



REFERENCE: 16/3/3/1/B4/23/1005/19
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 2019 -10- 3 0

The Board of Directors
Boland Organic Supplies (Pty) Ltd
PO Box 272
MOORREESBURG
7310

Attention: Mr Simon Pieter Visser

Tel: (021) 971 1404
E-mail: pietervisser@tiptrans.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE EXPANSION AND LICENSING OF THE COMPOSTING FACILITY ON PORTIONS 54 AND 56 OF FARM GROENFONTEIN ANNEX NO. 716, PAARL.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and **adopt** the Maintenance Management Plan, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully


DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms L Abrahams (Eco Impact Legal Consulting (Pty) Ltd)
(2) Mr W Galvaan (Directorate: Waste Management)
(3) Ms C Winter (Drakenstein Municipality)

Fax: 086043504691
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REFERENCE: 16/3/3/1/B4/23/1005/19
NEAS REFERENCE: WCP/EIA/0000556/2019
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 2019 -10- 3 0

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE EXPANSION AND LICENSING OF THE COMPOSTING FACILITY ON PORTIONS 54 AND 56 OF FARM GROENFONTEIN ANNEX NO. 716, PAARL.

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 National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative described in the Basic Assessment Report ("BAR"), dated 12 July 2019.

In terms of the NEMA, viz, the EIA Regulations, 2014 (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan** for the expansion of Groenfontein Klapmuts Compost Facility on Portions 54 and 56 of Farm Groenfontein Annex No. 716, Paarl.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Boland Organic Supplies (Pty) Ltd
 c/o Mr Simon Pieter Visser
 PO Box 272
MOORREESBURG
 7310

Tel: (021) 971 1404
 E-mail: pietervisser@tiptrans.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 Activities	Project Description
<p>Listing Notice 1 – Activity Number: 12 <i>The development of—</i></p> <p>(i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p><i>where such development occurs—</i></p> <p>(a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p><i>excluding—</i></p> <p>(aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p>(bb) <i>where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i></p> <p>(cc) <i>activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i></p>	<p>The proposed cut-off drain will be located within 32m of a watercourse.</p>

<p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway lines; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
<p>Listing Notice 1 – Activity Number: 19 The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <p>(a) Will occur behind a development setback;</p> <p>(b) Is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) Falls within the ambit of activity 21 in this Notice, in which case that activity applies.</p> <p>(d) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>Where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The dams that will be reshaped and combined are mapped as wetlands.</p>
<p>Listing Notice 1 – Activity Number: 48 The expansion of-</p> <p>(i) infrastructure of structures where the physical footprint is expanded by 100 square metres or more;</p> <p>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres; or</p> <p>where such development occurs-</p>	<p>The proposed expansion will be located within 32m of a watercourse.</p>

(a) within a watercourse;

(b) in front of a development setback; or

(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -

excluding—

(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;

(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;

(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;

(dd) where such development occurs within an urban area;

(ee) where such development occurs within existing roads, road reserves or railway lines; or

(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following development that includes the listed activities as it relates to the preferred alternative:

The proposal entails the expansion and licensing of an existing composting facility by 3ha to recycle and treat organic waste for the production of compost. The existing two dams, mapped as wetlands, will be reshaped and the walls will be merged to create a single dam to store stormwater from the expanded facility. A cut-off drain will also be constructed along the southern boundary of the site to intercept and limit the amount of run-off entering the site. The Critical Biodiversity Area on the north-eastern boundary of Portion 54 is excluded from the development footprint and regarded as a no-go area.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activities will be undertaken is located on Portions 54 and 56 of Farm Groenfontein Annex No. 716, Paarl, and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	33° 47' 01.23" South	18° 50' 11.29" East
	33° 47' 06.04" South	18° 50' 16.07" East
	33° 47' 09.21" South	18° 50' 20.58" East
	33° 47' 16.55" South	18° 50' 20.34" East
	33° 47' 09.13" South	18° 50' 03.81" East

The SG digit code is: C05500000000071600054
C05500000000071600056

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Eco Impact Legal Consulting (Pty) Ltd
c/o Ms Lauren Abrahams
PO Box 45707
CLAREMONT
7735

Tel: (021) 671 1660
Fax: 086 04350 4691

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in the Basic Assessment Report ("BAR"), dated 12 July 2019 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.

4. The holder shall be responsible for ensuring 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.
5. Any changes to, or deviations from the scope of the alternative described in section B 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 information in order 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.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 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 Appeals Regulations, 2014 detailed in Section F below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,

- 7.4.2 name of the responsible person for this Environmental Authorisation,
- 7.4.3 postal address of the holder,
- 7.4.4 telephonic and fax details of the holder,
- 7.4.5 e-mail address, if any, of the holder,
- 7.4.6 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 2014 National Appeals Regulations.

8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The Maintenance Management Plan ("MMP") adopted as part of this Environmental Authorisation must be implemented.
11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr, MMP and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
14. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above 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.

Auditing

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within six months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. 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: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activities, 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.
4. 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 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.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. 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 the 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: 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
8th 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.
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 or URL <http://www.westerncape.gov.za/eadp>.

H. 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 construction or operation subsequent to construction 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



MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 29/10/2019

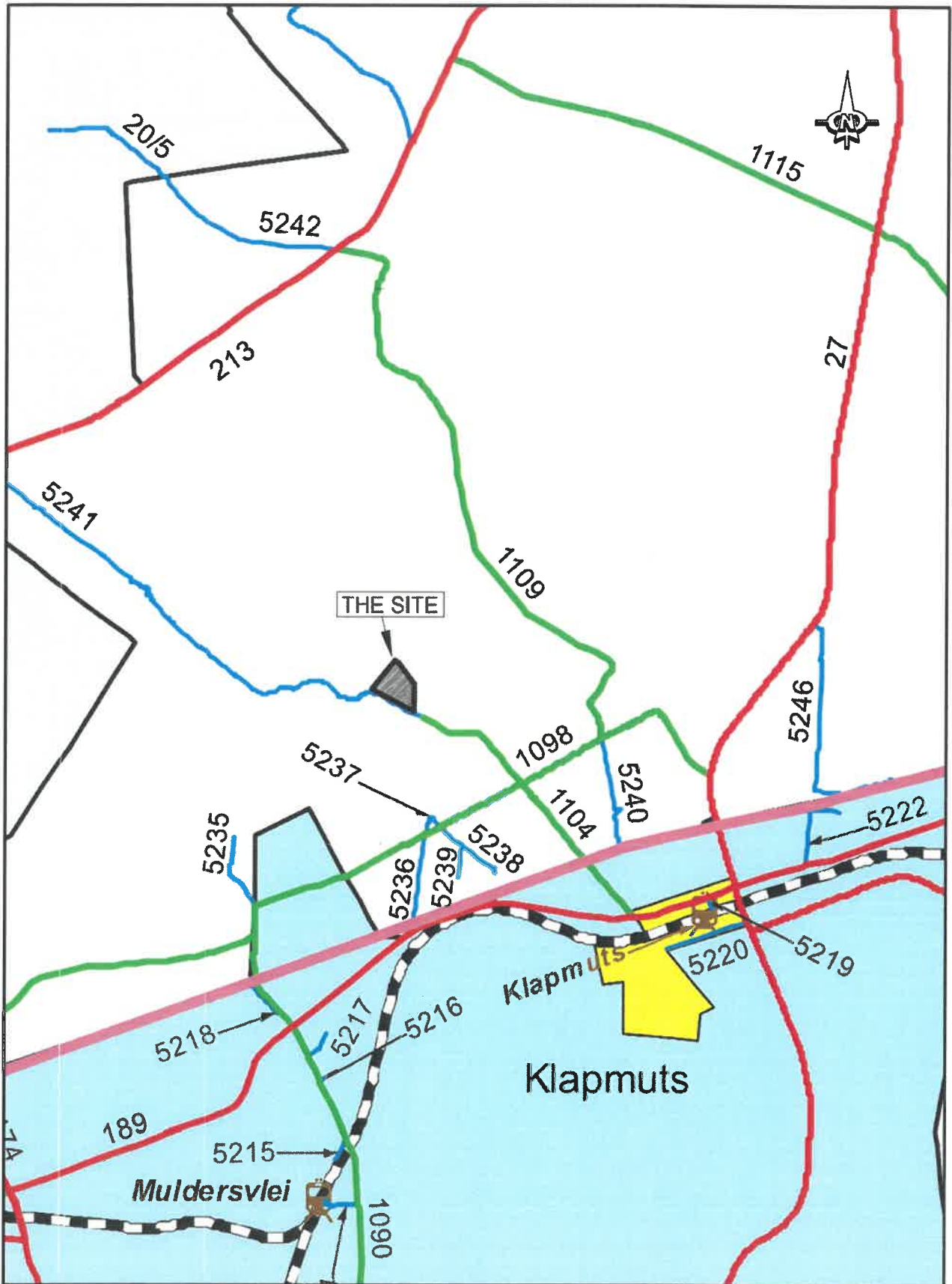
Cc: (1) Ms L Abrahams (Eco Impact Legal Consulting (Pty) Ltd)
(2) Mr W Galvaan (Directorate: Waste Management)
(3) Ms C Winter (Drakenstein Municipality)

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ANNEXURE 1: LOCALITY MAP



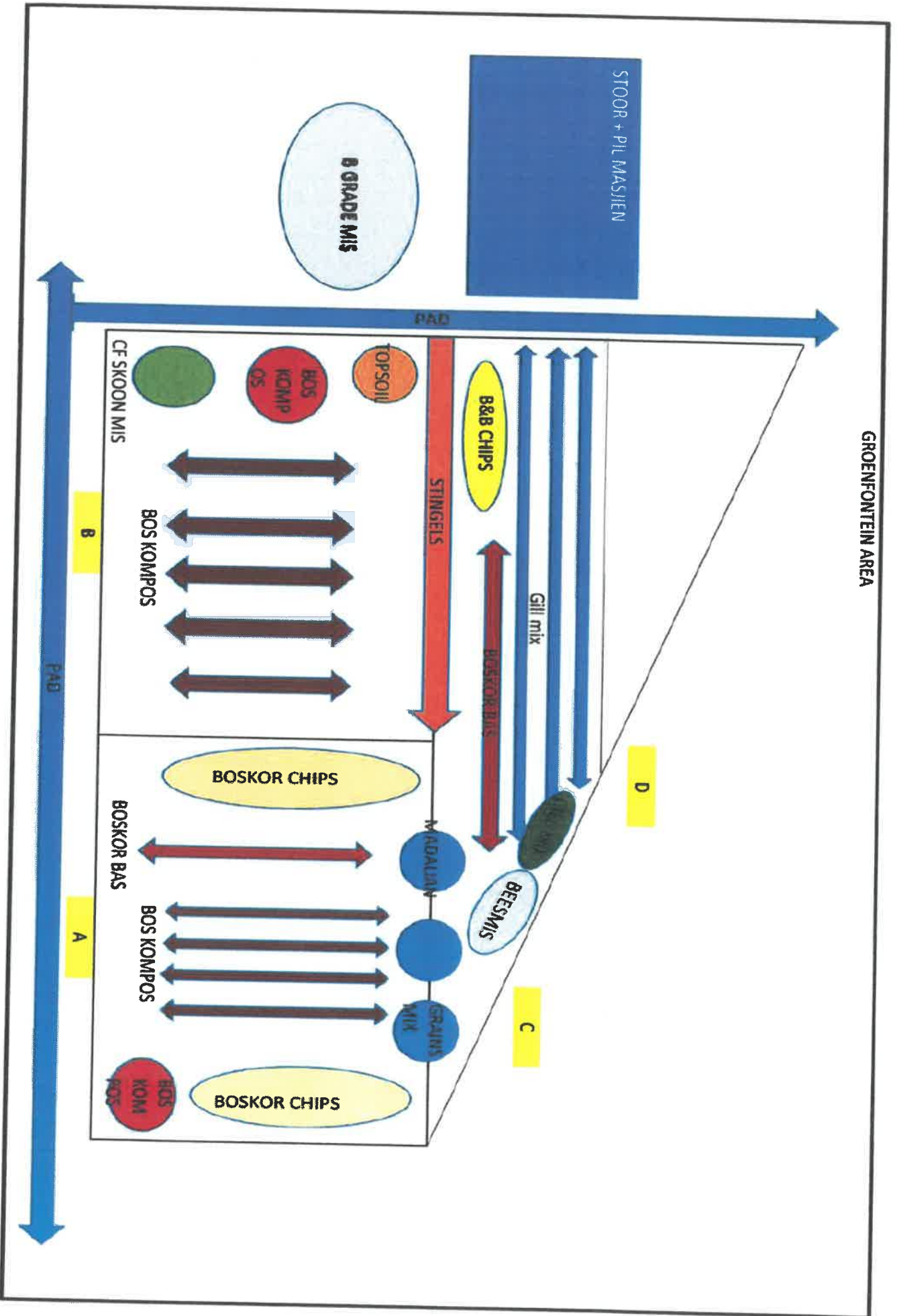
EFG Engineers (Pty) Ltd
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**PORTION 54 & 56 OF THE FARM GROENFONTEIN
 ANNEX NO.716, KLAPMUTS**

LOCALITY PLAN

Scale: 1 : 50 000
 Date: SEPTEMBER 2017
 Status: PRELIMINARY
 Plan No: FIGURE 1

A4
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ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form dated 18 January 2019, and the EMPr and MMP submitted together with the final Basic Assessment Report on 12 July 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the final Basic Assessment Report received on 12 July 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

The Public Participation Process ("PPP") included:

- identification of and engagement with I&APs;
- notice boards were placed at the site where the listed activities are to be undertaken on 6 February 2018;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 9 February 2018;
- the placing of a newspaper advertisement in the 'Eikestadnuus' and 'Paarl Post' on 15 February 2018;
- making the pre-application draft BAR available to I&APs for public review from 8 June 2018; and
- making the in-process draft BAR available to I&APs for public review from 1 March 2019; and

- making the in-process revised draft BAR available to I&APs for public review from 7 June 2019.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Limited alternatives were available for consideration since the proposal entails the expansion of an existing facility and the layout for the composting facility is dependent on the adopted composting process, land use area, volume of feedstock, the topography of the site and the environmental features. In addition, the requirements in terms of 3110: National Organic Waste Composting Strategy: Draft Guideline Document for composting, further informed the expansion of the existing facility, resulting in the following preferred option:

Preferred Alternative (Herewith Authorised)

This alternative entails the expansion and licensing of an existing composting facility on Portions 54 and 56 of Farm Groenfontein Annex No. 716, Paarl by 3ha to recycle and treat organic waste for the production of compost. The existing two dams, mapped as wetlands, will be reshaped and the walls will be merged to create a single dam to store stormwater from the expanded facility. A cut-off drain will also be constructed along the southern boundary of the site to intercept and limit the amount of run-off entering the site. The Critical Biodiversity Area on the north-eastern boundary of Portion 54 is excluded from the development footprint and regarded as a no-go area.

This alternative was preferred for the following reasons:

- It excludes the Critical Biodiversity Area located on Portion 54, as recommended by CapeNature
- Effective stormwater management measures have been incorporated into the development proposal to prohibit contaminated run-off from entering the watercourses in proximity to the site.
- The expanded facility will aid in diverting more organic waste from the landfill and allows the alternative treatment thereof.
- It conforms to the requirements in terms of the 3110: National Organic Waste Composting Strategy: Draft Guideline Document for Composting and is in line with its objective to promote the diversion of organic waste from landfill sites for beneficiation and other uses through composting.

No-go option

This alternative represents the current *status quo*, which is the continued operation of the existing composting facility under the existing thresholds. This alternative was not preferred since the opportunity to expand the facility's capacity will be lost, which is not in line with the municipality's Integrated Waste Management Plan that encourages the diversion of waste from landfills through processes, such as composting.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The expansion of the composting facility would allow for more organic waste to be diverted from the landfill site. The expansion is in line with the municipalities Integrated Waste Management Plan, which encourages the diversion of waste from landfills through processes such as composting. The expansion is also in line with the Integrated Development Plan of the municipality and the National Waste Management Strategy that promotes composting as one of the approaches towards achieving the objectives of the waste management hierarchy, amongst other measures.

3.2 Biophysical Impacts

According to the Western Cape Biodiversity Spatial Plan 2017, the site historically contained critically endangered *Swartland Silcrete Renosterveld* vegetation, *Swartland Alluvium Fynbos* vegetation and *Swartland Granite Renosterveld* vegetation. According to the Western Cape Biodiversity Spatial Plan 2017, terrestrial Critical Biodiversity Areas are mapped to the north and north-eastern sections of Portion 54 and along the north-eastern boundary of Portion 56. It was recommended by CapeNature in their comment dated 6 July 2019 that the section of the development footprint, which coincide with the Critical Biodiversity Area along the northern-eastern boundary of Portion 54 must be excluded from the expansion. This was addressed in the preferred alternative and supported by CapeNature in their final comment dated 2 July 2019

A non-perennial tributary of the Klapmuts River is located adjacent to the western and northern boundary of the site. Two dams (mapped as wetlands) that collect storm water and leachate from the existing composting site are located at the northern boundary of the site. All run-off from the site enters the two collection dams. A channel runs between the two dams with a sump and pump, which pumps the collected runoff into the dams. The channel will be closed and the two dams will be reshaped into one dam to avoid the risk of overflow and leachate from the compost site entering the non-perennial tributary of the Klapmuts River. In order to limit the runoff to the dam, a cut-off drain will be constructed on the southern portion of site, extending towards the non-perennial tributary of the Klapmuts River. Run-off from the surrounding area will then be intercepted and directed towards the non-perennial tributary of the Klapmuts River. A Water Use Licence Application in terms of the

National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, which will further investigate the watercourse related impacts.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the affected stretch of the watercourses. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"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."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

The development will result in both negative and positive impacts.

Negative Impacts:

Negative impacts caused by the expansion include nuisances, such as odours and pests and potential surface, groundwater and soil pollution. These negative impacts will be low after mitigation, as included in the EMPr and MMP.

Positive impacts:

The expansion of the composting facility would allow for more organic waste to be diverted from the landfill site, thereby extending its lifespan.

4. National Environmental Management Act Principles

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), *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.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMP, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----