



FINAL ENVIRONMENTAL IMPACT REPORT FOR THE APPLICATION FOR RECTIFICATION IN TERMS OF SECTION 24G(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998, AS AMENDED

FOR

**HEAVY VEHICLE PARKING DEPOT – LYDENBURG
(PORTION 42 OF THE FARM ROOIDRAAI 34 JT)**

Ref nr: 17/2/S24G-03/2022/23

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[\(Amendments to the Draft EIAR have been indicated in blue for ease of reference\)](#)

REPORT DETAILS

Title:	Final Environmental Impact Report for the application for rectification in terms of Section 24G(1) of the National Environmental Management Act 107 of 1998, as amended for Heavy Vehicle Parking Depot - Lydenburg
Purpose of this report	<p>The EIR provides the following information:</p> <ul style="list-style-type: none"> • Introduction • Background to the Development • Description of the site and activity • Public Participation • Description of the Environment • Environmental Impact Assessment • Environmental Impact Statement • Recommendations <p>This EIR is the Final Version to be submitted to the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (MDARDLEA).</p>
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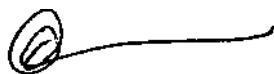
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I, Delia de Lange declare under oath that of –
The correctness of the information provided in the reports;
The inclusion of comments and inputs from stakeholders and I&AP's;
The inclusion of inputs and recommendations from the specialist reports where relevant;
Any information provided by the EAP to interested and affected parties and any responses by the EAP to comments or inputs by interested and affected parties.



Signature

October 2022

Date

Executive Summary

Introduction

Lion Valley Fuel Depot appointed Lokisa Environmental Consulting CC (as independent environmental consultants), to submit an application for the rectification for the commencement of a listed, or specified activity, without an environmental authorisation in contravention of Section 24F(1) of NEMA (as amended).

The illegal activities commenced with has been identified as:

Activity 27 of Listing Notice 1: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation; and

Activity 12 of Listing Notice 3: The clearance of an area of 300 square metres or more of indigenous vegetation. f. Mpumalanga. i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; or iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning or proclamation in terms of NEMPAA.

An area of 3.5 ha was cleared of indigenous vegetation as the first step in preparation of the construction of a Heavy Vehicle Parking Depot and Overnight Parking Facility.

Project Description

The proposed Heavy Vehicle Parking Depot will cover ±3.8 ha of the property and will consist of the following:

- Fuelling facility (1 x 23m³ diesel fuel tank for refuelling of overnighting trucks only) / Maintenance workshop ±256m²
- Food store/refreshments ±18m²
- Ablution facilities ±36m²
- Proposed parking facilities for heavy vehicles

A new access road is proposed from the P171/1 (R577).

The remainder of the site being 6.07 ha is to be developed for cultivation of crops. This area has not been cleared of indigenous vegetation and will be addressed in a separate application.

No previous offence was committed by the applicant in terms of any Environmental Legislation.

Site attributes

The project site is situated on Portion 42 of the farm Rooidraai 34 JT, Thaba Chweu Local Municipality, Mpumalanga Province. The project site is approximately 3.8km south west of Lydenburg (Mashishing), approximately 100m north of the R540 and directly south of the R577.

The project site forms part of a larger farm portion and the remaining portion of the farm is in its natural state.

Regulatory Environmental Requirements

The Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (MDARDLEA) is the lead authority carrying out the authorisation process in terms of Section 24G of the National Environmental Management Act (Act No. 107 of 1998, "NEMA") (as amended).

An application for the continuation of the listed activities, which commenced unlawfully, was submitted to MDARDLEA on 29 April 2022. An acknowledgement letter was received on 26 May 2022.

Environmental Impact Report (EIR)

In line with the requirements of the Department, this EIR provides a description of the environment and the activity associated with the project, Public Participation Process (PPP), as well as the way forward in the form of recommendations and an Environmental Management Programme (EMPr).

Public Participation

Preliminary Public Participation was undertaken in accordance with Regulation 8 prior to the submission of the Application in order to notify the public of the intention of the Applicant to submit a Section 24G Application.

Lokisa Environmental Consulting CC conducted further Public Participation during August 2022 and the aim was to ensure that the full range of stakeholders were informed about the application.

All I&AP's were notified of the availability of the Draft EIR during August 2022.

[All I&AP's were notified of the availability of the Final EIR during September 2022.](#)

Conclusion

This EIR provides a description of the activity undertaken on site and addresses the impacts identified for the activity that has already taken place as well as those anticipated for the permanent development, as well as providing mitigation measures to ensure for the environmentally sustainable development of the site.

The findings conclude that there are no significant environmental fatal flaws that could prevent the proposed development to proceed, if the mitigation and management measures contained in the EMPr are implemented.

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Definitions

Activity	Means an activity identified in any notice published by the Minister or MEC in terms of section 24D(1)(a) of the Act as a listed activity or specified activity (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));
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 the – (a) property on which or location where the activity is proposed to be undertaken; (b) type of activity to be undertaken; (c) design or layout of the activity; (d) technology to be used in the activity; (e) operational aspects of the activity; and includes the option of not implementing the activity (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));
Applicant	See 'Proponent'
Biodiversity	The diversity of animals, plants and other organisms found within and between ecosystems, habitats, and the ecological complexes.
Construction	The building, erection or establishment of a facility, structure or infrastructure that is necessary for the undertaking of a listed or specified activity but excludes any modification, alteration or expansion of such a facility, structure or infrastructure and excluding the reconstruction of the same facility in the same location, with the same capacity and footprint.
Cumulative Impact	In relation to an activity, means the past, current and reasonably foreseeable future impact of an activity, considered together with the impact of activities associated with that activity, that in itself may not be significant, but may become significant when added to the existing and reasonably foreseeable impacts eventuating from similar or diverse activities (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));
Decommissioning	Means to take out of active service permanently or dismantle partly or wholly, or closure of a facility to the extent that it cannot be readily re-commissioned (GN R.983 of NEMA, 1998 (Act No. 107 of 1998));
Development	Means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, including any associated post development monitoring but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint (GN R.983 of NEMA, 1998 (Act No. 107 of 1998));
Direct Impact	Impacts that are caused directly by the activity and generally occur at the same time and at the same place of the activity. These impacts are usually associated with the construction, operation or maintenance of an activity and are generally quantifiable.
Ecosystem	A dynamic system of plant, animal (including humans) and micro-organism communities and their non-living physical environment interacting as a functional unit. The basic structural unit of the biosphere, ecosystems are characterised by interdependent interaction between the component species and their physical surroundings. Each ecosystem occupies a space in which macro-scale conditions and interactions are relatively homogenous
Environment	Means the surroundings within which humans exist and that are made up of - (i) the land, water and atmosphere of the earth; (ii) micro-organisms, plant and animal life;

	(iii) any part or combination of (i) of (ii) and the interrelationships among and between them; and
	(iv) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and wellbeing (NEMA, 1998 (Act No. 107 of 1998));
Environmental Assessment Practitioner (EAP)	Means the individual responsible for planning, management and coordination of environmental impact assessments, strategic environmental assessments, environmental management plans or any other appropriate environmental instrument introduced through regulations (NEMA, 1998 (Act No. 107 of 1998) as amended);
Environmental Authorisation	Means the authorisation by a competent authority of a listed activity in terms of the Act (NEMA, 1998 (Act No. 107 of 1998) as amended);
Environmental Impact	Change to the environment (biophysical, social and/ or economic), whether adverse or beneficial, wholly or partially, resulting from an organisation's activities, products or services.
Environmental Impact Assessment	Means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and S&EIR (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));
Environmental Issue	A concern raised by a stakeholder, interested or affected parties about an existing or perceived environmental impact of an activity.
Environmental Management	Ensuring that environmental concerns are included in all stages of development, so that development is sustainable and does not exceed the carrying capacity of the environment.
Environmental Management Programme (EMPr)	A detailed plan of action prepared to ensure that recommendations for enhancing or ensuring positive impacts and limiting or preventing negative environmental impacts are implemented during the life cycle of a project. This EMPr focuses on the construction phase, operation (maintenance) phase and decommissioning phase of the proposed project.
Fatal Flaw	Issue or conflict (real or perceived) that could result in developments being rejected or stopped. In the context of an environmental impact assessment a fatal flaw can be termed as an environmental issue that cannot be mitigated by any means
General Waste	Means waste that does not pose an immediate hazard or threat to health or to the environment, and include – (a) domestic waste; (b) building and demolition waste; (c) business waste; and (d) inert waste (NEM:WA, 2008 (Act No. 59 of 2008));
Groundwater	Water in the ground that is in the zone of saturation from which wells, springs, and groundwater run-off are supplied.
Hazardous Waste	Means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment (NEM:WA, 2008 (Act No. 59 of 2008));
Hydrology	The science encompassing the behaviour of water as it occurs in the atmosphere, on the surface of the ground, and underground.
Important areas	Sites that are important for the conservation of biodiversity in Limpopo;
Indigenous Vegetation	Refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years (GN R.983 of NEMA, 1998 (Act No. 107 of 1998));
Indirect Impacts	Indirect or induced changes that may occur as a result of the activity. These types of impacts include all of the potential impacts that do not manifest immediately when the activity is undertaken or which occur at a different place as a result of the activity.
Integrated Environmental Management	A philosophy that prescribes a code of practice for ensuring that environmental considerations are fully integrated into all stages of the development and decision making process. The IEM philosophy (and principles) is interpreted as applying to the planning, assessment, implementation and management of any proposal (project, plan,

	programme or policy) or activity - at local, national and international level – that has a potentially significant effect on the environment. Implementation of this philosophy relies on the selection and application of appropriate tools for a particular proposal or activity. These may include environmental assessment tools (such as strategic environmental assessment and risk assessment), environmental management tools (such as monitoring, auditing and reporting) and decision-making tools (such as multi-criteria decision support systems or advisory councils).
Interested and Affected Party (I&AP)	Any person, group of persons or organisation interested in or affected by an activity; and any organ of state that may have jurisdiction over any aspect of the activity.
Irreplaceable Areas	Sites, which are essential in meeting targets set for the conservation of biodiversity in Limpopo;
Limpopo Conservation Plan	Means a systematic conservation planning tool delineating biodiversity priority areas representative of biodiversity pattern, process and species of special concern, which areas have been identified in three broad categories; namely, Critical Biodiversity Areas (CBAs), Ecological Support Areas (ESAs) and Protected Areas (GN R.985 of NEMA, 1998 (Act No. 107 of 1998));
Linear activity	Means an activity that is arranged in or extending along one or more properties and which affects the environment or any aspect of the environment along the course of the activity, and includes railways, roads, canals, channels, funiculars, pipelines, conveyor belts, cableways, power lines, fences, runways, aircraft landing strips, and telecommunication lines (GN R.983 of NEMA, 1998 (Act No. 107 of 1998));
Maintenance	means actions performed to keep a structure or system functioning or in service on the same location, capacity and footprint (GN R.983 of NEMA, 1998 (Act No. 107 of 1998));
Mitigation	Means to anticipate and prevent negative impacts and risks, then to minimise them, rehabilitate or repair impacts to the extent feasible (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));
No-Go Option	In this instance the proposed activity would not take place, and the resulting environmental effects from taking no action are compared with the effects of permitting the proposed activity to go forward.
Proponent	Means a person intending to submit an application for environmental authorisation and is referred to as an applicant once such application for environmental authorisation has been submitted (GN R.985 of NEMA, 1998 (Act No. 107 of 1998));
Public Participation Process	A process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.
Rehabilitation	A measure aimed at reinstating an ecosystem to its original function and state (or as close as possible to its original function and state) following activities that have disrupted those functions.
Sensitive Environments	Any environment identified as being sensitive to the impacts of the development.
Significance	Significance can be differentiated into impact magnitude and impact significance. Impact magnitude is the measurable change (i.e. magnitude, intensity, duration and likelihood). Impact significance is the value placed on the change by different affected parties (i.e. level of significance and acceptability). It is an anthropocentric concept, which makes use of value judgements and science-based criteria (i.e. biophysical, social and economic).
Significant Impact	Means an impact that may have a notable effect on one or more aspects of the environment or may result in non-compliance with accepted environmental quality standards, thresholds or targets and is determined through rating the positive and negative effects of an impact on the environment based on criteria such as duration, magnitude, intensity and probability of occurrence (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));

Specialist	Means a person that is generally recognised within the scientific community as having the capability of undertaking, in conformance with generally recognised scientific principles, specialist studies or preparing specialist reports, including due diligence studies and socio-economic studies (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));
Stakeholder Engagement	The process of engagement between stakeholders (the proponent, authorities and I&APs) during the planning, assessment, implementation and/or management of proposals or activities.
Sustainable Development The Act	Development which meets the needs of current generations without hindering future generations from meeting their own needs. Means the National Environmental Management Act, 1998 (Act No. 107 of 1998) (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));
Urban Areas	Means areas situated within the urban edge (as defined or adopted by the competent authority), or in instances where no urban edge or boundary has been defined or adopted, it refers to areas situated within the edge of built-up areas (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));
Waste	Means any substance whether or not that substance can be reduced, re-used, recycled and recovered – <ul style="list-style-type: none"> (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of; (b) which the generator has no further use of for the purpose of production; (c) that must be treated or disposed of; or (d) that is identified as a waste by the Minister by notice in the Gazette; and includes waste generated by the mining, medical or other sector, but – <ul style="list-style-type: none"> (i) a by-product is not considered waste; and (ii) any portion of waste, once re-used, recycled and recovered, ceases to be waste (NEM:WA, 2008 (Act No. 59 of 2008));
Watercourse	Means - <ul style="list-style-type: none"> (a) a river or spring; (b) a natural depression in which water flows regularly or intermittently; (c) a wetland, lake or dam into which, or from which, water flows; and (d) any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));
Wetland	Means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil (GN R.982 of NEMA, 1998 (Act No. 107 of 1998));

Abbreviations

BID	Background Information Document
BSc	Bachelor of Science
CC	Close Corporation
C-Plan	Conservation Plan Version
CBA	Critical Biodiversity Area
DWS	Department of Water and Sanitation
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
EIR	Environmental Impact Report
EMPr	Environmental Management Programme
ESA	Ecological Support Area
Ha	Hectares
I&AP's	Interested and Affected Parties
Km	Kilometres
LDO's	Land Development Objectives
m	Metres
MDARDLEA	Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs
NEMA	National Environmental Management Act (Act No. 107 of 1998)
NEM:WA	National Environmental Management: Waste Act (Act No. 59 of 2008)
OHSA	Occupational Health and Safety Act
PPE	Personal Protective Equipment
PPP	Public Participation Process
(Pty) Ltd	Proprietary Limited
SAHRA	South African Heritage Resources Agency
SDF	Spatial Development Framework
ToR	Terms of Reference

1. Introduction

Lion Valley Fuel Depot appointed Lokisa Environmental Consulting CC (as independent environmental consultants), to submit an application for the rectification for the commencement of a listed, or specified activity, without an environmental authorisation in contravention of Section 24F(1) of NEMA (as amended).

The illegal activities commenced with has been identified as:

Activity 27 of Listing Notice 1: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation; and

Activity 12 of Listing Notice 3: The clearance of an area of 300 square metres or more of indigenous vegetation. f. Mpumalanga. i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; or iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning or proclamation in terms of NEMPAA.

An area of 3.5 ha was cleared of indigenous vegetation as the first step in preparation of the construction of a Heavy Vehicle Parking Depot and Overnight Parking Facility.

Clearance of the site was halted when the applicant was informed that Authorisation is required in terms of NEMA. The Heavy Vehicle Parking Depot on 3.8 ha (once developed) is to consist of the following buildings:

- Fuelling facility/ Maintenance workshop ± 256m²
- Food store/refreshments ± 18m²
- Ablution facilities ±36m²

The project site is situated on Portion 42 of the farm Rooidraai 34 JT, Thaba Chweu Local Municipality. Mpumalanga Province. The project site is approximately 3.8km south west of Lydenburg (Mashishing), approximately 100m north of the R540 and directly south of the R577.

The coordinates for the project site are: 25° 7'37.99"S; 30°24'36.20"E (Lat: -25.127219°; Long: 30.410056°)

LOCALITY PLAN

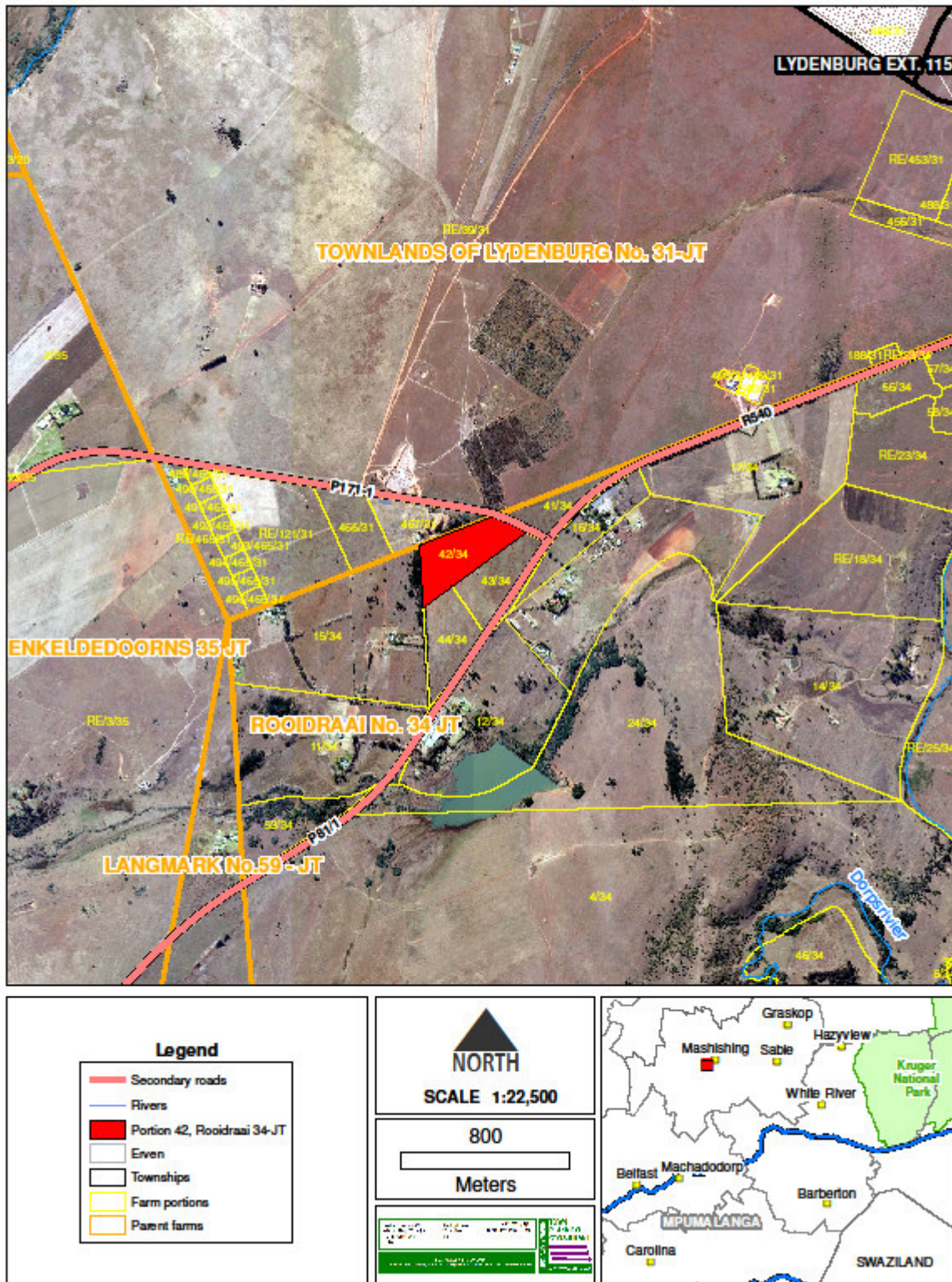


Figure 1 : Locality Map

The Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (MDARDLEA) is the lead authority carrying out the authorisation process in terms of Section 24G of the National Environmental Management Act (Act No. 107 of 1998, "NEMA") (as amended). Lokisa submitted an application form and supporting documentation to MDARDLEA on 29 April 2022.

This Environmental Impact Report contains the following information:

- Introduction
- Background to the Development
- Description of the site and activity
- Public Participation
- Description of the Environment
- Environmental Impact Assessment
- Environmental Impact Statement
- Recommendations

2. Background

2.1. Background to the development

The applicant, Lion Valley Fuel Depot, cleared an area of 3.5 ha in preparation of the construction of a Heavy Vehicle Parking Depot and Overnight Parking Facility. 1 Ha was cleared by the adjacent land owner and 2.5 ha was cleared by the applicant.

During 2020 the Thaba Chweu Local Municipality instructed their Roads and Stormwater Manager to look at ways to deal with the truck damage problems within the municipality. The investigation suggested that heavy vehicles should be diverted out of the town in order to stop infrastructure damages. An alternative route to bypass the town was proposed.

The municipality then intervened by re-routing heavy vehicles out of town to stop the infrastructure damage. They have promulgated the Thaba Chweu By-laws relating to Traffic and Crime Prevention. These by-laws were approved and adopted by the Municipal Council on 28 February 2018 under resolution no. A13/2018. They were formally gazetted as Provincial Notice 56 of 2019 in Government Gazette no. 3031 on 5 April 2019.

In terms of the by-laws a heavy vehicle means: (a) A vehicle with a gross weight registration exceeding ten thousand (10,000) kilograms, or (b) A vehicle, including any combination of motor vehicle, trailer, machinery, equipment and load, with a total weight exceeding ten thousand (10,000) kilograms".

2.2. Need and Desirability

While a fair amount of investment is being made by various stakeholders to upgrade the country's rail networks so as to be sufficient to meet future demand, currently the transport of goods and services is still largely reliant on road transport.

In the article "A heavy goods vehicle fleet forecast for South Africa" published in June 2018 the results in the study confirmed the dependence of the South African economy on the road transport industry. Road transport demand showed positive tonne/km growth across the defined modal shift scenarios during the forecast period up to 2030 (Havenga, J.H., Le Roux, P.P.T. & Simpson, Z.P., 2018, 'A heavy goods vehicle fleet forecast for South Africa', Journal of Transport and Supply Chain Management 12(0), a342. <https://doi.org/10.4102/jtscm.v12i0.342>)

Furthermore, over the last couple of years the area has also become more commercial and industrial in nature with the president for the change in land use being created by similar or related land uses.

In terms of the the Thaba Chweu By-laws relating to Traffic and Crime Prevention, heavy vehicles such as mine cargo may no longer travel on the municipal roads Voortrekker Street and Viljoen Street in Lydenburg Town and have no choice but to use the provincial or district roads and the by-pass route. Signage to this effect has also been erected along the roads.

This has directly affected the Applicant who owns and operates [PPS Lydenburg which has been in operation since 2006 and that is situated in 11 De Clerq Street, Lydenburg.](#)

This has furthermore left the truck drivers without the possibility and opportunity to take a break and rest in a secure environment - there have been reports of muggings and attacks on truck drivers as they rest on the Provincial roads. Additionally they have been forced to make use of adjacent road areas for comfort breaks.

The Applicant acquired the proposed project site as an alternative location to establish the Heavy Vehicle Parking Depot in order to continue to provide a much needed service to its existing clients.

The provision of a Heavy Vehicle Parking Depot will provide the drivers and their employers with the knowledge that they will not be high-jacked or attacked while sleeping by the side of the road and that their needs are humanely met. Access to safe overnight parking and driver amenities would provide great additional benefits to customers as well as the transport industry as a whole.

3. Description of the Site and Activity

3.1. Description of the site

The study site, being Portion 42 of the Farm Roodraai 34 JT, is 9.8788 ha in extent and is currently vacant.

3.2. Description of the Activity conducted on site

The activity commenced with entails the clearance of indigenous vegetation. An area of 3.5ha was cleared of indigenous vegetation during March 2022 as the first step in preparation for the construction of a Heavy Vehicle Parking Depot and Overnight Parking Facility. 1 Ha was cleared by the adjacent land owner in preparation for the construction of a filling station on Portion 43 of the farm Roodraai 34 JT and 2.5 ha was cleared by the applicant as per the image below.



Figure 2: Clearance of the Site

3.3. Description of the Proposed Development

3.3.1. Components of the proposed development

The proposed Heavy Vehicle Parking Depot will cover ±3.8 ha of the property and will consist of the following:

- Fuelling facility (1 x 23m³ diesel fuel tank for refuelling of overnighting trucks only) / Maintenance workshop ±256m²
- Food store/refreshments ±18m²
- Ablution facilities ±36m²
- Proposed parking facilities for heavy vehicles

As a result of the Thaba Chweu By-laws relating to Traffic and Crime Prevention, which restricts heavy vehicle access to Mashishing, the Applicant acquired the proposed project site as an alternative location to establish the Heavy Vehicle Parking Depot in order to continue to provide a much needed service to its existing clients.

The proposed facility will provide safe and convenient overnight parking mainly for the Applicants clients e.g. VR Cargo, a Transport Contractor, who will rent and utilise the facility. Passing by trucks will however be able to make use of the facility.

A 23m³ diesel fuel tank for refuelling of the tenants trucks is proposed for the facility. No fuel will be sold at this stage.

The remainder of the site being 6.07 ha is to be developed for cultivation of crops. This area has not been cleared of indigenous vegetation and will be addressed in a separate application.



- ✘ Existing / Proposed Access
- Ⓟ Existing Borehole
- Proposed Sewerage Tanks
- ✘ — Proposed 5m Building Line
- - - 95m building restriction line
- ContoursWGS
- Provincial Road
- ▨ 40m Road Reserve
- ▭ Application Site
- Fuelling facility / Maintenance workshop ± 256m²
- Proposed Food Store / Refreshments ±18m²
- Proposed ablution facilities ±36m²
- Proposed parking facilities for heavy vehicles

Figure 3: Proposed Development Layout

3.3.2. Traffic

A new access road is proposed from the P1711/1 (R577) as per the image below and the area has been cleared.

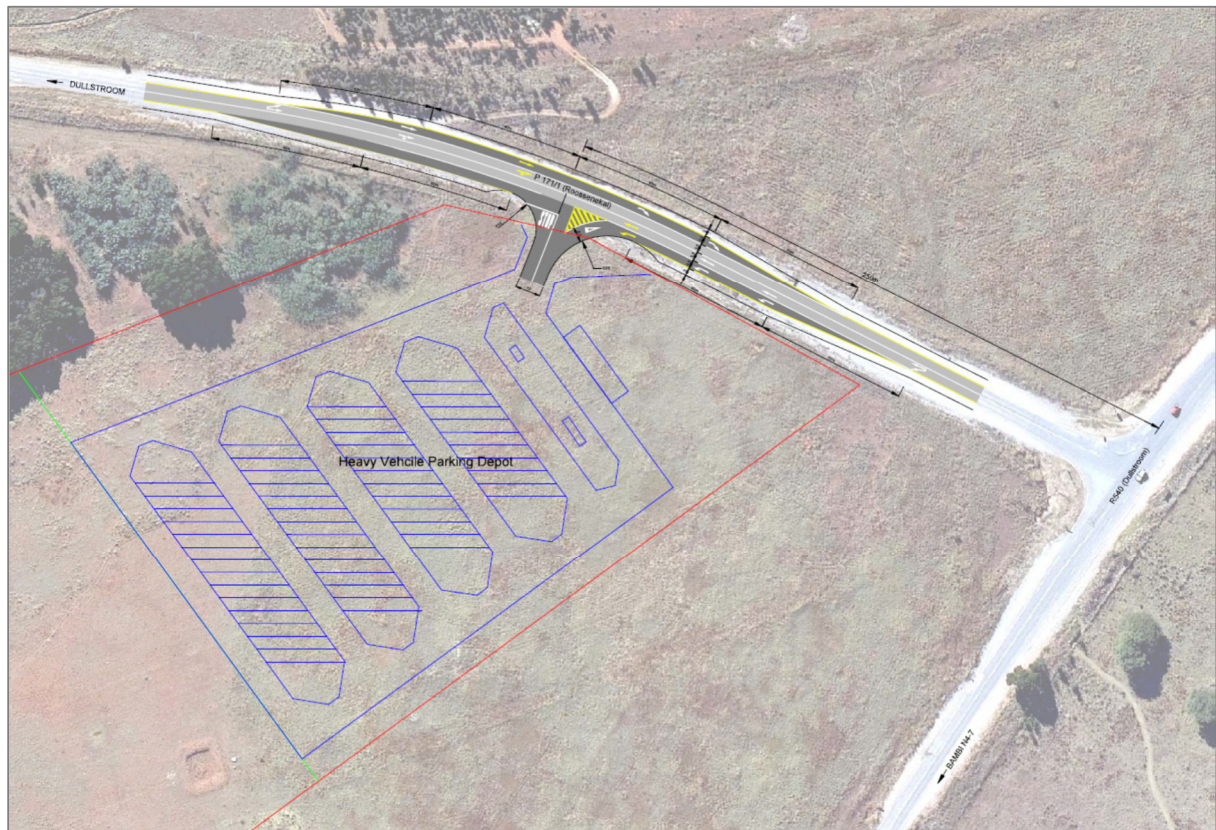


Figure 4: Proposed new access road

The proposed Heavy Vehicle Parking Depot will be mostly a trip interceptor, with limited trip generation,

The Traffic Impact Study is included under Appendix F.

3.3.3. Services

Conservancy tanks will be provided to accommodate effluent and water storage in the form of JoJo tanks will be provided. Stormwater separation and oil traps will furthermore be provided.

The Engineering Services Report is included under Appendix F

3.3.3.1. External Bulk Water Supply

A borehole situated on the property used for irrigation purposes was tested and the borehole can sustain a maximum delivery of 7,540 kℓ/day. The calculated Total Water Demand is 1,86 kℓ/day, which is below the borehole capacity and the borehole will therefore be able to provide water for the proposed development.

Two 10 kℓ storage tanks on elevated stands will be erected at the borehole for bulk water storage facility. Continuous monitoring of the water quality will be done by the developer to ensure compliance to the minimum standards.

3.3.3.2. Internal Water Reticulation

The internal water reticulation system will consist of HDPE pipes of sufficient capacity and strength installed from the bulk water storage facility located at the borehole. It will be designed to cater for the peak demand. Provision will be made for elements such as fire hydrants, scour valves, air valves and isolation valves. Initially the internal water reticulation system will be maintained by the developer.

3.3.3.3. External Sewerage Systems

Currently there is no Municipal sewer reticulation system in the area. All the properties in the immediate vicinity as well as the property to be developed use on-site sanitation systems. It is proposed that the development uses an on-site conservancy tank system as the use of septic tanks with soak away French drains is not acceptable in view of possible contamination of groundwater sources.

3.3.3.4. Internal Sewerage Reticulation

The Ablution and other facilities with grey water outlet system will be connected to a Conservancy tank system with adequate capacity. The developer will appoint and enter into an agreement with a specialist service provider to empty the conservancy tank as and when required.

3.3.3.5. Stormwater Drainage

Stormwater will be accommodated above surface in the road prism as far as possible. Provision will be made for subsurface stormwater drainage pipes where required to the standards prescribed in the New Red Book.

A Stormwater Management Plan to be compiled and submitted together with building plans for approval. The objective of a Storm Water Management Plan should be to manage the storm water resources to:

- Prevent flood damage or concentration of run-off,

- Divert storm water and surface run-off from buildings, roads and the parking areas into a piped system with sand, oil and grease traps before it flows into bio swales or a stormwater attenuation pond.
- Protect and cause the least impact on the existing environment.

It is proposed that the parking areas layer works will be constructed to form a tanked system which is lined with either LDPE or HDPE impervious membranes to create a 'tank' and thereby capture and store the water for reuse in grey water and irrigation systems. The impervious membrane is required to restrict water from entering the subgrade and thereby preserve groundwater quality integrity of this layer. The stormwater generated on the parking areas are expected to be contaminated by diesel and oil spillage from the parked Heavy vehicle trucks.

3.3.3.6. Refuse Removal

The Thaba Chweu Local Municipality is currently not providing a refuse removal service to the area where the development is situated. Arrangements will be made with Private Sector for weekly collection of domestic, hazardous and solid waste and transportation thereof to approved waste disposal sites.

3.3.3.7. Electrical Services

Renewable energy system consisting of photovoltaic (PV) technology will be installed to provide energy (electrical services) for the proposed development.

3.4. Surrounding Land Uses

The surrounding land uses consist mainly of low density residential, agriculture, commercial and industrial related activities.

An area to the north west of the site is being utilized as a landfill site and a brick works is situated approximately 1km to the west of the site.

The Lydenburg Nature Reserve is situated directly north of the project site and the closest watercourses to the study site are tributaries of the Dorpsrivier situated approximately 95m and 600m north and south-east of the project site respectively.

The below and use survey is an extract from the MOTIVATION IN ACCORDANCE WITH SECTION 90(2)(d) READ WITH SECTION 66 OF THE THABA CHWEU SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 – THABA CHWEU AMENDMENT SCHEME 58/2018 - REZONING OF PORTION 42 (A PORTION OF PORTION 16) OF THE FARM ROOIDRAAI 34 JT. August 2022 . Liezl van Niekerk Town Planning.

The application property has 4 abutting properties and 1 property opposite the provincial road.

o Portion 41 is situated opposite the provincial road and is currently vacant. Enquiries made to the local municipality revealed that land use rights for a truck stop has been granted and that the land use rights are yet to be promulgated. No development has commenced. It is contended that the proposed Truck Stop and Heavy Vehicle Parking Area to be situated on Portion 42 is mainly for the applicant's own customers and the locality was determined by the need for the project. The fact that similar land use rights was granted on Portion 41 indicates that the area has strategic benefits for transportation orientated land uses and that the proposed land use rights will not be in conflict with the current development trends.

o Portion 43 is situated directly adjacent to the application property, and shares a common boundary along the south-eastern boundary. It has obtained land use rights for a public garage, place of refreshment, a convenience store and an ATM. The development has not commenced but a small informal container known as Mashishing Truck Stop currently occupies the land. The proposed application is not for the establishment of another similar public garage, but for the establishment of a Truck Stop and Heavy Vehicle Parking Area with associated services to predominantly existing truck company customers of the applicant.

o Portion 467 of the farm Townlands of Lydenburg is situated directly adjacent to the application property, and shares a common boundary along the northern boundary. It has a residential/ agricultural orientation, and a restaurant building have recently been constructed. The restaurant is not yet operational. The farm residence is situated further west from the proposed Truck Parking Area, and except for a possible noise impact, it is highly unlikely that there will be a negative land use impact on Portion 467.

o Portion 15 of the farm Rooidraai 34 JT is situated directly adjacent to the application property, and shares a common boundary along the western boundary. It has an agricultural orientation. A nursery is being operated on the property. The property gains access along the P81-1 Dullstroom Road. A lane of well-established trees forms a natural buffer with the application property. This, together with the fact that the western part of the application property will remain for agriculture use, will ensure that the proposed Truck Stop and Heavy Vehicle Parking Area will have a minimum land use impact on Portion 15.

o Portion 44 of the farm Rooidraai 34 JT is situated directly adjacent to the application property, and shares a common boundary along the south-western boundary. The property gains access along the P81-1 Dullstroom Road and is currently vacant. It is highly unlikely that the proposed Truck Stop and Heavy Vehicle Parking Area will have any land use impact on Portion 44.

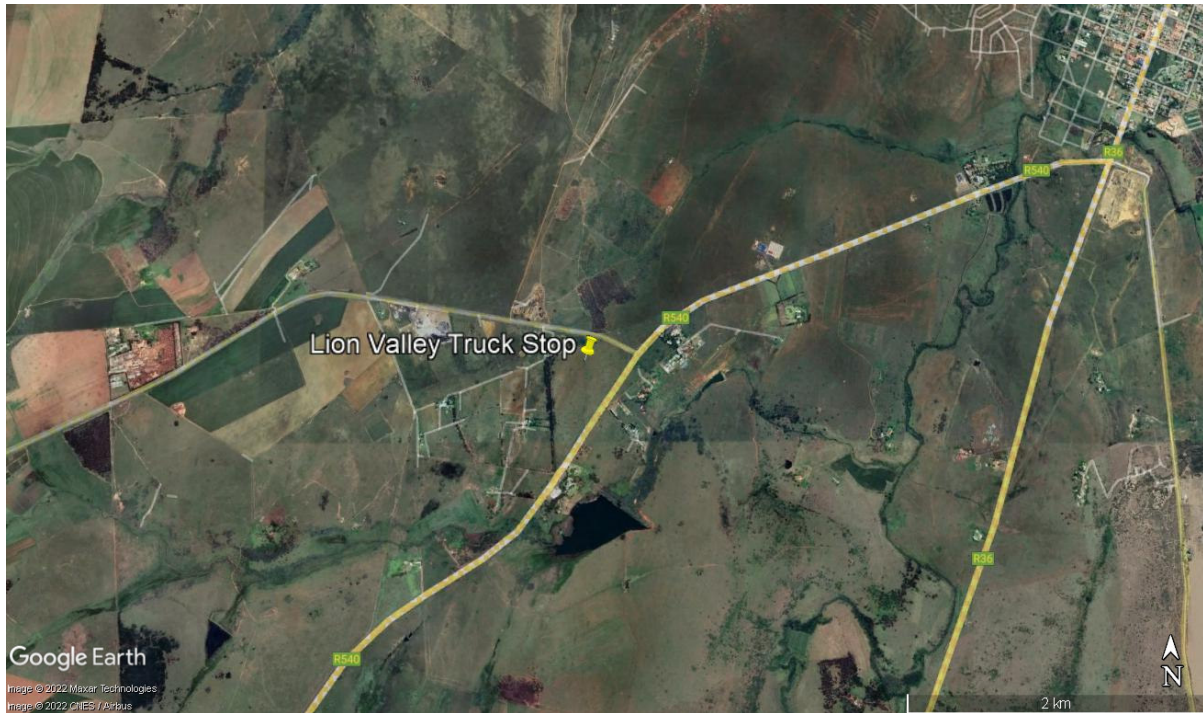


Figure 5 : Site in relation to surrounding land uses

4. Public Participation

4.1. Preliminary Public Participation Process (PPP)

Preliminary Public Participation was undertaken in accordance with Regulation 8 prior to the submission of the Application in order to notify the public of the intention of the Applicant to submit a Section 24G Application (Please refer to Appendix C, Appendix 1 for proof of the Preliminary Public Participation undertaken).

The Preliminary Public Participation undertaken entailed the following:

- A notice was placed in the Steelburger / Lydenburg News of 7 April 2022.

4.2. Subsequent Public Participation Process (PPP)

4.2.1. Procedure whereby I&APs were afforded the opportunity to participate

An updated notice notifying I&APs and stakeholders of the availability of the Draft EIR was provided to all I&APs and stakeholders (Refer to Appendix C, Appendix 2 for the updated notice).

4.2.2. Site Notice

Notice boards were placed on the site where the activity occurred at two positions conspicuous to the public on 4 August 2022 (Refer to Appendix C, Appendix 3).

4.2.3. Written Notices

Notices were hand delivered to neighbouring properties on 4 August 2022 (Refer to Appendix C, Appendix 4).

Stakeholders, other I&APs and organs of state having jurisdiction in respect of any aspect of the activity, including the Ward Councillor were provided with an updated notice via e-mail on 4 August 2022.

Copies of the Draft EIR were submitted to Local Council and District Council.

4.2.4. The manner in which disadvantaged persons were accommodated in the PPP

The Public Participation Process took into account the local dynamics of the area as well as the needs of vulnerable groups in the area, such as illiterate individuals and people with disabilities in order to ensure that effected public participation take place.

Lokisa's Public Participation Officers are able to communicate in various official languages and the process was explained to occupiers of adjacent properties in the comfort of their homes / workplace.

Community members were able to register as Interested and Affected Parties on request, without having to leave their homes / workplace in order to use fax and/ or e-mail facilities, while obtaining particular knowledge of the information contained in the updated notice.

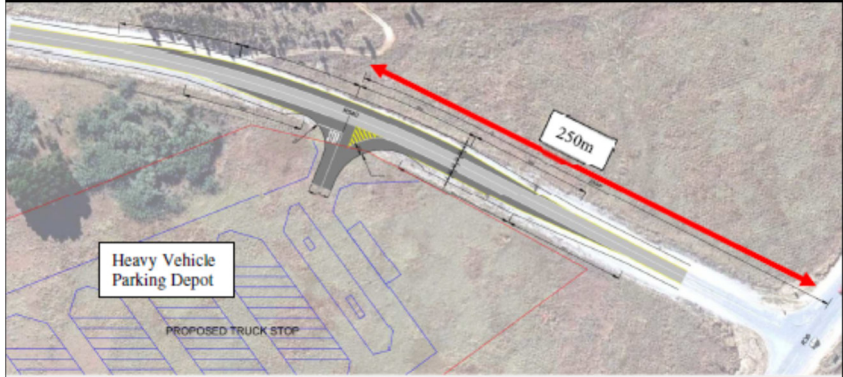
4.2.5. Comments received on the Preliminary Public Participation

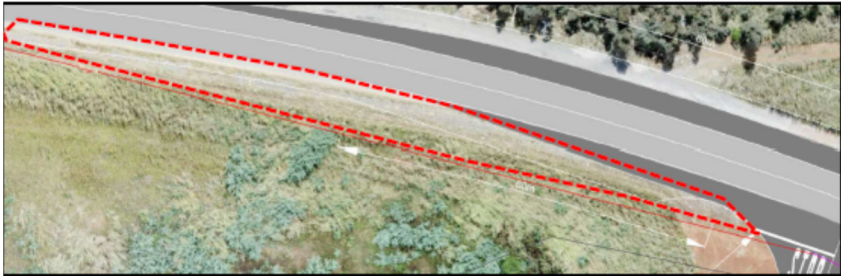
The following comments were received on the Preliminary Public Participation:


Table 1: Comments and Issues

Issue	Commentator	Date	Response
Comments on Pre-Application Notice			
<p>Register as an Interested and Affected party on behalf of Beuka Ontwikkelings Trust.</p> <p>1. Please take note that the Mpumalanga Department of Agriculture, Rural Development, Land & Environmental Affairs (DARDLEA) have approved the construction and operation of a Filling Station and Truck Stop on Portion 43 (a portion of Portion 16) of the Farm Rooidraai 34 JT, Lydenburg, Thaba Chweu Local Municipality, which is adjacent to the proposed Lion Valley Truck Stop. We therefore object to the approval of an application for a truck stop at this location as construction is set to begin for the approved truck stop on the adjacent Portion 43.</p> <p>2. Should this application be continued with, it is recommended that a Traffic Impact Assessment and Stormwater Management Plan with designs of dirty and clean water management and catchment is</p>	<p>Louisa Thuynsma (Earth Optiva) on behalf of Beuka Ontwikkelings Trust</p>	<p>19 April 2022</p>	<p>Registered as an interested and affected party.</p> <p>1. The applicant is aware of the fact that land use rights for a public garage has been granted on Portion 43 of the farm Rooidraai 34 JT, however the proposed Truck Stop and Heavy Vehicle Parking Depot to be established on Portion 42 of the farm Rooidraai will be not be for the general public but is to allow for an overnight parking facility for the trucks of a Transport Contractor, who will rent and utilise the facility from the applicant. The applicant has an existing fueling facility in Lydenburg Town that service existing truck companies. Mine cargo and heavy trucks are no longer allowed on the municipal roads in Lydenburg. In order to continue to service its existing clients the applicant has acquired the subject property as an alternative location to establish the overnight parking area and fueling facility. The acquisition of the required land use rights within the existing spatial planning context will be dealt with in terms of the relevant municipal spatial planning and land use management legislation.</p> <p>2. A Traffic Impact Study has been conducted and in the process of being considered by the relevant Roads Authority (Refer to Appendix F).</p> <p>2.1 <u>Traffic Impact Study</u></p>

Issue	Commentator	Date	Response
<p>completed in order to identify and mitigate the impacts associated with spills and dirty water runoff associated with a truck stop.</p>			<p>A traffic Impact study was undertaken by Hamatino Consulting Engineers. Access to the site will be provided from the existing provincial road P171/1 which abuts the development along the northern boundary. Due to the fact that a Heavy Vehicle Parking Depot is mostly a trip interceptor, insignificant additional traffic will be added to the road network and the study focused on the access level of service and lane configuration (HAMATINO CONSULTING ENGINEERS, Traffic Impact Study, May 2022).</p> <p>A total of 4 262 Vehicles per day was recorded.</p> <p>The proposed new Heavy Vehicle Parking Depot will gain access via a new proposed access from Road P 171/1 which abuts the development along the northern boundary HAMATINO CONSULTING ENGINEERS, Traffic Impact Study, May 2022).</p> <p>The P171/1 – R540 intersection is becoming increasingly under pressure and is expected to be operating at a level of service F by the horizon year 2027. The above-mentioned intersections need therefore to be upgraded as soon as possible by the Mpumalanga Department of Public Works: Roads & Transport in order to be able to accommodate the existing 2022 background traffic demand as well as background growth (note that the upgrading proposal included below will also be able to accommodate the 2027 horizon year with an assumed 5% annual compounded background traffic growth) (HAMATINO CONSULTING ENGINEERS, Traffic Impact Study, May 2022).</p> <p>A new access to the property will be provided from Road P 171/1 (Roossenekal Road) and as far as possible from the existing P 171/1 – R540 intersection.</p>

Issue	Commentator	Date	Response
			<p>Access to the Heavy Vehicle Parking Depot will be provided as depicted in figure 4 of Traffic Impact Study.</p> <p style="text-align: center;">FIGURE 4: PROPOSED ACCESS INTERSECTION</p>  <p>The provision of a priority-controlled intersection (priority of movement provided along Road P 171/1) is proposed.</p> <p>The geometry will include the following:</p> <ul style="list-style-type: none"> • Westbound left turn deceleration and slip lane; • Eastbound passing lane (in accordance with typical standard drawings) • Westbound 60m taper lane (in accordance with typical standard drawings) <p>The report recommended additionally that the road reserve to the west of the access intersection be cleared by the developer and the growth of vegetation be prohibited as depicted in figure 7 of the Traffic Impact Study (HAMATINO CONSULTING ENGINEERS, Traffic Impact Study, May 2022).</p>

Issue	Commentator	Date	Response
			<p data-bbox="1496 320 1794 341" style="text-align: center;">FIGURE 7: AREA TO BE PAVED</p>  <p data-bbox="1236 775 1603 799">2.2 <u>Stormwater Management Plan</u></p> <p data-bbox="1236 834 2078 890">The Engineering Services Report included under Appendix F addresses Stormwater as follows:</p> <p data-bbox="1236 983 2078 1070">Stormwater will be accommodated above surface in the road prism as far as possible. Provision will be made for subsurface stormwater drainage pipes where required to the standards prescribed in the <i>New Red Book</i>.</p> <p data-bbox="1236 1166 2078 1222">Stormwater Management Plan to be compiled and submitted together with building plans for approval.</p> <p data-bbox="1236 1315 2078 1370">The objective of a Storm Water Management Plan should be to manage the storm water resources to:</p>

Issue	Commentator	Date	Response
			<ul style="list-style-type: none"> • Prevent flood damage or concentration of run-off, • Divert storm water and surface run-off from buildings, roads and the parking areas into a piped system with sand, oil and grease traps before it flows into bio swales or a stormwater attenuation pond. • Protect and cause the least impact on the existing environment (NICO SWANEPOEL CONSULTING ENGINEERS, Engineering Services Report, July 2022). <p>3. Terrestrial Biodiversity Study</p> <p>A 3.5ha area of the site was cleared of vegetation and no indigenous vegetation remains on the portion of the property where the Heavy Vehicle Parking Depot is proposed. The site falls in area that has fairly high levels of rural development and high levels of agricultural farmlands, which both have overall negative impacts on free-roaming wild fauna.</p>  <p> Area cleared by neighbour Area cleared by applicant </p>

Issue	Commentator	Date	Response
			<p>Figure 1 – Clearance of site</p> <p>Clearance of the site was halted when the applicant was informed that Authorisation is required in terms of NEMA.</p> <p>As a result of the anthropogenic activities that took place on the property, it is highly unlikely that any species of conservation concern will be present on site.</p> <p>It was confirmed that the area cleared on vegetation is sufficient in size to accommodate the proposed facility and it was therefore not deemed necessary to undertake a Terrestrial Biodiversity study.</p> <p>4. Heritage</p> <p>A Heritage Impact Assessment will be conducted and included in the Final EIR.</p> <p>According to the SAHRIS PalaeoSensitivity Map, accessible at: https://sahris.sahra.org.za/map/palaeo; the majority of the project site (and the portion where the development is proposed) falls within a grey area with a sensitivity of insignificant / zero and no palaeontological studies are required.</p> <p>5. The Department of Water and Sanitation was provided with the Draft EIR and was also notified of the commencement of the clearance as well as the planned application for the site, specifically with reference to:</p> <ul style="list-style-type: none"> - Ablution facilities and potable water - Dirty / clean water management

Issue	Commentator	Date	Response
<p>3. The Applicant should appoint a registered terrestrial biodiversity specialist to conduct a specialist study identifying any sensitive</p>			<p>6.1 Agricultural Impact Assessment,</p> <p>The National Screening Tool does not require an Agricultural Impact Assessment Refer to the Screening Tool included under Appendix G.</p> <p>The area to be utilised for the Truck stop and associated infrastructure is approximately 3.8ha in extent and the remaining 6.07 ha has been set aside for cultivation purposes. The proposed land use is furthermore in line with similar land uses that have been approved on the adjacent properties also on previous agricultural zoned land and no Agricultural Impact Assessment will be undertaken.</p> <p>The remainder if the site has been earmarked for crop production should it be required in future.</p> <p>6.2 Socio-economic Impact Assessment</p> <p>Social Impact Assessment includes the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions. Its primary purpose is to bring about a more sustainable and equitable biophysical and human environment Vanclay, F. 2003. International Principles for Social Impact Assessment. IMPACT ASSESSMENT & PROJECT APPRAISAL 21(1): 5-11).</p> <p>SEIA is the systematic analysis to identify and evaluate the potential socio-economic and cultural impacts of a proposed development on the lives and</p>

Issue	Commentator	Date	Response
<p>vegetation and habitats that should be avoided as well as to identify any impacts that have already been caused.</p>			<p>circumstances of people, their families and their communities. If such potential impacts are significant and adverse, SEIA can assist the developer, and other parties to the EIA process, find ways to reduce, remove or prevent these impacts from happening. Impacts are potential changes caused – directly or indirectly, in whole or in part, for better or for worse – by industrial development activities.</p> <p>The value of a SEIA is acknowledged however the proposed development is in line with current developments in the immediate area which have been issued with a positive Environmental Authorization.</p> <p>South Africa furthermore has a free market system wherein the economy is predominately based on free market principles, with some state control. Foreign investment in all areas of the economy is active in both the private and public sectors. The only sectors in which certain restrictions apply are in banking, insurance and the broadcasting sectors. Competition in a market pressures businesses to improve their offerings, and those improvements pass on to clients in the form of more specific, efficient, and high-quality options. And the most apparent benefit to clients is lower prices and increased buying power.</p> <p>The applicant has an existing fuelling service in Lydenburg which is an existing service point of trucks. The proposed facility is predominantly the relocation of an existing facility as a result of the restriction of heavy cargo in Lydenburg. Furthermore the intended use of the Heavy Vehicle parking Depot is to service the vehicles of an existing client only.</p> <p>Local employment, Leswika La Nnete will be utilised for the associated on-site services, such as environmental care takers/ cleaners, security personnel and cooking staff.</p>

Issue	Commentator	Date	Response
<p>4. The area is known for heritage finds, and it is therefore also recommended that a heritage specialist be appointed to assess the heritage sensitivity of the site and identify areas to be avoided during further construction and operation. In addition, the specialist report should be submitted to the South African Heritage Resources Agency (SAHRA) for comment.</p> <p>5. The Department of Water and Sanitation should be notified of the illegal commencement and planned application for the site, specifically with reference to:</p> <ul style="list-style-type: none"> - Ablution facilities and potable water - Dirty / clean water management <p>6. In addition to the abovementioned specialist studies, the Department of Forestry, Fisheries and the Environment (DFFE) Screening Tool indicates a high Agricultural Theme Sensitivity, and requires an Agricultural Impact Assessment, Visual Impact Assessment and Socio-economic Impact Assessment to be completed.</p>			<p>The proposed facility will improve the conditions for truck drivers who have to drive long hours and distances.</p> <p>Leswika La Nnete furthermore submitted a written recommendation in support of the development.</p> <p>The proposed development is therefore believed to have positive socio-economic impacts and is in line with the various non-residential uses taking place along the main routes of Mashishing and thus a socio-economic impact assessment was not deemed necessary.</p> <p>6.3 Visual Impact Assessment</p> <p>According to (Barnard, 1999) a new development should aim to be attractive and visually pleasing. It should preferably improve the visual quality of the area and at the very least avoid visual degradation of the area.</p> <p>The development will be established in a manner that aims to prevent any negative visual impact. It should also be noted that the site falls within an area away from high density residential areas and in an agricultural area, thus minimising the possibility of any visual impact and as such a Visual/Landscape Impact Assessment was not deemed necessary.</p> <p>Furthermore there is a line of trees along the western boundary of the application site which forms a natural barrier / buffer with adjacent rural residential uses.</p>

Issue	Commentator	Date	Response
			<p>7.1 Air Quality Impact Assessment (fuel emission impacts from trucks);</p> <p>Emissions during the construction phase will mostly be in the form of dust.</p> <p>It is proposed that the internal circulation streets around the parking areas will be constructed with mountable kerbs and that the streets will be surfaced with either precast concrete paving blocks or asphalt surfacing to mitigate air pollution (Dust from vehicle movement).</p> <p>Additional air pollution during the operational phase is not expected however, vapor from vehicles and during the re-fuelling could occur.</p> <p>7.2 Noise Impact Assessment.</p> <p>The property is situated in an area where there are busy feeder roads being the R577 and R540. There is a continuous flow of traffic during the day along the R577.</p> <p>General construction noise will occur as a result of the construction activities. Construction activities should be limited to business hours, and no construction should take place on weekends and public holidays.</p> <p>Minimal noise will be generated by the trucks at the facility during the operational phase. The design of the facility is of such a nature that it provides for an internal “ring road” for easy access and turnaround space for trucks. The trucks therefore do not have to idle or make use of their reverse signals.</p> <p>The facility’s gates will be closed from 18:00 to 06:00 and no trucks will be allowed during this time. No provision will be made for areas or opportunities for the truck drivers to socialize.</p>

Issue	Commentator	Date	Response
			<p>8. Cumulative impacts</p> <p>Refer to Section 6.4 in the EIR.</p>

Issue	Commentator	Date	Response

Issue	Commentator	Date	Response

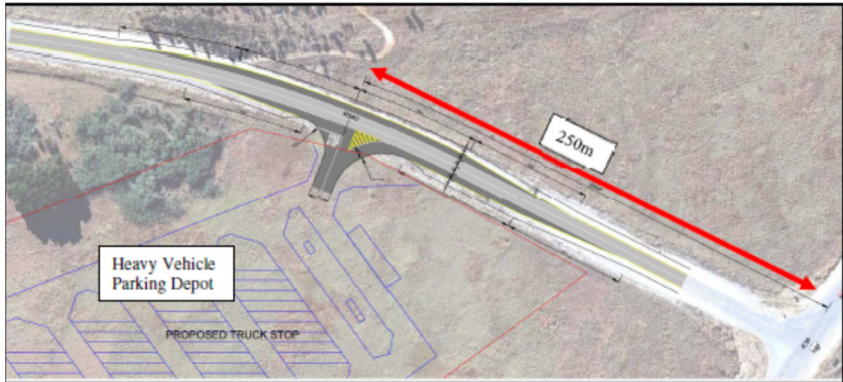
Issue	Commentator	Date	Response
<p>7. Additional concerns with relevance to a truck stop that need to be addressed by specialists are listed below. Should they not be conducted for the proposed development, reasons should be provided for their exclusion or non-completion:</p> <ul style="list-style-type: none"> - Air Quality Impact Assessment (fuel emission impacts from trucks); - Noise Impact Assessment. 			

Issue	Commentator	Date	Response
<p>8. Of great concern is the cumulative impacts that might result from approving an application for a truck stop adjacent to another truck stop and filling station. These should be assessed and discussed extensively within the report.</p>			
<p>Afroflo is the registered owner of Portion 41 of the farm Rooidraai 34 JT and their property borders Portion 42 of the farm Rooidraai 34 JT (subject site). Request to be registered as an I&AP.</p> <p>1. <u>Risk of potable water contamination</u> Their borehole for potable water purposes is situated approx. 70m to the east from the proposed truck stop. The natural topographic drainage slope is directly towards their borehole, meaning there is a real and serious risk any contamination occurring on portion 42 will reach their borehole. The proposed trucks top facility will refuel and/or service</p>	Afroflo	20 April 2022	<p>Registered as an interested and affected party.</p> <p>1. <u>Risk of potable water contamination</u></p> <p>The Engineering Services Report included under Appendix F addresses Stormwater as follows:</p>

Issue	Commentator	Date	Response
<p>vehicles causing risk in terms of any fuel or oil spillages. There is no municipal sewage service available and since the natural drainage slope is towards their borehole it means there is a real risk of sewerage water will reach their underground drinking water with serious consequences. These properties are located in a high rainfall area of between 650- 850 mm per annum with no municipal storm water service resulting in an additional risk for any contaminants to be transported with runoff rainwater directly in the direction of their borehole.</p>			<p>Stormwater will be accommodated above surface in the road prism as far as possible. Provision will be made for subsurface stormwater drainage pipes where required to the standards prescribed in the <i>New Red Book</i>.</p> <p>Stormwater Management Plan to be compiled and submitted together with building plans for approval.</p> <p>The objective of a Storm Water Management Plan should be to manage the storm water resources to:</p> <ul style="list-style-type: none"> • Prevent flood damage or concentration of run-off, • Divert storm water and surface run-off from buildings, roads and the parking areas into a piped system with sand, oil and grease traps before it flows into bio swales or a stormwater attenuation pond. • Protect and cause the least impact on the existing environment (NICO SWANEPOEL CONSULTING ENGINEERS, Engineering Services Report, July 2022). <p>The internal water reticulation system will consist of HDPE pipes of sufficient capacity and strength installed from the bulk water storage facility located at the borehole. It will be designed to cater for the peak demand. Provision will be made for elements such as fire hydrants, scour valves, air valves and isolation valves. Initially the internal water reticulation system will be maintained by the developer.</p> <p>Currently there is no Municipal sewer reticulation system in the area. All the properties in the immediate vicinity as well as the property to be developed use on-site sanitation systems. It is proposed that the development uses an on-site conservancy tank system as the use of septic tanks with soak away French drains is not acceptable in view of possible contamination of groundwater sources.</p> <p>The Ablution and other facilities with grey water outlet system will be connected to a Conservancy tank system with adequate capacity. The developer will appoint and enter into an agreement with a specialist service provider to empty the conservancy tank as and when required.</p>

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<p>2. <u>Risk of soil contamination</u> Sewerage water, oil and fuel spillages will have an adverse negative effect on the soil. The natural gradient drainage slope is directly towards their property and any sewerage water or fuel/oil spillage will reach their property and contaminate their soil with dire consequences.</p> <p>3. <u>Air pollution</u> Trucks are diesel powered and as such gives off emissions. If the complete area of the proposed truck stop is not properly paved or tared any vehicle movement will cause a lot of dust pollution. These diesel</p>			<p>2. <u>Soil contamination</u> It is proposed that the parking areas layer works will be constructed to form a tanked system which is lined with either LDPE or HDPE impervious membranes to create a 'tank' and thereby capture and store the water for reuse in grey water and irrigation systems. The impervious membrane is required to restrict water from entering the subgrade and thereby preserve groundwater quality integrity of this layer.</p> <p>3. <u>Air pollution</u> Emissions during the construction phase will mostly be in the form of dust.</p> <p>It is proposed that the internal circulation streets around the parking areas will be constructed with mountable kerbs and that the streets will be surfaced with either precast concrete paving blocks or asphalt surfacing to mitigate air pollution (Dust from vehicle movement).</p> <p>Additional air pollution during the operational phase is not expected however, vapor from vehicles and during the re-fuelling could occur.</p> <p>4. <u>Noise and light pollution</u> The property is situated in an area where there are busy feeder roads being the R577 and R540. There is a continuous flow of traffic during the day along the R577.</p>

Issue	Commentator	Date	Response
<p>emissions and dust will be transported via wind to all adjacent neighbors which poses a serious health risk to all.</p> <p>4. <u>Noise and light pollution</u> During the construction phase the noise levels will increase dramatically. The site is situated in an area which is zoned for agricultural purposes. A truckstop is typically open for business 24 hours a day. This will mean noise and light pollution 24 hours a day. In addition, it will lead to an increase in crime.</p>			<p>General construction noise will occur as a result of the construction activities. Construction activities should be limited to business hours, and no construction should take place on weekends and public holidays.</p> <p>Minimal noise will be generated by the trucks at the facility during the operational phase. The design of the facility is of such a nature that it provides for an internal “ring road” for easy access and turnaround space for trucks. The trucks therefore do not have to idle or make use of their reverse signals.</p> <p>The facility’s gates will be closed from 18:00 to 06:00 and no trucks will be allowed during this time. No provision will be made for areas or opportunities for the truck drivers to socialise.</p> <p>Light pollution will be minimised on the project site and lights at the facility will be sufficient for safety and security purposes but will not be intrusive to neighbouring residents or interfere with road traffic.</p> <p>Outside lights will have to be downward shining (eyelid type), low wattage and should not be positioned higher than 1 m above the ground surface. Lights will be directed to only shine on certain areas of the project site e.g. ablution facility, corner posts and the middle of the facility.</p> <p>Security guards will be present at the entrance to the Truck Stop and the facility will be fenced with a 2.1 m high fence.</p> <p>5. <u>Land use rights</u> The necessary land use rights for a Truck Stop and Heavy Vehicle Parking Depot to allow for an overnight heavy vehicle parking and fuelling facility will be obtained in terms of the required procedures in terms of the Thaba Chweu Spatial Planning and Land Use Management By-Laws, 2016.</p>

Issue	Commentator	Date	Response
<p>5. <u>Land use rights</u> Portion 42 of the farm Rooidraai 34 JT is agricultural land and as such does not have any land use rights to conduct the business of a truckstop.</p>			<p>6. <u>Road Access</u> The comment in regard to a Right of Way has no substance. Provincial Roads are proclaimed roads, and land owners were generally compensated for the land during the process to proclaim the provincial road and the land owner were exempted from any responsibility on the provincial road reserve. The provincial roads authority is the relevant authority to investigate and deal with the access considerations. This is also the reason why the applicant has approached the relevant roads authority for access approval.</p> <p>A new access to the property will be provided from Road P 171/1 (Roosenekal Road) and as far as possible from the existing P 171/1 – R540 intersection. Access to the Heavy Vehicle Parking Depot will be provided as depicted in figure 4 of Traffic Impact Study.</p> <p style="text-align: center;">FIGURE 4: PROPOSED ACCESS INTERSECTION</p> 

Issue	Commentator	Date	Response
<p>6. <u>Road Access</u> Portion 42 does not have any approved access from the R577 Road. Their land shares a direct border with Portion 42. There is no right of way servitude registered in favour of Portion 42 to gain access from the R577 Road.</p>			
<ol style="list-style-type: none"> 1. We refer to a legal notice published on 7 April 2022 in the Steelburger / Lydenburg News regarding the application for consequences of unlawful commencement / continuation of listed activities in accordance with section 24G read with 24F of the Environmental Management Act 107 of 1998. 2. The matter relates <i>inter alia</i> to the unlawful removal of indigenous vegetation on the property known as Portion 42 of the Farm Roodraai 34 JT, 3. We confirm that we act for and on behalf of Afroflo (Pty) Ltd, registration number 2017/075414/07 ("Afroflo"). Afroflo is the registered owner of the property known as Portion 41 of the Farm Roodraai, 34 JT, held under title deed T6114/2020 4. This property is located across the road from the property for which the above application is being made. 5. Moreover, Afroflo had applied for, and has been granted environmental authorisation for the construction of a filling station and truck stop under reference 1/3/1/16/1E-287 and NEAS reference number MPP/EIA/0000793/2020. Afroflo is in the process of applying 	<p>Jaco Steyn JS Consulting</p>	<p>1 May 2022</p>	<ol style="list-style-type: none"> 1. The statement is noted and no response is required. 2. The statement is noted and no response is required. 3. The statement is noted and no response is required.

Issue	Commentator	Date	Response
<p>for site and retail licences in accordance with the Petroleum Products Act 120 of 1977 (“PPA”)</p> <p>6. Afroflo is thus a party that will be negatively affected by the above application. We have noted your email dated 20 April 2022 in which you had confirmed to Mr Eben Marais that Afroflo had already been registered as an Interested and Affected Party (“I&AP”). We kindly request that you add this email address: jsconsult@mailbox.co.za to your register and send all correspondence to both this email and Mr Eben Marais’ email address.</p> <p>7. In addition to the comments already forwarded to you by Mr Marais, Afroflo will also henceforth supplement its objection as set out below.</p> <p>Legislative Framework</p> <p>8. Section 24 of the Constitution of the Republic of South Africa, 1996 (“the Constitution”) states <i>“Everyone has the right to an environment that is not harmful to their health or well-being and to have the environment protected through reasonable legislative measures”</i></p> <p>9. The National Environmental Management Act 107 of 1998 (“NEMA”) is the legislation that aims to give effect to section 24 of the Constitution 10.</p> <p>10. In order to achieve this, NEMA together with the Environmental Impact Assessment Regulations, 2014 (“EIA Regulations”), has identified activities that may result in substantial impacts to the environment.</p> <p>11. NEMA and the EIA Regulations require that an environmental impact assessment process be undertaken for these activities and submitted to the relevant authority for consideration.</p>			<p>4. The statement is noted and no response is required.</p> <p>5. The statement is noted and no response is required.</p> <p>6. We take note that Afroflo is a party that believes it will be negatively affected by the above application. In an email dated 20 April 2022 it was confirmed that Mr Eben Marais of Afroflo was registered as an Interested and Affected Party (“I&AP”). Furthermore, as per the request jsconsult@mailbox.co.za was also registered and all correspondence are to be sent to both this email and Mr Eben Marais’ email address.</p> <p>7. The statement is noted and no response is required.</p> <p>Legislative Framework</p> <p>8. The statement is noted and no response is required.</p>

Issue	Commentator	Date	Response
<p>12. Commencement with any of the listed activities prior to obtaining authorisation from the relevant authority is legally prohibited and constitutes a criminal offence.</p> <p>13. Section 24F(1)(a) of NEMA states: “Notwithstanding any other Act, no person may commence an activity listed or specified in terms of section 24(2)(a) or (b), unless the competent authority or the Minister responsible for mineral resources, as the case may be, has granted an environmental authorisation for the activity.</p> <p>14. Section 24(2)(a) of NEMA states: “The Minister, or the MEC with the concurrence of the Minister, may identify activities which may not commence without environmental authorisation, from the competent authority”</p> <p>15. It was admitted by the applicant that it had contravened section 24F by undertaking listed activities which may not be undertaken without environmental authorisation.</p> <p>16. Section 24G of NEMA does however provide for the rectification of contraventions of section 24F subject to specific requirements.</p> <p>17. Section 24G(1)(a) of NEMA states: “On application by a person who has commenced with a listed or specified activity without an environmental authorisation in contravention</p>			<p>9. The statement is noted and no response is required.</p> <p>10. The statement is noted and no response is required.</p> <p>11. The statement is noted and no response is required.</p> <p>12. The statement is noted and no response is required.</p> <p>13. The statement is noted and no response is required</p>

Issue	Commentator	Date	Response
<p>of section 24F(1), the Minister, Minister responsible for mineral resources or MEC concerned, as the case may be, may direct the applicant to –</p> <p>(i) immediately cease the activity pending a decision on the application submitted in terms of this subsection;</p> <p>(ii) investigate, evaluate and assess, the impact of the activity on the environment;</p> <p>(iii) remedy any adverse effects of the activity on the environment;</p> <p>(iv) cease, modify or control any act, activity, process or omission causing pollution or environmental degradation;</p> <p>(v) contain or prevent the movement of pollution or degradation of the environment;</p> <p>(vi) eliminate any source of pollution or degradation;</p> <p>(vii) complies a report containing -</p> <p>(aa) a description of the need and desirability of the activity;</p> <p>(bb) an assessment of the nature, extent, duration and significance of the consequences for or impact on the environment of the activity, including the cumulative effects and the manner in which the geographical, physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;</p> <p>(cc) a description of mitigation measures undertaken or to be undertaken in respect of the consequences for or impact on the environment of the activity;</p> <p>(dd) a description of the public participation process followed during the course of compiling the report, including all comments received from</p>			<p>14. The statement is noted and no response is required.</p> <p>15. The statement is noted and no response is required.</p> <p>16. The statement is noted and no response is required.</p> <p>17. The statement is noted and no response is required.</p>

Issue	Commentator	Date	Response
<p>interested and affected parties and an indication of how the issues raised have been addressed;</p> <p>(ee) an environmental management programme; or</p> <p>(viii) provide such other information or undertake such further studies as the Minister, Minister responsible for mineral resources or MEC, as the case may be, may deem necessary.</p> <p>18. Section 24G(2) states:</p> <p>“The Minister, Minister responsible for mineral resources or MEC concerned must consider any report or information submitted in terms of subsection (1) and thereafter may-</p> <p>(a) refuse to issue an environmental authorisation; or</p> <p>(b) issue an environmental authorisation to such person to continue, conduct or undertake the activity subject to such conditions as the Minister, Minister responsible for mineral resources or MEC may deem necessary, which environmental authorisation shall only take effect from the date on which it has been issued; or</p> <p>(c) direct the applicant to provide further information or take further steps prior to making a decision provided for in paragraph (a) or (b).</p> <p>19. Section 24G(3) of NEMA further states -</p> <p>“The Minister, Minister responsible for mineral resources or MEC may as part of his or her decision contemplated in subsection (2) (a), (b) or (c) direct a person to-</p>			<p>18. The statement is noted and no response is required.</p> <p>19. The statement is noted and no response is required.</p>

Issue	Commentator	Date	Response
<p>(a) rehabilitate the environment within such time and subject to such conditions as the Minister, Minister responsible for mineral resources or MEC may deem necessary; or</p> <p>(b) take any other steps necessary under the circumstances.</p> <p>20. Section 24G(4) states –</p> <p>“A person contemplated in subsection (1) must pay an administrative fine, which may not exceed R5 million and which must be determined by the competent authority, before the Minister, Minister responsible for mineral resources or MEC concerned may act in terms of subsection (2) (a) or (b).”</p> <p>21. Section 24G(5) further states –</p> <p>“In considering a decision contemplated in subsection (2), the Minister, Minister responsible for mineral resources or MEC may take into account whether or not the applicant complied with any directive issued in terms of subsection (1) or (2)”</p> <p>22. Section 24G(6) holds –</p> <p>“The submission of an application in terms of subsection (1) or the granting of an environmental authorisation in terms of subsection (2) (b) shall in no way derogate from-</p> <p>(a) the environmental management inspector's or the South African Police Services' authority to investigate any transgression in terms of this Act or any specific environmental management Act;</p>			<p>20. The statement is noted and no response is required.</p> <p>21. The statement is noted and no response is required.</p> <p>22. The statement is noted and no response is required.</p>

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<p>(b) the National Prosecuting Authority's legal authority to institute any criminal prosecution."</p> <p>23. Finally, section 24G(7) states –</p> <p>"If, at any stage after the submission of an application in terms of subsection (1), it comes to the attention of the Minister, Minister for mineral resources or MEC, that the applicant is under criminal investigation for the contravention of or failure to comply with section 24F(1) or section 20(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), the Minister, Minister responsible for mineral resources or MEC may</p> <p>defer a decision to issue an environmental authorisation until such time that the investigation is concluded and-</p> <p>(a) the National Prosecuting Authority has decided not to institute prosecution in respect of such contravention or failure;</p> <p>(b) the applicant concerned is acquitted or found not guilty after prosecution in respect of such contravention or failure has been instituted; or</p> <p>(c) the applicant concerned has been convicted by a court of law of an offence in respect of such contravention or failure and the applicant has in respect of the conviction exhausted all the recognised legal proceedings pertaining to appeal or review."</p> <p>24. In addition to those sections of NEMA cited above, the applicants' actions are also in contravention of the Petroleum Products Act ("PPA") and must be investigated in terms thereof. Section 2A(1)(c) of the PPA states –</p>			<p>23. The statement is noted and no response is required.</p> <p>24 The clearance of the site and establishment of the Heavy Vehicle Parking Depot does not require a licence in terms of the PPA. Only when storage of fuel takes place is a licence required. The aforementioned licence will be applied for once storage of fuel on site is required.</p>

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<p>“A person may not hold or develop a site without there being a site licence for that site issued by the Controller of Petroleum Products”</p> <p>25. Section 12(1) of the PPA further states:</p> <p>“Any person who contravenes a provision of this Act, shall be guilty of an offence and be liable on conviction to a fine not exceeding R 1 000 000,00, or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.....”</p> <p>26. With the above in mind, we will now provide comments in objection to the applicant’s application.</p> <p>Comment 1: Pending EIA Investigation</p> <p>27. We attach herewith a letter marked as “EM 1” wherein a complaint has been lodged with the Department Mpumalanga Agriculture, Rural Development, Land and Environmental Affairs, with a request that there be an investigation into the unlawful activities and an official report thereon.</p> <p>28. The applicant is advised to not proceed further with its application until the requested investigation has been finalised, we have been provided an official report, and such findings have been included in the applicant’s section 24G application.</p>			<p>25. The statement is noted and no response is required.</p> <p>26. The statement is noted and no response is required.</p> <p>Comment 1: Pending EIA Investigation</p> <p>27. It is understood that a complaint has been lodged with the Department Mpumalanga Agriculture, Rural Development, Land and Environmental Affairs, with a request that there be an investigation into the unlawful activities and an official report thereon however the Applicant on realising that the activities that have been undertaken required NEMA Authorisation submitted an Application in terms of S24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998) to MDARLEA on 29 April 2022.</p> <p>28. Section 24G of the NEMA, <u>without affecting any criminal liability of a person who has acted in contravention of the above</u>, makes provision for that person to submit an application to the relevant MEC/Minister, which, if successful, will enable that person lawfully to continue with the listed activity and/or legalise an otherwise unlawful structure and the I&AP cannot deny</p>

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<p>Comment 2: Pending PPA Investigation</p> <p>29. We attach herewith marked as “EM 2”, a compliant to the Controller of Petroleum Products regarding contravention of section 2A(1)(c) of the PPA.</p> <p>30. The applicant is advised to not proceed further with the above application until such time as the Controller of Petroleum Products has investigated that matter, taken appropriate steps, and such steps have been reported in the applicant’s section 24G application.</p> <p>Comment 3: Inadequate Notice of Application</p> <p>31. It is submitted that the applicant had failed to properly inform potential I&AP’s as required by NEMA.</p>			<p>the applicant the right to submit or withhold his application. Furthermore, neither the submission of this application, nor the payment of the administrative fine implies that authorisation will be issued for the continuation of an activity/activities that commenced, undertaken and/or conducted unlawfully. The decision will depend on the merits of the application itself and the decision of the MEC will be adhered to.</p> <p>Comment 2: Pending PPA Investigation</p> <p>29. The statement is noted and no response is required</p> <p>30. The S24G application relates to the clearance of vegetation for a Heavy Vehicle Parking Facility and no fuel is being stored on site nor has any facilities for the storage of fuel been constructed and it is what the Controller of Petroleum Products should investigate at this stage. Once the S24G process has run its course an application will be submitted to the Controller of Petroleum Products for the storage of 23m3 on site for refuelling of the tenant’s trucks.</p> <p>Comment 3: Inadequate Notice of Application</p> <p>31. The following procedure is to be followed regarding Pubic Participation in terms of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of Section 24G of the National Environmental Management Act, 1998 (Act No 107 of 1998) section 8:</p> <p>(1) Prior to the submission of an application terms of section 24G of the Act, the applicant must place a preliminary advertisement in- (a) a local newspaper</p>

Issue	Commentator	Date	Response
			<p>in circulation in the area in which the activity was, or activities were, commenced; and on the applicant's website, if any.</p> <p>(2) This advertisement must comply with the requirements set out in Annexure A, Section D.</p> <p>(3) The applicant must open and maintain of a register of interested and affected parties.</p> <p>(4) The register must be attached to the application form and included in the report, or form part of the information submitted in terms of section 24G(1) of the Act, which register must, as a minimum, contain the names, contact details and addresses of- (a) all persons who, as a consequence of the public participation process conducted in respect of the application, have submitted written comments or attended meetings with the applicant or any environmental assessment practitioner or other specialist appointed by the applicant to assist with the application; b) all persons who have requested the applicant, in writing, to place their names on the register; and all organs of state that have jurisdiction in respect of the activity to which application relates.</p> <p>Furthermore, the following is taken from the MDARDLEA Application in terms of S24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998).</p> <p>When submitting the application form, the applicant must attach proof that the application has been advertised in at least one local newspaper in circulation in the area in which the activity was commenced, and on the applicant's website, if any.</p>

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<p>32. To ensure a fair and proper public participation process, the applicant must, after the investigations mentioned above have been finalised and such reports included as comments, republish notices of its application and hand-deliver notices to all potential I&AP's, and provide them with a</p>			<p>The advertisement must state that the applicant commenced a listed or specified activity or activities or waste management activity or activities without the necessary environmental authorisation and/or waste management license and is now applying for ex post facto approval. It must include the following:</p> <ul style="list-style-type: none"> • the date; • the location; • the applicable legislative provision contravened; and • The activity or activities commenced with without the required authorisation. <p>Interested and affected parties must be provided with the details of where they can register as an Interested and affected party and I or submit their comment. At least 20 days must be provided in which to do so.</p> <p>This advertisement shall be considered as a preliminary notification and the competent authority may direct the applicant to undertake further public participation and advertising after receipt of the application form.</p> <p>The above was adhered to and a Notice was placed in the Steelburger / Lydenburg News Of 7 April 2022.</p> <p>Subsequent Public Participation conducted is described in Section 4 of the EIR.</p> <p>32. It is agreed that to ensure a fair and proper public participation process, the applicant must, after the investigations mentioned above have been finalised and such reports included as comments, republish notices of its application and hand-deliver notices to all potential I&AP's, and provide</p>

Issue	Commentator	Date	Response
<p>further 30 days to submit comments in respect of the section 24G application.</p> <p>Comment 4: Administrative Fine</p> <p>33. Once such reports of the above investigations have been included in the applicant's section 24G application together with further comments from I&AP's, the applicant is requested to inform us about the quantum of the administrative fine imposed by the competent authority and provide proof of payment thereof by the applicant.</p> <p>Comment 5: Potential Avoidance of Requirements for EIA</p> <p>Applications</p> <p>34. It is submitted that the specific requirements to obtain EIA authorisation were included in NEMA to ensure a fair and transparent process.</p> <p>35. We are concerned that there may be potential that an application in terms of section 24G may side-step many of these checks and balances.</p> <p>36. it is therefore essential that the applicant proves that it has taken steps <i>mutatis mutandis</i> the same as those required under normal circumstances to ensure a fair process including adequate public participation and access to reports for commenting thereon. Failure to do</p>			<p>them with a further 30 days to submit comments in respect of the section 24G application.</p> <p>Subsequent Public Participation conducted is described in Section 4 of the EIR.</p> <p>Comment 4: Administrative Fine</p> <p>33. It is agreed that once such reports of the above investigations have been included in the applicant's section 24G application together with further comments from I&AP's, the applicant is requested to inform I&AP's about the quantum of the administrative fine imposed by the competent authority and provide proof of payment thereof by the applicant.</p> <p>Comment 5: Potential Avoidance of Requirements for EIA</p> <p>Applications</p> <p>34. It is agreed with the comment that the specific requirements to obtain EIA authorisation were included in NEMA to ensure a fair and transparent process.</p> <p>35. The concern is noted that the I&AP believes that there may be potential that an application in terms of section 24G may side-step many of these checks and balances however the EAP will endeavour that the required information is obtained.</p>

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<p>so will result in a flawed and unfair process which will be subject to an appeal.</p> <p>Comment 6: Access to Records</p> <p>37. In addition to what has been stated above, the applicant is requested to provide us with full copies of studies and draft reports so directed by the competent authority, and to provide us adequate time for commenting thereon, prior to submission of final reports to the competent authority.</p> <p>Comment 7: Additional Contraventions of Section 24F</p> <p>38. We submit that, in addition to the contraventions already admitted to by the applicant, it had intended to contravene additional listed activities such as the storage of dangerous goods in capacities higher than 80 cubic metres owing to the fact that the applicant intends to build a filling station and truck stop</p> <p>39. This is something that the competent authority must consider when determining an administrative fine and deciding on the applicant's section 24G application.</p> <p>Comment 8: No Need or Desirability</p> <p>40. As the competent authority should be aware, it had already granted environmental authorisation to Beuka Ontwikkelings Trust for a filling station and truck stop in respect of Portion 43, a Portion of Portion 16,</p>			<p>36. The Applicant, via the Independent Assessment Practitioner, will ensure a fair process including adequate public participation and access to reports for commenting thereon.</p> <p>Comment 6: Access to Records</p> <p>37. All I&AP will be provided with full copies of studies and draft reports so directed by the competent authority, and to provide the I&AP adequate time for commenting thereon, prior to submission of final reports to the competent authority.</p> <p>Comment 7: Additional Contraventions of Section 24F</p> <p>38. The intention is not to build a filling station but to store 23m³ on site for overnight parking of trucks and as this activity was not undertaken it was not included in the S24G application.</p> <p>39. The competent authority will be provided with the full project description which will also address the storage of fuel proposed.</p> <p>Comment 8: No Need or Desirability</p> <p>40. The Environmental Officer of the competent authority confirmed that they are aware of the environmental authorisation that was granted to Beuka Ontwikkelings Trust for a filling station and truck stop in respect of Portion 43, a Portion of Portion 16, Mpumalanga and that this property is situated right next to the applicant's property, on the same side of the road. The</p>

Issue	Commentator	Date	Response
<p>Mpumalanga, which property is situated right next to the applicant's property, on the same side of the road.</p> <p>41. Additionally, the competent authority had granted environmental authorisation to Afroflo in respect of Portion 41 of the Farm Rooidraai, 34 JT, which property is situated across the road from the applicant's property.</p> <p>42. An environmental authorisation is a limited right granted to an applicant which allows them a specified period to commence with the listed activities concerned.</p> <p>43. Although these rights are not absolutely exclusive, their very nature do provide some level of exclusivity for as long as they remain valid.</p> <p>44. Although neither Afroflo nor Beaka Ontwikkelings Trust have commenced with the authorised activities, this does not detract from the fact that they still possess these rights.</p> <p>45. It is common cause that there is no need or desirability to have three truck stops and filling stations right next to one another and no reasonable person could come to a different conclusion.</p>			<p>official furthermore confirmed that they were not informed of the commencement of construction within 14 days of commencement.</p> <p>41. It is noted that the competent authority had granted environmental authorisation to Afroflo in respect of Portion 41 of the Farm Rooidraai, 34 JT, which property is situated across the road from the applicant's property.</p> <p>42. It is agreed that environmental authorisation is a limited right granted to an applicant which allows them a specified period to commence with the listed activities concerned.</p> <p>43. This comment is noted.</p> <p>44. As clearance of the site has taken place Beaka Ontwikkelings Trust has commenced with the authorised activity however Afroflo has not yet commenced, however this does not detract from the fact that they still possess these rights.</p> <p>45. The applicant does not intend to establish a filling station but an overnight parking facility for the use of his client's trucks and this is what has determined the need for the project.</p>

Issue	Commentator	Date	Response
<p>46. If the competent authority were to grant the applicant's request, this would destroy the merits on which the other two environmental authorisations were granted.</p> <p>47. Should Afroflo or Beuka Ontwikkelings Trust fail to exercise their rights within the time periods allowed under their respective environmental authorisations, the applicant will be welcome to re-apply for environmental authorisation and the competent authority will re-assess the need and desirability with consideration of the change in circumstances.</p> <p>Comment 9: Socio-Economic Impact</p> <p>48. The addition of a third filling station and truck stop in such close proximity to the others will render all three businesses uneconomical and have a severe socioeconomic impact on the owners and staff of both Afroflo and Beuka Ontwikkelings Trust.</p> <p>49. The Constitutional Court in <i>Fuel Retailers Association of South Africa v Director-General Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province and Others</i>, 2007 (10) BCLR 1059 (CC), in a judgment by Ngcobo J found the following on page 1089 [89]:</p> <p><i>"... NEMA required the environmental authorities to consider the impact of the proposed filling station on socio-economic conditions and thereafter to make a decision that is appropriate in the light of such a consideration."</i></p>			<p>46. The two environmental authorisations that were granted have created a precedence for land uses on the intersection of the R577 and R540 and the proposal is in line therewith.</p> <p>47. The applicant cannot be held at ransom until Afroflo or Beuka Ontwikkelings Trust have decided to exercise their rights within the time periods allowed under their respective environmental authorisations.</p> <p>Comment 9: Socio-Economic Impact</p> <p>48. The project does not include a filling station and an overnight parking facility in such close proximity to the others are in line with the requirements of a free economy in which competition ensures the best product for the consumer.</p> <p>49. Note is taken of the comment.</p>

Issue	Commentator	Date	Response
<p>50. From a reading of NEMA and the above Constitutional Court judgment, it is clear that the applicant must investigate and report on the impact the proposed new filling station will have on Afroflo and Beuka Ontwikkelings Trust to enable the competent authority to make a proper decision. Failure to do so will render the application incomplete and it must accordingly be refused.</p> <p>51. Unless this aspect is thoroughly investigated and a proper impact assessment report submitted, the competent authority will have no choice but to refuse this application.</p> <p>52. We further submit that the direct financial impact the new proposed site will have on Afroflo and Beuka Ontwikkelings Trust, absolutely outweighs any right or benefit the applicant might purport to have or be entitled to.</p> <p>53. Afroflo specifically reserves its right to supplement this objection once an impact report has been prepared and provided.</p> <p>Comment 10: Application is an Exercise in Futility</p> <p>54. We submit that if properly investigated, one would realize that an application by the applicant for site and retail licences to the Controller of Petroleum Products in accordance with the PPA will prove unsuccessful since the applicant's property is situated respectively next to, and across from two competing sites which will share in the same traffic flow.</p>			<p>50. As no filling station is proposed there does not seem a need to investigate and report on the impact the proposed development will have on Afroflo and Beuka Ontwikkelings Trust.</p> <p>51. The final EIR will be submitted to the Competent Authority for comment and should they require additional information this will be obtained and provided.</p> <p>52. We take note of the comment but argue that as a filling station is not proposed there is no direct financial impact on the I&AP's.</p> <p>53. Note is taken of the comment.</p> <p>Comment 10: Application is an Exercise in Futility</p> <p>54. The required applications for licences to the Controller of Petroleum Products in accordance with the PPA will be submitted and their comment obtained thereon.</p>

Issue	Commentator	Date	Response
<p>55. These factors in themselves will be fatal and virtually guarantee refusal by the Controller of Petroleum Products of the applicant's site and retail licences</p> <p>Relief Sought</p> <p>56. We accordingly request the Competent Authority to suspend the applicant's request in terms of section 24G of NEMA until –</p> <p>57.1 such time as the Department Mpumalanga Agriculture, Rural Development, Land and Environmental Affairs has completed an investigation regarding the unlawful activities, and a report thereon has been included as part of the applicant's application; and</p> <p>57.2 the Department of Mineral Resources and Energy has completed its investigation regarding contravention of section 2A(1)(c) of the PPA and taken appropriate steps; and</p> <p>57.3 the applicant, following completion of the above requirements, has properly notified all potential I&AP's and allowed them a further 30 days to comment on the applicant's application; and</p>			<p>55. Note is taken of the comment.</p> <p>Relief Sought</p> <p>56.–</p> <p>57.1 The Section 24G Application has been submitted to MDARDLEA and the process is in progress.</p> <p>57.2 The S24G application relates to the clearance of vegetation for a Heavy Vehicle Parking Depot and no fuel is being stored on site nor has any facilities for the storage of fuel been constructed and it is what the Controller of Petroleum Products should investigate at this stage. Once the S24G process has run its course an application will be submitted to the Controller of Petroleum Products for the storage of 23m3 on site for refuelling of the tenant's trucks.</p> <p>57.3 Proper Public Participation was conducted in terms of Section 8 of the Regulations relating to the procedure to be followed and criteria to be considered when determining an appropriate fine in terms of Section 24G of the National Environmental Management Act, 1998 (Act No 107 of 1998). A Notice was placed in the Steelburger / Lydenburg News Of 7 April 2022. Subsequent Public Participation conducted is described in Section 4 of the EIR.</p>

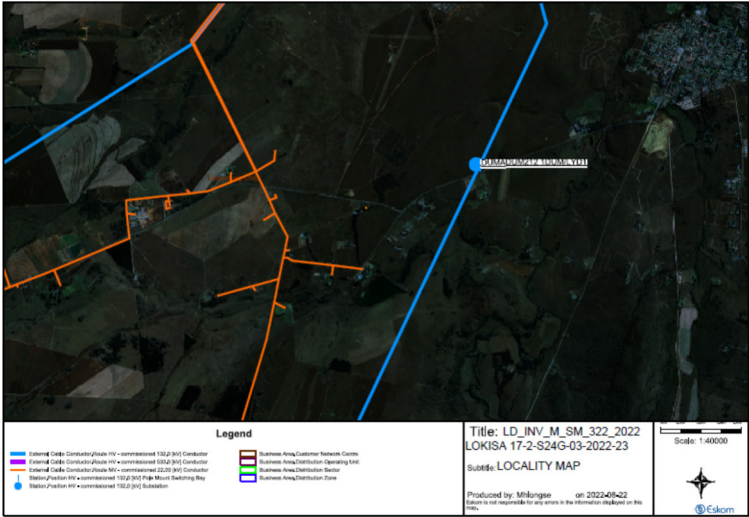
Issue	Commentator	Date	Response
<p>57.4 the applicant has paid an administrative fine and the quantum thereof as well as proof of payment, has been provided to all I&AP's;</p> <p>57. Notwithstanding the above, we submit that the applicant's request must be refused in accordance with section 24G(2)(a) and the land must be rehabilitated in accordance with section 24G(3)(a) since –</p> <p>58.1 There is no need or desirability for a third filling station and truck stop respectively right next to and across from Afroflo and Beuka Ontwikkelings Trust's sites; and</p> <p>58.2 granting the applicant environmental authorisation would severely and unrepairable impact the socio-economic standing of Afroflo, Beuka Ontwikkelings Trust and its owners and staff; and</p> <p>58.3 granting environmental authorisation to the applicant would be an exercise in futility since any application for site and retail licence to the Controller of Petroleum Products will be refused.</p> <p>59. All Afroflo's rights are reserved.</p>			<p>57.4 All registered I&AP's will be informed of the Department's decision in respect of the Application including the quantum of the administrative fine.</p> <p>57. Note is taken of the comment.</p> <p>58.1 The project does not include a filling station and Heavy Vehicle Parking Depot in such close proximity to the others are in line with the requirements of a free economy in which competition ensures the best product for the consumer.</p> <p>58.2 Refer to 58.1.</p> <p>58.3 The S24G application relates to the clearance of vegetation for a Heavy Vehicle Parking Depot and no fuel is being stored on site nor has any facilities for the storage of fuel been constructed. Once the S24G process has run its course an application will be submitted to the Controller of Petroleum Products for the storage of 23m3 on site for refuelling of the tenant's trucks.</p> <p>59. Note is taken of the comment.</p>
Comments on Draft EIAr			
1. Your wayleave application dated 04 August 2022 has reference.	Mr MT (Thami) Hadebe	4/8/22	1.No response is required

Issue	Commentator	Date	Response
<p>Transnet Pipelines, a division of Transnet SOC Limited, is not affected by the proposal.</p> <p>Your awareness of the existence of Transnet's pipeline servitudes and concern for their integrity is highly appreciated.</p> <p>This authorisation shall be valid for 48 months from the date - 04 August 2022.</p>	<p>Tel: 031 – 361 1454</p>		
<p>1. In reply to your letter, we would like to advise that we have no objection against the above-mentioned application as Sasol Satellite Operations will NOT BE AFFECTED.</p> <p>This wayleave is valid for 12 months.</p>	<p>Rachel Mphofu 010 345 8358 Team Lead Gas Pipeline wayleaves@sasol.com Cell: 079 505 4588</p>	<p>4/8/22</p>	<p>2.No response is required</p>
<p>3.This notice affects the existing Eskom Distribution line the LYDENBURG/BOSOORD 22kV overhead power line which traverse the proposed area.</p> <p>Eskom Distribution will raise no objection to the proposed development, provided Eskom's rights and services are acknowledged and respected at all times.</p> <p>There is 9 meters building and tree restriction on either side of the Centre lines of the 11/22 kV power line, which must be adhered to in all future development and or construction. Eskom's rights are protected by wayleave.</p>	<p>Sebenzile Mhlongo Tel +27 13 693 2073</p>	<p>22/8/2022</p>	<p>3.Note is taken and the requirements will be adhered to</p>

Issue	Commentator	Date	Response
<p>Further to the above the following conditions must be adhered to and accepted in writing before any construction procedures:-</p> <ol style="list-style-type: none"> 1. Eskom Distribution shall at all times have unobstructed access to and egress from its services. 2. The applicant will adhere to all relevant environmental legislation. Any cost incurred by Eskom Distribution as a result of non-compliance will be charged to the applicant. 3. No construction or excavation work shall be executed within 11 metres from any Eskom power line structure, and/or within 11 metres from any stay wire. 4. If Eskom has to incur any expenditure in order to comply with statutory clearances or other regulations as a result of the applicant's activities or because of the presence of his equipment or installation within the servitude or wayleave area, the applicant shall pay such costs to Eskom on demand. 5. Changes in ground level may not infringe statutory ground to conductor clearances or statutory visibility clearances. After any changes in ground level, the surface shall be rehabilitated and stabilised so as to prevent erosion. The measures taken shall be to Eskom's requirements. 6. Eskom Distribution shall not be liable for the death of or injury to any person or for the loss of or damage to any property whether as a result of the encroachment or of the use of the area where Eskom Distribution has its services, by the applicant, his/her agent, contractors, employees, successors in title and assigns. 7. The applicant indemnifies Eskom against loss, claims or damages including claims pertaining to interference with Eskom Distribution services or apparatus or otherwise. The applicant's attention is drawn to section 27(3) of the Electricity Act 1987, as amended in 1994, which 			

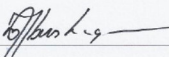
Issue	Commentator	Date	Response
<p>stipulates that the applicant can be fined and/or imprisoned as a result of damage to Eskom's apparatus.</p> <p>8. No mechanical equipment, including mechanical excavators or high lifting machinery, shall be used in the vicinity of Eskom's apparatus and/or services, without prior written permission having been granted by Eskom. If such permission is granted the applicant must give at least seven working days prior notice of the commencement of work The Eskom's authorised area representative for the Lydenburg CNC: Mr Siphon Tonga at 013 755 9315/ 078 059 8643 Email: TongaSG@eskom.co.za allows time for arrangements to be made for supervision and/or precautionary instructions to be issued.</p> <p>9. Under no circumstances shall rubble, earth or other material be dumped within the servitude or Way Leave restriction area. The applicant shall maintain the area concerned to Eskom's satisfaction. The applicant shall be liable to Eskom for the cost of any remedial action which has to be carried out by Eskom.</p> <p>10. The clearances between Eskom's live electrical equipment and the proposed construction work shall be observed as stipulated by Regulation 15 of the Electrical Machinery Regulations of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).</p> <p>11. Eskom may stipulate any additional requirements to illuminate any possible exposure to Customers or Public to coming into contact or be exposed to any dangers of Eskom plant.</p> <p>12. Costs incurred by Eskom to comply with statutory requirements in terms of an applicant's (or his contractors) works, equipment or plant in the servitude area, shall be paid to Eskom on demand.</p> <p>13. If for any reason the structure is required to be moved or dismantled the applicant will be responsible for the removal and/or possible re-location of the attachment.</p>			

Issue	Commentator	Date	Response
<p>14. No work may commence unless Eskom has received the applicant's written acceptance of the conditions specified in the letter of consent and/or permit and the approval is valid for a period of 60 days from date of letter.</p> <p>15. The applicant or his / her contractor on site must always be in possession of the letter of consent. Should the site agent or contractor on site not be able to produce the required approval on inspection, all site activities will be stopped.</p> <p>16. Eskom's rights and duties in the servitude shall be accepted as always having prior right and shall not be obstructed or interfered with. NOTE: Where and electrical outage is required, at least fourteen work days is required to arrange same.</p> <p>17. Eskom Standard gates must be installed in the road reserve fence to ensure access to Eskom's services.</p> <p>18. Statutory clearances as specified by the Occupational Health and Safety Act, 1993 (Act 85 of 1993), Regulation 15 of the Electrical Machinery Regulations, shall be complied with.</p> <p>Should the applicant or his contractor damage any of Eskom services during commencement of any work whatsoever, then Eskom's 24 hour Contact Centre Tel: 08600 37566 must be dialled immediately to report the incident.</p> <p>Any relocation of Eskom's services, due to this construction, will be for the account of the Applicant.</p> <p>The Applicant will also be responsible for granting Eskom an alternative route for the power line.</p> <p>The Eskom Customer Contact Centre at 08600 37566 must be contacted in connection with any line deviation and costs.</p>			

Issue	Commentator	Date	Response
<p>Attached Annexes D (Letter of consent) and E (Indemnity Form) must be completed and returned to this office before commencement of any operations, maps indicating positions of Eskom Distribution services and Clearance standards.</p> <p>We thank you and hope you will find the above in order. Should you have technical queries on the Eskom standards and specifications please feel free to phone our Asset Creation, Manager Design Engineering Marumo at Tel: +27 13 693 3735 or email: MarumoS@eskom.co.za</p> 			
<p>1. We refer to your e-mail dated 04 August 2022 regarding the application for consequences of unlawful commencement / continuation of listed activities in accordance with section 24G read with 24F of the National Environmental Management Act 107 of 1998.</p> <p>2. The matter relates <i>inter alia</i> to the unlawful removal of indigenous vegetation on the property known as Portion 42 of the Farm Rooidraai 34</p>	Jaco Steyn	30/8/2022	1. Note is taken of the comment.

Issue	Commentator	Date	Response
<p>JT, and the proposed development of a heavy vehicle parking depot with ancillary facilities.</p> <p>3. We once more confirm that we act for and on behalf of Afroflo (Pty) Ltd, a registered interested & affected party in this matter.</p> <p>4. We have perused the draft Environmental Impact Report (“EIR”) and attachments thereto and accordingly wish to raise the following comments in addition to those submitted previously.</p> <p>Comment 1: Change in substance of application</p> <p>5. It was noted that following submission of our initial comments the application at hand has seemingly changed from one of a truck stop with ancillary facilities, into an application for a heavy vehicle parking depot with ancillary facilities. It is generally understood that a truck stop is a refuelling facility for large vehicles which cannot refuel at typical filling stations. The applicant is now attempting to change the substance of the application so that it is seemingly for the parking of heavy vehicles and storage of fuel. We are of the view that this is a material change in the ethos of the application which requires that the application be retracted and relodged anew. To allow the metamorphosis of an application in this way, is considered procedurally unfair, unreasonable, and a ground for appeal.</p> <p>Comment 2: False claims of existing depot</p> <p>6. On page 19 of the EIR which deals with the aspect of need and desirability, read with page 21 which relates to the components of the activity, you <i>inter alia</i> stated that as a result of a municipally imposed restriction on the travel of heavy vehicles through the town of Lydenburg the Applicant’s clients are unable to access and utilise an existing facility owned by the Applicant. Need and desirability for the new depot is thus ostensibly justified since drivers cannot access these facilities and don’t have safe alternatives. We quote the following from page 19 of the EIR:</p>			<p>2. Note is taken of the comment.</p> <p>3. Note is taken of the comment.</p> <p>4. Note is taken of the comment.</p> <p>Comment 1: Change in substance of application</p> <p>5. Yes the application is for the parking of heavy vehicles and storage of fuel however what has to be kept in mind is that the activity that was undertaken (and that is applied for) is for the clearance of vegetation so therefore the application will stand as it is. There is only a change in the end use description and no material change in the ethos of the application has taken place.</p> <p>Comment 2: False claims of existing depot</p> <p>6. Note is taken of the contents of the comment and no response is provided:</p>

Issue	Commentator	Date	Response
<p><i>"This has directly affected the Applicant who owns and operates a Fuel Depot and truck stop from erven 5155 and 5156 Lydenburg Ext 56 and who can no longer provide the service from the existing facility.</i></p> <p><i>This has furthermore left the truck drivers without the possibility and opportunity to take a break and rest in a secure environment – there have been reports of muggings and attacks on truck drivers as they rest on the Provincial roads. Additionally, they have been forced to make use of adjacent road areas for comfort breaks. The Applicant acquired the proposed project site as an alternative location to establish the Heavy Vehicle Parking Depot in order to continue to provide a much-needed service to its existing clients."</i> (Our own underlining for emphasis).</p> <p>We also quote the following from page 21 of the EIR: <i>"As a result of the Thaba Chweu By-laws relating to Traffic and Crime Prevention, which restricts heavy vehicle access to Mashishing, the Applicant acquired the proposed project site as an alternative location to establish the Heavy Vehicle Parking Depot in order to continue to provide a much needed service to its existing clients."</i> (Our own underlining for emphasis).</p> <p>We have conducted property and company searches and found that:</p> <p>6.1 Erf 5155 is jointly owned by Mr. Emanuel Jabulane Maseko and Ms. Sophia Thembi Maseko. Any claim that this property is owned by the Applicant is therefore false.</p> <p>6.2 Erf 5155 is only 789 square metres in extent, undeveloped, and clearly meant for residential use.</p> <p>6.3 Erf 5156 is owned by Lion Valley Fuel Depot CC which appears to be a legal entity distinct from Lion Valley Pty Ltd.</p> <p>6.4 The last-mentioned property is 752 square metres in extent, undeveloped, and likewise meant for residential use.</p>			<p>6.1 Note is taken of the information</p> <p>6.2 – 6.5 We concur that the following information is incorrect being:</p> <p><i>"This has directly affected the Applicant who owns and operates a Fuel Depot and truck stop from erven 5155 and 5156 Lydenburg Ext 56"</i> and the Final EIAr will be amended accordingly. The applicant owns and operates PPS Lydenburg from 11 De Clerq Street, Lydenburg. The Motivation for the current application is provided below.</p>

Issue	Commentator	Date	Response												
<p>6.5 The above findings make it clear that there is no depot on erven 5155 and/or 5156 as claimed by the Applicant.</p> <p>6.6 Portion 42 of the Farm Rooidraai 34 JT (“the property”) is owned by Mr. Barend Petrus Ehlers. The Applicant’s statement that it has acquired this property as an alternative to the use of its existing depot is thus false since there is no such existing depot and the property for which application is made is clearly owned by another person.</p> <p>7. We attach herewith WinDeed reports and arial maps which proof that the by the Applicant’s claims in attempting to justify need and desirability, are false.</p> <p>Comment 3: Use of the property</p> <p>8. The Applicant stated on several occasions that the property will not be used as a filling station but only for heavy vehicle parking and fuel storage for its existing customers, which includes TFN. TFN (“Truck Fuel Net”) is a controversial on-road refuelling company which distributes fuel to its clients through a network of participating depots. We herewith provide a link to TFN’s website for the readers information. TFN - About Us - TruckFuelNet</p> <p>9. Any claims by the Applicant that fuel will not be sold either through retailing or wholesaling activities on the property must thus unfortunately be rejected.</p> <p>10. It should also be mentioned that TFN is not a licensed wholesaler as is legally required by the Petroleum Products Act. If the competent authority therefore considers granting this application, it must first liaise with the Controller of Petroleum Products in this regard.</p> <p>Comment 4: Requirement of site licence</p> <p>11. It is respectfully submitted that the Applicant’s claim that the property does not require licences in accordance with the Petroleum Products Act,</p>			<div data-bbox="1294 288 1989 323" style="text-align: center;">LION VALLEY FUEL DEPOT (PTY) LTD</div> <table border="0" style="width: 100%; text-align: center;"> <tr> <td style="width: 33%;">P.O. Box 2694</td> <td style="width: 33%;">CNR OF R555</td> <td style="width: 33%;">TEL: 013 231 7861</td> </tr> <tr> <td>BURGERSFORT</td> <td>& CNR OF R37</td> <td>CELL: 073 244 6866</td> </tr> <tr> <td>1150</td> <td>BURGERSFORT</td> <td>CELL: 074 346 0808</td> </tr> <tr> <td>VAT: 4280223860</td> <td>LIMPOPO</td> <td>REG: 2003/077909/23</td> </tr> </table> <hr/> <p>Motivation Trucks,</p> <p>PPS Lydenburg has been in operation since 2005. We are situated at 11 De Clerq street, Lydenburg, 1120, where you enter the town from Burgersfort/Ohrigstad road. This is a major route for all trucks transporting goods of various nature to the harbours of Mozambique and Durban.</p> <p>Currently no side tipper trucks are allowed in town or to pass through the town. Lydenburg is a major point on route to fill diesel to the trucks, let the drivers have a shower and buy food before continuing their journey to these harbours.</p> <p>Most of these trucks are using a national fuelling system known as Truck Fuel Net (TFN). TFN is only situated in certain towns on route to these harbours. This means that these trucks have to fill diesel, shower, eat and sleep in Lydenburg while on route.</p> <p>Currently some trucks are allowed to still fill diesel at PPS Lydenburg. They have to enter the town, turn around and must leave the town the same way. This means an additional 65km’s each truck must drive. This however does not resolve the problem of parking, sleeping, toilet facilities and food to the trucks and their drivers.</p> <p>Without a proper parking facility for many trucks, this causes the truckdrivers to stop outside the town, where there are no ablution facilities, no security and no convenience store or food stalls. Drivers have to take that risk to continue driving when they are already over tired.</p> <p>During the last year it happened on many occasions that the drivers and their trucks have been hijacked outside town. These trucks then get driven to a remote area where the trucks get striped of their wheels, fuel and the drivers get robbed of their belongings such as cell phones, money, passports etc.</p> <p>By the granting of permission to set up a proper parking facility, all these issues will be resolved and Lydenburg will be made a safe place for truckers in South Africa.</p> <div style="text-align: center;">  _____ Frans Labuschagne </div> <p>6.6 Portion 42 of the Farm Rooidraai 34 JT (“the property”) is owned by Mr. Barend Petrus Ehlers who has entered into a Sale Agreement with the applicant.</p> <p>7. We take note of the comment but not agree with the statement that the Applicant’s claims are false since the trucks that are allowed to fill diesel at PPS Lydenburg have to leave town via the same route they entered and this is an</p>	P.O. Box 2694	CNR OF R555	TEL: 013 231 7861	BURGERSFORT	& CNR OF R37	CELL: 073 244 6866	1150	BURGERSFORT	CELL: 074 346 0808	VAT: 4280223860	LIMPOPO	REG: 2003/077909/23
P.O. Box 2694	CNR OF R555	TEL: 013 231 7861													
BURGERSFORT	& CNR OF R37	CELL: 073 244 6866													
1150	BURGERSFORT	CELL: 074 346 0808													
VAT: 4280223860	LIMPOPO	REG: 2003/077909/23													

Issue	Commentator	Date	Response
<p>whether the property will be used as a filling station or not, is fatally flawed.</p> <p>12. This is not merely our opinion, but a legal fact. Section 2A(1)(c) of the Petroleum Products Act, 1977 (Act No 120 of 1977) (“PPA”) states:</p> <p><i>“a person may not hold or develop a site without there being a site licence for that site issued by the Controller of Petroleum Products.”</i></p> <p>13. The term “site” is defined in the PPA as:</p> <p><i>“premises on land zoned and approved by a competent authority for the retailing of prescribed petroleum products.”</i></p> <p>14. Therefore, if the property in question is zoned for filling station use, it is a site as defined by the PPA and any development thereof is prohibited unless the Applicant has been issued with a site licence by the Controller of Petroleum Products.</p> <p>Comment 5: Contradictions by Applicant</p> <p>15. We have noted contradictions in some of the statements made by the Applicant regarding the planned use of the property. As an example, in response 50 in the EIR the Applicant states that there are no plans to use the property as a filling station. Then, in response 54 of the EIR the Applicant states that it will apply for licences in accordance with the requirements of the Petroleum Products Act.</p> <p>16. As already mentioned, it is clear that fuel will be sold from the property either through retailing or wholesaling activities by means of the TFN system.</p> <p>Comment 6: Surrounding land use</p> <p>17. It was noted that on page 25 wherein the topic of land use was discussed the Applicant made mention of amongst others, a nature reserve and a brick manufacturing facility, however the Applicant failed</p>			<p>additional 65km drive. There is sufficient motivation for the proposal which is clearly why the proposed land uses at Portions 41 and 43 were successfully approved.</p> <p>Comment 3: Use of the property</p> <p>8. The Applicant stated on several occasions that the property will not be used as a filling station but only for heavy vehicle parking and fuel storage for its existing customers who are mainly VR Cargo. Please note the correction that TFN is not a client.</p> <p>9. Fuel will be sold either through retailing or wholesaling activities on the property.</p> <p>10. Approval will be obtained from the Controller of Petroleum Products in this regard.</p> <p>Comment 4: Requirement of site licence</p> <p>11. – 14 All legal requirements will be met prior to further construction taking place and the required licences will be obtained.</p> <p>Comment 5: Contradictions by Applicant</p> <p>15.- 16 All legal requirements will be met prior to further construction taking place and the required licences will be obtained.</p> <p>Comment 6: Surrounding land use</p> <p>17. The current land uses were described. Mention was made that the adjacent property was cleared. Page 5 states the following: <i>1 Ha was cleared by the adjacent land owner in preparation for the construction of a filling station on Portion 43 of the farm Rooidraai 34 JT.</i> Also Page 17 : <i>The proposed land use is furthermore in line with similar land uses that have been approved on the adjacent properties also on previous agricultural zoned land and no Agricultural Impact Assessment will be undertaken.</i></p>

Issue	Commentator	Date	Response
<p>to mention the land use of Beuka Ontwikkelings Trust and Afroflo. This is a critical omission since, regardless of whether or not fuel will be sold on the property, the last-mentioned entities will also provide parking and ancillary services in respect of heavy vehicles which will surely result in cumulative environmental conditions, which conditions must be carefully considered and assessed in this application.</p>			
Comments on Final EIAR			
<p>1. We refer to your e-mail dated 13 September 2022 regarding the application for consequences of unlawful commencement / continuation of listed activities in accordance with section 24G read with 24F of the National Environmental Management Act 107 of 1998.</p> <p>2. The matter relates <i>inter alia</i> to the unlawful removal of indigenous vegetation on the property known as Portion 42 of the Farm Roodraai 34JT, and the proposed development of a heavy vehicle parking depot with ancillary facilities.</p> <p>3. We once more confirm that we act for and on behalf of Afroflo (Pty) Ltd, a registered interested & affected party in this matter. We place on record that Portion 41 of the Farm Roodraai 34 JT has been sold to Eastern Blue Investments 178 CC (“Eastern Blue”). This will not have any effect on Afroflo’ s rights as an I&AP since Afroflo will continue to occupy the said property as lessee and will operate the businesses thereon.</p> <p>4. You are also requested to register Eastern Blue as an I&AP. Since Portion 41 of the Farm Roodraai 34 JT has always featured in this application, it is fair and reasonable to register its new owner as an I&AP in this matter.</p> <p>5. We have perused the Final Environmental Impact Report (“Final EIR”) and attachments thereto and accordingly wish to raise the following comments in addition to those submitted previously.</p> <p>Comment 1A: Change in substance of application</p>	<p>Jaco Steyn</p>	<p>27/09/2022</p>	<p>1. Noted.</p> <p>2. Noted</p> <p>3. Noted.</p> <p>4. As it takes some time for the conveyancing process to be completed Afroflo (Pty) Ltd, when they became aware of the application, should have advised Eastern Blue to register as an I&AP since this would have been the “fair and reasonable” action. However, it is only at the submission of the Final EIAR for comment that this request is made and it seems that the new owners were not made aware of the pending application.</p> <p>5. Statement and no comment required.</p> <p>Comment 1A: Change in substance of application</p> <p>6. According to Arrive Alive a Truck Stop is an eating establishment, usually located near a busy road, with a large parking area for trucks and other heavy vehicles. The stop usually offers a range of services for professional truck drivers to rest and refresh themselves, often with accommodation and other services available. A heavy vehicle parking depot differs from a truck stop in that no accommodation is provided and the facilities are for the use of specific clients. Both the DEIAR and FEIAR is titled “Heavy Vehicle Parking Depot- Lydenburg” as per the below images:</p>

Issue	Commentator	Date	Response
<p>6. In our previous comments dated 04 August 2022, we had noted that the application had changed from one of a truck stop with ancillary facilities, into an application for a heavy vehicle parking depot with ancillary facilities. It was made clear that this was a material change in the ethos of the application which required that the application be retracted and relodged anew.</p> <p>7. In your response, you admitted that the end-use had been altered but that the ethos of the application had not changed since it had related to the clearance of vegetation.</p> <p>8. Your statement is vehemently denied since one cannot focus on the clearance of vegetation in isolation. It is common cause that the competent authority must consider the application as a whole and that the end-use is a fundamental and inextricable part thereof.</p> <p>9. We submit that this aspect in itself has rendered the application defective and the competent authority must refuse it on this basis alone.</p> <p>10. Moreover, the Applicant's continuation with this application as it now stands will lead to gross procedural unfairness and ignorance of the <i>Audi alteram partem</i> rule</p> <p>Comment 2A: False claims of existing depot</p> <p>11. In our previous comments dated 04 August 2022, we had proven that the Applicant had made false claims about the existence of a parking depot.</p> <p>12. In the Draft EIR, the Applicant had attempted to prove need and desirability on the basis that it was unable to utilise its existing heavy vehicle parking depot. The Applicant pointed the finger at municipally imposed restrictions which prohibits heavy vehicles from driving through the town of Lydenburg. These restrictions, the Applicant falsely claimed,</p>			<p style="text-align: center;">DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE APPLICATION FOR RECTIFICATION IN TERMS OF SECTION 24G(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998, AS AMENDED</p> <p style="text-align: center;">FOR</p> <p style="text-align: center;">HEAVY VEHICLE PARKING DEPOT – LYDENBURG (PORTION 42 OF THE FARM ROODRAAI 34 JT)</p> <p style="text-align: center;">FINAL ENVIRONMENTAL IMPACT REPORT FOR THE APPLICATION FOR RECTIFICATION IN TERMS OF SECTION 24G(1) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998, AS AMENDED</p> <p style="text-align: center;">FOR</p> <p style="text-align: center;">HEAVY VEHICLE PARKING DEPOT – LYDENBURG (PORTION 42 OF THE FARM ROODRAAI 34 JT)</p> <p>7. The term “Truck Stop” was erroneously referred to in the Comments and response in four places but no reference is further made in the reports thereto. Therefore no material change in the ethos of the application has taken place.</p> <p>8. Yes, the competent authority must consider the application as a whole and the end-use is a fundamental and inextricable part thereof.</p> <p>9. The end use has always been for a Heavy Vehicle Parking facility and the erroneous inclusion of the term “truck stop” has not rendered the application defective and the competent authority has been provided with sufficient information in order to make an informed decision. The mistakenly used term “Truck stop” occurs in the Specialists Report as well as this is the term the project team is most familiar with although the information received from the applicant is that the application is for a Heavy Vehicle Parking Depot.</p> <p>10. According to Sewell and Kettle this principle forms the basis of the two requirements of natural justice (procedural fairness), the other being the rule against being heard before an independent and “uninterested” adjudicator. In administrative law the ‘hearing rule’ is fundamentally based on the maxim of audi</p>

Issue	Commentator	Date	Response
<p>had prevented its clients from making use of the Applicant's existing parking depot.</p> <p>13. We had attached WinDeed results, proving that the properties which the Applicant had claimed to be its heavy vehicle parking depot, were in fact tiny undeveloped residential stands.</p> <p>14. When confronted with our findings, the Applicant admitted that its presented information was incorrect.</p> <p>15. We will now consider the Applicant's amendments of the Final EIR following our comments of 04 August 2022.</p> <p>16. It is noted that on page 19 and 21 of the Final EIR, the Applicant has removed all claims about owning an existing parking depot.</p> <p>17. It was anticipated that the Applicant would amend the property descriptions included in the Draft EIR to reflect the correct address of its existing parking depot.</p> <p>18. What we see however, is that all references to the parking depot purportedly owned by the Applicant had been removed. This is of major concern since it proves that the Applicant did not erroneously cite the incorrect property in referring to its existing parking depot, but it had in fact intentionally lied about the existence of such facilities.</p> <p>19. It must be remembered that the entire basis upon which the Applicant built its case for need and desirability, was that it needed an alternative parking depot since its clients could not use the existing parking depot due to municipally imposed travel restriction through Lydenburg.</p> <p>20. In an attempt to get around the obvious predicament that the Applicant now finds itself in, it included a letter signed by Mr Frans Labuschagne in the Final EIR. In his letter, Mr Labuschagne cites the inability of side tipper trucks to refuel at PPS Lydenburg filling station as motivation for the Applicant's application.</p>			<p>alteram partem. A failure to inform a person of a case being made against them and an opportunity to be heard may result in the matter being dismissed or decision of a government body rendered void.</p> <p>In the context of commercial law this legal maxim is evident in, for example, the requirement for an originating process to be served on a defendant/respondent. A claim must be brought to their attention to give them the opportunity to respond. The failure to serve an originating process (in accordance with the Rules of the particular jurisdiction) will not give a claimant any right to file, for example, default judgment due to the requirement of an affidavit of service.</p> <p>The public participation process has ensured that all registered I&AP's were provided with the opportunity to be heard and therefore the principle of "Listen to the other side" or "let the other side be heard as well" have been complied with.</p> <p>Comment 2A: False claims of existing depot</p> <p>11. The applicant owns and operates PPS Lydenburg from 11 De Clerq Street, Lydenburg.</p> <p>12. We take note of the comment but do not agree with the statement that the Applicant's claims are false since the trucks that are allowed to fill diesel at PPS Lydenburg have to leave town via the same route they entered and this is an additional 65km drive. There is sufficient motivation for the proposal which is clearly why the proposed land uses at Portions 41 and 43 were successfully approved.</p> <p>13 -14 We concur that the erven mentioned in the DEAIr was erroneous.</p> <p>15. No comment on the statement.</p> <p>16.- 18 The EAP used the information from the Draft Motivating Memorandum for the Town Planning application which was incorrect and made subsequent amendments to the FEIAR.</p>

Issue	Commentator	Date	Response
<p>21. The Applicant has also amended the Final EIR to now refer to PPS Lydenburg. We quote the amended section on page 19 which now reads:</p> <p><i>“This has directly affected the Applicant who owns and operates PPS Lydenburg which has been in operation since 2006 and that is situated in 11 De Clercq Street, Lydenburg.” (Our underlining for emphasis)</i></p> <p>22. We have conducted company, property and licence searches and found that –</p> <p>21.1 The Applicant doesn’t own Platinum Petroleum Supplies (Pty) Ltd trading as PPS Lydenburg (hereinafter “PPS Lydenburg”), as claimed by the Applicant.</p> <p>21.2 The Applicant doesn’t own the property from which PPS Lydenburg is operated, as claimed by the Applicant.</p> <p>21.3 Mr Labuschagne is not an active director in PPS Lydenburg.</p> <p>21.4 The property from which PPS Lydenburg is operated is only 1687 square metres in extent. It is lucid that this property is not a parking depot for heavy vehicles and could never be used as such due <i>inter alia</i> to its small size.</p> <p>21.5 PPS Lydenburg is a licensed retailer in accordance with the Petroleum Products Act, 1977 (Act No. 120 of 1977) (“the PPA”).</p> <p>21.6 The Applicant is a licensed wholesaler in accordance with the PPA.</p> <p>23. We attached the results of our searches to this document for your consideration and response.</p> <p>24. Section 2A(5)(a) of the PPA states:</p> <p><i>“No person may make use of a business practice, method of trading, agreement, arrangement, scheme or understanding which is aimed at or would result in a licensed wholesaler holding a retail licence, except</i></p>			<p>19. -20 Please refer to par 6.2.-6.5 (p25) of the above in which the applicant describes that no side tripper trucks are allowed to pass through town nor is there a proper parking facility for the drivers to rest.</p> <p>21- 22 The difference between a director and shareholder are that directors manage the day to day operations of a company and a shareholder owns the company by the shares that the shareholder has.</p> <p>21.1 The Applicant is a shareholder of Platinum Petroleum Supplies (Pty) Ltd trading as PPS Lydenburg.</p> <p>21.2 The windeed search provided was for 9 De Clerc Street and not 11 de Clerc Street.</p> <p>21.3 Refer to 21-22 above.</p> <p>21.4 The property from which PPS Lydenburg is operated is not a parking depot for heavy vehicles. The application is however to address the need for a heavy vehicle parking facility outside of the town.</p> <p>21.5 This is correct.</p> <p>21.6 This is correct.</p> <p>23. Note is taken of the searches provided.</p> <p>24. Statement is noted</p> <p>25. All required permits/authorisations will be obtained.</p> <p>26 – 28 Please refer to par 21-22 above</p> <p>29. Note is taken of the comment</p> <p>30 - 31. Lodging an application for the continuation of activities that commenced/ was undertaken unlawfully does not necessarily imply that the activity will be authorised. In terms of the NEMA, the MEC may either refuse to issue an EA,</p>

Issue	Commentator	Date	Response
<p><i>fortraining purposes as prescribed, but excludes wholesaling or retailing of liquified petroleum gas and paraffin.</i>" (Our underlining for emphasis).</p> <p>25. It is submitted that the above quoted statement from the Applicant in the Final EIR amounts to an admission of contravention of Section 2A(5)(a) of the PPA by the Applicant.</p> <p>26. As far as Mr Labuschagne's letter is concerned, it must be rejected by the competent authority since neither the Applicant, or Mr Labuschagne as the director of the Applicant, has any legal standing to represent PPS Lydenburg.</p> <p>27. Perusal of Mr Labuschagne's letter makes it clear that he is writing the letter with intimate knowledge of the operations of PPS Lydenburg and his use of the word "We" suggests that he actually operates PPS Lydenburg.</p> <p>28. We submit that Mr Labuschagne's letter constitutes a further admission by the Applicant of its contravention of the PPA.</p> <p>29. Contravention of any provision of the PPA amounts to an offence. In this regard, section 12(1) of the PPA states:</p> <p><i>"Any person who contravenes a provision of this Act, shall be guilty of an offence and be liable on conviction to a fine not exceeding R 1 000 000,00, or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment..."</i></p> <p>30. The competent authority is an organ of state and a creature of statute which can only operate within its designated legal parameters. If the competent authority would thus accept or condone illegal activities as part of an application, the competent authority's actions would be <i>ultra vires</i>.</p>			<p>conditionally authorise the activity or direct the Applicant, to provide further information or take further steps prior to making a decision.</p> <p>32. Please refer to the need and desirability discussed in the FEIAr.</p> <p>33. We stand by the statement that the land use approval to Beuka Ontwikkelings Trust and Afroflo prove that there is need and desirability for the Applicant's proposed activity on Portion 42.</p> <p>32.1 We concur that we have amended the FEIAr to state that the proposed activity will not compete with the activities of Beuka Ontwikkelings Trust or Afroflo respectively.</p> <p>32.2 The need and desirability was described by the applicant in his letter which spells out the moratorium on heavy vehicle access through Mashishing.</p> <p>34. We refute that there was an attempt to provide false information.</p> <p>35.-39 The applicant's intention to develop a "heavy vehicle parking depot" was not amended however the EAP used the incorrect terms being a "Truck Stop" in the comments and response report of the DEIAr. Extract from the specialists reports that make reference to a truck stop was not amended in the FEIAr as the understanding is that the project is for a Heavy Vehicle parking Facility.</p> <p>Comment 3A: Use of the property</p> <p>40. This statement is correct and in the FEIAr involvement of TFN was corrected.</p> <p>41. VR Cargo is the client that will be serviced. .</p> <p>42. This statement is correct</p> <p>43. This statement is correct</p> <p>44. This statement is noted</p>

Issue	Commentator	Date	Response
<p>31. Furthermore, it is not legally permissible for the competent authority to consider the merits of any activity which is a contravention of the law, especially contraventions which constitute offences.</p> <p>32. Your response in the Final EIR to Item 7 of Comment 2 must be rejected by the competent authority. We have already proven in our comments of 04 August 2022 beyond any doubt that the premise for need and desirability upon which the Applicant's application had been built was motivated by fraudulent claims We have now once more proven beyond any doubt that the amended claims by the Applicant are not only false and fraudulent, but amount to admission of an offence.</p> <p>33. Moreover, we are baffled by your statement that land use approval to Beuka Ontwikkelings Trust and Afroflo would prove that there is need and desirability for the Applicant's proposed activity on Portion 42 since—</p> <p>32.1 You have specifically amended the Final EIR to pertinently state that the proposed activity will not compete with the activities of Beuka Ontwikkelings Trust or Afroflo respectively; and</p> <p>32.2 By admitting that Beuka Ontwikkelings Trust and Afroflo are competitors, you implicitly concur that need and desirability must be determined against these competitors. It is common cause that when assessing any application, the mere existence of competitors doesn't prove need and desirability. In fact, it proves the exact opposite and the onus rests with an applicant</p> <p>to prove to the competent authority that there is need and desirability for the proposed activity in spite of the fact that there are existing competitors.</p> <p>34. We must pause for the moment to consider why the Applicant would go so far as to make multiple false and fraudulent claims to prove need and desirability.</p> <p>35. We are of the view that it is for the very same reason that the Applicant had changed the end-use of the application. That is to say, that</p>			<p>45 – 46 The application is not for a filling station but for a Heavy Vehicle Parking facility and ancillary uses.</p> <p>Conclusion</p> <p>47. – 48 The misuse of a term does not make an application fraudulent as the ethos thereof remains the same.</p>

Issue	Commentator	Date	Response
<p>the Applicant knew full-well that it would have little chance of success in its application if it kept the intended end-use as a “truck stop”. In such a case it would have to justify need and desirability with competitors which are situated right next to, and across the road respectively, from the Applicant’s property.</p> <p>36. And so, to get around this problem, the Applicant changed the end-use to “heavy vehicle parking depot” and made up the story that it already owns a heavy vehicle parking depot but that it is being prevented from utilising it by government regulations imposed upon it.</p> <p>37. As part of its fictional story, the Applicant also made a point of it to specifically state that fuel sales would not form part of the intended activity.</p> <p>38. Unfortunately for the Applicant, its representations have been proven to be false and its credibility has suffered a critical blow.</p> <p>39. The lengths that the Applicant has gone to in order to deceive the competent authority is so shocking that the competent authority must distrust each and every statement made by the Applicant unless the competent authority is satisfied that each statement has been objectively proven by the Applicant.</p> <p><i>Comment 3A: Use of the property</i></p> <p>40. In the Draft EIR, the Applicant stated on several occasions that the property will not be used as a filling station but only for heavy vehicle parking and fuel storage for its existing customers, which includes TFN.</p> <p>In our comments of 04 August 2022, we had expressed our doubts since TFN’s business operation stands at odds with what the Applicant had claimed.</p>			

Issue	Commentator	Date	Response
<p>41. In response to our above comments, the Applicant, in blatant contradiction of its own statements, now denies that TFN is its client. It has also removed all references to TFN in its Final EIR and instead opted to cite VR Cargo as its client. This was obviously done in an attempt to remove any thoughts from the competent authority that fuel sales will take place at the property.</p> <p>42. The Applicant claims in some parts of the Final EIR and responses that fuel sales is not part of the intended end-use, alternatively, not "initially", and in other places, that fuel sales will take place either through wholesaling or retailing (Item 9 Comment 3) and that approval will be obtained from the Controller of Petroleum Products (Item 10 Comment 3)</p> <p>43. The same issues are taken with the Applicant's response to Items 11 to 14 under Comment 4 and Items 15 to 16 under Comment 5.</p> <p>44. It is respectfully stated that there are so many contradictions in the Applicant's statements, that one cannot place any modicum of trust therein.</p> <p>45. As an example, after being caught in the lie that the Applicant doesn't have an existing parking depot, the Applicant instead opted to rely on the letter from Mr Labuschagne. His letter however clearly shows that the Applicant and PPS Lydenburg are in the business of selling fuel and that some trucks are unable to refuel at the PPS Lydenburg site. Now we have to believe the Applicant, whom holds a wholesale licence and a retail licence (notwithstanding the illegality thereof), when it claims that it doesn't intend on selling fuel from the proposed site.</p> <p>46. It is obvious that the Applicant does in fact intend on selling fuel and has always intended on doing so, notwithstanding its false claims to the contrary.</p> <p>Conclusion</p>			

Issue	Commentator	Date	Response
<p>47. It is submitted that the above application is defective due to -</p> <p>45.1 the unfair and unreasonable alteration of its substance after lodgement of the application; and 45.2 It being based on false and fraudulent claims; and</p> <p>45.3 It being administratively unfair.</p> <p>48. Accordingly, the competent authority must dismiss the Applicant's application.</p>			
<p>Your correspondence with ref 17/2/S24G-03/2022/23 of date 08/08/2022 has reference.</p> <p>Lion Valley Fuel Depot illegally cleared 3.5ha of indigenous vegetation as the first step in preparation of the construction of a heavy vehicle parking depot and overnight parking facility.</p> <ol style="list-style-type: none"> 1. The MTPA has no objection to the proposed development activities. The development occurred on what previously was "other natural areas" before it was cleared. 2. The applicant must effectively implement and adhere to all the conditions of the EMP and all the action plans once it is finalised. 3. All the negative environmental impacts that could arise as a result of this development should be avoided, minimised, mitigated or rehabilitated whenever possible. 4. Newly disturbed sites must be monitored after rehabilitation for invasive species on an on-going basis. If any alien invasive species are noticed, these should be eradicated using appropriate chemical/mechanical methods. 	<p>K.Malele MPTA</p>	<p>12/10/2022</p>	<ol style="list-style-type: none"> 1. Note is taken of the comment. 2. The following conditions will form part of the recommendations of the FEIAr: 3. The applicant must effectively implement and adhere to all the conditions of the EMP and all the action plans once it is finalised. 4. All the negative environmental impacts that could arise as a result of this development must be avoided, minimised, mitigated or rehabilitated whenever possible. 5. Newly disturbed sites must be monitored after rehabilitation for invasive species on an on-going basis. If any alien invasive species are noticed, these should be eradicated using appropriate chemical/mechanical methods.

5. Description of the Environment

This section provides a description of the natural and socio-economic environment which could be potentially impacted on by the proposed development. It includes a brief overview of the physical environment, biological environment and cultural and social features.

5.1. The Physical Environment

5.1.1. Topography

The project site falls within the Lydenburg Thornveld vegetation unit. This unit occurs at lower levels at the foot of the mountains and on undulating plains (Mucina & Rutherford, 2006). The general gradient of the project site is however fairly flat. The area generally slopes to the east.

5.1.2. Climate

The Lydenburg Thornveld vegetation unit occurs in the rainshadow of the Escarpment, where the climate is much drier and the winters are very cold (MAT 16°C). The rainfall is generally lower than in surrounding areas since it falls within a rainshadow with a MAP of 707 mm. Most of this unit experiences fairly infrequent frost (Mucina & Rutherford, 2006).

5.1.3. Landcover

An area of 3.5 ha of the site was cleared of vegetation and no indigenous vegetation remains on the portion of the property where the Heavy Vehicle Parking Depot is proposed. As of the site investigation in April 2022, there were no large buildings or structures on site. A borehole is situated on the southern boundary of the site.

5.1.4. Geology and Soils

The area is characterised by red clay soils mostly derived from shales of the Pretoria Group (including the Silverton and Timeball Hill Formations). Shales occasionally intersected with bands of quartzite or andesite (Mucina & Rutherford, 2006).

5.1.5. Surface Water and Wetlands

The project site is not affected by a watercourse, including rivers, streams, distinct drainage lines, wetlands and pans.

The closest watercourses to the study site are tributaries of the Dorpsrivier situated approximately 95m and 600m north and south-east of the project site respectively.

5.1.6. Protected Areas

The Lydenburg Nature Reserve is situated directly north of the project site. The Nature Reserve is declared as a Protected Area in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).

5.2. The Biological Environment

5.2.1. Vegetation

An area of 3.5 ha of the site was cleared of vegetation and no indigenous vegetation remains on the portion of the property where the Heavy Vehicle Parking Depot is proposed.

5.2.2. Fauna

An area of 3.5 ha of the site was cleared of vegetation and the site falls in area that has fairly high levels of rural development and high levels of agricultural farmlands, which both have overall negative impacts on free-roaming wild fauna.

No mammals, reptiles or invertebrates were observed during the site visit and as a result of the anthropogenic activities that took place on the property, it is highly unlikely that any species of conservation concern will be present on site.

5.2.3. Mpumalanga Biodiversity Sector Plan

The Mpumalanga Biodiversity Sector Plan (MBSP) is a spatial tool that forms part of a broader set of national biodiversity planning tools and initiatives that are provided for in national legislation and policy. It comprises a set of maps of biodiversity priority areas accompanied by contextual information and land-use guidelines that make the most recent and best quality biodiversity information available for use in land-use and development planning, environmental assessment and regulation, and natural resource management.

The MBSP was developed by updating and revising an earlier provincial systematic biodiversity plan that was known as the Mpumalanga Biodiversity Conservation Plan (MBCP, 2006). Although the MBCP and its accompanying Handbook were excellent, widely accepted and well-used products, it became necessary to conduct a major revision. The state of the physical landscape has changed in some areas with respect to both habitat modification and protection of certain ecosystems. Also, the field of biodiversity planning has advanced significantly since 2006, and it was necessary to incorporate new and improved data and to take advantage of several technical advances for analysing and interpreting the data and generating maps. The revised plan incorporates significant technical improvements, including more recent and accurate land cover data, new planning units, more and better biodiversity data, features important for climate change adaptation and many other new features. It is important to

note that the MBSP replaces the earlier MBCP, and should be used as the official reference for biodiversity priority areas to be taken into account in land-use planning and decision-making in the province (MTPA, 2014).

According to Mpumalanga's Biodiversity Conservation Plan the site falls within a LN3 area and a Biodiversity Priority Natural Area (Critical Biodiversity Area).

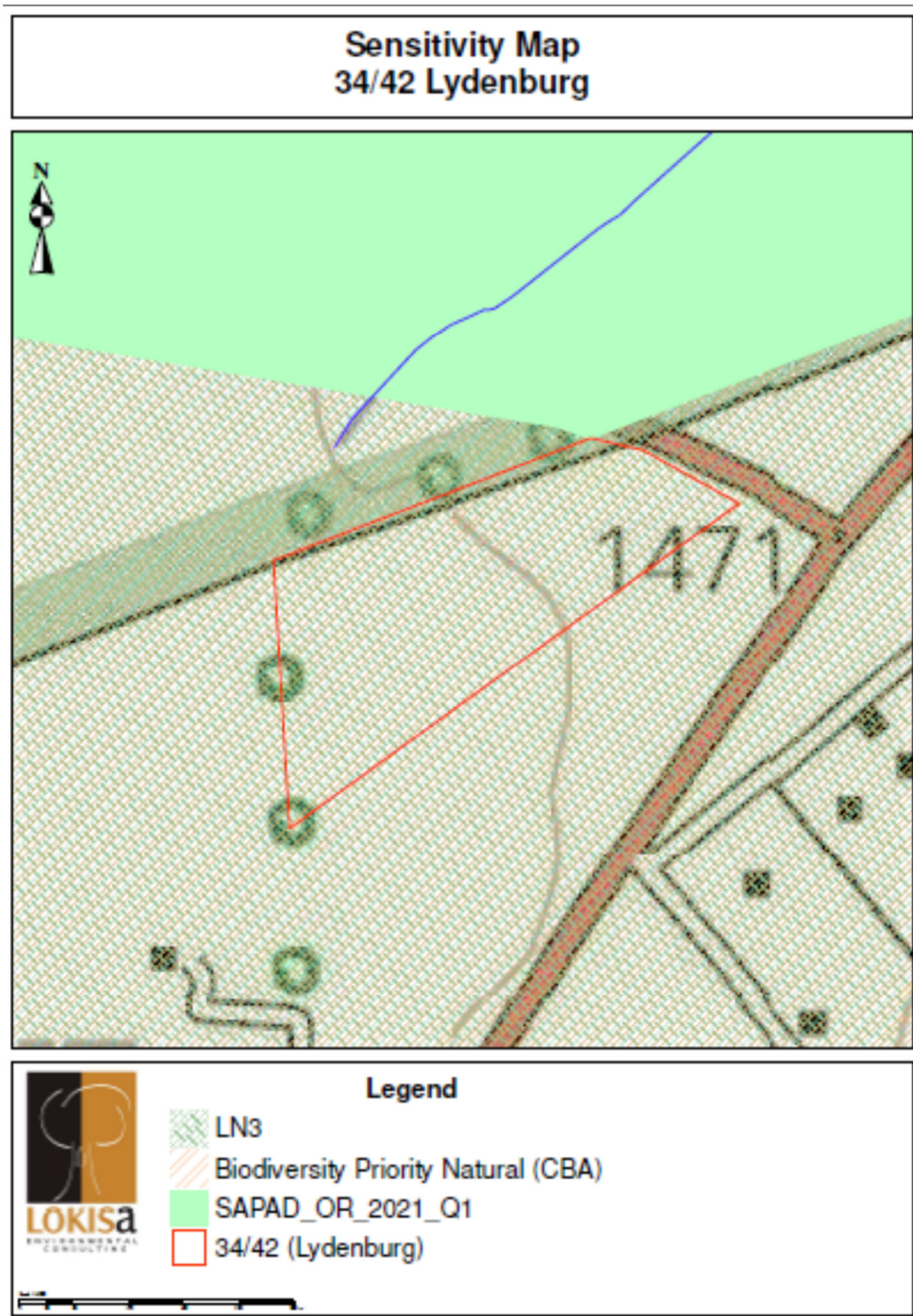


Figure 6 : Sensitivity Map

According to the Mpumalanga Biodiversity Sector Plan’s terrestrial assessment the majority of the site (and the portion where the development is proposed) falls within “Other Natural Areas”. According to the freshwater assessment, the site falls within an “Ecological Support Area -Important subcatchments (Fish support areas)”.



Figure 7 : MBSP Terrestrial CBA Map 2019 (Other Natural Areas)

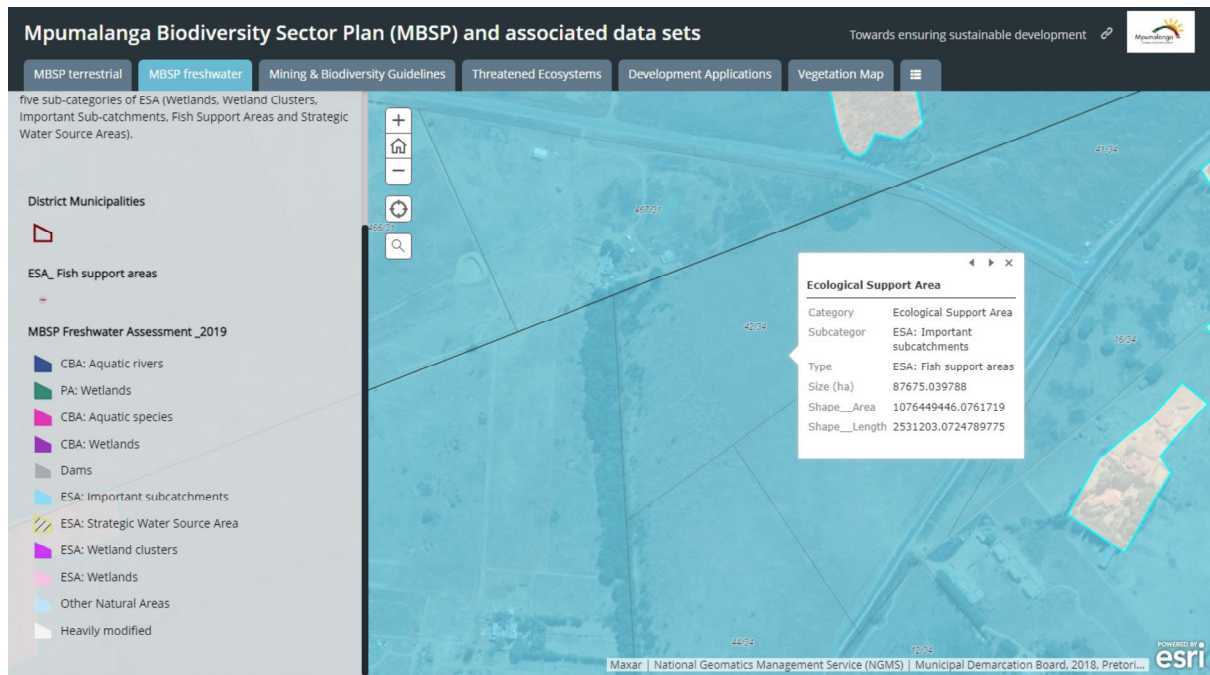


Figure 8 : MBSP Freshwater Assessment 2019

5.2.4. Desktop Screening Tool Assessment

The Department of Forestry, Fisheries and the Environment (DFFE) (Previously DEFF and DEA) has developed a desktop screening tool that is to be used as a guideline in an initial desktop assessment of a project site (www.screening.environment.gov.za). The screening tool incorporates most datasets produced by DWS, DFFE, SANBI and Provincial Conservation Plans. The screening tool is a desktop guideline that needs to be verified during site investigations (ground-truthing).

According to the screening tool (accessed June 2022) the following summary of the development site environmental sensitivities is identified:

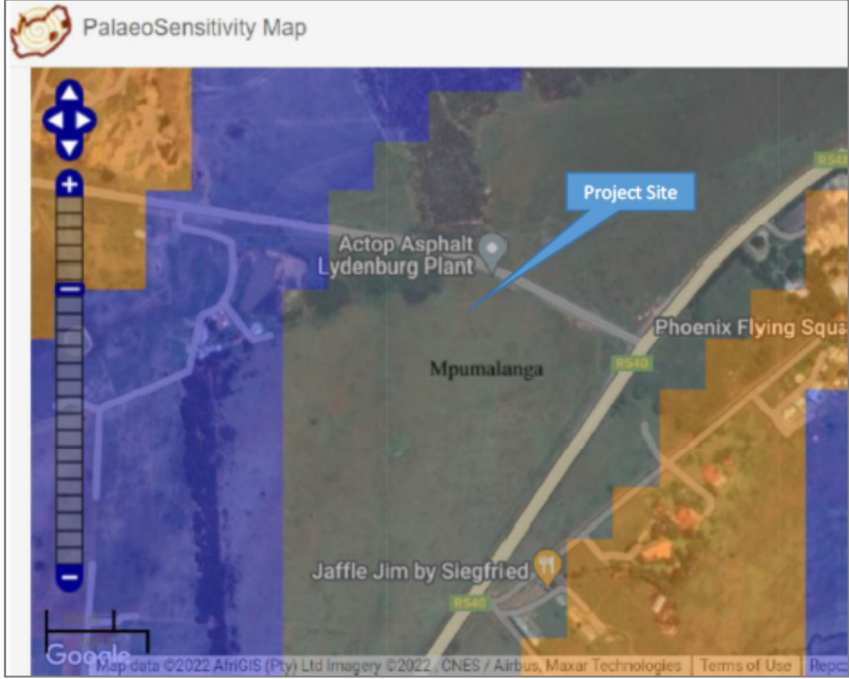
Table 2: Screening Tool summary of the development site environmental sensitivities identified


Theme	Very High Sensitivity	High Sensitivity	Medium Sensitivity	Low Sensitivity
Agriculture Theme		X		
Animal Species Theme		X		
Aquatic Biodiversity Theme				X
Archaeological and Cultural Heritage Theme				X
Civil Aviation Theme		X		
Defence Theme				X
Paleontology Theme			X	
Plant Species Theme			X	
Terrestrial Biodiversity Theme	X			

Based on the selected classification, and the environmental sensitivities of the proposed development footprint, the following list of specialist assessments have been identified for inclusion in the assessment report. It is the responsibility of the EAP to confirm the list and to motivate in the assessment report, the reason for not including any of the identified specialist study including the provision of photographic evidence of the footprint situation.

Table 3: Specialist Assessments Identified

Specialist Assessment Identified	Motivation for not including the Specialist Assessment
1. Landscape / Visual Impact Assessment	<p>According to (Barnard, 1999) a new development should aim to be attractive and visually pleasing. It should preferably improve the visual quality of the area and at the very least avoid visual degradation of the area.</p> <p>The development will be established in a manner that aims to prevent any negative visual impact. It should also be noted that the site falls within an area away from high density residential areas and in an agricultural area, thus minimising the possibility of any visual impact and as such a Visual/Landscape Impact Assessment was not deemed necessary.</p>
2. Archaeological and Cultural Heritage Impact Assessment	<p>There are no 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 sites, on or close to the site.</p>

	A Heritage Impact Assessment will however be conducted.
3. Palaeontology Impact Assessment	<p>According to the SAHRIS PalaeoSensitivity Map, accessible at: https://sahris.sahra.org.za/map/palaeo; the majority of the project site (and the portion where the development is proposed) falls within a grey area with a sensitivity of insignificant / zero and no palaeontological studies are required.</p>  <p>The image is a screenshot of a web-based PalaeoSensitivity Map. The map shows a satellite view of an area in Mpumalanga, South Africa. A blue callout box labeled 'Project Site' points to a grey-shaded area on the map. Other labeled locations include 'Actop Asphalt Lydenburg Plant', 'Phoenix Flying Squa...', and 'Jaffle Jim by Siegfried'. The map includes a navigation interface on the left with a compass and a zoom slider. The Google logo is visible in the bottom left corner of the map area.</p>
Figure 9: Palaeo Sensitivity Map	
4. Terrestrial Biodiversity Impact Assessment	<p>A 3.5ha area of the site was cleared of vegetation and no indigenous vegetation remains on the portion of the property where the Heavy Vehicle Parking Depot is proposed. The site falls in area that has fairly high levels of rural development and high levels of agricultural farmlands, which both have overall negative impacts on free-roaming wild fauna.</p> <p>As a result of the anthropogenic activities that took place on the property, it is highly unlikely that any species of conservation concern will be present on site.</p> <p>It was therefore not deemed necessary to undertake a Terrestrial Biodiversity study.</p>
5. Aquatic Biodiversity Impact Assessment	<p>The project site is not affected by a watercourse, including rivers, streams, distinct drainage lines, wetlands and pans. The Screening Report further indicates a “low” sensitivity for the Aquatic Biodiversity Theme.</p> <p>It was therefore not deemed necessary to undertake an Aquatic Biodiversity Impact Assessment.</p>
6. Socio – Economic Assessment	<p>The proposed development is believed to have positive socio-economic impacts and is in line with the various non-residential uses taking place along the main routes of Mashishing and thus a socio-economic impact assessment was not deemed necessary.</p>
7. Plant Species Assessment	<p>An area of 3.5 ha of the site was cleared of vegetation and no indigenous vegetation remains on the portion of the property where the Heavy Vehicle Parking Depot is proposed.</p>

	<p>As a result of the anthropogenic activities that took place on the property, it is highly unlikely that any species of conservation concern will be present on site.</p> <p>It was therefore not deemed necessary to undertake a Plant Species Assessment.</p>
<p>8. Animal Species Assessment</p>	<p>A 3.5ha area of the site was cleared of vegetation and the site falls in area that has fairly high levels of rural development and high levels of agricultural farmlands, which both have overall negative impacts on free-roaming wild fauna.</p> <p>No mammals, reptiles or invertebrates were observed during the site visit and as a result of the anthropogenic activities that took place on the property, it is highly unlikely that any species of conservation concern will be present on site.</p> <p>It was therefore not deemed necessary to undertake an Animal Plant Species Assessment.</p> <div style="display: flex; justify-content: space-around;">  </div> <p>Figure 10: Photos of the proposed project site cleared of vegetation</p>

5.3. Cultural and Social Features and Pollution

5.3.1. Historic, pre-historic features and archaeological

There are no 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 sites, on or close to the site.

No building or structure older than 60 years will be/were affected in any way.

It will therefore not be necessary to apply for a permit in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

A Heritage Impact Assessment was undertaken by Tobias Coetzee during August 2022 and the report concluded that the general study area is associated with a combination of open veldt and a section disturbed by the clearing of vegetation. A possibility also exists that the entire area used to be cultivated, indicating a lower sensitivity and potential impact to cultural resources. Three contemporary sites

consisting of a building ruin, stone platform and a dam were noted within the demarcated land parcel. These sites (B01 – B03), however, do not exceed 60 years of age, are not considered to be significant or sensitive from a heritage perspective and are located outside of the proposed construction footprint.

One potential grave (B04) consisting of a stone cairn, was observed near the north-western corner of the study area. Due to the sensitive nature of graves/burial sites, a 20m fenced-off conservation buffer should be erected around the potential grave in order to avoid accidental damage to the site. Alternatively, the site may be inspected using Ground Penetrating Radar operated by a suitably qualified specialist, or a grave relocation process may be initiated.

Subject to adherence to the recommendations and approval by SAHRA, the proposed Lion Valley Truck Stop as per the indicated boundary may continue. Should skeletal remains be exposed during development and construction phases, all activities must be suspended, and the relevant heritage resources authority must be contacted (See National Heritage and Resources Act, 25 of 1999 section 36 (6)). Also, should culturally significant material be discovered during the course of the said development, all activities must be suspended pending further investigation by a qualified archaeologist.

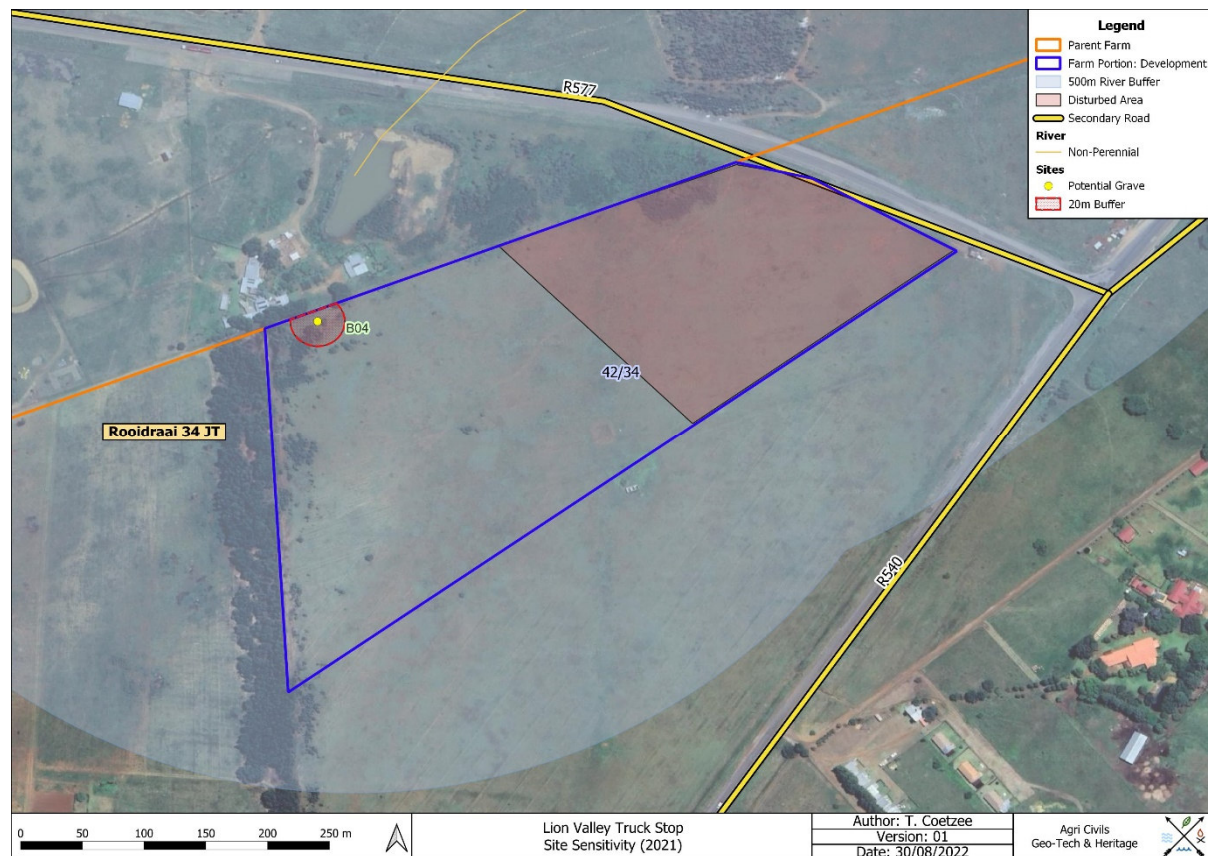


Figure 11: Heritage Sensitivity Map

According to the SAHRIS PalaeoSensitivity Map, accessible at: <https://sahris.sahra.org.za/map/palaeo>; the majority of the project site (and the portion where the development is proposed) falls within a grey area with a sensitivity of insignificant / zero and no palaeontological studies are required.

5.3.2. Visual Quality

One of the potential impacts of a development is its aesthetic impact. The aesthetic quality of an area is important for several reasons and could be an important contributor to the well-being and quality of life for people (Barnard, 1999).

The visual environment of the wider area, in which the development took place, consists of a mix of natural and anthropogenic components which means that the area can be visually influenced by differing visual factors.

Light pollution must be minimised on the project site and lights at the facility will be sufficient for safety and security purposes but will not be intrusive to neighbouring residents or interfere with road traffic.

Outside lights will have to be downward shining (eyelid type), low wattage and should not be positioned higher than 1 m above the ground surface. Lights will be directed to only shine on certain areas of the project site e.g. ablution facility, corner posts and the middle of the facility.

The proposed development is not expected to visually degrade the area.

5.3.3. Air quality

Emissions during the construction phase will mostly be in the form of dust.

It is proposed that the internal circulation streets around the parking areas will be constructed with mountable kerbs and that the streets will be surfaced with either precast concrete paving blocks or asphalt surfacing to mitigate air pollution (Dust from vehicle movement).

Air pollution during the operational phase is not expected however, vapor from vehicles and during the re-fuelling could occur.

5.3.4. Noise

General construction noise will occur as a result of the construction activities. Construction activities should be limited to business hours, and no construction should take place on weekends and public holidays.

Minimal noise will be generated by the trucks at the facility during the operational phase. The design of the facility is of such a nature that it provides for an internal “ring road” for easy access and turnaround space for trucks. The trucks therefore do not have to idle or make use of their reverse signals.

The facility’s gates will be closed from 18:00 to 06:00 and no trucks will be allowed during this time. No provision will be made for areas or opportunities for the truck drivers to socialise.

5.3.5. Safety and Security

Construction sites attract the unemployed, so people may gather on or around the site. These people must be kept off the site for safety reasons.

Personnel must be adequately updated about safety procedures. Security guards will be present at the entrance to the Heavy Vehicle Parking Depot and the facility will be fenced with a 2.1 m high fence.

5.3.6. Sense of Place

The proposed Heavy Vehicle Parking Depot has been placed on the northern portion of the site, on the main road and also where it will not have an impact on the adjacent land uses. The natural vegetation surrounding the facility furthermore acts as a buffer and no impacts on the sense of place of the area is expected.

5.3.7. Property Values

According to Barnard (1999) property values are in most cases affected by three factors, namely an increase in noise, an adverse visual impact and a security risk to already established residents.

In light of the above it is not expected that the project will have an impact on property values.

5.3.8. Socio-Economic Impact

The proposed development is believed to have positive socio-economic impacts and is in line with the various non-residential uses taking place along the main routes of Mashishing and will not be out of line of what is taking place in the area.

5.3.9. Pollution Prevention Measures

Mitigation measures relating to pollution are to be adhered to during the operational phase which will ensure that the activity will not give rise to pollution.

6. Environmental Impact Assessment

6.1. Introduction

The Impact of the project activities is determined by identifying the environmental aspects and then undertaking an environmental risk assessment to determine the significant environmental aspects. The environmental impact assessment will include all phases of the project namely:

- Construction Phase; and
- Operational Phase.

Due to the nature of the development, it is anticipated that the infrastructure would be permanent, thus not requiring decommissioning or rehabilitation. Maintenance of infrastructure will be addressed under the operational phase.

6.2. Methodology

The potential environmental impacts associated with the project will be evaluated according to the nature, extent, duration, intensity, probability and significance of the impacts, whereby:

- **Nature:** A brief written statement of the environmental aspect being impacted upon by a particular action or activity.
- **Extent:** The area over which the impact will be expressed. Typically, the severity and significance of an impact have different scales and as such bracketing ranges are often required. This is often useful during the detailed assessment phase of a project in terms of further defining the determined significance or intensity of an impact. For example, high at a local scale, but low at a regional scale;
- **Duration:** Indicates what the lifetime of the impact will be;
- **Intensity:** Describes whether an impact is destructive or benign;
- **Probability:** Describes the likelihood of an impact actually occurring; and
- **Cumulative:** In relation to an activity, means the impact of an activity that in itself may not be significant but may become significant when added to the existing and potential impacts eventuating from similar or diverse activities or undertakings in the area.

Significance is determined through a synthesis of impact characteristics. Significance is also an indication of the importance of the impact in terms of both physical extent and time scale, and therefore indicates the level of mitigation required. The total number of points scored for each impact indicates the level of significance of the impact. The criteria to determine the Consequence of an Impact is described in the tables below.

Table 4: Methodology

Rating	Definition of Rating	Score
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A. Extent – the area in which the impact will be expected		
None	None	0
Local	Confined to project or study area or part thereof (e.g. site)	1
Regional	The region, which may be defined in various ways, e.g. Cadastral, catchment, topographic	2
(Inter) national	Nationally or beyond	3
B. Intensity – the magnitude or size of the impact		
None	None	0
Low	Natural and/or social functions and processes are negligibly altered	1
Medium	Natural and/or social functions and processes continue albeit in a modified way	2
High	Natural and/or social functions or processes are severely altered	3
C. Duration – the time frame for which the impact will be experienced		
None	None	0
Short term	Up to 2 years	1
Medium term	2 – 15 years	2
Long Term	More than 15 years	3

The combined score of these three criteria corresponds to a Consequence Rating, as set out in Table below:

Table 5: Method used to determine the consequence score

Combined score (A+B+C)	0 - 2	3 - 4	5	6	7	8-9
Consequence Rating	Not Significant	Very low	Low	Medium	High	Very high

Once the consequence is derived, the probability of the impact occurring is considered, using the probability classifications indicated in table below:

Table 6: Method used to determine the probability

Probability of impact – the likelihood of the impact occurring	
Improbable	< 40% chance of occurring
Possible	40% - 70% chance of occurring
Probable	> 70% - 90% chance of occurring
Definite	> 90% chance of occurring

The overall significance of impacts is determined by considering consequence and probability using the rating system indicated in table below:

Table 7: Impact significance rating

Significance Rating	Consequence		Probability
Insignificant	Very low	&	Improbable
	Very low	&	Possible
Very Low	Very low	&	Probable
	Very low	&	Definite
	Low	&	Improbable
	Low	&	Possible
Low	Low	&	Probable
	Low	&	Definite
	Medium	&	Improbable
	Medium	&	Possible
Medium	Medium	&	Probable
	Medium	&	Definite
	High	&	Improbable
	High	&	Possible
High	High	&	Probable
	High	&	Definite
	Very high	&	Improbable
	Very high	&	Possible
Very High	Very high	&	Probable
	Very high	&	Definite

In conclusion the impacts are also considered in terms of their status (positive or negative impact) and the confidence in the ascribed impact significance rating. The prescribed system for considering impacts status and confidence (in assessment) is indicated in the table below.

Table 8: Impact status and confidence classification

Status of Impact	
Indication of where the impact is adverse (negative) or beneficial (positive)	+ ve (positive – a ‘benefit’)
	- ve (negative – a ‘cost’)
	Neutral
Confidence of assessment	
The degree of confidence in predictions based on available information, EAP’s judgement and/or specialist knowledge	Low
	Medium
	High

The impact significance rating will be considered in the Impact Assessment process based on the implications of ratings ascribed below:

- **Insignificant:** the potential impact is negligible and will not have an influence on the decision regarding the proposed activity / development;
- **Very Low:** the potential impact should not have any meaningful influence on the decision regarding the proposed activity / development;
- **Low:** the potential impact may not have any meaningful influence on the decision regarding the proposed activity / development;

- **Medium:** the potential impact should influence the decision regarding the proposed activity / development;
- **High:** the potential impact will affect the decision regarding the proposed activity / development;
- **Very High:** The proposed activity should only be approved under special circumstances.

The tables below describe and compare the potential impacts, significance rating of impacts, proposed mitigation and significance rating of impacts after mitigation that are likely to occur as a result of the construction and operational phases for the proposed development. This also includes an assessment of the significance of all impacts.

6.3. Potential Impacts and Significance Rating

The suitability and feasibility of all proposed mitigation measures is included in the assessment of significant impacts. This was achieved through the comparison of the significance of the impact before and after the proposed mitigation measure is implemented. Impacts are mostly associated with the Construction and Operational phases of the development.

The table below contains the assessment of significant impacts. The significance rating for the construction and operational phase is determined.

Table 9: Potential Impacts and Significance rating for the construction and operational phases

Potential Impact	Extent A	Intensity B	Duration C	Consequence A+B+C	Probability	Impact Significance	Status	Confidence
CONSTRUCTION PHASE								
1. ISSUE: AIR QUALITY								
1.1 Dust/Air pollution - The generation of fugitive dust associated with construction activities & earthworks.	Local (1)	High (3)	Short term (1)	Low (5)	Definite	Low & Definite = Low	-ve	High
2. ISSUE: TOPOGRAPHY								
2.1 Visual Impacts • Littering and dumping on site may result in an alteration of the visual character of the site. • Lights from the contractor's camp and the construction site might be visually intrusive	Local (1)	Medium (2)	Short term (1)	Very Low (4)	Definite	Very Low & Definite = Very Low	-ve	High
2.2 Bulk earthworks: Deep cuttings, high embankments, disposal of spoil and excavations cause local changes to topography	Local (1)	Medium (2)	Short term (1)	Very Low (4)	Definite	Very Low & Definite = Very Low	-ve	High
3. ISSUE: GEOLOGY AND SOILS								
3.1 Soil erosion, loss of topsoil, deterioration of soil quality	Regional (2)	High (3)	Short term (1)	Medium (6)	Definite	Medium & Definite = Medium	-ve	High
3.2 Soil pollution	Local (1)	High (3)	Short term (1)	Low (5)	Definite	Low & Definite = Low	-ve	High
3.3 Disturbance of surface geology for development foundations	Local (1)	High (3)	Short term (1)	Low (5)	Definite	Low & Definite = Low	-ve	High

Potential Impact	Extent A	Intensity B	Duration C	Consequence A+B+C	Probability	Impact Significance	Status	Confidence
3.4 Geotechnical Constraints	Local (1)	High (3)	Short term (1)	Low (5)	Definite	Low & Definite = Low	-ve	High
4. ISSUE: FAUNA AND FLORA								
4.1 Site clearing and the removal of vegetation	Local (1)	Low (1)	Long term (3)	Low (5)	Probable	Low & Probable = Low	-ve	high
4.2 Degradation, destruction of habitats/ ecosystem, loss of natural vegetation/ wildlife	Local (1)	Low (1)	Long term (3)	Low (5)	Probable	Low & Probable = Low	-ve	high
4.3 Impacts on fauna and flora and loss of RDL faunal and floral species	Local (1)	Low (1)	Long term (3)	Low (5)	Probable	Low & Probable = Low	-ve	high
4.4 Invasive Species	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	high
5. ISSUE: HYDROLOGY								
5.1 Storm water flow and drainage- Developments cause the modification of drainage patterns. Storm water may be concentrated at certain points, increasing the velocity of flow in one area and reducing flow in another. This may contribute to flooding, soil erosion, and sedimentation of nearby water bodies.	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	Medium
5.2 Impact on watercourse	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	Medium
SOCIO-ECONOMIC AND CULTURAL HISTORICAL ENVIRONMENT								
6. ISSUE: AESTHETICS, LANDSCAPE CHARACTER AND SENSE OF PLACE								
6.1 Noise / vibration	Local (1)	Low (1)	Short term (1)	Very Low (3)	Definite	Very Low & Definite = Very Low	-ve	High
7. ISSUE: SOCIAL WELL-BEING AND QUALITY OF THE ENVIRONMENT								
7.1 Safety and Security	Region (2)	High (3)	Short term (1)	Medium (6)	Probable	Medium & Probable = Medium	-ve	High
7.2 Economic opportunities	Region (2)	High (3)	Short term (1)	Medium (6)	Probable	Medium & Probable = Medium	+ve	Medium
7.3 Hygiene	Local (1)	Medium (2)	Short term (1)	Very Low (4)	Probable	Very Low & Probable = Very Low	-ve	High
8. ISSUE: HISTORICAL ENVIRONMENT								
8.1 Destruction of cultural / heritage sites	None	None	None	Not Significant (0)	Improbable	Not Significant & Improbable = Insignificant	-ve	Low
9. ISSUE: TRAFFIC								
9.1 Traffic – Construction vehicles	Regional (2)	Medium (2)	Short term (1)	Low (5)	Probable	Low & Definite = Low	-ve	High
10. ISSUE: SERVICES AND WASTE								

Potential Impact	Extent A	Intensity B	Duration C	Consequence A+B+C	Probability	Impact Significance	Status	Confidence
10.1 Waste	Local (1)	Medium (2)	Short term (1)	Very Low (4)	Definite	Very Low & Definite = Very Low	-ve	High
10.2 Pressure on existing infrastructure and services	Local (1)	Medium (2)	Short term (1)	Very Low (4)	Probable	Very Low & Probable = Very Low	-ve	High
OPERATIONAL PHASE								
1. ISSUE: AIR QUALITY								
1.1 Air pollution: - dust along access road	Local (1)	Low (1)	Long term (3)	Low (5)	Improbable	Low & Probable = Low	-ve	High
2. ISSUE: FAUNA AND FLORA								
2.1 Alien invasion	Local (1)	Low (1)	Long term (3)	Low (5)	Probable	Low & Probable = Low	-ve	High
3. ISSUE: GEOLOGY AND SOILS								
3.1 Soil erosion, loss of topsoil, deterioration of soil quality	Local (1)	High (3)	Long term (3)	High (7)	Probable	High & Probable = High	-ve	Medium
3.2 Soil pollution	Local (1)	High (3)	Long term (3)	High (7)	Probable	High & Probable = High	-ve	Medium
SOCIO-ECONOMIC AND CULTURAL HISTORICAL ENVIRONMENT								
4. ISSUE AESTHETICS, SITE CHARACTER AND SENSE OF PLACE								
4.1 Noise	Local (1)	Low (1)	Long term (3)	Low (5)	Probable	Low & Probable = Low	-ve	High
5. ISSUE: SOCIO-ECONOMIC								
5.1 Socio-economic impact	Local (1)	High (3)	Long term (3)	High (7)	Probable	High & Probable = High	+ve	Medium
5.2 Economic opportunities	Local (1)	Low (1)	Long term (3)	Low (5)	Probable	Low & Probable = Low	+ve	High
6. ISSUE: VISUAL IMPACT								
6.1 The buildings may be visually intrusive	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	Medium
7. ISSUE: SOCIAL WELL BEING AND QUALITY OF THE ENVIRONMENT								
7.1 Safety and Security:	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	Medium
8. ISSUE: HYDROLOGY								
8.1 Impact on watercourses	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	Medium
8.2 Storm Water and Drainage – Developments cause the modification of drainage patterns. Storm water may be concentrated at certain points, increasing the velocity of flow in one area and reducing flow in another	Regional (2)	Medium (2)	Long term (3)	High (7)	Probable	High & Probable = High	-ve	Medium
9. ISSUE: TRAFFIC								
9.1 Traffic	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	High
9.2 Access to the proposed development	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	High

Potential Impact	Extent A	Intensity B	Duration C	Consequence A+B+C	Probability	Impact Significance	Status	Confidence
10. ISSUE: VISIBILITY AND ACCESSIBILITY								
10.1 Visibility and accessibility	Local (1)	Medium (2)	Long term (3)	Medium (6)	Definite	Medium & Definite = Medium	-ve	High
INFRASTRUCTURE, SERVICES AND WASTE								
11. ISSUE: INFRASTRUCTURE AND WASTE								
11.1 Waste	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	Medium
11.2 Conservancy tanks	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	Medium
11.3 Pressure on existing infrastructure and services	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	Medium
12. ISSUE: FACILITY OPERATION								
12.1 Fuel storage and handling facilities	Local (1)	High (3)	Long term (3)	High (7)	Probable	High & Probable = High	-ve	Medium
12.2 Emergency preparedness	Local (1)	Medium (2)	Long term (3)	Medium (6)	Probable	Medium & Probable = Medium	-ve	Medium

Table 10: Significance Rating for the construction and operational phase and mitigation measures

Potential Impacts	Significance rating of impacts	Proposed mitigation	Significance rating of impacts after mitigation	Risk of the impact and mitigation not being implemented
CONSTRUCTION PHASE				
1. ISSUE: AIR QUALITY				
1.1 Dust /Air pollution The generation of dust associated with construction activities & earthworks	Low	<ul style="list-style-type: none"> Dust generation should be kept to a minimum. Dust must be suppressed at construction areas during dry periods by the regular application of water or a biodegradable soil stabilisation agent. Speed limits must be implemented in all areas, including public roads and private property to limit the levels of dust pollution. Excavating, handling or transporting erodible materials in high wind or when dust plumes are visible must be avoided. All materials transported to site must be transported in such a manner that they do not fly or fall off the vehicle. This may necessitate covering or wetting friable materials. No burning of refuse or vegetation is permitted. 	Very Low	Negative impact to the ambient air quality of the area
2. ISSUE: TOPOGRAPHY				
2.1 Visual Impacts and light pollution	Very Low	<ul style="list-style-type: none"> Any temporary storage, lay-down areas or accommodation facilities to be setup in existing built-up areas or disturbed areas only. Ensure small footprint during construction phase. Site development to be limited to footprint area. The construction camp must be located as far from residential properties as possible. Construction / management activities must be limited to the daylight hours between 7:00am and 5:30pm weekdays; 7:00am and 1:30pm on Saturdays. Light pollution must be minimised on the project site Lighting on site is to be sufficient for safety and security purposes, but shall not be intrusive to neighbouring residents, disturb wildlife, or interfere with road traffic. Outside lights will have to be downward shining (eyelid type), low wattage and should not be positioned higher than 1 m above the ground surface. Low flux and frequency lighting must be utilised. 	Very Low	Negative impact to the visual quality of the area including light pollution

Potential Impacts	Significance rating of impacts	Proposed mitigation	Significance rating of impacts after mitigation	Risk of the impact and mitigation not being implemented
2.2 Bulk earthworks	Very Low	<ul style="list-style-type: none"> • Avoid development on excessively steep slopes. • Avoid cutting steep embankments • Provide the necessary erosion protection measures. • Disturbed surface areas in the construction phase to be rehabilitated. No open trenches to be left. No mounds of soils created during construction to be left. • All construction material, equipment and any foreign objects brought into the area by contractors to be removed immediately after completion of the construction phase. 	Very Low	Negative impact to the visual quality of the area
3. ISSUE: GEOLOGY AND SOILS				
3.1 Soil erosion, loss of topsoil, deterioration of soil quality	Medium	<ul style="list-style-type: none"> • Appropriate erosion and storm water management structures must be installed around the construction site. • Once earthworks are complete, disturbed area are to be stabilised with an appropriate approved method. • Disturbed surfaces to be rehabilitated with locally indigenous grass species. No open trenches to be left. • No mounds of soils created during construction to be left. Soils around erected poles to be levelled and sculptured to the original contours of the surrounding soils. 	Low	Degradation or impairment of soil quality
3.2 Soil Pollution	Low	<ul style="list-style-type: none"> • Ensure correct position of construction camps, equipment yards, refuelling depots, concrete batching plant etc. to avoid areas susceptible to soil and water pollution. • Ensure appropriate handling of hazardous substances • Remediate polluted soil. • All construction vehicles, plant, machinery and equipment must be properly maintained to prevent leaks. • Plant and vehicles are to be repaired immediately upon developing leaks. Drip trays shall be supplied for all repair work undertaken on machinery on site or campsite area. • Drip trays are to be utilised during daily greasing and refuelling of machinery and to catch incidental spills and pollutants. • Drip trays are to be inspected daily for leaks and effectiveness, and emptied when necessary. This is to be closely monitored during rain events to prevent overflow. • Vehicles to be used during the construction phase are to be kept in good working condition and should not be the source of excessive fumes. • Fuels and chemicals must be stored in adequate storage facilities that are secure, enclosed and banded. 	Very Low	Spilled oil prevents water absorption by soil
3.3 Disturbance of surface geology for development foundations	Low	<ul style="list-style-type: none"> • Appropriate erosion and storm water management structures must be installed around the construction site. 	Very Low	Negative impact on the geology of the area.
3.4 Geotechnical Constraints	Low	<ul style="list-style-type: none"> • Adherence to comments and recommendations of engineer 	Very Low	Negative impact on the geology of the area.
4. ISSUE: FAUNA AND FLORA				

Potential Impacts	Significance rating of impacts	Proposed mitigation	Significance rating of impacts after mitigation	Risk of the impact and mitigation not being implemented
4.1 Site clearing and the removal of vegetation	Low	<ul style="list-style-type: none"> The site has been cleared. No mitigation possible. 	Low	-
4.2 Degradation, destruction of habitats/ ecosystem, loss of natural vegetation/ wildlife	Low		Low	-
4.3 Impacts on fauna and flora and loss of RDL faunal and floral species	Low		Low	-
4.4 Invasive Species	Medium	<ul style="list-style-type: none"> A weed control programme should be implemented in the project area. 	Low	Decline in biological diversity
5. ISSUE: HYDROLOGY				
5.1 Storm water flow and drainage	Medium	<ul style="list-style-type: none"> A Stormwater Management Plan to be compiled and submitted together with building plans for approval. The recommendations of the Stormwater Management Plan to adhered to. The proposed development's storm water to be adequately managed. During the construction phase of the development, temporary silt fences can be erected to prevent silt from the construction process contaminating the pre-development storm water run-off routes and pre-existing storm water systems down the road. A typical fence consists of a piece of synthetic filter fabric (geotextile) stretched between a series of wooden or metal fence stakes along a horizontal contour level. The stakes are installed on the downhill side of the fence, and the bottom edge of the fabric is trenched into the soil and backfilled on the uphill side. The storm water slowly passes through the fence while depositing its sediments on the uphill side of the fence. The fence is not designed to concentrate or channel storm water. The fence is installed on a site before soil disturbance begins, and is placed down-slope from the disturbance area. Proper infrastructure will also ensure that there is minimal erosion and siltation. The stormwater run-off needs to be designed so that stormwater is attenuated and released in a dispersed manner not at a concentrated point, which will help the current and future situation where unnatural wetlands are being promoted. Carefully monitoring of construction is essential to locate and mitigate any erosion observed speedily. Investigations must be conducted after every rain downpour. Any problems need to be rectified immediately to avoid the problem escalating. 	Low	Soil erosion, flooding and sedimentation of water bodies and loss of habitat.
5.2 Impact on watercourse	Medium	<ul style="list-style-type: none"> The closest watercourses to the study site are tributaries of the Dorpsrivier situated approximately 95m and 600m north and south-east of the project site respectively. Appropriate erosion and storm water management structures must be installed around the construction site. Careful monitoring of construction is essential to locate and speedily mitigate any erosion observed. 	Low	Degradation of the watercourse
SOCIO-ECONOMIC AND CULTURAL HISTORICAL ENVIRONMENT				
6. ISSUE: AESTHETICS, LANDSCAPE CHARACTER AND SENSE OF PLACE				
6.1 Noise / vibration	Very Low	<ul style="list-style-type: none"> Noise levels shall be kept within acceptable limits, and construction crew must abide by National Noise Laws and local by-laws regarding noise. No sound amplification equipment such as sirens, loud hailers or hooters are to be used on site except in emergencies and no amplified music is permitted on site. Construction / management activities involving use of the service vehicle, machinery, hammering etc, must be limited to the hours between 7:00am and 5:30pm weekdays; 7:00am and 1:30pm on Saturdays; no noisy activities may take place on Sundays or Public Holidays. 	Negligible	An increase in the ambient noise levels of the area.

Potential Impacts	Significance rating of impacts	Proposed mitigation	Significance rating of impacts after mitigation	Risk of the impact and mitigation not being implemented
		<ul style="list-style-type: none"> Activities that may disrupt neighbours (e.g. delivery trucks, excessively noisy activities etc.) must be preceded by notice being given to the affected neighbours at least 24 hours in advance. Equipment that is fitted with noise reduction facilities (e.g. side flaps, silencers etc.) must be used as per operating instructions and maintained properly during site operations. 		
7. ISSUE: SOCIAL WELL-BEING AND QUALITY OF THE ENVIRONMENT				
7.1 Safety and Security	Medium	<ul style="list-style-type: none"> Signs should be erected on all entrance gates to the site camp indicating that no temporary jobs are available, thereby limiting opportunistic labourers and crime. The site and crew are to be managed in strict accordance with the Occupational Health and Safety Act (Act No. 85 of 1993) and the National Building Regulations All structures that are vulnerable to high winds must be secured (including toilets). Potentially hazardous areas such as trenches are to be cordoned off and clearly marked at all times. The Contractor is to ensure traffic safety at all times, and shall implement road safety precautions for this purpose when works are undertaken on or near public roads. Necessary Personal Protective Equipment (PPE) and safety gear appropriate to the task being undertaken is to be provided to all site personnel (e.g. hard hats, safety boots, masks etc.). All vehicles and equipment used on site must be operated by appropriately trained and / or licensed individuals in compliance with all safety measures as laid out in the Occupational Health and Safety Act (Act No. 85 of 1993) (OHS Act). An environmental awareness training programme for all staff members shall be put in place by the Contractor. Before commencing with any work, all staff members shall be appropriately briefed about the EMP and relevant occupational health and safety issues. All construction workers shall be issued with ID badges and clearly identifiable uniforms. Access to fuel and other equipment stores is to be strictly controlled. Emergency procedures must be produced and communicated to all the employees on site. This will ensure that accidents are responded to appropriately and the impacts thereof are minimised. This will also ensure that potential liabilities and damage to life and the environment are avoided. Adequate emergency facilities must be provided for the treatment of any emergency on the site. The nearest emergency service provider must be identified during all phases of the project as well as its capacity and the magnitude of accidents it will be able to handle. Emergency contact numbers are to be displayed conspicuously at prominent locations around the construction site and the construction crew camps at all times. The Contractor must have a basic spill control kit available at each construction crew camp and around the construction site. The spill control kits must include absorptive material that can handle all forms of hydrocarbon as well as floating blankets / pillows that can be placed on water courses. The Contractors site must be located on the high side of the site so any leakages or spillages will be contained on site. Hunting, camping, the collection of wood and any other activities must be prohibited from the neighbouring unoccupied properties. 	Low	Potential criminal activities such as theft might occur.
7.2 Economic opportunities	Positive - Medium	<ul style="list-style-type: none"> Make use of local labour Provide clear and realistic information regarding employment opportunities and other benefits for local communities in order to prevent unrealistic expectations. 	Positive – Medium	Influx of uncontrolled numbers of people coming to the site

Potential Impacts	Significance rating of impacts	Proposed mitigation	Significance rating of impacts after mitigation	Risk of the impact and mitigation not being implemented
		<ul style="list-style-type: none"> Provide skills training for construction workers. 		seeking employment opportunities. This might also pose a security risk.
7.3 Hygiene	Very Low	<ul style="list-style-type: none"> The Contractor shall make available safe drinking water fit for human consumption at the site offices and all other working areas. Washing and toilet facilities shall be provided on site and in the Contractors camp. Adequate numbers of chemical toilets must be maintained in the Contractors camp to service the staff using this area. At least 1 toilet must be available per 20 workers using the camp. Toilet paper must be provided. The chemical toilets servicing the camp must be maintained in a good state, and any spills or overflows must be attended to immediately. The chemical toilets must be emptied on a regular basis. HIV AIDS awareness and education should be undertaken by all Contractor staff. 	Very Low	Unhealthy working conditions on project site
8. ISSUE: HISTORICAL ENVIRONMENT				
8.1 Destruction of cultural / heritage sites	Insignificant	<ul style="list-style-type: none"> A Heritage Impact Assessment has been conducted. 	Insignificant	Impairment of heritage resources / Depletion of archaeological record of the area.
9. ISSUE: TRAFFIC				
9.1 Traffic – Construction vehicles	Low	<ul style="list-style-type: none"> The contractor is to ensure traffic safety at all times and shall implement road safety precautions. Signs should be erected on all entrance gates Speed limits should be implemented and adhered to. Care must be taken with heavy machinery used on the project. All access roads used during construction must be monitored and maintained. 	Very Low	Uncontrolled traffic issues.
10. ISSUE: SERVICES AND WASTE				
10.1 Waste	Very Low	<ul style="list-style-type: none"> Adequate number of waste disposal receptacles is to be positioned at strategic locations within the development. No burning of waste. Waste will be collected and removed off-site to a registered waste site. Fires and camp sites should be prohibited on Site. Excavated soils, rocks and or building waste material may not be simply dumped in any open veld, neighbouring properties, or even on site. All hazardous materials must be stored appropriately to prevent these contaminants from entering the water environment; All excess materials brought onto site for construction to be removed after construction. 	Very Low	Waste that is not disposed of correctly mainly leads to the following: <ul style="list-style-type: none"> Environmental degradation Water pollution Infestation by rodents and potential disease-causing vectors
10.2 Pressure on existing infrastructure and services	Very Low	<ul style="list-style-type: none"> Availability and Integrity of existing services to be ensured. 	Very Low	Damage to infrastructure resulting in liability costs
OPERATIONAL PHASE				
1. ISSUE: AIR QUALITY				
1.1 Air pollution	Low	<ul style="list-style-type: none"> Dust suppression along access road Emissions during the construction phase will mostly be in the form of dust. It is proposed that the internal circulation streets around the parking areas will be constructed with mountable kerbs and that the streets will be surfaced with either precast concrete paving blocks or asphalt surfacing to mitigate air pollution (Dust from vehicle movement). Air pollution during the operational phase is not expected however, vapor from vehicles and during the re-fuelling could occur. 	Very Low	Change in ambient air quality
2. ISSUE: FAUNA AND FLORA				

Potential Impacts	Significance rating of impacts	Proposed mitigation	Significance rating of impacts after mitigation	Risk of the impact and mitigation not being implemented
2.1 Alien invasion	Low	<ul style="list-style-type: none"> A weed control programme should be implemented in the project area. 	Very Low	Alien infestation
3. ISSUE: GEOLOGY & SOILS				
3.1 Soil erosion, loss of topsoil, deterioration of soil quality	High	<ul style="list-style-type: none"> A Stormwater Management Plan to be compiled and submitted together with building plans for approval. 	High	Degradation of watercourse
3.2 Soil Pollution	High	<ul style="list-style-type: none"> Ensure appropriate handling of hazardous substances Remediate polluted soil. Drip trays are to be utilised during daily greasing and re-fuelling of machinery and to catch incidental spills and pollutants. Fuels and chemicals must be stored in adequate storage facilities that are secure, enclosed and banded. 	Medium	Impact on quality of ground water resources
SOCIO-ECONOMIC AND CULTURAL HISTORICAL ENVIRONMENT				
4. ISSUE: AESTHETICS, SITE CHARACTER AND SENSE OF PLACE				
4.1 Noise	Low	<ul style="list-style-type: none"> Ensure acceptable noise levels Minimal noise will be generated by the trucks at the facility during the operational phase. The design of the facility is of such a nature that it provides for an internal "ring road" for easy access and turnaround space for trucks. The trucks therefore do not have to idle or make use of their reverse signals. The facility's gates will be closed from 18:00 to 06:00 and no trucks will be allowed during this time. No provision will be made for areas or opportunities for the truck drivers to socialise. 	Low	An increase in the ambient noise levels of the area
5. ISSUE: SOCIO-ECONOMIC				
5.1 Socio-economic impact	High (Positive)	<ul style="list-style-type: none"> The proposed development will have a long-term beneficial impact on the local economy as it will diversify the economic activities that are currently taking place in the area. The facility will provide a much-needed safe place for truck drivers to rest 	High (Positive)	-
4.2 Economic opportunities	Low (Positive)	<ul style="list-style-type: none"> Implement local labour. Provide clear and realistic information regarding employment opportunities and other benefits for local communities in order to prevent unrealistic expectations. 	Low (Positive)	A large influx of uncontrolled numbers of people coming to the site seeking employment opportunities. This might also pose a security risk
6. ISSUE: VISUAL IMPACT				
6.1 The building may be visually intrusive. Lights from the development may be visually intrusive.	Medium	<ul style="list-style-type: none"> The buildings must be regularly painted. Signs for advertising must conform to the standards of South African Manual for Outdoor Advertising Control (SAMOAC). All lights used for non-security purposes should be energy efficient for example compact fluorescent lights (CFL). Fluorescent lamps give five times the light and last up to 10 times as long as ordinary bulbs Areas that have been landscaped must be maintained. Light pollution must be minimised on the project site Lighting on site is to be sufficient for safety and security purposes, but shall not be intrusive to neighbouring residents, disturb wildlife, or interfere with road traffic. Outside lights will have to be downward shining (eyelid type), low wattage and should not be positioned higher than 1 m above the ground surface. Lights will be directed to only shine on certain areas of the project site e.g. ablution facility, corner posts and the middle of the facility. Low flux and frequency lighting must be utilised. 	Low	A negative impact to the visual quality of the area.
7. ISSUE: SOCIAL WELL BEING AND QUALITY OF THE ENVIRONMENT				
7.1 Safety and Security: Safety and security of staff, customers	Medium	<ul style="list-style-type: none"> Appropriate measures should be in place for the correct storage and handling of fuel as well as the procedures for dealing with dangerous situations. 	Low	Fires and explosions

Potential Impacts	Significance rating of impacts	Proposed mitigation	Significance rating of impacts after mitigation	Risk of the impact and mitigation not being implemented
and property may be compromised as a result of fire risks associated with a development as well as crime		<ul style="list-style-type: none"> Staff should be adequately trained with respect to dealing with crime. Equipment and materials must be handled by staff that has been adequately trained. Staff must be adequately updated about safety procedures. Emergency contact details for the police, Security Company and fire department must be readily available. 		
8. ISSUE: HYDROLOGY				
8.1 Hydrocarbons spilled from storage tank and possible small spills of oil, diesel and petrol spilled on paved surfaces have the potential of contaminating groundwater.	Medium	<ul style="list-style-type: none"> Strict procedures for the management of the site must be developed and adhered to. An emergency accidental spillage plan must be in place and workers must be trained to handle such accidents. Leak detection measures/systems must be implemented in all fuel storage and transmission lines and tanks. Fuel dispenser pumps must be located on a hardened surface (to contain spillages) which drains into a common drain. This drain must feed onsite oil and water separator such as a Zorbit Grease Trap. The accumulated grease and oil must be removed by an accredited company. Chemical storage areas should be sufficiently contained, and the use of chemicals should be controlled. Strict procedures for the management of the site must be developed and adhered to. Prevent spillages during fuel dispensing. 	Low	Groundwater pollution
8.2 Storm Water and Drainage – Developments cause the modification of drainage patterns. Storm water may be concentrated at certain points, increasing the velocity of flow in one area and reducing flow in another	High	<ul style="list-style-type: none"> A Stormwater Management Plan to be compiled and submitted together with building plans for approval. It is proposed that the parking areas layer works will be constructed to form a tanked system which is lined with either LDPE or HDPE impervious membranes to create a 'tank' and thereby capture and store the water for reuse in grey water and irrigation systems. The impervious membrane is required to restrict water from entering the subgrade and thereby preserve groundwater quality integrity of this layer. The stormwater generated on the parking areas or are expected to be contaminated by diesel and oil spillage from the parked Heavy vehicle trucks. The proposed development's storm water to be adequately managed. 	Medium	Increased runoff of storm water
9. ISSUE: TRAFFIC				
9.1 Traffic – vehicles from and to the site	Medium	<ul style="list-style-type: none"> Compliance to Traffic and Municipal By-Laws Compliance to recommendations contained in the Traffic Impact Study. 	Low	Increased levels of traffic
9.2 Access to the proposed development	Medium	<ul style="list-style-type: none"> Obtain approval for access to the site. A new access road is proposed from the P171/1 (R577). 	Low	Compromised traffic safety
10. ISSUE: VISIBILITY AND ACCESSIBILITY				
10.1 Visibility and accessibility	Medium	<ul style="list-style-type: none"> Visible access to the site 	Low	Compromised traffic safety
INFRASTRUCTURE, SERVICES AND WASTE				
11. ISSUE: INFRASTRUCTURE AND WASTE				
11.1 Waste	Medium	<ul style="list-style-type: none"> Sorting of waste Waste yard to be kept clean and neat Regular cleaning of waste yard so that it does not become a nuisance and source of odour and vermin The Thaba Chweu Local Municipality is currently not providing a refuse removal service to the area where the development is situated. Arrangements will be made with Private Sector for weekly collection of domestic, hazardous and solid waste and transportation thereof to approved waste disposal sites. 	Low	Waste that is not disposed of correctly mainly leads to the following: <ul style="list-style-type: none"> Environmental degradation Water pollution Infestation by rodents and potential disease-causing vectors
11.2 Conservancy Tanks	Medium	<ul style="list-style-type: none"> The developer will appoint and enter into an agreement with a specialist service provider to empty the conservancy tank as and when required. 	Low	The tank will overflow

Potential Impacts	Significance rating of impacts	Proposed mitigation	Significance rating of impacts after mitigation	Risk of the impact and mitigation not being implemented
11.3 Pressure on existing infrastructure and services	Medium	<ul style="list-style-type: none"> Integrity of existing services in the area to be ensured 	Low	Damage to infrastructure
12. ISSUE: FACILITY OPERATION				
12.1 Fuel storage and handling facilities	High	<ul style="list-style-type: none"> Product identification must be in the form of a colour-coded collar around the dip pipe, painted manhole cover and frame. Dip caps must be lockable and the seal must be flexible and not deformed. Ensure that well caps are installed and in place. Filler caps must be lockable and the seal must be flexible and not deformed. Filler coupling must be 12 tooth for petrol and 18 tooth for diesel Pump dispensers must be securely mounted 300mm from the edge of a pump island that is 150mm above floor level. Dispenser must be fitted with an emergency shut-off (shear) valve with stabilizer bracket in the event the dispenser is knocked over by a vehicle. The storage area must be sloped to the collection manholes to ensure that any spillages or contaminated water would drain to the manholes. The collection manholes must pipe spillages and water to a proper oil/water separator system. An industry accepted oil interceptor system must be installed to ensure that the contaminated water would be product/oil free before discharged into the municipal sewer system. The design and construction of the oil separator must comply with the applicable standards. Leak monitoring wells must be checked on a weekly basis. Records of such tests must be kept in good working order. 	Medium	Soil and groundwater pollution
12.2 Emergency preparedness	Medium	<ul style="list-style-type: none"> In order to minimise the injuries, losses or environmental damage that could occur as a result of an incident, emergency preparedness must be addressed. This would include aspects such as: <ul style="list-style-type: none"> emergency planning fire petroleum product spills and leaks injuries to people incident reporting incident investigation 	Low	Emergency incidents might occur

6.4. Cumulative impacts associated with the Development

Cumulative impacts are those that result from the successive, incremental, and/or combined effects of an action, project, or activity when added to other existing, planned, and/or reasonably anticipated future ones. For practical reasons, the identification and management of cumulative impacts are limited to those effects generally recognized as important on the basis of scientific concerns and/or concerns of affected communities (Good Practice Handbook: Cumulative Impact Assessment and Management IFC. August 2013).

Cumulative impacts that were identified are:

Surface Water Pollution

- Spillages of oil, lubricants and fuel from construction vehicles, plant and machinery have the potential to contaminate surface water bodies.

Increased run off of water

- Stormwater run-off has the potential to erode the topsoil and result in sedimentation of water bodies if not controlled.

Ground Water Pollution

- The construction phase could result in increased infiltration of contaminants into the ground water and soil.
- Spillages of oil, lubricants and fuel from construction vehicles, plant and machinery has the potential to contaminate the soil and groundwater.
- Cement mixing and the storage of fuel must be conducted so as to prevent contamination of the soil and groundwater.

Socio- Economic impact

- Job opportunities
- The proposed facility will improve the conditions for truck drivers who have to drive long hours and distances.
- The proposed development is therefore believed to have positive socio-economic impacts and is in line with the various non-residential uses taking place along the main routes of Mashishing.

Waste

- Waste generation and inappropriate disposal could lead to wide array of environmental problems such as soil, surface and ground water contamination, among others.

Cumulative impacts:

The cumulative impacts can be decreased significantly if the mitigating measures are adhered to as provided in the report.

6.5. Gaps and Uncertainties

No impact assessment can be completely certain of the exact nature and extent of the various impacts that would result from a given development activity. However, this assessment strives to limit any uncertainties by optimising the collection of base data, and by following a rigorous impact assessment methodology.

7. Environmental Impact Statement

As a necessary part of servicing the transport industry, this development is bound to have a positive effect on the surrounding area and the transport industry in terms of providing access to safe and convenient overnight parking and driver amenities such as ablution facilities and a refreshment shop.

The applicant, Lion Valley Fuel Depot, cleared an area of 3.5 ha in preparation of the construction of a Heavy Vehicle Parking Depot and Overnight Parking Facility. 1 Ha was cleared by the adjacent land owner and 2.5 ha was cleared by the applicant.

According to Mpumalanga's Biodiversity Conservation Plan the site falls within a LN3 area and a Biodiversity Priority Natural Area (Critical Biodiversity Area). According to the Mpumalanga Biodiversity Sector Plan's terrestrial assessment the majority of the site (and the portion where the development is proposed) falls within "Other Natural Areas". According to the freshwater assessment, the site falls within an "Ecological Support Area -Important subcatchments (Fish support areas)".

No indigenous vegetation however remains on the portion of the property where the Heavy Vehicle Parking Depot is proposed. The site falls in area that has fairly high levels of rural development and high levels of agricultural farmlands, which both have overall negative impacts on free-roaming wild fauna.

As a result of the anthropogenic activities that took place on the property, it is highly unlikely that any species of conservation concern will be present on site.

From a socio-economic perspective the development will have a limited visual impact. Dust as a result of traffic on the access road will have to be mitigated and storm water/erosion will have to be regularly checked. A Stormwater Management Plan to be compiled and submitted together with building plans for approval.

The operational phase of this development will have limited environmental impacts if the mitigation measures are implemented and the development is managed according to the EMPr.

The table below provides a summary of the identified impacts during the operational phase, as well as their pre-mitigation and post-mitigation impact significance rating scores.

Table 11: Summary of Impacts

Potential Impacts	Significance rating of impacts	Significance rating of impacts after mitigation
CONSTRUCTION PHASE		
1.1 Dust /Air pollution	Low	Very Low
2.1 Visual Impacts and light pollution	Very Low	Very Low
2.2 Bulk earthworks	Very Low	Very Low
3.1 Soil erosion, loss of topsoil, deterioration of soil quality	Medium	Low
3.2 Soil Pollution	Low	Very Low
3.3 Disturbance of surface geology for development foundations	Low	Very Low
3.4 Geotechnical Constraints	Low	Very Low
4.1 Site clearing and the removal of vegetation	Low	Low
4.2 Degradation, destruction of habitats/ ecosystem, loss of natural vegetation/ wildlife	Low	Low
4.3 Impacts on fauna and flora and loss of RDL faunal and floral species	Low	Low
4.4 Invasive Species	Medium	Low
5.1 Storm water flow and drainage	Medium	Low
5.2 Impact on watercourse	Medium	Low
6.1 Noise / vibration	Very Low	Negligible
7.1 Safety and Security	Medium	Low
7.2 Economic opportunities	Positive - Medium	Positive – Medium
7.3 Hygiene	Very Low	Very Low
8.1 Destruction of cultural / heritage sites	Insignificant	Insignificant
9.1 Traffic – Construction vehicles	Low	Very Low
10.1 Waste	Very Low	Very Low
10.2 Pressure on existing infrastructure and services	Very Low	Very Low
OPERATIONAL PHASE		
1.1 Air pollution	Low	Very Low
2.1 Alien invasion	Low	Very Low
2.2. Loss or impact on Wildlife	Low	Very Low
3.1 Soil erosion, loss of topsoil, deterioration of soil quality	High	High
3.2 Soil Pollution	High	Medium
4.1 Noise	Low	Low
5.1 Socio-economic impact	High (Positive)	High (Positive)
4.2 Economic opportunities	Low (Positive)	Low (Positive)
6.1 The building may be visually intrusive.	Medium	Low
7.1 Safety and Security:	Medium	Low
8.1 Hydrocarbons spilled from storage tanks and possible small spills of oil, diesel and petrol	Medium	Low
8.2 Storm Water and Drainage	High	Medium
9.1 Traffic – vehicles from and to the site	Medium	Low
9.2 Access to the proposed development	Medium	Low
10.1 Visibility and accessibility	Medium	Low
11.1 Waste	Medium	Low
11.2 Conservancy Tanks	Medium	Low
11.3 Pressure on existing infrastructure and services	Medium	Low
12.1 Fuel storage and handling facilities	High	Medium
12.2 Emergency preparedness	Medium	Low

The impacts of the development with mitigation measures range from Very Low to High, thus indicating that mitigation measures should be adhered to. The application for rectification in terms of Section 24G of the NEMA should therefore be considered favourably.

8. Recommendations

The following recommendations should be implemented in order to ensure that potential impacts associated with the operation of the site is minimised:

Table 12: Summary of Environmental Management Requirements

Issue	Environmental management requirements
Groundwater and soil pollution	Adherence to the recommendations in the Hydrological Baseline Assessment Report.
Access	A new access road is proposed from the P171/1 (R577)
Stormwater	A Stormwater Management Plan to be compiled and submitted together with building plans for approval.
Visual	Keep site neat and tidy.
Safety and Security	Emergency preparedness and incident and accident-reporting requirements,
Waste	All waste should be collected by a licensed contractor and disposed of at a licensed facility.
Biodiversity	<ul style="list-style-type: none"> The applicant must effectively implement and adhere to all the conditions of the EMP and all the action plans once it is finalised. All the negative environmental impacts that could arise as a result of this development must be avoided, minimised, mitigated or rehabilitated whenever possible. Newly disturbed sites must be monitored after rehabilitation for invasive species on an on-going basis. If any alien invasive species are notices, these should be eradicated using appropriate chemical/mechanical methods
Heritage	A Heritage Impact Assessment has indicated a possible grave on the north western portion of the site that is not affected by the development.

9. References

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