



destea

department of
economic, small business development,
tourism and environmental affairs
FREE STATE PROVINCE

Environmental Authorisation

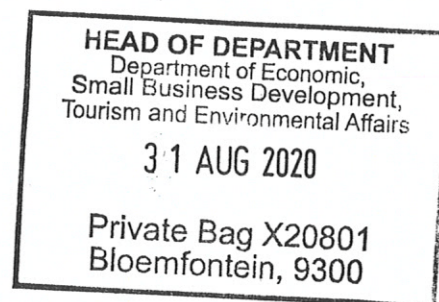
Authorisation register number: EMB/27,28(i),14/20/01

Holder of Authorisation: Oos Vrystaat Kaap Bedryf (Edms) Bpk.

Location of activity: Remaining extent of the farm Outspan 1960, Bloemfontein, Free State.

Project description: Activity 27, 28(i) and 14 of Listing Notice 1 (GNR 327).

Proposed establishment of a filling station, an agricultural related sales and storage area.



Decision

The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA- 'the Department') is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation (EA), that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activity authorised

By virtue of the powers conferred on it by the National Environmental Management Act ('NEMA'), 1998 (Act No. 107 of 1998) and GNR 326 of the 2014 Environmental Impact Assessment Regulations as amended, the Department hereby authorises –

Oos Vrystaat Kaap Bedryf (Edms) Bpk

With the following contact details-

P.O. Box 96
Ladybrand
9745

Contact person: Mr. Jacob Barend Le Roux

Telephone: 051 923 4500

Email: rockylr@ovk.co.za



To undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GNR 327):

Activity 27:

"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation", as prescribed in the Final Basic Assessment Report (BAR) dated 09 March 2020.

Activity 28(i):

“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares”, as prescribed in the Final Basic Assessment Report (BAR) dated 09 March 2020.

Activity 14:

“The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres”, as prescribed in the Final Basic Assessment Report (BAR) dated 09 March 2020.

Site coordinates:

Latitude (S)	Longitude (E)
29° 4' 16.49”	26° 8' 34.75”



Activity description

The proposed development consists of an agricultural related sales area with a maximum footprint of 1 000 m², an agricultural related storage area with a maximum footprint of 2 000 m², a workshop with a maximum footprint of 500 m², an outside exhibition area with a maximum footprint of 200 m², offices with a maximum footprint of 2 000 m², a filling station, including a convenience store with a maximum footprint of 200 m² and a caretakers dwelling.

The agricultural storage area will store items such as animal feeds, fertilizer, seed, cement, plastic pipes, fencing, steel, plastic tanks and other related items. The sales area will sell primarily items such as hardware, pet food, irrigation equipment, paint, animal medicines, clothing, tools, gardening equipment and so forth. Activities that will take place at the workshop include tractor and implement repairs.

It is planned that the filling station will store approximately 120 000 L of dangerous goods in the form of 40 000 L (2x40 000 L tanks) of diesel and 40 000 L of petrol. These tanks will be located

underground. It is also planned that the filling station will operate from 6am to 6pm initially. In future, the applicant would like the filling station to be open 24 hours a day.

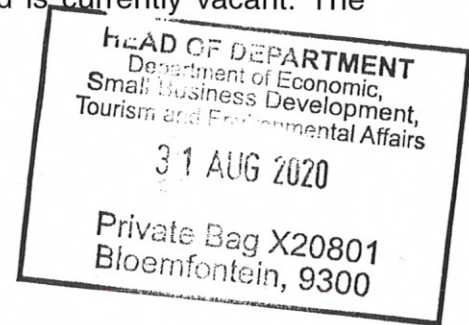
Four erven are proposed with a total development footprint of 8.87 ha (clearance of an area of approximately 2.89 ha of indigenous vegetation on Erf 1 and approximately 5.29 ha of indigenous vegetation on Erf 2. Indigenous vegetation will also need to be cleared for the construction of an internal street of approximately 264 m in length and 0.69 ha in extent on Erf 3 and 4). The study area has an approximate extent of 15.31 ha and is currently vacant. The footprint of the development will be approximately 8.87 ha in extent.

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

Conditions

Scope of Authorisation

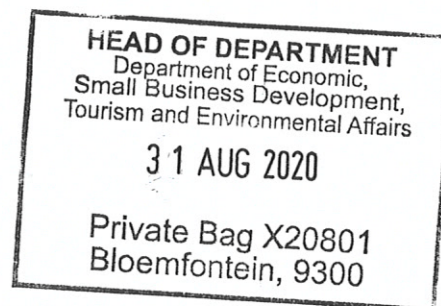
- 1.1 Authorisation of the activity is subject to the conditions contained in this document. These conditions form part of the EA and are binding on the holder of the EA.
- 1.2 The holder of the EA shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the EA.
- 1.3 The authorised activity may only be carried out on the remaining extent of the farm Outspan 1960, Bloemfontein, as indicated above at the exact site co-ordinates.
- 1.4 Any changes to, or deviations from, the project description set out in this Authorisation must be approved, in writing, by the Department before such changes or deviations may be affected.
- 1.5 In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations which may result in the holder of the EA to apply for further Authorisation in terms of NEMA, 1998(Act 107 of 1998) and the 2014 EIA Regulations as amended.



- 1.6 This EA is valid for a period of 3 (three) years from the date of issue. If commencement of the activity does not occur within that period, the EA lapses and a new application for an EA must be made.
- 1.7 This EA does not negate the holder of the Authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of this particular activity.

Appeal of Authorisation

- 1.8 The holder of the EA must notify every registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this EA, of its decision to authorise the activity.
- 1.9 The notification referred must –
- 1.9.1 specify the date on which the EA was issued;
 - 1.9.2 inform the registered interested and affected parties of the appeal procedure provided for in National Appeal Regulations published in Government Gazette No. 38559 of 12 March 2015;
 - 1.9.3 advise the registered interested and affected parties that a copy of the Authorisation will be furnished on request; and
 - 1.9.4 give the reasons for the decision.



CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION

Private Bag X 20801 113 St Andrews Building Tel: (051) 400 4917
Bloemfontein Bloemfontein Fax: (051) 400 4842
9300 9301 E-mail: nkoen@destea.gov.za

1.10 A person affected by the decision who wishes to appeal against the decision must lodge an appeal with the MEC of the Department of Economic, Small Business Development, Tourism and Environmental Affairs within 20 days after being notified of the decision. The appeal should be directed to:

Attention: Mr. T. Molotsi

MEC (DESTEA)

Private Bag X20801

Bloemfontein

9300

Tel: (051) 400 4714

Fax: (051) 400 4904

E-mail: molotsit@destea.gov.za



- An appeal not submitted to the above mentioned address will not be regarded as valid.
- The applicant shall not commence with the proposed activity once an appeal has been lodged with the office of the MEC.

Management of the activity

- 1.11 The Environmental Management Programme (EMPr) submitted as part of application for an EA is hereby approved.
- 1.12 The provisions of the EMPr included in the Final Basic Assessment Report (BAR) are an extension to the conditions of Authorisation, and non-compliance with the conditions of the EMPr would accordingly constitute non-compliance with the conditions of this EA.
- 1.13 Should there be a change of ownership and/or project developer, the Department must be notified within 30 (thirty) days prior to the change itself. Conditions imposed in this EA must be made known to the new owner and/or developer.
- 1.14 The recommendations and mitigation measures recorded in the Final Basic Assessment Report dated 09 March 2020 must be adhered to and incorporated as part of the EMPr where applicable.

CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION
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Bloemfontein Bloemfontein Fax: (051) 400 4842
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1.15 Any updates or amendments to the EMPr must be submitted to the Department of Economic, Small Business Development, Tourism and Environmental Affairs and must be decided upon within a period of 30 days of the submission.

Monitoring

1.16 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction and operation phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this EA are implemented and to ensure compliance with the provisions of the EMPr.

1.17 The ECO shall be appointed before commencement of any construction activity.

1.18 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

1.19 The ECO shall remain employed until all rehabilitation measures, as required for implementations due to construction damage are completed and the site is ready for operation.

1.20 The ECO shall keep the records to monitoring on site and make them available for inspection to any relevant and competent authority in respect of this development.

1.21 Construction and operation of the development may be temporarily or permanently stopped for reasons of non-compliance with the conditions of this particular EA as set out in this document or any other subsequent document emanating from the conditions of this EA.

Recording and reporting to the Department

1.22 The holder of the Authorisation must submit an environmental audit report to the Department within fourteen (14) days upon completion of the construction and rehabilitation activities. The environmental audit report must –

CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION
Private Bag X 20801 113 St Andrews Building Tel: (051) 400 4917
Bloemfontein Bloemfontein Fax: (051) 400 4842
9300 9301 E-mail: nkoen@destea.gov.za

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Department of Economic,
Small Business Development,
Tourism and Environmental Affairs
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www.edtea.gov.za
Private Bag X20801
Bloemfontein, 9300

1.22.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the EA conditions as well as the corrective action plan and implementation programme.

1.22.2 Be kept on site and be made available for inspection by any relevant and competent authority in respect of this development.

Commencement of the activity

1.23 The authorised activity shall not commence within twenty (20) days after the EA has been issued by the Department to allow the appeal process to proceed accordingly.

1.24 Should you be notified by the MEC of a suspension of the EA pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.

Notification to authorities

1.25 Fourteen (14) days prior written notice must be given to the Department that the activities will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which the construction of the activities will commence.

Operation

1.26 Fourteen (14) days prior written notice must be given to the Department that the activities will commence with the operation.

Site closure and decommissioning

1.27 Should the activities ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

1.28 Before decommissioning of the development becomes evident a rehabilitation plan must be compiled and should be approved by this Department.

CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION
Private Bag X 20801 113 St Andrews Building Tel: (051) 400 4917
Bloemfontein Bloemfontein Fax: (051) 400 4842
9300 9301 E-mail: nkoen@destea.gov.za

HEAD OF DEPARTMENT
Department of Economic,
Small Business Development,
Tourism and Environmental Affairs
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www.edtea.fs.gov.za
Private Bag X20801
Bloemfontein, 9300

Specific conditions

- 1.29 An integrated waste management approach that is based on waste minimisation must be implemented and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008) as amended.
- 1.30 Construction and operational solid waste must be removed from the site and be disposed of at the Bloemfontein northern waste disposal facility or used as filling material.
- 1.31 Effort must be made to ensure that preventative actions are taken that any water bodies present on and around the site will not be negatively impacted by the commencement of this activity.
- 1.32 The applicant must ensure that necessary permits to remove two protected species which are, *Aloe jeppeae* and *Raphionacme hirsuta* are obtained before commencement of the proposed development.
- 1.33 Monitoring of weed establishment and eradication must form a prominent part of management of the proposed development.
- 1.34 The applicant must ensure that storm water management plan is implemented for the proposed development.
- 1.35 Wash water originating from the workshop during the operational phase must first go through an oil separator before draining into the storm water channels.
- 1.36 The South African National Standards for under-ground storage tanks for petroleum products must be strictly adhered to.
- 1.37 The underground fuel storage tanks must be monitored regularly for leaks and discharges, and leak detectors must be installed on each tank.
- 1.38 The underground storage tanks must be lined with an impervious liner to prevent infiltration of fuel into the ground water.



- 1.39 Any spills of petrochemical and hazardous substances must be immediately removed using spill kits.
- 1.40 Any form of contamination found during quarterly water sample analysis must be treated with swift remedial action to avoid the creation of a pollution plume which will affect downstream groundwater users.
- 1.41 Systematically monitoring of the on-site and downstream borehole water quality to identify if a pollution plume has manifested from the underground storage tanks or from surface contamination entering the groundwater system must be conducted.
- 1.42 If the environmental impact caused by the leaking of underground storage tanks are significantly high, the tanks must be completely removed alongside the contaminated soils and that on-site boreholes be dewatered constantly to remove any contaminants from the groundwater.
- 1.43 Waste water effluent from the proposed development must be serviced by means of a septic tanks/conservancy tanks and/or French drains.
- 1.44 Water connection for the proposed development must be made from the existing 150 mm water main and onsite water storage must be available to satisfy the normal operational pressure and the minimum fire water requirements.
- 1.45 The applicant must ensure that electricity is obtained from CENTLEC and the connection must be from the existing medium voltage network that is adjacent Limousine Distribution Centre.
- 1.46 To accommodate the proposed development, the intersection of the T5023 with Kenilworth Road must be closed and a new intersection be established on the R64 road.
- 1.47 Recommendations of the specialists conducted as part of the Environmental Impact Assessment for the proposed development must be implemented.
- 1.48 If any evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during construction, South African Heritage Resource

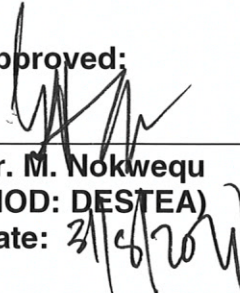


Agency (SAHRA) and archaeologist and / palaeontologist, must be informed immediately depending on the nature of the findings.

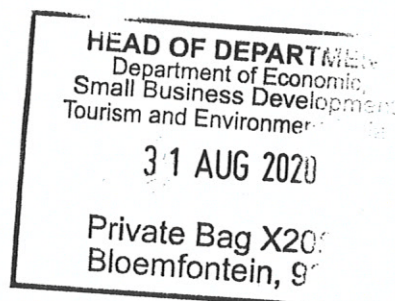
General

- 1.49 A copy of the EA must be kept at the property where the activities will be carried on. The EA must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property.
- 1.50 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 1.51 The applicant is responsible for compliance with the provisions for Duty-of-Care and remediation of damage contained in Section 28 and Emergency Incidents contained in Section 30 of the National Environmental Management Act, (Act no 107 of 1998).
- 1.52 The holder of the EA must notify the Department, in writing within 48 (forty-eight) hours, if any condition of this EA cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.53 Non-compliance with a condition of the EA may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the 2014 EIA Regulations as amended.
- 1.54 The Department shall not be held responsible for any damages or losses suffered by the applicant or his successor.

Approved:


Dr. M. Nokwequ
(HOD: DESTEA)

Date: 31/8/2020



CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION

Private Bag X 20801 113 St Andrews Building
Bloemfontein Bloemfontein
9300 9301

Tel: (051) 400 4917
Fax: (051) 400 4842
E-mail: nkoen@destea.gov.za

www.edtea.fs.gov.za

Annexure 1: Reasons for Decision

1. Background

The applicant, Oos Vrystaat Kaap Bedryf (Edms) Bpk, applied for an EA to commence with the activities of Listing Notice 1, GNR 327:

Activity 27:

“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation”, as prescribed in the Final Basic Assessment Report (BAR) dated 09 March 2020.

Activity 28(i):

“Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares”, as prescribed in the Final Basic Assessment Report (BAR) dated 09 March 2020.

Activity 14:

“The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres”, as prescribed in the Final Basic Assessment Report (BAR) dated 09 March 2020.

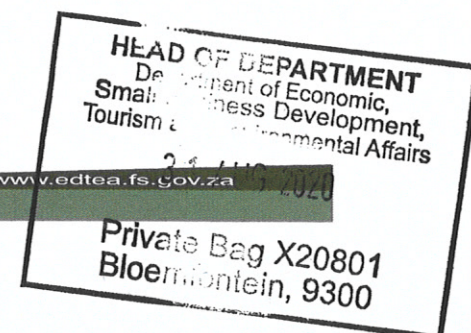
The applicant appointed Turn 180 Environmental Consultants to undertake Environmental Impact Assessment process for the activities as required by Regulation 21 of the 2014 EIA Regulations as amended.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Final Basic Assessment Report (BAR) dated 09 March 2020 completed by **Turn 180 Environmental Consultants.**

CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION
Private Bag X 20801 113 St Andrews Building Tel: (051) 400 4917
Bloemfontein Bloemfontein Fax: (051) 400 4842
9300 9301 E-mail: nkoen@destea.gov.za

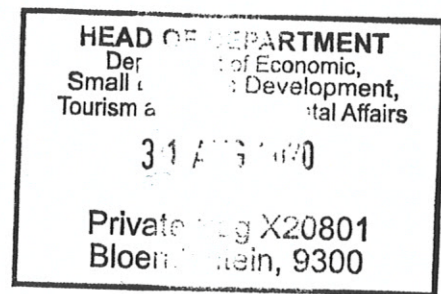


- b) Mitigation measures as proposed in the Final Basic Assessment Report (BAR) dated 09 March 2020 and the EMPr.
- c) The objectives and requirements of relevant legislation, policies and guidelines and Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- d) The findings of the site visit were undertaken by Ms. N. Molokwane from the Department on the 10th of July 2020.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. Factors considered in making the decision are the following:

- a) Fauna and Flora
- b) Solid Waste Management
- c) Geohydrological Assessment
- d) Traffic Impact Assessment
- e) Bulk water Infrastructure and Supply
- f) Sewer Management
- g) Electricity



4. Findings

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

- (a) The necessary permits to remove two protected species which are, *Aloe jeppeae* and *Raphionacme hirsuta* will be obtained before commencement of the proposed development.
- (b) Construction and operational solid waste will be removed from the site and be disposed of at the Bloemfontein northern waste disposal facility or used as filling material.

- (c) Systematically monitoring of the on-site and downstream borehole water quality to identify if a pollution plume has manifested from the underground storage tanks or from surface contamination entering the groundwater system will be conducted.
- (d) To accommodate the proposed development, the intersection of the T5023 with Kenilworth Road will be closed and a new intersection will be established on the R64 road, this will improve spacing.
- (e) There is an existing 150 mm water main along the north eastern boundary of Outspan 1960 in the Van Vuuren Road and the water network has adequate capacity to accommodate the proposed development's normal operating pressure.
- (f) Waste water effluent from the proposed development will be serviced by means of a septic tanks/conservancy tanks and/or French drains.
- (g) CENTLEC confirmed that sufficient capacity is available from the existing medium voltage network from adjacent Limousine Distribution Centre.

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

HEAD OF DEPARTMENT
Department of Economic,
Small Business Development,
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Private Bag X20801
Bloemfontein, 9300