

BASIC ASSESSMENT REPORT

**DRAFT BASIC ASSESSMENT
REPORT FOR THE WHETSTONE
FILLING STATION, ETHEKWINI
MUNICIPALITY, KZN**

**DM/0018/2021
KZN/EIA/0001594/2021**

9 JULY 2021





agriculture
& environmental affairs

Department:
Agriculture
& Environmental Affairs
PROVINCE OF KWAZULU-NATAL

File Reference Number:
Application Number:
Date Received:

(For official use only)

THIS REPORT WAS COMPILED BY TRIPLO4 SUSTAINABLE SOLUTIONS (PTY) LTD IN TERMS OF APPENDIX 1 TO GNR 982 (AS AMENDED)

2014 NEMA EIA Regulations (As amended), Appendix 1- 3(a) a basic assessment report must contain the information that is necessary for the competent authority; (i) EAP who prepared the report and (ii) the expertise of the EAP, including curriculum vitae.

3 (1) (a) details of (i) the EAP who prepared the report; and (ii) the expertise of the EAP. Please see Appendix H for EAP Declaration and full Curriculum Vitae.

Contact Persons	Mr Zayd Hoosen
Postal Address	PO Box 6595 Zimbali 4418
Telephone	032 946 3213
Facsimile	032 946 0826
E-mail	zayd@triplo4.com
Qualification	Masters Environmental Management
Professional Registrations	SACNASP; EAPASA;
Voluntary Memberships	IAIAsa
Experience	>7 years
Contact Persons	
Contact Persons	Ms Nerita Sewnath
E-mail	nerita@triplo4.com
Qualification	Bachelors Environmental Science
Professional Registrations	-
Voluntary Memberships	IAIAsa
Experience	>5 years

DETAILS OF THE PROJECT APPLICANT

APPLICANT	Cedar Point Trading 20 (Pty) Ltd
Representative	Mr. Gavin Strydom
Physical Address	Edstan Business Park, Unit 6, 2 Ibhubesi Road, Riverhorse Valley, 4017
Postal Address	P.O. Box 401263, Redhill
Telephone	031 563 0028
Facsimile	-
E-mail	gavin@edstan.com

EXECUTIVE SUMMARY

Cedar Point Trading 20 (Pty) Ltd, proposes an increase in the capacity of the fuel filling station authorised for the Whetstone Phase 1 Development (DM/0012/2014, DM/S24G/0002/2015 and amended by DM/0012/2014/AMEND/2018 and DM/0012/2014/AMEND/2019). The purpose of the proposed amendment is to provide the Whetstone fuel station with adequate capacity to cater for the anticipated future developments in the area. The increase in capacity is proposed due to the strategic location of the filling station, and as such, there is a large influx of traffic from Tongaat and from the King Shaka International Airport, and therefore the capacity requires to be able to service this demand.

The Whetstone development is a **Catalytic Project** driven by the **eThekweni Municipality Strategic Planning Department**.

The authorised development proposal included a fuel station site of less than 80m³ of underground storage capacity. Cedar Point Trading 20 proposes the new capacity of the fuel storage tanks of the fuel station to be 180m³. The footprint of the new fuel station will still be located within the boundaries of Portion 8 (of 1) of the approved development layout, as per Drawing No. 1721/WD18 prepared by Rob Kirby and Associates (dated 29 July 2019), and approved in the second amendment (DM/0012/2014/AMEND/2019). It must be noted that there will be **no increase in the development footprint, only an increase in the capacity of the storage tanks to 180m³**. This increase will trigger Activity 14 of Listing Notice 1 of 2014 (associated with storage of dangerous good), for which environmental authorisation is required. As this is the only listed activity triggered, a Basic Assessment process must be applied for, in order for the competent authority (EDTEA) to consider it for environmental authorisation.

The site that contains the filling station stands at 11,716m² in extent and will comprise a filling station, retail/convenience store, drive-through/takeaway, offices, vehicle fitment centre and car wash bays.

The proposed filling station site previously served as a vehicle salvage/scrap yard, and has been occupied over the course of several years by numerous used and damaged cars. However, subsequent to the applicant receiving Environmental Authorisation, the earthworks for the Whetstone Phase 1 development have been carried out, with the filling station site having been cleared and the level site prepared through cutting and filling. There are no natural features on site and the site is currently bare.

The following key impacts were identified, and upon their assessment, a number of mitigation measures have been recommended:

- **Contamination of surface water:**
Ensure implementation of storm water management plan and maintenance of infrastructure. Keep storm water management structures free of litter and debris. Monitor and maintain storm water systems and potential erosion areas. Ensure clean up and reporting as per spillages and incidents as well as the measures outlined in EMPr. Implement EMPr commitments.
- **Contamination of groundwater resources from leakages of the underground fuel storage tanks:**
All subsurface tanks are to be installed in accordance with the protocols stipulated in the SANS 10089:2010, Part 3: The installation, modification, and decommissioning of underground storage tanks, pumps/dispensers and pipework at service station and consumer installations. The underground storage tanks must be insulated from the soil. The underground storage tanks' underground pipes and

dispensing pumps should be monitored regularly for leaks. Leak detectors installed on all fuel storage tanks and transmission lines to monitor possible leakage. Implementation of a sufficient monitoring programme, including monitoring boreholes, (if deemed necessary), should be installed downslope of the storage tanks, and followed by undertaking frequent sampling. Undertake regular inspections of the fuel storage tanks. Conduct scheduled maintenance on all equipment, electronics and structures as per manufacturer specifications.

These impacts can be mitigated (i.e. avoided, or where this is not possible, minimised and remedied) by following the recommendations in this report and the Environmental Management Program (EMPr). Internal Environmental Audits of the activity and implementation of the EMPr (Refer to **Appendix G – EMPr**) will be undertaken by an independent Environmental Control Officer (ECO). The findings and outcomes of these audits will be recorded in the EMPr file. The environmental audits and associated reports must be conducted and submitted to the Department at intervals as indicated in the EA.

Taking into consideration the impacts mentioned above and mitigation measures included within this report and the EMPr, it is the EAP's opinion that there are no significant environmental impacts associated with the proposal which cannot be mitigated. Therefore, it is recommended that the preferred Alternative 1 be authorised.

TABLE OF CONTENTS

This report was compiled by Triplo4 Sustainable Solutions (Pty) Ltd in terms of Appendix 1 to GNR 982 (as amended).....3

Details of the Project Applicant3

EXECUTIVE SUMMARY4

Table of Contents6

APPENDICES8

APPENDIX 1: NATIONAL ENVIRONMENTAL MANAGEMENT ACT (ACT NO. 107 OF 1998): ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2014 (AS AMENDED)9

1 Section 1: Description of the Proposed Activity & Locality..... 11

1.1 Project Title 11

1.2 Description of the Activities to be Undertaken Including Associated Structure and Infrastructure as per Section 3(d) (ii) 11

1.3 All Listed and Specific Activities Triggered and Applied for as per Section 3(d) (i)..... 16

1.4 Description of Feasible Alternatives as per Section 3(h) (i) 16

1.5 Project Locality as per Section 3(b) (i) – (iii)..... 18

1.6 Site Access 21

1.7 Zoning and Land Use Rights 21

1.8 Water Use and Bulk Service Availability..... 22

1.9 Energy Efficiency 22

2 Section 2: Site Description Of Surrounding Land Use as per section 3(h) (iv) and (k) 24

2.1 Topography and Biophysical Environment 24

2.2 Fauna and Flora 24

2.2 Wetland Environment 25

2.3 Geology and Soils..... 26

2.4 Hydrology..... 27

2.5 Cultural / Historical Features 27

2.6 Socio-economic Environment..... 27

2.7 Surrounding Environment and Land Uses..... 28

2.8 Nuisance Considerations..... 29

3 Section 3: Policy And Legislative Framework..... 33

3.1 Identification of All Legislation, Policies, Plans, Guidelines, Spatial Tools, Municipal Development Planning Frameworks And Instruments as per Section 3(e)(i) and Compliance Of Proposed Activity With Legislation And Policy 3(e)(ii) 33

4 Section 4: Motivation, Need And Desirability 36

4.1 Need and Desirability as per Section 3(f) 36

4.2 Motivation for the Preferred Site, Activity and Technology as per Section 3(g) 38

5 Section 5: Public Participation 39

5.1 Notification of Interested and Affected Parties 39

5.2 Authority Notification..... 40

5.3 Registered Interested and Affected Parties..... 40

5.4 Comments and Responses Report 41

6 Section 6: Impact Assessment..... 42

6.1	Methodology to Determine and Rank Significance and Consequences of Impacts Associated with all Alternative as per Section 3(h)(vi)	42
6.2	Impacts that may result from the Planning and Design, Construction, Operational, Decommissioning and Closure Phases as well as Proposed Management of Identified Impacts and Proposed Mitigation Measures	43
6.3	Environmental Impact Statement as per Section 3(l)	43
6.4	Impact Management Measures from Specialist Reports for the Development for Inclusion in the EMPr as per Section 3(m).....	45
6.5	Assumptions, Uncertainties and Gaps in Knowledge relating to the Assessment and Mitigation Measures Proposed as per Section 3(o)	46
6.6	Period for which Authorisation is required, Proposed Monitoring and Auditing and Post Construction Requirements as per Section 3(q).....	46
6.7	Financial Provisions as per Section 3(s)	47
6.8	EAP's Opinion on whether or not to Authorise the Activity and Recommendations & Conditions for Authorisation as per Section 3(n) and (p)	47
7	Section 7: References	48

APPENDICES

Appendix A: Site Plan(s)

Appendix A1 - Locality Map
Appendix A2 - Google Image
Appendix A3 - Layout Map

Appendix B: Site Photographs

Appendix C: Facility illustration(s)

Appendix D: Specialist Reports

Appendix D1 - Ecological Assessment
Appendix D2 - Hydrogeology and Wetland Assessment
Appendix D3 - Heritage Assessment

Appendix E: Public Participation

Appendix E1 - PPP Summary
Appendix E2 - Site Notice
Appendix E3 - Proof of Site Notice
Appendix E4 - Advertisement
Appendix E5 - Proof of Advertisement
Appendix E6 - BID & Comment Form
Appendix E7 - I&AP Database
Appendix E8 - Issues Trail
Appendix E9 - I&AP Correspondence

Appendix F: Impact Assessment

Appendix G: Environmental Management Programme (EMPr)

Appendix H: Details of EAP and Expertise

Appendix I: Specialist's declaration of interest

Appendix J: Additional Information

Appendix J1 - EDTEA Pre-application Meeting Minutes
Appendix J2 - Acknowledgement Letter for A4A
Appendix J3 - Report on Engineering Services
Appendix J4 - Electrical Services Report
Appendix J5 - Stormwater Management Plan
Appendix J6 - Geotechnical Assessment
Appendix J7 - Geohydrological Assessment
Appendix J8 - Traffic Impact Assessment
Appendix J9 - DWS Correspondence from WULA

APPENDIX 1: NATIONAL ENVIRONMENTAL MANAGEMENT ACT (ACT NO. 107 OF 1998): ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2014 (AS AMENDED)

SECTION OF APPENDIX 1 OF THE EIA REGULATIONS	DESCRIPTION OF THE SECTION	ASSOCIATED SECTION WITHIN THE BAR
3a	Details of the EAP and CV	Page 3
3b	Location of the activity	Section 1.5
3c	A layout plan	Section 1.6
3d	Description of the scope of the proposed activity including the triggered and specified activities, associated structures and infrastructure and the way the proposed development relates to the triggered activities	Section 1.2 and 1.3
3e	Description of the policy and legislative context within which the development is proposed and how is each one applicable and to the proposed activity	Section 3
3f	A motivation for the need and desirability (including the development at that specific location)	Section 4
3g	A motivation for the preferred site, activity and technology alternative	Section 1.4
3h (i)	Details of all the alternatives considered	Section 1.4
3h (ii)	Details of the Public Participation Process (PPP) undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs	Section 5
3h (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 the reasons for not including them	Section 5
3h (iv)	The environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects	Section 2
3h (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;	Section 6.2
3h (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	Section 6.1
3h (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	Section 6.2
3h(viii)	The possible mitigation measures that could be applied and level of residual risk	Section 6.2
3h(ix)	The outcome of the site selection matrix	Section 6.2
3h(x)	If no alternatives, including alternative locations for the activity were investigated, the motivation for not considering such	Section 1.4
3h(xi)	A concluding statement indicating the preferred alternatives, including preferred location of the activity	Sections 4.2 and 6.3.
3i	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-	Section 6.2

Basic Assessment Report

	(i) a description of all environmental issues and risks that were identified during the environmental impact assessment process; and (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	
3j	An assessment of each identified potentially significant impact and risk	Section 6.2
3k	Where applicable, a summary of the findings and impact management measures identified in any specialist 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	Section 2
3l	An environmental impact statement containing a map and a summary of the positive and negative impacts of the proposed and alternatives	Section 6.3
3m	Based on the assessment, and where applicable, impact management measures from specialist reports, the recording of the proposed impact management objectives, and the impact management outcomes for the development for inclusion in the EMPr	Section 6.4
3n	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	Section 6.8
3o	A description of any assumptions, uncertainties, and gaps in knowledge which relate to the assessment and mitigation measures proposed	Section 6.5.
3p	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	Section 6.8
3q	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	Section 6.6
3r	An undertaking under oath or affirmation by the EAP	Refer to Appendix H
3s	Where applicable, details of any financial provisions for the rehabilitation, closure, and ongoing post decommissioning management of negative environmental impacts	Not Applicable

1 SECTION 1: DESCRIPTION OF THE PROPOSED ACTIVITY & LOCALITY

1.1 Project Title

Whetstone Fuel Filling Station on Portions 249 and 774 of the Farm Cottonlands 1575, eThekweni Municipality, KZN.

1.2 Description of the Activities to be Undertaken Including Associated Structure and Infrastructure as per Section 3(d) (ii)

2014 EIA Regulations (As amended), Appendix 1- 3(d) a description of the scope of the proposed activity, including (ii) a description of the activities to be undertaken including associated structures and infrastructure

The applicant, Cedar Point Trading 20 (Pty) Ltd, proposes an increase in the capacity of the fuel station authorised for the Whetstone Phase 1 Development (DM/0012/2014, DM/S24G/0002/2015 and amended by DM/0012/2014/AMEND/2018 and DM/0012/2014/AMEND/2019). The purpose of the proposed amendment is to provide the Whetstone fuel station with adequate capacity to cater for the anticipated future developments in the area. The increase in capacity is proposed due to the strategic location of the filling station, and as such, there is a large influx of traffic from Tongaat and from the King Shaka International Airport, and therefore the capacity requires to be able to service this demand.

The Whetstone development is a **Catalytic Project** driven by the **eThekweni Municipality Strategic Planning Department**.

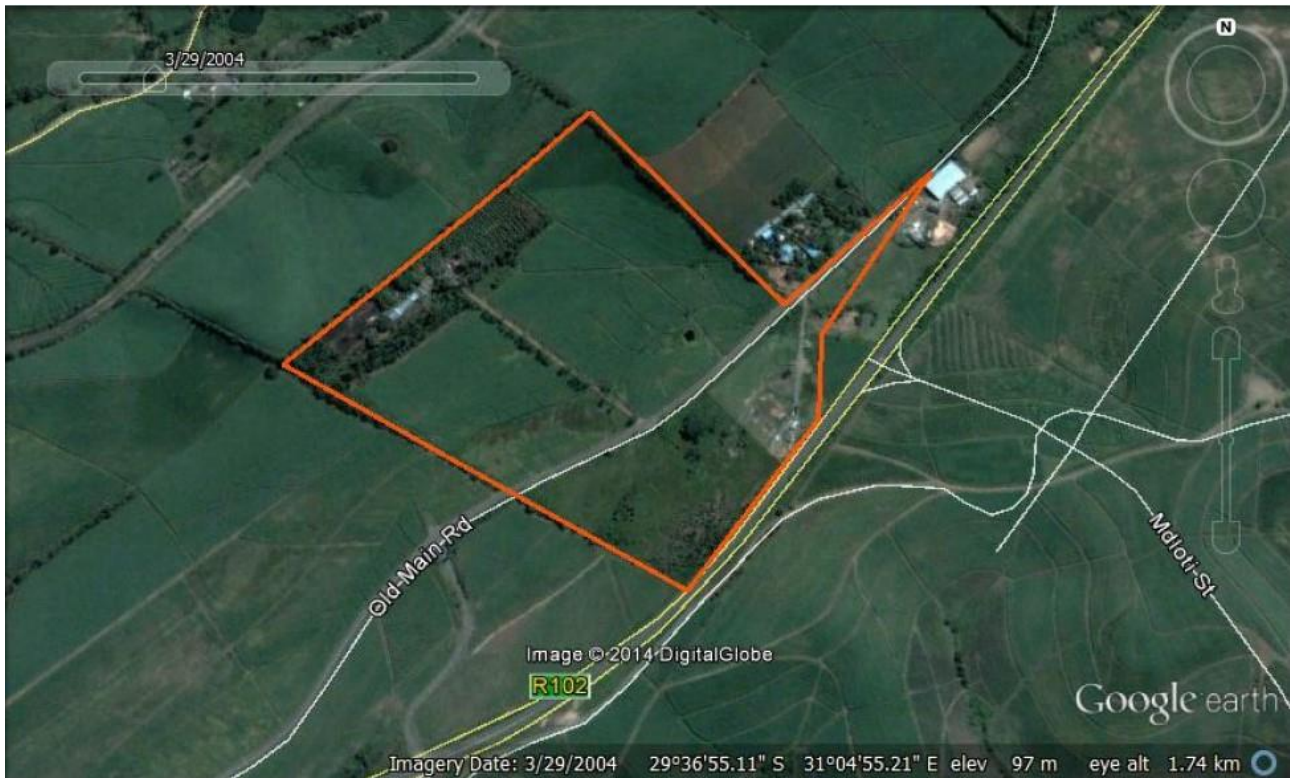


Figure 1: Google Earth image of the site boundary.

The authorised development proposal included a fuel station site of less than 80m³ of underground storage capacity. Cedar Point Trading 20 proposes the new capacity of the fuel storage tanks of the fuel station to be 180m³. The footprint of the new fuel station will still be located within the boundaries of Portion 8 (of 1) of the approved development layout, per Drawing No. 1721/WD18 (Figure 2) prepared by Rob Kirby and Associates (dated 29 July 2019), and approved in the second amendment (DM/0012/2014/AMEND/2019). The location of the filling station site in relation to the rest of the Whetstone Phase 1 development is presented in Figure 3. It must be noted that there will be no increase in the development footprint, only an increase in the capacity of the storage tanks. Earthworks have already commenced on the larger development with the proposed site already having been cleared and the level prepared through cutting and filling.

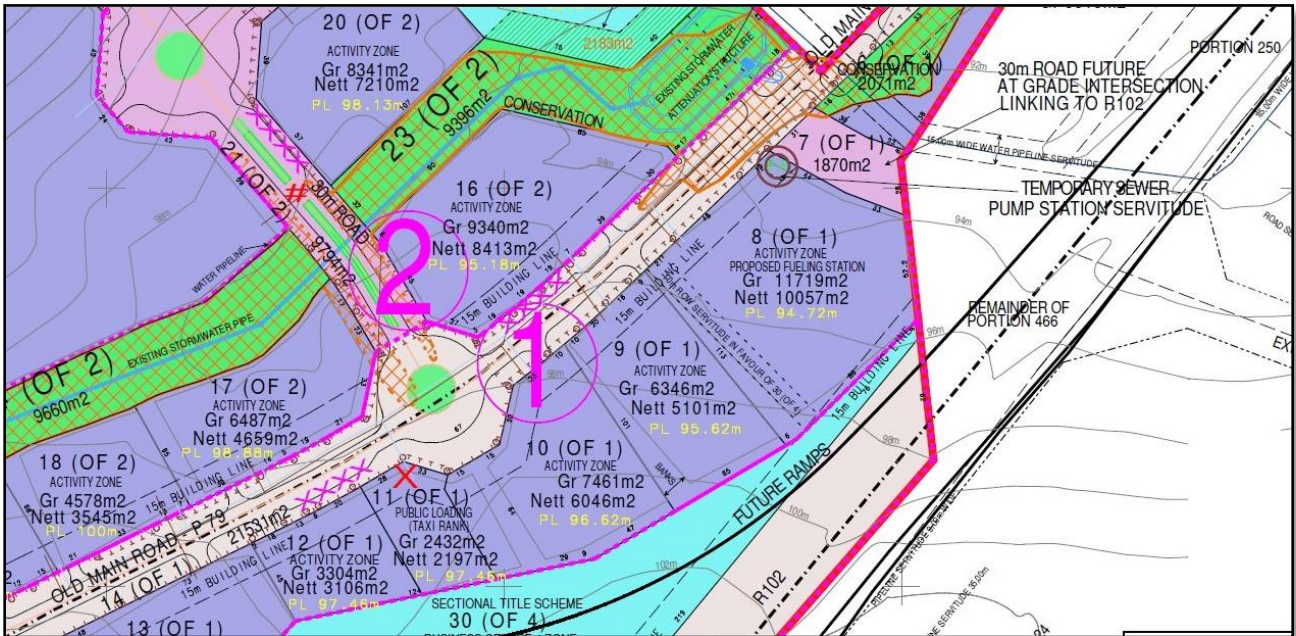


Figure 2: Map representing the location of the fuel station site (Portion 8 of 1) as represented in the Drawing No. 1721/WD18.

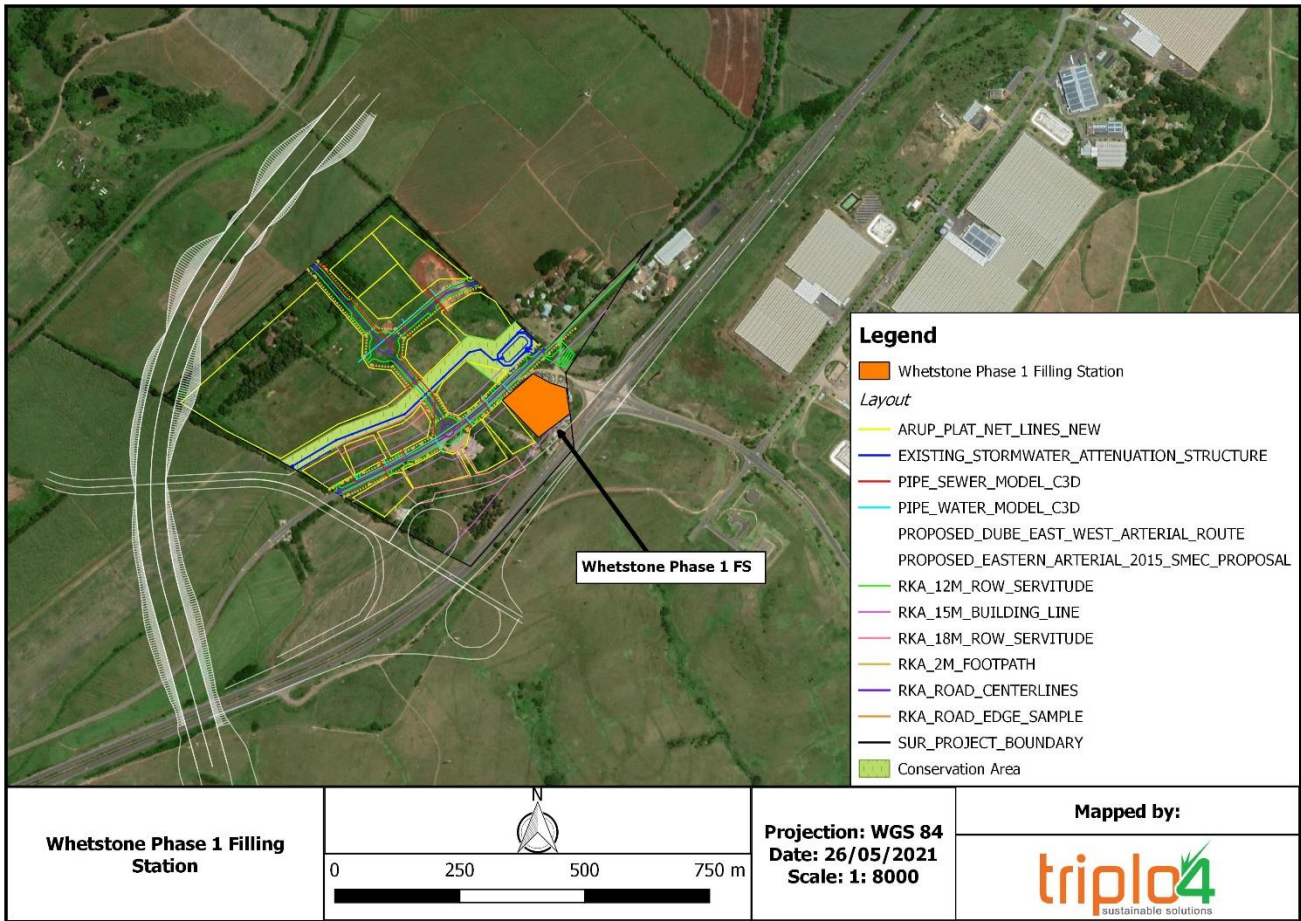


Figure 3. Location of the proposed filling station site (orange) in relation to the rest of the Whetstone Phase 1 development.

The site that contains the filling station stands at 11,716m² in extent. The proposed filling station development comprises the following:

- 320m² Retail/Convenience Store
- 621m² Drive-through/Takeaway
- Petrol Filling Station
- 490m² Offices
- 1,019m² Vehicle Fitment
- 3 Car Wash bays

The proposed filling station site is located at the north eastern corner of the Whetstone development footprint, it being bound along its entire eastern and western boundaries by the R102 high way and Old Main Road respectively, whilst the northern boundary is marked by a Link Road connecting the two main roads. The area to the immediate south comprises an adjoining development platform.

The previous use of the proposed filling station site within the Whetstone development can be seen in the Google Earth images (Figures 4 and 5) below, dated January 2020.



Figure 4: Approximate extent of Whetstone Development (outlined in red) with extent of Portion 8 (of 1) Erf 147 Mount Moreland at south eastern corner (outlined in blue).



Figure 5: Extent of proposed filling station site (blue outline) previously utilized as a salvage yard.

The proposed filling station site previously served as a vehicle salvage/scrap yard, and has been occupied over the course of several years by numerous used and damaged cars (Figure 5). However, subsequent to the above Google Earth imagery, the earthworks for the Whetstone development have been carried out, the site having been cleared and the level site prepared through cutting and filling. Figures 6 and 7 below depict the current condition of the site following platform bulk earthworks.



Figure 6 and 7: Aspect of the cut to fill site following bulk earthworks.

Table 1 presents the technical and specialist studies that were conducted for the original Whetstone Phase 1 Development (DM/0012/2014), followed by the updates and new reports undertaken for this filling Basic Assessment.

Table 1. Specialist and Technical Reports compiled for the Whetstone Phase 1 EIA and for the proposed filling station BA.

Reports Submitted as Part of EIA for Whetstone Phase 1	Date
Assessment of the Vegetation and Flora	March 2014
Agricultural Potential Survey	9 May 2014
Wetland/ Watercourse Identification and Confirmation Assessment	5 May 2014
Hydrogeology and Wetland Management and Impact Assessment	19 May 2016
Heritage Impact Assessment	21 May 2014
Report on Engineering Services	July 2014
Electrical Services Report	29 July 2014
Preliminary Geotechnical Assessment	25 July 2014
Detailed Geotechnical Investigation	September 2015
Traffic Impact Assessment	July 2014
Updated Reports and Addenda Compiled for and Submitted with this BAR	Date
Report on Engineering Services Addendum Letter	1 February 2021
Electrical Services Report Addendum Letter	8 April 2021
Stormwater Management Plan	April 2021
Geotechnical Assessment Addendum Letter	29 January 2021
Geohydrological Assessment	20 May 2021
Traffic Impact Assessment	29 March 2021

A summary of the specialist studies is provided in Section 2.

1.3 All Listed and Specific Activities Triggered and Applied for as per Section 3(d) (i)

2014 NEMA EIA Regulations (as amended), Appendix 1- 3(i) all listed and specified activities triggered and being applied for:

GNR	Activity No.	Activity as per the legislation	Activity Applicability
Listing Notice 1 (GNR 327) 2017	14	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 metres or more but not exceeding 500 cubic metres.	The development and operation of 3 fuel storage tanks with a combined capacity of approximately 180m ³ .

1.4 Description of Feasible Alternatives as per Section 3(h) (i)

2014 NEMA EIA Regulations (as amended), Appendix 1- 3(H) a full description of the process followed to reach the proposed preferred alternative within the site, including (i), (iv).

“alternatives”, in relation to a proposed activity, means different means of meeting the general purpose and requirements of the activity, which may include alternatives to—

(a) the property on which or location where it is proposed to undertake the activity;

Alternative S1 (Only Site Alternative): Portions 249 and 774 of the Farm Cottonlands 1575

The site is located within the authorised Whetstone development. The property is located west of the Dube TradePort. The proposed filling station site is located at the north eastern corner of the Whetstone development footprint, it being bound along its entire eastern and western boundaries by the R102 high way and Old Main Road respectively, whilst the northern boundary is marked by a Link Road connecting the two main roads. **Please refer to Appendix A1 - Google Image and Appendix A2 – Locality Map.**

No other site alternatives were considered as this site has already been authorised to be developed as a filling station, under the Whetstone Phase 1 development (DM/0012/2014, DM/S24G/0002/2015 and amended by DM/0012/2014/AMEND/2018 and DM/0012/2014/AMEND/2019).

(b) the type of activity to be undertaken;

The activity to be undertaken is the development of a fuel filling station with underground fuel storage tanks with a combined capacity of 180m³. Therefore it triggers Activity 14 listed in the EIA Regulations Listing Notice 1 of 2014 (as amended)

No alternative types of activity were considered.

(c) the design or layout of the activity;

As the activity for this application is the construction of underground fuel storage tanks with a combined capacity of 180m³, which is an increase of approximately 100m³ from the authorised capacity (of less than 80m³), the design alternatives for this development are as follows:

Alternative A1 (preferred) - combined fuel storage capacity of 180m³, incorporating specialist recommendations

The underground fuel storage capacity will be 180m³. The underground storage will be achieved through 3 fuel storage tanks of 60m³ each. This optimum storage capacity has been determined for the size of the filling station and future demand projections of the adjacent Whetstone and surrounding developments. The layout will also include a convenience store, tyre fitment centre, restaurants and carwash. Please refer to Appendix C – Layout.

Alternative A2 - combined fuel storage capacity of 300m³

The underground fuel storage capacity will be 300m³. This alternative was initially conceived to meet future demand of the area. No layout had been proposed for this alternative. This alternative did not pass the planning phase as this alternative exceeds the required capacity as per market analysis and thus will not be financially feasible.

(d) the technology to be used in the activity;

The fuel storage for the filling station will comprise 3 underground storage tanks each with a capacity of 60kl or 60m³ giving a combined storage capacity of 180m³. The tanks are steel walled composite bonded tanks with a 6mm thick shell material. The tanks have a glass reinforced polyester coating, which serves as a containment layer. The type of leak detection system to be installed could not be confirmed at this stage. A typical drawing of these tanks has been provided in Appendix C.

No other specific alternatives were considered.

(e) the operational aspects of the activity; and

The operational aspect relates to the operation of the filling station, and the associated amenities such as the convenience store, tyre fitment centre, restaurants and carwash.

(f) the option of not implementing the activity.

The no-go alternative implies that the, <80m³ filling station, that was authorised as part of the initial EIA, will be constructed. This alternative also considered all the specialist and engineering recommendations. There was no layout that was proposed for this <80m³ filling station. This is not considered to be practical or desirable as the future residents and workers in the area will not be provided with the additional social amenities in the area, or the associated socio-economic opportunities.

This option proposes that the status quo will remain unchanged and the increase in capacity of the fuel station to meet future demand will not be realised.

From a sustainable development perspective, in terms of NEMA principles, consideration has to be given to the social, economic and environmental factors during the decision-making process. By not implementing the development, from a socio-economic perspective, this no-go option creates negative impacts such as decreased fuel supply to future development and traffic, increase in waiting times at

the filling station due to fewer pumps, a resultant backlog of traffic or congestion. By not developing the larger filling station, the social need and desirability of future developments' residents and tenants, associated with the benefits related to improved lifestyle, will not be realised. In addition, the economic benefits related to the implementation of the project, namely improving the surrounding properties' values due to improved amenities, will not be realised.

Not developing the site as proposed will also have further negative socio-economic consequences. Not only would the applicant not realise an appropriate return from the investment in the land purchased, the economic contribution, especially to local economic development, as a result of the development through with the creation of temporary and permanent employment opportunities and the procurement of services and supplies, will be lost.

Although the "No-Go" alternative may be preferred in the interests of preserving the status quo, the need for development must however be evaluated in terms of the NEMA principles, inclusive of sustainable development, taking into consideration the negative socio-economic impacts of not implementing the activity.

Based on the potential negative social and economic impacts, while considering the environmental impacts by promoting and providing responsible environmental management, this alternative is not supported. However it has been assessed in the Impact Assessment. Refer to Appendix F.

1.5 Project Locality as per Section 3(b) (i) – (iii)

2014 EIA Regulations, Appendix 1- 3(b) the location of the activity, including: (i) the 21 Surveyor General code of each cadastral land parcel.

Table 1: Location of the Proposed Activity

District Municipality	eThekwini Municipality
Local Municipality	-
Ward	58
Area / Town / Village	Cottonlands
Property Description & 21 Digit SG Code	Portions 249 and 774 of the Farm Cottonlands 1575; NOFU00000000157500249 and NOFU00000000157500774

Site Alternative

Alternative:

Alternative S1¹ (preferred or only site alternative) –central point

Latitude (S):

Longitude (E):

29	36	53.73	31	04	51.53
----	----	-------	----	----	-------

Design or Layout Alternative

Indicate the physical size of the preferred activity/technology as well as alternative activities/technologies (footprints):

Alternative:

Alternative A1² (preferred activity alternative)

Size of the activity:

(Overall site size)11 716m²

¹ "Alternative S.." refer to site alternatives.

² "Alternative A.." refer to activity, process, technology or other alternatives.

Alternative A2 (if any)

11 716m ²

Indicate the size of the alternative sites or servitudes (within which the above footprints will occur):

Alternative:

Size of the site/servitude:

Alternative A1 (preferred activity alternative)

N/A.

Alternative A2 (if any)

N/A.

Basic Assessment Report

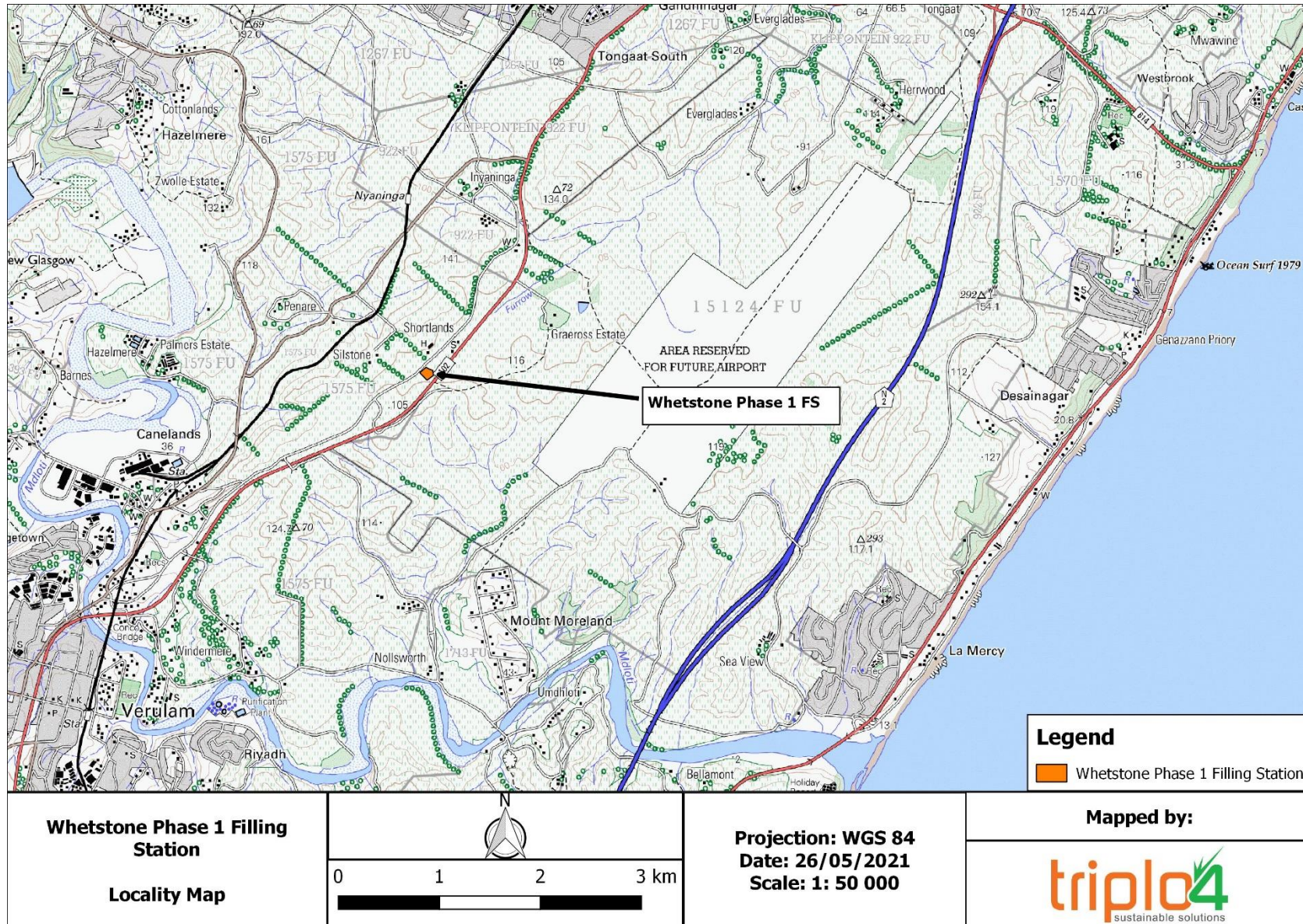


Figure 9: Locality map for the proposed development

1.6 Site Access

Does ready access to the site exist?	YES	NO
If NO, what is the distance over which a new access road will be built	m	
Describe the type of access road planned:		
The development will be served by two access points (Figure 8), a full directional access point along the P79 as well as a second marginal (left-in) entrance-only along the new Link Road (between the P79 and the R102).		

Include the position of the access road on the site plan and required map, as well as an indication of the road in relation to the site.



Figure 8: Access Arrangement

It should be noted that the aforementioned access locations and configurations have already been approved/specified by the KZN DOT as indicated in the approval letter contained in the appendices of the Site Traffic Assessment (Appendix D9).

1.7 Zoning and Land Use Rights

What is the land currently zoned for?		
Activity Zone		
Will any person's rights be negatively affected by the proposed activity/ies?		NO
Will the activity be in line with the following?		
The Provincial and Local Spatial Development Framework	YES	
The Provincial and Local Integrated Development Framework	YES	
The Provincial Environmental Management Framework	YES	

As per the Provincial Growth and Development Strategy, 2016 (PGDS) a strategic goal is environmental sustainability. An objective of this goal is to increase the productive use of the land. The development site is currently of low ecological value predominantly comprising of sugarcane and alien invasive species. The Developer intends to promote more commercial and industrial developments in the area thereby contributing to the overall economic component for this specific area. This is emphasised by the eThekweni Municipality Strategic Planning Department as a Catalytic Project which will result in a number of economic benefits (short term and long-term investments).

As part of the 2030 Vision of the Provincial Growth and Development Strategy and strategic goal job creation and employing employable people are of top priority. This development will create approximately 30-150 job opportunities for skilled, semi-skilled and unskilled employees with an estimated value of R15.3 million (excl. VAT) during the construction phase and R8.8 million (excl. VAT) / annum during the operational phase.

According to the KwaZulu-Natal Integrated Development Plan (IDP), spatial and economic development is a contributing factor to the Municipalities overall development plans. The promotion of developments such as the Whetstone Filling Station, as part of the larger Whetstone Phase 1 Development will allow for an injection of revenue within the province. Utilising properties such as these to promote local and foreign investment will help the municipality in reaching their goal of developing economic wealth within the region, promoting strong economic wealth and sustainable job creation as per the IDP.

1.8 Water Use and Bulk Service Availability

Please indicate the source(s) of water that will be used for the activity.

Water for the will be sourced from the Municipal supply.

If water is to be extracted from groundwater, river, stream, dam, lake or any other natural feature, please indicate the volume that will be extracted per month:

Not Applicable

Does the activity require a water use authorisation (general authorisation or water use license) from the Department of Water & Sanitation?

Please provide proof that the application has been submitted to the Department of Water & Sanitation.

A WULA process was undertaken during the years 2017-2018 for the larger Whetstone mixed use proposed development, including the site for the proposed fuel filling station. Engagements with the competent authority (namely, the Department of Water and Sanitation) has resulted in confirmation that some water uses are not triggered, as well as issuance of several General Authorisations for other water uses. Please refer to Appendix J9.

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? (Confirmation by the relevant Municipality in this regard must be attached to the final Basic Assessment Report as an Appendix.)

Yes. The necessary services with adequate capacity are currently being installed as part of the larger Whetstone Phase 1 development.

1.9 Energy Efficiency

Describe the design measures, if any, which have been taken to ensure that the activity is energy efficient.

In terms of energy efficiency, the proposed development should be undertaken during normal working hours to reduce the use of artificial lighting. Additionally, the contractor will be advised to transport all construction materials on site at the same time, where possible, and the collection of waste material conducted simultaneous with other activities to reduce the amount of fuel usage for such transportation. Waste management methods (i.e. recycling and reusing), as well as water and biodiversity conservation measures and sourcing local materials are recommended and are included in the EMPr.

Describe how alternative energy sources have been taken into account or been built into the design of the activity, if any.

It is recommended that the developer incorporates available energy efficiency measures into the design of the buildings to reduce energy consumption where possible.

2 SECTION 2: SITE DESCRIPTION OF SURROUNDING LAND USE AS PER SECTION 3(H) (IV) AND (K)

2014 NEMA EIA Regulations (as amended), Appendix 1- 3(H) a full description of the process followed to reach the proposed preferred alternative within the site, including (iv) and 3 (K) a summary of findings and impact management measures identified in any specialist report complying with Appendix 6 to these regulations and an indication as to how these findings and recommendations have been included in this report.

2.1 Topography and Biophysical Environment

The topography of the Whetstone Phase 1 site and catchment is undulating to hilly with the site situated on the southern slope of a ridge. The filling station site has been cleared and levelled to road level. The remainder of the Whetstone Phase 1 site has also been cut and filled to create platforms.

Prior to the earthworks activities, the filling station site was relatively level to gently sloping at an average inclination of approximately 3° in a northerly direction with a planar to slightly convex contour conformation. The natural ground fell towards the axis of a low lying broad stream valley which is located primarily to the immediate north of Old Main Road and runs approximately parallel thereto. The natural stream passes below Old Main Road via culvert located some 40m north of the northern boundary of the proposed filling station site.

The area in general is drained to the north and south by a network of tributaries which flow in a northerly and southerly direction into the main perennial Umdloti and Uthongathi rivers located several kilometres away.

2.2 Fauna and Flora

The report titled “An assessment of the vegetation ecology on the Farm Cottonlands 1575” was undertaken by EcoAgent cc in March 2014.

The assessment found that the entire site was highly degraded and transformed by previous agricultural activities. No highly sensitive area occurred on the site. Nine mapping units were identified, one of which is considered to be a wetland, which falls outside the filling station site but is being rehabilitated as part of the larger Whetstone Phase 1 development.

According to the assessment the site is situated within the Coastal Forest and Thornveld as described by Acocks (1988). Low & Rebelo (1996) described the vegetation of the area as Coastal Bushveld / Grassland. According to the vegetation map of South Africa the vegetation on the study site is in the KwaZulu-Natal Coastal Belt. Within this vegetation type almost half has been transformed by cultivation (mainly sugar cane), urban sprawl and roads, and little is conserved in statutory conservation areas. In general this vegetation type is considered to be Endangered (Mucina & Rutherford, 2006), however, the vegetation of the site was totally transformed, and almost totally surrounded by sugar cane fields.

Nine mapping units were identified (Refer to Figure 10), one of which was considered by the specialist (in assessing vegetation cover only) to be the relicts of a wetland. The boundary of the fuel filling station site is located approximately 50m from the wetland. The assessment concluded that no areas of high sensitivity and no species of conservation concern occur on the site and furthermore that the proposed Whetstone Phase 1 development, which the fuel station is a part of, can be supported.

Important to note is that the filling station site, located at the north-eastern portion of the site, was classified as 'Highly Disturbed' and the site had been cleared already, as authorised under the larger Whetstone Phase 1 development.



Figure 10: Vegetation mapping units

Please refer to **Appendix D: Specialist Reports, Ecological Assessment, dated March 2014.**

2.2 Wetland Environment

A Hydropedology and Wetland Management and Impact Assessment Report was compiled by Terra Soil Science in October 2016, for the Whetstone Phase 1 development.

The wetland and hydropedology investigation on the Cottonlands site yielded that:

1. The catchment of the watercourse on the site had significant agricultural, forestry and urban infrastructure impacts dating as far back as the 1930s.
2. The establishment of sugarcane and forestry historically has been such that the only drainage feature entering the site and on the site itself had been a channelled watercourse that was narrow and without any significant occurrence of wetland vegetation to yield such signatures on historical aerial photographs.
3. The drainage feature on the site in all probability had wetland features and associated ecology before human impacts but these had been absent since the 1930s.
4. The delineation of a wetland on the specific survey site proved challenging due to the absence of vegetation, the difficulty regarding the identification of redox morphology in darkened soils and the infilling of the drainage feature. It was concluded however that, had the site not been subjected to

infilling, it will certainly have exhibited wetland signatures that could have been elucidated in detail. The drainage depression and water presence on the site attested to this assertion.

5. The PES classification for the site in question as well as the catchment was influenced by the long-term human impacts evident on the site.

The boundary of the fuel filling station site is located approximately 50m from the wetland feature, which now currently forms part of the stormwater attenuation system for the Whetstone Phase 1 development.

Please refer to **Appendix D: Specialist Reports, Hydrogeology and Wetland Management and Impact Assessment Report dated October 2016.**

2.3 Geology and Soils

According to the Geohydrological Assessment, dated 20 May 2021, the Whetstone development site is underlain by weathered siltstone and sandstone bedrock of the Vryheid Formation which has been regionally intruded by younger Karoo dolerite. The Vryheid Formation sandstone/siltstone bedrock and weathered dolerite, where present, is overlain by colluvial and residual materials derived therefrom along with some potential alluvial material associated with the nearby minor stream/drainage line. The bedrock material at/near surface level is generally deeply weathered, very soft rock overlain by thick, well developed deposits of clayey colluvial, residual and alluvial material.

According to the Terra Soil Science report (2016), the soils on the site can be divided into two main groups namely 1) duplex soils with shallow profiles and dark A horizons and 2) deep red structured soils derived from dolerite.

Furthermore, the Geohydrological Assessment has provided comment on the potential for groundwater contamination from leaks in the underground fuel storage tanks. With regards to the site and ease with which contaminants could possibly move from the surface through the unsaturated zone to the water table, the weathered bedrock and silty clay material underlying the site as well as dense, impermeable clayey fill mantle is expected to reduce the rate of flow as well as have the potential to absorb possible contaminants. As such the materials are expected to form a 'fair' to 'good' barrier to movement of potential contaminants.

Potential hydro-carbon spills/leaks at the surface/subsurface level would require the contaminant to percolate through the highly impermeable residuum and along discontinuous, clay filled joints in the weathered bedrock material to infiltrate the groundwater table at considerable depth below the site. This is considered unlikely and thus the risk of the groundwater table contamination is considered relatively low.

Potential contamination of the perched groundwater table is considered possible, however, such contamination can be easily mitigated/negated through the judicious placement of subsoil cut-off drains or sumps as per industry standards for a development of this size and nature.

Given the sites location with respect to groundwater boreholes used for domestic and irrigation purposes as well as nearby identified minor wetland areas/drainage channels, the proposed filling station may still have a minor to moderate impact on the groundwater system in the area, both during the construction and/or

development phases, however, this can be considerably reduced to negligible limits or eliminated entirely through incorporating mitigating measures in line with industry standards for a filling station development.

Please refer to **Appendix D: Specialist Reports, Geohydrological Assessment, dated May 2021; and Hydrogeology and Wetland Management and Impact Assessment Report dated October 2016.**

2.4 Hydrology

The Whetstone Phase 1 site is situated in the Mvoti to Umzimkulu Water Management Area (WMA) 11. The site intersects both the U30B and U30D quaternary catchment, but drains into the U30D quaternary catchment. The development is situated on the southern boundary of the Tongati River catchment which drains into the Indian Ocean. The runoff from the Whetstone Phase 1 site drains into a storm water attenuation dam on the north-eastern boundary of the property which diverts water through a spillway into the Tongati River during rainfall periods.

The specific drainage feature must also be viewed in the broader landscape context. This feature has, apart from the historical land use impacts, undergone significant alteration through road construction and alignment. Immediately downslope of the site the drainage feature runs under a road into a farming infrastructure area, where it is then altered and running alongside the R102, that has now been widened. After this it diverges from the road alignment. In all of the above impacts, with historical sugarcane impacts, the drainage feature wetlands have been altered significantly.

Please refer to **Appendix D: Specialist Reports, Hydrogeology and Wetland Management and Impact Assessment Report dated October 2016.**

2.5 Cultural / Historical Features

Are there any signs of culturally or historically significant elements, as defined in section 2 of the National Heritage Resources Act, 1999, (Act No. 25 of 1999), including archaeological or palaeontological sites, on or within 20m of the site?	YES	NO
If YES, contact a specialist recommended by AMAFA to conduct a heritage impact assessment. The heritage impact assessment must be attached as an appendix to this report.		
Briefly explain the recommendations of the specialist:	eThembeni Cultural Heritage undertook a Heritage Impact Assessment (HIA) in May 2014, for the Whetstone Phase 1 development (which the filling station site formed a part of). An old farmhouse was identified as being over 100 years old, but was classified as low heritage significance at all levels for its historic value. This house was located outside of the development footprint of the filling station.	
Will any building or structure older than 60 years be affected in any way?	YES	NO
Is it necessary to apply for a permit in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)?	YES	NO
If YES, please submit the necessary application to AMAFA and attach proof thereof to this report.		

2.6 Socio-economic Environment

What is the expected capital value of the activity on completion?	R 95 million (excl. VAT)	
What is the expected yearly income that will be generated by or as a result of the activity?	R 143 million (excl. VAT)	
Will the activity contribute to service infrastructure?	YES	
Is the activity a public amenity?	YES	
How many new employment opportunities will be created in the development phase of the activity?	Estimated 75	
New skilled employment opportunities created in the construction phase of the project	Estimated 30	
New skilled employment opportunities created in the operational phase of the project	Estimated 45	
New un-skilled employment opportunities created in the construction phase of the project	Estimated 150	
New un-skilled employment opportunities created in the operational phase of the project	Estimated 60	
What is the expected value of the employment opportunities during the operational and construction phase?	R15.3 million (excl. VAT) for the contract period which will be approx. 12 months. R8.8 million (excl. VAT) / annum (operational)	

2.7 Surrounding Environment and Land Uses

Cross the land uses and/or prominent features that currently occur within a 500m radius of the site and give a description of how this influences the application or may be impacted upon by the application:

Land use character			Description
Natural area		NO	
Low density residential	YES		The Jivannadi Mission and Shortlands Riding Centre are situated adjacent to the property.
Medium density residential		NO	
High density residential		NO	
Informal residential		NO	
Retail commercial & warehousing		NO	
Light industrial		NO	
Medium industrial		NO	
Heavy industrial		NO	
Power station		NO	
Office/consulting room		NO	
Military or police base/station/compound		NO	
Spoil heap or slimes dam		NO	
Quarry, sand or borrow pit		NO	
Dam or reservoir		NO	
Hospital/medical centre		NO	
School/ crèche		NO	
Tertiary education facility		NO	
Church		NO	
Old age home		NO	

Sewage treatment plant		NO	
Train station or shunting yard		NO	
Railway line		NO	
Major road (4 lanes or more)		NO	
Airport		NO	
Harbour		NO	
Sport facilities		NO	
Golf course		NO	
Polo fields		NO	
Filling station		NO	
Landfill or waste treatment site		NO	
Plantation		NO	
Agriculture	YES		Sugar cane plantations on the outskirts of the Whetstone development to the North, and South of the R102.
River, stream or wetland	YES		One wetland units located 50m from the development site.
Nature conservation area		NO	
Mountain, hill or ridge		NO	
Museum		NO	
Historical building		NO	
Protected Area		NO	
Graveyard		NO	
Archaeological site		NO	
Other land uses (describe)		NO	

2.8 Nuisance Considerations

Visual Aesthetics

The adjacent area has shown a gradual increase in development of the Whetstone Phase 1. Landscape modifications are evident and future modifications expected.

Large developments within the recent years such as the Dube Trade Port and King Shaka International Airport has transformed the area and is becoming increasingly sought after for future development.

This has will lead to an influx of new people to the area, seeking accommodation, work and related amenities. The filling station will further development interest in the area as the appeal of the Whetstone Phase 1 development increases.

The visual changes that will occur with the development of the filling station, are envisaged to be Low – significant. The dumping of builder’s rubble and storage of building material during the construction phase of the development may cause visual pollution; however, this can be mitigated through the identification of a specific point for storage of waste and rubble on site. This rubble/waste should be removed and disposed on a regular basis.

Abandoned structures, excess construction materials of laterite, stone aggregate and concrete slabs which are left near the roads after construction works reduces the aesthetic value of the area. All measures must be taken

to prevent any pollution. After the construction works are completed the area must be rehabilitated, as applicable.

Solid waste management

Will the activity produce solid construction waste during the construction/initiation phase?	YES	NO
If yes, what estimated quantity will be produced per month? Based on the activity being applied for, clearance of vegetation will generate very little waste.	Approx. 200m ³	
How will the construction solid waste be disposed of? (describe)		
Waste skips/bins will be provided throughout the construction site with separate skips/bins made available for road construction debris and solid waste. The waste will be recycled or reused whenever possible and the rest disposed to the registered waste disposal site, to avoid the pollution of surrounding areas. Small amounts of hazardous waste such as discarded oil or grease may be generated on site. Hazardous waste will be disposed of at an appropriately licensed and registered hazardous waste disposal facility. Waste management will be dealt with more extensively within the EMPr for the relevant phases of the project		
Where will the construction solid waste be disposed of? (provide details of landfill site)		
The general waste produced will be disposed at the relevant registered Municipal waste facility. In the unlikely event that hazardous wastes are produced these will be collected by a competent waste handling contractor and disposed of at the nearest licensed general waste disposal facility which is the closest to the site.		
Will the activity produce solid waste during its operational phase?	YES	NO
If yes, what estimated quantity will be produced per month?	Approx. 30m ³	
How will the solid waste be disposed of? (provide details of landfill site)		
All waste will be collected and disposed through the municipal waste stream.		
Where will the solid waste be disposed if it does not feed into a municipal waste stream (describe)?		
The solid waste will feed into a municipal waste stream.		
If the solid waste (construction or operational phases) will not be disposed of in a registered landfill site or be taken up in a municipal waste stream, then the applicant should consult with the competent authority to determine the further requirements of the application.		
Can any part of the solid waste be classified as hazardous in terms of the relevant legislation?		NO
If yes, contact the KZN Department of Economic Development, Tourism & Environmental Affairs to obtain clarity regarding the process requirements for your application.		
Is the activity that is being applied for a solid waste handling or treatment facility?		NO
If yes, contact the KZN Department of Economic Development, Tourism & Environmental Affairs to obtain clarity regarding the process requirements for your application.		

Liquid effluent

Will the activity produce effluent, other than normal sewage, that will be disposed of in a municipal sewage system?		NO
If yes, what estimated quantity will be produced per month?	N/A m ³	
Will the activity produce any effluent that will be treated and/or disposed of on site?		NO
If yes, contact the KZN Department of Economic Development, Tourism & Environmental Affairs to obtain clarity regarding the process requirements for your application.		
Will the activity produce effluent that will be treated and/or disposed of at another facility?		NO
If yes, provide the particulars of the facility:	N/A	

Facility name:			
Contact person:			
Postal address:			
Postal code:			
Telephone:		Cell:	
E-mail:		Fax:	
Describe the measures that will be taken to ensure the optimal reuse or recycling of waste water, if any:			

Emissions into the atmosphere

Will the activity release emissions into the atmosphere?	YES	<input type="checkbox"/>
If yes, is it controlled by any legislation of any sphere of government?	<input type="checkbox"/>	NO
If yes, contact the KZN Department of Economic Development, Tourism & Environmental Affairs to obtain clarity regarding the process requirements for your application.		
If no, describe the emissions in terms of type and concentration:		
<p>Construction phase: Limited dust liberation and emissions during construction phase due to the off-loading of construction materials, such as sand and cement, movement of construction vehicles and clearing. Emissions generated will be in the form of dust, carbon dioxide and other vehicle emissions generated by diesel powered machinery and trucks during the construction process i.e. tip trucks, TLB's, excavators and dust from the movement of the construction vehicles. These emissions will be composed primarily of CO₂ and will be of a low concentration. In addition, proper maintenance of vehicles will mitigate high concentrated vehicle emissions. Dust generation can be mitigated by either water spraying and / or dust suppressants or by minimizing the area that is cleared and re-vegetating exposed areas as quickly as possible. The speed of construction vehicles and other vehicles should be strictly controlled to avoid excessive dust generation.</p> <p>Operational phase: Levels of petrol station air pollution are influenced by local factors, such as how many petrol pumps the petrol station has, how fast they dispense fuel, the impact of weather, other sources of pollution, vehicle idling and others. The type and quantity of pollutants from filling stations are also influenced by the type of fuel dispensed and the manufacturing additives. Emissions include volatile organic compounds (VOC's), PM10 – particulate matter, NOx and SOx. Introduction of cleaner fuels, like low sulphur diesel, and low emission vehicles, are increasing and contribute to reduction of emissions from filling stations. Vapour recovery units could address re-fuelling emissions.</p>		

Generation of noise

Will the activity generate noise?	YES	<input type="checkbox"/>
If yes, is it controlled by any legislation of any sphere of government?	<input type="checkbox"/>	NO
If yes, the applicant should consult with the competent authority to determine whether it is necessary to change to an application for scoping and EIA.		
If no, describe the noise in terms of type and level:		

- During the construction phase noise associated with normal construction activities i.e. vehicles, generators and plant equipment will be used on the site.
- However construction activities will as far as possible be limited to normal working hours (weekdays between 7am and 5 pm). Noise levels are to be kept within the legislated limits for the area, in accordance with the requirements of the relevant national and local noise control statutes.
- Minimal noise is expected to be generated in the operational phase of the development.
- Measures to minimise noise generation during construction are contained in the EMPr.
- Activities must be in accordance with the Municipal by-laws.

3 SECTION 3: POLICY AND LEGISLATIVE FRAMEWORK

2014 NEMA EIA Regulations (as amended), appendix 1- 3(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 (ii)

3.1 Identification of All Legislation, Policies, Plans, Guidelines, Spatial Tools, Municipal Development Planning Frameworks And Instruments as per Section 3(e)(i) and Compliance Of Proposed Activity With Legislation And Policy 3(e)(ii)

Legislation	Section	Relates to
The Constitution (No 108 of 1996)	Chapter 2	Bill of Rights.
	Section 24	Environmental rights.
National Environmental Management Act (No 107 of 1998 [as amended])	Section 2	Defines the strategic environmental management goals and objectives of the government. Applies through-out the Republic to the actions of all organs of state that may significantly affect the environment.
	Section 24	Provides for the prohibition, restriction and control of activities which are likely to have a detrimental effect on the environment.
	Section 28	The developer has a general duty to care for the environment and to institute such measures as may be needed to demonstrate such care.
	Section 30	Deals with the control of emergency incidents, including the different types of incidents, persons responsible for the incidents and reporting procedures to the relevant authority.
National Environmental Management: Waste Act (No 59 of 2008)		Provides for specific waste management measures and the remediation of contaminated land.
		Regulations for waste management licensee activities
National Environmental Management: Biodiversity Act (No 10 of 2004)		Provides for the management and conservation of biodiversity, protection of species and ecosystems, and sustainable use of indigenous biological resources – provisions re alien and invasive species?
Threatened or protected species (GN 388) Lists of species that are threatened or protected (GN 389) Alien and invasive species regulations (GNR 506) Publication of exempted alien species (GNR 509) Publication of National list of invasive species (GNR 507) Publication of prohibited alien species (GNR 508)		
Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)		The objects of this Act are to provide for the conservation of the natural agricultural resources of the Republic by • the maintenance of the production potential of land, by the

		combating and prevention of erosion and weakening or destruction of the water sources, and by the protection of the vegetation and the combating of weeds and invader plants. Section 5 details measures for the prohibition of the spreading of weeds.
National Environmental Management: Air Quality Act (No 39 of 2004)	Section 32	Control of dust
	Section 34	Control of noise
	Section 35	Control of offensive odours
National Heritage Resources Act (No 25 of 1999) and regulations	Section 34	No person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.
	Section 35	No person may, without a permit issued by the responsible heritage resources authority destroy, damage, excavate, alter, deface or otherwise disturb any archaeological or paleontological site.
	Section 36	No person may, without a permit issued by the South African Heritage Resource Agency (SAHRA) or a provincial heritage resources authority destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority. "Grave" is widely defined in the Act to include the contents, headstone or other marker of such a place, and any other structure on or associated with such place.
	Section 38	This section provides for Heritage Impact Assessments (HIAs), which are not already covered under the ECA. Where they are covered under the ECA the provincial heritage resources authorities must be notified of a proposed project and must be consulted during the HIA process. The Heritage Impact Assessment (HIA) will be approved by the authorising body of the provincial directorate of environmental affairs, which is required to take the provincial heritage resources authorities' comments into account prior to making a decision on the HIA.
Occupational Health and Safety Act (No 85 of 1993)	Section 8	General duties of employers to their employees
	Section 9	General duties of employers and self-employed persons to persons other than their employees
National Water Act (No 36 of 1998) and regulations	Section 19	Prevention and remedying the effects of pollution
	Section 20	Control of emergency incidents
	Section 21	Licenses for water use
Hazardous Substances Act (No 15 of 1973) and regulations		Provides for the definition, classification, use, operation, modification, disposal or dumping of hazardous substances
National Veld & Forest Fire Act		Provides for a variety of institutions, methods and practices to prevent and combat veld, forest and mountain fires.
National Road Traffic Act (No 93 of 1996)		Provides for controlling transport of dangerous goods, hazardous substances and general road safety
Spatial Planning and Land Use Management Act (No. 16 of 2013).		Provides the framework for spatial planning and land use management in South Africa at the different spheres of government and for the establishment, functions and operations of Municipal Planning Tribunals.

Occupational Health and Safety Act (No 85 of 1993) and regulations		Addresses occupational health and safety aspects
SANS 10103 (Noise Regulations)		The measurement and rating of environmental noise with respect to annoyance and to speech communication
KwaZulu-Natal Planning and Development Act,(No. 6 of 2008);		Strategic spatial development intentions for the municipality based on the IDP and SDF, influenced by and in alignment with adjacent municipalities
KZN Nature Conservation Ordinance (Ordinance No. 15 of 1974)		Protected indigenous plants in general are controlled under the relevant provincial Ordinances or Acts dealing with nature conservation. In KwaZulu-Natal the relevant statute is the 1974 Provincial Nature Conservation Ordinance. In terms of this Ordinance, a permit must be obtained from eZemvelo KZN Wildlife to remove or destroy any plants listed in the Ordinance.
KwaZulu Natal Heritage Act (Act 4 of 2008)		To provide for the conservation, protection and administration of both the physical and the living or intangible heritage resources of the Province of KwaZulu-Natal; to establish a statutory Council to administer heritage conservation in the Province.

Table 0-2: Current Environmental Legislation

Regulations and Guidelines
Environmental Impact Assessment Regulations, 2014 (as amended)
Internal Guideline: Generic Water Use Authorisation Application Process, August 2007 by DWA
The General Policy on Environmental Conservation (January 1994)
DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa
Department of Environmental Affairs (2017), Public Participation guideline in terms of NEMA EIA Regulations, Department of Environmental Affairs, Pretoria, South Africa.
Provincial Growth and Development Strategy – Local and Provincial

Table 0-3: Current Municipal By-Laws

By-Laws
eThekwini Building By-Laws
eThekwini Interim Code Relating to Fire Prevention and Flammable Liquids and Substances
eThekwini Food By-Laws
eThekwini Nuisances And Behaviour In Public Places Bylaw
eThekwini Planning And Land Use Management By-Law
eThekwini Public Health By-Laws
eThekwini Sewage Disposal By-Law
eThekwini Waste Removal By-Law
eThekwini Durban Metropolitan Water Supply By-Laws

4 SECTION 4: MOTIVATION, NEED AND DESIRABILITY

4.1 Need and Desirability as per Section 3(f)

The applicant has already undertaken and received authorisation to develop the site as a filling station, under the Whetstone Phase 1 development. The purpose of the proposed amendment is to provide the Whetstone fuel station with adequate capacity to cater for the anticipated future developments in the area. The increase in capacity is proposed due to the strategic location of the filling station, and as such, there is a large influx of traffic from Tongaat and from the King Shaka International Airport, and therefore the capacity requires to be able to service this demand.

The Whetstone development is a **Catalytic Project** driven by the **eThekweni Municipality Strategic Planning Department**.

Provincial Growth and Development Strategy

As per the Provincial Growth and Development Strategy, 2016 (PGDS) a strategic goal is environmental sustainability. An objective of this goal is to increase the productive use of the land. The development site was previously vacant opening up opportunity for vagrant and illegal land settlers. Furthermore, the adjacent site was previously sugarcane agriculture. The applicant intends to develop a Whetstone filling station therefore eliminating the possibility of illegal land settlers. According to the specialist studies and engineering reports, the applicant will take cognisance of the historic and existing site conditions and incorporate them into the development.

As part of the 2030 Vision of the Provincial Growth and Development Strategy Strategic Goal 4 it is envisioned that the Dube TradePort Aerotropolis be optimised for the social and economic growth and development needs of KZN. Strategic Goal 1 is directed toward job creation and employing employable people are of top priority. This development will create approximately 30-150 job opportunities for skilled, semi-skilled and unskilled employees with an estimated value of R15.3 million (excl. VAT) during the construction phase and R8.8 million (excl. VAT) / annum during the operational phase.

The greater Dube Trade Port area is proposed to be the province's biggest infrastructural project. This designated Special Economic Zone (SEZ) is geared to promote foreign and local investment. Dube TradePort takes advantage of its prime location as the only facility in Africa combining an international airport, dedicated cargo terminal, warehousing, offices, retail, hotels and agriculture. Investing in commercial and mixed-use sites in and around the Dube TradePort areas will raise the investment potential into this Port as well potentially ease businesses surrounding this hub.

Large developments within the recent years such as Dube TradePort, King Shaka International Airport and the growth of the Umhlanga Ridge commercial centre has transformed the KZN North Coast area to allow for further business development. This has led to an influx of new businesses seeking opportunities and growth. The applicant had purchased this property with the expectations of constructing a development, inclusive of a filling station and amenities, to enhance the area. The proposed development is located within an area that is already built up with access to Regional and National Routes, the International Airport and surrounding businesses, making it a strategic business venture which will yield a positive contribution to the socio-economic value of the site and surrounding areas.

The 2016 - 2017 Provincial Growth and Development Plan identifies economic growth as the fundamental driver of social and human development. Job creation in the PGDS is viewed as a primary means through which economic growth and transformation can occur, by distributing the benefits of growth more widely and consequently reducing dependency on the welfare system. This will require investment and interventions by both the public and private sector in order to create a more enabling environment to stimulate the generation of employment opportunities and inclusive economic growth.

The provision of the filling station and amenities is viewed as a benefit for society. The construction of the development will ensure continued temporary and permanent employment opportunities in society during the construction phase, as well as permanent positions once the filling station site is developed. The development of the site will yield a positive contribution to the socio-economic value of the area.

The eThekweni Municipality Integrated Development Plan (2017/2018 to 2021/2022)

In 2015 the eThekweni area showed a GDP of 1.9%, comprising 10% of the national GDP. Major contributing sectors were finance, community services, manufacturing and construction. The Dube TradePort has attracted R 1.4 billion in private sector investment, with a large amount of further development and investment planned into the future. The development of the filling station and its associated amenities would further enhance and contribute to this. Planning for the upgrade and provision of new bulk infrastructure for the larger Whetstone developments is underway in conjunction with eThekweni municipality to support the growth anticipated for the area.

The filling station site falls within the Prime Investment Corridor as outlined in the eThekweni Municipality Integrated Development Plan, which is envisioned to contribute to the heart of eThekweni's economy, uplifting the region socially and economically. The Northern Urban Development Corridor (NUDC) Local Area Plan outlines plans to upgrade the R102 which runs to the filling station site, linking eThekweni and KwaDukuza municipalities.

The Municipal Spatial Development Framework (2017/2018 – 2021/2022)

In terms of the Municipal Spatial Development Framework (2017/2018 – 2021/2022) economic and residential growth has been planned for around the Dube Trade Port, with a significant amount of the labour being provided from the neighbouring municipalities of Ndwedwe and KwaDukuza. One of the key challenges identified is the provision of employment opportunities to the north of eThekweni municipality, specifically around the King Shaka International Airport and Dube TradePort which are noted as to being prioritized. The Spatial Development Framework further mentions the Dube TradePort as a major stimulus for regional economic growth. With this in mind the development of the area surrounding the Dube TradePort is encouraged to further feed and grow the local and regional economy. eThekweni municipality has major catalytic projects earmarked for the upliftment of the area such as the Inyaninga Industrial Estate and the further development of the economic opportunities at Dube TradePort, both of which would be mutually beneficial to the development of the filling station as part of the Whetstone Phase 1 development.

In terms of alternative water resources for the area, indirect re-use from Tongaat WWTW through pumping to a furrow, from where water is abstracted and treated at Tongaat Water Treatment Plant (WTP) has been planned for the area. This project, together with the Western Aqueduct and Northern Aqueduct Augmentation Projects, have been planned to meet the anticipated increased demand in the northern areas of the municipality including Tongaat, Dube TradePort and Cornubia.

4.2 Motivation for the Preferred Site, Activity and Technology as per Section 3(g)

The preferred Site is the only alternative due to the applicant purchasing the property and already having received Environmental Authorisation for the larger development, including a filling station site.

In terms of the preferred layout, activity and technology, the underground fuel storage capacity has a smaller sub-surface footprint than that of the Alternative 2 fuel storage capacity. The preferred activity has incorporated the specialist and engineering recommendations such that it utilizes the developable area within the site in a safe and sustainable manner. Furthermore, the preferred activity has been developed by the project team, namely; project developer, engineers, town planners, environmental practitioners with consideration to site access, socio-economic potential, future growth of the area, general requirements for a development of this nature, and interest received from end users to date.

Furthermore, the proposed development:

- Is within a site already authorised for a filling station development;
- Is the best practicable socio-economic option for this land/site;
- The benefits of the proposed land use/development outweigh the negative impacts;
- Potential temporary and permanent employment opportunities will be offered to the local community;
- The local economy will be boosted through skills development and increased job and business opportunities;
- The proposed development is aligned with the planning initiatives for the area and is therefore considered a viable and sustainable development that will contribute to regional economic growth;
- The Development forms part of the Catalytic Projects that is driven by the eThekweni Municipality Strategic Planning Department; and
- The development will act as a catalyst for other similar developments and in turn will contribute to the upgrading of surrounding municipal infrastructure.

It is the opinion of the EAP that the environmental impacts have been considered in the preferred Alternative and that there are no significant environmental impacts that cannot be mitigated against. The preferred Alternative should be authorised.

5 SECTION 5: PUBLIC PARTICIPATION

PLEASE NOTE: AS THIS IS A PUBLIC PROCESS, ALL COMMENTS RECEIVED FROM THE PUBLIC WILL BE MADE PUBLICLY AVAILABLE, INCLUDING THE NAMES AND CONTACT DETAILS. THESE DETAILS WILL BE CAPTURED IN THE COMMENTS AND RESPONSES REPORT, AS WELL AS THE STAKEHOLDERS AND INTERESTED AND AFFECTED PARTIES DATABASE.

5.1 Notification of Interested and Affected Parties

- (a) *fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of—*
- (i) *the site where the activity to which the application or proposed application relates is or is to be undertaken; and*
 - (ii) *any alternative site;*

The PPP had commenced on 24 June 2021. An advert was published in the Coastal Weekly local newspaper and site notices were erected at the entrances of the filling station site. The notices detailed the proposed activity to increase the fuel storage capacity of the filling station, subject to a Basic Assessment process. Refer to Appendix E for proof of placement of the notice board.

- (b) *giving written notice, in any of the manners provided for in section 47D of the Act, to—*
- (i) *the occupiers of the site and, if the proponent or applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;*
 - (ii) *owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;*
 - (iii) *the municipal councillor of the ward in which the site and alternative site is situated and any organisation of ratepayers that represent the community in the area;*
 - (iv) *the municipality which has jurisdiction in the area;*
 - (v) *any organ of state having jurisdiction in respect of any aspect of the activity; and*
 - (vi) *any other party as required by the competent authority;*

With regards to Stakeholder and I&AP communications, all relevant authorities have been notified of the application and have been provided with copies of a Background Information Document (BID), as well as this Draft BAR. Refer to Appendix E - Proof of Notification and BID.

- (c) *placing an advertisement in—*
- (i) *one local newspaper; or*
 - (ii) *any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;*
- (d) *placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official Gazette referred to in paragraph (c)(ii); and*

Advertisements regarding *inter alia* the proposed project scope of works, location and details of locations and date for draft Basic Assessment Report review as well as details of EAP were placed in the Coastal Weekly local newspaper on the 24 June 2021. Refer to Appendix E–Proof of Placement of Advert.

Background Information Document

During the PPP, BID (including registration and comments forms) was distributed via email to identified stakeholders as well as other interested and affected parties (I&APs) on Friday, 24 June 2021. Refer to Appendix E – BID.

Public Meeting

No public meeting was held. It should be noted that all stakeholders who submit queries will be provided with responses largely by email, but also telephonically where required. The EAP also offers to meet with I&APs if they so wish.

Public Review of the Draft Basic Assessment Report

The DBAR (this document) is placed for public review for a period of 30 days 9 July 2021 to 10 August 2021, at the following venues:

- Canelands Library
- Triplo4 Sustainable Solutions office (Suite 5, The Circle, Douglas Crowe Drive, Ballito, 4420)
- www.triplo4.com

This draft Basic Assessment Report, inclusive of specialist reports and Environmental Management Programme (EMPr), has been distributed for comment following an application for environmental authorisation being submitted to the competent authority, the KwaZulu-Natal Department of Economic Affairs, Tourism and Environmental Affairs (EDTEA).

The distribution list includes the adjacent landowners, the Municipal Councillor of Ward 58, the Ratepayers Associations of Mount Moreland and La Mercy, the eThekweni Municipality and other relevant organs of state and stakeholders.

5.2 Authority Notification

A pre-application meeting was undertaken with EDTEA, prior to the submission of this draft BAR and submission of the application, on the on 12 January 2021 at 10H00 at the Department's district office in Durban. Please refer to Appendix J1 - EDTEA Pre-application Minutes of Meeting.

5.3 Registered Interested and Affected Parties

A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such a register to the competent authority, which register must contain the names, contact details and addresses of—

- (a) all persons who, as a consequence of the public participation process conducted in respect of that application, have submitted written comments or attended meetings with the proponent, applicant or EAP;

- (b) all persons who have requested the proponent or applicant, in writing, for their names to be placed on the register; and
- (c) all organs of state which have jurisdiction in respect of the activity to which the application relates.

The contact details of all I&APs that have registered or that were on previous databases for the Whetstone development have been provided in the I&AP Database in Appendix E7.

5.4 Comments and Responses Report

44. (1) The applicant must ensure that the comments of interested and affected parties are recorded in reports and plans and that such written comments, including responses to such comments and records of meetings, are attached to the reports and plans that are submitted to the competent authority in terms of these Regulations.
- (2) Where a person desires but is unable to access written comments as contemplated in subregulation (1) due to—
- (a) a lack of skills to read or write;
 - (b) disability; or
 - (c) any other disadvantage;
 - (d) reasonable alternative methods of recording comments must be provided for.

All concerns, comments, viewpoints and questions (collectively referred to as ‘issues’) will be documented and responded to adequately in a Comment and Response Report.

Refer to Appendix E8 – Issues Trail and I&AP Correspondence which includes the comments received up to the distribution of the draft BAR (this report) and the associated responses.

6 SECTION 6: IMPACT ASSESSMENT

6.1 Methodology to Determine and Rank Significance and Consequences of Impacts Associated with all Alternative as per Section 3(h)(vi)

2014 NEMA EIA Regulations (As Amended), Appendix 1- 3(H) (vi) the methodology used in determining and ranking the nature, significance, consequence, extent, duration and probability of potential environmental impacts and risks associated with the alternatives, (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 can be reversed, may cause irreplaceable loss of resources and can be avoided, managed and mitigated. Appendix 1- 3 (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- (i)- (ii). Appendix 1- 3 (J) an assessment of each identified potentially significant impact and risk (i)- (vii)

Scoring of Impacts	
Consequence	
Severity	1 – Insignificant / Non-harmful 2 – Small / Potentially harmful 3 – Significant / Slightly harmful 4 – Great / Harmful 5 – Disastrous / Extremely harmful
Duration	1 – Up to 1 month 2 – 1 month to 3 months 3 – 3 months to 1 year 4 – 1 to 10 years 5 – Beyond 10 years / Permanent
Spatial Scale	1 – Immediate, fully contained area 2 – Surrounding area 3 – Within local/town area 4 – Within municipal area 5 – Regional, National, International
Overall Consequence = (Severity + Duration + Extent) / 3	
Likelihood	
Frequency of the Activity	1 – Once a year or once / more during operation 2 – Once / more in 6 months 3 – Once / more a month 4 – Once / more a week 5 – Daily / hourly
Probability of the Incident / Impact	1 – Almost never / almost impossible 2 – Very seldom / highly unlikely 3 – Infrequent / unlikely / seldom 4 – Often / regularly / likely / possible 5 – Daily / highly likely / definitely
Overall Likelihood = (Frequency + Probability) / 2	
Overall Environmental Significance = Overall Consequence X Overall Likelihood	
Overall Environmental Significance:	
0 - 2.9	Very Low
3 - 4.9	Low
5 - 6.9	Medium - Low
7 - 8.9	Medium
9 - 10.9	Medium - High

Refer to the Impact Assessment Matrix- Appendix F

6.2 Impacts that may result from the Planning and Design, Construction, Operational, Decommissioning and Closure Phases as well as Proposed Management of Identified Impacts and Proposed Mitigation Measures

Provide a summary and anticipated significance of the potential direct, indirect and cumulative impacts that are likely to occur as a result of the planning and design phase, construction phase, operational phase, decommissioning and closure phase, including impacts relating to the choice of site/activity/technology alternatives as well as the mitigation measures that may eliminate or reduce the potential impacts listed. This impact assessment must be applied to all the identified alternatives to the activities.

Refer to Impact Assessment Matrix- Appendix F

6.3 Environmental Impact Statement as per Section 3(I)

Alternative S1 (preferred site) – Portions 249 and 774 of the Farm Cottonlands 1575 and Alternative A1 (preferred alternative) – combined fuel storage capacity of 180m³, incorporating specialist recommendations

The proposed filling station is situated on the north-eastern boundary of the Whetstone Phase 1 development, which has already been authorised and is currently being constructed. The site is zoned as “Activity Zone” which allows for a filling station. The proposed filling station site previously served as a vehicle salvage/scrap yard, it being occupied over the course of several years by numerous used and damaged cars. However, subsequent to the applicant receiving Environmental Authorisation, the earthworks for the Whetstone Phase 1 development have been carried out, with the filling station site having been cleared and the level site prepared through cutting and filling. There are no natural features on site and the site is currently bare.

The Basic Assessment considered relevant environmental aspects and impacts from the proposed development and proposed mitigation during the planning, construction and operational phases. Please refer to Appendix A - Layout Plan depicting proposed activity and its associated structures and infrastructure. The proposed site (S1) and layout alternative (A1) is recommended based on the following:

Planning Phase – Short Term Duration

- *Potential environmental impacts were identified and addressed during the Basic Assessment process. Capacities and availability of connection to bulk infrastructure were confirmed. The recommended layout and infrastructure considers the specialist recommendations, thus reducing the environmental impacts.*
- *Confirmation was obtained from the previous and current specialist studies that the site is has no sensitive areas and no significant environmental impacts will occur from a natural environmental perspective.*
- *The necessary approvals and authorisations will be obtained prior to construction commencing.*
- *The proposed layout has been designed to optimise the usage of space within the site without resulting in environmental impacts.*
- *The underground fuel storage tanks have been designed to industry specifications, with the required controls in place, to ensure no significant negative environmental impacts.*
- *The EMPr incorporated the layout and specialist recommendations to ensure that positive impacts be maximised and negative impacts be prevented or minimised.*

Construction Phase – Short Term Duration

- *The probable impacts on the biophysical environment (e.g. degradation or alteration to the flow regime, alteration of topography, erosion potential, pollution) can all be mitigated to Low to Medium Negative.*
- *The probable impacts of the dust, noise and visual disturbance, waste, pollution, contamination and stormwater management are Medium to High Negative but can all be mitigated to Low to Medium Negative.*
- *The minimal negative socio-economic impacts (i.e. pedestrian and commuters’ health and safety issues, traffic disturbance) can be mitigated to Medium-Low to Low, while the opportunity for temporary and permanent employment is considered a High Positive impact.*

Operation Phase – Long Term Duration

- *The probable negative impacts associated with the pollution of surface water are High but can be mitigated to Low.*
- *The negative impacts associated with erosion can be improved from Medium to Very Low with the implementation of the stormwater management plan and maintenance of infrastructure.*
- *The definitive impacts associated with improved social, environmental and economic opportunities through the provision of additional permanent employment opportunities are all considered High Positive impacts.*
- *The High impact of the waste and littering is mitigated to a Low impact by implementing good waste management practices.*
- *Congestion and traffic jams will have a High negative impact but can be mitigated to a Low impact.*
- *The High impact of contamination of groundwater can be mitigated to Medium-Low by installing and maintaining the tanks as per the protocols and manufacturer specifications, installing leak detectors and undertaking continuous monitoring.*

Summary of the positive and negative impacts:

Positive Impacts:

- Incorporation of specialist recommendations into the preferred layout.
- Economic contribution, especially to local economic development, as a result of the development through with the creation of temporary and permanent employment opportunities.
- The development will yield a positive contribution to the socio-economic value of the site and impact positively on surrounding property values.
- The Local Municipality would benefit via the proponent's contribution in rates and taxes owing to amenities provided for as part of the filling station site.

Negative Impacts:

- Neighbouring residents will have to endure potential nuisance-related impacts due to construction activity.
- There will be an increase in traffic associated with the filling station and amenities.
- There is the potential for groundwater contamination from leaking fuel storage tanks.

Alternative S2 (Not Applicable)

Direct impacts: / Indirect impacts: / Cumulative impacts

Alternative A2 (Not supported) – combined fuel storage capacity of 300m³

The A1 (preferred option) is supported in preference to the A2 alternative.

The underground fuel storage capacity will be 300m³. This alternative was initially conceived to meet future demand of the area. No layout had been proposed for this alternative. This alternative did not pass the planning phase as this alternative exceeds the required capacity as per market analysis and thus will not be financially feasible.

Summary of the positive and negative impacts:

Positive Impacts:

- Economic contribution, especially to local economic development, as a result of the development through with the creation of temporary and permanent employment opportunities.
- The development will yield a positive contribution to the socio-economic value of the site and impact positively on surrounding property values.
- The Local Municipality would benefit via the proponent's contribution in rates and taxes owing to amenities provided for as part of the filling station site.

Negative Impacts:

- Financial implications associated with exceeding the required capacity as per market analysis.
- Neighbouring residents will have to endure potential nuisance-related impacts due to construction activity.
- There will be a more significant increase in traffic associated with the smaller capacity filling station.

No-go alternative (compulsory)

The no-go alternative implies that the, <80m³ filling station will be constructed. This alternative also considered all the specialist and engineering recommendations. There was no layout that was proposed as part of the initial EIA which included the <80m³ filling station. This is not considered to be practical or desirable as the future residents and workers in the area will not be provided with the additional social amenities in the area, or the associated socio-economic opportunities.

- *Overall, the increased positive social (job opportunities) and economic, benefits for the local communities, limited residential and business opportunities are considered High Negative long-term impacts, which will persist at the site in the No-Go alternative.*

Of significance was that the filling station was only authorised for less than 80m³ of underground fuel storage capacity. This did not take into account the future growth of the area as determined in this application. The future growth in relation to the reduced capacity of this filling station could result in an increase in congestion and traffic in the immediate vicinity.

Thus, from a sustainability perspective, as per NEMA, considering the positive social, economic and environmental impacts and very limited negative environmental impacts that can be mitigated as per the layout and EMPr commitments, the no-go alternative is not supported.

Summary of the positive and negative impacts:

Positive Impacts:

- The economic contribution, especially to local economic development, as a result of the development through with the creation of temporary and permanent employment opportunities and the procurement of services and supplies.
- An increase to the property values of neighbouring properties as a result of the proposed development.

Negative Impacts:

- There will be nuisances associated with construction activities, such as dust, noise, influx of temporary labourers.
- There will be potential for environmental/pollution incidents arising from spills or leakage from the underground fuel storage tanks.
- The applicant will not realise an appropriate return from on its investment in the land purchased.
- No consideration of NEMA principles in terms of sustainable development for the project site.

Thus, from a sustainability perspective, as per NEMA, considering the positive social, economic and environmental impacts and very limited negative environmental impacts that can be mitigated as per layout and EMPr commitments, the no-go alternative is not supported.

6.4 Impact Management Measures from Specialist Reports for the Development for Inclusion in the EMPr as per Section 3(m)

2014 NEMA EIA Regulations (as amended), Appendix 1- 3(M) based on the assessment, and where applicable, impact management measures from specialist reports, the recording of the proposed impact management outcomes for the development for inclusion in the EMPr

The following outcomes must be considered for this project:

Outcomes:

- To encourage sustainable development and develop associated infrastructure in an environment that is healthy, suitable and sustainable for years to come.
- All construction work must comply with the conditions of the relevant authorisations, licences and permits.
- The implementation of the environmental management programme and environmental management on site.

- Environmental impacts are minimised through effective awareness and training for all construction staff including sub-contractors, service providers and suppliers.
- Environmental impacts are minimised in and surrounding the construction area;
- Impact on No-Go areas are avoided through effective demarcation and management of these areas.
- To avoid, prevent and manage any stormwater impacts.
- Impacts resulting from earthworks are managed and guided by specifications and material sourced from authorised sites.
- Impacts to soil, surface water and groundwater resources are avoided or minimised through the implementation of management actions
- All precautions are taken where possible to minimise the risk of injury or harm.
- Ensure that the underground fuel storage tanks are constructed, installed and maintained as per industry and manufacturer specifications.
- Ensure necessary checks and controls in place to prevent any leakages from the underground fuel storage tanks.

6.5 Assumptions, Uncertainties and Gaps in Knowledge relating to the Assessment and Mitigation Measures Proposed as per Section 3(o)

The information in this report is based on findings of several specialist and engineering studies. The layouts and engineering drawings of the proposed filling, have been provided to the EAP by the architect and engineer respectfully. The following assumptions and limitations relating to this assessment were identified:

- The underground fuel storage tanks will be constructed, installed and maintained as per industry and manufacturer specifications.
- The necessary checks and controls will be in place to prevent any leakages from the underground fuel storage tanks.
- The type of leak detection system that will be installed could not be finalised at the time of undertaking this Basic Assessment process.

6.6 Period for which Authorisation is required, Proposed Monitoring and Auditing and Post Construction Requirements as per Section 3(q)

2014 NEMA EIA Regulations (As Amended), Appendix 1- 3(Q) where the proposed activity does not include operational aspects, the period for which the environmental authorization is required, the date on which the activity will be concluded, and the post construction monitoring requirements finalized.

Based on the time required for the applicant to undertake all necessary Town Planning and Municipal processes governing the establishment of a filling station with an underground fuel storage capacity of 180m³; an estimated construction period of 2 years, and a rehabilitation and post-construction monitoring period of 2 years, it is recommended that the environmental authorization is granted for a period of 5 years.

Monitoring and oversight of the implementation of the EMPr (**Appendix G**) will be undertaken by an independent Environmental Control Officer (ECO). The findings and outcomes of these monitoring events will be recorded in and submitted to EDTEA on the frequency stipulated in the EMPr. These reports will also be made available to the environmental auditor when conducting annual environmental audit as required in terms of Regulation 34 at intervals as specified in the Environmental Authorisation.

It is recommended that an environment audit in terms of Regulation 34 be undertaken annually once construction has been completed and the operation of the filling station commences.

6.7 Financial Provisions as per Section 3(s)

2014 NEMA EIA Regulations (as amended), Appendix 1- 3(S) where applicable, details of any financial provisions for the rehabilitation, closure, and ongoing post decommissioning management of negative environmental impacts.

Not applicable.

6.8 EAP's Opinion on whether or not to Authorise the Activity and Recommendations & Conditions for Authorisation as per Section 3(n) and (p)

2014 NEMA EIA Regulations (as amended), Appendix 1- 3(N) any aspects which were conditional to the findings of the assessment either by EAP or specialist which are to be included as conditions of authorization and (P) a reasoned opinion as to whether the proposed activity should or should not be authorized, and if the opinion is that it should be authorized, any conditions that should be made in respect of that authorization.

The findings of the assessment show that it is possible to mitigate the identified impacts associated with the construction and operation of the proposed filling station and associated amenities to acceptable levels provided the recommended mitigation measures are implemented. These measures have been incorporated into the EMPr, which also makes provision for the monitoring and auditing thereof, as well as environmental awareness training for all persons who will be conducting the activity.

It is thus the EAP's considered opinion that the activity for which environmental authorisation is being sought, is authorised provided that it is undertaken in accordance with the preferred alternative (Alternative A1) on the preferred site (Alternative S1), subject to the following conditions:

- The authorisation holder must comply with the approved EMPr.
- All necessary permits / licenses should be obtained prior to commencement of construction.
- Operational audits be undertaken on an annual basis to ensure that the underground fuel storage tanks are not causing or creating the potential to cause negative environmental impacts.

7 SECTION 7: REFERENCES

ARUP (2021). Fuelling & Service Station, Whetstone Business Park, Ptn 8 (of 1) of Erf 147, Mount Moreland Tongaat, Site Traffic Assessment (STA).

DBA (2021). Re: Portion 8 (of 1) of Erf 147, Mount Moreland – Electrical Services Report Proposed Whetstone Filling Station.

DEA (2017). Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa

Drennan Maud (2021). Geohydrological Assessment for Proposed Whetstone Filling Station on Portion 8 (of 1) of Erf 147, Mount Moreland.

Drennan Maud (2021). Addendum: Geotechnical Assessment for Proposed Whetstone Filling Station on Portion 8 (of 1) of Erf 147, Mount Moreland.

Dube Trade Port (2020). Dube TradePort Special Economic Zone. Online via <https://www.dubetradeport.co.za/Pages/Company-Profile/Overview> [Accessed 11 February 2020]

EcoAgent (2014). An assessment of the vegetation ecology on the Farm Cottonlands 1575, Tongaat, KwaZulu-Natal.

El Mohamadi, A (2015). Final Environmental Impact Assessment Report for the Proposed Mixed Use Development on Portions 249, 774 (of 466) and the Remainder of Portion 247 all of the Farm Cotton Lands No. 1575, eThekweni Municipality, Province of KwaZulu-Natal (EDTEA REF NUMBER: DM/0012/2014)

eThekweni Municipality (2017). Municipal Spatial Development Framework 2017/2018 – 2021/2022.

eThekweni Municipality (2017). eThekweni Municipality Integrated Development Plan - 5 Year Plan: 2017/18 to 2021/22.

eThembeni Cultural Heritage (2014). Phase 1 Heritage Impact Assessment Report: Proposed Mixed Use/ Industrial development on Portions 249, 774 (of 466) and Remainder of Portion 247 all of the Farm Cotton Lands No. 1575, Tongaat, eThekweni Metropolitan Municipality, KwaZulu-Natal.

KwaZulu-Natal Provincial Planning Commission (2016). Provincial growth and development strategy – 2035.

May Houseman and Associates (2014). Report on Engineering Services Pertaining To Roads, Stormwater Control and Disposal, Sewage Disposal and Water Supply for Whetstone Mixed Use Development, Cedar Point Trading (Pty) Limited on Portion 249 and 744 (of 466) and Rem of Ptn 247 of the Farm Cottonlands No 1575.

May Houseman and Associates (2021a). Addendum to "Report on Engineering Services Pertaining To Roads, Stormwater Control and Disposal, Sewage Disposal and Water Supply" for Whetstone Mixed Use Development, Cedar Point Trading (Pty) Limited.

May Houseman and Associates (2021b). Engineering Report on Stormwater Attenuation for Proposed Petrol Port at Ptn 8 (of) of Erf 147 Mount Moreland for, Cedar Point Trading 20 (Pty) Limited.

SNA Consulting Electrical Engineers (2014). Environmental Scoping Report for the Proposed Mixed Use Development on Portions 249, 774 (of 466) and the Remainder of Portion 247 all of the Farm Cottonlands No. 1575. eThekweni Municipality, Province of KwaZulu-Natal: Electrical Services Report.

Terra Soil Science (2016). Hydropedology and Wetland Management and Impact Assessment Report: Portions 249, 774 (of 466) and Remainder of Portion 247 of the Farm Cotton Lands No. 1575 in the KwaZulu-Natal Province.