



**REFERENCE:** 16/3/3/1/A4/4/3047/20  
**NEAS REFERENCE:** WCP/EIA/0000839/2020  
**ENQUIRIES:** RONDINE ISAACS  
**DATE OF ISSUE:** 21 APRIL 2021

## **ENVIRONMENTAL AUTHORISATION**

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED DECOMMISSIONING OF A SAND DRYING FACILITY AT THE EZEE TILE ADHESIVES MANUFACTURERS FACILITY ON ERF NO. 1106, BLACKHEATH INDUSTRIA.**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

### **DECISION**

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report ("BAR") dated December 2020.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

### **A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION**

Ezee Tile Adhesive Manufacturers (Pty) Ltd.  
c/o Mr. Cecil Manuel Goncalves  
P.O. Box 751175  
GARDENVIEW  
2047  
Tel.: (011) 872 0627  
E-mail: [cecilg@ezeetile.co.za](mailto:cecilg@ezeetile.co.za)

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

**B. LIST OF ACTIVITIES AUTHORISED**

Listed Activity	Activity/Project Description
<p><b>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</b></p> <p><b>Activity 31:</b>  <i>"The decommissioning of existing facilities, structures or infrastructure for—</i>  <i>(i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i>  <i>(ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i>  <i>(iv) any phased activity or activities for development and related operation activity or expansion or related operation activities listed in this Notice or Listing Notice 3 of 2014;</i>  <i>or</i>  <i>(v) any activity regardless the time the activity was commenced with, where such activity:</i>  <i>(a) is similarly listed to an activity in (i) or (ii) above; and</i>  <i>(b) is still in operation or development is still in progress;</i></p> <p><i>excluding where—</i>  <i>(aa) activity 22 of this notice applies; or</i>  <i>(bb) the decommissioning is covered by part 8 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies".</i></p>	<p>A sand drying kiln and associated infrastructure will be decommissioned and removed.</p>

The abovementioned list is hereinafter referred to as "the listed activity".

The holder is herein authorised to undertake the following related to the listed activity:

The proposed development entails the decommissioning of a sand drying facility at the Ezee Tile adhesives manufacturers facility on Erf No. 1106, Blackheath Industria. The kiln and ancillaries will be removed from the property. The ancillaries include a feed hopper, feed conveyor, a bucked elevator and steel silos for the storage of sand.

Existing structures such as concrete paving, and the roofed steel shed within which the kiln is located will remain. The property will continue to operate as an industrial site and the structural assets will remain in place.

### C. LOCATION AND SITE DESCRIPTION

The decommissioning activity will take place at the Ezee Tile adhesives manufacturers facility on Erf No. 1106, 19 Rand Road, Blackheath Industria.

The site is located within the Blackheath industrial area with the nearest residential area being 0.35km southeast of the facility. The area and general surrounds are a mix of industrial, medium density residential, high density residential, and commercial activities.

The SG 21-digit code is: C06700020000110600000

Co-ordinates:

Latitude: 33° 58' 20.48" S

Longitude: 18° 41' 39.78" E

Refer to Annexure 1: Locality Plan.

hereinafter referred to as "the site".

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

SATIVA Travel and Environmental Consultants (Pty) Ltd.

c/o Mr. Tashriq Naicker

Building 16-2, 546

16<sup>th</sup> Road

Constantia Park

**MIDRAND**

1685

Cell: 072 175 2417

Fax: (086) 652 9774

E-mail: [tashriq@sativatec.co.za](mailto:tashriq@sativatec.co.za)

### E. CONDITIONS OF AUTHORISATION

#### Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated December 2020 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and

- (b) A period of five (5) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity, must be concluded.
- 4. The activity that has been authorised may only be carried out at the site described in Section C above in terms of the approved EMPr.
- 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### **Notification of authorisation and right to appeal**

- 6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
  - 6.1 notify all registered interested and affected parties ("I&APs") of –
    - 6.1.1 the outcome of the application;
    - 6.1.2 the reasons for the decision;
    - 6.1.3 the date of the decision; and
    - 6.1.4 the date of issue of the decision;
  - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
  - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 6.4 provide the registered I&APs with:
    - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
    - 6.4.2 name of the responsible person for this Environmental Authorisation,
    - 6.4.3 postal address of the holder,
    - 6.4.4 telephonic and fax details of the holder,
    - 6.4.5 e-mail address, if any;
    - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

### **Commencement**

- 7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence

with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

### **Written notice to the competent authority**

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of decommissioning activities. Commencement for the purpose of this condition includes site preparation.
  - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 9.2 The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 6, 7 and 14.

### **Management of activity**

10. The draft Environmental Management Programme ("EMPr") dated December 2020 (as compiled by SATIVA Travel and Environmental Consultants (Pty) Ltd.) and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

### **Monitoring**

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the decommissioning phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any decommissioning activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to decommissioning damage, are completed;

- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalized; and
- 14.6 conduct monthly site inspections during the decommissioning phase.

### **Environmental audit reports**

- 15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
  - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
  - 15.2 submit an environmental audit report three months after commencement of the decommissioning to the relevant competent authority; and
  - 15.3 submit a final environmental audit report one month after completion of decommissioning to the relevant competent authority.
- 16. The environmental audit reports must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on-
    - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
    - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
  - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
  - 16.3 evaluate the effectiveness of the EMPr;
  - 16.4 identify shortcomings in the EMPr;
  - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 16.6 indicate the date on which the decommissioning work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
  - 16.7 include a photographic record of the site applicable to the audit; and
  - 16.8 be informed by the ECO reports.
- 17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

### **Specific conditions**

- 18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
- 19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.

20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
22. The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), must be adhered to.

### **General matters**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. If the holder does not commence with the listed activity within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.
3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

## F. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
  - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2 Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs -
  - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post:           Attention: Mr. Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs  
and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or

By hand:           Attention: Mr. Marius Venter (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail



[DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)  
<http://www.westerncape.gov.za/eadp>.

or

URL

## G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where decommissioning is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 21 APRIL 2021**

CC: (1) Mr. Tashriq Naicker (Sativa Travel and Environmental Consultants)  
(2) Ms. Azanne van Wyk (City of Cape Town)

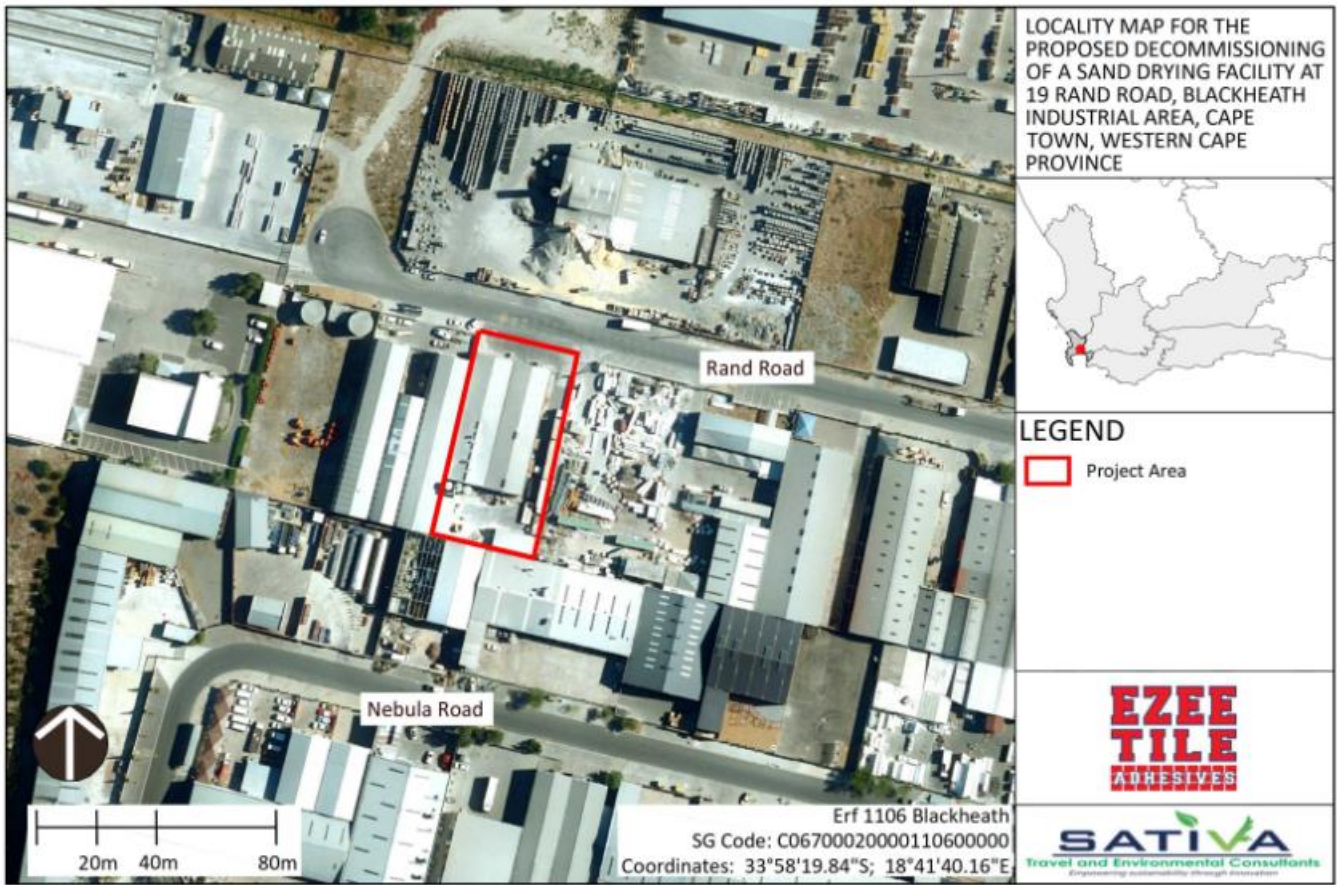
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**EIA REFERENCE NUMBER: 16/3/3/1/A4/4/3047/20**  
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**ANNEXURE 1: LOCALITY PLAN**



## **ANNEXURE 2: REASONS FOR THE DECISION**

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the Application Form received by the competent authority on 12 November 2020; the BAR dated December 2020 as received by the competent authority on 15 December 2020; and the EMPr submitted together with the BAR;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated December 2020;
- d) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

### **1. Public Participation**

The Public Participation Process comprised of the following:

- Notices were placed on site on 13 November 2020;
- E-mails were sent on 13 November 2020 to advise I&APs about the availability of the post-application draft BAR;
- An advertisement was placed in the "Cape Times" newspaper on 16 November 2020;
- The ward councillor was informed via e-mail on 17 November 2020;
- E-mails were sent on 24 November 2020 and 02 December 2020 to an I&AP and officials at the City of Cape Town;
- The draft BAR was made available for download on the website of Sativa Travel and Environmental Consultants on 13 November 2020; and
- The draft BAR was made available from 13 November 2020 until 14 December 2020.

### **Authorities consulted**

The authorities consulted included the following:

- Various departments within the City of Cape Town;
- Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Pollution & Chemicals Management;
- DEA&DP Directorate: Air Quality Management;
- DEA&DP Directorate: Waste Management;
- Western Cape Department of Health;
- Department of Water and Sanitation; and
- Heritage Western Cape.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were included in the BAR.

### **2. Alternatives**

The decommissioning is necessary since the holder will continue with the activities at a more suitable alternative site in the same area. It is therefore not feasible for the holder to continue operations at the current site. The option of not removing the sand drying facility and associated

infrastructure will impede the amount of space available for use at the site and detract from the desirability of the site to future potential users.

Operational alternatives were considered in the BAR, which includes undertaking decommissioning during normal work hours to minimize potential noise impacts, although these are very low. Further, dust emissions will be avoided by removing residual sand on the site prior to removing mechanical structures.

#### "No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the sand drying facility will not be decommissioned. This alternative was not deemed as preferred as the holder already obtained Environmental Authorisation to install the dryer at a new site in Blackheath.

### **3. Impacts, assessment and mitigation measures**

#### 3.1 Activity Need and Desirability

Ezee Tile applied for Environmental Authorisation to install the dryer at a new facility in the Blackheath area. The Environmental Authorisation was granted on 30 September 2019 (EIA Reference Number: 16/3/3/1/A4/4/3008/19). Ezee Tile therefore intends to decommission the sand drying facility located on the site and transfer it to the new site.

The property is currently zoned General Industrial 1. The proposed decommissioning activity will not change the existing land use rights of the property, as the property will continue to exist as an industrial site.

#### 3.2 Botanical Impacts

The site is an existing industrial site located in an established industrial area. There is an existing warehouse and an existing paved area. The site does not fall within the City of Cape Town's Biodiversity Network, and there are no wetlands or rivers on the site. No significant impacts on biophysical elements are anticipated due to the decommissioning of the sand drying facility.

#### 3.4 Groundwater and soil impacts

Since the existing site is fully paved and the proposed project entails the decommissioning of a kiln and associated equipment, no impacts on groundwater and soil are anticipated. The potential impacts were identified as negligible.

#### 3.5 Noise impacts

The proposed decommissioning activities will be undertaken during normal business hours to mitigate the potential impact of noise, although it is expected that this impact will be very low. The noise impact is anticipated to be indiscernible from the background based on the nature of the proposed activities and the site location and surrounding land uses.

#### 3.6 Dust and traffic impacts

Potential dust and traffic impacts are anticipated. However, no significant potential traffic and dust impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

**Negative Impacts:**

- Decommissioning impacts (noise, dust and traffic impacts).

**Positive impacts:**

- Some employment opportunities will be created during the decommissioning of the facility.
- The proposed site is located in an existing industrial area on a developed industrial property, which is in line with the applicable spatial planning policies and the proposed decommissioning will not change the land use rights. The site can thus continue to be used for industrial use.

**National Environmental Management Act Principles**

The National Environmental Management Act 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), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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