



Western Cape  
Government

Environmental Affairs and  
Development Planning

MINISTRY OF LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND  
DEVELOPMENT PLANNING

14/3/1/E1/3/0355/18

Mr J. Esterhuizen  
Distell Limited  
PO Box 184  
**STELLENBOSCH**  
7600

Tel.: (021) 809 7216  
Email: [JLEsterhuize@distell.co.za](mailto:JLEsterhuize@distell.co.za)

Dear Mr Esterhuizen

**APPEALS LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION ISSUED FOR THE DISTELL FACILITY AND MIXED USE DEVELOPMENT ON THE REMAINDER OF FARM NO. 736, KLAPMUTS NORTH**

The appeals lodged against the Environmental Authorisation ("EA") in the above regard, refer.

After careful consideration of the appeals, as well as supporting documentation received, I have decided in terms of section 43 (6) of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") and the National Appeal Regulations, 2014, as amended, to dismiss the appeals and confirm the abovementioned decision of the competent authority. The abovementioned EA and the conditions under which the authorisation is granted must be complied with, however Condition E8 and section G are excluded from this authorisation. Conditions E2 and E7 are substituted to read as follows:-

**Condition E2**

The holder must commence with the listed activities on site within a period of five (5) years of the date of this appeal Environmental Authorisation.

**Condition E7**

The holder must in writing, within 14 (fourteen) calendar days of the date of this letter, notify all registered interested and affected parties of –

- 7.1 the outcome of the appeals;
- 7.2 the reasons for the appeal decision
- 7.2 and the date of the appeal decision.

**1. REASONS FOR THE DECISION:**

1.1 The reasons outlined in the original EA are applicable to the appeal decision and the following are additional reasons:

i. Conflict with Drakenstein Local Municipality's Council Resolution

The agreement between the Drakenstein Municipality and the applicant, i.e. Distell, is beyond the scope of the *National Environmental Management, 1999 (Act No. 107 of 1999)* ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations.

As stated in the Responding Statement by the applicant's representative, the Sale Agreement between Distell and the Drakenstein Municipality makes provision for Portion A (6ha portion of land earmarked for the Waste Recovery Beneficiation and Energy Project) on Farm 736 to be transferred back to the municipality should the Environmental Impact Assessment ("EIA") for the Waste Recovery Beneficiation and Energy Project identify Portion A as the preferred site. Farm 736 was identified as an alternative for the Waste Recovery Beneficiation and Energy Project. The EIA process concluded that Farm 736 is the least preferred site alternative.

Interwaste's Waste Recovery Beneficiation and Energy Project was authorised on 2 November 2018 for a different site, i.e. Erf 34, Wellington, by the DEA, which has subsequently been appealed. The appeal is currently being reviewed.

The Drakenstein Municipality has stated, in a media statement released on 9 August 2018, that it no longer intends to continue with the waste-to-energy project and has been in negotiation with Interwaste to terminate the Memorandum of Agreement ("MOA").

I hereby state that the MOA, for Portion A of Farm 736, between Interwaste and Drakenstein Municipality is beyond the scope of the EIA application and NEMA.

ii. Scope of the Specialists Studies / Decision Making Process / Conflict between the Distell and Interwaste applications

The Site Development Plans for the alternative layouts included the site for the Interwaste facility and the Specialist Assessments for the proposed development comprised of the following:

- Air Quality;
- Botanical;
- Freshwater;
- Hydrogeological;
- Noise;
- Poultry Health;
- Visual;
- Heritage; and
- Traffic.

The EA issued by the Department authorised the following:

- A 44 ha Distell facility, located on the north-western portion of the site, with access from Groenfontein Road.
- An 87.8 ha portion of the site will accommodate the proposed mixed-use development and its associated roads and infrastructure, which will be located both north and south of Protea Road. Access will be provided from Protea Road and from three access points along Groenfontein: immediately south-east of the northern wetland, at a point aligned with an existing access road south of Protea Road, and at a third location chosen to avoid areas of high botanical sensitivity, also south of Protea Road.
- A total of 48.7 ha will be set aside as a conservation area, made up of the following:
  - the northern wetland and its associated buffer;
  - a strip, approximately 200 m in width, along the eastern site boundary abutting Groenfontein Road and north of Protea Road, comprising areas of high and medium botanical sensitivity; a strip, approximately 140 m in width, at its northern extent along the eastern site boundary south of Protea Road, widening to approximately 450 m at its broadest, and comprising areas of primarily high botanical sensitivity, as well as the Klapmuts wastewater treatment works stream and its associated wetlands and buffers;

- o The existing closed landfill site and provincial roads are incorporated into the layout and provision is made for storm water management;
- o Off-site infrastructure, including the bulk water pipeline from the Wemmershoek bulk water supply pipeline to the development and the construction of a new reservoir.

The Responding Statement submitted on behalf of you included the following specialist statements as a supplement to the specialist studies included in the Final EIAR:

- Jongens Keet Associates Acoustical Engineering Consultants concluded in their statement dated 9 December 2018 that the road traffic noise impact of an alternative scenario in which Interwaste's facility would occupy a 6ha portion of the site would not be significantly different from the impact of Distell's proposed development only.
- Innovative Transport Solutions concluded in their statement dated 11 December 2018 that the Interwaste facility will generate relatively low traffic volumes compared to the Distell development.
- Major Hazard Risk Consultants concluded in their statement dated 27 December 2018 that it is highly improbable for any of the installations at the proposed Distell site to impact on the installations at the site alternative for Interwaste and vice versa; and there can be no domino effect should an incident occur at the site that could impact on the other site.

The Botanical, Freshwater, Hydrogeological and Visual Impact Assessments were undertaken, evaluated and assessed for Farm 736 in its entirety.

The Botanical report indicated that the majority of site (approximately 110ha) is of Low ecological sensitivity and poses no constraints to the proposed development. Swartland Granite Renosterveld is the only remaining vegetation type found on Farm 736 and approximately 22ha contains partly intact Swartland Granite Renosterveld vegetation with good rehabilitation potential which has been deemed to be of High botanical conservation value. The proposed development will result in a loss of approximately 4,2ha of High conservation value natural vegetation, about 8ha of medium conservation value natural vegetation, and approximately 120ha of Low conservation value vegetation. The proposed development includes a conservation area of approximately 48,7ha, which connects to the area of high botanical sensitivity south of Protea Road to areas of medium botanical sensitivity along the eastern boundary (Eastern tributary and wetlands) to areas of high botanical sensitivity north of the Protea Road.

concur with the Department that the potential botanical impacts are considered to be low to medium negative after mitigation and with the implementation of the authorised layout, the Environmental Management Programme and the specialist recommendations, impacts on vegetation will be mitigated to a satisfactory level.

The Freshwater Assessment undertaken concluded that the site falls within the catchment of the Klipmuts River. The river and most of its tributaries are transformed by channelisation. Based on the findings of the assessment, three tributaries of the Klipmuts River flow across the site. The three tributaries are in a largely modified ecological condition instream, with critically modified riparian zones. These tributaries have a low to moderate ecological importance and sensitivity.

An unchannelled valley bottom wetland of approximately 9ha is associated with the western tributary and a channelled valley bottom wetland of approximately 2.5ha is associated with the eastern tributary. These wetlands have a moderate ecological importance and sensitivity. Buffers for the protection of the watercourses from the development impacts have been determined by the specialists and have been incorporated into the authorised layout. Through the implementation of the EMP and the specialist recommendations, impacts on watercourses will be mitigated to an acceptable level.

A Water Use License Application in terms of the *National Water Act, 1998 (Act 38 of 1998)* has been submitted to the Department of Water and Sanitation for the proposed development, who will further investigate the watercourse related impacts. A MMP has also been compiled to address future maintenance activities taking place in the affected watercourse.

The Hydrogeological Assessment indicated that the groundwater quality at the site is good and the two boreholes should safely produce 320kl of groundwater per day to augment approximately 30% of the water supply required for the facility without affecting groundwater users beyond the site boundaries. Furthermore, through the implementation of the Environmental Management Programme ("EMP") (accepted in Condition 9 of the Environmental Authorisation) and the specialist recommendations, impacts on groundwater will be mitigated.

The Visual Impact Assessment indicated that archaeological heritage is both scarce and insignificant and therefore does not require further pro-active management. The development will have an impact on the local winelands cultural landscape, which can be mitigated to low significance through implementing suitable design, colour,

texture and vegetation screening of the development site. The proposal is considered acceptable in terms of heritage since it is considered to represent an extension to Klipmuts and through the implementation of the specialist recommendations and the EMPr (accepted in Condition 9 of the Environmental Authorisation), potential impacts on heritage resources can be adequately mitigated.

I conclude that the specialist assessments undertaken for the site sufficiently assessed the potential impacts of development on Farm 736 which comprises of the Distell and Interwaste developments.

iii. Distell's non-response

RMS's inference for Distell's decision to not respond to the RMS letter is speculative and beyond the scope of the NEMA and the EIA Regulations.

The EIA process for the Waste Recovery Beneficiation and Energy Project identified three (3) site alternatives and concluded that Farm 736 is the least preferred site alternative. The Waste Recovery Beneficiation and Energy Project was authorised on 2 November 2018 by the DEA, for Erf 34, Wellington. The EA has subsequently been appealed. The appeal is currently being reviewed.

iv. Alternatives

The Alternatives presented to the Department had to have been feasible to the applicant and the triple bottom line of sustainable development. Whether the Purchase Agreement informed the feasibility was for the applicant to determine.

I am satisfied that alternatives presented complied with the minimum requirements of NEMA and the EIA regulations.

v. Purchase Agreement

Distell Limited's development proposal makes provision for a 6ha portion of Farm 736 for the Interwaste's Waste to Energy development proposal subject to its own EIA process.

Interwaste's Waste to Energy development proposal was authorised on 2 November 2018 by the DEA, on Erf 34, Wellington. The EA has subsequently been appealed. The appeal is currently being reviewed.

The Purchase Agreement is beyond the scope of the NEMA and the EIA Regulations.

vi. Sale of Farm 736

The sale of Farm 736 to Distell Limited is beyond the scope of the NEMA and the EIA Regulations.

vii. Public Participation Process

A review of the list of I&APs registered during the EIA process confirmed that the appellants were registered as an I&APs.

I concur with the Department that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

viii. Land Restitution Claim on Farm 736

While land restitution is an important aspect, the Drakenstein Municipality (in its letter dated 5 December 2018) and the Regional Land Claims Commissioner (in its letter of 14 August 2018) has stated that:

- Farm 736 is not available for consideration for land restitution. Farm 736 required to unlock capital investment and infrastructure in order to promote economic development and job creation.
- No record exists of a land claim in respect of the Remainder of Farm 736.
- All parties are aware that the claimants were never removed from Farm 736, but rather resided on a portion of land in Wellington.

The National Environmental Management Principles (set out in section 2 of the NEMA) which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment. In terms of the NEMA Principles, the effects of decisions on all aspects of the environment are to be taken into account. As such, the consideration, assessment and evaluation of the social, economic and ecological impacts of activities (disadvantages and benefits) must be undertaken, and decisions are to be appropriate in the light of such consideration and assessment.

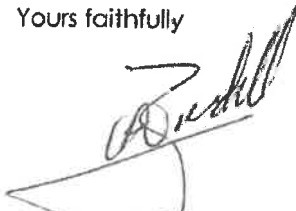
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In view of the above, the NEMA principles, compliance with the conditions stipulated in the EA, and compliance with the conditions of the EMP, the proposed development will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the

NEMA and any potentially detrimental environmental impacts resulting from the proposed development can be mitigated to acceptable levels.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



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

DATE: 14/5/2019

CC: Mr. J. Truter (Werksman Attorneys)

Fax. (011) 535 8593





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MINISTRY OF LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND  
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14/3/1/E1/3/0359/18

Mr L. Eichstadt  
Resource Management Services  
PO Box 4296  
**DURBANVILLE**  
7551

Tel.: (021) 975 7396  
Fax.: (021) 975 1373

Dear Mr Eichstadt

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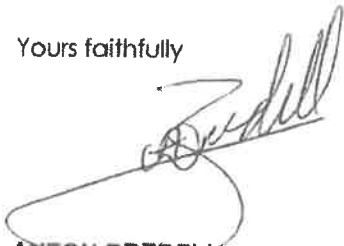
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of the social, economic and ecological impacts of activities (disadvantages and benefits) must be undertaken, and decisions are to be appropriate in the light of such consideration and assessment.

In view of the above, the NEMA principles, compliance with the conditions stipulated in the EA, and compliance with the conditions of the EMP, the proposed development will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and any potentially detrimental environmental impacts resulting from the proposed development can be mitigated to acceptable levels.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Anton Bredehl', written over a large, light-colored circular stamp or watermark.

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

DATE: 14/5/2019





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MINISTRY OF LOCAL GOVERNMENT,  
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14/3/11/E1/3/0359/18

Mr P Kholhi  
Ex Sakkieskamp Community Trust  
Phola Park  
**PO Mbekweni**  
7626

Tel.: 067 004 6713  
sakkieskamp@gmail.com

Dear Mr Kohli

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The Botanical, Freshwater, Hydrogeological and Visual Impact Assessments were undertaken, evaluated and assessed for Farm 736 in its entirety.

The Botanical report indicated that the majority of site (approximately 110ha) is of Low ecological sensitivity and poses no constraints to the proposed development. Swartland Granite Renosterveld is the only remaining vegetation type found on Farm 736 and approximately 22ha contains partly intact Swartland Granite Renosterveld vegetation with good rehabilitation potential which has been deemed to be of High botanical conservation value. The proposed development will result in a loss of approximately 4,2ha of High conservation value natural vegetation, about 8ha of medium conservation value natural vegetation, and approximately 120ha of Low conservation value vegetation. The proposed development includes a conservation area of approximately 48,7ha, which connects to the area of high botanical sensitivity south of Protea Road to areas of medium botanical sensitivity along the eastern boundary (Eastern tributary and wetlands) to areas of high botanical sensitivity north of the Protea Road.

I concur with the Department that the potential botanical impacts are considered to be low to medium negative after mitigation and with the implementation of the

authorised layout, the Environmental Management Programme and the specialist recommendations, impacts on vegetation will be mitigated to a satisfactory level.

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An unchannelled valley bottom wetland of approximately 9ha is associated with the western tributary and a channelled valley bottom wetland of approximately 2,5ha is associated with the eastern tributary. These wetlands have a moderate ecological importance and sensitivity. Buffers for the protection of the watercourses from the development impacts have been determined by the specialists and have been incorporated into the authorised layout. Through the implementation of the EMP and the specialist recommendations, impacts on watercourses will be mitigated to an acceptable level.

A Water Use License Application in terms of the *National Water Act, 1998 (Act 38 of 1998)* has been submitted to the Department of Water and Sanitation for the proposed development, who will further investigate the watercourse related impacts. A MMP has also been compiled to address future maintenance activities taking place in the affected watercourse.

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Klapmuts and through the implementation of the specialist recommendations and the EMPr (accepted in Condition 9 of the Environmental Authorisation), potential impacts on heritage resources can be adequately mitigated.

I conclude that the specialist assessments undertaken for the site sufficiently assessed the potential impacts of development on Farm 736 which comprises of the Distell and Interwaste developments.

iii. Distell's non-response

RMS's inference for Distell's decision to not respond to the RMS letter is speculative and beyond the scope of the NEMA and the EIA Regulations.

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I concur with the Department that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

viii. Land Restitution Claim on Farm 736

While land restitution is an important aspect, the Drakenstein Municipality (in its letter dated 5 December 2018) and the Regional Land Claims Commissioner (in its letter of 14 August 2018) has stated that:

- Farm 736 is not available for consideration for land restitution. Farm 736 required to unlock capital investment and infrastructure in order to promote economic development and job creation.
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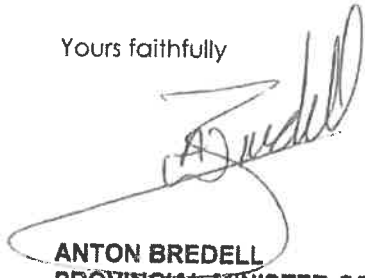
The National Environmental Management Principles (set out in section 2 of the NEMA) which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment. In terms of the NEMA Principles, the effects of decisions on all aspects of the environment are to be taken into account. As such, the consideration, assessment and evaluation of the social, economic and ecological impacts of activities (disadvantages and benefits) must be undertaken, and decisions are to be appropriate in the light of such consideration and assessment.

In view of the above, the NEMA principles, compliance with the conditions stipulated in the EA, and compliance with the conditions of the EMP, the proposed development will not conflict with the

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general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and any potentially detrimental environmental impacts resulting from the proposed development can be mitigated to acceptable levels.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Anton Brede', written over a circular stamp or mark.

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

DATE: 14/5/2019





14/3/1/E1/3/0359/18

WAAI (Wellington Association Against the Incinerator)

Attention: Ms. C. van Wyk

Tel.: 083 324 3166  
Email: waaisopwte@gmail.com

**APPEALS LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION ISSUED FOR THE DISTELL FACILITY AND MIXED USE DEVELOPMENT ON THE REMAINDER OF FARM NO. 736, KLAPMUTS NORTH**

Your appeal lodged against the Environmental Authorisation ("EA") in the above regard, refers.

After careful consideration of the appeals, as well as supporting documentation received, I have decided in terms of section 43 (6) of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") and the National Appeal Regulations, 2014, as amended, to dismiss the appeals and confirm the abovementioned decision of the competent authority. The abovementioned EA which is confirmed in this appeal decision and the conditions under which the authorisation is granted must be complied with, however Condition E8 and section G are excluded from this authorisation. Conditions E2 and E7 are substituted to read as follows:-

**Condition E2**

The holder must commence with the listed activities on site within a period of five (5) years of the date of this appeal Environmental Authorisation.

**Condition E7**

The holder must in writing, within 14 (fourteen) calendar days of the date of this letter, notify all registered interested and affected parties of –

- 7.1 the outcome of the appeals;
- 7.2 the reasons for the appeal decision
- 7.2 and the date of the appeal decision.

## 1. REASONS FOR THE DECISION:

1.1 The reasons outlined in the original EA are applicable to the appeal decision and the following are additional reasons:

i. Conflict with Drakenstein Local Municipality's Council Resolution

The agreement between the Drakenstein Municipality and the applicant, i.e. Distell, is beyond the scope of the *National Environmental Management, 1999 (Act No. 107 of 1999)* ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations.

As stated in the Responding Statement by the applicant's representative, the Sale Agreement between Distell and the Drakenstein Municipality makes provision for Portion A (6ha portion of land earmarked for the Waste Recovery Beneficiation and Energy Project) on Farm 736 to be transferred back to the municipality should the Environmental Impact Assessment ("EIA") for the Waste Recovery Beneficiation and Energy Project identify Portion A as the preferred site. Farm 736 was identified as an alternative for the Waste Recovery Beneficiation and Energy Project. The EIA process concluded that Farm 736 is the least preferred site alternative.

Interwaste's Waste Recovery Beneficiation and Energy Project was authorised on 2 November 2018 for a different site, i.e. Erf 34, Wellington, by the DEA, which has subsequently been appealed. The appeal is currently being reviewed.

The Drakenstein Municipality has stated, in a media statement released on 9 August 2018, that it no longer intends to continue with the waste-to-energy project and has been in negotiation with Interwaste to terminate the Memorandum of Agreement ("MOA").

I hereby state that the MOA, for Portion A of Farm 736, between Interwaste and Drakenstein Municipality is beyond the scope of the EIA application and NEMA.

ii. Scope of the Specialists Studies / Decision Making Process / Conflict between the Distell and Interwaste applications

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The Site Development Plans for the alternative layouts included the site for the Interwaste facility and the Specialist Assessments for the proposed development comprised of the following:

- Air Quality;
- Botanical;
- Freshwater;
- Hydrogeological;
- Noise;
- Poultry Health;
- Visual;
- Heritage; and
- Traffic.

The EA issued by the Department authorised the following:

- A 44 ha Distell facility, located on the north-western portion of the site, with access from Groenfontein Road.
- An 87.8 ha portion of the site will accommodate the proposed mixed-use development and its associated roads and infrastructure, which will be located both north and south of Protea Road. Access will be provided from Protea Road and from three access points along Groenfontein: immediately south-east of the northern wetland, at a point aligned with an existing access road south of Protea Road, and at a third location chosen to avoid areas of high botanical sensitivity, also south of Protea Road.
- A total of 48.7 ha will be set aside as a conservation area, made up of the following:
  - the northern wetland and its associated buffer;
  - a strip, approximately 200 m in width, along the eastern site boundary abutting Groenfontein Road and north of Protea Road, comprising areas of high and medium botanical sensitivity; a strip, approximately 140 m in width, at its northern extent along the eastern site boundary south of Protea Road, widening to approximately 450 m at its broadest, and comprising areas of primarily high botanical sensitivity, as well as the Klapmuts wastewater treatment works stream and its associated wetlands and buffers;
  - The existing closed landfill site and provincial roads are incorporated into the layout and provision is made for storm water management;
  - Off-site infrastructure, including the bulk water pipeline from the Wemmershoek bulk water supply pipeline to the development and the construction of a new reservoir.

The Responding Statement submitted on behalf of the applicant included the following specialist statements as a supplement to the specialist studies included in the Final EIAR:

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I concur with the Department that the potential botanical impacts are considered to be low to medium negative after mitigation and with the implementation of the authorised layout, the Environmental Management Programme and the specialist recommendations, impacts on vegetation will be mitigated to a satisfactory level.

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I conclude that the specialist assessments undertaken for the site sufficiently assessed the potential impacts of development on Farm 736 which comprises of the Distell and Interwaste developments.

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RMS's inference for Distell's decision to not respond to the RMS letter is speculative and beyond the scope of the NEMA and the EIA Regulations.

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The Alternatives presented to the Department had to have been feasible to the applicant and the triple bottom line of sustainable development. Whether the Purchase Agreement informed the feasibility was for the applicant to determine.

I am satisfied that alternatives presented complied with the minimum requirements of NEMA and the EIA regulations.

v. Purchase Agreement

Distell Limited's development proposal makes provision for a 6ha portion of Farm 736 for the Interwaste's Waste to Energy development proposal subject to its own EIA process.

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The Purchase Agreement is beyond the scope of the NEMA and the EIA Regulations.

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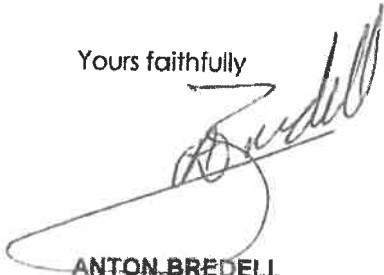
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In view of the above, the NEMA principles, compliance with the conditions stipulated in the EA, and compliance with the conditions of the EMP, the proposed development will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and any potentially detrimental environmental impacts resulting from the proposed development can be mitigated to acceptable levels.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

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

DATE: 14/5/2019





14/3/1/E1/3/0359/18

WAAI (Wellington Association Against the Incinerator)

Attention: Ms. C. van Wyk

Tel.: 083 324 3166  
Email: waaistopwte@gmail.com

**APPEALS LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION ISSUED FOR THE DISTELL FACILITY AND MIXED USE DEVELOPMENT ON THE REMAINDER OF FARM NO. 736, KLAPMUTS NORTH**

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After careful consideration of the appeals, as well as supporting documentation received, I have decided in terms of section 43 (6) of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") and the National Appeal Regulations, 2014, as amended, to dismiss the appeals and confirm the abovementioned decision of the competent authority. The abovementioned EA which is confirmed in this appeal decision and the conditions under which the authorisation is granted must be complied with, however Condition E8 and section G are excluded from this authorisation. Conditions E2 and E7 are substituted to read as follows:-

**Condition E2**

The holder must commence with the listed activities on site within a period of five (5) years of the date of this appeal Environmental Authorisation.

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- No record exists of a land claim in respect of the Remainder of Farm 736.
- All parties are aware that the claimants were never removed from Farm 736, but rather resided on a portion of land in Wellington.

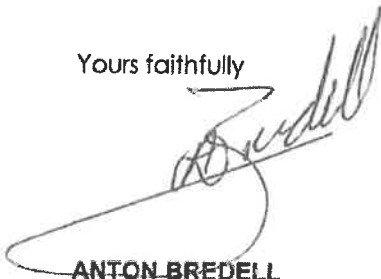
The National Environmental Management Principles (set out in section 2 of the NEMA) which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment. In terms of the NEMA Principles, the effects of decisions on all aspects of the environment are to be taken into account. As such, the consideration, assessment and evaluation of the social, economic and ecological impacts of activities (disadvantages and benefits) must be undertaken, and decisions are to be appropriate in the light of such consideration and assessment.

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In view of the above, the NEMA principles, compliance with the conditions stipulated in the EA, and compliance with the conditions of the EMP, the proposed development will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and any potentially detrimental environmental impacts resulting from the proposed development can be mitigated to acceptable levels.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Anton Bredele', written over a horizontal line.

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

DATE: 14/5/2019