



**REFERENCE:** 16/3/3/1/A3/54/2020/19

**ENQUIRIES:** Natasha Bieding

**DATE OF ISSUE:** 2020 -02- 17

## 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 (AS AMENDED): PROPOSED CONSTRUCTION OF A REFUSE TRANSFER STATION AND ASSOCIATED INFRASTRUCTURE ON PORTION 1 OF THE FARM NO. 781, VAALFONTEIN, SOMERSET WEST**

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 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to Site Layout Alternative 1, described in the Final Basic Assessment Report ("BAR"), dated 29 October 2019.

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**

City of Cape Town  
c/o Rustim Keraan  
P O Box 298  
CAPE TOWN  
8000

Tel.: (021) 860 010 3089  
Email: [wastewise.user@capetown.gov.za](mailto:wastewise.user@capetown.gov.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	Activity/Project Description
<p>Government Notice No. R. 983 of 4 December 2014 - Activity Number: 12</p> <p>Activity Description: <i>"The development of—</i></p> <ul style="list-style-type: none"> <li><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></li> <li><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></li> </ul> <p><i>where such development occurs—</i></p> <ul style="list-style-type: none"> <li><i>(a) within a watercourse;</i></li> <li><i>(b) in front of a development setback; or</i></li> <li><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i></li> </ul> <p><i>excluding—</i></p> <ul style="list-style-type: none"> <li><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></li> <li><i>(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;</i></li> <li><i>(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;</i></li> <li><i>(dd) where such development occurs within an urban area;</i></li> <li><i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i></li> <li><i>(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".</i> </li></ul>	<p>Infrastructure and structures with a physical footprint of 100 square metres or more will be developed within 32 metres of a watercourse outside of the urban area.</p>
<p>Government Notice No. R. 983 of 4 December 2014 - Activity Number: 19</p> <p>Activity Description: <i>"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 of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <li><i>(a) will occur behind a development setback;</i></li> <li><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></li> <li><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></li> <li><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></li> </ul>	<p>More than 10 cubic metres of material will be infilled and deposited from on-site wetland areas.</p>

<p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</p>	
<p>Government Notice No. R. 983 of 4 December 2014 - Activity Number: 27  Activity Description: "The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—  (i) the undertaking of a linear activity; or  (ii) maintenance purposes undertaken in accordance with a maintenance management plan".</p>	<p>More than 1 hectare of natural vegetation will be cleared for the construction of the Refuse Transfer Station, Material Recovery Facility and Public Waste Drop Off Facility and associated infrastructure.</p>
<p>Government Notice No. R. 985 of 4 December 2014 - Activity Number: 12  Activity Description: "The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <ol style="list-style-type: none"> <li>i. Western Cape</li> <li>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</li> <li>ii. Within critical biodiversity areas identified in bioregional plans;</li> <li>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</li> <li>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</li> <li>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".</li> </ol>	<p>More than 300 square metres of remnants of Cape Flats Sand Fynbos will be cleared for the construction of the Refuse Transfer Station, Material Recovery Facility and Public Waste Drop Off Facility and associated infrastructure.</p>

The abovementioned activities is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development:

The construction of a Refuse Transfer Station, Material Recovery Facility and Public Waste Drop Off Facility, including associated infrastructure comprising:

- Buildings to enclose the waste receiving, processing, compacting, containerization and transfer operations.
- Buildings for administration purposes, security and access control.
- All -weather road access and internal roads, weighbridges.
- Rail siding facilities.
- Gantry cranes and material handling equipment.
- Material handling equipment.
- Container storage areas.
- Storing and Chipping of garden refuse.
- Storage of Builders Rubble.
- Water supply and fire prevention systems.
- Electricity supply.
- Controlled access and security fencing.
- Odour control.
- Stormwater and leachate management and safe disposal systems.
- Associated landscaping and parking areas.

The total development footprint will be approximately 59 200m<sup>2</sup>.

### **C. SITE DESCRIPTION AND LOCATION**

The listed activities will be undertaken on Portion 1 of the Farm No. 781, Vaalfontein, Somerset West.

The abovementioned property is located between the R102 Regional Road, the Somerset West Main Road and the railway line midway between Somerset West and Firgrove.

Coordinates for the abovementioned property are given below  
34° 03' 42.31" South      18° 48' 15.50" East

The SG digit code for the abovementioned property are given below  
C0670000000078100001

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

The abovementioned property is hereinafter referred to as "**the site**".

### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Resource Management Services  
c/o Larry Eichstadt  
P O Box 4296  
DURBANVILLE  
7551

Tel.: (021) 975 7396  
Email: larry@rmsenviro.co.za

## **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 Final BAR dated 29 October 2019 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 activities 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 activities; and
  - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.
4. The activities that have been authorised must only be carried out on the site described in Section C above in terms of the approved Construction Phase "Environmental Management Programme" ("EMPr") and the Operational Phase EMPr.
  5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such approval or not, the competent authority may request 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 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 Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended);
  - 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
  - 6.4 provide the registered Interested and Affected Parties 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 Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeals Regulations, 2014 (as amended).

### **Commencement**

- 7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties 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 must 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 written notice of seven calendar days must be given to the competent authority before commencement of construction 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, 14 and 25.

### **Management of activity**

- 10. The Construction Phase EMPr and the Operational Phase EMPr submitted, as dated October 2019 are hereby approved and must be implemented.
- 11. An application for amendment of the Construction Phase EMPr and the Operational Phase 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 Construction Phase EMPr and the Operational Phase EMPr, and these may only be implemented once the amended EMPrs have been authorised by the competent authority.
- 12. The Construction Phase EMPr and the Operational Phase EMPr must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation and the Construction Phase EMPr and the Operational Phase EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation, Construction Phase EMPr and the Operational Phase EMPr must be produced to any authorised official representing the competent authority who requests to see these for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation, Construction Phase EMPr and the Operational Phase 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 construction phase of implementation.

The ECO must–

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the Construction Phase EMPr and the conditions contained herein; and
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

## Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation, Construction Phase EMPr and the Operational Phase EMPr remain valid -
  - 15.1 ensure that compliance with the conditions of the Environmental Authorisation, Construction Phase EMPr and the Operational Phase EMPr is audited;
  - 15.2 submit at least two environmental audit reports to the competent authority during the construction phase. The holder must submit one audit report within three months after commencement of the construction phase and another audit report six months after completion of the construction period; and
  - 15.3 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report 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, Construction Phase EMPr and the Operational Phase EMPr and whether this is sufficient or not; and
  - (b) the extent to which the avoidance, management and mitigation measures provided for in the Construction Phase EMPr and the Operational Phase 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 Construction Phase EMPr and the Operational Phase EMPr ;
- 16.4 identify shortcomings in the Construction Phase EMPr and the Operational Phase EMPr;
- 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the Construction Phase EMPr and the Operational Phase EMPr;
- 16.6 indicate the date on which the construction 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 seven days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and in cases where the holder has the means, place the report on a publicly accessible website.

### **Specific conditions**

18. 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 disposal must take place at a waste disposal facility licensed in terms of the applicable legislation.
19. 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 disturbed further 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 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.
20. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
21. If the holder does not commence with a particular 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.
22. An application for amendment of the Environmental Authorisation must be submitted 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.
23. The manner and frequency for updating the EMPr is as follows:
  - 23.1 Amendments to the EMPr, other than those mentioned above, must be made in accordance with Regulations 35 to 37 of GN No. R. 982 of 4 December 2014 (as amended) or any relevant legislation that may be applicable at the time.
24. Non-compliance with any condition of this Environmental Authorisation, Construction Phase EMPr or Operational Phase EMPr may render the holder liable to criminal prosecution.
25. A stormwater management plan must be submitted to this Department accompanied by a letter from the relevant section of the City of Cape Town for consideration before the development proposal can be commenced with.



26. The following mitigation measures adapted from the Botanical Assessment Report dated 20 February 2019 compiled by Johlene Krige must be implemented:
  - 26.1 The development area must be fenced off and disturbances must be restricted to the site.
  - 26.2 No unauthorised dumping of any material must be conducted within adjacent areas.
27. The following mitigation measures adapted from the Freshwater Ecological Screening Study Report dated June 2008 compiled by Toni Belcher of Environmental Monitoring Consulting and the correspondence dated 13 March 2018 from Toni Belcher of Blue Science must be implemented:
  - 27.1 A replacement/trade-off wetland area must be created in the open space downstream of the site, *i.e.* the area located between the railway line and the Old Main Road (R102).
  - 27.2 The replacement/trade-off wetland must be created within 5 years from the date of issue of this Environmental Authorisation.
28. The following mitigation measures adapted from the Social Impact Assessment Report dated September 2019 from Tony Barbour and Schalk van der Merwe must be implemented:
  - 28.1 The City of Cape Town must establish a Monitoring Committee consisting of representatives from surrounding landowners. The Monitoring Committee must meet on a regular basis to ensure that the required operating standards of the Refuse Transfer Station are implemented and security issues are adequately addressed and managed.
  - 28.2 Any litter in the vicinity of the site must be cleared on a daily basis. This includes the main access roads to the site and areas affected by windblown litter or by spillages.
  - 28.3 The perimeter of the site must be secured and access limited to controlled access points.
  - 28.4 Suitable fencing, such as Clear Vu litter collection fences must be established around the entire perimeter of the site.
  - 28.5 No informal waste pickers must be permitted to operate on or in the vicinity of the site.
  - 28.6 Adequate security must be provided at the site to minimise the risk of illegal dumping. This includes 24-hour security and installation of Closed-Circuit Television ("CCTV") cameras at the entrance to the site to record car licences. CCTV cameras must also be installed around the perimeter of the site to cover the open area and the M9 between the Refuse Transfer Station and Schonenberg Estate to the east.
  - 28.7 The City of Cape Town must take adequate measures to ensure that no informal structures are established on the remainder of the site.
29. The following mitigation measures adapted from the Draft Landscape Report dated September 2019 compiled by René Maria Brett and Fi Smit Viridian of Consulting Landscape Architects must be implemented:
  - 29.1 Buildings must be designed in a manner that blends in with the surrounding built and natural environment and complements the visual landscape. This could include having building facades coloured in mid-range to darker earth tones to help buildings blend better within the natural setting. Avoiding using colour ranges such as white and lighter beiges and tans, which make buildings stand out and contrast against nearby darker natural landscape.
  - 29.2 Roofing materials must be coloured in a shade that is visually cohesive with the surrounding natural environment.
  - 29.3 Paints used on visible structures must be of a dull, flat, or satin finish to reduce the potential for glare and glossy paints for surfaces must not be used.

- 29.4 The site must be kept neat and clean throughout the construction and operational phases.
  - 29.5 Litter must be collected and disposed of appropriately to prevent any potential wind-blown litter on or off the site.
  - 29.6 Suitable landscaping must be implemented to improve the site's aesthetics, provide visual screening and to restore vegetation affected by construction activities and to make the site inconspicuous.
  - 29.7 Tree and shrub plantings must be used to help to screen the Refuse Transfer Station from existing viewpoints.
  - 29.8 Suitable vegetative accents and screening must be used to aid in a perceived reduction in the scale and mass of the built features.
  - 29.9 Existing mature trees must be retained wherever possible.
  - 29.10 Trees forming the screening avenue that die must be replaced with a suitable species that will reach the same height and scale of the tree that has been removed to allow the continuity of the tree avenue.
  - 29.11 All artificial outdoor lighting must be only for safety and security purposes, designed to adhere to best practice standards and in compliance with International DarkSky Association approved fixtures, wherever possible.
  - 29.12 All lighting must be designed to have minimal impact on the surrounding environment of which can include, *inter alia*, the use of downcast, cut-off type fixtures that are shielded and direct the light only towards objects requiring illumination.
  - 29.13 Floodlighting onto the walls of (especially the Refuse Transfer Station and Material Recovery facility) buildings must be avoided.
  - 29.14 Lights must be installed at the lowest allowable height and must cast low-angle illumination while minimising incidental light spill onto adjacent properties, open spaces etc.
  - 29.15 Light-emitting diode lights must be specified (avoid the use of blue rich white light lamps) and use shielding to ensure that nuisance glare and light spill do not affect sensitive residential viewers.
30. The following mitigation measures adapted from the Noise Impact Assessment Report dated 16 September 2019 from Mackenzie Hoy Consulting Acoustics Engineers must be implemented:
- 30.1 No openings on the North-East elevation and North-West of the green waste chipper shed must be allowed.
  - 30.2 The design and installation of the Green Waste Chipper Shed, Recycling and Sorting Building and the Refuse Transfer Station must be approved and signed off by a registered Professional Acoustics Engineer.
31. The following measures adapted from the Health and Safety Report from Engelbrecht & Associates Risk Control must be implemented:
- 31.1 All employees working in or entering noise zones must be issued with and be required to wear approved hearing protection devices.
  - 31.2 The inside surfacing of the Refuse Transfer Station building must as much as possible be lined with suitably sized and configured noise absorbing material.
  - 31.3 All appropriate Personal Protective Equipment must be issued to staff and contractors.
  - 31.4 Employees must be trained in ensuring correct usage of Personal Protective Equipment.
  - 31.5 All machinery must be maintained and only trained staff must be allowed to operate workshop machinery.

31.6 Safety Regulations must be followed with respect to the storage of flammable and/or dangerous goods.

#### D. 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 -

Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and

Submit a copy of the appeal to any registered Interested and Affected Parties, 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 Interested and Affected Parties -

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 Interested and Affected Party, 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 Interested and Affected Party 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)  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By e-mail: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

Note: For purposes of electronic database management, you are requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority at 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 process is obtainable from the Appeal Authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## E. 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



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**MR ZAHRIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 17/02/2020

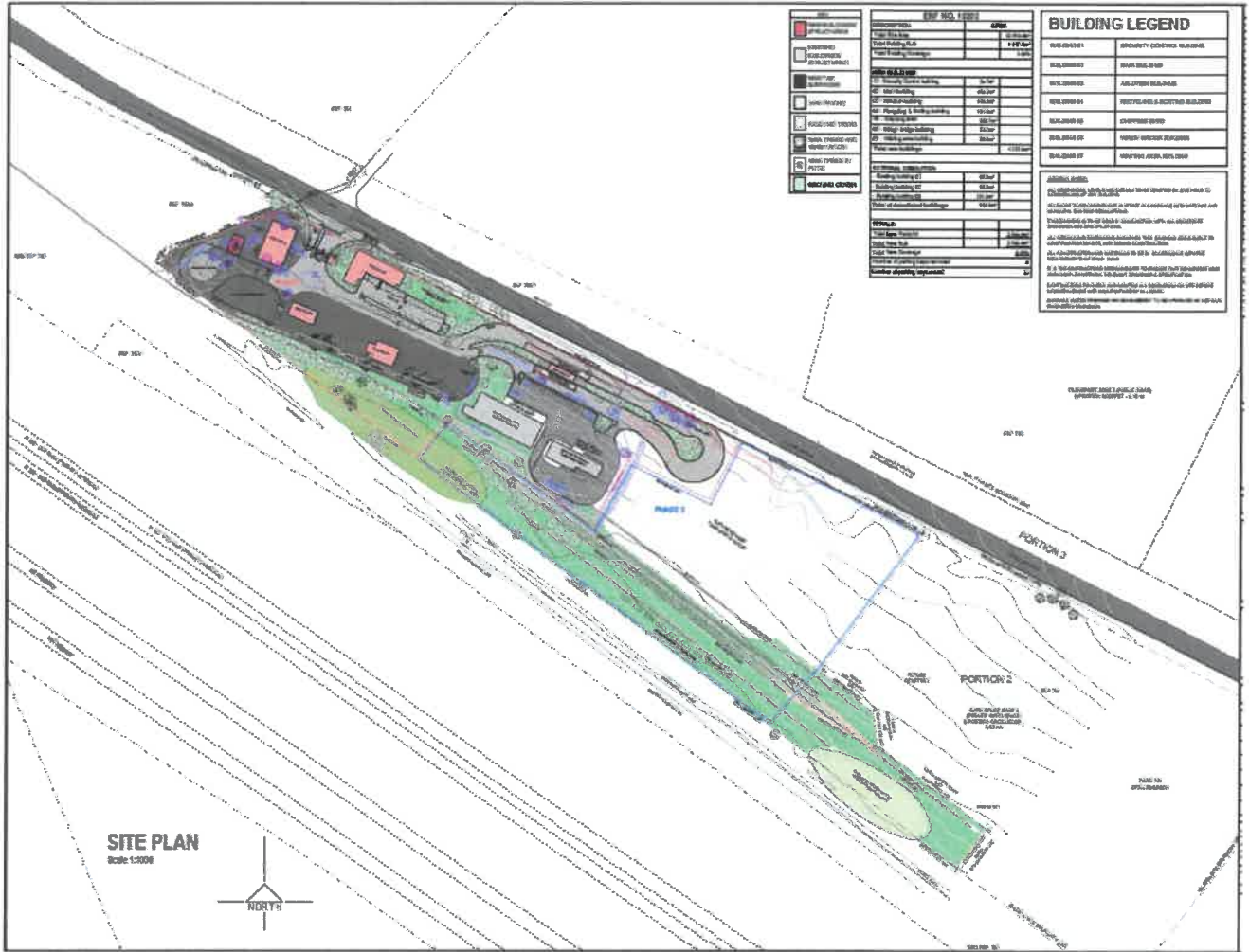
Copied to: (1) Larry Eichstadt (Resource Management Services)  
(2) A van Wyk (City of Cape Town)

Email: [larry@rmsenviro.co.za](mailto:larry@rmsenviro.co.za)  
Fax: (021) 859 6169

**ANNEXURE 1: LOCALITY MAP**



# ANNEXURE 2: SITE PLAN



## 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 20 March 2019, the Construction Phase EMPr and the Operational Phase EMPr submitted together with the BAR on 31 October 2019 and the additional information received on 20 January 2020;
- 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 NEMA;
- d) The comments received from Interested and Affected Parties and the responses thereto, as included in the Final BAR dated 29 October 2019; and
- e) The site visit conducted -  
Date: 29 January 2020  
Attended by: Maboe Nthejane and Natasha Bieding.

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 included:

- identification of and engagement with Interested and Affected Parties;
- fixing a notice board at the site where the listed activities are to be undertaken;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities;
- the placing of a newspaper advertisement in the "*Helderberg Gazette*" on 19 March 2019; and
- making the BAR and all relevant information available to Interested and Affected Parties for public review and comment.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the reports.

### 2. Alternatives

Site Location Alternative 1 (Preferred by the applicant and herewith authorised)

Portion 1 of the Farm No. 781, Vaalfontein is the preferred site location alternative for the Refuse Transfer Station and associated infrastructure as a result of the following reasons:

- Portion 1 of the Farm No. 781, Vaalfontein is vacant and owned by the applicant, *i.e.*, City of Cape Town.
- Portion 1 of the Farm No. 781, Vaalfontein has no significant botanical status and is not located within any biodiversity corridor.
- Portion 1 of the Farm No. 781, Vaalfontein has no significant archaeological status.
- Suitable geotechnical conditions caused by prevailing soil and geohydrological exist.
- Portion 1 of the Farm No. 781, Vaalfontein is located outside of the 1:100-year flood line.
- Portion 1 of the Farm No. 781, Vaalfontein is a highly disturbed site.

#### Site Layout Alternative 1 (Preferred by the applicant and herewith authorised)

This alternative entails the construction of a Refuse Transfer Station, Material Recovery Facility and Public Waste Drop Off Facility, including associated infrastructure comprising:

- Buildings to enclose the waste receiving, processing, compacting, containerization and transfer operations.
- Buildings for administration purposes, security and access control.
- All -weather road access and internal roads, weighbridges.
- Rail siding facilities.
- Gantry cranes and material handling equipment.
- Material handling equipment.
- Container storage areas.
- Storing and Chipping of garden refuse.
- Storage of Builders Rubble.
- Water supply and fire prevention systems.
- Electricity supply.
- Controlled access and security fencing.
- Odour control.
- Stormwater and leachate management and safe disposal systems.

#### Site Layout Alternative 2 (Rejected alternative)

This alternative entails the construction of a Refuse Transfer Station which comprises the same associated infrastructure as proposed in terms of Site Layout Alternative 1. However, the following primary differences exist between Site Layout Alternative 1 and Site Layout Alternative 2, which resulted in Site Location Alternative 1 (which incorporates the said differences below) being preferred:

- The entrance to the site will be located in the position as per the Traffic Impact Assessment recommendations.
- The existing houses on site will be relocated from the railway line to the top area of the site adjacent to the main road.
- The size of the administrative building was increased.
- A chipping shed was added to the garden waste area.
- An ablution and recycling and sorting building was added to the drop off facility.
- A recycling and sorting building was added to the drop off facility.
- Improved stormwater management will be incorporated into the development.

Furthermore, Site Layout Alternative 1 will incorporate measures to improve the overall visual impact, reduce the impact of litter and associated nuisances (e.g. relocating the public waste drop off area) reduce noise and dust impacts (e.g. providing a chipping shed), optimising traffic flow and security and improving the stormwater management system (e.g. the calculation of the permeable and impermeable site surfacing area).

#### "No-Go" Alternative

The "no-go" alternative entails maintaining the "status quo", i.e. not establishing of the Refuse Transfer Station, Material Recovery Facility and Public Waste Drop Off Facility, including associated infrastructure.

This alternative was rejected as a result of the following:

- The City of Cape Town requires a Material Recovery Facility and a Public Waste Drop Off Facility within the Helderberg Area, as the costs involved in transporting all waste materials directly to an authorised City of Cape Town Landfill Site will continue to be a heavy financial burden.



### 3. Impact Assessment and Mitigation measures

#### 3.1 Activity need and desirability

The City of Cape Town is in need of improving its resource use efficiency and particularly in this case, reducing waste to landfill and increasing recycling. The Refuse Transfer Station, Material Recovery Facility and Public Waste Drop Off Facility is therefore required to divert waste and reduce the amount of waste transported to landfill sites for final disposal.

#### 3.2 Biophysical Impacts

The site is highly degraded, containing invasive alien kikuyu and other grasses, pine and eucalyptus trees, Spanish reeds and other invasive species between stormwater drainage channels and existing buildings. The degraded state of the site is largely attributed to disturbances such as alien infestation, dumping (domestic waste, garden refuse and building rubble) and being used as a public walk-through. The site is furthermore small, isolated and bounded by transport infrastructure. As such, very little to no natural habitat remains on the site.

Except for isolated plants, no intact indigenous plant communities remain on the site. An area of remnant indigenous vegetation (*i.e.* elements of Boland Granite Fynbos) exist on an off-site portion of the property (*i.e.* Portion 2). This area is excluded from the development area where the Refuse Transfer Station, Material Recovery Facility and Public Waste Drop Off Facility will be constructed.

A small spring is located at the western end of the site. Some modified wet areas which are of poor water quality exist on the site as a result of stormwater drainage. The disturbance to artificial on site wet areas will be of lower impact, as the wet areas were artificially created and serve little to no biophysical functions. New detention ponds will be created to provide some ecological support functions while also assisting with the treatment and polishing of the stormwater. Furthermore, a stormwater management system will be implemented and controlled in accordance with a stormwater management plan.

As such, the proposed development is not envisaged to significantly impact on any ecosystems or result in the loss of significant biological diversity.

#### 3.3 Visual / sense of place

The site is abutted to the north west by vacant land with an industrial zoning. To the east and south east of the site (*i.e.* more than 600m away) are the existing residential areas of Helderue and Schonenburg while to the south are transport related properties connected to the railway. The site is bordered to the southeast by vacant land (*i.e.* Portions 2, 3 and the Remainder of the Farm 781), which will form a buffer area which separates the site and the residential areas located further east.

The current City of Cape Town Cleansing and Water Services buildings are located on the main property/mother erf, *i.e.* the Farm No. 781. As such, the Refuse Transfer Station will not be greatly out of character with its immediate surroundings.

Although the Refuse Transfer Station will partly be visible from two prominent viewpoints, *i.e.* to commuters along the M9 as well as N2 who pass by the site, measures will be implemented to help mitigate visual impacts. This includes the implementation of an Operational Phase EMPr and Landscape Plan (which includes more specific measures such as the construction of appropriate perimeter fencing as well as retaining existing trees and planting of new trees to help screen the development).

#### 3.4 Nuisance

According to the Noise Impact Assessment Report the main sources of noise will possibly include the Green Waste Chipper Shed, Recycling and Sorting Building and the Refuse Transfer Station. According to the Western Cape Noise Control Regulations, 2013, the maximum allowable limit for facilities such as the proposed Refuse Transfer Station located on an industrial zoned property is 77 A-weighted decibels during the daytime. According to the said Noise Impact

Assessment Report, the maximum anticipated sound pressure level at the property boundary will not exceed 77 dBA during daytime operations. The potential negative noise impacts will however be mitigated by complying with specific requirements which form part of this Environmental Authorisation (refer to condition 30).

The potential negative impacts of the generation of localised odours and dust from the facility will be mitigated and managed in accordance with Standard Operating Practices normally prescribed for such facilities. The Operational Phase EMPr further includes mitigation measures such as the inclusion of a chipping shed to mitigate dust pollution and the installation of an odour control system to control odours. The buffer, whereby the site is located approximately 600m away from the surrounding residential areas, will also serve to mitigate any potential nuisance impacts such as noise and odours.

The implementation of standard pest control measures for similar waste facilities which must also be implemented for this Refuse Transfer Station, Material Recovery and Public Waste Drop Off Facility is expected to effectively manage the impacts of pests (such as flies). The Operational Phase EMPr in this regard requires the implementation of Disease Vector Control in order to manage disease vectors, as deemed necessary.

### 3.5 Heritage

It is envisaged that no significant impacts on heritage resources within the immediate vicinity of the site will occur.

### 3.6 Traffic

According to the Traffic Impact Assessment Report dated 8 August 2019, truck trips to and from the facility will take place between 9:00 and 15:00 and employee trips could take place during the peak hours. Green waste trips will also be generated over weekends. It was estimated that the facility will collectively generate approximately 42 trips each for morning and afternoon peak hours. Based on this estimation, it was concluded that the local roads will continue to maintain good service levels even with the addition of traffic caused by the Helderberg Waste Management Facility.

### 3.7 Socio-economic

The proposed development will have a positive impact on the surrounding socio-economic environment. The Refuse Transfer Station, Material Recovery and Public Waste Drop Off Facility will generate employment for locals during the construction phase. Some potential risks exist with the establishment of the Refuse Transfer Station, Material Recovery and Public Waste Drop Off Facility, which may affect the wider community. As such, it was concluded in that as part the Social Impact Assessment dated September 2019 that certain measures must be implemented to reduce the various risks that may result from establishing and operating the facility. The risks of the facility attracting waste pickers, dumping/littering and general safety/security issues for local residents could be reduced by the implementation of measures to control access to the site and the adoption of various options for enhancing safety and security. These options are included as part of the conditions of authorisation (refer to condition 28).

#### 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.

##### Negative impact

The proposal will result in the generation of additional traffic numbers to the site and immediate area as well as lead to the loss of some artificially created wet areas and clearance of vegetation.

##### Positive impact

The proposed development will ensure that the City of Cape Town improve its resource efficiency by reducing waste to landfill and increasing recycling.

#### 5. Conclusion

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 National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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