

Draft Basic Assessment Report



Draft Basic Assessment Report (DBAR) For the Proposed Expansion of the uMhlali Total Energies Fuel Station and the Establishment of a Fast-Food Outlet, KwaDukuza Local Municipality, Ilembe District Municipality, KZN.

A Project of SSS 123 Trading (Pty) Ltd

February 2025



KWAZULU-NATAL PROVINCE

**ECONOMIC DEVELOPMENT, TOURISM
AND ENVIRONMENTAL AFFAIRS**
REPUBLIC OF SOUTH AFRICA

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File Reference Number:

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Application Number:

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**THIS REPORT WAS COMPILED BY WALLACE AND GREEN (PTY) LTD. IN TERMS OF
APPENDIX 1 TO GNR 326 (AS AMENDED)**

2014 NEMA EIA Regulations (As amended 2017), Appendix 1- 3(a) a basic assessment report must contain the information that is necessary for the competent authority; (i) EAP who prepared the report and (ii) the expertise of the EAP, including curriculum vitae. 3 (1) (a) details of (i) the EAP who prepared the report; and (ii) the expertise of the EAP. Please see Appendix H for EAP Declaration and full Curriculum Vitae.

DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONERS

Table 1: Details of the Environmental Assessment Practitioner

| | | |
|-----------------------------------|--|--|
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| E-mail | nicolen@wallaceandgreen.co.za | sphelele@wallaceandgreen.co.za |
| Qualification | Bachelor of Science (Honours) in Environmental Management | Bachelor of Science (Honours) in Environmental Management |
| Professional Registrations | Reg. EAP (EAPASA) | Cand. EAP (EAPASA) |
| Voluntary Memberships | IAIAsa | IAIAsa |
| Experience | >9 years | >4 years |

Table 2: Details of the Project Applicant

DETAILS OF THE PROJECT APPLICANT

| | |
|-------------------------|--|
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Disclaimer: By providing comments to this project, you voluntary consent to your personal information being processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. You furthermore agree that your personal information may be disclosed to a third party, used for the lawful and reasonable purposes in as far as Wallace & Green (Pty) Ltd (responsible party) must use your information in the performance of its contractual duties.

EXECUTIVE SUMMARY

Wallace and Green (Pty) Ltd. were appointed by SSS 123 Trading (Pty) Ltd to provide independent environmental consulting services for the Proposed expansion of the uMhlali Total Energies Fuel Station and The Development of a Fast-Food Outlet, by conducting a Basic Assessment (BA) study in terms of the Environmental Impact Assessment (EIA) Regulations of 2014 (GNR 326 of December 2014 as amended), as promulgated under the National Environmental Management Act (NEMA) (Act No. 107 of 1998).

The applicant, SSS 123 Trading (Pty) Ltd intends on expanding the existing uMhlali Fuel Station and to develop a fast-food outlet on the properties described as Portion 16 of Lot 72, No. 1526 uMhlali and, Portion 50 of Lot 72, No. 1526 uMhlali. The Fuel Station received approval from the Department of Mineral Resources and Energy (DMRE) in terms of the site and retail license which permits the current fuel station.

The current combined capacity of the uMhlali Fuel Station is 79 000Litres (i.e., 79m³) and comprises of two (2) underground storage tanks (UST's) (i.e., 39m³ for diesel and 40m³ for petrol). It is the intention of the applicant to expand the fuel station to include the following:

- Installation of two UST's each with a capacity of 20m³. One UST will be utilised for diesel and one will be utilised for petrol. The total combined capacity of the proposed USTs will be 40 000 litres (i.e.,40m³); and
- Fast-food outlet including a drive thru and parking bays.

This BA follows the legislative process prescribed in the Environmental Impact Assessment (EIA) Regulations (2014). This report constitutes the Draft Basic Assessment Report (DBAR) which details the environmental outcomes, impacts and residual risks of the proposed activity. The report aims to assess the key environmental issues and impacts associated with the development and to document Interested and Affected Parties' (I&APs) issues and concerns. Furthermore, it provides background information of the proposed project, a motivation, and details of the proposed project, and describes the public participation undertaken to date.

The objective of this report is to provide the project's I&APs, stakeholders, commenting authorities, and competent authority (CA), with a thorough project description and BA process description. The outcome being to receive productive comments/input, based on all information generated to date and presented herein.

To protect the environment and ensure that the development is undertaken in an environmentally responsible manner, there are several significant portions of environmental legislation and specialists' studies that were taken into consideration during this study and are elaborated on in this report.

The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs (EDTEA) is the competent authority for this Basic Assessment process, and the development needs to be authorised by this Department.

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

| SECTION OF APPENDIX 1 OF THE EIA REGULATIONS | DESCRIPTION OF THE SECTION | ASSOCIATED SECTION WITHIN THE BAR |
|---|---|--|
| 3a | Details of the EAP and CV | Page 3 |
| 3b | Location of the activity | Section 1.5 |
| 3c | A layout plan | Section 1.6 |
| 3d | Description of the scope of the proposed activity including the triggered and specified activities, associated structures and infrastructure and the way the proposed development relates to the triggered activities | Section 1.2 and 1.3 |
| 3e | Description of the policy and legislative context within which the development is proposed and how is each one applicable to the proposed activity | Section 3 |
| 3f | The motivation for the need and desirability (including the development at that specific location) | Section 4 |
| 3g | The motivation for the preferred site, activity, and technology alternative | Section 1.4 |
| 3h (i) | Details of all the alternatives considered | Section 1.4 |
| 3h (ii) | Details of the Public Participation Process (PPP) undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs | Section 5 |
| 3h (iii) | A summary of the issues raised by interested and affected parties, and an indication of the way the issues were incorporated, or the reasons for not including them | Section 5 |
| 3h (iv) | The environmental attributes associated with the alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects | Section 2 |
| 3h (v) | The impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration, and probability of the impacts, including the degree to which these impacts- (aa) can be reversed; (bb) may cause irreplaceable loss of resources; and (cc) can be avoided, managed, or mitigated; | Section 6.2 |
| 3h (vi) | The methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks associated with the alternatives | Section 6.1 |
| 3h (vii) | Positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects | Section 6.2 |
| 3h(viii) | The possible mitigation measures that could be applied and the level of residual risk | Section 6.2 |
| 3h(ix) | The outcome of the site selection matrix | Section 6.2 |

| | | |
|--------|--|----------------------|
| 3h(x) | If no alternatives, including alternative locations for the activity, were investigated, the motivation for not considering such | Section 1.4 |
| 3h(xi) | A concluding statement indicating the preferred alternatives, including the preferred location of the activity | Sections 4.2 and 6.3 |
| 3i | A full description of the process undertaken to identify, assess and rank the impacts the activity will impose on the preferred location through the life of the activity, including- (i) a description of all environmental issues and risks that were identified during the environmental impact assessment process; and (ii) an assessment of the significance of each issue, risk and an indication of the extent to which the issue and risk could be avoided or addressed by the adoption of mitigation measures | Section 6.2 |
| 3j | An assessment of each identified potentially significant impact and risk | Section 6.2 |
| 3k | Where applicable, a summary of the findings and impact management measures identified in any specialist report complying with Appendix 6 to these Regulations and an indication as to how these findings and recommendations have been included in the final report | Section 2 |
| 3l | An environmental impact statement containing a map and a summary of the positive and negative impacts of the proposed development and alternatives | Section 6.3 |
| 3m | Based on the assessment, and where applicable, impact management measures from specialist reports, the recording of the proposed impact management objectives, and the impact management outcomes for the development for inclusion in the EMPr | Section 6.4 |
| 3n | Any aspects which were conditional to the findings of the assessment either by the EAP or specialist which are to be included as conditions of the authorisation | Section 6.8 |
| 3o | A description of any assumptions, uncertainties, and gaps in knowledge which relate to the assessment and mitigation measures proposed | Section 6.5. |
| 3p | A reasoned opinion as to whether the proposed activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorisation | Section 6.8 |
| 3q | Where the proposed activity does not include operational aspects, the period for which the environmental authorisation is required, the date on which the activity will be concluded, and the post-construction monitoring requirements finalised | Section 6.6 |
| 3r | An undertaking under oath or affirmation by the EAP | Refer to Appendix H |
| 3s | Where applicable, details of any financial provisions for the rehabilitation, closure, and ongoing post decommissioning management of adverse environmental impacts | Not Applicable |

SECTION 1: DESCRIPTION OF THE PROPOSED ACTIVITY & LOCALITY

1.1 Project Title

Proposed Expansion of the uMhlali Total Energies Fuel Station and the Establishment of a Fast-Food Outlet, KwaDukuza Local Municipality, Ilembe District Municipality, KZN.

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

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

The applicant, SSS 123 Trading (Pty) Ltd intends on expanding the existing uMhlali Fuel Station and to develop a fast-food outlet on the properties described as Portion 16 of Lot 72, No. 1526 uMhlali and, Portion 50 of Lot 72, No. 1526 uMhlali. The Fuel Station received approval from the Department of Mineral Resources and Energy (DMRE) in terms of the site and retail license which permits the current fuel station.

The current combined capacity of the uMhlali Fuel Station is 79 000Litres (i.e., 79m³) and comprises of two (2) underground storage tanks (UST's) (i.e., 39m³ for diesel and 40m³ for petrol). It is the intention of the applicant to expand the fuel station to include the following:

- Installation of two UST's each with a capacity of 20m³. One UST will be utilised for diesel and one will be utilised for petrol. The total combined capacity of the proposed USTs will be 40 000 litres (i.e.,40m³); and
- Fast-food outlet including a drive thru and parking bays.

Due to the proposed fast-food outlet and drive thru, the development footprint will increase from 5666m² to 7396m².

The uMhlali TotalEnergies Fuel Station was established by the applicant, SSS 123 Trading (Pty) Ltd on Portion 16 of Lot 72, No. 1526 and has been operational since May 2022. The total extent of the site is approximately 0.9Ha and was previously utilised for sugarcane farming.

The site is located along the R102 and to the east of the N2 in the uMhlali area; approximately 45 kilometres to the north of Durban. The existing uMhlali Total Energies Fuel Station is located within ward 4 of the KwaDukuza Local Municipality which falls under the iLembe District Municipality.

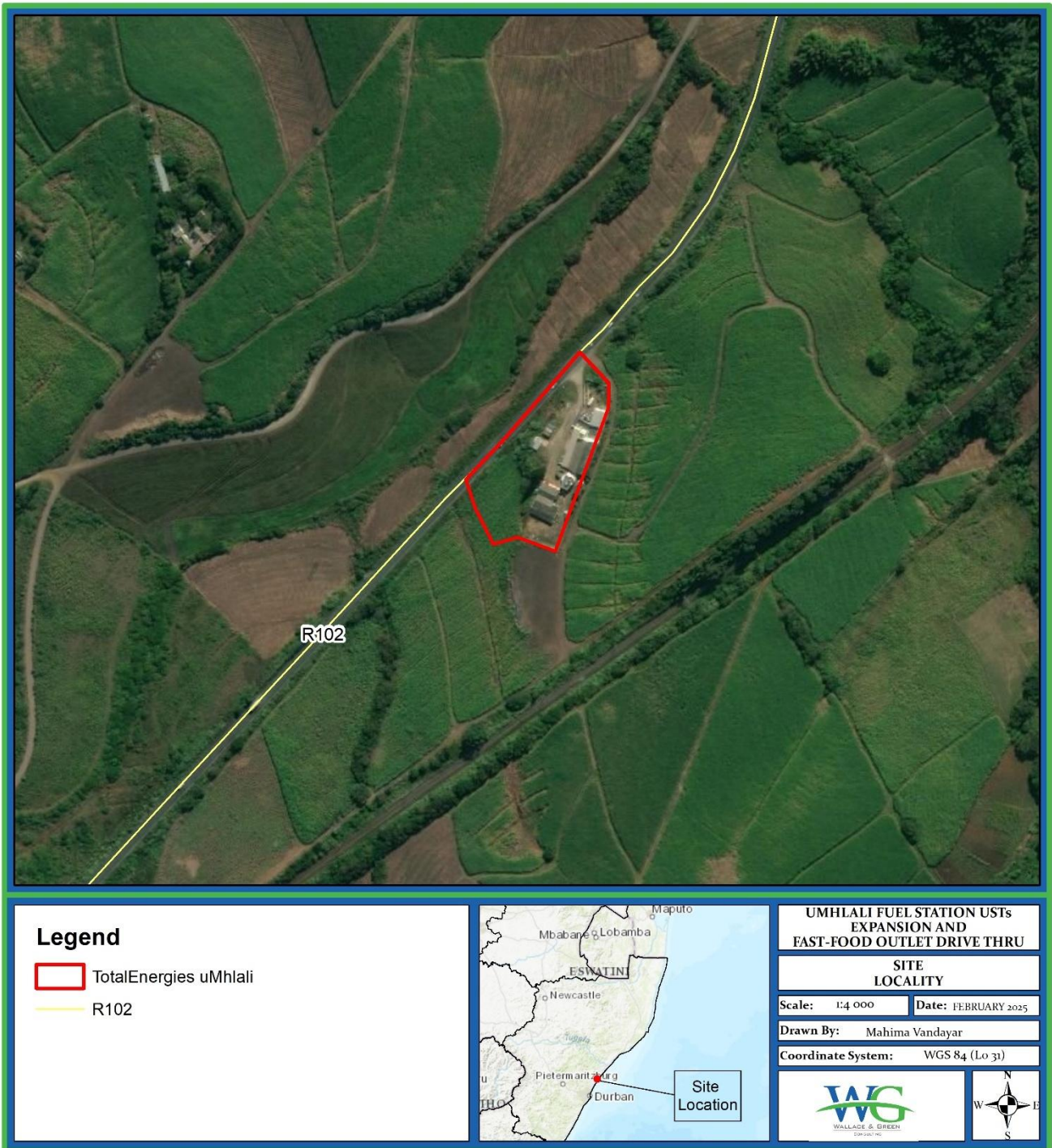


Figure 1: Locality Map of the Site

Please refer to Appendix A1 and A2: Google Image and Locality Map.

Ecological Assessment:

The Ecological assessment was undertaken by Mr. C.L.Cook, dated December 2020. It must be noted that the assessment was conducted for the proposed mixed-use development (adjacent to this site) but the study also covered the portion where fast-food outlet and drive thru is proposed. There is no vegetation present on the site in question. The site is completely transformed and degraded due to poor land-management

Please refer to Appendix D1: Specialist Reports, Ecological Assessment dated December 2020.

Geotechnical and Hydrogeological Assessment:

A Geotechnical Investigation was undertaken by Geosure in April 2023. The local geology of the encountered comprises of weathered very soft rock sandstone, overlain by residual sandstone clays and variable fill materials. Perched groundwater seepage was encountered during the field investigation. The Aquifer Vulnerability is considered Medium and the Contaminant Load Risk is considered Medium. The site therefore would be regarded as Medium Risk. Notwithstanding the hydrogeological evaluations, development of the site for the proposed expansion is considered to be feasible from the hydrological standpoint. Based on the results of the fieldwork undertaken during the investigation, it is considered that the site is generally stable and suitable for the proposed development from a geotechnical perspective.

Please refer to Appendix D2: Specialist Reports, Geotechnical and Geohydrological Assessment dated April 2023.

Wetland Delineation and Functional Assessment:

A Wetland Delineation Freshwater Assessment was undertaken by Parisara Consulting (Pty) Ltd in December 2020 and was updated in March 2021. It must be noted that the assessment was conducted for the proposed mixed-use development (adjacent to this site) but the study also covered the portion where fast-food outlet and drive thru is proposed. A field survey was conducted to identify wetland and other sensitive areas which could be impacted from the proposed development. The site does not intercept any watercourses. However, one (1) drainage (D1) was identified approximately 18m from the southern site boundary. The drainage (D1) was assessed to obtain a score of 62.5 for functional assessment which placed the system within the category C range. Overall, the habitat of the system can be considered to be moderately modified. Hence a loss and change of natural habitat and biota have occurred but the basic ecosystem functions are still predominantly unchanged.

Please refer to Appendix D3: Specialist Reports, Wetland Delineation Freshwater Assessment dated December 2020.

Traffic Impact Assessment:

The Traffic Impact Assessment was conducted by Trans - Traffix in November 2024. It must be noted that the assessment was conducted for the proposed mixed-use development but the study also covered the fast-food drive thru. The study was required to assess the impact of the site on the surrounding road network and to evaluate the necessity of implementing any mitigating road upgrades/ or intersection improvements. The intersection of the existing site access, with the proposed extension to create a four-leg roundabout, will be designed in accordance with the local municipality's standards. The design will include the necessary turning radii and other specifications to ensure smooth traffic flow. This approach will accommodate the proposed development effectively, ensuring that the roundabout can handle the increased traffic volumes and provide safe and efficient access to the site. Given the findings of this traffic impact assessment study, it is recommended that: the Proposed will not have a negative impact on the existing road network within the study area. It is recommended that be favourably considered from a traffic engineering point of view by the relevant regulating authorities and be supported.

Please refer to Appendix D4: Specialist Reports, Traffic Impact Assessment dated November 2024.

Heritage Impact Assessment:

The Heritage Impact Assessment: Letter of Exemption was conducted by Umlando: Archaeological Surveys and Heritage Management in September 2021. It must be noted that the assessment was conducted for the proposed mixed-use development but the study also covered the fast-food drive thru. No national monuments, battlefields, or historical cemeteries are known to occur in the study area. The study area is of very high palaeontological sensitivity. A palaeontological desktop study was undertaken by Dr Gideon Groenewald for the northern part of the property. Subsequent to the desktop study, a PIA field trip was undertaken. The fieldwork was undertaken by Dr Alan Smith. Some of the rock formations had been exposed and these were analysed. The possible fossil bearing layers from the Vryheid layer did not have the required coal seams, and were thus considered to be of low significance. A Chance Find Protocol has been initiated if any fossils or thin coal seams are noted during the construction phase. The development should be exempt from further HIA assessments.

Please refer to Appendix D5: Specialist Reports, Heritage Impact Assessment: Letter of Exemption dated September 2021.

The table below makes reference to specialist studies identified in the Screening Tool (**Appendix J6**). As per the Screening Tool, 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.

Table 3: Specialist Studies from Screening Tool

| Specialist Study | Motivation |
|--|---|
| Agricultural Impact Assessment | This assessment was not undertaken as the fuel station existing and the vacant land for the proposed food-outlet drive thru is already transformed. |
| Animal Species Assessment | Please refer to Appendix D1 – Ecological Assessment was conducted for the adjacent site and the area for the proposed fast-food outlet was assessed. However, this site has been previously disturbed. |
| Archaeological and Cultural Heritage Impact Assessment | Please refer to Appendix D5 – Heritage Impact Assessment was conducted for the adjacent site and the area for the proposed fast-food outlet was assessed. However, this site has been previously disturbed. |
| Aquatic Biodiversity Impact Assessment | Please refer to Appendix D3 – Wetland Delineation Freshwater Assessment was conducted for the adjacent site and the area for the proposed fast-food outlet was assessed. However, this site has been previously disturbed. |
| Palaeontology Impact Assessment | Please refer to Appendix D5 – Heritage Impact Assessment was conducted for the adjacent site and the area for the proposed fast-food outlet was assessed. However, this site has been previously disturbed. |
| Terrestrial Biodiversity Impact Assessment | Please refer to Appendix D1 – Ecological Assessment was conducted for the adjacent site and the area for the proposed fast-food outlet was assessed. However, this site has been previously disturbed. |
| Visual Impact Assessment | This study was not undertaken as there were no visual impacts are foreseen from the proposed fuel station expansion and development of a fast-food outlet and drive thru. |
| Defence Impact Assessment | This study was not undertaken as there were no defence impacts are foreseen from the proposed fuel station expansion and development of a fast-food outlet and drive thru. |
| Plant Species Assessment | Please refer to Appendix D1 – Ecological Assessment was conducted for the adjacent site and the area for the proposed fast-food outlet was assessed. However, this site has been previously disturbed. |

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

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

Table 4: Listed and specified activities triggered and being applied for

| GNR | Activity Number | Activity as per legislation | Activity applicability |
|--|-----------------|---|--|
| Listing Notice 1 (Basic Assessment) | | | |
| Government Notice Regulation (GNR) No. 327 of the EIA Regulation (2014). | Activity 67 | <p>Phased activities for all activities—</p> <p>(i) listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices; excluding the following activities listed in this Notice-</p> <p>17(i)(a-d); 17(ii)(a-d); 17(iii)(a-d); 17(iv)(a-d); 17(v)(a-d); 20; 21; 22; 24(i); 29; 30; 31; 32; 34; 54(i)(a-d); 54(ii)(a-d); 54(iii)(a-d); 54(iv)(a-d); 54(v)(a-d); 55; 61; 64; and 65; or</p> <p>(ii) listed as activities 5, 7, 8(ii), 11, 13, 16, 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices; where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.</p> | <p>The total combined capacity of the current USTs is 79m³. The client intends on expanding the total capacity of the USTs to 119m³ by installing 2 x 20m³ USTs.</p> <p>The expansion of the USTs by 40m³ will result to the total capacity of 119m³ thus exceeds the threshold of 80m³.</p> |

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

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

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

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

Alternative S1 (Only Site Alternative): Proposed expansion of USTs in the uMhlali fuel station and establishment of a fast-food outlet drive thru, KwaDukuza Local Municipality, iLembe District, KZN.

The proposed expansion of the fuel station and the establishment of the fast-food outlet will be conducted on the properties described as Portions 16 and 50 of Lot 72, No.1526 uMhlali. It is important to note that the applicant is underway with an application to consolidate the two properties. No site alternatives have been identified for this project as the intention of the client is to expand the existing fuel station and to develop a fast-food outlet for the fuel station users. Due to the limited space on site, there was no other possible location for the fast-food drive thru.

The current fuel station is located in a prime area which offers safe and easy access off the R102. The current capacity of USTs for uMhlali fuel station is not sufficient to cater for the demand of diesel and petrol. The R102 is the provincial road, considering that, it is always busy. When there are delays/obstruction on N2, this is the only road that relieves traffic making it possible for travellers to reach their destinations. The proposed development will be of great services to the community at large. The full potential of the site will be maximised through the development as it is located primarily along R102.

(b) The type of activity to be undertaken;

The client intends on expanding the total capacity to 119m³ by installing 2 x 20m³ USTs. Furthermore, the client intends on establishing a drive thru fast-food outlet on a section of Portion 50 of Lot 72, No. 1526 uMhlali, which will be consolidated with Portion 16 of Lot 72, No. 1526 uMhlali. The total capacity of the current Underground Storage Tanks (USTs) is 79m³ i.e. 39m³ for diesel and 40m³ for petrol.

(c) The design or layout of the activity;

Two layout alternatives were considered for the proposed development. The additional USTs to be installed will be next to the existing USTs and no other location was considered feasible for the new tanks. There were two (2) layout options pertaining to the proposed fast-food outlet and drive thru, refer to A1 and A2 below.

Alternative A1 (Preferred Layout)

Alternative A1 illustrates the additional USTs in the tank farm for the Fuel Station, fast food outlet and the drive thru along the southern boundary of the site. Alternative A1 is the preferred layout as the fast-food outlet and drive through do not encroaches into the sensitive area (D1) and the 15m buffer associated with Drainage 1 recommended in the Wetland Delineation Freshwater Assessment (D3). The development footprint for A1 is 1730 m².

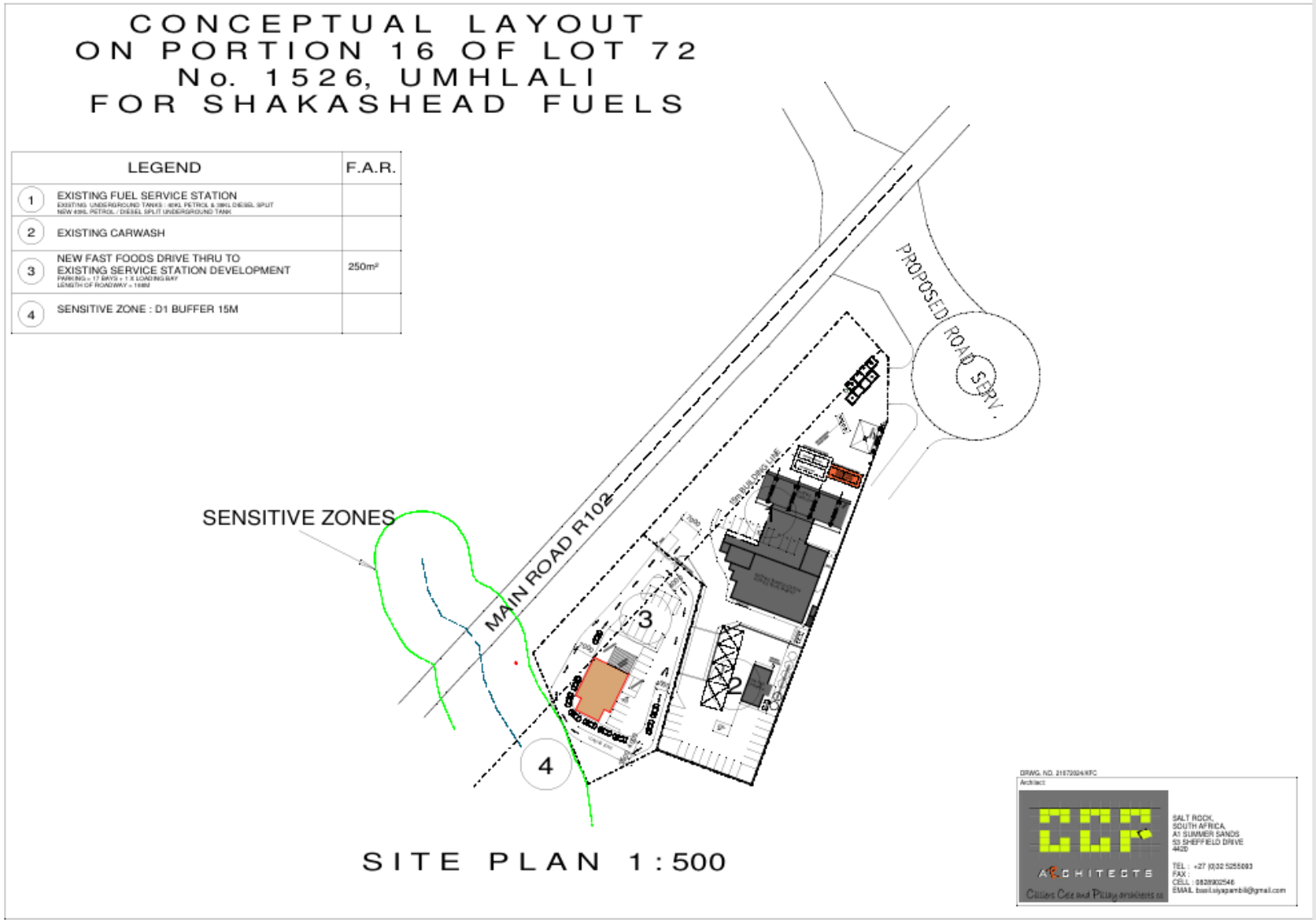


Figure 2: Illustrating Alternative A1 (preferred layout) of the proposed USTs expansion and fast-food outlet drive thru, (Please refer to Appendix C1 – Preferred Layout).

Alternative A2 (Alternative Layout)

The second layout alternative (A2) illustrates the new tanks to be installed in the tank farm and the fast-food outlet encroaching into the 15m buffer associated with Drainage 1 which was recommended in the Wetland Delineation Freshwater Assessment (D3). The development footprint for A2 is 1760 m², resulting into greater environmental disturbance and greater chance of negative impacts into the drainage line due to the development.

N.B., Alternative A2 was not perused past the planning stage.

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

There was no new technology alternatives considered. It was considered best to follow the technology of the existing USTs which is the Composite Bonded UST Double Wall Long Split 10/29. Refer to Appendix J7 - Design of Underground Storage Tanks (USTs).

All construction activities will be in line with the National Building Regulations and Building Standards, together with the Occupational Health and Safety regulations.

(e) The operational aspects of the activity;

The operational aspects relate to the daily operations of the uMhlali fuel station and fast-food outlet drive thru. No other alternatives were deemed feasible or applicable to this development. Management measures relating to the operational aspects of the fuel station, e.g., stormwater management, waste management areas have been addressed in the EMP – Appendix G.

(f) The decommissioning aspect of the activity;

The decommissioning of facilities/structures brings its own set of environmental impacts. The decommissioning process will entail the demolition and removal of the equipment and materials from the existing facilities/structures, and taking appropriate action to ensure that the sites are left in a suitable condition.

(g) The option of not implementing the activity;

The No-Go alternative implies that the status quo remains, and the proposed expansion of the USTs at the uMhlali Fuel Station and the development of a fast-food drive thru fuel station will not be established. The property where the fast-food outlet and drive thru is proposed will remain vacant and the land will be vulnerable to illegal dumping and deterioration. This site is already transformed as a result of historical activities and no vegetation is present besides small patches of grass in some area. The community and travellers who utilise the fuel station will not be serviced to their expectations as the current USTs are not adequate to meet their current need and demand.

From an environmental perspective, if the “no go” alternative is applied, the site proposed for the fast-food outlet drive thru will be further degraded. The project area where fast food outlet drive thru is proposed was found to exist in a transformed state as a result of numerous impacts such as, land clearing and invasive alien plant and weed dominance will result. No portion of the project area represents intact or functional KwaZulu-Natal Coastal Belt Grassland habitat, and no flora SCC were observed within the development footprint.

From an economic and social perspective, if the development is not realised, potential temporary and permanent employment opportunities (which can be offered to the local community) will not be realised and will not contribute to the general economic development of the area. The expansion of the USTs and establishment of the fast-food outlet will result in a net gain through a profit to the Municipality as the development will provide employment opportunities to the local residents in the construction and operational phases of the project.

The main conclusion from the aforementioned is that a no development option will have adverse socio-economic consequences. The need for the uMhlali fuel station expansion and fast-food outlet drive thru must be evaluated in terms of the NEMA principles, inclusive of sustainable development, taking into consideration the current status of the environment, as well as positive socio-economic impacts as mentioned above. Therefore, the no-go option is not supported from a holistic sustainability perspective.

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

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

Table 6: Location of the Proposed Activity

| | |
|------------------------------|--|
| District Municipality | Ilembe District Municipality |
| Local Municipality | KwaDukuza Local Municipality |
| Ward | 4 |
| Area / Town / Village | uMhlali |
| Property Description | Portion 16 of Lot 72, No. 1526 uMhlali, N0FU00000000152600016 |
| | Portion 50 of Lot 72, No. 1526 uMhlali, N0FU00000000152600050 |

Site Alternative

| Alternative: | Latitude (S): | | | Longitude (E): | | |
|---|----------------------|----|------|-----------------------|----|-------|
| Alternative S1 ¹ (only site alternative) | 29 | 29 | 4.60 | 31 | 12 | 49.31 |

Design or Layout Alternative

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

| Alternative: | Size of the activity: |
|--|------------------------------|
| Alternative A1 (preferred alternative) | 1730 m² |
| Alternative A2 | 1760 m² |

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

| Alternative: | Size of the site/servitude: |
|--|------------------------------------|
| Alternative A1 (preferred alternative) | 1730 m² |
| Alternative A2 | 1760 m² |

1.6 Site Access

| | |
|--|-----|
| Does ready access to the site exist? | YES |
| If NO, what is the distance over which a new access road will be built | |
| Access to the proposed development will be gained across the existing service station forecourt via the newly constructed traffic circle off the provincial main road (R102). There is sufficient space available for the through traffic without impacting on the service station forecourt operations (refer to Appendix D4 for the Traffic impact Assessment) | |

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

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

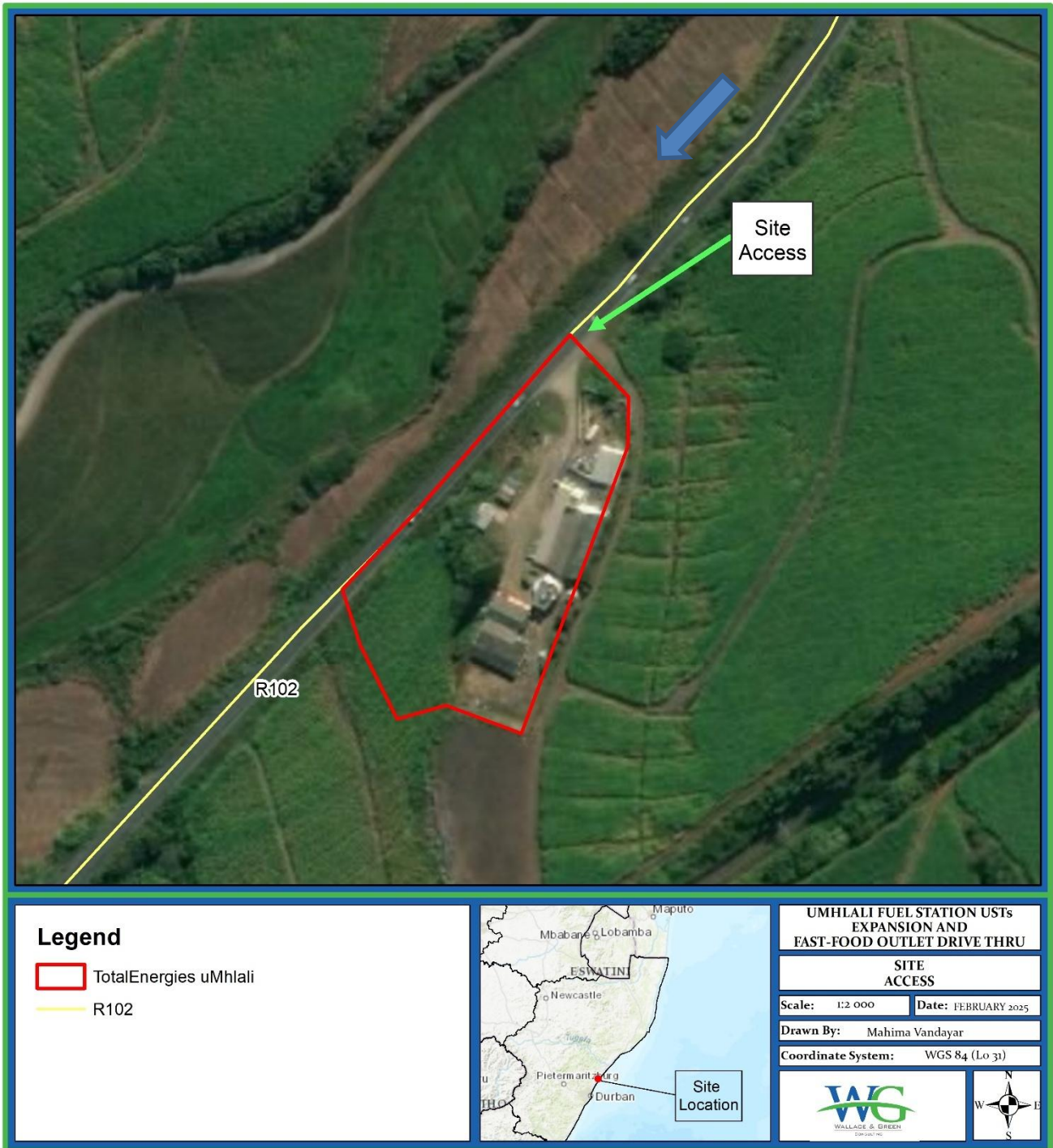


Figure 3: Map illustrating access to the site

1.7 Zoning and Land Use Rights

| | | |
|---|--------------------------|--------------------------|
| What is the land currently zoned for? Commercial/Industrial | | |
| Will any person's rights be negatively affected by the proposed activity/ies? | <input type="checkbox"/> | NO |
| Will the activity be in line with the following? | | |
| The Provincial and Local Spatial Development Framework | YES | <input type="checkbox"/> |
| The Provincial and Local Integrated Development Framework | YES | <input type="checkbox"/> |

The KwaZulu-Natal Growth and Development Strategy (PGDS) is the primary strategy driving growth and development in the province. PGDP is the implementation plan based on the strategic objectives that have been identified, which include job creation, human and community development, strategic infrastructure and spatial equity. These objectives are then broken down into strategic goals for implementation. The PGDS sets the 2030 Vision for the Province as well as the Strategic Goals and Objectives that will drive the Strategy. As part of the strategic goal to achieve job creation which is top priority, the promotion of Small and medium-sized enterprises (SMME) and entrepreneurial development is advocated so that economic participation and the generation of the employment increases. The role of the municipality in the context of the Sustainable Development Goals (SDGs) is to localise all the associated goals and targets of the SDGs. SDG goal number 8 also advocates for 'Good jobs and economic growth'.

As per the Integrated Development Plan (IDP) 2024/25 Key Development challenges in the KwaDukuza Municipality includes high rates of unemployment, low economic growth, poverty and high levels of crime and risk amongst others. This is largely attributed to the global recession being experienced, exacerbated by the COVID-19 pandemic which created disastrous consequences for the South African as well as the Municipal economy.

The proposed development aligns with the IDP, NDP and SDGs. Not only will it contribute in the upliftment of the local community, the public amenity provided by the expanded fuel station (and fast-food outlet) will also provide positive nett benefits. As per the KwaDukuza Municipality IDP 2024/25, economic development is a contributing factor to the Municipalities overall development plans. The full potential of the site will be maximised through the development as it is located along the busy Provincial Road (R102).

1.8 Water Use and Bulk Service Availability

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

There is an operational authorised borehole servicing the existing fuel station. As per the Engineer's services report, the borehole can also cater for the water demand associated with the proposed fast-food outlet. (Refer to J4 for the DWS General Authorisation for the borehole).

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

The borehole is already in operation. Approximately 120 000 litres which equates to 120m³ per month.

Does the activity require a water use authorisation (general authorisation or water use license) from the Department of Water & Sanitation? Please provide proof that the application has been submitted to the Department of Water & Sanitation.

No. The applicant received the Water Use Authorisation (General Authorisation) from Department of Water and Sanitation for the existing borehole. (Refer to Appendix J4 for the DWS approval).

Are the necessary services with adequate capacity currently available (at the time of application), or must additional capacity be created to cater for the development? (Confirmation by the relevant Municipality in this regard must be attached to the final Basic Assessment Report as an Appendix).

All sewerage generated by the proposed fast-food facility will be connected to the existing sewer system. As per the Engineers services report, the conservancy tank has sufficient capacity to convey the sewerage to the conservancy tank located at the northern end of the forecourt. The capacity of the conservancy tank is 82 m³ which equates to a 25 days storage capacity for the entire development including the proposed fast-food development. The conservancy tank is operational and is being maintained by the developer.

Storm water run-off from the proposed fast-food facility will be conveyed to the existing storm water system of the service station development. All storm water pipes are of sufficient capacity to accommodate the additional flow. As per the original storm water management plan, the entire site run-off is directed into the attenuation tank located at the northern end of the site. (Refer to Appendix D6 for the Stormwater Management Plan).

1.9 Energy Efficiency

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

In terms of energy efficiency, the proposed development should be undertaken during regular working hours to reduce the use of artificial lighting, if need be. Additionally, the contractor will be advised to transport all construction materials on-site at the same time wherever possible; the collection of waste material must be conducted simultaneously with other activities to reduce the amount of fuel usage for such transportation. Waste management methods (i.e., recycling and reusing), as well as water conservation measures are recommended and included in the EMPr (**see Appendix G**).

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

It is recommended that the developer makes reference to energy efficiency measures and green energy projects to reduce energy consumption where possible. The construction is encouraged to comply with the minimum construction and energy efficiency requirements of SANS 204 and 10400-XA. The designs maximize natural light and ventilation.

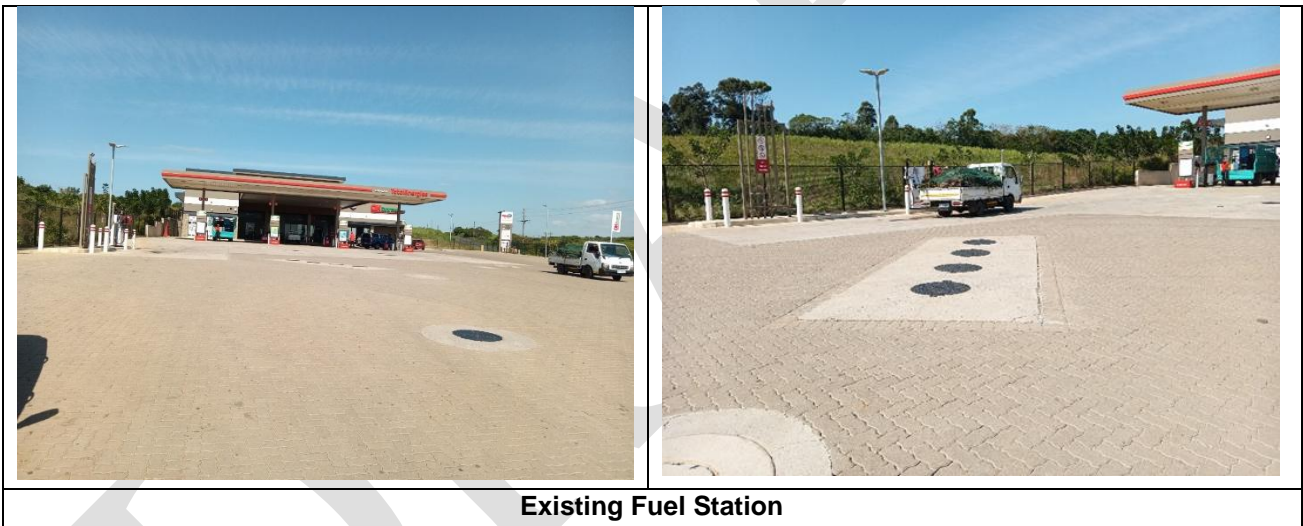
SECTION 2: SITE DESCRIPTION OF SURROUNDING LAND USE AS PER SECTION 3(H) (IV) AND (K)

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

2.1 Biophysical Environment

2.1.1. Vegetation

Based on Muncina and Rutherford (2006), the site was historically associated with the KwaZulu-Natal Coastal Belt vegetation (CB 3), which is categorised as being Endangered. Currently the site is highly transformed in nature due to the establishment of the current fuel station in 2022. Figures 5 illustrates that the central portions of the site is associated with historic sugarcane farming. There is no vegetation present on the site in question. The site is completely transformed and degraded due to poor land-management





site proposed for the fast-food outlet and drive thru

Figure 4: Existing service station and the site proposed for the fast-food outlet and drive thru.

The 'Very High' Terrestrial Biodiversity Theme and 'High' Animal Species Theme sensitivities, as assigned by the screening tool, is disputed; and instead, the project area is regarded as having an overall 'Low' sensitivity due to the significant levels of current disturbance. As per the ecological sensitivity map (Figure 5) below, the site is part of the transformed sugarcane land with low ecological sensitivity.

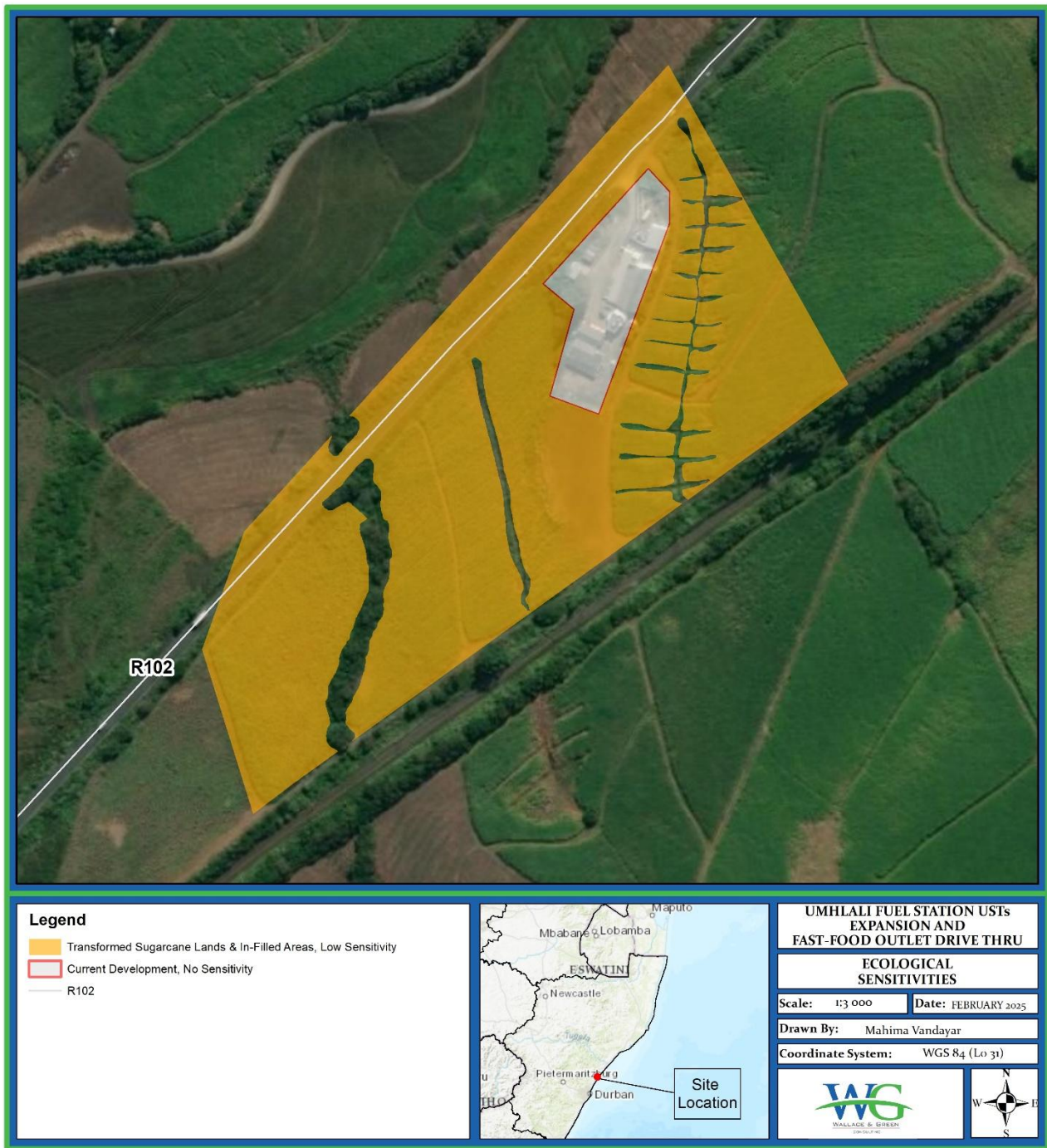


Figure 5: Site ecological sensitivity.

Please refer to Appendix D1: Specialist Reports, Ecological Habitat Assessment dated December 2020.

2.2 Watercourse

Parisara Consulting (Pty) Ltd conducted the Wetland Delineation Freshwater Assessment in December 2020 and noted the following:

Based on the site assessment, there is a watercourse (non-perennial drainage line) in close proximity of the site. This is the only watercourse within 32m of the fast-food outlet drive thru. The drainage line (D1) is situated close to the proposed fast-food outlet drive thru; these have been typically formed as a result of sugarcane

practices. D1 stems from the hillslope seepage wetland HGM3, which located across the railway line. The site survey confirmed that the drainage channel (D1) has been subject to several impacts, the most prominent being, dumping of rubble from the construction site into the channel. D1 eventually drains from the minor valley of the proposed development footprint into the downstream RR1.

The moist margins of the non-perennial drainage line were historically colonised by a dense thicket of the alien invasive Brazilian Pepper (*Schinus terebinthifolius**). The entire 'riparian zone' as well as embankments has been recently scalped with a bulldozer and wood debris deposited in the active channel of the drainage line. Limited indigenous riparian tree saplings were observed along the recently scraped northern non-perennial drainage line as well as hygrophilous vegetation within the hillslope seepage wetland on the eastern portion of the site. No significant patches of natural KZN Coastal Belt vegetation remains on the site.

Please refer to Appendix D3: Specialist Reports, Wetland Delineation Assessment dated December 2020.

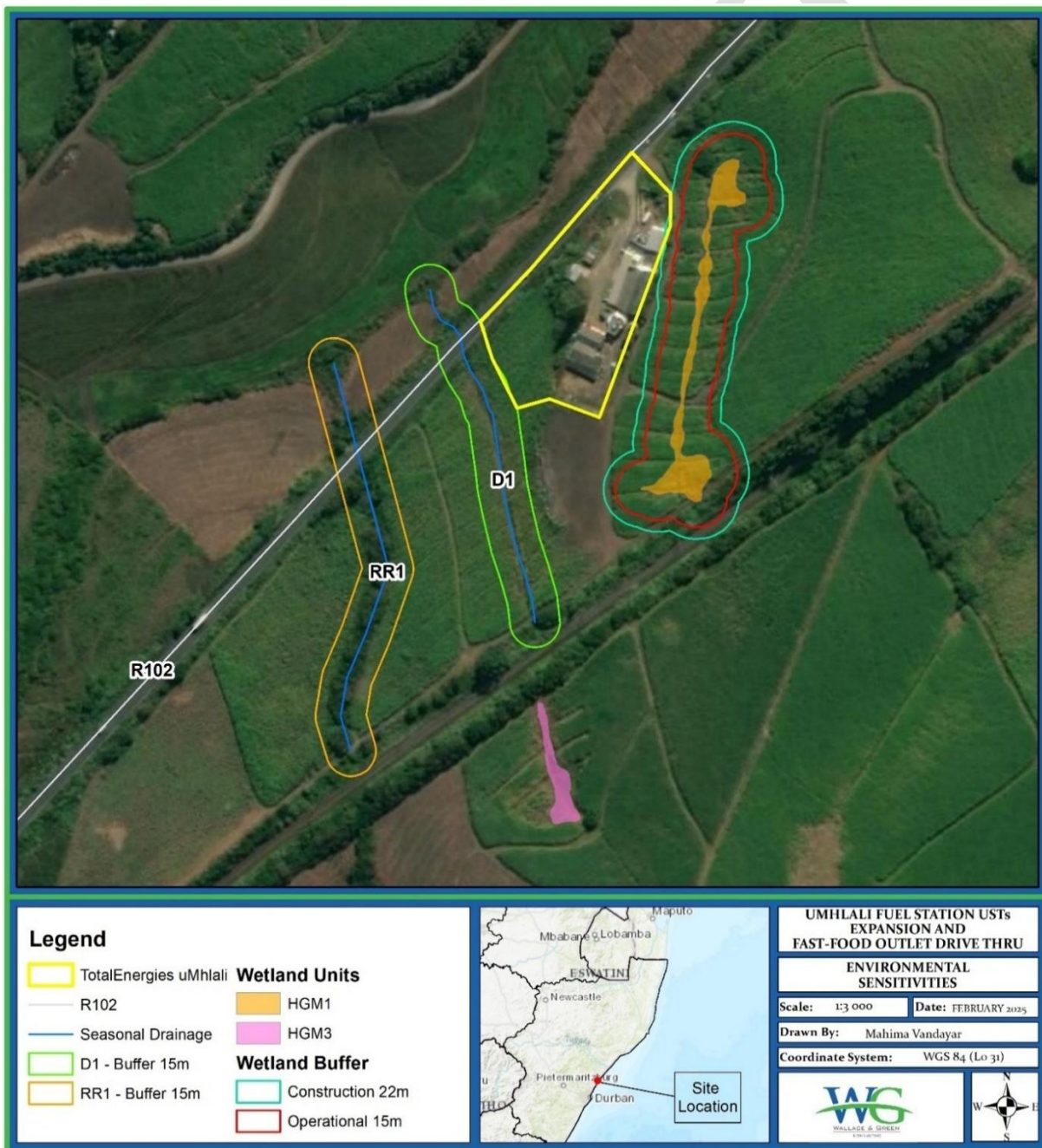


Figure 6: Specialist Watercourses Delineation

2.3 Geology and Soils

The regional geology of the site and immediate surroundings comprise of sandstone of the Vryheid formation and sands of the Berea formation. The soils on the western and southern portions of the site comprise of deep, well-drained sandy soils. The soils within the artificially excavated drainage channels display large amounts of recently “washed-in” sandy material from the large soil piles as well as hydric clay soils within the hillslope seepage wetland with distinct mottles. Large amounts of imported soils (including Berea Red Sands) have been in-filled and compacted adjacent to the non-perennial drainage line within the south-western portions of the site. Large rocks and soil overburden have been illegally dumped adjacent to the central seasonal drainage line. The illegal dumping activities have resulted in extensive habitat modification including within the active channel and adjacent embankments.

2.4 Groundwater

The site is located within a relatively low-lying geomorphological setting. According to the groundwater quality classification map of South Africa, the area is characterised with relatively moderate water quality. Groundwater levels within the aquifer in the general vicinity of the site are inferred to occur as depths ranging from 25m to 50m below Earth Ground Level. According to the aquifer susceptibility map of South Africa, the area constitutes a moderate vulnerability rating. This indicates that the site has a low to medium vulnerability factor regarding the ease at which groundwater body can be contaminated by anthropogenic activities.

2.5 Climate Change

Climate change is already a measurable reality and along with other developing countries, South Africa is especially vulnerable to its impacts. The National Climate Change Response Plan White Paper (2011) presents the South African Government’s vision for an effective climate change response and the long-term, just transition to a climate-resilient and lower-carbon economy and society. South Africa’s response to climate change has the following two objectives:

- Effectively manage inevitable climate change impacts through interventions that build and sustain South Africa’s social, economic and environmental resilience and emergency response capacity.
- Make a fair contribution to the global effort to stabilise greenhouse gas (GHG) concentrations in the atmosphere at a level that avoids dangerous anthropogenic interference with the climate system within a timeframe that enables economic, social and environmental development to proceed in a sustainable manner.

This response is guided by the Draft Guideline for Consideration of Climate Change Implications in applications for Environmental Authorisations, Waste Management Licenses and Atmospheric Emission Licenses (2021). It must be noted that the proposed expansion and development of a fast-food outlet drive thru is not anticipated to have significant impacts on climate change due to the following reasons:

- The project entails the expansion of the existing fuel station; and
- There is no vegetation to be removed for the establishment of the fast-food outlet and drive thru.

Once construction is complete, extensive rehabilitation and landscaping must be undertaken with indigenous vegetation, this will lead to overall biodiversity gains for the site.

2.6 Cultural / Historical Features

| | | |
|--|----------------|----|
| Are there any signs of culturally or historically significant elements, as defined in section 2 of the National Heritage Resources Act, 1999, (Act No. 25 of 1999), including archaeological or paleontological sites, on or within 20m of the site? | ■ | NO |
| If YES, contact a specialist recommended by AMAFA to conduct a heritage impact assessment. The heritage impact assessment must be attached as an appendix to this report. | | |
| Briefly explain the recommendations of the specialist: | Not Applicable | |
| Will any building or structure older than 60 years be affected in any way? | ■ | NO |
| Is it necessary to apply for a permit in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999)? | ■ | NO |
| If YES, please submit the necessary application to AMAFA and attach proof thereof to this report. | | |

2.7 Socio-economic Environment

| | |
|---|----------------------|
| Anticipated CAPEX value of the project on completion | Approx. R14 million |
| Expected annual turnover to be generated by or as a result of the project | Approx. R5 million |
| New skilled employment opportunities created in the construction phase of the project | 5 |
| New skilled employment opportunities created in the operational phase of the project | 3 |
| New un-skilled employment opportunities created in the construction phase of the project | 10 |
| New un-skilled employment opportunities created in the operational phase of the project | 14 |
| Expected value of the employment opportunities during the operational and construction phase | Approx. R1.5 million |

2.8 Surrounding Environment and Land Uses

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

| Land use character | YES or NO | | Description |
|--|-----------|----|--|
| Natural area | YES | ■ | The Drainage Line is approximately 18m south of the fast-food drive thru. There are other watercourses in the adjacent property. |
| Low-density residential | ■ | NO | |
| Medium-density residential | ■ | NO | |
| High density residential | ■ | NO | |
| Informal residential | ■ | NO | There is an informal settlement located approximately 470m North of the site. |
| Retail commercial & warehousing | YES | ■ | There is a warehouse located approximately 260m south of the site. |
| High Impact Industrial | ■ | NO | |
| Power station | ■ | NO | |
| Office/consulting room | ■ | NO | |
| Military or police base/station/compound | ■ | NO | |
| Spoil heap or slimes dam | ■ | NO | |
| Quarry, sand or borrow pit | ■ | NO | |
| Dam or reservoir | ■ | NO | |
| Hospital/Medical Centre | ■ | NO | . |

| | | | |
|----------------------------------|-----|----|--|
| School/ crèche | | NO | |
| Tertiary education facility | | NO | |
| Church | | NO | |
| Old age home | | NO | |
| Sewage treatment plant | | NO | |
| Train station or shunting yard | | NO | |
| Railway line | YES | | A railway line currently operates approximately 150m east of the proposed site. |
| Major road (4 lanes or more) | YES | | The site is bordered by the R102 on the western direction. |
| Airport | | NO | |
| Harbour | | NO | |
| Sport facilities | | NO | |
| Golf course | | NO | |
| Polo fields | | NO | |
| Filling station | | NO | |
| Landfill or waste treatment site | | NO | |
| Plantation | | NO | |
| Agriculture | YES | | Base on the Ecological assessment, there are agricultural activities taking place approximately 300m west of the site. |
| River, stream, or wetland | YES | | The Drainage Line is approximately 18m south of the fast-food drive thru. |
| Nature conservation area | | NO | |
| Mountain, hill, or ridge | | NO | |
| Museum | | NO | |
| Historical building | | NO | |
| Protected Area | | NO | |
| Graveyard | | NO | |
| Archaeological site | | NO | |
| Other land uses (describe) | | NO | |

2.9 Nuisance Considerations

Solid waste management

| | | |
|--|--------------------------------|--|
| Will the activity produce solid construction waste during the construction/initiation phase? | YES | |
| If yes, what estimated quantity will be produced per month? | Approximately 10m ³ | |
| How will the construction solid waste be disposed of? (describe) | | |

| | | |
|---|-------------------------------------|-------------------------------------|
| <ul style="list-style-type: none"> ❖ Waste hierarchy would be applied when managing construction waste. The first objective will be to reuse and recycle as much waste as possible and whatever cannot be reused or recycled will be disposed of at one of the registered licensed landfills. ❖ Waste skips/bins will be provided throughout the working area with separate skips/bins made available for construction debris and solid waste. The waste will be recycled or reused whenever possible, and the rest disposed to the registered waste disposal site. ❖ Small amounts of hazardous waste such as discarded oil or grease may be generated on-site. Hazardous waste will be disposed of at an appropriately licensed and registered hazardous waste disposal facility. Waste management will be dealt with more extensively within the EMPr for the relevant phases of the project. | | |
| Where will the construction solid waste be disposed of? (Provide details of landfill site) | | |
| <ul style="list-style-type: none"> ❖ Solid Waste will be disposed of at a registered licensed landfill. The general waste produced will be disposed at the relevant registered Municipal waste facility. In the unlikely event that hazardous waste is produced, this will be disposed of at an appropriately licensed and registered hazardous waste disposal facility. | | |
| Will the activity produce solid waste during its operational phase? | YES | <input checked="" type="checkbox"/> |
| If yes, what estimated quantity would be produced per month? | 10m ³ | |
| How will the solid waste be disposed of in the operational phase? (Provide details of landfill site) | | |
| If the solid waste (construction or operational phases) will not be disposed of in a registered landfill site or be taken up in a municipal waste stream, then the applicant should consult with the competent authority to determine the further requirements of the application. | | |
| Can any part of the solid waste be classified as hazardous in terms of the relevant legislation? | <input checked="" type="checkbox"/> | NO |
| If yes, contact the KZN Department of Economic Development, Tourism & Environmental Affairs to obtain clarity regarding the process requirements for your application. | | |
| Is the activity that is being applied for a solid waste handling or treatment facility? | <input checked="" type="checkbox"/> | NO |
| If yes, contact the KZN Department of Economic Development, Tourism & Environmental Affairs to obtain clarity regarding the process requirements for your application. | | |

Liquid effluent

| | | | | |
|---|-----|-------|-------------------------------------|----|
| Will the activity produce effluent, other than normal sewage, that will be disposed of in a municipal sewage system? | | | <input checked="" type="checkbox"/> | NO |
| If yes, what estimated quantity will be produced per month? | | | N/A | |
| Will the activity produce any effluent that will be treated and/or disposed of on-site? | | | <input checked="" type="checkbox"/> | NO |
| If yes, contact the KZN Department of Economic Development, Tourism & Environmental Affairs to obtain clarity regarding the process requirements for your application. | | | | |
| Will the activity produce effluent that will be treated and/or disposed of at another facility? | | | <input checked="" type="checkbox"/> | NO |
| If yes, provide the particulars of the facility: - | | | N/A | |
| Facility name: | N/A | | | |
| Contact person: | N/A | | | |
| Postal address: | N/A | | | |
| Postal code: | N/A | | | |
| Telephone: | N/A | Cell: | N/A | |

| | | | |
|--|-----|------|-----|
| E-mail: | N/A | Fax: | N/A |
| Describe the measures that will be taken to ensure the optimal reuse or recycling of wastewater, if any: | | | |

Emissions into the atmosphere

| | | |
|---|-------------------------------------|----|
| Will the activity release emissions into the atmosphere? | <input checked="" type="checkbox"/> | NO |
| If yes, is it controlled by any legislation of any sphere of government? | <input checked="" type="checkbox"/> | NO |
| If yes, contact the KZN Department of Economic Development, Tourism & Environmental Affairs to obtain clarity regarding the process requirements for your application. | | |
| If no, describe the emissions in terms of type and concentration: | | |
| <ul style="list-style-type: none"> ❖ Limited dust liberation and emissions during the construction phase due to the off-loading of construction materials, movement of construction vehicles and earthworks. Emissions generated will be in the form of dust, carbon dioxide and other vehicle emissions generated by diesel-powered machinery and trucks during the construction process, i.e., tip trucks, TLBs and dust from the movement of the construction vehicles. These emissions will be composed primarily of CO₂ and will be of a low concentration. Also, proper maintenance of vehicles will mitigate high concentrated vehicle emissions. Dust generation can be mitigated by either water spraying and/or dust suppressants or by minimising the area that is cleared and re-vegetating exposed areas as quickly as possible. The speed of construction vehicles and other vehicles should be strictly controlled to avoid excessive dust generation. | | |

Generation of noise

| | | |
|--|-------------------------------------|----|
| Will the activity generate noise? | <input checked="" type="checkbox"/> | NO |
| If yes, is it controlled by any legislation of any sphere of government? | <input checked="" type="checkbox"/> | NO |
| If yes, the applicant should consult with the competent authority to determine whether it is necessary to change to an application for scoping and EIA. | | |
| If no, describe the noise in terms of type and level: | | |
| <ul style="list-style-type: none"> ❖ During the construction phase noise associated with normal construction activities, i.e., vehicles, generators and plant equipment will be used on the site. However, construction activities will as far as possible be limited to normal working hours. It is important to note that this is an operational fuel station and this application is only for the expansion to the fuel station and the establishment of a fast-food outlet. ❖ Noise levels are to be kept within the legislated limits for the area, following the requirements of the relevant national and local noise control statutes and KwaDukuza Municipality By-laws. ❖ Other noise disruptions could potentially be experienced during the construction phase through activities such as drilling. This will be a temporary disturbance and if the ambient noise generated is expected to be well below 85 dBA (Occupational Health and Safety Act, 1993; Environmental Regulations for Workplaces, 1987, Noise and Hearing Conservation from SABS 083-1983) at potential receptor sites. ❖ Measures to minimise noise generation during construction are contained in the EMP. | | |

SECTION 3: POLICY AND LEGISLATIVE FRAMEWORK

2014 NEMA EIA Regulations (as amended), appendix 1- 3(e) a description of the policy and legislative context within which the development is proposed including – (i) an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments that are applicable to this activity and have been considered in the preparation of the report (ii)

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

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

| | | |
|---|------------|---|
| Act, 1983 (Act No. 43 of 1983) | | maintenance of the production potential of land, by combating and preventing of erosion and weakening or destruction of the water sources, and by the protection of the vegetation and the combating of weeds and invader plants. Section 5 details measures for the prohibition of the spreading of weeds. |
| National Environmental Management: Air Quality Act (No 39 of 2004) | Section 32 | Control of dust |
| | Section 34 | Control of noise |
| | Section 35 | Control of offensive odours |
| National Heritage Resources Act (No 25 of 1999) and regulations | Section 34 | No person may alter or demolish any structure or part of a structure that is older than 60 years without a permit issued by the relevant provincial heritage resources authority. |
| | Section 35 | No person may, without a permit issued by the responsible heritage resources authority destroy, damage, excavate, alter, deface, or otherwise disturb any archaeological or paleontological site. |
| | Section 36 | No person may, without a permit issued by the South African Heritage Resource Agency (SAHRA) or a provincial heritage resources authority destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority. "Grave" is widely defined in the Act to include the contents, headstone, or other markers of such a place, and any other structure on or associated with such place. |
| | Section 38 | This section provides for Heritage Impact Assessments (HIAs), which are not already covered under the ECA. Where they are covered under the ECA, the provincial heritage resources authorities must be notified of a proposed project and must be consulted during the HIA process. The Heritage Impact Assessment (HIA) will be approved by the authorising body of the provincial directorate of environmental affairs, which is required to take the provincial heritage resources authorities' comments into account prior to making a decision on the HIA. |
| Occupational Health and Safety Act (No 85 of 1993) | Section 8 | General duties of employers to their employees |
| | Section 9 | General duties of employers and self-employed persons to persons other than their employees |
| National Water Act (No 36 of 1998) and regulations | Section 19 | Prevention and remedying the effects of pollution |
| | Section 20 | Control of emergency incidents |
| | Section 21 | Licenses for water use |
| Hazardous Substances Act (No 15 of 1973) and regulations | | Provides for the definition, classification, use, operation, modification, disposal or dumping of hazardous substances |
| National Veld & Forest Fire Act | | Provides for a variety of institutions, methods, and practices to prevent and combat veld, forest, and mountain fires. |
| National Road Traffic Act (No 93 of 1996) | | Provides for controlling transport of dangerous goods, hazardous substances, and general road safety |
| Spatial Planning and Land Use Management Act (No. 16 of 2013). | | Provides the framework for spatial planning and land use management in South Africa at the different spheres of government and for the establishment, functions, and operations of Municipal Planning Tribunals. |

| | | |
|--|--|---|
| Occupational Health and Safety Act (No 85 of 1993) and regulations | | Addresses occupational health and safety aspects |
| SANS 10103 (Noise Regulations) | | The measurement and rating of environmental noise with respect to annoyance and to speech communication |
| KwaZulu-Natal Planning and Development Act, (No. 6 of 2008); | | Strategic spatial development intentions for the municipality based on the IDP and SDF, influenced by and in alignment with adjacent municipalities |
| KZN Nature Conservation Ordinance (Ordinance No. 15 of 1974) | | Protected indigenous plants, in general, are controlled under the relevant provincial Ordinances or Acts dealing with nature conservation. In KwaZulu-Natal, the relevant statute is the 1974 Provincial Nature Conservation Ordinance. In terms of this Ordinance, a permit must be obtained from Ezemvelo KZN Wildlife to remove or destroy any plants listed in the Ordinance. |
| KwaZulu Natal Heritage Act (Act 4 of 2008) | | To provide for the conservation, protection, and administration of both the physical and the living or intangible heritage resources of the Province of KwaZulu-Natal; to establish a statutory Council to administer heritage conservation in the province. |
| Climate Change Act (Act No. 22 of 2024) | | To enable the development of an effective climate change response and a long-term, just transition to a low-carbon and climate-resilient economy and society for South Africa in the context of sustainable development; and to provide for matters connected therewith. |
| Petroleum Products Act (Act 120 of 1977) | | To provide measures for the saving of petroleum products and an economy in the cost of the distribution thereof, and for the maintenance of a price therefor; for the rendering of services of a particular kind, or services of a particular standard, in connection with motor vehicles; and to provide for matters incidental thereto. |

Table 9: Current Environmental Legislation

| Regulations and Guidelines |
|--|
| Environmental Impact Assessment Regulations, 2014 (as amended). |
| Internal Guideline: Generic Water Use Authorisation Application Process, August 2007 by DWA. |
| The General Policy on Environmental Conservation (January 1994). |
| DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa. |
| Department of Environmental Affairs (2017), Public Participation guideline in terms of NEMA EIA Regulations, Department of Environmental Affairs, Pretoria, South Africa. |
| Disaster Management Act (57/2002): Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to National Environmental Management Permits and Licences |
| Mineral And Petroleum Resources Development Act 28 Of 2002: To make provision for equitable access to and sustainable development of the nation's mineral and petroleum resources; and to provide for matters connected therewith. |

Table 10: Current Municipal By-Laws

| By-Laws |
|--|
| KwaDukuza Municipality: Land Use Scheme Bylaw, 2021 |
| KwaDukuza Municipality: SPLUMA Bylaw Amendment, 2018 |

SECTION 4: MOTIVATION, NEED AND DESIRABILITY

4.1 Need and Desirability as per Section 3(f)

KwaDukuza Local Municipality is one of the most prosperous municipalities and is a category B municipality and is one of the municipalities that fall under the iLembe District (Category C, DC 29 Municipality) in the KwaZulu-Natal Province. Covering an area of approximately 633km², the Municipality stretches from the Zinkwazi River in the north to the Tongati River in the south. KwaDukuza (formerly known as Stanger) is the district node and dominant commercial centre in the iLembe District.

The KwaDukuza study area includes a 50km stretch of coastline incorporating a range of sensitive coastal environments, a great number of unique river mouths and lagoons, and significant urban developments in the southern sections. The urban areas within the municipality include KwaDukuza (formerly known as Stanger), Shakaskraal, Blythdale and Ballito. These urban centres house high levels of infrastructural development, service development and social facilities to support the local population.

The proposed activity will contribute to continued employment in society. The development will yield a positive contribution to the socio-economic value of the site and impact positively on surrounding property values. It will enhance the landowner's property value as well as the general aesthetics of the site. Furthermore, the development of this site will contribute to the value of the surrounding area. As some of the area to be developed on is currently vacant, the property is not being utilized to the full potential.

The expansion of the USTs tanks and development of the fast-food outlet drive thru aligns with the IDP, NDP and SDGs. Not only will it contribute in the upliftment of the local community, the extended public amenity provided by the fuel station and the fast-food store will also provide positive nett benefits. The current capacity of USTs for uMhlali fuel station is not sufficient to cater for the demand of diesel and petrol. The R102 is the provincial road, considering that, it is always busy. When there are delays/obstruction on N2, this is the only road that relieves traffic making it possible for travellers to reach their destinations. The proposed development will be of great services to the community at large. The full potential of the site will be maximised through the development as it is located primarily along R102.

The proposed development is in accordance with the existing surrounding land use and no significant impact on the environment are anticipated. In addition, no significant negative impacts on health and wellbeing are anticipated. Some minor impacts are anticipated during the construction phase of the project, however these can be mitigated through the implementation of the Environmental Management Programme (EMPr) for the development (Refer to **Appendix G** - Environmental Management Programme).

The expansion of the uMhlali fuel station and establishment of the fast-food outlet drive thru will result in a nett gain through a profit to the Municipality as the development will provide employment opportunities to the local residents in the construction and operational phases of the project. The total investment in the local economy will be through direct and indirect job creation. The Operational Phase of the fast-food outlet will provide an on-going contribution to GDP.

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

The uMhlali Totalenergies fuel station has been operational since May 2022. No site alternatives were considered feasible as this is the expansion of the existing development. The new tanks to be installed will be next to the existing tanks within the tank farm as per the layout. There was no technology alternatives considered as it was considered best to follow the technology of the existing USTs. The site has a triangular shapelike structure, one edge is R102 (West), the second edge has the close watercourse (East), and the other edge is where the fast-food outlet building is proposed. This was the only possible location for the fast-food outlet and

drive thru. The close drainage line is non-perennial and as per the Wetland delineation study it is degraded. The aim of building the fast-food outlet is to provide readily food for people who stop by to fill petrol/diesel. This makes it clear that the fast-food outlet has to be in close proximity to the fuel station.

The project area was found to exist in a transformed state as a result of land clearing, historical development activities, and invasive alien plant and weed dominance. The limited vegetation present on site largely consisted of pioneer grasses and common weed species. No portion of the project area represents intact or functional KwaZulu-Natal Coastal Belt Grassland habitat, and no flora SCC were observed. The project area was found to be critically modified from its historical state, and the current habitat may be classified as completely transformed as it does not support any functional plant populations. The project area is therefore not representative of either Critical Biodiversity Area or Ecological Support Area, and as such it has been correctly classified by the KwaZulu-Natal Biodiversity Sector Plan. No intersections with EMF areas found.

DRAFT

SECTION 5: PUBLIC PARTICIPATION

5.1 Notification of Interested and Affected Parties (I&APs)

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

Two site notices were placed on the 31st of January 2025. The first site notice was placed on the roundabout before the entrance to the Fuel Station and the second notice was placed on the fence line along the eating area in the Fuel Station. The noticeboard detailed the proposed activity, notifying the surrounding communities, as well as inviting potential Stakeholders and I&APs to register. Refer to Appendix E3 for proof of placement of the site notice boards.

- (b) *giving written notice, in any of the manners provided for in section 47D of the Act, to—*
- (i) *the occupiers of the site and, if the proponent or applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;*
 - (ii) *owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken and to any alternative site where the activity is to be undertaken;*
 - (iii) *the municipal councillor of the ward in which the site and alternative site is situated and any organisation of ratepayers that represent the community in the area;*
 - (iv) *the municipality which has jurisdiction in the area;*
 - (v) *any organ of state having jurisdiction in respect of any aspect of the activity; and*
 - (vi) *any other party as required by the competent authority;*
- (c) *placing an advertisement in—*
- I. *one local newspaper; or*
 - II. *any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;*

(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official Gazette referred to in paragraph (c)(ii);

An advert will be placed in The Bugle newspaper on the 26th of February 2025, which will provided information on the project scope of works, location, dates for the review of the Draft Basic Assessment Report, details of EAP as well as requested for potential I&APs to register themselves in order to get further information on the project and the EIA process (Advert is attached as Appendix E4).

Stakeholders and I&APs were notified about the Environmental Process, through the distribution of the Background Information Document (BID) via email, which was done on the 18th of February 2025 (Refer to Appendix E5 for the BID).

Stakeholder Engagements

Stakeholder engagement will continue throughout the Basic Assessment process.

Public Review of the Draft Basic Assessment Report

The Draft Basic Assessment Report inclusive of specialist reports and Environmental Management Programme (EMPr) went out for public comment from the **21st February – 26th March 2025**. The documents were made available on the Wallace and Green website: www.wallaceandgreen.co.za or could have been made available electronically upon request. Provision was made for Stakeholders that required hardcopies of the Draft Basic Assessment Report. The copy of the DBAR will also be made available at the Shakashead Library.

Further, the application for environmental authorisation was submitted to the competent authority, the Department of Economic Development Tourism and Environmental Affairs on the **20th of February 2025**.

5.2 Authority Notification

The Pre-Application meeting with the KZN Department of Economic Development, Tourism and Environmental Affairs (EDTEA), was undertaken on the 1st of March 2023 at 10h00 via Zoom, prior to the submission of the Draft BAR and Application for Authorisation being lodged to the Competent Authority. **Please refer to Appendix J1 – EDTEA Pre-application Minutes of Meeting.**

5.3 Registered Interested and Affected Parties

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

- (a) all persons who, as a consequence of the public participation process conducted in respect of that application, have submitted written comments or attended meetings with the proponent, applicant or EAP;
- (b) all persons who have requested the proponent or applicant, in writing, for their names to be placed on the register; and
- (c) all organs of state which have jurisdiction in respect of the activity to which the application relates.

The I&AP database is attached as Appendix E6. The database will be updated to include the contact details of all I&APs that will register will be included in the Final Basic Assessment Report.

5.4 Comments and Responses Report

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

All concerns, comments, viewpoints and questions (collectively referred to as 'issues') will be documented and responded to adequately in a Comment and Response Report and attached in the Final Basic Assessment Report.

SECTION 6: IMPACT ASSESSMENT

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

2014 NEMA EIA Regulations (As Amended), Appendix 1- 3(H) (vi) the methodology used in determining and ranking the nature, significance, consequence, extent, duration and probability of potential environmental impacts and risks associated with the alternatives, (v) the impacts and risks identified for each alternative, including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts can be reversed, may cause irreplaceable loss of resources and can be avoided, managed and mitigated. Appendix 1- 3 (I) A full description of the process undertaken to identify, assess and rank the impacts the activity will impose on the preferred location through the life of the activity- (i)- (ii). Appendix 1- 3 (J) an assessment of each identified potentially significant impact and risk (i)- (vii)

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

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

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

Refer to Impact Assessment Matrix- Appendix F

6.3 Environmental Impact Statement as per Section 3(l)

Alternative S1 (preferred site) and Alternative A1 (preferred alternative)

The Basic Assessment considered relevant environmental aspects and impacts from the proposed development and proposed mitigation during the planning, construction and operational phases. The proposed site (S1) and layout alternative (A1) is recommended based on the following:

The proposed expansion of the fuel station and the establishment of the fast-food outlet will be conducted on the properties described as Portions 16 and 50 of Lot 72, No.1526 uMhlali. It is important to note that the applicant is underway with an application to consolidate the two properties. No site alternatives have been identified for this project as the intention of the client is to expand the existing fuel station and to develop a fast-food outlet. Due to the limited space on site, there was no other possible location for the fast-food drive thru.

The current fuel station is located in a prime area which offers safe and easy access off the R102. The current capacity of USTs for uMhlali fuel station is not sufficient to cater for the demand of diesel and petrol. The R102 is the provincial road, considering that, it is always busy. When there are delays/obstruction on N2, this is the only road that relieves traffic making it possible for travellers to reach their destinations. The proposed development will be of great services to the community at large. The full potential of the site will be maximised through the development as it is located primarily along R102.

Preferred layout A1 illustrates the additional USTs in the tank farm for the Fuel Station, fast food outlet and the drive thru along the southern boundary of the site. Alternative A1 is the preferred layout as the fast-food outlet and drive through does not encroach into the sensitive area (D1) and the 15m buffer associated with Drainage 1 recommended in the Wetland Delineation Freshwater Assessment (D3). The development footprint for A1 is 1730 m².

❖ *Planning Phase – Short Term Duration*

- Potential environmental impacts were identified and addressed during the Basic Assessment process.
- The EMPr incorporates the layout and Specialist Specialist buffers and delineations to ensure that positive impacts be maximised, and negative impacts are prevented or minimised.
- The creation of Temporary and Permanent Employment opportunities for the local community is considered a High-Positive impact.
- Environmental Impacts on sensitive areas were determined to be Low, as no sensitive areas (CBA's and ESA's) were identified within the development area.
- The drainage line was identified along the southern boundary of the site, environmental impacts were determined to be low due to the nature and extent of the proposed activity.

Preferred layout takes cognisance of the 15m buffer associated with the drainage as recommended in the Wetland assessment.

- Optimisation of Socio-Economic integration and benefits associated with the proposed development is considered a High-Positive impact.
- Working Opportunities for Permanent and Temporary skilled employment are considered a High-Positive impact.

❖ **Construction Phase – Short Term Duration**

- No Indigenous vegetation and SCC were identified onsite by the Ecologist.
- Removal of Alien Invasive Plant Species (AIP's) that establish is considered a High-Positive impact with regular maintenance and monitoring of the site.
- Waste hierarchy would be applied when managing construction waste. The first objective will be to reuse and recycle as much waste as possible and whatever cannot be reused or recycled will be disposed of at one of the registered licensed landfills.
- The risk to human H&S due to open excavations and the moving of construction machinery can be mitigated from a Medium – High Impact to Very Low by implementing guidelines and regulations of the OHS Act/regulations for construction and EMP commitments.
- Possible spillage of Hazardous materials onto surfaces during usage and inadequate storage can be mitigated from Medium-High to Low impact, with the appropriate handling, storage and disposal measures for material and waste.
- Contamination of soils, surface and groundwater from spillages, leakages and incorrect storage can be mitigated from Medium to Low impact by ensuring the use of drip trays during the storage of hydrocarbon containers and servicing of Machinery.
- The creation of temporary and permanent employment is considered a High Positive impact.

❖ **Operation/Rehabilitation Phase – Long Term Duration**

- An increase in the number of Indigenous Vegetation occurring onsite is considered a High Positive Impact.
- Improved resistance and increased number of indigenous vegetation is considered a High Positive impact.
- The definitive impacts associated with improved social, environmental and economic opportunities through the provision of additional permanent employment opportunities are all considered High Positive impacts.
- Waste hierarchy would be applied when managing construction waste. The first objective will be to reuse and recycle as much waste as possible and whatever cannot be reused or recycled will be disposed of at one of the registered licensed landfills.
- Pollution of surface water can be mitigated Low impact, as there are no watercourses within the development footprint.
- The High impact of contamination of groundwater can be mitigated to Low by installing and maintaining the tanks as per the protocols and manufacturer specifications, installing leak detectors and undertaking continuous monitoring.
- The Local Municipality would benefit via the proponent's contribution in rates and taxes owing to amenities provided for as part of the filling station site.

Alternative S2 (Not Applicable)

Alternative A2 (Not Supported)

The Basic Assessment considered relevant environmental aspects and impacts from the proposed development and proposed mitigation during the planning, construction, and operational phases.

Planning Phase – Short Term Duration

- The fast-food outlet encroaches into the drainage line 15m buffer. Encroaching into the drainage line buffer could result to disturbance of the drainage ecosystem.
- The development footprint is larger than that of A1 resulting into greater environmental disturbance.
- The optimisation of Socio-Economic benefits is considered a Medium-High (Positive) impact.
- Working opportunities for permanent and temporary skilled employment are considered a High-Positive impact.
- Increased Socio-Economic benefits Medium (positive) impact.

Alternative (A2) was not perused past the planning stage.

No-go alternative (compulsory)

The no-go alternative implies that the status quo remains, and the proposed expansion of the USTs and the fast-food drive thru will not be established. The property will remain vacant where the fast-food outlet is to be built and the land will be vulnerable to illegal dumping and further deterioration. The community and travellers who utilise the fuel station will not be serviced to their expectations as the current USTs are not adequate for the demand.

From an environmental perspective, if the “no go” alternative is applied, the site will be further degraded. The project area was found to exist in a transformed state as a result of numerous impacts such as land clearing, and invasive alien plant and weed dominance will result. The site is not considered to support any ecological ecosystem.

From an economic and social perspective, if the development is not realised, potential temporary and permanent employment opportunities (which can be offered to the local community) will not be realised and will not contribute to the general economic development of the area. The expansion of the USTs and establishment of the fast-food outlet will result in a nett gain through a profit to the Municipality as the development will provide employment opportunities to the local residents in the construction and operational phases of the project, as well as the generation of income in the form of rates and/or taxes. The total investment in the local economy will be through direct and indirect job creation.

The main conclusion from the aforementioned is that a non-development option will have negative socio-economic consequences. The need for the uMhlali fuel station expansion and fast-food outlet drive thru must be evaluated in terms of the NEMA principles, inclusive of sustainable development, taking into consideration the current status of the environment, as well as positive socio-economic impacts as mentioned above. Therefore, the no-go option is not supported from the holistic sustainability perspective.

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

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

The following outcomes must be considered for this project:

- ❖ To encourage sustainable development in an environment that is healthy, suitable and sustainable for years to come.
- ❖ All construction work must comply with the conditions of the relevant authorisations and licences.
- ❖ The implementation of the environmental management plan and environmental management on-site.
- ❖ Environmental impacts are minimised through effective awareness and training for all construction staff, including sub-contractors, service providers and suppliers.
- ❖ Environmental impacts are minimised in and surrounding the construction area.
- ❖ To avoid, prevent and manage any stormwater impacts.
- ❖ Impacts on flora and fauna are minimised through adherence of the EMPr requirements.
- ❖ Impacts resulting from earthworks are managed and guided by specifications and material sourced from authorised sites.
- ❖ Vegetation clearance and associated impacts are minimised through adherence of EMPr vegetation clearance requirements.
- ❖ Impacts to the soil, surface water and groundwater resources are avoided or minimised through the implementation of management actions.
- ❖ All precautions are taken where possible to minimise the risk of injury or harm.
- ❖ Ensure that the underground fuel storage tanks are constructed, installed and maintained as per industry and manufacturer specifications.
- ❖ Ensure necessary checks and controls in place to prevent any leakages from the underground fuel storage tanks.

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

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

Ecological Habitat Assessment

- Limitation to a base-line ecological survey for only 2 days (8 hours) during the early spring/summer months (December 2020). No specialist vegetation or faunal surveys conducted but merely a basic ecological/habitat assessment based on a two-day site visit of the Shakashead site.
- The majority of threatened plant species are extremely seasonal only flowering at specific times during the summer months (November-March).
- Some of the more rare and cryptic plant species may have been overlooked due to their inconspicuous growth forms. Many of the rare and endangered orchid species can only be distinguished (in the field) from their very similar relatives on the basis of their reproductive parts. These plants flower during different times of the year. Multiple visits to any site during the different seasons of the year could therefore increase the chances to record a larger portion of the total species complex associated with the area.
- The majority of habitats adjacent to the Shakashead site have already been completely transformed during previous agricultural activities (intensive sugarcane farming for over 50 years) as well as recent in-filling and dumping of soil and rock overburden adjacent to the lower-lying central drainage line. The scalping of the riparian zones as well as macro-channel embankments of the south-western non-perennial drainage resulted in limited vegetation remaining within the riparian zone.
- The majority of animal species are extremely seasonal only emerging after heavy summer rainfall (November-December). No faunal surveys have been conducted on the site but merely a faunal habitat assessment.
- The majority of threatened faunal species (Pickersgill's Reed Frog, Spotted Shovel-nosed Frog, Green Mamba, KZN Dwarf Chameleon, Spotted Ground Thrush are extremely secretive and difficult to observe (cryptic colouration) even during intensive field surveys conducted over several seasons/ years.

- The survey of the study site is however considered as successful with a correct identification of the different vegetation units as well as habitat availability and suitability for any threatened plant or animal species.

Wetland Delineation Freshwater Assessment

- The site visit was conducted on the 24th of November 2020 during the onset of the wet season of KwaZulu-Natal according to South African National Biodiversity Institute (SANBI), thus wetland boundary verification during this period is assumed to be the widest.
- This study is considered as a once off assessment, which can only take into consideration the current condition with some speculation of historical events based on evidence observed on field and with the aid of satellite imagery.
- Since vegetation and habitats often vary temporally and spatially, there must be recognition of fact that certain aspects or features may have been missed if they did not present themselves on the day the site visit
- The hydrogeomorphic units were assessed in their entirety, even if it included sections of artificial wetland or extended beyond the boundary of the study area; the latter assessed from aerial imagery with limited infield verification and assumed to be accurate within specialist expertise.
- All delineation verification is done using a GPS system. The precision of such systems is generally limited to 5m and therefore this error must be taken into account when utilising the GPS coordinates
- Whilst the assessment techniques applied in this report are used in order to standardise and 'objectify' the assessment of the systems' function, potential impacts and services, it must be noted that much of the information is subjectively collected based on the assessor's previous experience and training. The assessor will, if additional information or counter arguments are provided and verified, hold the right to amend the report if need be.
- Monitoring and management of any wetland impacts/ remediation/ rehabilitation are advised in accordance with best practice.

Geotechnical and Geohydrological Assessment

The conclusions, recommendations and discussions presented in this report;

- Are in accordance with the requirements of a shallow geotechnical and hydrological site investigation where design of structural fill to the foundations, if this option is preferred, as outlined in this report falls outside of the site investigations and is subject to a detailed geotechnical design investigation and report as an extension to the completed geotechnical authorisation of Geosure for this report;
- Based upon an evaluation and interpolation of the findings of the field and laboratory programs;
- Based upon an interpolation of the subsurface conditions between and beyond the explorations'
- Subject to confirmation of the actual conditions encountered during construction;
- Based upon the assumption that sufficient observation and testing will be provided by Geosure during construction.
- The conclusions are based on interpolation and extrapolation of shallow subsurface conditions encountered at the field test locations. The actual subsurface conditions at unexplored locations may be different.
- The underground fuel storage tanks will be constructed, installed and maintained as per industry and manufacturer specifications.
- Installation of double walled steel tanks.
- The necessary checks and controls will be in place to prevent any leakages from the underground fuel storage tanks.

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

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

Based on the time required for the applicant to undertake all necessary planning processes governing the expansion of the USTs and establishment of the fast-food outlet drive thru; an estimated construction period of one year, and rehabilitation and post-construction monitoring period of one year, it is recommended that the environmental authorisation is granted for a period of five years to allow for unpredictable delays.

Given the nature of this project, internal environmental audits of the activity and implementation of the EMPr will be undertaken by the ECO. The findings and outcomes of these audits will be recorded in the ECO Reports and filed in the Environmental file. The environmental audits and associated reports must be conducted and submitted to the CA at intervals as indicated in the EA.

The ECOs must prepare an Environmental Assessment Report. The report will be tabled as the key point on the agenda of the Environmental Site Meeting. The Report is submitted for acceptance at the meeting, and the final report will be circulated to the Project Manager and filed in the EMPr file. At a frequency determined by the EA, the holder of the EA must submit the monthly reports to the CA in terms of NEMA.

The EMPr (**Appendix G**) details the post-construction, rehabilitation, and closure, which will be monitored by the ECO and compliance authorities. One post-construction audit should be conducted once construction is complete.

6.7 Financial Provisions as per Section 3(s)

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

Not Applicable.

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

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

The findings of the assessment show that there is no environmental sensitivity on the site and the need for Environmental Authorisation is due to the expansion of the USTs, resulting in the phased activities for the development of the fuel station. To ensure Duty of Care, an EMPr has been compiled which makes provision for the monitoring and auditing of the site activities, as well as includes environmental awareness training for all persons who will be conducting the activity.

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

Properties and Infrastructure:

- ❖ Signage must be placed prior to the commencement of construction to make the community aware of the upcoming activities.
- ❖ The engineer must identify any existing infrastructure services that may be affected prior to commencement of construction.
- ❖ Any structures that are required to be removed must be replaced, and any damage incurred must be repaired.

Waste Management, Storage Areas:

- ❖ The Contractor must ensure that all litter is collected from the work and camp areas daily.
- ❖ All hazardous substances must be stored within a secured storage area, with impervious lining and bunding. Drip trays must be used where suitable.
- ❖ The mixing of concrete must be done on plastic sheeting, mortar boards or similar structures to prevent the risk of run-off.

Traffic and Construction Vehicles:

- ❖ Appropriate safety signage must be used to cordon off construction areas.
- ❖ Construction vehicles must adhere to speed limits.
- ❖ Access to the site for site establishment and construction activities must be planned from the existing access routes.

Dust and Erosion Control:

- ❖ The liberation of dust into the surrounding environment must be effectively controlled by the use of water sprays, water carts, fabric containment or curtains, where required.
- ❖ Suitable erosion control measures must be implemented in areas sensitive to erosion, i.e., stormwater discharge points, exposed areas and embankments.
- ❖ All exposed surfaces must be re-vegetated and stabilised as soon as is practically possible.

Monitoring and Auditing:

- ❖ The EMPr (**Appendix G**) and conditions thereto should be adhered to.
- ❖ An ECO must be appointed and all contractor staff to be trained on the EMPr and Environmental Authorisation requirements prior to commencement of activities.
- ❖ Environmental monitoring and auditing shall be undertaken by the Independent ECO on a frequency as to be determined by the competent authority.