

DRAFT BASIC ASSESSMENT REPORT

Submitted in terms of the Environmental Impact Assessment Regulations, 2014, as amended promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) to:

KWAZULU-NATAL DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS (EDTEA)

PROJECT TITLE

Proposed Construction of Milky Way Shopping Centre including the Fuel Service Station with associated infrastructure on Portion 629 of the Farm Klaarwater No. 951, Durban, Pinetown, eThekweni Metro, KwaZulu-Natal.

(1) (A) (i) DETAILS OF THE EAP WHO PREPARED THE REPORT:

Mondli Consulting Services has been appointed by Bondit Right Trading (Pty) Ltd to undertake the Basic Assessment process for the construction of Milky Way Shopping Centre including the Fuel Service Station with associated infrastructure on Portion 629 of the Farm Klaarwater No. 951, Durban, Pinetown, eThekweni Metro, KwaZulu-Natal.

It has to be noted that due to unforeseen reasons there has been a change of Environmental Assessment Practitioners (EAPs) with regard to this project from Environmental Agency to Mondli Consulting Services.

Details of the EAP:

Business name of EAP:	Mondli Consulting Services		
Physical address:	6 Joseph Avenue, New Era House, Suite 9, Durban North		
Postal address:	P O Box 22536, Glenashley		
Postal code:	4022	Cell:	0824187708
Telephone:	0826799841	Fax:	(031) 5725647
E-mail:	mondlib@webmail.co.za mondlibee@gmail.com		

(ii) The expertise of the EAP (including curriculum vitae IS ATTACHED)

Name of representative of the EAP	Education qualifications	Professional affiliations	Experience at environmental assessments (yrs)
BM Mthembu	Diploma in Nature Conservation Masters Degree (Environmental	EAPASA registered EAP: No. 2018/168 in accordance with the prescribed criteria of	Has been involved in environmental and conservation field for over 20 yrs.

	Studies Dissertation, Geography) Bachelor of Laws (LLB)	Regulation 15(1) of section 24 H Registration Authority Regulations Society of South African Geographers (Membership No. 28/09), confirmed to comply with the requirements set by South African Council for Natural Scientific Professions.	Conducted EIAs for over 15 years including Strategic Env. Assessment. Has been involved in the review and commenting on development projects impacting on the environment.
SI Thwala	National Diploma in Analytical Chemistry & Bachelor of Science degree majoring in Geography and Computer Science.	None	One-year, 9 months experience in environmental management. Has years of experience in environmental training.

(B) THE LOCATION OF THE ACTIVITY

- (i) The site is located at the intersection of MR85 and Milkway Road, and on the west of Mshinini and South of Marianridge communities. From N3 National Route take the exit 23, take M1 south and travel for 4,6km and arrive at corner M1 and Milkway Drive. Turn right into Milkway Drive, and the site starts at the robot on your left.

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- (ii) *The physical address and farm name*

Property Number	Property Description	Size	Development type
1	Portion of Remainder 629 of the Farm Klaarwater No 951, and Portion of Erf 6665 Pinetown. The site is zoned Light Industrial.	The site is 43 732m ² in extent as per the title deed, with a development footprint of 7 598m ² .	Commercial (Shopping Centre, Office block and Fuel Service Station)

- (iii) **Where the required information in terms of (i) and (ii) is not available, the co-ordinates of the boundary of the property or properties**

Alternatives	Latitude (S)	Longitude (E)
Preferred site	29° 51' 52.97"	30° 50' 11.26"
Alternative site 1	None	None

(C) A PLAN WHICH LOCATES THE PROPOSED ACTIVITY OR ACTIVITIES APPLIED FOR AS WELL AS ASSOCIATED STRUCTURES AND INFRASTRUCTURE AT AN APPROPRIATE SCALE.

Site map showing the site below; and the Site Development Layout Plan attached as Appendix A

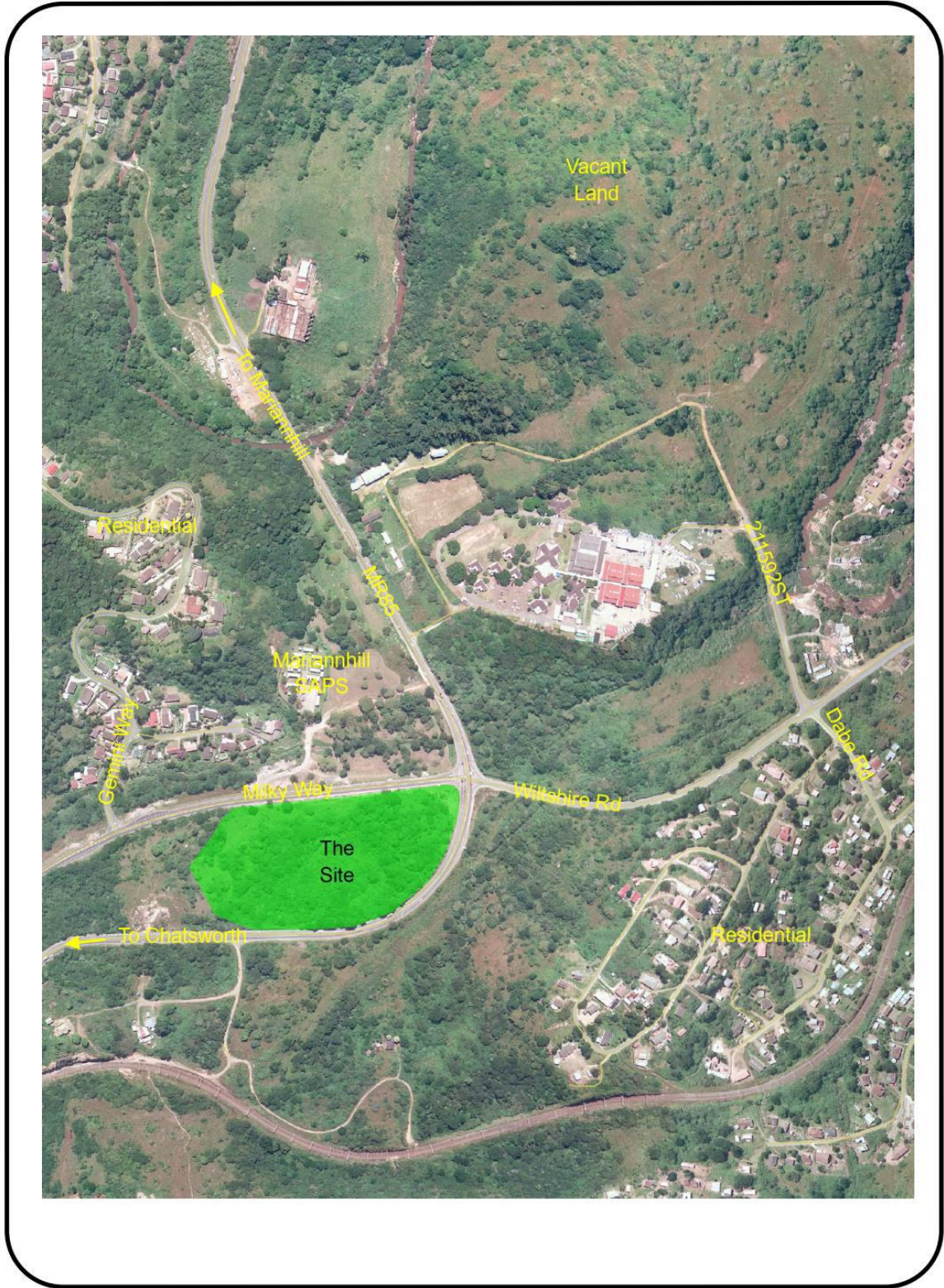


Figure 1 - Site Map

(i) A linear activity, a description and co-ordinates of the corridor in which the proposed activity or activities is to be undertaken

The proposed project is not a linear activity.

In the case of linear activities: N/A

Alternatives	Latitude (S)	Longitude (E)
Preferred site	None	None
Alternative site 1	None	None
Starting point of the activity		
Middle point of the activity		
End point of the activity		
Alternative site 2	None	None
Starting point of the activity		
Middle point of the activity		
End point of the activity		

(ii) On land where the property has not been defined, the co-ordinates within which the activity is to be undertaken

The proposed activity is not on land that has not been defined.

(D) A DESCRIPTION OF THE SCOPE OF THE PROPOSED ACTIVITY, INCLUDING –

The proposed project known as Milky Way Shopping Centre and Fuel Service Station entails the Fuel Service Station with associated infrastructure comprising fuel stored in underground tanks with volume of 345 cubic metres. The Retail Shopping Centre comprising main anchor shop, and smaller shops in a single storey complex, 3 storey medical centre, parking bays and infrastructure for basic services. The Retail Shopping Centre is envisaged to include Spar, Tops Bottle Store, a number of line shops, Automated Teller Machines, a Food Store (KFC), an office block and a Petrol Filling Station with Convenience shop.

(i) All listed and specified activities triggered and being applied for

In terms of the Environmental Impact Assessment (EIA) Regulations 2014, as amended, promulgated in terms of the National Environmental Management Act, 1998 (NEMA), certain listed activities are specified for which either a Basic Assessment (GNR 327 and 324) or a full Scoping and Environmental Impact Assessment (GNR 325) is a requirement.

In this regard the following listed activity in Government Notice R 327 which is Listing Notice 1 is applicable, which require only a Basic Assessment process.

Date of the relevant notice:	the relevant or notice):	Government Notice)¹:

GRN 327 of 04 December 2017 R 983 – Listing Notice 1.	Activity No. 12	<p>Development of -</p> <p>(ii) infrastructures or structures with a physical footprint of 100 square meter or more;</p> <p>where such developments occurs -</p> <p>(a) Within a watercourse;</p> <p>In this instance the project relates to the proposed construction of the proposed Milk Way Shopping Centre with a footprint of 7598 m² within a watercourse.</p>
GNR No. 327 of 04 December 2017. R 983 – Listing Notice 1.	Activity No. 14	<p>The development and related operation 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 cubic meters or more but not exceeding 500 cubic meters.</p> <p>In this instance the storage of dangerous good will be underground fuel tanks with volume of 345 cubic metres.</p>
GNR 327 of 04 December 2017, R 983 – Listing Notice 1	Activity No. 19	<p>The infilling or depositing of any material of more than 10 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shell grits, pebbles or rock of more than 10 cubic metres from watercourse.</p> <p>In this instance the infilling will be 400 cubic metres of rocks into a watercourse.</p> <p>Some areas will require heightened structural and civil designs inputs to ensure long term integrity of the planned buildings, as well as the stability of the surrounding roads as recommended by the Geotechnical Study.</p>

GNR 327 of 04 December 2017, R 983 – Listing Notice 3	Activity No. 12	<p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>In this instance the clearance of indigenous vegetation is likely to cover the whole development footprint of 7 598m², in an area identified by eThekweni Municipality as a Durban Metropolitan Open Space System (DMOSS).</p>
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(iii) A description of the activities to be undertaken including associated structures and infrastructure

Background and proposed development

The proposed site is located on the erf bounded by Milky Way along its entire northern boundary, vacant undeveloped land to the west, and by Henry Pennington Road along the site eastern and south eastern perimeter.

The site is surrounded by urban residential (Marianridge) and semi-rural residential (KwaSanti / EmaRomeni community) areas. An industrial area is located some 1,5 km to the east of the site along Wiltshire Road and to the west of the site is vacant land. The Mariannahill SAPS station is located 300m directly opposite the site across Milky Way. The Durban – Cato Ridge railway line is aligned past the site to the south and the Mariannahill rail station is located approximately 1km away from the site to the southeast. There are no physical structures within the 150m radius of site.

The site is currently zoned industrial, and requires a rezoning to a General Commercial zone which will be undertaken in due course through eThekweni Metro Planning. The site has been identified by eThekweni Municipality as D'MOSS.

As highlighted above the project entails the Shopping Centre and Fuel Service Station.

Project Overview

The site is 43 732m² in extent, with a proposed development footprint of 7598 m². The site will have a fuel Service Station with a Shopping Centre comprising one anchor shop, smaller shops in single storey complex, 3 storey medical Centre, parking bays and infrastructure for basic services.

Project objectives

The main objective of the project is to provide an affordable good shopping experience, medical facilities, fuel filling station and sustainable jobs as close as possible to the people of KwaSanti, Mshinini, KwaDabeka, Marianridge and greater Durban outer and inner west communities and surrounding areas.

Services on site**Sewerage**

The area has well developed sewer infrastructure, and it will be a matter of connecting to the site following the procedure set by eThekweni Municipality. This is critical given the fact that the development will produce sewerage from ablution facilities and grey water from hand basins, washing facilities and shops. However, eThekweni Municipality has indicated that Umhlathuzana Wastewater Treatment Works lacks capacity to handle sewerage that will come from the proposed development. The applicant is currently engaging eThekweni Water about this matter linked, as well as the sewerage quantity that will come from the development.

Portable water

The area where the proposed project is located has portable water infrastructure. It will be a matter of connecting to the site. Rainwater harvesting will also be promoted by the project.

Stormwater Infrastructure

The Stormwater Plan has been compiled by BMK Engineering Consultants for this site for the purposes of controlling all runoff emanating from the site. This will assist in ensuring that run off is reduced to predevelopment states, and that runoff is not concentrated onto any adjacent or neighbouring properties.

The valley drains to the east, two drainage lines on the east of the high ground and one to the west of the high ground drain towards the north east to where it joins the main valley line.

The stormwater on site is currently draining in a north westerly direction, discharging to the adjacent stream and road. In this regard the applicable design standard is that of eThekweni Municipality: Design Manual: Guidelines and Policy for the design of Stormwater Drainage System.

The summary of stormwater is as follows:

- The stormwater management system comprises overland channel flow and stormwater pipe Network, discharging to a surface attenuation storage area as indicated on the attached Stormwater Plan.
- All roof downpipe to be discharged above ground to drain towards relevant attenuation areas.
- All storage areas are to be surrounded with a 230mm kerb with speed humps at the driveways with depressions where necessary.
- A pipe of maximum diameter to be used for outlet control as follows: Catchment A (200mm), Catchment B (200mm), Catchment C (200mm) and Catchment D (525mm). This outlet is capable of passing a peak discharge of the 1: 50-year storm recurrence interval. All Stormwater pipelines are to be heavy duty to cater for the design vehicle loading.
- Stormwater from the Fuel Station forecourt areas, to be directed towards the soil, oil and grease trap.
- An ongoing maintenance management plan should be in place to ensure that the storage facilities, grease traps, underground pipelines and manholes are kept free of silt and debris so as to prevent any blockages that may arise.
- Storm water events greater than the 1:50 year to be adequately dissipated.
- The attached stormwater management plan to be incorporated and be implemented into the proposed development drawings.

Roads

The site is easily accessible, as it is located at the intersection of MR85 and Milkyway Road. The proposed access road, as well as all internal circulation and parking areas will be designed and constructed in accordance with the recommendations and standards

of the KwaZulu – Natal Department of Transport, eThekweni Municipality and Traffic Impact Assessment conducted for the site.

Electricity

There is electricity infrastructure on site managed and supplied by eThekweni Municipality, Electricity Unit registered no objection to the proposed project. In this regard the applicant would have to check with MV/LV for capacity, and establish if the infrastructure is not affected by the proposed development. The applicant has to consult with Electricity main records for underground electrical services on site. Discussion will be ongoing with eThekweni Electricity in this regard. This will relate to any possible encroachment onto the eThekweni Electricity's servitude in respect of the proposed project. However, as a norm no structure may be placed within 12 metres from the centre line of the powerline or either side without the written confirmation of the relevant Authority.

Refuse

It is anticipated that the project will generate the following types of waste:

Construction phase

General waste – the general waste likely to be generated during the project construction include litter from workers on site like plastics and papers. The suppliers and construction in general are likely to generate cans, papers and empty cement bags.

Hazardous – hazardous waste is defined as waste that poses substantial or potential threat to public health and the environment. This includes waste that tends to ignite, reactive, corrosive and toxic. The anticipated waste include metal, oil spills, concrete remnants, asphalt, chemical waste during construction and paint containers. Hazardous chemical substances must be inventoried and stored in accordance with the requirements of the safety data sheet, the EMPr and the Norms and Standards for the storage of waste

Operational phase

General waste – paper and cans, cardboards, plastics and food remaining in the restaurant.

Hazardous waste – It is anticipated that the operational phase will generate chemical waste, oil, oil cans and petro chemicals during the operational phase. This type of waste has to be landfilled in the landfill that is authorized to take such waste. As highlighted above all type of chemicals must be stored in line with the legislated standards.

Furthermore, the medical centre will generate health care risk waste that will be managed, handled and disposed by the private specialized service provider to be engaged.

Solid waste will be stored at the designated "storage area" within the premises, and be collected once a week by either the Municipality or private registered service provider for disposal at the landfill site at Marianhill Landfill site. It is anticipated that the stored waste before collection will be below the threshold of 100m³, too little to warrant a waste license in terms of GN 718: Category A; B & C. Should the storage of waste increase in future, the frequency of disposal will be increased since Marianhill Landfill site is about 2 km away from the site.

The project will promote the recycling of material like paper, glass, tins and plastic bottles and do separation at source. The recycling is also anticipated to be below 10 tons per month. In this regard the project will engage and invite the interested local people to participate in its recycling programme.

Construction and phases

The project will be done in three phases i.e. phase 1 is the retail / shopping centre, phase 2 will be the Fuel Service station and phase 3, the office block.

It is anticipated that the project will take about 9 months to complete, if the environmental authorisation is granted. However, like any project of this nature there could be external variables and influences which cannot be controlled by the applicant. The applicant will request the maximum timeframe allowed for the validity of a decision.

The construction phase will follow the conditions of the Environmental Authorisation, Environmental Management Programme and recommendations of Specialists studies.

Filling station and underground tanks

All tanks will be composite type tanks to be stored underground. This area will be expanded under the EMPr, but it has to be stated that the SAB specifications and guidelines will be complied with, which will include:

- SABS 089 – 3 1999 – the installation of underground storage tanks, pumps / dispensers and pipes.
- SABS – 0140 – 2 – Identification of colour markings (identification of hazards and equipment).
- SABS 62-1 & 62 -2 – steel pipes fittings.
- SABS 1123 – steel pipes flanges.
- SABS 12000 – standardised specifications for construction.
- SABS 1535 – polyester coated steel tanks for the underground storage for hydrocarbons and oxygenated solvents.

Accordingly, the underground storage tanks will comply with relevant SANS / SABS codes of Practice which include: SANS 10400 TT 53, SANS 10131, SANS 10108, SANS 11535 and SANS 10089 Part 2 & 3.

The underground storage tanks will be accordingly fitted with an overfill protection device. The tanks will be designed as to reduce risk of possible soil and groundwater contamination. As an extra precautionary measure, the underground storage tanks will be dipped daily and reconciled against volumes to establish any possible loss attributed to leakage. The conditions of the tanks, pipes and monitoring wells will be inspected on regular basis. The underground tanks and products will be pressure tested prior to the actual commissioning. The tanks will be underground as opposed to above the ground, in order to eliminate the risk of fire.

Although the issue of the stormwater will be addressed separately, but the following must be emphasized with regard to the stormwater and fuel / oil:

- Storm water, petrol, diesel and other polluted run-off must be directed to the containment sump of appropriate design.
- Storm water leaving the premises shall not be polluted by any substance whether such a substance is a solid, liquid, gas vapour or any combination of these.
- There must be no mixing of contaminated and uncontaminated water.
- Clean storm water must be separated from contaminated storm water.

Retail Centre

As highlighted above, the Shopping Centre will comprise of the main anchor shop, and smaller shops in a single storey

complex, 3 storey medical centre, parking bays and infrastructure for basic services.

(E) A DESCRIPTION OF THE POLICY AND LEGISLATIVE CONTEXT WITHIN WHICH THE DEVELOPMENT IS PROPOSED INCLUDING –

(i) An identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments that are applicable to this activity and have been considered in the preparation of the report

Legislation	Authority	Year
National Environmental Management Act	Department of Economic Development, Tourism and Environmental Affairs (EDTEA) / Department of Environment, Forestry and Fisheries (DEFF)	1998
EIA Regulations, 2014	EDTEA / DEFF	2014
Guideline:5 Assessment of Alternatives and Impacts in support of EIA Regulations	EDTEA / DEFF	2006
Guideline on Need and Desirability, Department of Environmental Affairs	EDTEA / DEFF	2017
Petroleum Products Act, 1977 (Act 120 of 1977) as amended. – Petroleum Products site and retail license Regulations 2006	Department of Energy	1977 and 2006 respectively
Pollution Prevention Act (APA) (Act No. 45 of 1965)	EDTEA / DEFF	1965
National Environmental Management: Air Quality Act, 2004	EDTEA / DEFF	2004

(Act No. 39 of 2004)		
The National Water Act	Department of Water and Sanitation	1998
KZN Provincial Roads Act, No. 4 of 2001	KZN Department of Transport	2001
National Environmental Management: Waste Act	EDTEA / DEFF	2008
National Environmental Management: Biodiversity Act	DEDTEA / DEFF	2004
National Environmental Management: Protected Areas Act	EDTEA / DEFF / Ezemvelo KZN Wildlife	2003
Alien and Invasive Species Regulations	EDTEA / DEFF	2014
KwaZulu-Natal Amafa and Research Institute Act, Act No. 5	KwaZulu – Natal Amafa and Research Institute	2018
National Heritage Resources Act National Heritage Council Act	Heritage Council Heritage Council	1999 1999
South African Constitution	RSA	1996
Promotion of Administrative Justice Act	Department of Justice	2000
Occupational Health and Safety Act, 85 of 1993	Department of Labour	1993
National Forests Act	DEFF	1998
Noise Control Regulations (Regulations 154, 10 January 1992)	EDTEA / DEFF	1992
Hazardous Substances Act (Act No. 15 of 1973)	EDTEA / DEFF / eThekweni Municipality / Department of Energy	1973

SANS 10400 amendments, in terms of the National Building Regulations and Building Standards Act, No. 103 of 1977, as amended	eThekwini Municipality	1977
National Development Plan	RSA Government Departments, Municipalities and Public Entities	2011
eThekwini Municipality Integrated Development Plan (IDP)	eThekwini Municipality	2019 / 2020
Spatial Planning Land Use Management Act (SPLUMA)	eThekwini Municipality	2013

(iv) How the proposed activity complies with and responds to the legislation and policy context, plans, guidelines, tools frameworks, and instruments

Legislation, polices, plans, guidelines, spatial tools, municipal development planning frameworks and other instruments	Compliance and applicability
National Environmental Management Act	Promulgation is as per this Act
EIA Regulations, 2014	The whole process has to comply with these Regulations. This is in line with the EIA Regulations as promulgated in terms of the National Environmental Management Act, 1998 (NEMA). In this regard certain specified activities are listed.
Guideline:5 Assessment of Alternatives and Impacts in support of EIA Regulations	These Guidelines are applicable in terms of the exploration of alternatives.
Guideline on Need and Desirability, Department of Environmental Affairs	In terms of these guidelines the need and desirability of the project has to cover certain specifics like training, safety, service delivery, benefits to the local people and the alignment of planning related issues to the project.
Petroleum Products Act, 1977 (Act 120 of 1977) as amended. – Petroleum Products site and retail license Regulations 2006	This relates to the control of petroleum products, site and retail licenses in this regard.
Pollution Prevention Act (APA) (Act No. 45 of 1965)	This may be applicable in case of dust on site.
National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)	This may be applicable in case of dust on site.
National Environmental Management: Protected	This is applicable from the conservation value

Areas Act	perspective of the area.
The National Water Act	The activities that may affect water resources on site e.g. wetlands, groundwater resources and a nearby watercourse.
KZN Provincial Roads Act, No. 4 of 2001	This is with particular reference to the acceptability of ingress / egress, possible upgrades, traffic volumes and general traffic safety conditions around the project site.
KwaZulu-Natal Amafa and Research Institute Act	The legislation relates to heritage objects in case there are heritage resources on the site in question.
South African Constitution	Section 24 of the South African Constitution impress upon everyone having the right to an environment that is not detrimental to health.
National Forests Act	This legislation safeguards against the destruction of forests and indigenous that may be found on site.
Noise Control Regulations (Regulations 154, 10 January 1992)	This relates to any noise that may need to be controlled during construction and operational phases of the project.
Hazardous Substances Act (Act No. 15 of 1973)	The act regulates the working of chemicals and hazardous substances.
National Environmental Management: Waste Act	All waste related issues are governed by this legislation e.g. appropriate disposal of solid waste during construction and operational phases.
Occupational Health and Safety Act	Safety and Health issues on site, especially during construction and beyond.
SANS 10400 amendments, in terms of the National Building Regulations and Building Standards Act, No. 103 of 1977	This has to accompany the building plans submitted to the Municipality.
National Forests Act (Act 84 of 1998), 1998	The Act is applicable to the site as it comprises of indigenous vegetation.
National Development Plan	This relates to issues of job creation, economic activities, rural employment and inclusive rural development, environment challenges and the need for sustainable development. The plan speaks about creating 11 million net new jobs over the period and reducing the rate of unemployment to about 6% by 2030.
eThekwini Municipality Integrated Development Plan (IDP) 2019/2020.	The project is in line with the ethos of the eThekwini Municipality's IDP document.
Spatial Planning Land Use Management Act (SPLUMA)	The Act is responsible for planning related issues within local government. This assist in ensuring integration and coherence with respect to planning issues within a municipal area.

(F) A MOTIVATION FOR THE NEED AND DESIRABILITY FOR THE PROPOSED DEVELOPMENT INCLUDING THE NEED AND DESIRABILITY OF THE ACTIVITY IN THE CONTEXT OF THE PREFERRED LOCATION

The proposed Milky Way Retail Centre and Fuel Filling Station would be well situated and is likely to have a desirable effect in the area as it will complement the area. The project is likely to provide benefits during pre-construction, construction and operational phases.

The development of the project will play an import role in addressing some of the development challenges facing eThekweni and the KwaZulu – Natal Province through the creation of jobs. The 2019/2020 eThekweni Municipality's integrated development plan (IDP) states that unemployment rate for eThekweni increased to 27.1% in Q2 2018 from 26.7% in Q1 2018. It is also important to note that the labour force absorption rate showed an insignificant increase 0.4% (from 45.8% to 43.1%), and the participation rate decreased (from 59.31% to 59.1%) over the same period, indicating that there are more people looking for employment, and the likelihood of them finding employment has decreased. In terms of skill levels, the largest portion of the workforce is employed at semi-skilled level followed by skilled and low-skilled. This project will go a long way towards achieving some of eThekweni 's stated strategic goals. The unemployment rate in South Africa is known to be contributing immensely to the social ills the country is currently experiencing.

At times the impact of unemployment on society is often underestimated; whereas it includes factors like psychological harm, loss of work ethic, self-confidence, increase in ailments, disruption of family and social relations, increase in social exclusion and accentuation of race and gender tensions. In this regard the project is mindful of the challenge, and intends contributing in a holistic and balanced manner. It does not only look at employment, but will also explore how it can contribute in self-employment and skills development given the fact that the site is already zoned light industrial, and present an opportunity for small business to operate from the Centre.

Overall the Facility will provide livelihoods to the local people and enhance local economic development. The developer has indicated a strong commitment to the upliftment of the locals. The developer has infused the concept of smaller stands / shops for small business so that these can be rented at affordable rates. The locals will also be engaged to participate in the recycling programme.

The proposed development will unfold in line with the following project phases:

i. Pre-construction phase and planning

This phase present opportunities for the local professional service providers when ever the skills are available. The project will attempt to provide training and mentorship to the youth and unemployed persons through exposure to the project's professional and / or technical expertise used in some of the specialists fields.

ii. Construction phase

This phase is highly technical in terms of engineers, artisans and the like, but also make provision for the manual worker and opportunities for the local suppliers and small sub-contractors. Manufacturers of materials will create employment and increase economic activities. Transporter of materials will create jobs in their sector. The utilization of skilled workers and training of less skilled workers in the construction will take place on site. There will be an opportunity as well for informal traders to do business when construction is underway on site.

iii. Operational phase

Provision of sustainable and permanent jobs to the locals through the retail sector. The developer has indicated his desire to employ and prioritise local people, and this will have an advantage of shorter travelling distances for the locals, thus saving in travelling costs to towns like Pinetown. The developer is also keen to provide other business opportunities for the locals that may relate to self-employment programmes.

The project will bring medical facilities, retail shops and service station closer to the KwaSanti, Mshinini, KwaDabeka, Marianridge and greater Durban outer and inner west communities and surroundings, thus decreasing use of Durban CBD infrastructure. It is expected that the project will contribute in decreasing traffic congestion in Pinetown and Durban areas due to an increase of retail shops in Marianhill area.

NEEDS AND DESIRABILITY – GUIDELINE PUBLICATION COMPILED AS PART OF THE EIA REGULATIONS AND INFORMATION DOCUMENT SERIES

Description

The Guideline on Need and desirability publication, compiled as part of the EIA Guideline & Information Document Series, has also been used to assess the need and desirability of the proposed development. The Publication provides a list of 14 aspects, which must be considered. The discussion below has addressed all 14 aspects for the proposed development.

1. *Is the land use (associated with the activity being applied for) considered within the timeframe intended by the existing approved Spatial Development Framework (SDF) agreed to by the relevant environmental authority? (i.e. is the proposed development in line with the projects and programmes identified as priorities within the credible IDP).*

Response: The project falls within eThekweni Metro whose IDP (2019 – 2020)'s long term vision among other things talks about its commitment to achieving a Vision of "Being Africa's Most Caring and Liveable City" through the effective and efficient delivery of basic service, and its intention to invest in areas that will make the greatest social and economic impact within the City. It also talks about the importance of local economic development. The proposed project will go a long way in meeting some of these aspirations, in particular the local economic development aspects as contained in the municipal strategic documents.

2. *Should development, or if applicable, expansion of the town/area concerned in terms of this land use (associated with the activity being applied for) occur here at this point in time?*

Response: As highlighted above, the identified site is located in an accessible spot at the intersection of MR85 and Milky Way with a prospect of bringing medical facilities closer to the surrounding communities.

3. *Does the community/area need the activity and the associated land use concerned (is it a societal priority)? This refers to the strategic as well as local level (e.g. development is a national priority, but within a specific local context it could be inappropriate).*

Response: The survey showed that most people were keen to use the services provided by the proposed development, of which 75% of them worked and live at Marianhill. 91% were in support of the proposed project as they felt it would reduce their transport costs as opposed to travelling to Pinetown. However, there was a perception of Spar being expensive, and expectation of the proposed development providing attractive prices, otherwise if Pinetown was seen as cheap some people indicated they may continue to use it as most of them work there. During the public meeting held at Marianridge, the community was happy about the project. The project will also include the taxi rank component as part of the development concept as suggested by the eThekweni Transport Authority.

4. *Are the necessary services with adequate capacity currently available (at the time of application), or must additional capacity be created to cater for the development?*

Response: The area in question has engineering services in the form of electricity, sewer line infrastructure, refuse collection service and portable water infrastructure. However, the applicant will engage eThekweni Water about the capacity of Umhlathuzana Wastewater Treat Works to handle sewerage.

5. *Is this development provided for the infrastructure planning of the municipality, and if not what will the implication be on the infrastructure planning of the municipality (priority and placement of services and opportunity costs)?*

Response: The project is located within a well serviced municipal area.

6. *Is this project part of a national programme to address an issue of national concern or importance?*

Response: Yes, in terms of reducing unemployment and poverty in South Africa. The project will go further to explore self-employment opportunities within the context of the project e.g. small shops / stands, recycling opportunities and the like.

7. *Is the development the best practicable environmental option for this land/site?*

Response: The site has been identified by eThekweni Municipality as D'MOSS, however some studies have been conducted on site, and the necessary layout adjustments have been made to accommodate sensitive environments like wetlands. This relates to wetlands and indigenous vegetation. Tree species likely to be removed will have to be replanted on project completion as one of the conditions of establishment. The project development footprint is 7598m².

8. *Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?*

Response: No, the project will actually enhance the goals of the IDP i.e. local economic development while ensuring environmental sustainability. The Spatial Development Framework (SDF 2018/2019) has identified the area broadly as residential. The Milky Way precinct has been recently identified as a mixed zone node in terms of the Pinetown South Local Area Plan (2015). On the basis of this the eThekweni Strategic Spatial Planning Branch has no objection to the proposed development. In terms of its comments, the Branch is also of the view that the Facility of this nature would benefit the surrounding community by way of improved access to services such as ATMs and other related infrastructure.

9. *Would the approval of this application compromise the integrity of the existing environmental management priorities for the area (e.g. as defined in EMFs), and if so, can it be justified in terms of sustainability considerations?*

Response: As highlighted above the site has been identified by eThekweni Municipality as DMOSS, however some studies have been conducted on site. The studies done have led to the adjustment of the layout plan. The development footprint is 7598m², out of a property of 43 732m². In addition, eThekweni Municipality is being afforded an opportunity to comment on this draft basic assessment report and inherent specialists studies.

10. *Do location factors favour this land use (associated with the activity applied for) at this place? (This relates to the contextualisation of the proposed land use on this site within its broader context).*

Response: The proposed facility is proposed in an ideal location in terms of engineering infrastructure, transport network and accessibility.

11. *How will the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas (built and rural / natural environment)?*

Response: As indicated above, the development footprint for the project is 7598m² out of the site of 43 732m². The project will impact on wetlands and vegetation on site, however based on the wetland delineation and vegetation studies conducted the identified impacts can be mitigated. The original layout has further been reduced.

12. *How will the development impact on people's health and wellbeing (e.g. in terms of noise, odours, visual character and sense of place, etc)?*

Response: The proposed development does not produce any emissions. In terms of the visual character and sense of place the site is located in a well-developed area in the context of urban built environment.

13. *Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?*

Response: No.

14. *Will the proposed land use result in unacceptable cumulative impacts?*

Response: No.

(G) A MOTIVATION FOR THE PREFERRED SITE, ACTIVITY AND TECHNOLOGY ALTERNATIVE

As per GN. R 326, Appendix 1(2)(b), alternatives for the proposed development are to be identified and considered, and this is in line with the definition under Chapter 1 of the EIA Regulations, interpreting alternatives as “in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to the –

- a. Property on which or location where the activity is proposed to be undertaken;
- b. Type of activity to be undertaken;
- c. Design or layout of the activity
- d. Technology to be in the activity;
- e. Operational aspects of the activity

And includes the option of not implementing the activity”

This approach compels the developers and assessors to consider other potential land uses and possible future land uses for the site under assessment.

Preferred site and alternative layout

The developer has secured this site for this specific activity, and there is no other site available to the developer within the immediate surroundings. The site is ideally located within a well-established transport network area on portion 629 of the Farm Klaarwater No. 951, Durban Pinetown. The site is surrounded by urban residential (Marianridge) and semi-rural residential (KwaSanti / EmaRomeni community) areas.

An industrial area is located some 1,5 km to the east of the site along Wiltshire Road. The west of the site is vacant land. The Marinhill South African Police Service (SAPS) station is located 300m directly opposite the site across Milky Way. The Durban – Cato Ridge railway line is aligned past the site to the south and the Marinhill rail station is located approximately 1 km away from the site to the south east. There are no physical structures within 150m radius of the site.

The proposed site was found to be suitable for this project based on the following factors:

- The site is located at the intersection of MR85 and Milky Way, highly visible, making it an ideal location from the business perspective.
- The site has enough space for the buildings and parking, and is currently undeveloped.
- It is anticipated that sustainable jobs will be created for the surrounding community.
- The project will ease traffic congestion to both Pinetown and Durban Central Business Districts (CBDs).
- The project intends trying its best to provide cheaper goods closer to the residents of the above-mentioned areas.

- The important medical services will be closer to the surrounding communities, and this can only be good for the wellbeing of the community.
- Studies conducted on site have not identified fatal flaws, but recommended mitigation measures for certain impacts.
- The site does not seem to be in conflict with the development plans of eThekweni Municipality, save the fact that eThekweni is still going to provide comments to the draft report, in particular on the DMOSS status.

Alternative site

There is no alternative site for this proposed development. As indicated above, this site was bought for this specific purpose due to its location at the intersection of MR85 and Milky Way.

However, it has to be noted that there has been a decrease with regard to the footprint stemming from the layout adjustment. This adjustment has decreased the parking space, and caused the relocation of KFC food outlet to between Fuel Service Station and the Medical Suites. The positive impact is that this will result in the saving of a portion with indigenous tree species, and this has saved a habitat. This will also mean a decrease in the hardened surface area, thus a decrease in the stormwater run-offs to be generated by the site.

The flip side of this decreased development footprint is that there will be a loss of 40 parking bays, and this is likely to lead to congestion inside the Centre and this may impact negatively on the potential tenants and patrons. The KFC outlet will lose its drive thru facility, which is highly desirable. The combination of these factors threatens the feasibility of the project which may be abandoned by the developers and investors. This in turn will result in the loss of job opportunities for the locals, economic development, rates and taxes for eThekweni Municipality.

Technology alternative

The underground storage of tanks is highly controlled and regulated in South Africa through South African Bureau of Standards (SABS) Specifications and Codes, Guidelines and various South African National Standards (SANS).

There is no specific “special” technology considered for the proposed project, except that the project construction will follow the guidelines of the National Home Building Council (NHBC) with regard to construction specifications. The developer will also explore the green buildings principles.

As indicated above there will be heavy reliance on SANS codes of practice as specified for the underground storage tanks and associated fuel handling infrastructure. The COTO specifications will be used during construction of roads, kerbs and forecourt.

(H) A FULL DESCRIPTION OF THE PROCESS FOLLOWED TO REACH THE PROPOSED PREFERRED ALTERNATIVE WITHIN THE SITE, INCLUDING:

(i) (a) Details of all the alternatives considered

No alternatives considered as per the reasons furnished under (g) above, and information furnished.

(b) No-go alternative

The no-go option is defined as an option of not undertaking the proposed activity and its inherent alternatives. In this instance this will mean retaining the entire site in its current natural state, albeit with a degree of degradation.

The proposed activity and facility will afford the local people an opportunity to be employed, and this contribute in alleviating poverty. If this option is not pursued the unemployed are likely to lose out in terms of potential job opportunities that are likely to be created by this development. This is particular true for the locals who are unskilled, especially during the construction and operational phases. The local small businesses are also likely to benefit during the project construction phase, as well small enterprises that would occupy small shops and stands in the Shopping Centre. The no go option will mean the loss of informal trading during construction phase of the project. The facility will provide permanent jobs for those who will be employed when the facility is operational, and opportunities for self-employment.

There will be a loss of savings on distance travelled for shopping and medical services. There will be a loss of economic development in the area of Marianhill. There will be a loss of opportunity for the local public transport industry. There will be a loss of possible rental income to nearby communities from employees who would prefer to stay near the Shopping Centre as this may provide convenience for night shift workers.

There will be a loss of local economic empowerment and other opportunities like subcontracting, supplying material and trading during construction. There will be loss of revenue generation by the Municipality in future through rates, which in turn assist in service delivery. The no-go option will mean a missed opportunity to develop the MR85 – Milky Way intersection precinct.

The no-go option from another perspective will mean no development on this site and landscape. There will be not a slightest chance for soil and water contamination. The no-go option will mean no light pollution on this site, no loss of D'MOSS habitat. There will be no risk of petroleum products polluting the underground water resources.

(ii) Details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs

The project has followed the standard public participation process as contemplated under Regulation 41 of the 2014 EIA Regulations, as outlined below.

- Site notice board – notices were displayed on site on a visible location for a continuous period of 30 days. A picture of the notice that was displayed on site as contemplated under Regulation 41 (3) is attached – see **Appendix B (1) (i) and B (1) (ii)**.
- Public meeting – the public meeting was held on 13 April 2019 at the Roman Catholic Church, 7 John Rose Drive, in Marianridge at 10am. The draft BAR was previously placed

at Marianridge and Pinetown Libraries – see attached minutes and attendance register- **Appendix B (3)**.

- The newspaper advert was published in The Mercury dated 19 July 2019 - **Appendix B (6)**.
- Basic Assessment Report (BAR) circulation / Written Notices – a register of Interested and Affected parties has been compiled.
- Notification letters have been sent to the relevant stakeholders inviting them to comment on the project.

(iii) A summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or reasons for not including them

Comments from Interested and Affected Parties & Responses (see also attached Appendix B (13), with regard to organs of state and other stakeholders with jurisdiction in respect of this activity)

Organisation (I & A party)	Issue / concern raised	EAP's response	Incorporation / Non-incorporation and reasons thereof
Ezemvelo KZN Wildlife	<p>Ezemvelo KZN Wildlife will look at issues pertaining to potential impacts on biodiversity.</p> <p>Their comments will be attached as Appendix B (7).</p>	The draft BAR and EMPr has been sent to Ezemvelo KZN Wildlife for comments.	The recommendations of Ezemvelo KZN Wildlife if any will be incorporated onto the EMPr as mitigation measures.
KwaZulu – Natal Amafa and Research Institute	<p>KwaZulu – Natal Amafa and Research Institute are required to comment on heritage issues on site.</p> <p>Comments will be attached as - Appendix B (8).</p>	The draft BAR and EMPr has been sent to Amafa for comments.	The normal standard recommendations of Amafa will be incorporated onto the EMPr. Should any heritage objects be found on site during earthworks, operations must be stopped and the matter reported to KwaZulu – Natal Amafa and Research Institute

			immediately.
Department of Water and Sanitation (DWS)	<p>Department of Water and Sanitation is expected to comment on water use, solid waste, sewerage and wastewater management, stormwater management, erosion control, and issues relating to spillage management.</p> <p>Comments from DWS will be attached as Appendix B (9).</p>	DWS has been furnished with this draft report for their comments.	All the recommendations of DWS will be incorporated into the EMPr.
Department of Agriculture, Forestry and Fisheries (DAFF)	<p>The Department of Agriculture, Forestry & Fisheries is the authority mandated to regulate activities affecting natural forests and tree species protected in terms of National Forest Act.</p> <p>Their comments will be attached as Appendix B (10).</p>	The draft report has been sent to DAFF for their comments from their perspective.	The issue of the planting of indigenous tree species on site is incorporated onto the EMPr.
KZN Department of Transport (KZNDOT)	<p>KZNDOT interest will be on the adjacent roads.</p> <p>The comprehensive comments of KZNDOT will be attached as Appendix B (13).</p>	The draft report and traffic impact assessment (TIA) study conducted by Jinyela (Pty) Ltd have been sent to DoT for comments.	Any conditions outlined by DoT will be incorporated into the EMPr. The recommendations of the TIA have been incorporated onto the EMPr.
Department of Energy	The Department of Energy will be the final Department to authorise the Fuel Service Station.	<p>The Environmental Authorization if granted, will be forwarded to the Department of Energy and the application process for the site and retail will immediately commence.</p> <p>The report has been sent to the Department of Energy for their comments.</p>	Any additional recommendations that may be made by the Department of Energy will be incorporated onto the EMPr as an amendment.

eThekwini Municipality	<p>The previous draft Basic Assessment report by Environmental Agency was already submitted to eThekwini Municipality for comments. The following comments were received in June 2019:</p> <ul style="list-style-type: none"> • eThekwini Electricity Unit – the HV operations has no objection with respect to the proposed project, it will be a matter of MV/LV checking if capacity is available and if the infrastructure is not affected by the proposed development. The applicant to consult main records for underground electrical services. Should any overhead line or servitude be affected the permit of the Head: Electricity has to be sought. Any relocation if required will be paid for by the applicant. • Environmental Planning and Climate Protection Department (EPCPD) – the impacts had not been assessed adequately and declaration forms by specialists were not furnished. Wetlands may present a fatal flaw on site, with no suitable mitigation measures. <ul style="list-style-type: none"> ▪ EPCPD 	<p>The EAP responds as follows:</p> <ul style="list-style-type: none"> • eThekwini Electricity comments noted, and will be followed as suggested. • EAP, responds to EPCPD comments as follows: • The impacts have been assessed with their significance outlined under Table 13 below, and specialists declarations have been sought from all specialists and will be attached on the final report. • Wetlands have been taken seriously on site, yielding the highest significance as depicted under Table 13, and there has been a wetland delineation and review studies in this regard. The Department of Water and Sanitation will also be afforded an opportunity 	<p>All the recommendations furnished by eThekwini Municipality have been noted, and where appropriate incorporated onto the EMPr.</p>
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	<p>supports the conservation of wetland unit 1 with a 30m buffer, as the Unit 1 is the largest and most functional of the wetland units that have been identified). Mitigation measures of unit 1 will need to be clearer.</p> <ul style="list-style-type: none"> ▪ The Vegetation study was noted, however the role of the site as an ecological support must not be underestimated, as the development would cause habitat loss although the biodiversity value on site is limited. Natural vegetation should be enhanced. <ul style="list-style-type: none"> • Land Use Management Branch – they have confirmed that the site is zoned, light industry and road reserve. The road closure application needs to be done, followed by a rezoning 	<p>to comment on the wetland and recommendations put forward by the studies. This impact will be discussed by all parties until there is some form of agreement with regard to the way forward.</p> <ul style="list-style-type: none"> • Based on what is on site, the EAP agrees with EPCPD that unit 1 is the largest and most functional of the wetland units. • The impact assessment of vegetation and habitat loss has been detailed below. The development footprint will be 7598m² for this development, out of a total site of 43 732m². The area outside of the development area will be left with vegetation, with additional planting of indigenous tree species and indigenous landscaping 	
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	<p>application process from road reserve and light industry to General Commercial.</p> <ul style="list-style-type: none"> • Strategic Spatial Planning Branch – their comments are that the Spatial Development Framework (SDF 2018/2019) and Central Spatial Plan have identified the area broadly as residential. The Milky Way precinct has been recently identified as a mixed zone node in terms of the Pinetown South Local Area Plan (2015). On the basis of this the Branch has no objection to the proposed development. The Branch is also of the view that the Facility of this nature would benefit the surrounding community by way of improved access to services such as ATMs and other related infrastructure. • Coastal, Stormwater and Catchment Management – this Department stated that it had not further comments. • Parks, Leisure and Cemeteries – the general vegetation on site conforms to that of KZN Coastal belt and is considered endangered, although a 	<p>around the Shopping Centre and the Fuel Filling Station. The Vegetation Study did emphasise the fact that the site has to be rehabilitated and landscaped using indigenous tree species, with an elaborate alien plant control programme.</p> <ul style="list-style-type: none"> • The applicant will indeed engage the services of a planner to lodge the planning related process including the rezoning of the site, and the necessary road closures as may be required by the relevant authorities. • The comments of the Strategic Spatial Planning Branch relating to its support of the project has been noted. • The fact that Coastal, Stormwater and Catchment 	
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	<p>transition from KwaZulu Natal Sandstone Grassland to coastal forest previously disturbed and highly invaded by aliens, it can still be rehabilitated to a functional grassland / woodland mosaic habitat. The two wetlands are highly threatened. The proposed development of 6 300m² effectively covers the whole property and will result in complete destruction of the watercourses, wetlands and loss of natural vegetation. This habitat is underrepresented within eThekweni. The Unit is of the view that regardless of the fact that the site has vegetation of less biodiversity value, but it still delivers essential environmental goods and services. The proposed mitigation amounts to the mere identification of on-site fauna and flora and replanting after project completion. The Unit registers a concern with regard to the loss of vegetation, wetlands and the detrimental effect on the D'MOSS corridor. The Unit does not support the proposed development.</p> <ul style="list-style-type: none"> • Pavement and 	<p>Management Department has no further comments has been noted. In this regard a Stormwater Plan had been compiled by BMK Engineering Consultants and will be implemented to the letter.</p> <ul style="list-style-type: none"> • The EAP would like to confirm that the site indeed falls under the KZN Coastal belt which is considered endangered, but in reality, only a small part is still conserved at Ngoye, Mbumbazi and Vernon Crookes Nature Reserves. The picture on site is different showing disturbed and highly infested site by alien plants. It is a fact that the vegetation on site does play a critical role as a habitat, albeit in a transformed 	
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	<p>Geotechnical Engineering Branch – this site can be developed although at a premium with regard to blasting. The Branch has also noted with concern the location of wetlands by the wetland delineation that is different to the review report. They have requested for clarity in this regard.</p> <ul style="list-style-type: none"> • eThekweni Transport Authority – the previous Traffic Impact Assessment (TIA) that was submitted together with the previous draft Basic Assessment compiled by the previous EAP were not supported by ETA because they were outdated. An updated TIA was requested. ETA is concerned about clearance from KZN DoT road due to the proximity of the development to Henry Pennington. ETA to provide further comments on receipt of an updated TIA. ETA contend that some restrictions may be applicable based on future planning and infrastructure upgrades. The access to this development may have to be restricted to Left-in Left out. • Environmental Health 	<p>state.</p> <ul style="list-style-type: none"> • It is the intention of the proposed project to conserve one wetland unit, i.e. unit 1 being the largest and most functional on site, and acknowledge that the second wetland will be sacrificed, and this is based on the overall assessment of the wetland delineation study, its review, size and its functional state. • The proposed development covers a development footprint of 7598m², and the total extent of the property is 43 732m², and therefore it is not the whole site that will be developed. On the basis of this and the forgoing, it is not all wetlands natural vegetation that will be lost. The rest of the undeveloped 	
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	<p>Department – the Department has no objection to the proposed development subject to the following:</p> <ul style="list-style-type: none"> ▪ All necessary permits need to be acquired. Need for proper waste storage area. The Department require the noise impact and air quality impact reports prior to construction. Caretaker to be appointed for the construction camp, with only workers working on site to reside therein. Project to take stock of a list of hazardous substances to be used during construction with safety data sheet sent to the Health Department. Mobile toilets to be serviced properly for hygienic reasons. Preparation of emergency of preparedness plan to be sent to the 	<p>area will remain with vegetation, with a mitigation measure to replant some indigenous tree species and indigenous landscaping on project completion.</p> <ul style="list-style-type: none"> • The EAP is supportive of the conservation of the western wetland system (HGM 1) because of its size and functional state compared to the eastern system that has previously been dissertated by the drain and the road. This will be enhanced by a 30m buffer around the wetland system. • We note that the Parks, Leisure and Cemeteries Unit does acknowledge the low value of biodiversity on site from the conservation perspective, and agree with the Unit that 	
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	<p>Department. Applicant to verify if application for Major Hazard Installation is required. A copy of the EMPr to be sent to the Department once its finalised. Proper housekeeping must be observed at all times.</p> <ul style="list-style-type: none"> • eThekwini Water and Sanitation Unit – comments from Waste Water Planning were received. Wanted an indication of the quantity of sewerage / wastewater that will be generated by the proposed project, and its discharge to the existing waterborne sewerage network. The Unit has indicated that Umhlathuzana Wastewater Treatment Works has no capacity to accept additional sewerage from the proposed development. Capacity will be subject to the upgrade of the mentioned wastewater treatment works. • Cleansing and Solid Waste Unit – no comments received. • Disaster Management 	<p>nonetheless it plays a critical role as a corridor and habitat. It is against this background that the development footprint of only 7598m² of the site has been decided, and commitment by the applicant to ensure the rest of the property remains under vegetation with additional tree species planted to enhance the habitat.</p> <ul style="list-style-type: none"> • This draft Basic Assessment has assessed the impacts and attached a significance to them, and expanded the mitigation measures compared to the previous draft presented. The non-support stance of the Unit has however been noted. • Having been on site, and consulted with the Specialists who did the 	
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	<p>Unit – no comments received.</p> <ul style="list-style-type: none"> • Fire Safety Department – no comments received. <p>eThekwini Municipality will again be furnished with this draft Basic Assessment report for their final comments.</p> <p>Another application relating to SPLUMA will be lodged with the Municipality, which relates to planning and rezoning issues.</p> <p>The eThekwini Planning Unit will also be responsible for the approval of Building plans – their final comments will be attached as Appendix B (4)(ii).</p>	<p>wetland study review the EAP understand that one report is the Wetland Delineation study, and the other a review. The review primarily reviewed the original report regarding the wetland environments. The main difference between the two is that the review report has proven that one of the drainage lines indicated by the first report is effectively an old road, and that the review report has shown the riparian edge, and shown that the 2 HGMs to the east are in effect one that have been split by the old roadway.</p> <ul style="list-style-type: none"> • The Hydrological study is currently being commissioned to deal with the hydrological issues on site. 	
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		<ul style="list-style-type: none"> • The updated TIA has been attached to this draft Basic Assessment report. • The stated conditions by the eThekweni Department of Health have already been incorporated onto the EMPr, and will be implemented to the letter. However, the issue of noise and air quality reports will be clarified with eThekweni Health, as the project is unlikely to generate noise in excess of the limit, and will not generate emissions. • The applicant will engage eThekweni Water around the issue of capacity of the local Waste Water Works plant. The quantity of sewerage to be generated will also be discussed with eThekweni 	
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		<p>Water.</p> <ul style="list-style-type: none"> The issues relating to Cleansing and Solid Waste Unit, Disaster Management Unit and Fire Safety Department have been covered in the Environmental Management Programme (EMPr). However, this draft Basic Assessment will be re-circulated within eThekweni Municipality. <p>This draft BAR and EMPr has been sent to the Municipality for their final comments on the project.</p>	
Engen Petroleum Limited and Engen Mariann Star Convenience Centre	<p>Engen Petroleum Limited and Engen Mariann Star Convenience Centre. They have raised the following objections:</p> <ul style="list-style-type: none"> They contend that their business will be detrimentally impacted by the construction of the proposed Silonjane Petrol Filling Station ("PFS") They object to certain findings in the previous process DBAR, specifically in relation to the construction of the 	<p>Response to the issues raised:</p> <ul style="list-style-type: none"> It has to be stated upfront that there has been a change of EAPs in this project, and notably some of the comments related to the old draft Basic Assessment report that was circulated. In the meantime, a 	<p>Comments incorporated, and so will be any other comments received.</p>

	<p>proposed PFS, and list their issues as captured below:</p> <ul style="list-style-type: none"> ▪ In the DBAR it is stated that the proposed PFS is needed to service the demand for petroleum in the “<i>KwaSanti, Mshinini, KwaDabeka, Marianridge, Marianhill and Greater Durban Outer West Communities</i>”. ▪ They contend that the petroleum needs of the above-mentioned communities are already adequately provided for. ▪ Engen Mariann Star Convenience Centre is situated at 851 Old Richmond Rd, Nsizwakazi, a mere 900 metres away from the proposed PFS. Engen Mariann Star Convenience Centre will share the exact same traffic flow and 	<p>new draft BAR has been compiled and has already taken into consideration some of the issues that were raised at the time.</p> <ul style="list-style-type: none"> • It has to be noted again that at the time of circulating the draft BAR the Socio-economic Study / Market Feasibility assessment had still not been done. • The summarized response compiled in consultation with authors of specialists reports is as follows: • The response will be summarized since the objection, in the main seems to belabor the point of competition, fear of their Filling station shutting down and loss of jobs. • The thrust of the objection is 	
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	<p>customers as the proposed PFS. In this regard they furnished a google image indicating the distance between Engen Mariann Star Convenience Centre and the proposed PFS.</p> <ul style="list-style-type: none"> ▪ The KwaSanti community is serviced by five PFS's, all within a five-kilometre radius. ▪ The KwaDabeka community, is situated some eleven kilometres away from the proposed PFS. It is highly improbable that residents in the KwaDabeka community would travel this distance to the proposed PFS, where there are in fact more than ten established PFS's established in close proximity to KwaDabeka. ▪ Marianridge is serviced by a further four 	<p>addressed by p.50 and p.51</p> <ul style="list-style-type: none"> • The fact of the matter is that the two stations do not feed from the same traffic flow markets, • Engen rely on the M1 and Old Richmond Road flows, • The rail line creates an effective solid boundary between the two markets as highlighted by the Map under p.51 of the Market Feasibility Assessment report, the proposed project will feed from the Milky Way traffic. • The demand calculations in the Market Feasibility Assessment report only makes use of the Milky Way flows and therefore do not depend or detract from the M1 and Old Richmond flows. • Based on this, 	
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	<p>established PFS's, all located within a close two-kilometres radius.</p> <ul style="list-style-type: none"> ▪ Marianhill is already adequately serviced by the plethora of PFS located in Pinetown and Westmead. Five of the existing PFS's are situated within a five-kilometre radius of Marianhill. ▪ Overall, there are approximately 15 PFS's situated within a ten-kilometre radius of the proposed PFS. We submit that there is simply no need for a further PFS to be developed at the Applicant's site. The market area is already adequately serviced by the existing PFS and there is no evidence to suggest that a further PFS could be supported 	<p>there will therefore be no impact of the proposed station on the existing stations.</p> <ul style="list-style-type: none"> • It is true that the objectors' market is eroded by the existing stations on Old Richmond, but that does not impact on the proposed development; and neither do the proposed development impact on Engen. • The rail line is the barrier separating the two markets. • The above applies to the PFS and not the Shopping Centre, regarding the latter there may be overlaps. • The existing filling stations within the market area are listed under p.50 of the Market Feasibility report i.e. only Engen is within 1 km, the rest 	
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	<p>without compromising the economic and environmental viability of the area.</p> <ul style="list-style-type: none"> • In the DBAR, socio-economic impacts appear to have been assessed at page 32, however, the only socio-economic impacts identified are all identified as being positive. The socio-economic impacts identified, are as follows: <ul style="list-style-type: none"> ▪ Creation of employment opportunities (Skilled (Specialist, Engineers) and non-skilled workers; ▪ Skills development to local communities; and ▪ Possible opportunity for local businesses. • The EAP appears to have not considered, alternatively, has not identified any negative socio-economic impacts that may potentially be created by the development of the proposed PFS at the Applicant's site. 	<p>are 5 to 7 kms away.</p> <ul style="list-style-type: none"> • It has to be stated that during the field data collection process, the PFS listed in the table under p.50 were approached about their pumping volumes, and they were not keen to reveal them. • It has to be borne in mind that the proposed project is not only about the filling station, but it includes the Shopping Centre and medical facilities that will benefit the local communities due to their proximity to where they stay. The visit to the Shopping Centre will not only be for fuel, but for a variety of human needs. • The viability of the proposed filling station is not based on the M1 traffic 	
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	<ul style="list-style-type: none"> • EAP failed to properly consider the socio-economic impacts of the proposed PFS. There are indeed several negative socio-economic impacts associated with the construction of a PFS at the site. For example <ul style="list-style-type: none"> ▪ Employees at existing PFS's in the area could lose their jobs as a result of a competitor PFS becoming economically unviable. Engen Mariann Star Convenience Centre is a prime example as it is located a very short distance away from the Applicant's proposed PFS and will share the same traffic flow as will the Applicant's proposed PFS; • If the Applicant's proposed PFS manages to strip away a significant portion of the customers from Engen Mariann star Convenience Centre, then Engen Mariann Star Convenience Centre may be forced to shut down completely; 	<p>flows.</p> <ul style="list-style-type: none"> • In terms of the traffic flows for the petrol filling station there is little connect between the markets that the proposed station and those of the stations in the area serves due to the railway line that divides the market areas into distinctly different neighborhoods of Maranhill, Marianridge, Mazakhele, Thornwood, Bhekukutulu and Dassenhoek Rural is currently not served by a petrol filling station and the new proposed station will increase their level of convenience in accessing such a station. • Any impact identified has to be based on facts, hence the identification of several negative 	
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	<ul style="list-style-type: none"> • The above-mentioned negative socio-economic impacts have simply not been identified or investigated by the EAP. • Furthermore, no assessment appears to have been undertaken of the existing PFS's in the DBAR and without any assessment of the volumes of petroleum sold at existing PFS in the catchment area, there is no basis for the conclusion that another PFS will be economically viable, let alone needed • Without the volumes of petroleum sold at existing PFS in the catchment area, there can be no basis to conclude that the existing PFS are failing to meet the demand for PFS in the catchment area. • One would have expected a thorough analysis of the socio-economic impacts of the Applicant's proposed development to have been undertaken. This has simply not been done. • Socio-economic impact of any development, is a vital factor to consider in any environmental authorisation. • The entire DBAR was 	<p>environmental impacts under p.32., which seems to be ignored by the objector. In this regard a Market Feasibility Study has made it very clear that the two filling stations will not impact on each other's markets based on traffic flow calculations. The study has not illustrated what is contended by the objector.</p> <ul style="list-style-type: none"> • The draft Basic Assessment report has indeed taken into consideration the social factors whether negative or possible, hence the need for the public participation meeting that was conducted. The basic assessment process has a comprehensive public participation process, and it cannot just 	
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	<p>devoid of any assessment or consideration of the socio-economic impacts of the Applicant's proposed development on the existing PFS's in the local area.</p> <ul style="list-style-type: none"> • They contend that the Applicant has failed to establish a need for its site let alone establish that the development of its site will promote the principle of sustainable development. • To the contrary, Engen contend that the development of Applicant's PFS will be unsustainable as it will expose existing PFS in the area to economic vulnerability, which in turn could result in job losses and ultimately complete shutdown. This would be in direct conflict with the section 2 principles of NEMA. • In the DBAR, various mitigation measures are identified in respect of the storage tanks for the proposed PFS, some of these measures include <ul style="list-style-type: none"> ▪ Compliance with SANS/SABS codes of practice; ▪ Installation of overfill protection device/s; 	<p>create its own impacts not based on any facts.</p> <ul style="list-style-type: none"> • This draft Basic Assessment report has indeed looked at the needs and desirability of the project based on the Guideline on "Need and Desirability publication", compiled as part of the EIA Guideline & Information Document Series • The guide has also been used to assess the need and desirability of the project, looked against the strategic documents of eThekweni Municipality. • Engen has not provided any empirical evidence to support its assertion. • The fuel filling stations in South Africa are highly regulated by the state, with several codes of 	
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	<ul style="list-style-type: none"> ▪ Design of tanks to reduce risk of soil and groundwater contamination; ▪ Daily dipping of tanks to reconcile against sold volumes to check for leaks; ▪ Inspection of tanks, piping and monitoring wells on a regular basis. • Engen contend that there is an overwhelming lack of particularity in respect of the abovementioned <i>'mitigation measures'</i>. • Notably, although mentioned in the DBAR, there is no explanation of exactly where <i>inspection wells</i> are to be positioned on the site or how many may be required. This should be of great concern especially due to the <i>"sandy nature"</i> of the subsoils that occur on site as well as the fact that subsoil seepage is <i>"expected"</i> on site. • It is also mentioned in the DBAR that an additional hydrogeological assessment should be carried out to assess the <i>"permeability of the in-situ subsoils"</i> underlying the proposed 	<p>practice and standards which will be followed to the letter</p> <ul style="list-style-type: none"> • Moreover, the applicant will partner with BP South Africa an established brand in the industry, with no chance of not being specific on mitigation measures as contended by the objector. • The Environmental Authorisation of the project does not translate to the end of environmental responsibility, the project will be monitored until the operational phase and beyond. • The relevant studies and reviews have been done on site and discussed at the pre – application stage of the project. • Engen has indeed been registered as a 	
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	<p>PFS in the event of a fuel spill. This hydrogeological assessment doesn't appear to have formed part of the DBAR bundle of documents. Accordingly, "we reserve our rights to comment further" on the hydrogeological assessment when it becomes available.</p> <ul style="list-style-type: none"> • Engen is not in support of the Applicant's intended development. • Engen contend that there is simply no need for a further PFS to be developed in the market area and that the DBAR has not adequately investigated and reported on socio-economic impacts of the Applicant's proposal. • They requested that they be registered as an interested and Affected parties, and accordingly informed when Environmental authorisation, Town Planning Authorisation, Department of Energy Authorisation, Water Use License Authorisation or any other authorisation herein is sought from the relevant authorities by the Applicant in respect of its proposed development. • In addition to the above, 	<p>stakeholder, and will be furnished with all the necessary and relevant documents throughout the process like any other registered stakeholder</p> <ul style="list-style-type: none"> • This draft report has been sent to Engen for their comments. <p>In conclusion it has to be stated that competition in general is endemic in the context of a free trade economy. The South African Constitution which is the supreme law of the land enshrines the freedom of trade.</p> <p>Further, it has to be borne in mind that the Department of Energy is the final arbiter and authority with regard to the permitting of the Fuel Service Stations, and they are still going to have an opportunity to pronounce on the application.</p> <p>The local taxi industry that also attended the public meeting expressed their gratitude to the proposed project, and one must never lose sight of the fact that the sole purpose of the service station is transport.</p> <p>The final environmental</p>	
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	<p>they be provided with copies of any and all further documentation.</p> <p>- Appendix 15.</p>	<p>decision has to take all factors into account i.e. social, environmental and economic in the true spirit of sustainable development.</p>	
Fuel Retailers Association.	<p>This is an industry association which is an interested stakeholder. Comments will be attached as Appendix 16.</p>	<p>The draft report was forwarded to the Association for comments.</p>	<p>Comments will be incorporated accordingly, if received.</p>
Department of Economic Development, Tourism and Environmental Affairs.	<p>EDTEA has to comment on the draft report like all the registered stakeholders.</p> <p>EDTEA had previously raised the following:</p> <ul style="list-style-type: none"> • Need to update the project information. • Inclusion of PFS existing competitors. • The report to cover volumes. • Updating of traffic information. <p>Comments will be attached as - Appendix 17).</p>	<ul style="list-style-type: none"> • The pre-application meeting clarified what needed to be updated, and this has been done as per the agreement between EDTEA and the applicant. • Competitors information has been included as part of the Market Feasibility Assessment. • The updated Traffic Impact Assessment has been conducted and attached on this draft Basic Assessment report. <p>The draft report has been given to EDTEA for comments.</p>	<p>The comments of EDTEA will be incorporated onto the final Basic Assessment report.</p>

(iv) The environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects

(Preferred site)

Geographical and physical attributes

Topography

The site is moderately sloping. It is characterized by the north facing slopes of a west east draining valley with a stream channel. The valleys drain in a south north direction and are presently cut off from the main tributary system by Milky Way road. The drainage from the valleys has been diverted along the southern boundary of Milky Way towards culvert that runs under MR85 – Milky Way – Wiltshire road four-way intersection and discharges into the unnamed tributary east of the MR85 and north of Wiltshire road.

The natural ground slopes relatively steep in a north easterly direction from Henry Pennington Road above across the elevated spur side slopes. Thereafter the slope becomes gentler across the lower portion of the site towards Milky Way. The land tends to slope upwards from the north eastern corner to the south western corner with high ground in the middle of the site against the southern boundary. The valley itself drains to the east where the valley bottom becomes even more lower.

Land Use character

The site is situated in a low point of a valley, characterized by natural vegetation, mostly indigenous tree species with alien plants infesting some sections of the site. Most of the site is vacant. The site is zoned industrial.

Climate

The site experiences warm and temperate weather with summer rainfall and cold winters. The area is characterized by high humidity and does not experience frost. The mean annual precipitation is 989 mm.

Description of ecological baseline

Vegetation and Fauna

Vegetation

At a broader scale, the site occurs within the KZN Coast belt vegetation unit, as defined by Mucina & Rutherford (2006). This vegetation unit is considered as endangered by Mucina & Rutherford (2006) with only a very small part conserved at Ngoye, Mbumbazi and Vernon Crooks Nature Reserves. In most areas this type of veld has been transformed for cultivation and by urban sprawl and severely encroached by alien invader plants.

According to the Vegetation assessment study, the vegetation on the property has been transformed from the original grassland and bush clump mosaic to emerging forest. The species diversity appears to be low, with many of the canopy dominated by *Bridelia micrantha*, also known as the Mitzeeri or the coastal golden leaf. The groundcover in the forested portion of the site comprises of Basket grass. The forest seems to have a closed canopy for more than 10 years as the natural veld grass appeared to have been shaded out, and the area seems to be dominated by shade dependent species. However, in areas where the canopy has not closed cover, remnants of the former grassland including bulbous and herbaceous species was

noted. However, this was being shaded by encroaching woody species and alien invader plant species. In the nutshell the grassland seems to be under threat of bush encroachment.

According to the vegetation assessment conducted on site, the current vegetation on site can be classified as transformed natural veld, having transformed from natural grassland to emerging forest through natural succession. The margins of the forested area is indeed infested by some alien species. The area is no longer natural grassland as highlighted above, but still remains a useful ecosystem and a habitat.

Looking at the impact of the proposed development on vegetation, the development will impact negatively on the vegetation even though it is transformed and infested by alien invader plant species, and in the main comprising of mostly species of pioneer status.

The entire site is identified by eThekweni Municipality as D'MOSS, and managed by eThekweni Environmental Planning and Climate Protection Department (EPCPD). The vegetation on site has been classified as closed woodland. In terms of D'MOSS the site is considered to have conservation value as an ecological corridor / linkage within the broader landscape (Botes per communication, 2013). The sensitive area on site relates to the wetlands, which will be discussed at length below.

The assessment concluded that the site is largely transformed by past land management and infestation by alien invader plants. The remaining grassland has lost its integrity through what has been highlighted above, and is in an advance stage of transformation. The forest present is emerging forest and is not consistent with other well-established forest areas.

It has to be noted that this draft Basic Assessment report and the relevant vegetation assessment are still to be circulated to the Department of Agriculture, Forestry and Fisheries (DAFF) and eThekweni Environment Planning and Climate Protection Department for their comments.

In terms of the National Environmental Management: Biodiversity Act (NEMBA)'s threatened ecosystems, the project site is listed as threatened coastal belt vegetation. The conservation status of the coastal belt vegetation is listed as vulnerable. In the same context the vegetation assessment concluded in this regard that the site is highly transformed through fire exclusion, woody plant encroachment and alien plant infestation. The assessment concluded that the vegetation communities on site are of low biodiversity value from a floral perspective.

Below is the list of the alien plants found on site:

Table 1: Alien plants on site

Scientific Name	Common Name
<i>Chromolaena odorata</i>	Paraffin weed
<i>Lantana camara</i>	Tickberry
<i>Rubus cuneifolius</i>	Blackberry

The list of plant species found on site within the footprint of the proposed development is not going to be repeated in this draft Basic Assessment report, suffice to say it is comprehensively captured **under Table 1 of the Vegetation Assessment report attached as Appendix D (4).**

Fauna

Faunal Assessment Report conducted by SIVEST Environmental Division conducted in February 2014

The idea was to provide a faunal assessment of the site. Ezemvelo KZN Wildlife C-plan database predicts that the following species of conservation significance may occur on the site, and that the site is already considered transformed. After a focused active search for species like Mollusc, and the Faunal Assessment report concluded that species mentioned are not likely to occur within the proposed site.

There were antelopes observed on the western portion of the site. According to the Faunal Assessment study the digging up to 15cm and sampling for invertebrates is said to have not returned any evidence of millipedes, molluscs and insects of concern. There are some bird species found on site as outlined in the Faunal Assessment report. There were some frogs observed during the night visit which is possible for a site with such wetland environments. These included Natal tree frog, Painted reed frog and Bush squeaker of which none are considered sensitive from a conservation perspective according to the Faunal Assessment report. No evidence of black headed dwarf chameleon was found on site.

The clearance of vegetation on site will definitely have a negative impact on several species currently using the site for things like foraging and nesting, which is expected to be medium to low. The levelling of the site will have the same effect, especially subterranean faunal habitats, and the impact is expected to be medium to low. The replanting of tree species on project completion may mitigate some of the impacts, although the tree material may not be exactly the same as the current one.

The study concluded that the site is heavily degraded and infested with alien plant species. The alien plant eradication programme need to be implemented, especially to safeguard the remaining vegetation and plants that will be planted during the operational phase of the project. The greater part of the site has been negatively affected by fire mismanagement, degraded and impacted upon. The conclusion of the faunal report is that the project will not negatively affect any faunal species of specific conservation concern.

Soil and Geology

The site is underlain by weathered sandstone bedrock of the Natal Group, colluvial and residual soils. Alluvial material is said to be present within the low-lying drainage features on site.

There was no evidence of past and present slope instability that was detected on the site as confirmed by the Geotechnical study. The site is considered to be stable from the slope perspective. Caution should be exercised as localized instability can be witnessed during earthworks over steep fills or cuts created on site, especially if factors like adequate drainage is not taken into consideration during the design phase. The Geotechnical study has also noted that cutting / blasting along the southern boundary of the site may encroach upon existing fill embankment supporting a portion of Henry Pennington road. Therefore, any excavation of the

proposed cut embankment should take Pennington road fill embankment into account in order to ensure that the road fill is not undermined.

The soil and the material on site is said to be highly prone to erosion with respect to wind and stormwater runoff, given the site's sloping nature. This may be more during the earthworks as vegetation is removed from the site, and vegetation has a binding effect on underlying soils.

Groundwater and Wetlands / Hydrology

The unnamed stream on site is a tributary of Mhlathuzana river, with the confluence located at a distance of approximately 500m north east of the project site. The National Freshwater Ecosystems Protection Atlas classifies the present ecological state of the Mhlathuzana river as "Largely Modified (Class D).

Groundwater seepage was only encountered in the eastern portion of the site towards the head of a drainage feature, which are typically known to harbour ground water. No seepage was encountered on the rest of the inspection pits; however, the study highlighted that perched water tables are to be expected on the clayey soil horizons or at the soil / rock interface, especially during or after periods of rainfall.

Wetland

Soil and vegetation sampling on site showed the presence of three disturbed wetland units. The first unit was dominated by distinct plant communities that included hygrophilous grassland, disturbed *Brigalia micrantha* dominated wetland forest. The second unit was dominated by plant communities that included a disturbed young, emerging *Bridelia micrantha* and *Spathodea campanulate* wetland forest; a marshy habitat in the northern portions. The remnant areas of unit three were dominated by disturbed patches of marsh habitat by several plant species including secondary and emerging woodland and forested habitats dominated by *Bridelia micrantha*. All these units were observed to be highly impacted and disturbed.

Social attributes

The area is falling under eThekweni Metropolitan demarcated as ward 13 in terms of municipal boundaries.

Economic attributes

The proposed project is likely to create economic spin offs for the local people, especially the communities bordering the project site. The project is likely to make a major economic contribution in this regard, given the fact that it is surrounded by communities that need economic opportunities.

The Market Feasibility Assessment as well as the comments from the public meeting have confirmed the expected economic benefits that will flow from the project.

Heritage & archaeological, historical features and cultural aspects

Our walk about on site did not reveal any graves nor any visible heritage objects within the proposed project site. Nonetheless, the relevant documents, draft basic assessment and environmental management programme reports have been sent to KwaZulu – Natal Amafa and Research Institute for their professional comments.

Site photographs

See site photograph attached as **Appendix C (1)**.

- (v) **The impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts –**

(aa) can be reversed

(bb) may cause irreplaceable loss of resources; and

(cc) can be avoided, managed or mitigated

As highlighted this project has not considered any alternatives as per the reasons furnished above, as a result it will only consider the potential impacts for the preferred site.

Impacts identified for the preferred site

- Soil erosion during earthworks and operational phases.
- Air pollution in the form of dust during construction.
- Soil contamination during construction.
- Underground water pollution.
- Wetland and water resources caused by infilling.
- Vegetation removal and loss of biodiversity.
- Faunal impacts.
- Stockpiling.
- Location of construction camp.
- Littering and solid waste.
- Heritage objects and fossils.
- Concrete mixing.
- Alien plants - eradication that might invade the area after earthworks.
- Noise pollution during construction phase.
- Traffic Management.
- Health and Safety.
- Visual impact.
- Social and economic impacts as contained in the Market Feasibility Assessment report.

Positive impacts of the activity

The Market Feasibility Assessment show that local unemployed people and small businesses will benefit in terms of jobs during the construction and operational phases of the project. The project will contribute in local economic development for the broader area. Local business will get an opportunity to be suppliers to the project, as well as sub-contracting opportunities.

Several skills may be required for the completed project like petrol attendants, security staff, cashiers, receptionists, housekeeping, chefs, waitress, gardeners, supervisors, nurses and so forth.

Negative impacts of the activity

The construction phase has to safeguard against any possible environmental degradation like soil erosion that may be caused during earthworks. The project has to safeguard against any possible underground water pollution, as well as surface water pollution. The wetland system on site will be partially affected through infilling as indicated in the attached Wetland Delineation Study.

Loss of biodiversity due to the inevitable clearance of vegetation on the development footprint of 7598m². Soil contamination due to concrete mixing, oil spillages. Air pollution in the form of dust during the construction phase that may be generated and dispersed to the neighbouring properties, road and passersby. Risk of fire and explosion due to the nature of the petroleum products stored on site.

Increase in ambient noise levels from traffic, construction machinery, workers on site and passers by and patrons. Emissions due to construction traffic as trucks deliver material on site, and the plant working on site. Waste that will be generated during construction and operational phases of the project. Health and safety risk to workers and residents during construction. The visual intrusion in the form of the structure that will be located on the landscape.

The EIA Regulations, 2014 as amended stipulates requirements that need to be adhered to and objectives to be reached when undertaking environmental impact assessment. Key to a successful EIA is the accurate identification of environmental and social impacts and the subsequent assessment of the likely significance of each impact. This will assist in facilitating the prioritization of impacts, the identification of fatal flaws and the identification of mitigation measures.

The Market Feasibility Assessment study has illustrated that the nearest petrol filling station vis a vis the proposed one will be drawing from different traffic streams. On the basis of this the Assessment concluded that it is unforeseen that there will be negative social impacts. Moreover, the developer has made serious commitments to assist the surrounding communities to prosper, and therefore has no intention to affect the area socially.

Table 3: interpretation of the overall significance of impacts is presented below

Scoring value	Significance
>35	High – The impact is total / consuming / eliminating – In the case of adverse impacts, there is no possible mitigation that could offset the impact, or mitigation is difficult, expensive, time-consuming or some combination of

	these. Social, cultural and economic activities of communities are disrupted to such an extent that these come to a halt. Mitigation may not be possible / practical. Consider a potentially fatal flow in the project.
25 – 35	High – The impact is profound – In the case of adverse impacts, there are few opportunities for mitigation that could offset the impact, or mitigation has a limited effect on the impact. Social, cultural and economic activities of communities are disrupted to such an extent that their operation is severely impeded. Mitigation may not be possible / practical. Consider a potential fatal flaw in the project.
20 - 25	Medium – The impact is considerate / substantial – The impact is of great importance. Failure to mitigate with the objective of reducing the impact to acceptable levels could render the entire project option or entire project proposal unacceptable. Mitigation is therefore essential.
7 - 20	Medium - The impact is material / important to investigate – The impact is of importance and is therefore considered to have a substantial impact. Mitigation is required to reduce the negative impacts and such impacts need to be evaluated carefully.
4 - 7	Low – The impact is marginal / slight / minor – The impact is of little importance, but may require limited mitigation; or it may be rendered acceptable in the light of proposed mitigation.
Scoring value	Significance
0 - 4	Low – The impact is unimportant / inconsequential / indiscernible – no mitigation required, or it may be rendered acceptable in light or proposed mitigation.

The significant rating of each identified impact was then reviewed by the EAP through professional judgement and checklists. The checklist entails comprehensive list of possible environmental effects and impacts. In assessing each impact and its significance the evaluation was based on the following elements:

Nature of the impact

The environmental impacts of a project are those resultant changes in environmental parameters, in space and time, compared with what would have happened had the project not been undertaken or if the no-go option was adopted.

Extent - This talk to the physical and spatial scale of the impact. Below are some of the standard terms used in assessment relating to the extent.

Table 4 - Extent

RATING	EXTENT SCALE
7	International - The impacted area extends beyond national boundaries.
6	National – The impacted area extends beyond provincial boundaries.
5	Ecosystem – The impact could affect areas essentially linked to the site in terms of

	significantly impacting ecosystem functioning.
4	Regional – The impact could affect the site including the neighbouring areas, transport routes and surrounding towns e.g. at the KZN Provincial level.
3	Landscape – The impact could affect all areas generally visible to the naked eye, as well as those areas essentially linked to the site in terms of ecosystem functioning.
2	Local – The impacted area extends slightly further than the actual physical disturbance footprint and could affect the whole, or a measurable portion of adjacent areas. Normally within a radius of 2 km from the site.
1	Site Related – This is an impact within the boundaries of the construction site or the development footprint. The loss is considered inconsequential in terms of the spatial context of the relevant environmental or social aspect.

Magnitude - This provides a qualitative assessment of the severity of a predicted impact. Below are some of the standard terms used in assessment relating to this indicator.

Table 5 - Magnitude

RATING	MAGNITUDE SCALE
7	Total / eliminating – Function or process of the affected environment is altered to the extent that it is permanently changed.
6	Profound / considerate / substantial – Function or process of the affected environment is altered to the extent where it is permanently modified to an extent of temporal cease.
5	Material / important – The affected environment is altered, but function and process continue, albeit in a modified way.
4	Discernible / noticeable – Function or process of the affected environment is altered to the extent where it is temporarily altered, be it in a positive or negative manner.
3	Marginal / slight / minor – The affected environment is altered, but natural function and process continue.
2	Unimportant / inconsequential / indiscernible – The impact temporarily alters the affected environment in such a way that the natural processes or functions are negligibly affected.
1	This is where there will be no impact on the environment.

Duration - This describes the timeline of the predicted impact. Below are some of the standard terms used in assessment relating to duration.

Table 6 - Duration

Rating	DURATION SCALE
7	Long term – Permanent or more than 15 years post decommissioning. The impact remains beyond decommissioning and cannot be negated.
3	Medium term – Lifespan of the project. Reversible between 5 to 15 years post decommissioning.

1	Short term – The impacts will be easily reversible with the adoption of mitigation measures. This will happen during the project lifespan. The impact will either be remedied with mitigation or will be mitigated through natural processes within the project phase i.e. within 0 – 5 years.
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Irreplaceability / Loss of resources - Environmental resources cannot always be replaced; once destroyed, some may be lost forever. It may be possible to replace, compensate or reconstruct a lost resource in some cases. The loss of a resource may become more serious later, and the assessment must take this into account. Below are some of the standard terms used in assessment relating to duration.

Table 7 - Irreplaceability / Loss of resources

RATING	IRREPLACEABILITY / RESOURCE LOSS SCALE
7	Permanent – The loss of a non-renewable / threatened resource which cannot be renewed / recovered with, or through, natural process in a time span of over 15 years, or by artificial means.
5	Long term – The loss of a non-renewable / threatened resource which cannot be renewed / recovered with, or through, natural process in a time span of over 15 years, but can be mitigated by other means.
4	Loss of an ‘at risk’ resource – one that is not deemed critical for biodiversity targets, planning goals, community welfare, agricultural production, or other criteria, but cumulative effects may render such loss as significant.
3	Medium term – The resource can be recovered within the lifespan of the project. The resource can be renewed / recovered with mitigation or will be mitigated through natural process in a span between 5 and 15 years.
2	Loss of an ‘expendable’ resource - one that is not deemed critical for biodiversity targets, planning goals, community welfare, agricultural production, or other criteria.
1	Short-term – Quickly recoverable. Less than the project lifespan. The resource can be renewed / recovered with mitigation or will be mitigated through natural process in a span shorter than any of the project phases, or in a time span of 0 to 5 years.

Reversibility - The distinction between reversible and irreversible impact is a very important one, and the irreversible impacts not susceptible to mitigation can constitute significant impacts in an EIA process. The potential for rehabilitation is the major determinant factor when considering the temporal scale of most predicted impacts. Below are some of the standard terms used in assessment relating to reversibility.

Table 8 - Reversibility

RATING	REVERSIBILITY SCALE
7	Long term – The impact will never be returned to its original or benchmark state.

	The impact cannot be reversed.
3	Medium term – The impact / effect will be returned to its original or benchmark state through mitigation or natural processes in a span shorter than the lifetime of the project, or in a time span between 5 and 15 years.
1	Short term – The impact / effect will be returned to its original or benchmark state through mitigation or natural processes in a span shorter than any of the phases of the project, or in a time span of 0 to 5 years.

Probability - The assessment of the probability / likelihood of an impact / effect has been undertaken in accordance with ratings and descriptors provided below.

Table 9 - Probability

RATING	PROBABILITY SCALE
1.0	Absolute certainty / will occur
0.9	Never certainty / very high probability
0.7 – 0.8	High probability / to be expected
0.4 – 0.6	Medium probability / strongly anticipated
0.3	Low probability / anticipated
0.2	Possibility
0.0 – 0.1	Remote possibility / unlikely

(vi) The methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives

There are no alternative sites, as a result the assessment focused on this specific site (preferred site). The site visit, and site walk while analyzing and observing the physical environment on the project site. Desktop analysis of the site using google image, map analysis like National Wetlands map & aerial images, SAHRIS heritage programme and South African protected Conservation Areas database (SAPAD). We also used professional judgment, observation on site and past experience.

We have consulted stakeholders and tapped on their knowledge. We have also looked at the historical data for the site, to get a better insight of the change in vegetation and the environment. We have also studied literature and Specialists studies relating to this site.

(vii) Positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects

Positive impacts of the activity

The local unemployed people and small businesses will also benefit in terms of jobs during the construction and operational phases of the project. The local economic development for the greater area will be enhanced by this project. Suppliers and sub-contractors will benefit during the construction phase, as well as during the operational phase. The project will contribute in skills development for the area in that the locals will get an opportunity in new skills like petrol attendants, cashiers, waitress and so forth.

Negative impacts of the activity

The construction and operational phases have to safeguard against any possible environmental degradation like soil erosion that may be caused by the development footprint. The project has to safeguard against any possible pollution of both surface and underground water. The project has to safeguard against soil contamination by machinery during earthworks and construction phase. The project of this nature poses a risk of fire and explosion due to the nature of the petroleum products stored on site, albeit the strict regulations guiding such storage on site.

Overall the project is alive to the concept of sustainable development that talks to development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The concept continuously underpins the inextricable link between human socio-economic systems and the environment. Therefore, the project has no intention of socially harming the area, if anything it will promote its growth and prosperity through various partnerships.

(viii) The possible mitigation measures that could be applied and level of residual risk

Mitigation - In the assessment process the potential to mitigate the negative impacts is determined and rated for each identified impact. The significance of environmental impacts has therefore been assessed considering any proposed mitigation measures.

- Reduction of soil erosion by ensuring that the soil has ground cover at all times.
- Ensuring that noise levels are within legally acceptable levels during the construction phase.
- Planting of indigenous trees after project completion as part of promoting the natural feel and landscaping, as well as habitats for the fauna.
- Ensuring that there is no pollution taking place on site during construction and post construction by continuous monitoring by the Environmental Control Officer.
- Ensuring that waste is disposed in line with acceptable environmental standards.
- Stormwater management need to be implemented as per the recommendations of the Stormwater plan.
- Implementation of the Environmental Management Programme (EMPr) and its recommendations.
- Safeguard against pollution of water resources and wetlands.
- The use of fuel tanks that comply with SABS standards and relevant SANS.
- Ensuring that the project stick to the principles of sustainable development, and look at all aspects in a balanced manner.

(ix) The outcome of the site selection matrix

There has been no comparison of sites, as the preferred site is the only site assessed. Therefore, there has not been any site selection matrix applied.

(x) If no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such

There has been no alternative site assessed as highlighted above, however the project is located along the Milky way which is an ideal spot from the connectivity perspective.

The preferred site can be motivated as follows:

- The site has been bought by the proponent for this specific activity due to its ideal location from the business perspective as per the requirements of the petroleum industry, among other things that look at accessibility, visibility, environmental sustainability and size.
- The site is degraded and has been affected by previous development in the form of roads, stormwater infrastructure and farming activities, and has not shown any fatal environmental flaws.
- The site is located in an area with established engineering services and infrastructure, therefore there will be no need to disturb another site with new infrastructure development.
- The business is thus expected to be economically viable, and likely to do well in the current location.
- There are no households and settlement that will be disrupted by the construction of this project.
- The nearest filling station is 1 km away from the proposed development, and the Market Feasibility Assessment has concluded that the railway line serves as a physical barrier for the two markets and they are unlikely to impact on each other.
- The socio – economic study has defined the locality as appealing, with good visibility.
- The location of the site within some of the areas showing poverty patterns present an opportunity for the project to made a meaningful impact and contribution to the social prosperity and growth.

(xi) A concluding statement indicating the preferred alternatives, including preferred location of the activity

It is deemed practical to continue with this site as opposed to abandoning it for another site. The choosing of any new site will mean abandoning this site and buying another one elsewhere which may not be economically feasible.

(I) A FULL DESCRIPTION OF THE PROCESS UNDERTAKEN TO IDENTIFY, ASSESS AND RANK THE IMPACTS THE ACTIVITY WILL IMPOSE ON THE PREFERRED LOCATION THROUGH THE LIFE OF THE ACTIVITY, INCLUDING –

The environmental team visited the site on two different occasions i.e. on 15 July 2019 to see the site, and again on 7 October 2019 to re-assess the site having gone through all the studies, stakeholder comments and documentation relating to the project.

Desktop analysis of the site was done using google images, map analysis like National Wetlands map & aerial images, SAHRIS heritage programme and South African Protected Conservation Areas database (SAPAD). We also used professional judgment, observation on site and past experience. The stakeholders were consulted widely, including the locals to tap on their knowledge of the area.

We did literature review of the area, and also used the knowledge of specialists as per the Specialists Studies conducted.

(i) A description of all environmental issues and risks that were identified during the environmental impact assessment process

- Soil erosion during earthworks and operational phases.
- Loss of biodiversity and faunal species (loss of resources)
- Air pollution in the form of dust during construction.
- Soil contamination during construction.
- Underground water pollution.
- Wetland environment.
- Stockpiling on site.
- Location of construction camp.
- Littering and solid waste.
- Heritage objects and fossils.
- Concrete mixing.
- Alien plants.
- Noise pollution during construction phase.
- Traffic Management.
- Health and Safety.
- Visual impact.
- It has been noted that one stakeholder identified the risk of negative social impact to the nearest filling station, however this was not confirmed by the Market Feasibility Assessment.

(ii) An assessment of the significance of each issue and risk and an indication of the extent to which the issue and risk could be avoided or addressed by the adoption of mitigation measures

- Air pollution in the form of dust during construction.
- Soil contamination during construction.
- Underground water pollution.
- Wetland and water resources caused by infilling.
- Vegetation removal and loss of biodiversity.
- Faunal impacts.
- Stockpiling.
- Location of construction camp.

- Littering and solid waste.
- Heritage objects and fossils.
- Concrete mixing.
- Alien plants - eradication programme.
- Noise pollution during construction phase.
- Traffic Management.
- Health and Safety.
- Visual impact.
- Social and economic impacts (positive and negative).

Table 10 – Impacts and mitigation

Impact and risk	Description / Significance	Mitigation
Soil erosion / earthworks	<ul style="list-style-type: none"> • The removal of groundcover and earthworks may lead to soil erosion on site. 	<ul style="list-style-type: none"> • Any noticeable erosion gullies on site must be dealt with, by implementing anti-erosion measures. • Reuse topsoil to rehabilitate disturbed areas. • Prevent soil erosion by maintaining the grass cover on site. • Stormwater plan will control all stormwater which may cause soil erosion on site.
Fauna and flora	<ul style="list-style-type: none"> • The site clearance will lead to indigenous tree removal, and displacement of certain fauna on site. • There will be a loss of species on the wetland to be infilled (habitat). • Lighting impact on night species (nocturnal). 	<ul style="list-style-type: none"> • Indigenous tree species will be planted on project completion to enhance the site habitat. • The removal of vegetation will be restricted to 7598m² which is a development footprint. • The project will also assess the feasibility of planting grass species as part of indigenous landscaping. • The species on site are likely to migrate to the rest of the undeveloped site. • Induction course for workers on site will emphasise the importance of vegetation and fauna. • Animal species found on site

		must not be unnecessarily interfered with.
Air pollution	<ul style="list-style-type: none"> • Dust from earthworks. • Construction vehicle fumes. 	<ul style="list-style-type: none"> • Suppression of dust by watering the project site as and when necessary during construction. • Vehicles and machinery to be properly and regularly serviced.
Soil contamination	<ul style="list-style-type: none"> • Concrete mixing must not spill onto the soil during construction. • Oil and chemicals contaminating soil during construction. 	<ul style="list-style-type: none"> • Prevent soil contamination by not mixing any concrete on the soil. • Vehicles and plant must not be allowed to drip oil, and drip trays must be used when vehicles/plant are parked on site. • Vehicles must not be repaired on site as to cause soil contamination.
Stormwater and water resources	<ul style="list-style-type: none"> • Contamination of ground and surface water. • Accidental spillages of Petrochemicals from vehicles and equipment. • Erosion gullies. • The tanks pose a risk of leak onto to the underground water resources. 	<ul style="list-style-type: none"> • Stormwater Plan has already been compiled for this project. • The Plan has to be implemented to the letter, ensuring that accumulated surface water is collected and disposed of in a responsible manner. • Before and after construction the site must be graded, and no ponding of water on site must be allowed. • The platform must be graded to prevent ponding and ingress of water into the newly placed fills and the deeper soils. • Rainwater harvesting must be adopted on site. • The tanks must be SABS compliant and in line with relevant SANS. • The base of the fuel tank excavations must be flat and free of rocks, compacted to specification with the correct backfill material

		<p>and prepared using accepted SANS standards to ensure stability of underground tanks.</p> <ul style="list-style-type: none"> • All pipe-work must be double walled and comply with SANS 62- 1 and 2'SANS 1132 (pipework). • Absorbent spill kits and disposal containers must be provided to workers to handle spillages. • The underground storage tanks must be designed and installed in accordance with the SABS Standards (South African Bureau of Standards, SABS 089-3-1999'and Third Edition. Code of practice – The petroleum industry, Part 3: The installation of underground storage tanks, pumps/dispensers and pipework at service station and consumer installations). SANS standards adequately address various potential impacts via the implementation of required engineering measures • An emergency preparedness and Response Plan must be implemented for the site.
Stockpiling	<ul style="list-style-type: none"> • Stockpiling will be done on site, within a clearly demarcated construction camp. 	<ul style="list-style-type: none"> • No stockpiling must take place within 150 metres of a watercourse.
Location of construction	<ul style="list-style-type: none"> • A construction camp will be located at the appropriate 	<ul style="list-style-type: none"> • The construction camp must be located 150 metres away from

camp	place, and accordingly fenced.	the watercourse.
Destruction and disturbance of graves and heritage resources.	<ul style="list-style-type: none"> The project will have to be on the watch for any heritage objects that may be found during earthworks phase. 	<ul style="list-style-type: none"> In case of any heritage object found during earthworks, the project must stop, and such must be reported to Amafa.
Littering / Solid waste / Waste	<ul style="list-style-type: none"> The project must take care of the site not to be polluted by such things as litter by workers on site, oil spills, building material, papers, cans and bottles. Possible waste – plastics, metal, wood, concrete and so forth. 	<ul style="list-style-type: none"> Solid waste must be disposed of at the nearest disposal site, with proof of responsible disposal method whenever requested. In this instance it will be the Marinahill Landfill site. In all likelihood the bulk of solid waste generated will be in the category of general waste. However, it is anticipated that some hazardous waste may be generated which will be disposed of appropriately in the landfill site that accepts such type of waste. Hazardous waste defined as waste that poses substantial or potential threat to public health and the environment. This includes waste that tends to ignite, reactive, corrosive and toxic. Healthcare waste will be disposed by the specialists service provider. Chemical waste must be stored in appropriate containers and disposed of at an appropriate disposal site. Rubbish drums and refuse plastic bags will have to be made available for litter during the day, to be cleared and disposed of at the municipal disposal site at appropriate intervals as advised by the Environmental Control Officer. All construction spoil must be disposed of at the municipal disposal site.

		<ul style="list-style-type: none"> No burning of refuse must take place on site.
Alien invaders	<ul style="list-style-type: none"> Alien plant eradication programme will have to be developed. 	<ul style="list-style-type: none"> Alien plants will be eradicated on project completion.
Concrete mixing	<ul style="list-style-type: none"> Concrete mixing on site can pollute the soil. 	<ul style="list-style-type: none"> The mixing of concrete must be done within the bunded area or alternatively be brought on site by a readymade concrete mixer. All spillages must be removed and properly disposed of.
Noise (construction phase)	<ul style="list-style-type: none"> There will be ambient noise on site due to construction activities, especially vehicles and machinery. 	<ul style="list-style-type: none"> Machinery and equipment used during construction phase must be properly serviced. No construction must take place during the night as to disturb the peace of the area. No construction must take place during Sundays and public holidays.
Traffic management	<ul style="list-style-type: none"> There will be an increase of traffic flow in the vicinity of the site during construction. 	<ul style="list-style-type: none"> The recommendations of KZNDOT, eThekweni Municipality and the TIA will have to be implemented to the letter. Flag persons will be used to control traffic as may be necessary. The 40 km speed signs will be erected on site, in order to control traffic speed and avoid accidents.
Health and Safety	<ul style="list-style-type: none"> The movement of people within the site must be controlled through the security entry and register. The site will have a dedicated Safety Officer. Construction vehicles must not pose a threat to the safety of local pedestrians The workers must be provided with mobile toilets on site. Fire and explosion always 	<ul style="list-style-type: none"> Safety officer must be appointed to deal with all safety issues on daily basis during construction. Safety induction must be done on commencement of construction. Protective clothing must be worn by workers at all times. Safety file and Safety officer to be on site, especially during construction phase.

	<p>pose danger to projects of this nature.</p>	<ul style="list-style-type: none"> • Safety signs and speed limits erected on site. • The mobile toilets on site must be kept clean and serviced regularly. • Fire extinguishers must be readily available onsite and easily accessible. • Firefighting equipment must comply with SANS 1151 and must be inspected regularly. • No smoking must be allowed near flammable materials. • No cell phones may be used during fuel dispensing during operational stage. • An emergency Response Plan (ERP) must be implemented for the site, for emergency procedures. The ERP must include emergency contact numbers. • Staff must be trained adequately to avoid and handle high risk situations.
Loss of species on site	<ul style="list-style-type: none"> • A portion of vegetation on site is likely to be lost, especially on the development footprint. • Fauna on the area to be developed will also be disturbed during earthworks, wetland infill and vegetation clearance. 	<ul style="list-style-type: none"> • The area outside of the development footprint must maintain its vegetation. • Landscaping will be done on project completion, and the developer will be encouraged to use indigenous species. • The fauna on site is likely to migrate to the rest of the undeveloped portions, as well as on the planted vegetation after project completion.
Visual impact	<ul style="list-style-type: none"> • The construction of the Shopping Centre and Fuel Service Station will be a noticeable structure along 	<ul style="list-style-type: none"> • The developer must plant indigenous tree species in the vicinity of the site to reduce the visual impact on the landscape.

	<p>Milky Way, where there was previously none.</p> <ul style="list-style-type: none"> External lighting is likely to impact on the landscape, especially at night. 	<ul style="list-style-type: none"> The external lights must be inward and downward facing and shielded to prevent visual impacts.
Socio economic impacts	<ul style="list-style-type: none"> Creation of employment opportunities for skilled and non-skilled employees. Skills development to local communities. Possible opportunities for the local suppliers and sub-contractors. Negative social impact on the nearest filling station identified by one stakeholder. 	<ul style="list-style-type: none"> Prioritisation of the locals in terms of employment, unless if the skill is not available locally. Complaint register must be accessible on site to the members of the public. The project will ensure it encompasses the concept of sustainable development. The project must ensure the success of its commitment to social upliftment.
Economic impacts	<ul style="list-style-type: none"> The proposed development will provide permanent employment opportunities to the residents. 	<ul style="list-style-type: none"> The developer has stated the project's commitment to social upliftment, and creation of opportunities for self-employment.

Cumulative impacts affect the significance ranking of an impact since it considers impacts from both on and off site. The challenge is when the impacts that are considered within standards if combined may be cumulative in nature to the level that may exceed the set standards. In this regard it is important to consider impacts in terms of their cumulative nature.

Table 11 – Cumulative impacts

Impact and risk	Cumulative impacts (past, current and foreseeable)
Soil erosion	Not cumulative.
Fauna and flora	Fauna and flora will be affected, but it is not foreseen that this will be at the cumulative level.
Air pollution	None anticipated.
Soil contamination	None anticipated.
Stormwater and water resources	Not foreseen, with a stormwater plan in place.
Wetland environment	There is a section of wetland environment that will be lost, but the effect at a broader site level is not foreseen to be cumulative.

Stockpiling	None anticipated.
Location of construction camp	Not foreseen
Destruction and disturbance of graves and heritage resources	Not foreseen
Littering and solid waste	Unlikely to be cumulative
Concrete mixing	Not cumulative in this instance
Noise (construction phase)	Not cumulative
Traffic management	Not cumulative
Health and Safety (construction phase)	Not cumulative
Health and Safety (operational phase)	Not cumulative
Visual impact	Not cumulative
Socio – economic impacts	Not cumulative

(J) AN ASSESSMENT OF EACH IDENTIFIED POTENTIALLY SIGNIFICANT IMPACT AND RISK, INCLUDING –

- Cumulative impacts that may occur as a result of the undertaking of the listed activity during the project life cycle;
- The nature, significance and consequence of the impact and risk;
- The extent and duration of the impact and risk;
- The probability of the impact and risk occurring;
- The degree to which the impact and risk can be reversed;
- The degree to which the impact and risk may cause irreplaceable loss of resources; and
- The degree to which the impact can be mitigated.

Table 12: Assessment of negative impacts of the preferred site and layout

Impact and risk	Magnitude	Duration	Extent	Reversibility	Irreplaceability/ Loss of resources	Probability	Significance with mitigation
Soil erosion	Unimportant.	Short term.	The loss is considered inconsequential	Medium - term	Short - term.	Probable.	See Table 13 below
Fauna	Noticeable	Short term to Medium term	The loss can be mitigated.	Short term	Short term to Medium term	Probable	See Table 13 below
Loss of biodiversity	Noticeable	Short term to Medium term	The loss can be mitigated.	Short term	Short term to Medium term	Probable	See Table 13 below

Air pollution	Unimportant	Short term	Considered inconsequential.	Short term	Short-term	Probable	See Table 13 below
Soil contamination	Unimportant.	Short term	Considered inconsequential.	Short term	Short-term	Probable	See Table 13 below
Stormwater and water resources	Unimportant	Short term	Extends slightly further than site	Short term	Medium term	Probable	See Table 13 below
Wetlands	Important	Medium to Long term	Consequential	Medium term	Medium term	Certainly	See Table below
Alien invader species	Important	Short term	Extends slightly further than site	Short term	Medium term	Probable	See Table 13 below
Stockpiling	Unimportant	Short term	Considered inconsequential	Short term	Short term	Remote possibility	See Table 13 below
Location of construction camp	Unimportant	Short term	Considered inconsequential	Short term	Short term	Remote possibility	See Table 13 below
Destruction and disturbance of graves and heritage resources	Unimportant	Short term	Considered inconsequential	Short term	Short term	Remote possibility	See Table 13 below
Littering and solid waste	Unimportant	Short term	Considered inconsequential	Short term	Short term	Low probability	See Table 13 below
Concrete mixing	Unimportant	Short term	Considered inconsequential	Short term	Short term	Low probability	See Table 13 below
Noise (construction phase)	Unimportant	Short term	Considered inconsequential	Short term	Short term	Probable	See Table 13 below
Traffic management	Marginal	Short term	Noticeable	Short term to Medium term	Short term to Medium term	Probable	See Table 13 below
Health and Safety (construction phase)	Inconsequential	Short term	Considered inconsequential	Short term	Medium term	Probable	See Table 13 below
Health and Safety (operational phase)	Noticeable	Short term	Extends slightly further than site	Short term	Medium term	Remote possibility	See Table 13 below

Visual impact	Slight and minor	Short term	Extends slightly further than site	Short term	Medium term	Probable	See Table 13 below
Socio economic (negative)	Inconsequential	Not foreseen	Not foreseen	Not foreseen	Not foreseen	Unlikely	See Table 13 below

The overall significance of an impact / effect has been ascertained by attributing numerical ratings to each identified impact. The numerical scores obtained for each identified impact have been multiplied by the probability of the impact occurring before and after mitigation. High values suggest that a predicted impact / effect is more significant, whilst low values suggest that a predicted impact / effect is less significant.

Table 13: Ranking and scoring of negative impacts of the preferred site and layout

Impact and risk	Magnitude		Duration		Extent		Resource Loss	Reversibility		Probability		Significance Without mitigation	Significance with mitigation
	Without	With	Without	With	Without	With		Without	With	Without	With		
Soil erosion	3	2	3	2	2	1	2	3	1	0.3	0.2	3.9	1.6
Fauna	5	4	3	2	3	2	3	3	2	0.7	0.4	11.9	5.2
Loss of biodiversity	6	5	7	3	4	3	5	7	3	1.0	0.9	29	17.1
Air pollution (dust)	3	2	3	1	2	1	1	3	1	0.6	0.2	7.2	1.2
Soil contamination	3	2	3	1	2	1	1	3	1	0.3	0.2	3.6	1.2
Water resources pollution	4	2	3	1	3	2	3	3	1	0.4	0.2	6.4	1.8
Wetlands	6	5	7	3	5	3	5	7	3	1.0	0.9	30	17.1
Alien invad	4	3	3	1	2	1	3	3	1	1.0	0.9	15	8.1

er speci es													
Stock piling	2	1	3	1	2	1	3	3	1	0.2	0.1	2.6	0.7
Locati on of const ructio n camp .	2	1	3	1	2	1	3	3	1	0.6	0.1	7.8	0.7
Herita ge resou rces	2	1	1	1	2	1	2	3	1	0.2	0.1	2	0.6
Solid waste	3	2	3	1	2	1	1	3	1	0.6	0.3	7.2	1.8
Concr rete	3	2	3	1	2	1	1	3	1	0.6	0.3	7.2	1.8
Noise - const ructio n phas e	3	2	2	1	2	1	1	1	1	0.4	0.2	3.6	1.2
Traffi c	4	3	3	1	3	2	1	7	3	1.0	0.9	18	9
Healt h and Safet y (cons tructi on)	4	2	3	1	3	1	3	3	1	0.4	0.2	6.4	1.6
Healt h and Safet y (oper ation al)	5	4	3	2	3	2	3	3	1	0.2	0.1	3.4	1.2
Visua	4	3	3	1	3	2	1	3	1	0.4	0.2	5.6	1.6

Impact													
Socio-economic impact (negative)	1	0	0	0	0	0	0	0	0	0.0	0.0	0	0
Average												8.9	3.8
												Medium	Low

Significance

In the context and highlight of the significance scoring outlined above, the Shopping Centre and the Fuel Service Station impact can be mitigated. The overall significance impact for both options without mitigation, is considered to be MEDIUM, with a score of 8.9. When mitigation is taken into consideration, the overall impact significance is considered to be LOW, with a score of 3.8.

There are no alternative sites that have been analysed, and therefore no way of comparing the impacts for alternatives. However, our assessment is that the economic benefits to the community far outweighs the impacts that can be mitigated like underground water resources, soil erosion, wetlands, biodiversity and so forth. This benefit talks to the jobs, a place to acquire medical facilities close by and therefore with a direct bearing on the wellbeing of the local residents. The no-go option will offer very little benefit to the local and broader economy when one considers the findings of the Feasibility / Market Assessment.

Accordingly, it is the opinion of the EAP that there is no significant reason why the project cannot be authorized in comparison to the no-go option.

(K) WHERE APPLICABLE, A SUMMARY OF THE FINDINGS AND IMPACT MANAGEMENT MEASURES IDENTIFIED IN ANY SPECIALISTS REPORT COMPLYING WITH APPENDIX 6 TO THESE REGULATIONS AND AN INDICATION AS TO HOW THESE FINDINGS AND RECOMMENDATIONS HAVE BEEN INCLUDED IN THE FINAL REPORT;

THE FOLLOWING SPECIALISTS STUDIES ARE ATTACHED AS APPENDICES D:

Due to the previous assessment process lapsing, and the subsequent age of the studies some of them needed to be updated as agreed between the Department and the applicant / previous EAP. It is against this background that some of the studies have reviews and validity letters provided by specialists. The applicant had advised that during his previous meeting with the Department it was agreed that the following studies were to be updated, and alternatively conducted i.e.:

- Traffic Impact Assessment (TIA)

- Geotechnical Study
- Market Feasibility Assessment / Socio economic study.

Market Feasibility assessment for the proposed Milky Way Shopping Centre and Service Station at Marianhill conducted by Eco-Urban in September 2019 – Appendix D (1).

This study examined the feasibility of a proposed Milky Way Development in Mariannhill which is envisaged to include Spar, Tops Bottle Store, a number of line shops, Automated Teller Machines, a Food store (KFC), an office block and a Petrol Filling Station with Convenience shop.

According to the study the population in the area is growing and becoming densely populated. The proposed site is within a Region that is dominated by economically active persons with a degree of buying power. This augurs well for the sustainability of the proposed development.

Urban – Econ Development economists did a survey in 2015 within the catchment market. The survey showed that most people were keen to use the services provided by the proposed development, of which 75% of them worked and live at Marianhill. 91% were in support of the proposed project as they felt it would reduce their transport costs as opposed to travelling to Pinetown. However, there was a perception of Spar being expensive. There was an expectation of the proposed development providing attractive prices, otherwise if Pinetown was seen as cheap some people indicated they may continue to use it as most of them work there.

The level of education is not that high in the area, meaning that the manual and low-level skill work will come handy to most residents of the area.

Regarding competition, there are four centres in the vicinity of the proposed development, two are within the primary area of 5 km radius, whereas the other two is within the secondary area of 8 kms. This radius comprises the market catchment for the proposed development. About 68% of the population within the market area has income of no more than R6 400 a month, which is an estimated 76 800 per annum.

Madari and Kumeshnee are within a 4.6 km radius, and regarded as not having an impact on the proposed development. However, the two centres located within Nagina are regarded as primary competitors. Included in this profiling is the Pine Walk Centre and St John's Centre located in the Pinetown CBD approximately 8.5km away. There are only two existing retail centres in Mariannhill which are in competition (i.e. within a 5km radius of the proposed development), both of which are in the Nagina area. They are notable smaller centres, they have different market characteristics and as such, will not be in direct competition with the proposed development.

In terms of the filling stations, there is only one filling station within close proximity to the proposed development. However, the economists who conducted the study highlighted that the two stations do not feed from the same traffic flow markets, Engen rely on the M1 and Old Richmond Road flows. The rail line creates an effective solid boundary between Engen market and the proposed development's market which will feed from the Milky Way traffic. The demand calculations in the Market Feasibility Assessment, only used Milky Way flows, and therefore do not depend or detract from the M1 and Old Richmond flows. On the basis of this, the study concluded that there will be

no impact of the proposed station on the existing stations.

The study emphasised that Engen Mariann Star station does not lie on the same traffic stream as that which will be severed by the proposed Milky Way station and centre. Whereas the proposed petrol filling station will rely on the Milky Way traffic, the Engen Mariann Star station relies on the M1 and Old Richmond Road traffic. It was therefore concluded that the new proposed filling station will have no impact on the volumes of the Engen Mariann Star station.

The filling station could expect to pump a minimum of 363 853 litres of fuel per month for the targeted transient market. According to industry standards, the accepted industry monthly pumping volume required for petrol filling station to remain viable is between 300 000-500 000 litres/month. Therefore, 363 853 litres monthly sales indicate that the proposed Milky Way petrol filling station is feasible given that it expects to pump over 350 00 litres of fuel a month.

At an interception rate of 4.5% the proposed development could be expected to pump an amount of 327 468 litres per month. At an interception rate of 5.0% the proposed development could be expected to pump an amount 363 853 litres a month.

In conclusion, the assessment of the retail centres conducted in this study indicate that the proposed development will be viable given the potential growth in disposable income and expenditure, including the reduction in unemployment and the growth of population and household numbers in this area.

Geotechnical Study conducted by Drennan Maud (Pty) Ltd dated 27 March 2015 – Appendix D (2)

The site is underlain by weathered sandstone bedrock of the Natal Group and the colluvial and residual soils derived therefrom. Groundwater seepage was only encountered in the eastern portion of the site towards the head of a drainage feature, which are typically known to harbour ground water. No seepage was encountered on the rest of the inspection pits; however, the study highlighted that perched water tables are to be expected on the clayey soil horizons or at the soil / rock interface, especially during or after periods of rainfall.

Localized instability could be induced if during earthworks phase over steep fills or cuts are created on the site, and adequate drainage is not considered in the design and construction of any fill bodies if required.

The Geotechnical study has cautioned against cutting along the southern boundary of the site for encroachment upon existing fill embankment supporting a portion of Pennington Road. This is to ensure that the road fill is not undermined as this could lead to the slope failure and road damage.

The soil and the material on site is prone to erosion with respect to wind and stormwater runoff, given the site's sloping nature. This may be more pronounced during the earthworks as vegetation is removed from the site. Vegetation has a binding effect on underlying soils. In this regard strict measures should be in place during and after construction to control stormwater run across the site. The site can be watered during windy days during construction to reduce both dust and wind

erosion. The unpaved areas will have to be planted with ground cover and landscaped post construction.

Based on the geotechnical assessment conducted the study concluded that the site is feasible for the development of the proposed shopping Centre, office block and service station provided all the highlighted recommendations are adhered to. The Geotechnical study has recommended that an additional hydrological assessment be done for the service station portion of the site. This is being dealt with.

An allowance for blasting has to be made as excavability across the site for the creation of the development platform may prove difficult using conventional earthmoving equipment. The study has also recommended that close geotechnical supervision has to be ensured during the implementation of this development, especially with regard to cuttings along the upper portion of the site and retaining.

As highlighted above the Geotechnical study was conducted in 2015, in this regard the applicant has requested Drennan Maud (Pty) Ltd Geotechnical Engineers and Engineering Geologists to confirm if their study is still valid in 2019. In this regard the attached letter dated 2 October 2019 has been provided which confirm that the findings presented in the 2015 report are still applicable as the subsoil conditions originally encountered have not changed.

The report, including the investigation findings, geotechnical assessment and general development recommendations, is deemed valid and thus can and should be used for and during the planning and construction of the proposed retail development, the most recent layout of which has remained largely unchanged.

Traffic Impact Assessment for a proposed mixed-use commercial development located at the corner of Milky Way and MR85 (M1 – Metropolitan Route 1) in Marianhill, eThekweni Municipality conducted by Jinyela (Pty) Ltd dated July 2019 - Appendix D (3)

The report is meant to address the traffic impact of the proposed development and accordingly make recommendations for any road network improvements that may be required to accommodate the traffic generated by the development. It is also to determine the existing level of service (LoS) on the surrounding road network and recommend access requirements.

According to the TIA there are no known changes or upgrades planned for the surrounding transport network. As such, the report has not taken into consideration any such upgrades.

In terms of the ETA Manual for Traffic Impact Assessments and Site Traffic Assessments the development must be assessed for a design horizon year of 5 years (2024). The road network must be assessed *without* and then *with* the proposed additional site generated traffic. As such, the traffic demand of this proposed development was assessed for a 5-year design horizon i.e. 2024.

The site is currently without any formal or informal access off any of the roads that front onto the

site. MR85 is a standard two-way 2 lane asphalt surfaced provincial road with 3,7m wide lanes and 0,9m wide shoulders. Milky Way is a 9,8m wide, two way, 2- lane asphalt surfaced road with a 1,4m wide shoulder along its southern edge and a 1,4m wide sidewalk along its northern edge. The intersection of MR85 and Milky way / Wiltshire Road is a 4 – way signalized intersection.

The proposed access point to the site is in Milky way directly opposite the access to Marianhill SAPS station. The existing T-junction will have to be upgraded to a 4 - legged intersection as per the recommended layout in the TIA report (**Figure 19 of the TIA report**). This point is located 250m away from the MR85 and Milky Way / Wilshire road intersection, and will provide a single access to the site off Milky Way.

The analysis of the 2024 forecasted traffic volumes showed that the existing intersection layout will be able to accommodate the **additional volumes of traffic** that will travel through this intersection in the 2024 horizon. All movements at this intersection will operate at a Level of service (LoS) A to D during the Friday PM and Saturday peak hours. The maximum delay during this peak hour will be 29,7 seconds at the Site Access approach right-turn movement during the Friday PM peak hour. The longest queue length will be 9,8m and will occur at the Site Access approach during the Friday PM peak hour.

The analysis of the 2024 forecasted traffic volumes showed that the existing intersection layout will not be able to accommodate the **additional background traffic** that will travel through this intersection in the 2024 horizon. All movements at this intersection will operate at a LoS A to C during the Saturday peak and LoS C to F during the Friday PM peak hour, as shown in Figure 5 hereafter. The maximum delay during these peak hours will be in excess of 2 minutes and the longest queue length will be over 700m.

The analysis of the 2024 design year traffic volumes without the development generated traffic volumes, for the Saturday and Friday PM peak hours, showed that the existing intersection will encounter serious congestion (LOS E and F) by 2024.

The report has emphasized that the intersection fails purely as a result of the high background traffic volumes that will traverse through this intersection, even before the additional trips from the proposed Milky Way development is added onto the network. As such, the intersection will need to be upgraded to mitigate the envisaged congestion problems.

The upgraded MR85/ Milky Way /Wilshire Road intersection was then re-analysed to determine if the above-mentioned improvements will provide the capacity that is required to handle the 2024 forecasted background traffic volumes.

The results revealed that the improvements will provide the capacity that is required to handle the background traffic volumes in the 2024 horizon. All movements at the intersection will operate at a LoS A to D during both the Friday PM and Saturday peak hours. The longest delay will be 36,4 seconds on the Milky Way approach during the Friday PM peak hour. The longest queue length will be 124,9m at the MR85 north approach during the Friday PM peak hour.

- To mitigate the envisaged congestion problems, the following intersection improvements

will be required at the MR85/ Milky Way /Wilshire Road intersection to handle the increase in the background traffic volumes: Convert left slip lane at the MR85 north approach to a shared through and left-turn lane and extend the lane to 45m in length.

- Construct a new 100m exit lane at the MR85 south approach.

The proposed layout for the upgraded MR85 and Milky Way intersection is shown hereafter in **Figure 16 of the TIA report**.

- For the next five years, the area is deemed to be a low growth area and a 2% per annum growth rate is considered reasonable for the traffic impact assessment of this development.
- Based on the trip generation calculations, it is expected that during the Saturday peak hour a total of 145 vehicles will enter the site and 144 vehicles will leave the site. During the Friday PM peak hour, a total of 108 vehicles will enter the site and a total of 120 vehicles will leave the site.
- Based on the analysis of the forecasted background traffic volumes in the 2024 design horizon, the following intersection improvements will be required on the existing network to handle the expected increase in the background traffic volumes:

As highlighted above, the report has emphasised that the MR85 and Milky Way intersection failure is due to an increase in the background traffic volumes that will traverse through this intersection and not as a result of the additional trips from the proposed Milky Way development. The TIA report has concluded that the responsibility to upgrade this intersection should not lie with the developer.

The pedestrians will be adequately accommodated on the existing sidewalks and grass verges along both road edges. Therefore, no improvements will be required with regards to the increase in pedestrian and public transport traffic. The study did not foresee any safety concerns.

Vegetation Assessment on erf 6665 by Indiflora cc dated 2012 - Appendix D (4)

The intention of the assessment was to determine the state of the environment of erf 6665 with specific reference to vegetation present within the proposed development footprint, since the site is under natural vegetation.

The reports states that the vegetation on the property has been transformed from the original grassland and bushclumpo mosaic to emerging forest. The species diversity appears to be low, with many of the canopy dominated by *Bridelia micrantha*, also known as the Mitzeeri or the coastal golden leaf. The groundcover in the forested portion of the site comprises of Basket grass. The forest seems to have a closed canopy for more than 10 years as the natural veld grass appeared to have been shaded out, and the area seems to be dominated by shade dependent species. However, in areas where the canopy has not closed cover, remnants of the former grassland including bulbous and herbaceous species was noted although this was being shaded by encroaching woody species and alien invader plant species. In the nutshell the grassland seems to be under threat of bush encroachment.

The Vegetation Assessment report further states that the current vegetation on site can be classified as transformed natural veld, having transformed from natural grassland to emerging forest through natural succession. The margins of the forested area is indeed infested by some alien species. The area is no longer natural grassland as highlighted above, but still remains a useful ecosystem and a habitat.

Looking at the impact of the proposed development on vegetation, the development will impact negatively on the vegetation even though it is transformed and infested by alien invader plant species, and in the main comprising of mostly species of pioneer status. The majority of the "intact" vegetation is also located within most of the property. The entire site is identified by eThekweni Municipality as D'MOSS, which means the site is meant to conserve the representative habitats within municipal boundaries by preventing development and settlement, as well as identifying areas that would serve as link of such habitats through the ecological corridor concept.

The result of the study was that the site is highly transformed with limited biodiversity present, and as such lends itself to development. However, it highlighted that the portion of the site to be left undeveloped could be managed as a refugee area for birds and wildlife. The area will have to be rehabilitated and landscaped using indigenous tree species, with an elaborate alien plant control programme.

Faunal Assessment Report conducted by SIVEST Environmental Division conducted in February 2014 - Appendix D (5)

The idea was to provide a faunal assessment of the site. The Faunal report states that Ezemvelo KZN Wildlife C-plan database predicts certain species of conservation significance that may occur on the site, and that the site is already considered transformed. In this regard the study did a focused active search for species like Mollusc, and the report concluded that species mentioned are unlikely to occur within the proposed site.

There were antelopes observed on the western portion of the site. According to the study the digging up to 15cm and sampling for invertebrates are said to have not returned any evidence of millipedes, molluscs and insects of concern. There are some bird species found on site as outlined in the attached Faunal report. There were some frogs observed during the night visit which is possible for a site with such wetland environments. These included natal tree frog, painted reed frog and bush squeaker of which none are considered sensitive from a conservation perspective according to the report. No evidence of black headed dwarf chameleon was found on site.

The clearance of vegetation on site will definitely have a negative impact on several species currently using the site for foraging or nesting, which is expected to be medium to low. The levelling of the site will have the same effect, especially subterranean faunal habitats, and the impact is expected to be medium to low. The replanting of tree species on project completion may mitigate some of the impacts, although the habitat may initially not be the same as the current one.

The study concluded that the site is heavily degraded and infested with alien plant species. The alien plant eradication programme need to be implemented, especially to allow the thriving of vegetation that is outside of the development footprint, as well as indigenous tree species that will

be planted during the operational phase of the project. The bulk of the site has been negatively affected by fire mismanagement, degraded and impacted upon. The report concluded that the project will not negatively affect any faunal species of specific conservation concern.

Wetland Assessment report conducted by GCS Water & Environmental Consultants dated 15 March 2013 - Appendix D (6)

The Wetland assessment was commissioned by eThekweni Municipality for the proposed project. The intention was to delineate the extent of the wetlands within project site, describe soil and vegetation and general state of wetlands on site, and determine the present conservation importance of the delineated wetland areas. It was also to identify the potential impacts on wetlands and provide mitigation measures to avoid and minimise or offset the magnitude of the potential impacts on wetlands.

The study observed the wetland units to be highly impacted and disturbed by several factors including the infilling and excavation of wetland during the establishment of Milky way road, and later the upgrade of the road. The regular and mowing of the road reserve. The excavation of wetland soils and clearing of vegetation for the establishment of artificial drainage channels within wetlands. The discharge of unmanaged stormwater runoff into the wetland units from the MR85 Road.

The first unit was assessed as providing an intermediate level of biodiversity maintenance services, unit two providing a moderately low, and the third was assessed as being of low importance from a biodiversity maintenance perspective. This scenario has resulted in the alteration of the wetland plant community assemblages, especially along the disturbed, which have shifted from being dominated by typical alien plant and pioneer plant species. The ecological state of the wetland is said to be moderate.

The Wetland study has looked at possible development scenarios based on the preliminary layout plan, the developer intends developing unit 1 and 2, and preserve unit 3 (**see attached layout as Appendix A (i) and (ii)**). The infilling of wetlands is generally considered not desirable, and the ideal situation would have been to exclude all three units of wetlands from the Shopping Centre footprint. However, the reality is that “non-wetland remaining area” is not going to be large enough for a viable Shopping Centre development as envisaged.

This situation presents two scenarios to be explored i.e. avoid the need to infill and find an alternative site. The second is to infill part of the whole of the wetland area and compensate (offset), this loss through the rehabilitation of onsite and or offsite wetland unit with the sole aim of regaining wetland habitat equal or greater than the one lost.

Table – Wetland units identified on site in GSC (2013) report

Wetland Units	Wetland (under natural conditions)	Wetland size (HA)	Approx. catchment size (HA)
1	Valley head seep & unchanneled valley bottom	0.72	8.0

2	Valley head seep & unchanneled valley bottom	0.58	2.4
3	Remnant of larger valley bottom system	0.08	0.5

This then present further three practical scenarios i.e. firstly allow the status quo to remain (no wetland loss). This option tends to be financially and technically unfeasible and amounts to no go option of which the site would remain vacant and undeveloped and unmanaged.

The second trade off option (partial wetland loss), which will include infilling the wetland areas of least value (highly disturbed unit 2 and 3) and leaving those regarded as of high value intact i.e. unit 1 as an area for conservation. The loss of wetland unit 2 will need to be compensated for / offset by the rehabilitation and management of wetland 1 and other area closer to the site.

The third and the last preferred development option / what would have been ideal (loss of all wetland units on site) will involve the construction of the shopping Centre as currently planned i.e. infilling of wetland unit 1 and 2.

However, the study has recommended that wetland unit 1 should not be disturbed. Due to its conservation importance. A buffer zone is also recommended around the wetlands, probably a precautionary buffer of 30 metres. The buffer is based on research that such a buffer assists in preventing impacts on wetlands where the adjacent land use are of low to moderate intensity and the buffer is well vegetated

Wetland 1 and 2 are intact but highly disturbed, and wetland unit 3 is a remnant patch of wetland habitat that was fragmented from the larger system across the main road. Wetland 1 is regarded as the most important and intermediate. The proposed development as it stands comprise the infilling of wetland 1 and 2 and preservation of wetland 3.

The study has recommended that option 2 be considered for the proposed development from wetland and river health perspective. This option involves partial wetland loss which will lead to the infilling of 2 and 3, **and leaving unit 1 as an area of conservation.**

If the wetland is planned to be filled a site-specific wetland offset mitigation study and offset rehabilitation and management plant studies will need to be conducted as part of the impact assessment, and the developer must manage onsite and / or offsite wetland area in perpetuity.

Review of ecology and wetland environment on erf 6665 conducted by SDP Ecological and Environmental Services dated August 2018 - Appendix D (7)

SDP Ecological and Environmental Services was appointed by the applicant and previous EAP to address the issue of developing a “wetland offset” which will act as compensation for the wetland habitat that will be lost. They were also to do the review. In this regard an extent of 8 HA of “offset” had been determined by the specialist using the information produced by GCS in 2013 relating to the extent and functionality of wetland environments identified on site that would be lost for the

proposed development.

According to this review study, there were discussions between the applicant, previous EAP and eThekweni Municipality to facilitate the establishment of a suitable offset within the same catchment to enable a “no net loss” to the proposed development. Some portions of the site with open spaces were identified for this purpose shown as **Figure 2 of the review report**, which unfortunately failed during interaction with landowners.

This report’s intention is therefore to present findings of a review of the natural habitat on erf 6665 and presents some amendment that are important to the wetland delineation study conducted in 2013. This will present the true current wetlands status on the property.

SDP Ecological and Environmental Services alluded to the fact that the mix and nature of soils across the site make the delineation of wetland environments difficult, and being indeterminant in most areas, except in areas where hydromorphic soil and obligate wetland habitats are encountered. The two main wetland environments were identified being seep zone on the west, and another being expansive wetland environment on the east parallel to Henry Pennington Road. Two such wetland environments are associated with the site, and the historical land use within the area being primarily one of livestock farming and these had been used as water points for cattle.

There are observed infrastructural disturbances on site including impacts stemming from the construction of Milky way road, stormwater drainage infrastructure, road upgrade, drinking troughs and a small reservoir. Such disturbances have resulted in infilling and alteration of the form and structure of the area.

The two wetland environments on site have been confirmed by **SDP Ecological and Environmental Services** report to what was stated by GCS report that these wetland environments are likely to have an extent of about 13 000m².

On the basis of the forgoing the GCS report recommended and concluded as follows:

- Two wetland environments, with blur boundaries, are evident on site, which have been subjected to transformation attributable to previous farming practices and establishment of infrastructure.
- The western wetland system is considered to be more of value and significance in terms of ecological feature.
- The evaluation done by wetland specialists on site indicated that the option of “offset” should be pursued to ensure a “no net loss” of wetland due to the proposed development.
- However, SDP Ecological and Environmental Services has highlighted that based on their evaluation of the two wetland environments and difficulty and low level of success in acquiring suitable land for offset, together with uncertainty and risk associated with the ability to develop and maintain such an offset, the option of partial avoidance be adopted.
- This effectively mean the proposed project be established to allow the retention and integration of the western wetland into the site, and this will sacrifice the eastern wetland which will be infilled.
- The benefits of such options have been presented by SDP Ecological and Environmental

Services as follows:

- ❖ Offset is an option of last resort, and maintenance of wetland environment may in some instances be preferred as opposed to identifying other lands that may or may not offer similar ecological attributes. This is based on the principle of “like for like”, authors like Hayes et al (2007), has questioned the practicality of “like for like”, and that time offset fail to deliver net benefits. This has to be looked in the context of more prudent and maintenance and integration of a wetland system to avoid added costs, management challenges and failure of an offset. The western wetland is rare and therefore has to be preferred in terms of its maintenance and integration.
- ❖ SDP Ecological and Environmental Services has presented a clear proposal in this regard, showing that the western wetland will be maintained, along with its associated habitat and integrated into the project layout as a feature that will be subject to an environment management regime implemented and controlled by the Shopping Centre Management.
- It is therefore clear that the wetlands on site have been disturbed and are of moderate to limited significance and value, however the maintenance of at least one of them is achievable and preferred to an offset option and the subsequent loss of all wetlands. In this regard the report acknowledged that the relevant competent authority may need to sanction this proposal, as well as comment on its refinement and redesign of the layout.

The specialist is of the view that the evidence presented in the Review report is compelling in respect of the need to reconsider the argument for an offset.

(I) AN ENVIRONEMNTAL STATEMENT WHICH CONTAINS -

(i) a summary of the key findings of the environmental impact assessment;

It is critical that the project phases adhere to the conditions stated in this draft Basic Assessment Report report, specialists’ studies and the EMPr for the proposed project. In this regard it is therefore unlikely for the project to have a significant impact on the receiving environment, except on the already detailed analysis relating to the wetlands and vegetation on site.

The main positive impact relates to jobs that will be created by the project, and its envisaged contribution to bringing the medical facilities closer to the residents, thus contributing to their wellbeing. The project is therefore likely to bring closer packed services in the form of shopping, fuel and medical facilities closer to the residents. The commitment shown by the developer to the upliftment of the local people. In this regard it is anticipated that the project will have a greater social impact in the area.

However, on the other hand it must be ensured that the project does not affect any of the resources like underground resources. The project must ensure there is no soil erosion taking place on site which may result on siltation to the adjacent watercourses. The post construction rehabilitation must ensure that indigenous tree species and ground cover is maintained on site. All

material used during construction will have to be removed from site to the disposal site, so that the environment is left in a good state. The alien plants must be eradicated on site, while indigenous vegetation is maintained. Of great importance, is that the project must pay greater attention to the wetlands environments and vegetation on site. The project has to consider the concept of sustainable development.

In the broader scheme of things, the impacts anticipated in the project site are of medium to low nature as highlighted by the significance ranking above. These can be mitigated as outlined above, and also emphasized in the EMPr.

In the final analysis, social, economic and environmental factors must be weighed against the mitigatory measures advanced by the actual assessment and other reports where applicable and takes everything together for a balanced and well thought decision. Overall the identified impacts can be mitigated as long as the recommendations of the Specialists studies and Environmental Management Programme is followed to the letter. Therefore, the EA if granted, and the EMPr will be very crucial during all phases of the project. The EMPr will guide all environment related issues during all phases of the project from planning, pre-construction, construction and operational phase.

(ii) a map at an appropriate scale which superimposes the proposed activity and its associated structures and infrastructure on the environmental sensitivities of the preferred site indicating any areas that should be avoided, including buffers; and

See attached MAP as Appendix A (ii).

(iii) a summary of the positive and negative impacts and risks of the proposed activity and identified alternatives;

Positive implications of the activity

The positive spinoffs relate to job creation, accessible medical facilities and business opportunities. It also relates to other business opportunities and partnerships that will be presented by the project to the local people.

Negative implications of the activity

The project has to safeguard against any possibility of erosion, especially during earthworks. It has to safeguard against any spillages that may impact on ground water resources. The project has to be mindful of the impact on wetlands and vegetation on site given the fact that the site has been identified by eThekweni as D'MOSS. The project has to take into consideration of all the views expressed by stakeholders.

(M) BASED ON THE ASSESSMENT, AND WHERE APPLICABLE, IMPACT MANAGEMENT MEASURES FROM SPECIALISTS REPORTS, THE RECORDING OF THE PROPOSED IMPACT MANAGEMENT OBJECTIVES, AND THE IMPACT MANAGEMENT OUTCOMES FOR THE DEVELOPMENT FOR INCLUSION IN THE EMPr;

Erosion on site will be avoided through the implementation of a detailed Stormwater Plan. Care must also be exercised to prevent contaminated water, oil and fuel from migrating into the environment from both surface water runoff and from leaking fuel storage tanks. There will be proper landscaping on project completion, making use of indigenous species. The issue of wetlands will have to be tackled as per the Specialists reports discussed above. All these measures have been incorporated onto the EMPr.

(N) ANY ASPECTS WHICH WERE CONDITIONAL TO THE FINDINGS OF THE ASSESSMENT EITHER BY THE EAP OR SPECIALIST WHICH ARE TO BE INCLUDED AS CONDITIONS OF AUTHORISATION;

Most of the aspects have been highlighted above, but one can emphasize the following:

The study has cautioned against cutting along the southern boundary of the site for encroachment upon existing fill embankment supporting a portion of Henry Pennington Road. This is to ensure that the road fill is not undermined which could lead to slope failure and road damage. The vegetation study has highlighted the importance of planting indigenous tree species on project completion to enhance and maintain the habitat integrity. The wetlands have to follow the recommendations of the specialists and further comments from other stakeholders.

(O) A DESCRIPTION OF ANY ASSUMPTIONS, UNCERTAINTIES, AND GAPS IN KNOWLEDGE WHICH RELATE TO THE ASSESSMENT AND MITIGATION MEASURES PROPOSED;

None presented.

(P) A REASONED OPINION AS TO WHETHER THE PROPOSED ACTIVITY SHOULD OR SHOULD NOT BE AUTHORISED, AND IF THE OPINION IS THAT IT SHOULD BE AUTHORISED, ANY CONDITIONS THAT SHOULD BE MADE IN RESPECT OF THAT AUTHORISATION;

In the context and highlight of the significance scoring outlined above, the proposed project has medium to low impact to the environment if proper mitigation measures are implemented. The environmental management programme has been drafted and attached to this report which will serve as the guiding document under the supervision of the Environmental Control Officer in ensuring the implementation of the mitigation measures. In some instances, like wetlands and cuttings on site some other specialists may be required to supervise specific areas of concern.

Our assessment of the site is that the economic benefits to the community far outweighs the impacts that can be mitigated like underground water, soil erosion and so forth. This benefit talks to the jobs, medical facilities and shopping experience closer to their houses. The no-go alternative will offer very little benefit to the local and broader economy when one studies the findings of the Market Feasibility assessment.

Accordingly, it is the opinion of the EAP that there is no significant reason why the project cannot be authorized. It is the EAP's view that this development will far outweigh the impacts imparted by

it. The site in question is already disturbed and impacted upon by previous developments.

The overall development is likely to pass a sustainability test, providing business economic opportunities, advancement and employment opportunities. It must be noted that the impacts mostly identified like soil erosion, possible impact on water resources, can be mitigated through strict implementation of the recommendations of Specialists studies and EMPr. The implementation of the mitigation measures outlined throughout this report and the EMPr are likely to provide a setting for the development to take place in a sustainable manner. Our overall analysis is that this activity must be authorized.

Overall, the identified impacts can be mitigated as long as the monitoring function is ongoing during the construction phase. The EMPr will be very crucial during all phases of the project.

(Q) WHERE THE PROPOSED ACTIVITY DOES NOT INCLUDE OPERATIONAL ASPECTS; THE PERIOD FOR WHICH THE ENVIRONMENTAL AUTHORISATION IS REQUIRED, THE DATE ON WHICH THE ACTIVITY WILL BE CONCLUDED, AND THE POST CONSTRUCTION MONITORING REQUIREMENTS FINALISED;

The environmental authorization in this instance will include operational aspects, and has to be a lifetime requirement. The activity is likely to commence immediately after the environmental authorization is issued, of course if granted by the Department of Economic Development, Tourism and Environmental Affairs, with construction continuing for about 9 months subsequent to commencement.

(R) AN UNDERTAKING UNDER OATH OR AFFIRMATION BY THE EAP IN RELATION TO;

- (i) the correctness of the information provided in the reports at the time of compilation;
- (ii) The inclusion of comments and inputs from stakeholders and I&APs;
- (iii) The inclusion of inputs and recommendations from the specialist reports where relevant; and
- (iv) Any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties; and

I,

confirm that the information provided in the report is correct;

The inclusion of comments and inputs from stakeholders and I&APs is correct;

The inclusion of inputs and recommendations from the specialist reports is correct;

Any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs made by interested and affected parties; and

Commissioner of oaths:

Commissioner:

Place:

Date:

(S) WHERE APPLICABLE, DETAILS OF ANY FINANCIAL PROVISIONS FOR THE REHABILITATION, CLOSURE, AND ONGOING POST DECOMMISSIONING MANAGEMENT OF NEGATIVE ENVIRONMENTAL IMPACTS

The applicant will set aside funds for landscaping, management of conservation areas / wetlands that will be integrated onto the project layout, as well as the eradication of invader alien plants on site. The latter will be done in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) and related Regulations dated 2014.

(T) ANY SPECIFIC INFORMATION THAT MAY BE REQUIRED BY THE COMPETENT AUTHORITY; AND

The Competent Authority will have an opportunity to provide comments and inputs on this draft Basic Assessment Report.

(U) ANY OTHER MATTERS REQUIRED IN TERMS OF SECTION 24 (4)(a) AND (b) OF THE ACT.

NONE, as all issues relating to organs of state with jurisdiction on site have been covered. Furthermore, all impacts, alternatives, mitigation, option of not implementing an activity, issues of monitoring and assessment thereof have been addressed by this Basic Assessment report.

THE ENVIRONMENTAL MANAGEMENT PROGRAMME REPORT is attached as Appendix E.