



Western Cape  
Government  
Environmental Affairs and  
Development Planning

DIRECTORATE: ENVIRONMENTAL GOVERNANCE  
SUB-DIRECTORATE: RECTIFICATION

REFERENCE: 14/2/1/1/A5/40/0010/14

ENQUIRIES: Ziyaad Allie

The Trustees  
Wynland Trust  
P. O. Box 192  
KUILS RIVER  
7579

**REGISTERED MAIL**

Tel: (021) 987 1652

Fax: (021) 987 1624

Email: [Elria@glcgroup.co.za](mailto:Elria@glcgroup.co.za)

Attention: Mr Gerhard Conradie

Dear Sir

**APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") FOR THE UNLAWFUL COMMENCEMENT OF A WASTE MANAGEMENT ACTIVITY: THE UNLAWFUL COMMENCEMENT OF COMPOSTING FACILITIES ON PORTION 18 OF FARM 17, CANAAN, KRAAIFONTEIN**

With reference to your application dated 11 February 2014 and the Environmental Impact Report dated 23 March 2018 in terms of section 24G of the NEMA for the consequences of unlawful commencement of waste management activities identified in terms of the NEMA, find below the decision in respect of your application.

### ENVIRONMENTAL AUTHORISATION

#### A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (GN No. R.326 of 7 April 2017), the competent authority herewith **grants environmental authorisation** to the applicant for the continuation, conducting or undertaking of the waste management activities specified in Section C below in accordance as described in the Environmental Impact Report ("EIR") dated 23 March 2018.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

## B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Wynland Trust

c/o Mr Gerhard Conradie

P.O Box 192

KUILSRIVER

7579

Tel: (021) 987 1652

Fax: (021) 987 1624

Email: [Elria@glcgroup.co.za](mailto:Elria@glcgroup.co.za)

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

## C. LIST OF WASTE MANAGEMENT ACTIVITIES AUTHORISED

Waste Management Activities	Activity/Project Description
Government Notice No. 718 of 2010 – Category A – <b>Activity Number: 5</b> Activity Description: "The recovery of waste including the refining, utilization, or co-processing of waste in excess of 10 tons but less than 100 tons of general waste per day or in excess of 500kg but	In 2012 the holder established a composting site of approximately 26000m <sup>2</sup> . The full extent of the composting area and associated operational area is approximately 40 000m <sup>2</sup> . Green waste and associated raw material is stored on site and this results in approximately 5000m <sup>3</sup> of

<p><i>less than 1 ton of hazardous waste per day, excluding recovery that takes place as an integral part of an internal part of an internal manufacturing process within the same premises."</i></p>	<p>material being stored on the site at various stages of the manufacturing process.</p>
<p><i>As similarly listed in terms of- Government Notice No. 921 of 2013 – Category A – <b>Activity Number: 5</b> Activity Description: "The recovery of waste including the refining, utilisation, or co-processing of waste in excess of 10 tons but less than 100 tons of general waste per day or in excess of 500kg but less than 1 ton of hazardous waste per day, excluding recovery that takes place as an integral part of an internal manufacturing process within the same premises."</i></p>	<p>As above. Green waste (chipped material) is transported to the site, and together with cow manure and water, is processed to manufacture compost. Approximately 800m<sup>3</sup> kraal manure every 2-3 months and between 1 000 – 2 000m<sup>3</sup> of garden waste per month.</p>

The abovementioned list is hereinafter referred to as "the waste management activities".

#### **D. PROPERTY DESCRIPTION AND LOCATION**

The waste management activities commenced on Portion 18 and 21 of Farm 17 (Canaan), Kraaifontein.

The SG digit codes are: C067 0004 00000017 00018

C067 0004 00000017 00021

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33°52'38.53" S	18°44'05.72" E

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.  
Herein-after referred to as "the site".

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

Guillaume Nel Environmental Consultants

c/o Mr Guillaume Nel

P.O. Box 2632

PAARL

7620

Tel: (021) 870 1874

Fax: (021) 870 1873

Email: [renier@anec.co.za](mailto:renier@anec.co.za)

#### **F. DETAILS OF THE ACTIVITY OR ACTIVITIES UNDERTAKEN**

The activities undertaken entail the establishment of a composting facility, stockpile areas, offices and warehousing. In 2012 the holder established a composting site of approximately 26 000m<sup>2</sup>. The full extent of the composting area and associated operational area is approximately 40 000m<sup>2</sup>. Green waste and associated raw material is stored on site and this results in approximately 5 000m<sup>3</sup> of material being stored on the site at various stages of the manufacturing process. The site previously only included Portion 18 of Farm 17, but has since encroached onto a small section of Portion 21. Portion 18 is 4 9454m<sup>2</sup> in extent, 80 percent of the area is currently being used for composting and related activities. Portion 21 is 39 473m<sup>2</sup> in extent but only a section of approximately 800m<sup>2</sup> forms part of the composting facility yard.

Green waste (chipped material) is obtained from contractors and transported to site. The green waste together with cow manure is utilised and together with water obtained from the adjacent landowner is processed to manufacture compost. Approximately 800m<sup>3</sup> kraal manure every 2-3 months and between 1 000 – 2 000m<sup>3</sup> of garden waste per month. Input materials are utilised daily and stockpiled raw materials usually remains below 300m<sup>3</sup>.

## **G. CONDITIONS OF AUTHORISATION**

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

### **PART I**

#### **Scope of authorisation**

1. The holder is authorised to undertake the waste management activities specified in Section C above in accordance with and restricted to the Implemented Operational Alternative described in the EIR dated 23 March 2018 on the site as described in Section D above.
2. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. Any changes to, or deviations from the scope of the alternative described in Section F 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.

### **PART II**

#### **Notification and administration of an appeal**

4. The holder must in writing, within 14 (fourteen) days of the date of this decision—
  - 4.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 4.1.1 the outcome of the application;
    - 4.1.2 the reasons for the decision as included in Annexure 3;
    - 4.1.3 the date of the decision; and
    - 4.1.4 the date when the decision was issued.



4.2 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 I below.

4.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

4.4 provide the registered I&APs with:

4.4.1 the name of the holder (entity) of this Environmental Authorisation;

4.4.2 name of the responsible person for this Environmental Authorisation;

4.4.3 postal address of the holder;

4.4.4 telephonic and fax details of the holder;

4.4.5 e-mail address, if any, of the holder; and

4.4.6 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*.

5. The waste management activities, including site preparation, may not commence within 34 (thirty-four) calendar days from the date 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.

### **PART III**

#### **Management of the activity/development**

6. The Environmental Management Programme ("EMPr") compiled by Guillaume Nel Environmental Consultants of March 2018 and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

7. The EMPr must be included in all contract documentation for all phases of implementation.

### **PART IV**

#### **Monitoring**

8. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit

reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website (if applicable).

9. Access to the site referred to in Section D 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.

## **PART V**

### **Auditing**

10. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

## **PART VI**

### **Activity/ Development specific conditions**

11. 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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts 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.

12. 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.

13. The following recommendations made in the Storm Water Management Plan of February 2018, along with input from this Department's Directorate: Waste Management, must be implemented:

13.1 Area 1:

13.1.1 Storm water arising on areas adjacent to the composting area must be deviated around the composting area.

13.1.2 All runoff to be collected in a leachate pond.

13.1.3 Groundwater, storm water or runoff may be used for irrigation of the raw material area.

13.1.4 The new pond must be at least 25m x 25m x 1m deep.

13.1.5 Side slopes must be 1h:3v and lined with at least 1.5mm thick High-Density Polyethylene Geomembrane.

13.1.6 Overflow from the pond must be contained in a sump, which must be prevented from overflowing by a required irrigation pump and related infrastructure.

13.1.7 No contamination of the surrounding area is allowed.

13.1.8 The construction of new a channel on the site boundary to capture all surface storm water from the raw material area and discharge into the leachate pond.

13.1.9 No groundwater contamination is allowed.

13.2 Areas 2 and 3:

13.2.1 These areas are to drain into a new grassed v-channel (with subsoil drain 110mm pipe and 500mm stone) and discharged into a new retention pond in the north-western corner with an area of at least 1 250m<sup>2</sup>.

13.2.2 The downstream discharge must take place through the 275mm diameter pipe to the existing adjacent storm water pond.

14. The recommendations made in the Environmental Health Impact Assessment compiled by Khula Environmental Consultants of April 2017 must be implemented.



## H. 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 or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

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* 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 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.

## I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. Should an appeal be lodged with the appeal administrator against the Environmental Authorisation, you are hereby advised of the following:
  - 1.1. An appellant (if the applicant) must –
    - 1.1.1. submit an appeal in accordance with regulation 4 of the *National Appeal Regulations, 2014*, to the appeal administrator and a copy of the appeal to the decision maker, any registered I&APs and any organ of state with interest in the matter within 20 (twenty) days from the date that the notification of the decision was sent to the applicant by the competent authority.
  - 1.2. An appellant (if NOT the applicant) must –
    - 1.2.1 submit an appeal in accordance with regulation 4 of the *National Appeal Regulations, 2014*, to the appeal administrator, and a copy of the appeal to the applicant, any registered I&APs, any organ of state with interest in the matter and the decision maker within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.
2. The applicant (if not the appellant), the decision-maker, I&APs and organs of state must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) days from the date of receipt of the appeal submission.
3. This appeal and responding statement must be submitted to the address listed below:

By post:       Attention: Jaap de Villiers  
                  Western Cape Ministry of Local Government, Environmental Affairs &  
                  Development Planning  
                  Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021-483 3721)  
Room 809, 8th floor Utilitas Building  
1 Dorp Street, Cape Town, 8000; or

By e-mail: [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za)

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the appeal administrator to the address listed above and/ or via e-mail to [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).

4. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### **J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS**

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

## K. DISCLAIMER

The Western Cape Government, the Municipality, 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.

Yours faithfully



---

**ADV. CHARMAINE MARÉ**  
**DIRECTOR: ENVIRONMENTAL GOVERNANCE**

DATE OF DECISION: 27 MARCH 2019

Copied to: (1) Guillaume Nel (EAP)

(2) Mr. Jannie du Toit (STAC Consulting Engineers)

(3) Lesley Wolfensberger-Betts (City of Cape Town)

(4) Shaun Arendse (DEA&DP: Waste Management Licensing)

Fax: (021) 870 1873

Email: [renier@gnec.co.za](mailto:renier@gnec.co.za)

Fax: (021) 913 0619

Email: [jdutoit@stac.co.za](mailto:jdutoit@stac.co.za)

Fax: (021) 980 6179

Email: [Lesley.wolfensbergerBetts@capetown.gov.za](mailto:Lesley.wolfensbergerBetts@capetown.gov.za)

Email: [Shaunarendse@westerncape.gov.za](mailto:Shaunarendse@westerncape.gov.za)