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COMMENTS & RESPONSES REPORT:

The proposed construction of a Fuelling and Service Station (FSS) on remainder of Erf. 3267 Pietermaritzburg, remainder of portions 11 & 15 of Erf. 581 Pietermaritzburg, 70 New England Road and 2 & 4 Ridge Road in Scottsville, within the Msunduzi Local Municipality, KwaZulu-Natal.

Applicant: Hlengwa and Zulu Investments

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Table of Contents

SECTION 1. LEGISLATION	3
1-1. Procedure for Public Participation	3
SECTION 2. PUBLIC PARTICIPATION PROCESS FOLLOWED.....	5
2-1. Notification of Interested & Affected Parties (I&APs)	5
2-1.1. Advertisement in the local newspaper.....	5
2-1.2. Erection of site notices	6
2-1.3. Distributions of Pamphlets	8
2-2. Circulation of the draft basic assessment report for stakeholder comment	8
SECTION 3. COMMENTS AND RESPONSES	9
3-1. Summary of comments and responses from stakeholders	9
3-2. Summary of comments and responses from interested & affected parties (I&APs)	10

LIST OF FIGURES

Figure 1: Proof of the advertisement in the Weekend Witness.	5
Figure 2: Proof of the advertisement in the Maritzburg Echo	6
Figure 3: Site notice 1 located at the robot on the Cnr of Ridge Road and New England Road.....	7
Figure 4: Site notice 2 located at the robot on the Cnr of King Edward Avenue and New England Road	7
Figure 5: Site notice 3 located at the robot on the Cnr of Alan Paton Avenue and Ridge Road.....	7

SECTION 1. LEGISLATION

The guidelines for the public participation process are specified in the Department of Environmental Affairs (2017), Public Participation guideline in terms of NEMA, EIA Regulations.

1-1. Procedure for Public Participation

According to Section (2)(4)(f) and (o) of the Act, - the participation of all interested and affected parties (I&APs) in environmental governance must be promoted and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured, and - the environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage.

At a minimum, the PPP undertaken must allow for the following:

- to provide for the opportunity for all role players including potential and RI&APs, EAPs, state departments, organs of state, and the competent authority (CA) to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision;*
- to provide for role- players to voice their support, concerns and questions regarding the project, application or decision;*
- to provide the opportunity for role-players to suggest ways for reducing or mitigating any negative impacts of the project and for enhancing its positive impacts;*
- to enable the person conducting PP to incorporate the needs, preferences and values of potential or RI&AP's into its proposed development that becomes the subject of an application for an environmental authorization (EA);*
- to provide opportunities for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests;*
- to encourage transparency and accountability in decision-making;*
- to contribute toward maintaining a healthy, vibrant democracy; and*
- to give effect to the requirement for procedural fairness of administrative action as contained in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).*

PPP in this context includes, amongst others, placing a notice board, giving written notice, placing an advertisement, information sharing, holding public meetings etc.

All potential and I&APs have a right to be informed early and in an informative and proactive way regarding

proposals that may affect their lives or livelihoods. Notification of a proposal to all I&APs may be given through a number of methods including fixing of notice boards, providing written notice, placing advertisements etc.

The type of method used must be an effective method of communication .i.e. notice boards must be of appropriate size, it must be placed in areas that are considered to be visible. Advertisements must be placed in newspapers that will easily reach the intended audiences considering jurisdictions and boundaries within which the proposal or application falls and or will have an impact or interest.

All organs of state which have jurisdiction in respect of the activity to which the application relates must comment on the reports within a period of 30 days (failing which they will be regarded as having no comment).

A RI&AP raising issues or commenting in writing on reports and plans submitted to the CA, must ensure that:

(a) comments are submitted within the specified timeframes or any extension of a timeframe agreed to by the applicant or EAP;

(b) comments must be submitted directly to the EAP; and

(c) the RI&AP discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application

Written comments on reports and plans submitted by RI&APs must be recorded in the reports and plans by the person conducting PP and such written comments, including responses to such comments and records of meetings should be attached to the reports and plans that are submitted to the CA.

During the PPP access to all information that reasonably has or may have the potential to influence any decision with regard to an EA unless access to that information is protected by law is made available to RI& APs. PP is an important aspect in the EIA process as it gives RI&APs a platform to be informed about potential EA that may have an effect on them and to be afforded an opportunity to engage and provide input on matters that they

interested in or affected by. Effective PP also facilitates informed decision-making by the CA and may result in better decisions as the views of all parties are considered.

The following document will be submitted to the Department of Economic Development Tourism and Environmental Affairs (DEDTEA) as part of the Environmental Impact Assessment process. The Public Participation procedure followed is outlined in detail within this report.

SECTION 2. PUBLIC PARTICIPATION PROCESS FOLLOWED

2-1. Notification of Interested & Affected Parties (I&APs)

2-1.1. Advertisement in the local newspaper

A newspaper article was published for the proposed project in the Weekend Witness Maritzburg Echo in English and isiZulu (1st February and 6th February 2020 respectively). The newspaper articles form part of the Public Participation Process and affords the public the opportunity to register as Interested & Affected Parties (I&AP's). I &APs could voice their relevant concerns with regards to the proposed development.



Figure 1: Proof of the advertisement in the Weekend Witness.

classifieds
ECHO

ING
za

FOR SALE

ELANDSKOP: House R270 000
THORNVILLE: House R95 000
SLANG: 2 room R120 000
UNIT 18: 2 bed R395 000
UNIT 2: 4 room R360 000
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Uma ufuna ukuthenga, noma ufuna ukudayisa umuzi wakho thinta u. Thokozani Mdinge ku 072 624 3278
Sithenga ininzi ngo-cash

PROPERTIES WANTED TO BUY

ARE you selling your 2+ roomed house? We pay lots of cash. Call Vincent: 083 461 5011

ROOMS TO LET

WILLOWFONTEIN: Beautiful rooms to rent next to main Road. R700. 072 953 2056

EMPLOYMENT

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CASHIER deposit R250, Intro to Computer & Cashier deposit R500. Scelos Institute. Call/Whatsapp 073 783 6918

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MAMA TWINS AND DR HALIDE

- Financial problems
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STOP SUFFERING IN SILENCE

I am Thandeka from Imbali. I once worked for Boxer in Longmarket Street. Unfortunately it was closed and we were not paid. I started having financial problems. I came across this paper and I saw Mama Aisa and Baba Adams to whom I call my blessing coz I gave him R100 and made me win lotto of R95 000. Thanks Mama Aisa and Baba Adams for saving me and I recommend him even to others.

My name is Londiwe Thandeka sister. I had a big problem for 6 years and one day I heard my sister Thandeka praying and giving thanks and appreciation to Mama Aisa and Baba Adams. I also contact them about my lost lover and helped me to bring back my husband and I am now happy after the miracles from Mama Aisa and Baba Adams.

Call or whatsapp 083 708 3504

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NOTICE OF APPLICATION FOR ENVIRONMENTAL AUTHORIZATION

Proposed Filling and Service Station (FSS) – Corner of 70 New England Road and 2, 4 Ridge Road, Scottsville, Pietermaritzburg

Notice is hereby given in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998), that the proposed Filling Station requires an Environmental Authorization (EA) for the activities described below. In this regard, an Environmental Application will be submitted to the Department of Economic Development, Tourism and Environmental Affairs (EDTEA) for approval.

PROJECT DESCRIPTION

Hingwa and Zulu Investments (Pty) hereafter referred to as "HZ Investments" or the "Applicant" propose to develop a Filling and Service Station (FSS) situated on Rem. Of ERF 3267, Rem. Of Portion 15 & 11 of ERF 581 of Pietermaritzburg, at 70 New England Road, 2 & 4 Ridge Road, Scottsville, Pietermaritzburg, Maudslayi Local Municipality

Coordinates: 29°35'53.14"S, 30°24'10.46"E, with the consolidated site having a total area of approximately 4902m²

The proposed Filling and Service Station development would consist of Pump islands for light motor vehicles, Pump islands for heavy motor vehicles, Convenience shops, Fast Food Outlets, Sit-down Restaurants

The following activities are triggered in terms of the National Environmental Management Act (1998):

- Activity 14 of Listing Notice 1 in terms of the EIA Regulations 2014 (as amended in April 2017)

Should you wish to register as an Interested & Affected Party (I&AP) or you require additional information on the proposed project, kindly contact the Environmental Consultant on the details listed below. Please note that the registration process is 14-days from the date of this notice. Thereafter, all written comments must be submitted within 30-days from the date of this advertisement.

PROJECT DESCRIPTION

Hingwa and Zulu Investments (Pty) eziwezwa nge "HZ Investments" okanye "iKhasi" andawo eShongwayo, ye-Filling and Service Station (FSS) endaweni ese Rem. Of ERF 3267, Rem. Of Portion 15 & 11 of ERF 581 ePietermaritzburg, kumgqoqo 70 New England Road, 2 & 4 Ridge Road, Scottsville, ePietermaritzburg. Isakhiwo eshongiweyo, shokakaka cisho kube amakhiwo amakhulu, i-phakisi nedobho lase- Pietermaritzburg, kumAsipala wase Maudslayi - indawo layo ekuzokwaziwa khona csho ibe u-4902m²ubuhulu. I-Filling and Service Station eshongiweyo labe inakhiwo okubalwe ngemvane: Pump islands for light motor vehicles, Pump islands for heavy motor vehicles, Convenience shops, Fast Food Outlets, Sit-down Restaurants.

Lamibebenzi elandelayo lamibambana nemigomo ye- National Environmental Management Act (1998):

- Activity 14 of Listing Notice 1 in terms of the EIA Regulations 2014 (as amended in April 2017)

Uma ufuna isifundo sokuthathela ukuba yimvane ye- Interested & Affected Party (I&AP) Ngesakhiwo eshongiweyo, sicela ufikelele ne- Environmental Consultant okungabaluleki kweNdawo, KuleMintyanga - Elandeka. Sicela uqhubeke ukuthi ingubo zoba yizizuko ezo-14 kuzilela ngosuku lokukhulwa kwesaziso. Ngakolke isimpawiso ebinhlalane kumale zizinywele kungakwazi izinsuku ezi-30 kusukela ngosuku lokuphuma kwesikhangelo. Mudingi ulwazi oluzulu mayelana nokuthengiswa kwesakhiwo luyisizukulwane kwe- Interested and Affected Party sicela ufikelele igama nemiminyangano yokuthumana kubaluleki kwindawo. Mr. Cameron Emile Singh/ Ms. Shryya Nankhoo Hanslab Environmental Consultants Address: Sugar Cane, Gateway Office Park, Umhlanga, 4319 Tel: 031 536 1978 E-mail: cameron@hanslab.co.za/shryya@hanslab.co.za

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- Ukuthutha amaphis and bums R450
- Magc waflet setha (mail)
- Thotho umcebisi, ukufunda and protection
- Owokuwazi induku ibenimandla
- Wina lotto/casino etc

CALL UBABA LUCKY: 063 560 8080
CELL: 060 745 1049
VOD A 063 326 4203
MTN

MAMA THANDO

MAMA THANDO
CALL 088 087 2506
FOR APPOINTMENT IN PMB

Figure 2: Proof of the advertisement in the Maritzburg Echo

2-1.2. Erection of site notices

Three site notices were placed at conspicuous positions in close proximity to the site for public viewing. The erection of site notices formed part of the Public Notification Period and provided the local community with the opportunity to register as Interested and Affected Parties (I&AP's). Refer to Figures 3-5 below indicating proof of site notices.



Figure 3: Site notice 1 located at the robot on the Cnr of Ridge Road and New England Road



Figure 4: Site notice 2 located at the robot on the Cnr of King Edward Avenue and New England Road



Figure 5: Site notice 3 located at the robot on the Cnr of Alan Paton Avenue and Ridge Road

2-1.3. Distributions of Pamphlets

Pamphlets containing the details of the proposed development and contact details were distributed to all neighbours within a 100-meter radius.

2-2. Circulation of the draft basic assessment report for stakeholder comment

The DBAR was circulated for the mandatory 30 commenting period, as per the *EIA Regulations, 2014 (as amended)*, to stakeholders. The comments from the EIA process have been incorporated into the as well for consideration.

43(1) A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application

(2) In order to give effect to section 240 of the Act, any State department that administers a law relating to a matter affecting the environment must be requested, subject to regulation 7(2), to comment within 30 days

Refer to Section 3 below for the EAPs response to the comments received.

SECTION 3. COMMENTS AND RESPONSES

3-1. Summary of comments and responses from stakeholders

DATE RECEIVED	STAKEHOLDER	CONTACT PERSON	COMMENTS	EAP RESPONSE
01 October 2020	UMDM	Nokulunga N. Nxumalo	<p>Based on specialist findings all recommendations must be considered, these recommendations are listed in Section B of the BAR.</p> <p>Every activity involved in the construction phase and operation phase must comply with all the identified Environmental Legislation that may be triggered.</p> <p>The EMPr must be strictly adhered to, during the construction and operation phases and the ECU must be appointed to ensure Environmental Compliance</p> <p>The uMgungundlovu District Municipality has no objection on the proposed facility as it has positive socio-economic impacts with minimal environmental impacts, provided that all recommendation made in the BAR are adhered to.</p>	<p>Dear Mandisa Khomo,</p> <p>Thank you for your feedback. All your comments are noted and will be incorporated into the Final Basic Assessment report</p>

3-2. Summary of comments and responses from interested & affected parties (I&APs)

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
29/01/2020	Resident	Wendy Crow	<p>(1) Directly opposite the proposed site is St John's High School with entrances to the school located in New England Road and also Ridge Road. Currently there is already a danger to road users and pedestrians, including pupils who enter the school after exiting the North and South Bound lanes of the N3 Highway, not to mention traffic coming into town from Hayfields and Bellevue Suburbs. The traffic has to turn right to gain access to the school. The proposed site of the service station will exacerbate matters and lead to an even greater risk to pedestrians and motorists alike</p> <p>(2) Were the fuel station to be erected and become operational, any traffic exiting the service station and wanting to gain access to the N3 will be required to cross four lanes of traffic. With the current congestion already on New England Road, and more especially at peak times when the schools open and close, the risk of traffic collisions will only increase, not to mention risk to pupils and other pedestrians</p> <p>(3) Drivers of vehicles exiting the proposed service station may not be able to cross over the lanes of traffic to gain access to the N3. Drivers may then decide to rather travel through town using New England Road as their exit towards the freeway gaining access to the freeway at the Chatterton Road On-ramp. This will naturally increase the already capacitated road network through town</p>	<p>As per the Traffic Impact Assessment conducted by SuRoCon Engineers in October 2019: <i>The proposed development is situated in an area where traffic volumes are not expected to increase at a high growth rate, therefore, it was assumed that a growth rate of 2% will be applicable for this development. A service station does not generate new trips in the area, instead, it attracts about 4% of the existing trips on the adjacent road network. These volumes were considered in the analysis. The Rezoning application to establish a FSS with ancillary land uses is anticipated to generate pedestrian activity along New England Road and Ridge Road in the vicinity of the development site. Sight distance conditions in excess of 90.0 metres for existing pedestrians walking along New England Road and Ridge Road are good and the traffic entering and leaving the proposed development is therefore not expected to have any major impact on the existing pedestrian movement along its edges in the vicinity of the development site. The presence of sidewalks provided along the southern and eastern edge of New England Road and Ridge Road, respectively, approximately 1.5 metres wide further enhances pedestrian movement along these roads. Access to the</i></p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
				<p><i>development site would be off New England Road and Ridge Road. The proposed FSS with ancillary land uses would gain entry / exit from single-point accesses off the two aforementioned roads. The entry / exit off New England Road would be restricted to a left-in, left-out access arrangement. The Access intersections with New England Road and Ridge Road would operate satisfactorily with no approach worse than LOS B during both the 2019 and 2024 Weekday morning and afternoon peak hours.</i></p>
			<p>(4) With the opening of a fuel station, noise and other pollution will certainly increase. It is noted that provision has been made for pump islands for heavy motor vehicles. There are also proposed fast food outlets and sit-down restaurants. Experience with the foregoing has proved beyond doubt to be contrary to any quiet neighbourhood. It certainly adversely affects the environment</p>	<p>We note the potential impacts associated with the development of a fast food restaurant. In order to mitigate against any potential pollutions an EMPr has been developed and will be adhered to by the developer and their team. According to the Socio Economic Assessment conducted by Urban-Econ in 2020: <i>The proposed development will only have a significant impact on noise levels during its constructions phase.</i></p>
			<p>(5) Situated approximately 750 metres from the site of the new development is 24 Hour Quick Spar Engen Garage. This garage is the subject of many objections in respect of the local area being used as a truck stop by passing operators and drivers of heavy motor vehicles. Drivers leave the vehicles idling whilst they go shopping and then when the leave they rev their vehicles to build up brake pressure. The revving</p>	<p>According to the Socio Economic Assessment conducted by Urban-Econ in 2020: <i>The total fuel demand for the primary market is estimated to be anywhere between 487 381 and 852 917 litres of fuel per month. However, it is expected that the fuel sold will be in the region of 609 226 litres per month. This is double the minimum of 300 000 litres</i></p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>of engines is even noisier late at night and in the early mornings, especially for the truckers who park illegally on New England Road. This disturbs the peace in the area and is not acceptable</p>	<p><i>normally used as a measure of the feasibility of fuel stations. As such, the proposed filling station can be considered to be feasible. The Engen Garage located 700m from the site will experience a decline in customers as a result of the development of the proposed PFS, however, the significance of this impact will not lead to the project closure of the filling station. The Developer intends to become the Filling Station of choice. All efforts will be made in order to curb excessive revving and noise</i></p>
			<p>(6) In addition to the foregoing, there are already two other garages in the vicinity of the proposed development. The Duzi Engen Garage is situated approximately 1,4 kms away and the BP Garage in Scottsville is approximately 900m away. It does not make any economic sense to have a third garage in the area</p>	
			<p>(7) As mentioned in paragraph (3) above, the service station referred to in Paragraph (5) of this letter already has brought major challenges, most especially that the drivers use New England Road as a Truck Stop. There is little or no enforcement by the Municipality in policing the current unsatisfactory state of affairs. The likelihood of the new proposed site being used as an illegal truck stop cannot be ignored. Coupled to the matters raised herein, litter will increase not to mention the risk of prostitution in the area. This is especially concerning when considering the neighbouring schools in the area, i.e. Scottsville Primary School, St Charles College and St John's Diocesan School for Girls. It must also be borne in mind that the Varsity College is also in the area, some 450m from the proposed development</p>	<p>The comment above is noted. The Applicant will adhere to maintenance and management of their development as these aspects will be incorporated into the operational Environmental Management Programme. The developer will ensure that there are ample resources for litter disposal. In terms of potential prostitution, there is no evidence at this stage to indicate this viability from the specialist studies conducted, therefore Hanslab cannot comment further.</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>(8) Property value in the direct vicinity of the proposed service station will certainly decrease because no-one would be happy to purchase a property in an area which is noisy, has major traffic congestion, litter, etc. As property owners, we have invested heavily into a sought after area. It is not acceptable to have this investment devalued with the possibility of a service station opening in the area. There are clearly no benefits in having another service station in the area.</p>	<p>It is noted that the proposed development may potentially devalue the surrounding properties, however the developer intends to mitigate this by developing in such a manner that contributes to the receiving environment. The Market Demand Assessment considered the devaluation of surrounding properties and proposes potential mitigation measures. The development will be designed and constructed in such a manner that will be appealing and to boost the attractiveness of the area. The anticipated appeal of the project can contribute will potentially contribute to the increase in the value of properties. The longer term development of the corridor along the R56 will lead to the increase in property values. It is anticipated that with the development of this garage and associated infrastructure there will be further investment into the area as there is nothing of similar within the corridor.</p>
			<p>As such please take note of our severe objections to the proposed development. I also wish at this juncture wish to make it clear that this objection will be pursued to the highest levels should the development be approved. You are also requested to keep all affected parties informed of the outcome of the appeal against the building of a service station, sit-in restaurants and take-away establishments</p>	<p>All comments above are noted and will be incorporated in the final submission of the Basic Assessment report to EDTEA. As per the EIA Regulations 2014 (as amended), Hanslab will inform you of the outcome of the Department's decision.</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
01/10/2020	New England Pre-primary School	Toni Puttick; principalnepp@gmail.com>	Besides my concerns regarding having another petrol filling station, in such close proximity to not only our school, but the other schools in the area, please find my response as an I&AP to your request for comments, concerns and queries.	According to the Socio-Economic Assessment conducted by Urban-Econ in 2020: <i>The total fuel demand for the primary market is estimated to be anywhere between 487 381 and 852 917 litres of fuel per month. However, it is expected that the fuel sold will be in the region of 609 226 litres per month. This is double the minimum of 300 000 litres normally used as a measure of the feasibility of fuel stations. As such, the proposed filling station can be considered to be feasible. The Engen Garage located 700m from the site will experience a decline in customers as a result of the development of the proposed PFS, however, the significance of this impact will not lead to the project closure of the filling station.</i>
			The basic assessment document fails to provide a balanced review as to whether the proposal to replace three residential properties with a petrol filling station, shop, restaurants and offices is desirable within the context of the built environment and character of the area surrounding the application site.	The applicant intends on establishing this development in the nature that it fits the surrounding environment and incorporates the colonial-style. Further design details can will be finalised closer to the completion of the legislative requirements.
			Whilst it is accepted that market demand should determine the need and sustainability of economic activities, the need for the proposed development to be located on the application site is questioned within the context of existing development nodes and potential alternative sites within the surrounding area.	As this proposed site is owned by the applicant, it is deemed the best site for the development.

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>In this regard, seven petrol filling stations, representing all major fuel brands including BP, are situated in existing multi land use development nodes that are located within a 1.5 km radius of the application site.</p>	<p>According to the Socio Economic Assessment conducted by Urban-Econ in 2020: <i>The total fuel demand for the primary market is estimated to be anywhere between 487 381 and 852 917 litres of fuel per month. However, it is expected that the fuel sold will be in the region of 609 226 litres per month. This is double the minimum of 300 000 litres normally used as a measure of the feasibility of fuel stations. As such, the proposed filling station can be considered to be feasible. The Engen Garage located 700m from the site will experience a decline in customers as a result of the development of the proposed PFS, however, the significance of this impact will not lead to the project closure of the filling station.</i></p>
			<p>These are; Engen – Hayfields, Engen - Collegians, BP - Scottsville Mall, Shell - Woodburn, Sasol Pit stop - YMCA and Total - Auto world (two stations opposite each other).</p>	
			<p>Numerous restaurants and fast food outlets are also located within the main existing development nodes, which include the Scottsville Mall, Woodburn Mall and Golden Horse Casino that are located in close proximity to the application site, as well as forming an integral part of the seven petrol filling stations listed above.</p>	<p>According to the Socio Economic Assessment conducted by Urban-Econ in 2020: <i>The following conclusions are drawn from the above drive-thru and fast food establishment analysis: The fast food and drive-thru establishment contributes 13% to the country's Gross Domestic Products. This shows the sector is competitive and lucrative; The drive-thru establishment on New England road</i></p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
				<p><i>will be the only Petrol filling station with a drive-Thru on site. It would be a major pull factor for the PFS; Drive-thru outlets are traditionally labour intensive. So, for them to be able to provide an efficient service to its customers it must have a substantial number of staff; Pizza, burger and chicken are product offerings that usually do well in the drive-thru outlet market; Although fast food restaurants located in bigger centres tend to do better, even those in smaller centres or service stations do have a substantial market share. Based on the above findings, the establishment of a drive thru proves feasible and its mostly likely to generate higher revenue based on the current trend of preference of drive thru's as opposed to stores at shopping centres because of convenience.</i></p>
			<p>If there is a market demand for another petrol filling station and other commercial uses in the area, it is contended that land located within and around existing development nodes should preferably be sought before trying to force the development of a new isolated commercial development node into an environment that is still predominantly characterised by residential uses and education facilities.</p>	<p>As this proposed site is owned by the applicant, it is deemed the best site for the development. In addition the develop is currently undertaking a rezoning application so as to rezone the development.</p>
			<p>The basic assessment document makes repeated references to the 'Freeway Node Development' around the N3/New England Interchange and the 'IRPTS corridor' as factors supporting the</p>	<p>The above is noted. Hanslab has supplemented its Report based on the findings of specialist assessments conducted for the area. Both the Traffic</p>

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			<p>proposed development on the application site. However, it should be noted that the application site is located about 360 metres away from the N3/New England Interchange and is separated from the freeway by non-commercial land uses. As a result, it is contended that the proposed development cannot realistically be considered to form part of an envisaged 'Freeway Node Development'. The existing development node located on the eastern side of the N3/New England Interchange and which spans New England Road should be viewed as forming the nucleus of any proposed 'Freeway Node Development'. The portion of this node bordering onto the N3 Freeway contains the Engen Hayfields Service Centre (which includes an Engen petrol filling station), Kwikspar, Precious Auto Sales and Xpress Van Rental whilst the eastern portion contains the Road Lodge hotel. There is substantial vacant land within this existing node to accommodate additional commercial development including a petrol filling station and office accommodation should this be required by market demand. It is contended that siting a new petrol filling station on the Sanral owned land next to the Engen Hayfields Service Centre will have less impact on the built environment than on the application site as it would merely be replicating an existing land use with known associated impacts rather than introducing foreign land uses into a residential and educational zone.</p>	<p>and Socio-Economic assessment make reference to the Freeway Node Development and IRPTS Corridor. These specialist assessments project results and conclusions based on current growth and anticipated influxes. As mentioned previously, owing to the applicant owning the land in question, it is deemed the best option for this application.</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>With regard to the need for additional office accommodation, it should be noted that the application for municipal planning approval for the office block developed at 71 New England Road was not supported and the building has remained vacant. The development of an office park as part of the Golden Horse Casino development was also investigated and planned within the last decade but not advanced to the stage of amending the Special Zone town planning scheme controls due to a lack of market demand at the time. However, the vacant land designated for the office park is still available for potential development if warranted by market demand.</p>	<p>The above is noted.</p>
			<p>The application justifies not considering alternative land for the components of the proposed development on the grounds that the application site had already been acquired by the applicant. Mere ownership of land should not be accepted as being a valid or objective reason why potentially more appropriate land located within and adjacent to existing planned and serviced nodes was not considered and properly evaluated as part of the application for environmental authorisation. Having identified a market need for the proposed land uses, it is contended that the rational approach would be for the applicant to investigate and identify the most appropriate location for such uses in this portion of Scottsville/Hayfields and then to negotiate the acquisition of the land for development if necessary. Instead, the</p>	<p>The applicant has purchased this land with the intent to develop the above-mentioned petrol filling station. It should be noted that owing to the Freeway Node and IRTPS Corridor. As no other surrounding land is owned by the applicant, this property has deemed the most suitable for the proposed development</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>application site appears to have been predetermined, simply based on existing ownership, and specialists have been subsequently engaged to try and justify the site choice via a technocratic approach which fails to consider the wider issue of desirability.</p>	
			<p>The location of the application site on a proposed 'IRPTS corridor' is also not considered to be grounds to support the establishment of a petrol filling station that is weighted toward providing petrol for private vehicles. The IRPTS aims to provide dedicated lanes for public transport vehicles which are unlikely to make use of the proposed petrol filling station. The space devoted to the public transport system is also aimed at giving this mode of transport priority with the objective of dissuading the use of private vehicles along the route. The implementation of strategies to reduce the future use of private vehicles along New England Road is not viewed as being supportive of the establishment of a new petrol filling station on the application site that will largely depend on patronage by the owners of private vehicles.</p>	
			<p>The inclusion of a pump island for heavy vehicles as part of the proposed filling station is regarded as being undesirable as it will draw heavy vehicles away from the freeway interface into an area which currently experiences limited heavy vehicle traffic. The introduction of heavy vehicles into the area is likely to have the same</p>	<p>Noted. As there is only 1 heavy pump proposed it is not anticipated that this will <i>draw heavy vehicles</i>. The single pump will be used to accommodate heavy vehicles already traversing this route.</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>associated negative impacts as those unfortunately experienced with the Engen Hayfields Service Centre. In this regard, the regular parking of heavy vehicles outside of the Engen Hayfields Service Centre, particularly at night, regularly took up a traffic lane on either side of New England Road for a long period of time and severely compromised road safety and traffic flow in the area. Community based investigations found that many of the truck drivers parked on the road were not queuing to obtain fuel, but were buying food and using the restroom facilities.</p>	
			<p>The municipal traffic authorities were either unwilling to enforce, or incapable of enforcing, traffic regulations and it was only concerted action on the part of local residents that measures such as redlining and the installation of massive concrete bollards were eventually implemented to try and dissuade the parking of heavy vehicles. Whilst these measures have had some success, unlawful parking still occurs and local residents are involved in regular and often acrimonious exchanges with truck drivers.</p>	<p>Noted. However, the service station will not be able to mandate the road use as this will be out of the development area</p>
			<p>In the case of the proposed petrol filling station, as the dedicated pump island can only accommodate a single heavy vehicle, the parking of heavy vehicles in New England and Ridge Roads will be inevitable whilst drivers make use of the proposed restaurant uses and facilities. This will block traffic lanes on these roads as there is no wide road shoulders in this</p>	<p>Noted. This development will aim to promote against the idle parking but cannot guarantee the occurrences outside of the development area.</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>area. The turning movements of heavy vehicles to enter and exit the proposed petrol filling station will damage the road surfaces and sidewalks as seen in the vicinity of the Engen Hayfields Service Centre and elsewhere.</p>	
			<p>The turning movements of heavy vehicles exiting the proposed development to return to the N3 freeway is also considered to be potentially compromising to traffic movement in the area and road safety. In this regard, heavy vehicles are dissuaded from travelling along Boshoff Street through the central area to re-join the N3 Freeway so these vehicles would have to either turn around in New England Road or use minor residential side streets to get back to the freeway interchange.</p>	
			<p>The basic assessment fails to address the potential cumulative impact of the proposed development.</p>	<p>Noted. This will be addressed in the final submission</p>
			<p>The three residential properties comprising the application site are not regarded as having any unique features or characteristics which distinguishes them from any other similar grouping of residential properties located around the intersection of New England Road with other streets in the area, such as Escombe, Saunders and Allison Roads. As a result, the granting of environmental authorisation and subsequent municipal planning approval for the proposed development in the absence of any compelling unique circumstances would establish a legal precedent that could be</p>	<p>The above is noted. The applicant cannot comment on the future rezoning of the surrounding development but will aim to ensure that this development matches the surrounding Victorian architecture.</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>exploited to leverage approval for similar commercial developments on any residential property located along New England Road. This would lead to undesirable ribbon development with associated cumulative impacts that far exceed that of the proposed development and which should be considered as part of the environmental assessment accordingly.</p>	
			<p>No attempt appears to have been made to appropriately buffer the interface between the proposed commercial development and the adjoining residential uses in order to minimise the impact on the residential amenity of the residents of those uses. As the owners and residents of the adjoining and surrounding properties are better placed to evaluate the potential impact of the proposed development on their residential amenity it will be left to them to comment on this issue accordingly.</p>	<p>Noted. Any comment received from the neighbouring properties will be included in the final submission</p>
			<p>Finally, it is noted somewhat ironically that the proposed petrol filling station is backed by BP as this would appear to be completely at variance with that company's recent public ally released strategy to reduce fossil fuel output by 40 % by the year 2030</p>	<p>Noted. As BP develops their furl and technology further, it is likely that this will be filtered down to all their suppliers.</p>
16/10/2020	Environmental Law Specialist	JEREMY RIDL	<p>This application was never about the biophysical aspects of the proposed development. Similarly, the loss of biodiversity on site is a minor issue, but given the location of the site, the loss of "greenery" will have local impacts on "nature in the garden". What the DBAR omits is any comment on the loss of</p>	<p>Noted. This will be addressed in the final submission</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>“sense of place”, or “amenity” as it used to be termed in earlier town planning parlance.</p>	
			<p>The proposed land use is in harsh contrast to low density housing and a school with park-like grounds containing an impressive collection of indigenous trees, many of which are specially protected. Linked to the loss of sense of place, is the loss of built environment heritage. The heritage assessment incomplete. No decision from the heritage authority (AMAFA) has been made. It is premature to assume that a demolition permit will be issued by AMAFA for buildings over 60 years old.</p>	
			<p>One of the buildings on the St Johns property, closest to the site is a heritage building and it is highly desirable that all the nearby buildings of significant heritage value should be retained. They provide the opportunity for creative planning of the future of the local area.</p>	
			<p>The Applicant has made no effort to engage with the local schools or the municipal planning authorities to ascertain what the future plans for the local area are. The area is uniquely placed to form the core of an educational “centre of excellence” to attract students from the pre-primary phase through to tertiary education at three nearby universities (Varsity College, UKZN and DUT).</p>	<p>HEC complied with all EIA Regulation, 2014 (as amended); pamphlets were handed out to surrounding establishments within 100m of the proposed development; 3 site notices were erected and strategic locations around the development site; and adverts were published in the Maritzburg Eco and Weekend Witness</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>A petrol filling station (with the allied business uses proposed) cannot be established on land zoned “special residential”, as the properties comprising the site are, by special consent. A rezoning of the land may not be possible. No town planning statement is made about the permissible land uses. A vague statement is made to the effect that what is proposed is consistent with the municipal Spatial Development Framework (SDF). This is disputed. If the proposed use is in conflict with the SDF, a rezoning to allow this use is prohibited by section 22(2) of the Spatial Planning and Land Use Management Act 16 of 2013. This issue should have been resolved before embarking upon the basic assessment process (and any prudent developer would have established this before purchasing the properties). If it has been resolved, a specialist town planning report should have been part of the basic assessment process.</p>	<p>The applicant is aware of the zoning and is currently applying for a rezoning of the development. Owing to the time taken to conduct a basic assessment a rezoning, the applicant has proceeded to conduct both application simultaneously.</p>
			<p>The planning issues lead into the major failings of the DBAR, rendering it fatally flawed:</p>	<p>The above aspects are noted. The applicant has purchased this land with the intent to develop the above-mentioned petrol filling station. It should be noted that owing to the Freeway Node and IRTPS Corridor. As no other surrounding land is owned by the applicant, this property has deemed the most suitable for the proposed development</p>
			<p>(a) The DBAR does not prove either need or desirability. The topic receives cursory attention. Vague and unsubstantiated</p>	

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			(sometime contradictory) statements are made about the social and economic benefits to the local community and the City. The development is desirable to the Applicant only, and it is only the Applicant that stands to benefit economically.	
			(b) The DBAR does not look at alternatives:	
			(i) alternative sites for a petrol filling station;	
			(ii) alternative land uses for the site that are more in keeping with existing and future land uses, and which may produce more benefits to the community.	
			There is a simple reason for the failings in the DBAR – the Applicant purchased the properties for the sole purpose of establishing a filling station. The Applicant never intended to consider alternative land uses or alternative locations. This has had an overwhelming influence over the direction of the basic assessment process. Unfortunately, this reflects badly the objectivity and independence of the DBAR.	
			With only one land use option, the DBAR has ended up being a mitigation plan for the establishment of a petrol station. This is not the purpose of a basic assessment report. In the result, the DBAR does not meet the requirements of the EIA Regulations and must be rejected.	HEC notes your objection and will be including them in the final submission to the department. HEC is an independent EAP and has signed the relevant documentation indicating the above. The rejection of the Basic Assessment will be determined by EDTEA on final submission. As an I&AP you will be informed of the outcome.

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
15/09/2020	Resident	Joy Gunter: joy.gunter@adviceworx.co.za	Attached is a table commenting on some of the specific failings of the DBAR.	We appreciate your feedback on our Report and will make amend it accordingly.
			As previously indicated to Sian, our household is against this development.	Noted
			It will negatively impact traffic at peak times and will be detriment to the property prices surrounding this development. The Ridge and New England Road intersection is gridlocked every morning between 7am and 8 am due to the volumes of traffic generated by the 5 different schools. Access to the highway is chaos at these times for Hayfields, Scottsville and Pelham residents.	As per the Traffic Impact Assessment conducted by SuRoCon Engineers in October 2019: <i>The proposed development is situated in an area where traffic volumes are not expected to increase at a high growth rate, therefore, it was assumed that a growth rate of 2% will be applicable for this development. A service station does not generate new trips in the area, instead, it attracts about 4% of the existing trips on the adjacent road network. These volumes were considered in the analysis. The Access intersections with New England Road and Ridge Road would operate satisfactorily with no approach worse than LOS B during both the 2019 and 2024 Weekday morning and afternoon peak hours.</i>
			When was the study of congestion done? On a Sunday?	As per the Traffic Impact Assessment conducted by SuRoCon Engineers in October 2019: The development site is located within a developed suburban area with the background traffic volumes having a greater impact on the road network during the Weekday. Consequently, the Weekday morning and afternoon peak hours were analysed in this traffic study.

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>As for the water and sewerage. The leaks in New England Road have not been attended to for months, some have been reported as far back as January last year. We are plagued with blocked sewerage pipes that are a nightmare. How is this development going to make these simple issues any better?</p>	
			<p>We live at 8 Ridge Road and already have to drive through town to work as we are unable to access the New England Road turn to the highway due to traffic congestion. This is a mere 100m from the intersection.</p>	<p>As per the Traffic Impact Assessment conducted by SuRoCon Engineers in October 2019: <i>The proposed development is situated in an area where traffic volumes are not expected to increase at a high growth rate, therefore, it was assumed that a growth rate of 2% will be applicable for this development. A service station does not generate new trips in the area, instead, it attracts about 4% of the existing trips on the adjacent road network. These volumes were considered in the analysis. The Access intersections with New England Road and Ridge Road would operate satisfactorily with no approach worse than LOS B during both the 2019 and 2024 Weekday morning and afternoon peak hours.</i></p>
			<p>Will be compensated for the loss of value of our property? The impact of this development is tremendous for us and we are against it.</p>	<p>The Market Demand Assessment considered the devaluation of surrounding properties and proposes potential mitigation measures. The development will be designed and constructed in such a manner that will be appealing and to boost the attractiveness of the area. The</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
				<p>anticipated appeal of the project can contribute will potentially contribute to the increase in the value of properties. The longer-term development of the corridor along the R56 will lead to the increase in property values. It is anticipated that with the development of this garage and associated infrastructure there will be further investment into the area as there is nothing of similar within the corridor.</p>
15/09/2020		Russel Powel	Do we reply to this mail to send in our comments or who do we send our comments to?	<p>Dear Sir, Apologies for the late response. Your mail went to my junk mail. Please note that you may send through your comments/ concerns to this email address. Thereafter, the comment will be addressed in my final report for submission to the Department of Environmental Affairs.</p>
14/10/2020		Nicki Davies <nicki@ewyw.com>	<p>Scottsville is a residential suburb and the proposed petrol station site is positioned right in the residential area between houses, townhouses and schools. Scottsville is one of the oldest suburbs in Pietermaritzburg, housing some of the oldest properties in the area. Many of these houses are Victorian red brick and there are 2 such houses along Ridge road approximately 150 metres and 400 metres respectively from the proposed petrol station site.</p>	Noted.
			Naturally we are concerned about the effect of the petrol station on the value of our property and all the surrounding properties.	<p>The Market Demand Assessment considered the devaluation of surrounding properties and proposes potential mitigation measures. The development</p>

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				<p>will be designed and constructed in such a manner that will be appealing and to boost the attractiveness of the area. The anticipated appeal of the project can contribute will potentially contribute to the increase in the value of properties. The longer-term development of the corridor along the R56 will lead to the increase in property values. It is anticipated that with the development of this garage and associated infrastructure there will be further investment into the area as there is nothing of similar within the corridor.</p>
			<p>Reference to project background and negligible traffic: This is simply not true. New England road has its own off ramp from the N3 and is 4 lanes wide. Ridge road is very busy at certain times of the day and there have been occasions when I have waited 15 minutes before being able to drive out of my driveway in order to go to work. If a traffic assessment has been done during the current Covid-19 lockdown situation, then this isn't a true reflection of the volume of traffic travelling along both New England and Ridge roads. As for being "short" New England road joins Boshoff Street and is a major traffic thoroughfare right through to the other side of Pietermaritzburg town. Likewise Ridge Road is an access road to many schools, Varsity College and the University of KwaZulu-Natal, shopping centers and hospitals. Pietermaritzburg has 5 off ramps from the N3 North bound and 4 off ramps south</p>	<p>As per the Traffic Impact Assessment conducted by SuRoCon Engineers in October 2019: <i>The proposed development is situated in an area where traffic volumes are not expected to increase at a high growth rate, therefore, it was assumed that a growth rate of 2% will be applicable for this development. A service station does not generate new trips in the area, instead, it attracts about 4% of the existing trips on the adjacent road network. These volumes were considered in the analysis. The Access intersections with New England Road and Ridge Road would operate satisfactorily with no approach worse than LOS B during both the 2019 and 2024 Weekday morning and afternoon peak hours.</i></p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
			<p>bound and the New England road off ramp is 1 of the 3 that has both a north and south bound off ramp. It is thus a main artery for the whole of Scottsville and Hayfields as well as any traffic going to the Pietermaritzburg airport</p>	
			<p>Has an assessment been done to map the underground rivers? Scottsville is filled with many underground rivers. My property is just 7 properties away from the proposed site and we have an underground river running through our garden. Digging underground to install storage tanks and pipelines could affect the river courses. In addition, once tanks are installed, there will always be the risk of contamination of the underground water.</p>	<p>A Geotechnical Assessment has been conducted by Geosure in January 2019 and states: <i>Based on the results of the fieldwork undertaken during this investigation, the site is considered suitable for the proposed development.</i></p>
			<p>Within a 2-kilometre radius from this proposed site are 7 other petrol stations so one has to question the need for another petrol station. Listed below are the other petrol stations and their distances from the proposed site:</p>	<p>According to the Socio-Economic Assessment conducted by Urban-Econ in 2020: The total fuel demand for the primary market is estimated to be anywhere between 487 381 and 852 917 litres of fuel per month. However, it is expected that the fuel sold will be in the region of 609 226 litres per month. This is double the minimum of 300 000 litres normally used as a measure of the feasibility of fuel stations. As such, the proposed filling station can be considered to be feasible. The Engen Garage located 700m from the site will experience a decline in customers as a result of the development of the proposed PFS, however, the significance of this impact</p>

DATE RECEIVED	I&AP	CONTACT PERSON	COMMENTS	EAP RESPONSE
				will not lead to the project closure of the filling station.
			Engen and Kwikspar 101 New England road, across the freeway: 650m	
			Total Autobahn 15A Blackburrow Road: 1,2 km	
			Total Autoworld 18 Blackburrow Road: 1,2 km	
			BP 60 Alan Paton Avenue at The Mall at Scottsville: 1,3 km	
			Shell 10 Chief Albert Luthuli Street: 1,4 km	
			Engen Duzi 381 Boshoff Street: 1,4 km	
			Sasol Pitstop 1 Alan Paton Avenue: 1,6 km	
			All distances given are approximates taken from Google maps.	