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Litiko Letekulima, Kutfutlukiswa
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Netesimondzawo

Departement van Landbou,
Landelike Ontwikkeling,
Grond en Ongewing Sake

umNyango weZelimo
UkuThuthukiswa kweeNdawo zemaKhaya,
iNarha neeNdaba zeBhoduluko

Enquiries : Dineo Tswai
Telephone : 013 692 6300
Reference no. : 1/3/1/16/1N-142
NEAS ref no. : MPP/EIA/0000470/2018

Yafa Trading (Pty) Ltd
Shane Chengapar
83 Northrand Road, Boksburg
Johannesburg
1459

Tel No: 083 416 7765
Email: shane01@telkomsa.net

Dear Sir/Madam,

ENVIRONMENTAL AUTHORISATION: THE PROPOSED EXPANSION OF Yafa TRADING TRUCK-STOP ON PORTION 58 OF THE FARM VAALBANK 289 JS, WITHIN STEVE TSHWETE LOCAL MUNICIPALITY, MPUMALANGA PROVINCE.

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of this letter, of the Department's decision in respect of your application. Such notification must comply with the requirements of Regulations 4(10)(a)-(d) and must draw the attention of registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of National Appeal Regulations, 2014 (amended).

Your attention is drawn to National Appeal Regulations. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge an appeal with the MEC, within 20 days of the date of this letter, by means of one of the following methods:

By facsimile: (013) 766 8295

By post: Private Bag x 11219
Nelspruit
1200

By hand: Building 6, No. 7 Government Boulevard,
Riverside Park Extension
Nelspruit
1200

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Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully,



MS. P.N. NTULI

ACTING CHIEF DIRECTOR: ENVIRONMENTAL SERVICES

DATE: 24/04/2019

Cc: Mr. Mike Maguranyanga
Miles7 Consulting (PTY) LTD
Fax no: 086 550 5868
Email: mike@miles7.co.za



agriculture, rural development,
land & environmental affairs

MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

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Environmental Authorisation

Application number: 1/3/1/16/1N-142

Holder of Authorisation: Yafa Trading (Pty) Ltd

NEAS reference number: MPP/EIA/0000470/2018

Location of activity: PORTION 58 OF THE FARM
VAALBANK 289 JS, STEVE
TSHWETE LOCAL
MUNICIPALITY,
MPUMALANGA PROVINCE
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1. Decision

The Department is satisfied on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant is authorised to undertake the activity as specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2014 as amended, the Department hereby authorises:

Yafa Trading (Pty) Ltd
Shane Chengapar
83 Northrand Road, Boksburg
Johannesburg
1459

Tel No: 083 416 7765

Email: shane01@telkomsa.net

To undertake the following activity (hereafter referred to as "the activity"):

The proposed expansion of Yafa Trading Truck Stop on Portion 58 of the farm Vaalbank 289 JS with a total expansion of 392 000 litres, Steve Tshwete Local Municipality, Mpumalanga Province at the following co-ordinates; 25° 50' 4.0"S and 29° 27' 41.0 "E . **Activity 51, 67, 27 and 28 of Government Notice R983 of 04 December 2014 as amended.**

Government Notice R983 Activity No.	Description	Applicability
Activity 51	The expansion and related operation of facilities for the storage, or storage and handling of a dangerous good, where the capacity of such storage facility will be expanded by more than 80 cubic metres	The existing 78 cubic metres fuel tanks would be supplemented by an additional 3x 100 cubic metres and 2x46 cubic metres tanks making a total of 392 00 litres for expansion
Activity 67	Phased activities for all activities- (i) Listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices which commenced on or after the effective date of such previous NEMA Notices; excluding the following activities listed in this Notice- 17 (i)(a-d); 17(ii)(a-d); 14 (iv)(a-d); 17(v)(a-d); 20;	The combined total capacities of the fuel tanks for the two phases will exceed the threshold of 80m ³ but would be less than the 500m ³ . <i>pr</i>

	<p>21;22;24(i);29;30;31;32;34; 54(i)(a-d); 54(ii)(a-d); 54(iii)(a-d); 54(iv)(a-d); 54(v)(a-d); 55; 61; 64; and 65; or</p> <p>(ii) Listed activities 5; 7; 8(ii); 11; 13; 16; 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA Notices; which commenced on or after the effective date of such previous NEMA Notices; where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold</p>	
Activity 27	<p>The clearance of an area of 1 ha or more but less than 20 ha of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</p> <p>(i) The undertaking of a linear activity, or</p> <p>(ii) Maintenance purposes undertaken in accordance with a maintenance management plan</p>	The would be clearance of vegetation on the proposed expansion and construction of a new workshop in the near future and this is more than 1 hectare but less 20 hectares
Activity 28	<p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.</p>	The area where the land is being proposed to be build was previously used for agricultural purposes after 01 April 1998 and is more than 1 hectare and outside an urban area

The development footprint of the proposed activity is approximately 2.5 hectares in extent and the expansion will result in a total of 392 000 litres of petrol and diesel.

The proposed expansion will entail the following:

- The construction of 2x 46 cubic metres underground tanks for petrol
- The construction of 3 x 100 cubic metres above ground diesel tanks for filling station and truck stop respectively.
- A convenience store, wash-bay for trucks, site offices and additional workshop area. *pn*



The granting of this environmental authorisation is subject to the conditions set out below.

3. Conditions of Authorisation

Scope of authorization

- 3.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorization and are therefore legally enforceable.
- 3.2 The holder of the authorisation must ensure compliance with these conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 3.3 The activity which is authorised may only be carried out at the property indicated above.
- 3.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 3.5 In the event that the impacts exceed the significance as predicted in the basic assessment report, the authorisation may be withdrawn after proper procedures have been followed.
- 3.6 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.
- 3.7 The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.8 This activity must commence within a period of ten (10) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.9 The holder of this authorisation is responsible for compliance with the provisions for Duty of Care and Remediation of Environmental Damage contained in Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- 3.10 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Appeal of authorization

- 3.10.1 The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) days of the date of this decision, of the outcome of the application.
- 3.11 The notification referred to above, must –
 - a) Specify the date on which the authorisation was issued;
 - b) Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Regulations; and
 - c) Advise the interested and affected party to the manner in which the decision can be accessed;
 - d) Be published in the newspapers contemplated in Regulation 54(2)(c) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management and Monitoring of the activity

- 3.12 The Environmental Management Programme (EMPr) dated November 2018 submitted as part of the Basic Assessment Report is hereby approved and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.13 The applicant must appoint an independent Environmental Control Officer (ECO) that will have the responsibility of monitoring and reporting on compliance with the conditions of this environmental authorisation as well as monitoring and reporting on the implementation of the approved EMPr.
- 3.13.1 The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
- 3.13.2 The ECO must oversee and monitor the success of all rehabilitation activities.
- 3.13.3 During the construction phase, the ECO must submit monthly compliance reports to the Department in writing and copy the applicant with such reports. Where applicable, the ECO may negotiate the required frequency for the submission of reports with the Department, which must be agreed to in writing by the Department. The reports must include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. All reports must reflect the Department's reference number of the project on the cover page.
- 3.13.4 The ECO must maintain the following on site:
- A site diary
 - Copies of all reports submitted to the Department
 - A complaints register of all public complaints and the remedies applied to such complaints
- 3.13.5 The ECO must remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to the applicant by the contractor for operation.
- 3.14 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must be compiled by an independent environmental auditor and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the conditions of this authorisation as well as the requirements of the EMPr.
- 3.15 The Department retains the right to monitor and/ or inspect the proposed development during both construction and operational phases.

Commissioning and operation of the activity

- 3.16 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, and must include the name and contact details of the appointed ECO.
- 3.17 The appointed contractor must be contractually bound to these conditions as well as the provisions of the proposed EMP.
- 3.18 The environmental authorization as well as any license or permits must be in place before construction commences and any recommendation contained in these permits, licenses and/or authorization must be incorporated into the project design.
- 3.19 The proposed installation of the tanks must comply with SANS 1535 (relating to tank manufacture standards) and SANS 10089 Part 3.
- 3.20 Impermeable foundations such as concrete foundations must be designed for diesel tanks to stand on.

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- 3.21 Firefighting system must be provided for at diesel tanks and a sprinkler system must be connected to water lines above the diesel storage tanks.
- 3.22 Water pipes and hoses must be inspected at regular basis and any leakages must be repaired immediately.
- 3.23 The applicant must comply with Steve Tshwete Local Municipality Integrated Waste Management By-Laws (2012).
- 3.24 All personnel, laborers and equipment must remain within the demarcated construction sites at all times.
- 3.25 No activities must occur within 100m or within 1:100 year flood line.
- 3.26 There must be Spill Contingency Plan drawn up and must include remedial actions in the event of spill.
- 3.27 The approval for the expansion is for the combined storage capacity of cubic meter as indicated in the report.
- 3.28 There must be an oil/water separator linked to the facility to divert possible spillages.
- 3.29 Avoid burning of vegetation cover and waste during construction.
- 3.30 Advertising signs must blend with the environment to avoid visual impact.
- 3.31 Dispose all waste generated during the construction phase in the registered landfill site.
- 3.32 A storm water management plan and mitigations together with details regarding erosion control measures and measures to control run-off must be developed and adhered to.
- 3.33 All disturbed areas must be fully rehabilitated and protected from erosion. Rehabilitation measures must be aimed at the prevention of soil erosion and the re-establishment of vegetation.

General

- 3.34 A copy of this authorisation must be kept at the property where the activity will be undertaken.
- 3.35 The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 3.36 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 3.37 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

ENVIRONMENTAL AUTHORISATION APPROVED BY:



MS. PN. NTULI

ACTING CHIEF DIRECTOR: ENVIRONMENTAL SERVICES

DATE: 24/04/2019



Annexure 1: Reasons for the Decision

1. Background

1.1 The applicant, Yafa Trading (Pty) Ltd, applied for authorisation to carry out the following activity:

The proposed expansion of Yafa Trading Truck Stop on Portion 58 of the farm Vaalbank 289 JS with a total expansion of 392 cubic metres, Steve Tshwete Local Municipality, Mpumalanga Province at the following co-ordinates; 25° 50' 4.0"S and 29° 27' 41.0 "E . **Activity 51, 67, 27 and 28 of Government Notice R983 of 04 December 2014 as amended.**

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Activity 67	<p>Phased activities for all activities-</p> <p>(iii) Listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices which commenced on or after the effective date of such previous NEMA Notices; excluding the following activities listed in this Notice-</p> <p>17 (i)(a-d); 17(ii)(a-d); 14 (iv)(a-d); 17(v)(a-d); 20; 21;22;24(i);29;30;31;32;34; 54(i)(a-d); 54(ii)(a-d); 54(iii)(a-d); 54(iv)(a-d); 54(v)(a-d); 55; 61; 64; and 65; or</p> <p>(iv) Listed activities 5; 7; 8(ii); 11; 13; 16; 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA Notices; which commenced on or after the effective date of such previous NEMA Notices; where any phase of the activity was below a threshold but where a combination of the phases,</p>	The combined total capacities of the fuel tanks for the two phases will exceed the threshold of 80m ³ but would be less than the 500m ³ . <i>pm</i>

	including expansions or extensions, will exceed a specified threshold	
Activity 27	The clearance of an area of 1 ha or more but less than 20 ha of indigenous vegetation, except where such clearance of indigenous vegetation is required for- (iii) The undertaking of a linear activity, or (iv) Maintenance purposes undertaken in accordance with a maintenance management plan	The would be clearance of vegetation on the proposed expansion and construction of a new workshop in the near future and this is more than 1 hectare but less 20 hectares
Activity 28	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.	The area where the land is being proposed to be build was previously used for agricultural purposes after 01 April 1998 and is more than 1 hectare and outside an urban area

The development footprint of the proposed activity is approximately 2.5 hectares in extent and the expansion will result in a total of 392 cubic metres of petrol and diesel.

The proposed expansion will entail the following;

- The construction of 2x 46 cubic metres underground tanks for petrol
- The construction of 3 x 100 cubic metres above ground diesel tanks for filling station and truck stop respectively.
- A convenience store, wash-bay for trucks, site offices and additional workshop area.

1.2 The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake a Basic Assessment Process:

Miles7 Consulting (Pty) Ltd
Unit 23 Boudouris Crest, 69 Eeufees Road
South Crest
1449

Contact Person: Mr. Miles Maguranyanga
Fax no: 086 550 5868
Email: mike@miles7.co.za



2. Information considered in making the decision.

In reaching its decision, the Department took the following into consideration:

- a) The information contained in the application form submitted on 05th September 2018.
- b) The information contained in the Final Basic Assessment Report and the EMP_r dated October 2018 and submitted on 05th December 2018.
- c) The objective and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
- d) The findings of the site visit undertaken by Ms. Dineo Tswai on the 21st November 2018.

3. Key factors considered in making the decision.

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) The facility will use existing access routes and roads.
- b) The Basic Assessment Report indicated that a collection sump would be designed on site for collection of all dirty oily water, fuel and/or oil spillages and that the sump should be serviced regularly.
- c) The site is currently impacted upon by existing land uses. Using this site therefore reduces the need for green-fields development elsewhere.
- d) The proposed tanks will be constructed in accordance with the latest specifications of the SABS which will ensure that negative environmental impacts are avoided.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings:

- a) In accordance with Section 41(2) of the 2014 NEMA EIA Regulations (as amended) GN No. 326, notice was given to all potential or registered and affected parties.
- b) No significant detrimental environmental impacts are anticipated, should the mitigation measures stipulated in the environmental impact report and conditions of this environmental authorisation be implemented and adhered to.

In principle, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. In view of the above, authorization is accordingly granted.

PN