



Western Cape
Government

Environmental Affairs and
Development Planning

MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING

14/3/2/B1/14/0361/18

Mr J P du Bois
Du Bois Attorneys
P O Box 466
ROBERTSON
6705

Dear Mr du Bois

THE APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE REJECTION OF THE APPLICATION FOR A WASTE MANAGEMENT LICENSE FOR A COMPOSTING FACILITY AND FEEDLOT ON PORTION 6 OF THE FARM MIDDELBURG 10, ROBERTSON

The appeal lodged on behalf of your client, Reben Trust and South African Farm Assured Meat Group cc in the above regard, refers.

After a careful consideration of the appeal and all relevant documentation, I have decided to dismiss the appeal and confirm the above-mentioned decision of the competent authority in terms of section 43(6) of the NEMA.

Kindly provide your client with a copy of my appeal decision attached hereto.

Yours faithfully

ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 13/6/2019



Western Cape
Government

Environmental Affairs and
Development Planning

MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING

14/3/2/B1/14/0361/18

Mr D Houghton
Reben Trust and South African Farm Assured Meat Group cc
P.O. Box 895
ROBERTSON
6705

Dear Mr Houghton

APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE REJECTION OF THE APPLICATION FOR A WASTE MANAGEMENT LICENSE FOR A COMPOSTING FACILITY AND FEEDLOT ON PORTION 6 OF THE FARM MIDDELBURG 10, ROBERTSON

The appeal lodged on your behalf against the rejection of the application for a Waste Management License for a composting facility and Feedlot on Portion 6 of the Farm Middelburg 10, Robertson refers.

After a careful consideration of your appeal, all information presented by the Directorate: Waste Management (Waste Management License); the Directorate: Development Management Region 2 (Environmental Authorisation); the Directorate: Environmental Law Enforcement; and the Directorate: Development Management Region 2 (Planning Application/Appeal), I have decided to dismiss your appeal and confirm the above-mentioned decision of the competent authority in terms of section 43(6) of the NEMA.

The applicant must, in writing, within 14 (fourteen) calendar days of the date of this decision notify all registered Interested and Affected Parties ("I&AP's") of the outcome of the appeal decision and the reasons for the decision.

1. REASONS FOR THIS APPEAL DECISION:

The reasons outlined in the original Decision dated 16 August 2018, are applicable to the appeal decision and the following are additional reasons for my decision:

809 Utilitas Building, Cape Town, 8001 Private Bag X9186, Cape Town, 8000
tel: +27 21 483 3721 fax: +27 21 483 4174 - e-mail: jaap.deVilliers@westerncape.gov.za

1.1 I have noted in a review of the application in terms of LUPA, dated 24 October 2014, submitted in terms of LUPA that it was stated:

- Section 1 (Purpose of Application)

"Since the capacity is below 10 tons per day at present and the product is utilised on the same premises, environmental authorisation is not required. It is, however, expected that the tonnage will increase in the festive period (December holiday) up to approximately 16,6 tons a day."

- Section 9.1 (Type of By-Products)

"Since it is the expectation that up to approx. 500 tons abattoir waste a month, i.e. 16.6 tons per day, may be generated over the festive season, the facility will trigger a Waste Management License."

1.2 The applicable listed activity for the Waste Management License states that a facility only needs to have the capacity to process in excess of 10 tons but less than 100 tons to be triggered.

1.3 The composting facility does not have to make any changes to be able to process in excess of 16.6 tons per day of waste during the festive period (December holiday).

1.4 The development footprint, as stated in the Basic Assessment Report, of the composting facility exceeds 1 ha, i.e. being 1.7 ha in extent.

2. I am satisfied that sufficient evidence is available to conclude that you have commenced with the following activities without the requisite authorisations:

- Category A - Listed Activity 6 of the NEM: Waste Act, 2008 (Act No. 59 of 2008) (as amended)– *"The treatment of general waste using any form of treatment at a facility that has the capacity to process in excess of 10 tons but less than 100 tons."*, was commenced with without the requisite Waste Management License due to the fact that the composting facility does not have to make any changes to be able to process in excess of 10 tons.

- Activity Number 28 of Government Notice R. 327 of the EIA Regulations (as amended):

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

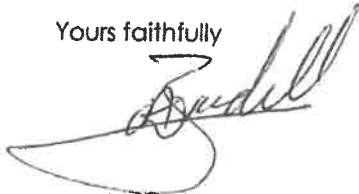
(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or

(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes."

In the light of the above, the only option available to regularise the activities in terms of the EIA Regulations (as amended) and the *National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (as amended)*, is to submit an application in terms of section 24G of the NEMA to my Department.

Yours faithfully



**ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE: 13/6/2019

Copied to: J.P. du Bois

Du Bois Attorneys

023 626 6577



14/3/2/B1/14/0361/18

Mr C Rheeders
P O BOX 1138
HOUGHTON
2041

Dear Mr Rheeders

RESPONDING STATEMENT TO THE APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE REJECTION OF THE APPLICATION FOR A WASTE MANAGEMENT LICENSE FOR A COMPOSTING FACILITY AND FEEDLOT ON PORTION 6 OF THE FARM MIDDELBURG 10, ROBERTSON

The responding statement to the appeal lodged on behalf of your clients, Perisseia (Pty) Ltd, in the above regard, refers.

After a careful consideration of the appeal and all relevant documentation, I have decided to dismiss the appeal and confirm the above-mentioned decision of the competent authority in terms of section 43(6) of the NEMA.

The reasons for my decision are outlined in the attached letter to the appellant.

Yours faithfully


ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 13/6/2019



Western Cape
Government

Environmental Affairs and
Development Planning

MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING

14/3/2/B1/14/0361/18

Mr G Daniels
Cullinan & Associates Attorneys
18a Ascot Road
KENILWORTH
7708

Dear Mr Daniels

RESPONDING STATEMENT TO THE APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE REJECTION OF THE APPLICATION FOR A WASTE MANAGEMENT LICENSE FOR A COMPOSTING FACILITY AND FEEDLOT ON PORTION 6 OF THE FARM MIDDELBURG 10, ROBERTSON

The responding statement to the appeal lodged on behalf of your clients, Doornkloof Private Nature Reserve and Mr Louis Jordaan, in the above regard, refers.

After a careful consideration of the appeal and all relevant documentation, I have decided to dismiss the appeal and confirm the above-mentioned decision of the competent authority in terms of section 43(6) of the NEMA.

The reasons for my decision are outlined in the attached letter to the appellant.

Yours faithfully

ANTON BREDELL
PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 13/6/2019