmental Management Programme ("EMPr") that was submitted together with the abovementioned Draft BAR) be compiled and be submitted to Swartland Municipality for comment. The Emergency Response Plan must include measures which will be implemented to inter alia, ensure the safety of surrounding residents and occupiers of the site when an emergency situation such accidental fires arises during the operational phase. The Emergency Response Plan must be submitted to the Department along with the Final BAR, with an accompanying letter of comment from the Swartland Municipality.</p> <p>2.6.3. Please ensure that Appendix K of the Draft BAR is updated to provide an assessment of the visual impacts of the proposed development on the immediate surrounds. Please note that should the proposed development be a 24-hour operational facility then the impact of light pollution on the local area and residents must also be assessed. These must include measures to avoid, or if not possible, mitigate such impacts.</p> <p>2.6.4. Please ensure that Appendix K of the Draft BAR is updated to provide an assessment of the traffic related impacts during the operational phase. This must include information on the number of in-and-out trips that the facility will generate and the impact that this will have on the local road network. Should it be determined that certain road upgrades are required, then this information must be included in the Final BAR submitted to the Competent Authority.</p> <p>2.7. Environmental Management Programme ("EMPr")</p> <p>2.7.1. The contents of the draft EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of the EIA Regulations 2014 (as amended).</p> <p>2.7.2. The draft EMPr must be amended to include a fines/ penalties section for failure of the applicant and/or any contracted person to comply with the provisions of the EMPr submitted with the final BAR to the Competent Authority for decision-making.</p> <p>2.7.3. Please note that while it is indicated throughout the draft EMPr that training and awareness will be implemented, please note that in terms of Section 1(1)(m) you must also provide the Environmental Awareness Plan describing the manner in which -</p> <ul style="list-style-type: none"> (i) the applicant intends to inform his or her employees of any environmental risk which may result from their work; (ii) risks must be dealt with in order to avoid pollution or the degradation of the environment. <p>Please ensure that the abovementioned requirements are met and included in the EMPr submitted with the final BAR to the Competent Authority for decision-making.</p> <p>3. General</p> <p>3.1. Kindly be reminded that the final BAR for decision-making must be submitted to the Department on or before 23 September 2022.</p>	<p>2.6.1 Impact assessment revised to include health and safety impacts, as appropriate, such as accidental fires.</p> <p>2.6.2 Please refer to Appendix E5 of the final BAR for Municipal comment on Emergency Response Plan which has also been included as an appendix of the EMPr.</p> <p>2.6.3 Appendix K updated appropriately for this phase of the project. Please note that it is not known at this stage if the proposed development will be a 24-hour operation. This will form part of the Developer's proposal to the Municipality</p> <p>2.6.4 According to Mr Alwyn Zaayman, Built Environment Senior Manager in Swartland Municipality, current traffic flow in the Chatsworth area is very low and the Municipality is the applicant for this environmental authorisation but not the developer, and is also the competent authority that determines if any traffic impact concerns/upgrades are needed since this project falls within the urban edge. Swartland Municipality has not indicated that any traffic impact assessment is <u>currently</u> required, although the Municipality's Civil Engineering Services Department indicated that an engineering study to assess the traffic impact in terms of potential road infrastructure, upgrades, would only be determined at a future stage i.e when the developer presents their development phase proposal (refer to Appendix E6, attached to final BAR). The need for a traffic impact assessment is something that is addressed through the town planning application process. Should any future traffic related concerns arise from the town planning application which require a traffic impact assessment or road upgrades (for which the competent authority is Swartland Municipality), then the developer will have to address this issue and it will be captured in the environmental authorisation amendment application process which the developer will have to undertake to transfer</p>

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		<p>3.2. If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/ EAP must notify the Department that an additional 50 days (i.e., 140 days from receipt of the Application Form for Environmental Authorisation) will be required for the submission of the final BAR for decision-making. The additional 50 days must include a minimum commenting period of 30 days to allow registered Interested and Affected Parties (“I&APs”) to comment on the revised report/additional information.</p> <p>3.3. The Department awaits the submission of the final BAR for decision-making. Please note that the final BAR must be submitted via mail correspondence to the central email address (DEADPEIAAdmin@westerncape.gov.za) and include a link to download the documents. The submission of the final BAR must contain an MS Word document of the final BAR and separate appendices.</p> <p>4. You are reminded that it is an offence in terms of Section 49A of the NEMA for a person to commence with a Listed Activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity.</p> <p>5. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>6. The Department reserves the right to revise or withdraw its comments and request further information from you based on any information received</p>	<p>the environmental authorisation (should it be granted) onto their name, as well as include detailed engineering and design drawings and operational information.</p> <p>2.7. EMPr</p> <p>2.7.1 EMPr revised to meet requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of the EIA Regulations 2014 (as amended).</p> <p>2.7.2 EMPr amended to include a fines/ penalties section for failure of the applicant and/or any contracted person to comply with the provisions of the EMPr</p> <p>2.7.3 Training and awareness plan included in Section 4.1 (Environmental Training and Awareness) of EMPr.</p> <p>3. Noted.</p> <p>4. Noted.</p> <p>5. Noted.</p> <p>6. Noted.</p>
04	<p>Date: 22/09/2022 Format: Email acknowledgement of telephone call and correspondence from OTM I&AP: Mr Charles J Malherbe, Environmental Department, West Coast District Municipality (WCDM) Correspondence forwarded by Mr Malherbe to Messers Bertus Senekal and Fraquin W Petersen (both of WCDM), respectively</p>	<p>Email (dated 22 September 2022) from Charles Malherbe with additional email response forwarded from Bertus Senekal also dated 22 September 2022:</p> <ol style="list-style-type: none"> 1. Bertus Senekal (Fire and Emergency Services, WCDM) - Acknowledgement of email and emergency preparedness plan sent. Comment that it must be referred to Swartland Municipality since it falls within their area of jurisdiction. 2. Charles Malherbe (Environmental Services) – Reference to the comment from the WCDM Fire Chief (Bertus Senekal) and comment that from the environmental point of view he [Charles] has no further comments. 	<p>EAP:</p> <ol style="list-style-type: none"> 1. Cognisance taken of WCDM Fire Chief's comment. 2. Cognisance taken of WCDM Environmental Department's comment.
05	<p>Date: 22/09/2022 Format: Email acknowledgement of telephone call and</p>	<p>Automated email response (dated 22 September 2022) from Arabel McClelland: Please accept this reply as acknowledgement of your mail below. Thank you for informing our Directorate about the proposed development and for the brief background.</p>	<p>EAP:</p> <p>Several telephonic and one email attempt made to contact Ms. Wilna Kloppers at this Directorate in August/September 2022 – Ms</p>

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	correspondence from OTM I&AP: Ms Arabel McClelland, Environmental Officer Production, Directorate: Pollution and Chemicals Management (Region1), DEA&DP		Klopper's no longer works at the Department. Telephonic conversation with Mr Gunther Frantz held on 22 September 2022. 1. Cognisance taken of DEA&DP's Pollution and Chemicals Management Directorate's response. 2. As soon as a formal comment is received it will be forwarded to Ms Natasha Bieding of the DEA&DP's EIA Directorate.
06	Date: 22/09/2022 Format: Email acknowledgement of telephone call and correspondence from OTM I&AP: Mr Gunther Frantz, Environmental Officer Production Grade: C, Directorate: Pollution and Chemicals Management (Region1), DEA&DP	Email response (dated 22 September 2022) from Gunther Frantz: 1. Please accept this reply as acknowledgement of your mail below. 2. Thank you for informing our Directorate about the proposed development and for the brief background.	EAP: Several telephonic and one email attempt made to contact Ms. Wilna Kloppers at this Directorate in August/September 2022 – Ms Klopper's no longer works at the Department. Telephonic conversation with Mr Gunther Frantz held on 22 September 2022. 1. Cognisance taken of DEA&DP's Pollution and Chemicals Management Directorate's response. 2. As soon as a formal comment is received, comments will be forwarded to Ms Natasha Bieding of the DEA&DP's EIA Directorate.
07	Date: 22/10/2022 Format: Email with comment letter I&AP: Ms Arabel McClelland, Environmental Officer Production, Directorate: Pollution and Chemicals Management (Region1), DEA&DP	Email (dated 22 October 2022) and letter (dated 22 October 2022) with comments on DBAR received from the Directorate: Pollution and Chemicals Management (D: PCM) acknowledging receipt of the DBAR on 22 September 2022. Please find comment from the D: PCM as follows: 1. Although the D: PCM was not included in the first round of the public participation process, the Environmental Assessment Practitioner (EAP) has alerted the D: PCM to the availability of a DBAR for obtaining Environmental Authorization (EA) for the rezoning of erf 1071, for the purposes of developing a filling station in the future. At this stage there are no detailed designs, layout plans, volumes or operational information related to the development of a filling station. Based on information provided by the EAP, these details will only become available if the EA is granted, which would then undergo a Part 2 Amendment Application by the prospective developer of the proposed filling station. It is anticipated that the combined fuel storage capacity will be less than 80m ³ . 2. Given the above, the D: PCM recommends that the applicant consider investigating the potential impact that a filling station, with a combined fuel storage capacity of 80m ³ , will have on the receiving environment and should include as a minimum: 2.1. Groundwater monitoring to detect any potential leaks from underground storage tanks. 2.2. A safety impact or risk assessment of any potential sensitive receptors, and identification thereof, surrounding the proposed service station site.	EAP: 1. Concur. 2. Potential impact on the receiving environment has been investigated with the available information for this stage of the project as per Appendices G (Specialist assessments), H (EMPr) and K (Impact and risk assessment with mitigation). 2.1 Specialist groundwater monitoring recommendations have been captured in the actual final basic assessment report, and associated Appendices G2 (Geohydrological/geotechnical specialist preliminary assessment) and H (EMPr). 2.2 Safety impacts, as well as risk assessment of potential sensitive receptors and identification thereof, have been addressed in final basic assessment report Appendices H (EMPr – specifically under emergency preparedness/method statements) and K (Impact and risk assessment with mitigation), respectively.

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		<p>3. The inclusion of a Geohydrological/geotechnical specialist preliminary assessment report in Appendix G2 is noted. Although the findings of this report note that no significant geotechnical or geohydrological constraints are apparent and the site is suitable for development of a fuel station, a seasonal shallow perched groundwater table of approximately 2m was identified. It is essential that fuel station infrastructure (underground storage tanks, pipework, etc.) and installation comply with all relevant South African National Standards (SANS) codes, industry standards and best-practice procedures to ensure no contamination occurs.</p> <p>4. Key recommendations of the abovementioned specialist report include the development of a groundwater monitoring programme and effective stormwater management plan for the site. This has been specified in the Environmental Management Programme (EMPr) and is supported by the D: PCM.</p> <p>5. The D: PCM will provide further comment on site development plans, detailed designs, specialist studies and a site-specific EMPr if/when a Part 2 Amendment Application process is followed for the proposed development of a filling station.</p> <p>Please direct any enquiries to Gunther Frantz should you require clarity on the comments provided.</p> <p>The Department reserves the right to revise or withdraw comments or request further information based on any information received.</p>	<p>3. To ensure prevention of groundwater contamination, point 6 of Table B in Appendix H (EMPr - Section 7.2) of the final basic assessment report, includes safety measures and the SANS standards to which the underground storage tanks and pipework must comply.</p> <p>4. Acknowledged.</p> <p>5. Noted. The D: PCM is one of the registered I&APs for this project and would, therefore, be included in the public participation process when the developer undertakes the Part 2 amendment application.</p>
08		END OF TRAIL REPORT	