

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 April 2015  
(Also the agenda for the Mayoral Committee Meeting : 29 April 2015)**

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**10.  
PORTION 64 OF THE FARM WOLVENGAT NO. 297, OVERSTRAND MUNICIPAL  
AREA : PROPOSED DEPARTURE : JML LEUNER**

**Prt 64/297 (2627)**

**SW van der Merwe  
7 March 2015**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

To consider an application received on 9 July 2014 from the owner of Portion 64 of the Farm Wolvengat No. 297, Division Bredasdorp JML Leuner, for departure from the Overstrand Zoning Scheme Regulations in order to install a fuel tank on the premises for storage and commercial sale of fuel.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, and the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town Planning

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Promotion of tourism, economic and social development

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

**6. Background/Discussion/Evaluation/Conclusion**

**Background**

Wolvengat is a lower order agricultural settlement, situated 47km from Gansbaai and 43km from Bredasdorp. The subject property is situated within the rural edge of Wolvengat and is zoned for agricultural purposes and

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
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measures 3,46 ha in extent. The property is developed with a dwelling house, servant's quarters, outbuildings and a farm shop.

The application for departure entails the installation of underground petrol and above ground diesel tanks and associated infrastructure for the sale of fuel. The fuel storage and handling facility measures 35m<sup>2</sup> in extent and is situated on transformed land.

### **Discussion**

The application had been advertised in the prescribed manner. One letter of objection had been submitted by Mr GN Bleeker and is attached as Annexure D.

The main grounds for objection are based on the fact that Mr Bleeker has a license to sell fuel in Wolvengat, but stopped to do so as a result of limited/sporadic demand not making it financially viable to do so. Mr Bleeker however states that he intends to sell fuel in future should it become viable to do so again, but is of the opinion that there currently is not sufficient customer demand to justify the proposed departure.

### **Town Planners comment**

The objection is based on so called competition as Mr Bleeker owns the local shop that used to sell fuel and that he may in future again start selling fuel. In terms of Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) business competition is not deemed to be a planning consideration. Furthermore, it states that each application should be considered on the basis of desirability and impact on vested rights, which criteria will be elaborated upon in the evaluation below.

The applicant's response is attached as Annexure E.

### **Evaluation**

The Overstrand Spatial Development Framework with regard to Wolvengat promotes the role of the area as an agricultural area of significance, appropriately scaled tourism, rural cottage/agri processing industries in order to maintain the special character of the area and quality tourist experience.

The settlement is situated in a remote location far from basic amenities such as doctors, shops, schools, sport facilities, etc. The subject property contains a farm shop catering for the daily needs of residents. A shop (which used to sell fuel) is also situated on Portion 39 of Farm 297.

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 April 2015  
(Also the agenda for the Mayoral Committee Meeting : 29 April 2015)**

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The proposed petrol facility is considered to be desirable in the context of the small settlement as it will provide in the day to day basic amenities of the community. Given the location of the subject property, the fact that it already contains a farm shop, the proposed departure would not adversely impact on the vested right of adjoining property owners by reason of its size, scale or visual impact being small scale and restricted to an area of 35m<sup>2</sup> only.

The proposal is supported by CapeNature subject to compliance with the Environmental Management Plan (EMP), the incorporation of mitigation measures to detect leakage into the ground water and emergency spill procedures to be put in place. The Department of Environmental Affairs and Development Planning confirmed that the proposal does not trigger any listed activities in terms of National Environmental Management Act (NEMA).

The application site is self sufficient with regard to services. Electricity is distributed by Eskom. Sufficient provision for on site parking provision has been made in accordance with Council's parking standards.

The view is held that the proposal due to its limited scale would be consistent with the Spatial Development Framework (SDF) principles for Wolvengat and would not detract from the character and appearance of the surrounding area or the residential amenities of the adjoining occupants and could be supported from a planning point of view, subject to compliance with the conditions of approval.

### **Conclusion**

That the application be supported as per the recommendation below.

### **7. Financial Implications**

None

### **8. Staff Implications**

None

### **9. Comments from other Departments, Divisions and Administrations**

#### **Fire Services**

Annexure O.

#### **Environmental Section**

Annexure P.

**AGENDA of the  
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**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report and Environmental Management Plan
- Annexure D: Objection
- Annexure E: Applicant's response to objection
- Annexure F: Comments: Breede-Gouritz Catchment Management Agency
- Annexure G: Comments: Department of Transport
- Annexure H: Comments: Department of Environmental Affairs and Development Planning, Land Management
- Annexure I: Comments: Provincial Department of Agriculture
- Annexure J: Comments: CapeNature
- Annexure K: Comments: Telkom
- Annexure L: Overberg District Municipality
- Annexure M: Comments: Eskom
- Annexure N: Comments: Department of Environmental Affairs and Development Planning dated 15 May 2014
- Annexure O: Comments: Fire Services
- Annexure P: Comments: Environmental Section

**RECOMMENDATION:**

1. that the objection **be noted**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the Scheme Regulations pertaining to Portion 64 of the Farm Wolvengat No 297, Bredasdorp Division in order to install a fuel tank on the premises for storage and commercial sale of fuel, **be approved**, subject to the following conditions:
  - (a) that this approval is granted for a temporary period of five years only and is not transferrable should the property changes ownership;
  - (b) that a Site Development Plan be submitted indicating the exact dimensions of the portion of the property that will be utilized for the storage and commercial sale of fuel to the Senior Manager: Town Planning for approval;
  - (c) that building plans be submitted to the Building Department for approval;
  - (d) that details pertaining to leak protection measures and emergency spill procedures **be submitted** for approval prior to the commencement of the activity;

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
21 April 2015  
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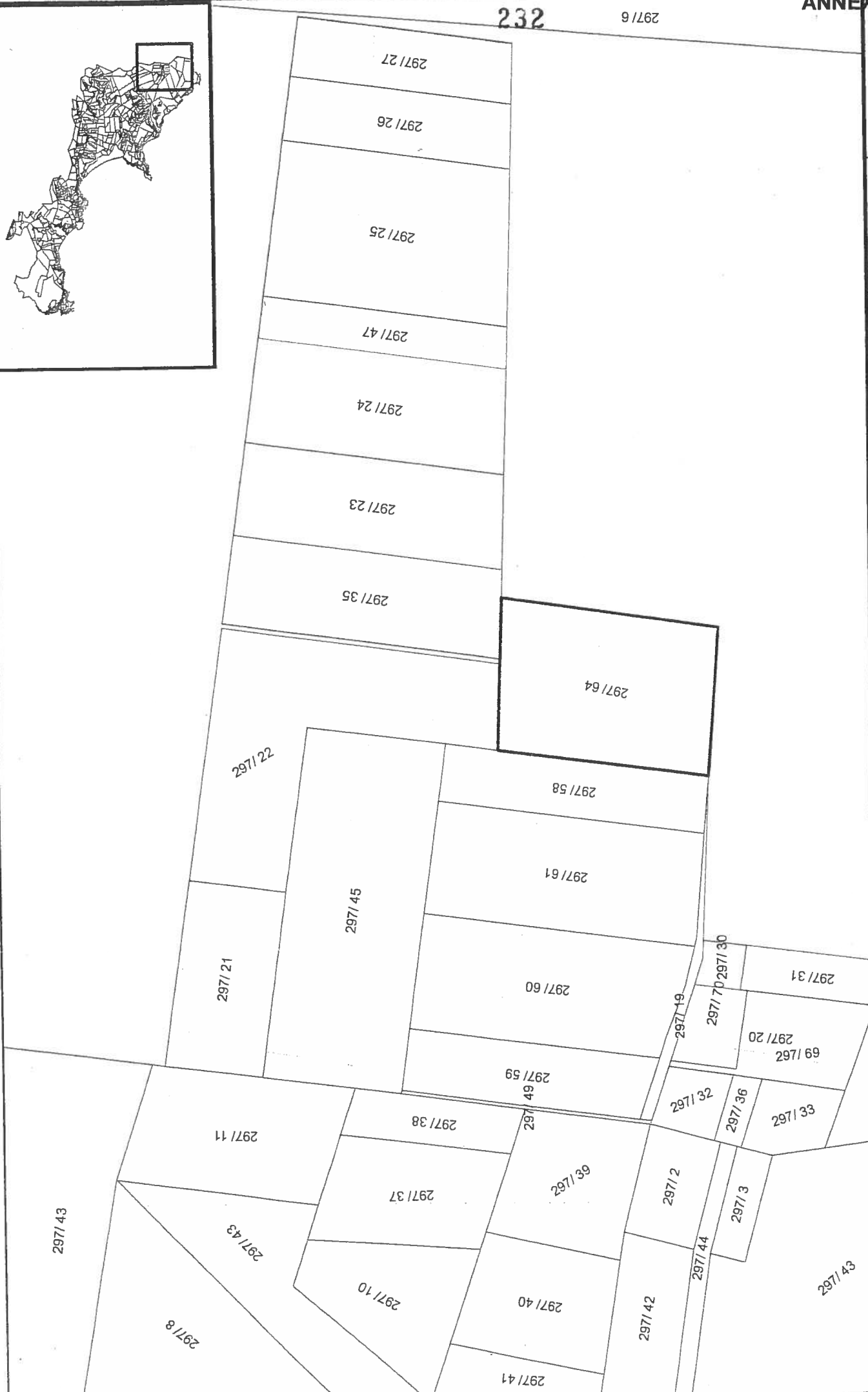
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- (e) that all the conditions imposed by Breede-Gouritz Catchment Management Area (Annexure F), Department of Transport and Public Works (Annexure G), Department of Environmental Affairs and Development Planning, Land Management (Annexure H), Provincial Department of Agriculture (Annexure I), CapeNature (Annexure J), Telkom (Annexure K), Overberg District Municipality (Annexure L) and Eskom (Annexure M) **be adhered to**;
  - (f) that all the conditions imposed by the Overstrand Fire Services (Annexure O) **be adhered to**;
  - (g) that commercial rates and service tariffs, as determined by the annual budget, be made applicable to that portion utilized for the storage and commercial sale of fuel, which tariffs are automatically adjusted in terms of the annual budget;
  - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant/objector be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000.

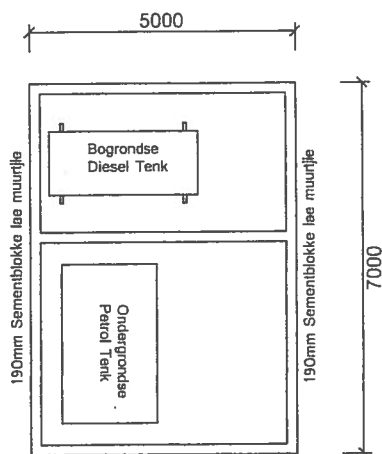
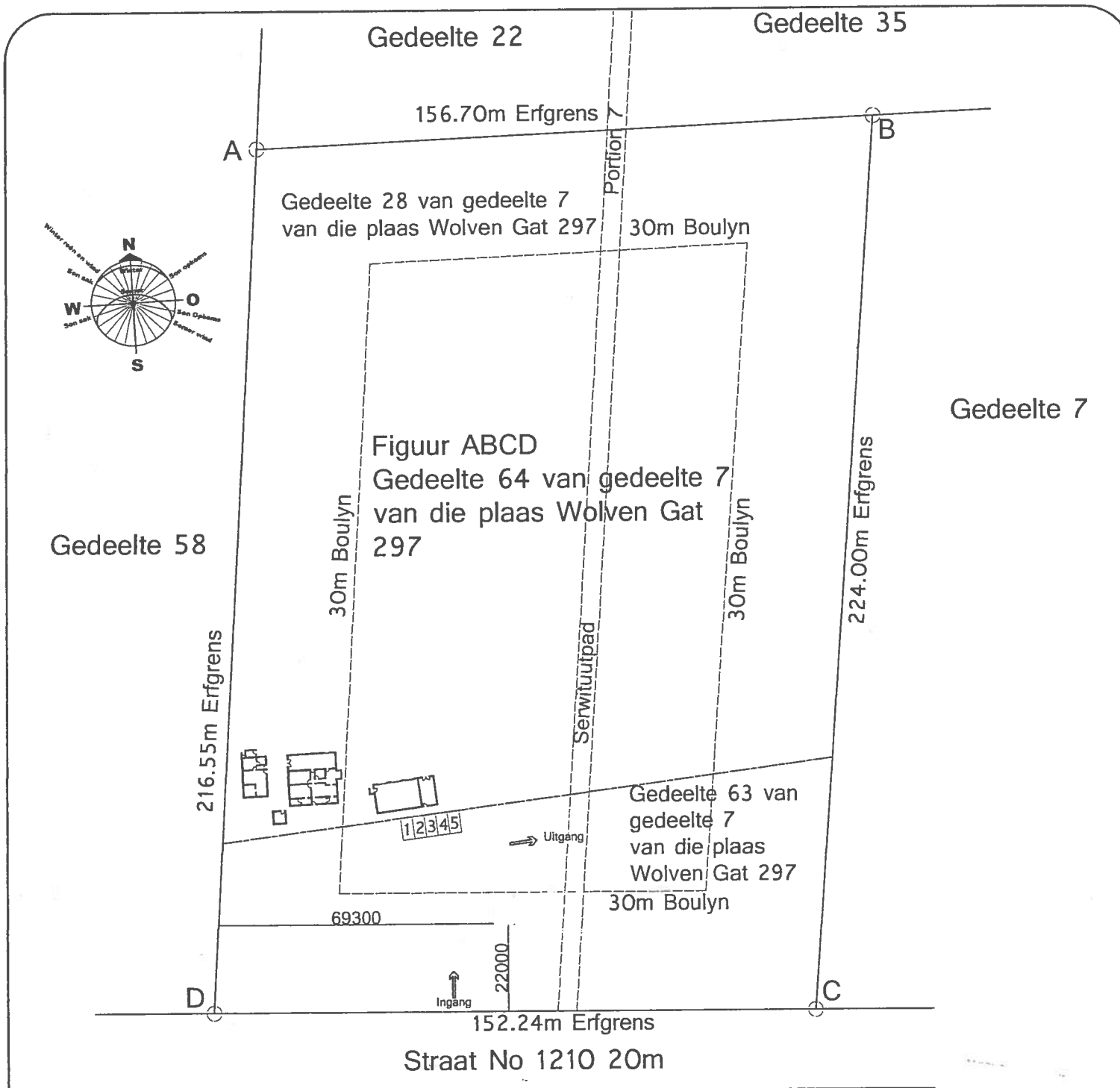
<b>RESPONSIBLE OFFICIAL :</b>	<b>SW VAN DER MERWE</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>13 MAY 2015</b>



LOCALITY MAP  
Portion 64 of Erf 297



232 297/6



Gedeelte 7

1 **Terreinplan**  
Skaal 1 : 1000

Okkupasie Klas : F2 Klein Winkel  
Populasie : 1 persoon per 10v/m

Oppervlakes :	
Bestaande Grondvloer :	163.96m <sup>2</sup>
Best Bediende Kwartiere :	69.48m <sup>2</sup>
Bestaande Stoor :	11.56m <sup>2</sup>
Bestaande Motorhuise :	87.22m <sup>2</sup>

**Gericke Argitektoniese Dienste**  
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Terreinontwikkelingsplan vir  
 Voorgestelde werking van die  
 brandstof-en stoorfasiliteite vir  
 kommersiële verkoop van  
 brandstof te Wolvengat  
 Plaaswinkel op Gedeelte 64  
 van gedeelte 7 van die Plaas  
 Wolven Gat 297, Wolvengat.  
 Tekening :

## Motivation

The village of **Wolvengat** is situated approx. **43km** from the town of **Bredasdorp** and approx. **47km** from the town of **Gansbaai**. These are the two closest towns with all the basic much needed amenities such fuel, shops, banks, hospitals, doctor ect, which the residents of **Wolvengat** and surrounding areas make daily or weekly use of as these are the nearest towns. An average trip to one of these towns and back can amount to approx. **100km** of traveling and if one is low on fuel it is more often than not too far to travel and risk running out of fuel on route. It is also very expensive if low on fuel to travel this distance in order just to top up on fuel. Without fuel (**petrol or diesel**) one can find themselves in a difficult situation and even more so in an emergency situation (medical emergency for example) especially that the village is so remote. One can see that having fuel (petrol\diesel) available is vital for the village and surrounding areas.

The village of **Wolvengat** used to have petrol and diesel available for sale some 6-7 years ago but due to financial constraints and aging broken equipment the owners decided to discontinue supplying fuel. This had a huge negative effect on the village and surrounding areas which is felt to today. The surrounding areas/communities of **Elim**(approx. 12km), **Die Dam** (approx. 10km) ,**Buffeljags**(approx. 15km), surrounding farming areas, including **Haasvlakte**, **SAN park** areas and greater **Napier** and **Bredasdorp** farming areas all made regular use of the fuel that **Wolvengat** used to supply. If one looks at the map (see attached) the radius extends far beyond **Wolvengat** and which **Wolvengat** is at the centre of these areas. Local business used to benefit from this and speaking to locals today there is a definite decline in passing trade and local businesses have suffered since the fuel ceased. Many local businesses rely on passing trade, such as the many artists who reside in the village also **Bed and Breakfast** enterprises and many other various types of businesses. The availability of fuel brought trade to the village, especially that it is remotely situated.

The village of **Wolvengat** is situated approx. **4km** off the gravel road linking to the **R317**(see split on map 1 attached) **633369933** which is the coastal road which links **Hermanus**, **Stanford**, **Gansbaai** to **L' Algulas**, **Struisbaai**, **Arniston** and **Bredasdorp**. This route which bypasses the village of **Wolvengat** by a mere **4km**. If fuel became available in the village again, then the village could be granted a sign board at the road fork of this junction approx. **4km** outside the village on the way out to **Die Dam** which would state there is fuel available and show the village is only **4km** away and it could show accommodation, **BnB's**, galleries and shops on the same board. This would bring more visitors to the village as if one travels on this coastal route and arrives at the fork, one does not know how far **Wolvengat** is and what is there and if fuel were to become available again, they would definitely pass through the village, these travellers usually take the right fork to travel on to **Struisbaai** or **Bredasdorp**. This bypass alternate route is only approx. **5km** and arrives at the T junction a mere **5km** east of the village. So this short alternate route diverts many potential and much

needed visitors to the village. Many tourists are put off travelling to remote areas due to the unavailability of fuel stations.

The tarring of the road from Franskraal through to Baardskeerderbos and on to Elim has also affected the village. Wolvengat has slipped backwards where other Overberg villages have bloomed and developed over the last 10 years. Not that the village wants major development but it needs the basic necessities to survive and fuel is top of the list.

Every local that Mr Leuner has spoken to regarding fuel being available in the village again has indicated that the need is great and it is much needed. A common situation as a few locals mention is being low on fuel and too scared to risk driving to the nearest town which is a considerable distance if one is low on fuel and running the risk of running out of fuel. In this case, locals have to ask fellow villagers to bring them some fuel from the 'dorp' in a jerry can in order for them to be able to drive to the "dorp", or having to borrow some fuel or ask for a lift ect are common occurrences in Wolvengat. Even residents in surrounding areas come through the village and ask around if anybody has some fuel for them to get back home or to town. As fuel prices sour it becomes even more difficult and expensive for locals. One must remember it is not just Wolvengat, but the communities of Elim, Buffeljags, Die Dam, and farming communities and passers-by who would benefit from Fuel becoming available again.

Since the opening of Wolvengat Plaaswinkel, the owner and applicant Mr Leuner has had daily enquiries of whether fuel will become available in the village again. An informal poll taken at the above mentioned shop which asked customers, mainly locals if they think the village should provide fuel again. The response was overwhelming and everyone said yes fuel is of much need here again. It was this overwhelming response and an understanding of the hardships and logistical issues of the area without having fuel and how it was when there was fuel available in the past, triggered Mr Leuner to submit this application even with the large financial costs associated with it at his expense. The fact that Mr Leuner already has a licence to operate his general dealer shop on the premises, having fuel available at the same premises would be a fitting compliment that the two go together as it would make perfect sense.

There are a lot more permanent residence residing in the village, so more resources are needed. As it stands the village of Wolvengat does not have many services despite being a village. Many properties in the village and surrounding areas do not have electricity and make use of and rely on generators to provide power, these generators require fuel (petrol and diesel). Water another precious resource is not provided or distributed to properties in the village, so water must be pumped from available water sources such as streams, rivers and underground reserves into holding tanks before water can be made available. This pumping of water is often done by pumps which require fuel. Wood is also a resource in the area which is cut and used for stoves, donkey geysers, heating ECT, grass and bush clearing also occur on weekly basis and all these machines, chainsaws, brush cutters, tractors require

fuel to operate. So a resource such as fuel vital for the village and area and at present it is extremely difficult, expensive and impractical without fuel being available in the village. It **was available and is needed now more than ever and should be made available again.**

The proposed application is not for bulk supply petrol and diesel, but the application has been worked accordingly to allow enough fuel to be supplied to the village and surrounds and not more than really needed and as not to create a risk in terms of the environment and the community as a whole. **The sole purpose of this application is to provide a much needed service to the village and surrounding area and provides a resource that was once available.** The village needs to move forward, not go backwards and having fuel again is the answer!!!

In terms of the physical characteristics of the property the proposed fuel storage and handling facility will have a foot print of only **approx. 35 metre sq.** on the property of 3.46ha in extent. Only the soil where the petrol tank needs to be buried will be disturbed/excavated to a max depth of approx. 2metres. This section will only disturb an area of approx. **10 metre sq.** Please see attached **Site development plan and EMP report.** Construction materials will basically consists of cement and bricks for the sealing of the petrol tank below ground and the cementing of the ground for the forecourt area for dispensing of fuel approx. 16 metre sq. Other materials will consist of cable for power to the dispensing pumps x2(one for petrol and one for diesel), piping for enclosing electric cable and roof sheeting and mild steel struts and poles for constructing a roof over area. Please see EMP report for construction guidelines to be followed. The small area of land to be used for the fuel storage and handling facility will not affect the surrounding vegetation/geology/micro-climate/water table/drainage patterns/sensitive areas/underlying rock formations ect. This can be viewed by the initial report compiled by Duncan Heard Environmental Consultancy whereby the **proposed application will NOT trigger any negative impacts in terms of NEMA and hence a EIA was not required for this application.** Please see attached reply by the Department of environmental affairs Western Cape. However an EMP has been drawn up by D.Heard Environmental Consultants and is to be implemented and **adhered to at all times!!!** This is to ensure that the proposed application shall not endanger or affect the local environment, neighbouring properties and the lives of the community. The proposed application sole purpose is to provide a much needed service to the village and surrounding areas.

The owner of the property and who is also the applicant has a moral and legal obligation to protect the environment and ensure that nobody is harmed as a result of this application being granted, especially since the proposed application is dealing with a dangerous substance such as a petrol. The applicant is fully aware of the dangers concerned with storing/handling dangerous substances such as petrol and diesel and will adhere to all

the safety regulations in the hazardous materials act and all guidelines drawn out in the EMP.

In terms of **compatibility of the proposed application with the existing planning and character**, the area where the fuel will be stored and dispensed forms perfectly with the existing parking layout of the already in operation general dealer farm shop **Wolvengat Plaaaswinkel**. Please see attached plans. This will work with the current traffic flow of the shop from a drive in and out point of view, no awkward turning or U turns will be needed. The area lies only a few metres off from the main road to Bredasdorp(R 1210) .The facility can be easily viewed from this road and access will be from this road and requires a simple left or right turn depending on direction traveling. The site will be able to accommodate heavier vehicles such as a lorry, tractor or bus and there is enough space, turn space and free flow on the property. The fact that the property is situated right next to the main road lends itself perfectly for this proposed application and is the first property as one enters the village from the east/Bredasdorp side. This is also a benefit as any traffic/ noise or disturbances will not affect the centre of the village, which is more built up.

In terms of **character** the proposed application as mentioned with a footprint of only approx. 35 metre sq. will not stand out as an 'eyesore' or out of place. As planned it will accompany the existing shop as it is also situated on the same piece of land and shall be made aesthetically pleasing and blend in with the existing layout. Also being surrounded by farmlands and agricultural areas and smallholdings the holding tanks for the fuel will not look out of place or change or deteriorate the existing charm or character of the village or the property itself. The owner plans to make the proposed development area attractive, neat and landscaped and would not be in his benefit to have the area unattractive.

Fortunately the majority of the applicants neighbouring properties are uninhabited farmlands/natural lands to the east and south of the property, so the proposed application should not encroach on any privacy/disturbance issues.

**Construction** should be completed within 2 weeks from start date (please see construction guidelines in the attached EMP report) No vegetation will have to be removed in the vicinity of the proposed structure. Construction should have no impacts on environment or disrupt land forms or existing resources.

**DUNCAN HEARD ENVIRONMENTAL CONSULTING**

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**ENVIRONMENTAL MANAGEMENT PLAN**

FOR THE

DEVELOPMENT AND OPERATION

OF A

FUEL (DIESEL AND PETROL) STORAGE AND  
HANDLING INSTALLATION FOR COMMERCIAL USE

AT THE

VILLAGE OF WOLVENGAT IN THE OVERSTRAND  
MUNICIPALITY

ON

PORTION 64 OF THE FARM WOLVEN GAT NO. 297

Compiled by : Duncan H. W. Heard [Cert. Sci. Nat. (Reg. No. 300024/12)]

May 2014.

## Table of Contents

1. Introduction.....	2
2. Site and Project Description. ....	3
3. Department of Environmental Affairs and Development Planning Prescripts. ....	7
4. Applicable Legislation and Standards.....	7
4.1 National Legislation.....	7
a. Environmental Legislation.....	7
b. Fire, Risk and Disaster Management Legislation .....	7
4.2 Overstrand Community Fire Safety By-Law .....	8
5. Planning Requirements .....	8
5.1. Overstrand Community Fire Safety By-Law: .....	8
5.2. NEMA .....	9
6. Construction Phase Requirements.....	10
7. Operational Phase Requirements. ....	13
7.1. Overstrand Community Fire Safety By-Law: .....	13
7.2. NEMA .....	13
8. Overstrand Municipal Operational and Annual Audit Inspections of Fuel Storage and Handling Facility.....	14
APPENDIX 1 (Page 1 of 3).....	15

## 1. Introduction

The Applicant, Mr. James-Martin Lee Leuner (I.D. No. 790623 5155 083), intends to develop a fuel storage and handling facility for the commercial sale of diesel and petrol. This will include the installation of an underground petrol fuel storage tank on the Wolvengat urban property, Portion 64 of the Farm Wolven Gat No. 297. It will be situated in close vicinity to his farm shop on the same property in the village of Wolvengat in the Gansbaai area within the Overstrand Municipality of the Western Cape Province. To this end Mr. Leuner is proposing to submit a departure application to the Overstrand Municipality for authorisation to sell fuel at his farm shop – *Wolvengat Plaaswinkel*.

Notwithstanding that the proposed activity is sited relatively close to a wetland and stream, it does not legally require a Basic Assessment Report (BAR) to be prepared in compliance with the regulatory requirements of the National Environmental Management Act (Act 107 of 1998) (NEMA) and the Environmental Impact Assessment (EIA) Regulations, 2010, GN R. 543, R. 544 and R. 546. [Refer to **Appendix 1**: Letter from the Department of Environmental Affairs and Development Planning dated 15 May 2014].

However, in pursuance of minimising any risk to the natural environment, the Overstrand Municipality have required Mr. Leuner to appoint an independent Environmental Assessment Practitioner to compile an Environmental Management Plan which will assist in informing his Departure Application for the proposal. Duncan Heard Environmental Consulting was appointed by Mr. Leuner to prepare the Environmental Management Plan (EMP).

This EMP has been designed specifically for the proposed development of the fuel storage and handling facility on Portion 64 of the Farm Wolven Gat No. 297 in the village of Wolvengat. Although the development of this fuel storage and handling facility is likely to have little or no direct impact on the natural environment if managed correctly, this document considers the impacts that may arise from any accidental spillage of fuel as well as the precautionary measures and contingencies necessary to prevent/reduce any resultant fire hazard and/or pollution impacts on the soil, the nearby natural environment as well as the nearby residences and shop.

The purpose of the EMP is to proactively address potential problems before they occur. This will ensure that unnecessary damage to the environment or property during the construction and operational phases are avoided. Moreover, mitigation measures will be implemented to minimise any possible environmental degradation.

This EMP was prepared by Duncan H. W. Heard [Cert. Sci. Nat. (Reg. No. 300024/12)] with 42 years of environmental management and environmental impact assessment experience and member of the International Association for Impact Assessment (South Africa).

## 2. Site and Project Description.

The proposed fuel storage and handling facility is located on a smallholding, Portion 64 of the Farm Wolven Gat No. 297 (with an extent of 34 625 m<sup>2</sup>) in the village of Wolvengat, in the Overstrand Municipality. The site lies at the following co-ordinates: Latitude - 34° 40' 14" (S) and Longitude - 19° 42' 07". It is situated on the eastern end of the village adjacent to and north of Road No. 1210 (See **Map 1** and **Photos 1 to 4**).

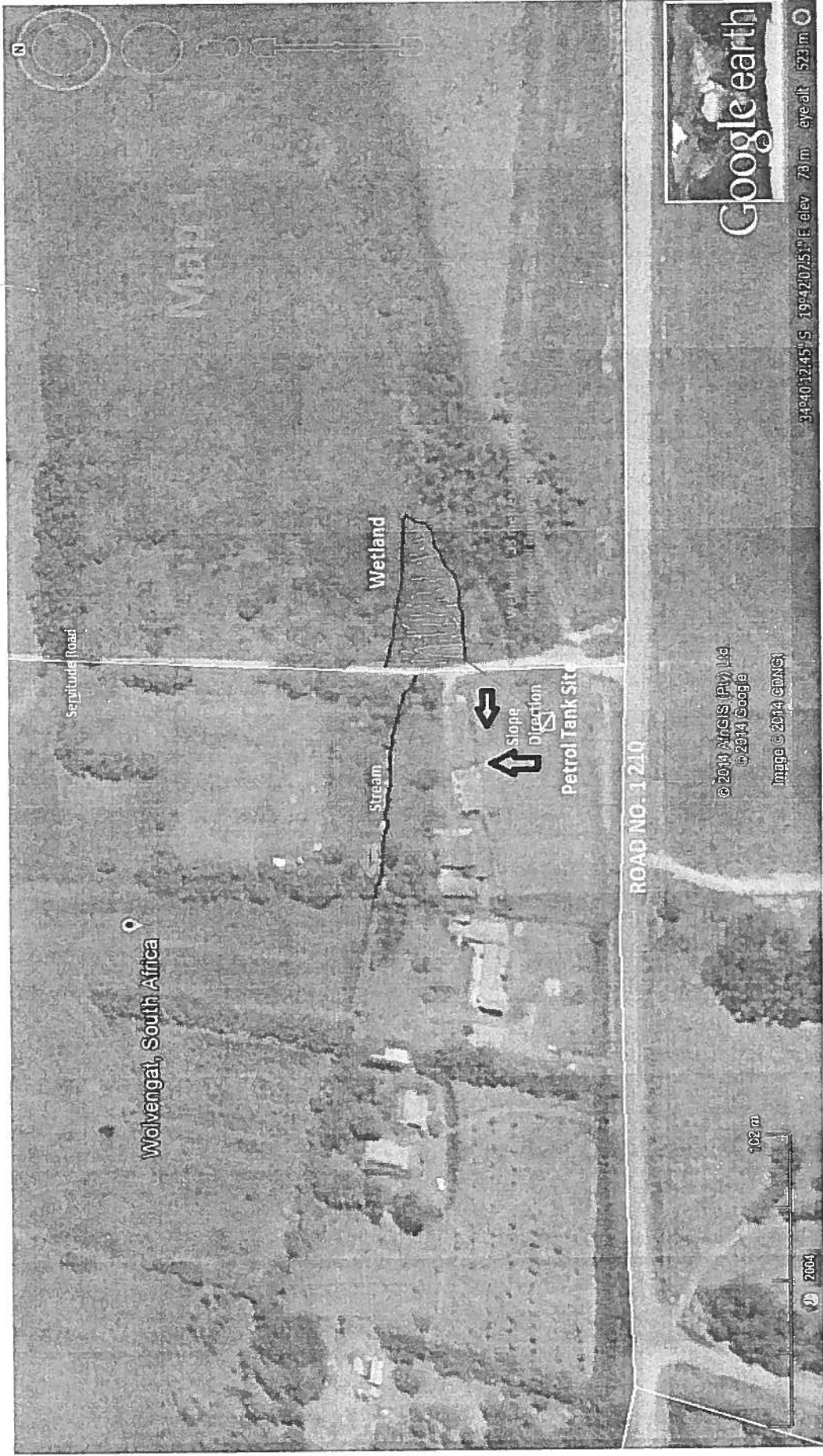
The site and immediate surrounding area lies on the road-facing side of the *Wolvengat Plaaswinkel* situated on the smallholding. The site has been totally transformed. No natural vegetation exists on the site and it consists mainly of gravel and kikuyu grass.

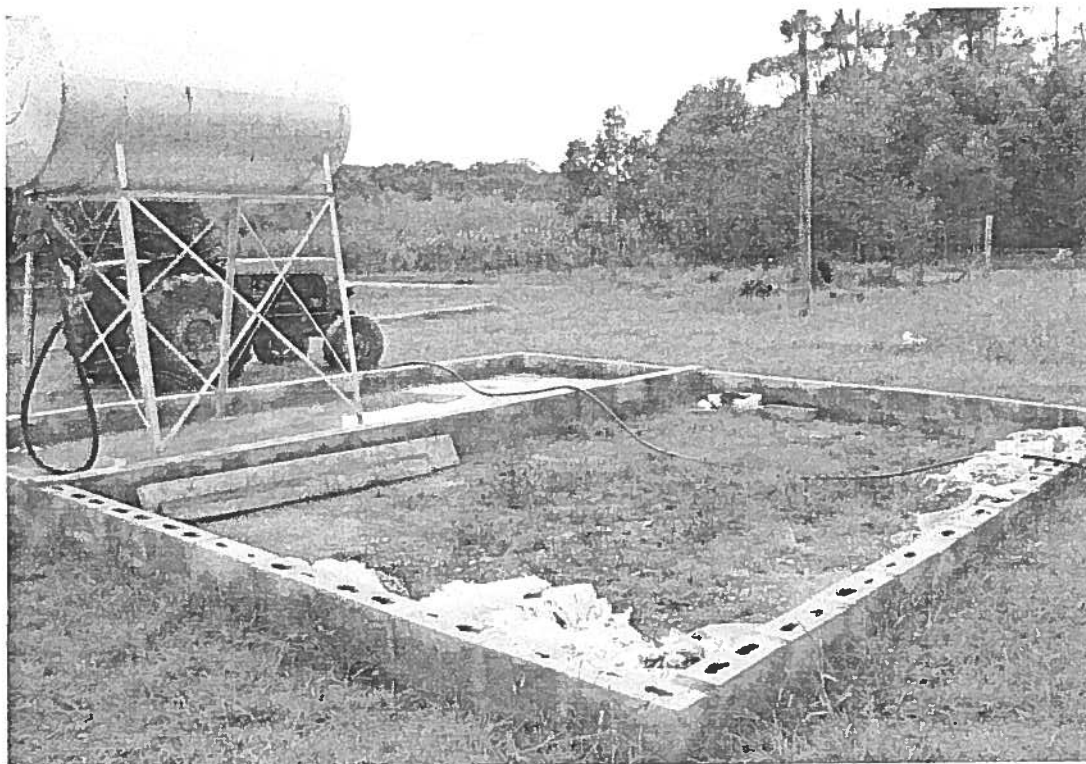
The site drains (less than 1:2) northwards towards the residence, residence garden, farm shop and eventually the stream some 50 + metres to the north. There is an even gentler slope draining westwards across the site from the wetland and gravel road servitude north-east of the site. (See **Map 1**).

An existing 2 200 litre above-ground diesel fuel tank is in place on a concrete base with a low fuel spill containment wall (bundling) on its edge. The Applicant intends to use this diesel tank and additionally install an underground petrol tank next to it with the necessary electrically-driven fuel measuring and dispensing equipment.

The new petrol storage tank will be placed underground in an adjacent existing demarcated 'low walled' fuel containment area and covered with a concrete slab allowing for the required fitted fuel management accessories. The total footprint of both fuel containment areas is approx. 35 m<sup>2</sup> in the position as shown on **Map 1** and **Photos 1 to 4**. A standard 5 100 litre fuel tank (maximum size) with a 1600 mm diameter and total length of 2 900 mm will be used as a petrol tank.

Electrical wiring will be laid underground from the residential dwellings/farm shop on the property to power fuel pumps and/or measuring mechanisms which will be installed immediately adjacent to the fuel storage area.

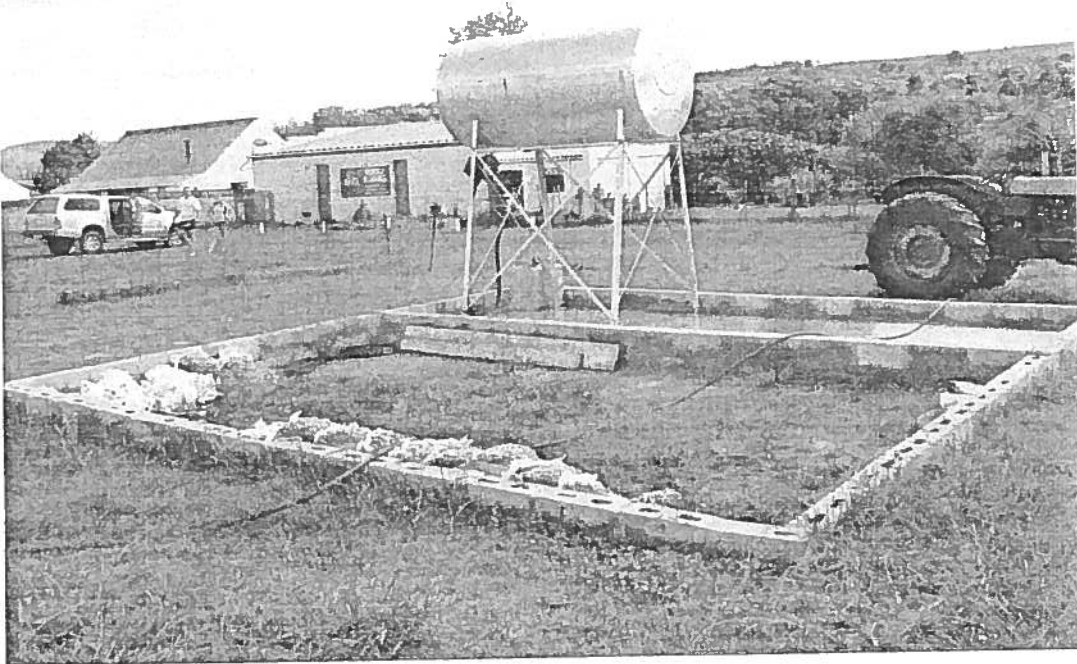




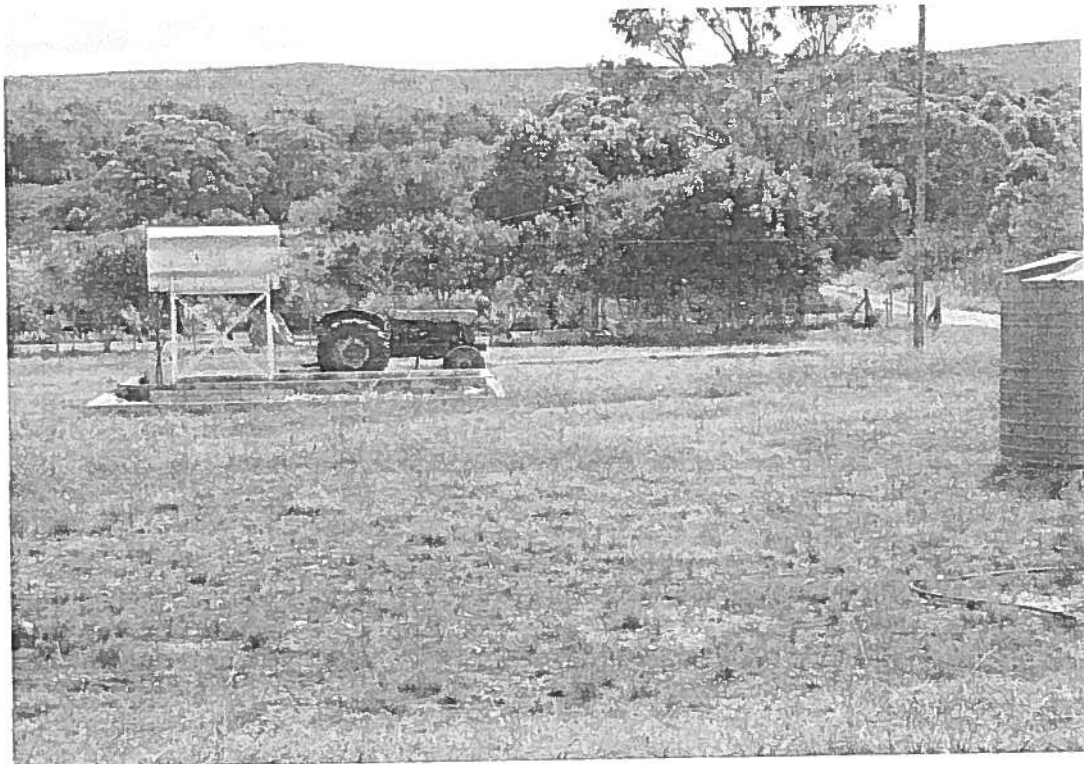
**PHOTO 1: Existing fuel installation (April 2014) – Looking north-east towards nearest wetland.**



**PHOTO 2: Existing fuel installation (April 2014) – Looking south-west towards fuel installation from nearest wetland.**



**PHOTO 3: Existing fuel installation (April 2014) – Looking north-west towards farm shop.**



**PHOTO 4: Existing fuel installation (April 2014) – Looking northwards towards garden area with stream beyond.**

### 3. Department of Environmental Affairs and Development Planning Prescripts.

The Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) were informed of this intended development in order to confirm that it does not legally require a Basic Assessment Report (BAR) to be prepared in compliance with the regulatory requirements of the National Environmental Management Act (Act 107 of 1998) (NEMA) and the Environmental Impact Assessment (EIA) Regulations, 2010, GN R. 543, R. 544 and R. 546. Their written reply (**Appendix 1**) confirms that a BAR and Environmental Authorisation is not required for this particular development - however they make the following important statements, namely:

**Par. 5:** *Please be reminded of the general duty of care and the remediation of environmental damage in Section 28 of the NEMA. It is stated in Section 28(1) of the NEMA that-*

*“Every person who causes, has caused or may cause significant pollution or degradation of the 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 to the environment”.*

**Par. 6:** *The obligation to take reasonable measures is imposed on, inter alia, “an owner of land, a person in control of land or a person who has right to use land and premises on which or in which (a) any activity or process is or was performed or undertaken or (b) any other situation exists which causes or is likely to cause significant degradation of the environment...”*

### 4. Applicable Legislation and Standards.

The following is a list of the more relevant applicable legislation for this development. Note that this is not a complete list and that it is the the property owner’s responsibility to ensure that all relevant legislation is complied with.

#### 4.1 National Legislation

##### a. Environmental Legislation

- National Biodiversity Act No. 10 of 2004.
- National Environmental Management Act No. 107 of 1998 and EIA Regulations.
- National Water Act No. 36 of 1998.

##### b. Fire, Risk and Disaster Management Legislation

- Hazardous Substance Act No. 15 of 1973.
- National Building Regulations and Building Standards Act No. 103 of 1977.
- Occupational Health and Safety Act No. 85 of 1993.

#### 4.2 Overstrand Community Fire Safety By-Law

- Provincial Notice 342/2006 dated 27 October 2006. Overstrand Standard By-Law Relating to Community Fire Safety (Overstrand Community Fire Safety By-law).

## 5. Planning Requirements

The following project planning aspects are intended to minimise fire risk and environmental impacts as a result of accidental spillage and must be complied with in terms of applicable legislation and this Environmental Management Plan.

### 5.1. Overstrand Community Fire Safety By-Law:

1. This By-Law must be noted as it has a number of provisions that are relevant for compliance in terms of flammable substances, their storage and for consumer installations.

➤ A copy of the Overstrand Fire Safety By-Law must be downloaded from the Overstrand Municipal website and kept on the premises for easy reference.

2. A number of the Overstrand By-Law provisions are critical in terms of this proposal and are highlighted below. They will assist in ensuring that risk of accidental fuel spillage is minimised. The full context and all the provisions of the By-Law must however be noted for compliance purposes.

The highlighted conditions are:

➤ A building plan compliant with the National Building Regulations for the proposed fuel storage installation must be submitted to the municipality for approval [Section 37 (1)].
➤ The existing (above-ground) and new (underground) storage tanks must be pressure tested in accordance with the National Building Regulations in the presence of the controlling authority [Section 37 (2) & (3)].
➤ Application must be made to the controlling authority for a 'Flammable Substance Certificate' [Section 38 (1)]. This must be renewed annually [Section 38 (4) & (5)].
➤ <u>Above ground storage tank</u> design requirements and construction must be in accordance with relevant national and international recognised codes and must provide sufficient ullage to allow for expansion of the product contained [Section 39 (4) & (5)].
➤ <u>Above ground storage tanks</u> must be at least 3.5 metres from boundaries, buildings and other flammable substances or combustible materials, must be on firm level ground and must have bund wall constructed of impervious material and designed to contain 110% of the contents of the tank. [Section 1 and 39 (6), (7) & (8)]. An associated electrical pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited and the electrical installation must comply with relevant and listed South African Bureau of Standards (SABS) Codes of Practice and Specifications [Section 39 (12),(13) & (14)].
➤ <u>Underground storage tanks, pumps, dispensers and pipework</u> at consumer installations must be in accordance with National Building Regulations read in conjunction with the relevant and listed SABS Codes [Section 40].

## 5.2. NEMA

It must be accentuated that even small amounts of fuel spill entering the soil over extended periods can eventually contaminate ground water systems which can then seep into and pollute wetland systems some distance away. It is therefore essential that the soils immediately around the installation must be strictly protected against even small spills of fuel and must show no signs of fuel pollution at any time.

The following design features are particularly aimed at putting measures in place to support the general duty of care approach stipulated by Section 28(1) of NEMA and site cleaning maintenance - thereby minimising risks the risk of fuel contamination of the soil surrounding the site and run-off of fuel /fuel-contaminated fluid from the site.

<p>➤ The bunded concrete floor below the above ground diesel tank must be sloped to an appropriate sump (with an open grid removable cover) from where water and contaminants can be easily pumped out. This will also allow for easy cleaning of this area – See Figure 2.</p>
<p>➤ The fuel dispensing machinery, the above ground storage tank and other tank accessories must be protected from accidental damage by vehicles by installing appropriate protective bollards or barriers.</p>
<p>➤ The 'forecourt' area (where vehicles park for refuelling) must be covered with an appropriate and reinforced concrete floor sloped to an appropriate sump (with an open grid removable cover) from where water and contaminants can be easily pumped out. This will also allow for easy cleaning of this area. The 'forecourt' floor must at least be as long as the existing concrete bund wall on the existing structure and must be sealed into the bund wall to avoid any leakage at the joint. The forecourt floor must be at least 3 metres wide and provided with a raised (approx. 8 cm high x 35 cm wide rounded concrete 'lip' on its outer edges to assist in containing any spillage – See Figure 2.</p>
<p>➤ The area around the fuel installation must be planted and maintained with a grass lawn for at least 3.5 metres (preferably indigenous 'kweek' – <i>Cynodon dactylon</i>) – See Figure 2. This will quickly die-off in areas where there is soil pollution and therefore serve as an effective monitor for escaping fuel. At the northern grass edge a raised grassed soil berm must be constructed to contain any larger spills that may escape the bunding and run down the slope to the residence and shop area – See also Figure 2.</p>
<p>➤ Beyond the grassed area, indigenous shrubbery and groundcovers that are not combustible such as local sourfig species, 'Taaibos' (or <i>Rhus</i> species), 'Bietoubos' and Milkwood trees <u>can</u> be planted for screening purposes and to control dust – See Figure 2 .</p>
<p>➤ The Eucalypt (Gum trees) on the eastern side of the servitude road and to the east of the fuel storage area <u>must be</u> removed for at least 20 metres east of the road within the first year of operation. Not only are these alien invasive trees that must be removed in terms of the Conservation of Agricultural Resources Act No. 43 of 1983, but under specific weather conditions (dry heat and strong winds) they can generate intense heat when they burn which could be hazardous in terms of the fuel tanks.</p>

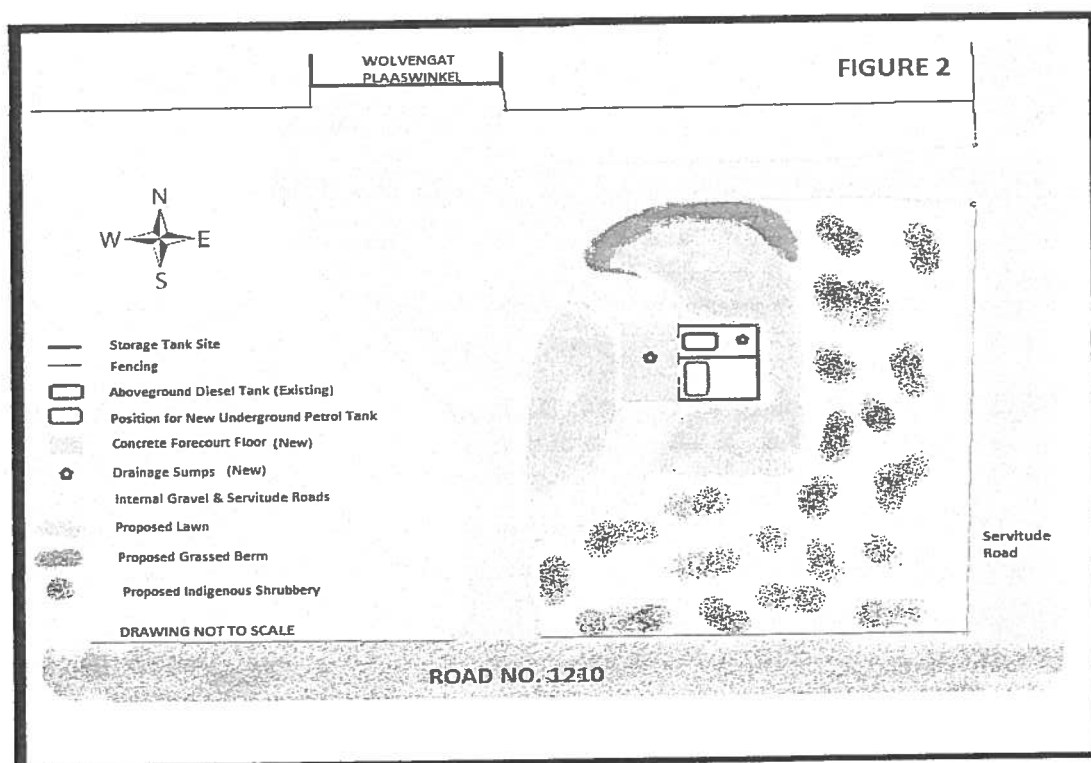


Figure 2: Depiction of the Site after measures have been put in place to minimise fire risk and pollution.

## 6. Construction Phase Requirements.

The Applicant must engage the services of a contractor or contractors that have the necessary skills and qualifications to install an underground fuel tank as well as the associated standard safety measures as well as electrical pumps for safely measuring and dispensing diesel and petrol. The following table indicates the aspects and agreements that the Applicant must clarify and agree upon with the engaged Contractor/s:

Aspect	Management Action	Indicator	Responsibility
Ensuring Contractor is committed to responsible management and has allocated sufficient resources to realise this	All correspondence relating to construction issues between the Contractor and the Applicant to be signed by the Contractor's Site Agent and the Applicant respectively.	Verified paperwork.	Applicant and Contractor
Awareness and attitude of the Contractor's Staff	Contractor's Induction training course to limit environmental damage to be submitted and approved by Applicant.	Verify attendance register	Applicant and Contractor
	Punitive measures and incentives for Contractor's staff where site regulation are not adhered to.	A reduction in the number of fines issued daily.	Contractor
Use of potentially hazardous materials	Appropriate storage and decanting arrangements must be made on a smooth impermeable surface.	Physical verification	Contractor
	The Contractor shall ensure that there is always a sufficient supply of approved absorbent material readily available to absorb/ breakdown spillages.		

Aspect	Management Action	Indicator	Responsibility
	The Contractor shall ensure that engine oil, hydraulic oil, shutter oil, bitumen, lubricants and curing compound containers that are in use are stored within a bunded area consisting of a smooth impermeable base with an earth bund. The existing fuel bund may be used for this purpose as long as the capacity of the bund remains 110% of all of the fuel storage tanks/ bowsers it contains.		
<b>Establishment and operation of a concrete batching plant, concrete mixing, pouring and associated activities (IF REQUIRED)</b>	Batching area shall be situated appropriately in the existing footprint of the disturbed ground in front of the shop.	Physical verification	Contractor
	No batching of concrete shall occur directly on unprotected ground. Batching areas shall be located on a smooth impermeable surface (concrete or 250 µm plastic covered).		
	No waste water shall be discharged directly into the environment.		
	Empty cement bags and other waste shall be stored in weatherproof containers to prevent windblown cement dust, water contamination and littering of the environment. Empty cement bags shall be disposed of as hazardous waste on a regular basis, and shall not be used for any other purpose.		
	The Contractor shall ensure that sand, aggregate, cement or additives used during the cement mixing process are contained and covered to prevent contamination of the surrounding environment.		
	Sand stockpiles shall be protected from the dispersive effects of the wind, causing dust, by watering of stockpiles or use of suitable wind barriers, when and if necessary.		
	The Contractor shall take all reasonable measures to prevent the spillage of cement/ concrete during batching and construction operations. During pouring, the soil surface shall be protected using plastic and all visible remains of concrete shall be physically removed on completion of the concrete pour and appropriately disposed of at an approved disposal facility.		
	All spoiled and excess aggregate/ cement/ concrete shall be removed and disposed of at an approved disposal facility.		
<b>Site demarcation and establishment of the Contractor's camp</b>	Unless otherwise agreed to by the Applicant, the Contractor shall ensure that all activities are restricted to within the pre-defined Working Area. The areas outside of the defined Working Area shall be regarded as exclusion areas. Insofar as he/she has the authority, the Contractor shall ensure that no unauthorised entry, stockpiling, dumping or storage of equipment, plant or materials shall be allowed within the exclusion areas.	Physical verification	Applicant / Contractor
	The Contractor shall ensure that access to the site and associated infrastructure and equipment is controlled throughout the construction period.	Physical verification	Contractor
	The movement of site personnel shall be restricted to the construction site.	Physical verification	Contractor
<b>No-go</b>	With the exception of the night watchmen, no staff shall be accommodated on Site overnight.	Physical verification	Contractor
<b>Ablution facilities</b>	The contractor shall ensure adequate ablution facilities for his staff. Acts of excretion and urination, other than at the facilities provided, are strictly prohibited.	Physical verification	Applicant / Contractor
	The Contractor shall not install pit latrines or septic tanks for the ablution facilities on site. Where mobile chemical toilets are utilised, the Contractor shall ensure the following: - Toilets shall be located within 100 m from any point of work; - Toilets shall be secured to the ground to prevent them from toppling due to wind or any other cause; - No spillage shall occur when the toilets are cleaned or emptied and the contents shall be properly stored and transported to a nearby sewage treatment works; - Discharge of waste from toilets into the environment and burial of waste is strictly prohibited; - Toilets shall be emptied before long weekends and builders' holidays, and shall be locked after working hours; and - All ablution facilities are to be serviced regularly and kept in a clean and hygienic fashion.	Physical verification	Contractor
	All ablution facilities are to be inspected on a regular basis to ensure the above requirements are being met.	Physical verification	Applicant / Contractor.

Aspect	Management Action	Indicator	Responsibility
Eating or recess areas	The Contractor shall erect designated eating or recess areas for his staff close to the major works areas, to be agreed with the Applicant.	Physical verification	Applicant / Contractor.
	Eating or recess areas shall be constructed and equipped to meet the following requirements: <ul style="list-style-type: none"> <li>- Recess areas are to be sufficiently sized to comfortably accommodate the maximum number of staff working within the given working area;</li> <li>- Eating or recess areas shall be situated as close to the respective working areas whilst being sufficiently offset or positioned to construction noise and dust;</li> <li>- A sufficient volume of potable water and soap shall be stationed at the eating area to allow for washing of hands and drinking;</li> <li>- Ablution facilities shall be located within 50 m of the recess area but not closer than 15 m;</li> <li>- The eating area shall be fitted with a fire extinguisher;</li> <li>- Recess areas shall make provisions for a smoking area. Smoking will not be permitted anywhere else on the site; and</li> <li>- Recess areas shall receive daily maintenance and cleaning. All rubbish bins are to be emptied daily to the central waste storage area.</li> <li>- Any cooking on site shall be done on well-maintained gas cookers with fire extinguishers present. No cooking shall be permitted to occur on open fires.</li> </ul>	Physical verification	Contractor
Solid Waste Management	The management of solid waste on site shall be strictly controlled and monitored. The quantities of waste generated on site shall be minimised. Littering shall be prohibited.	Physical verification	Applicant / Contractor
	The Contractor shall provide sufficient weatherproof and scavenger-proof bins on site to store the solid waste produced on a daily basis. Solid, non-hazardous waste shall be disposed of in the bins provided and no on-site burying, dumping or burning of any waste materials, vegetation, litter or refuse shall occur. Bins shall not be allowed to become overfull and shall be emptied a minimum of twice weekly. The waste may be temporarily stored on the Site in a central waste area that is weatherproof and scavenger-proof, and which the Applicant has approved. Waste must be removed to the approved waste storage facility.	Physical verification	Contractor
Contaminated water management.	Pollution could result from the release, accidental or otherwise, of contaminated runoff from batching areas, discharge of contaminated water, chemicals, paints, solvents, oils, fuels, sewage, runoff from stockpiles, solid waste, litter, etc. Accordingly, the Contractor shall establish a contaminated water management system as well as suitable methods for the disposal of contaminated water as approved by the Overstrand Municipality.	Physical verification	Contractor
	Runoff from the cement/ concrete batching areas shall be strictly controlled, and contaminated water shall be collected, stored and disposed of as approved by the Overstrand Municipality.	Physical verification	Contractor
	All spillage of oil onto concrete surfaces shall be controlled by the use of an approved absorbent material.	Physical verification	Contractor
	The Contractor shall notify the Applicant immediately of any pollution incidents on Site. Verbal reports must be followed up by a written report, which shall be submitted to the Overstrand Environmental Officer (Gansbaai) within 24 hours of the incident.	Recorded incident report and full written report.	Contractor / Applicant / Overstrand Environmental Officer.
Earthworks	The Contractor shall ensure that dust and noise control measures are implemented during earthworks operations.	Physical verification	Contractor.
	The extent of the disturbance resulting from earthworks shall be minimised to that required for the execution of the works.		Contractor.
Demobilisation	All areas disturbed as a result of the construction activities, irrespective of whether they occur within the defined Working Area or not, shall be subject to the requirements outlined in this EMP.	Physical verification	Contractor.
	Prior to landscaping, the Contractor shall demolish and remove from Site everything not forming part of the Permanent Works.		Contractor to the satisfaction of the Applicant.
Regular weekly Inspection by Overstrand Officials during Construction Phase	Audit all applicable aspects of the Design, Planning and Construction Phases as indicated by this EMP.	Audit of plans, EMP and other documentation and the physical verification thereof.	Overstrand Environmental Officer, Building Inspector and Fire Department Personnel.

## 7. Operational Phase Requirements.

### 7.1. Overstrand Community Fire Safety By-Law:

Before commencing and during the operation of the fuel consumer installation, it is important that the following measures are applied:

➤ Combustible waste or refuse must not be allowed to accumulate in the area in such a manner that it may create a fire hazard. Such waste must be properly collected, stored and disposed of as determined by the Overstrand Municipality [Section 26].
➤ Sufficient fire extinguishers, as determined by the Overstrand Municipality, must be provided in weatherproof boxes in close proximity to the fuel tanks [Section 39 (10)].
➤ Fire extinguishers must be maintained in accordance with this By-Law, the Occupational Health and Safety Regulations and the relevant SABS standards [Section 17].
➤ Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to the tanks. The signs must comply with the relevant SABS standards [Section 39 (11)].
➤ The flammable liquid in the tanks must be clearly identified using Hazchem placards listed according to the relevant SABS standards [Section 39 (12)].
➤ Adequate precautions must be taken to prevent spillage during the filling of the fuel storage tanks and when filling vehicle tanks [Section 39 (9)].
➤ Should the fuel storage tanks at some stage no longer be required, the owner of the premises must within seven days inform the Overstrand Municipality in writing and must undertake the actions as prescribed [Section 47].

### 7.2. NEMA

The following design features are particularly aimed at putting measures in place to support the general duty of care approach stipulated by Section 28(1) of NEMA and site cleaning maintenance - thereby minimising risks the risk of fuel contamination of the soil surrounding the site and run-off of fuel /fuel-contaminated fluid from the site.

➤ Applicant must on at least a weekly basis check that all applicable aspects of this EMP are being implemented and ensure that light spills on the relevant concrete areas are cleaned with an approved water-based cleaner.
➤ Applicant must ensure that all staff that operate the fuel dispensing facility are fully informed and trained regarding the relevant legal and EMP requirements.
➤ Any spills that effect the surrounding soils must be dealt with immediately by applying approved absorbent materials and by removing the polluted soils/water into suitable containers and having this material disposed of in an authorised manner.
➤ Larger fuel spills that may affect adjoining areas and the natural environment must be reported immediately to the Overstrand Municipality Disaster Management and Environmental Management Sections, the Department of Water Affairs, the Provincial Department of Environmental Affairs and Development Planning and CapeNature.
➤ All fuel spills and relevant incidents must be recorded and documented in a register giving at least date and time, nature and description of the the spill and a record of actions taken and results achieved.

**8. Overstrand Municipal Operational and Annual Audit Inspections of Fuel Storage and Handling Facility.**

- Once operational, an inspection of this fuel storage and handling facility will be undertaken by the Overstrand Environmental Management Section and Fire Department within 30 days of the initial operational date and thereafter on at least a six monthly basis. A report on compliance with this EMP will be compiled after each inspection to inform any required official response when necessary.

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**APPENDIX 1** (Page 1 of 3)

From:

To: 00865134462

15/05/2014 07:21

#112 P.001/003



DIRECTORATE: LAND MANAGEMENT REGION 2

REFERENCE: 16/3/1/6/1/E2/27/2075/14  
 ENQUIRIES: NATASHA BIEDING  
 DATE OF ISSUE: 2014-05-15

James-Martin Lee Leuner  
 P O Box 16  
 NAPIER  
 7270

Tel: (028) 482 1166  
 Email: jleuner@rocketmail.com

**Attention: James-Martin Lee Leuner**

Dear Sir

**COMMENT ON THE APPLICABILITY OF THE REGULATIONS IN TERMS OF CHAPTER 5 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") FOR THE PROPOSED OPERATION OF FUEL STORAGE AND HANDLING FACILITIES, INCLUDING THE INSTALLATION OF A PETROL TANK BELOW THE GROUND FOR THE COMMERCIAL SALE OF FUEL ON PORTION 64, OF THE FARM WOLVEN GAT NO. 297, BREDASDORP**

1. The correspondence dated 5 April 2014 from Duncan H W Heard of Duncan Heard Environmental Consulting and the checklist for the determination of the applicability of the NEMA EIA Amendment Regulations of 2010 dated 3 April 2014 that were received by this Department on the same date, refer.
2. On 18 June 2010 the Minister of Water and Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz. the Environmental Impact Assessment ("EIA") Regulations 2010 (Government Notice No. R. 543, R. 544, R. 545, R. 546 and R. 547 in Government Gazette No. 33306 of 18 June 2010). These regulations came into effect on 02 August 2010 (Government Notice No. R. 660, R. 661, R. 662, R. 663, R. 664 and R. 665 in Government Gazette No. 33411 of 02 August 2010). According to the NEMA EIA Regulations of 2010, no person must commence with a listed activity without an environmental authorisation from the competent authority.
3. Based on the information provided, the proposed operation of fuel storage and handling facilities, including the installation of a petrol tank below the ground for the commercial sale of fuel on Portion 64 of the Farm Wolven Gat No. 297, Bredasdorp does not appear to constitute any listed activities as defined in terms of the NEMA EIA Regulations Listing Notices of 2010. As such, an application for environmental authorisation is not required by the competent authority. This determination is based on the following:
  - 3.1. The proposed development will be located more than 32 metres from of any wetland or stream. **Item 11 of GN No. R. 544 of 18 June 2010** will therefore not be triggered, i.e.:

"The construction of:

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams;

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## APPENDIX 1 (Page 2 of 3)

From:

To: "00865134462

15/05/2014 07:24

#112 P.002/003

- (v) weirs;
- (vi) bulk storm water outlet structures;
- (vii) marinas;
- (viii) jetties exceeding 50 square metres in size;
- (ix) slipways exceeding 50 square metres in size;
- (x) buildings exceeding 50 square metres in size; or
- (xi) infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line".

- 3.2. The proposed development will not result in 5m<sup>3</sup> of material or more, being removed from a watercourse. Item 18 of GN No. R. 544 of 18 June 2010 will therefore not be triggered, i.e.:

"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from:

- (i) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-

but excluding where such infilling, depositing, dredging, excavation, removal or moving;

- (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
- (b) occurs behind the development setback line".

- 3.3. The combined capacity of the fuel storage facilities will amount to approximately 7.3m<sup>3</sup>. In view of this, the two listed activities below will not be triggered:

Item 13 of GN No. R. 544 of 18 June 2010, i.e.:

"The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres"; and

Item 10 of GN No. R. 546 of 18 June 2010, i.e.,

"The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.

(e) In Western Cape:

- i. In an estuary;
- ii. All areas outside urban areas;
- iii. Inside urban areas:
  - (aa) Areas seawards of the development setback line or within 200 metres from the high-water mark of the sea if no such development setback line is determined;
  - (bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined".

- 3.4. Although on to the South African Biodiversity Institute Biodiversity GIS map, the site is depicted as 'Critically Endangered' in terms of the remaining extent of vegetation, the total area to be cleared for the new fuel storage facility will amount to approximately 35m<sup>2</sup>. Item 12 of Listing Notice 3 of GN No. R. 546 of 18 June 2010 will therefore not be triggered, i.e.:

"The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.

16/3/116/1/E2/27/2075/14

Page 2 of 3

## APPENDIX 1 (Page 3 of 3)

From:

To: 00865134462

15/05/2014 07:27

#112 P.003/003

- (a) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- (b) Within critical biodiversity areas identified in bioregional plans;
- (c) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas".
4. However, should any revision of your proposed development comprise any activities that constitute a listed activity as defined in GN No. R. 544, R. 545 or R. 546 of 18 June 2010, an application for environmental authorisation must be submitted to the competent authority for consideration.
5. Please be reminded of the general duty of care and the remediation of environmental damage in Section 28 of the NEMA. It is stated in Section 28(1) of the NEMA that –
- "Every person who causes, has caused or may cause significant pollution or degradation of the 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".
6. The obligation to take reasonable measures is imposed on, *inter alia*, "an owner of land, a person in control of land or a person who has a right to use the land or premises on which or in which (a) any activity or process is or was performed or undertaken or (b) any other situation exists which causes, has caused or is likely to cause significant degradation of the environment....".
7. Even if no listed activities are applicable to the proposed subdivision of the said property, the principles of sustainability that are detailed in Section 2 of the NEMA must still be taken into account by the Overstrand Municipality when considering your application for departures to sell fuel on Portion 64 of the Farm Wolven Gat No. 297, Bredasdorp.
8. It is an offence 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. Failure to comply in terms of Section 24F of the NEMA will result in the matter being referred to the Environmental Governance Directorate of this Department for possible prosecution. A person convicted of an offence in terms of Section 24F of the NEMA is liable to a fine not exceeding R5 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.
9. This Department reserves the right to revise or withdraw comments or request further information from you based on any new information received.

Yours faithfully

**HEAD OF DEPARTMENT**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS & DEVELOPMENT PLANNING**

Copied to: D H W Heard

(Duncan Heard Environmental Consulting)

Fax: (086) 513 4462

16/3/11/6/11/E2/27/2075/14

Page 3 of 3

