



**REFERENCE:** 19/2/5/4/A4/4/WL0157/18

The Board of Directors  
SmartMatta (Pty) Ltd  
P.O. Box 26384  
**ISIPINGO BEACH**  
4115

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**Attention:** Tim Szoke

**VARIATION OF THE WASTE MANAGEMENT LICENCE ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008), AS AMENDED, FOR THE RECYCLING FACILITY AT 33 DYNAMO WAY, ON ERF 1194, WIMBLEDON ESTATE, BLACKHEATH**

#### WASTE MANAGEMENT LICENCE

##### A. DECISION

I, Eddie Hanekom, in my capacity as the Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as 'the Department'), in terms of the National Environmental Management: Waste Act (NEM: WA), 2008 (Act No. 59 of 2008), as amended, read with the Environmental Impact Assessment (EIA) Regulations, 2014, promulgated in Government Notice (GN) No. R. 982 of 4 December 2014, as amended, hereby, repeal the Waste Management Licence with Reference No.: 19/2/5/4/A4/4/WL0087/17, dated 8 November 2017, based on the variation application received on 11 September 2018, and issue this varied Waste Management Licence to the SmartMatta (Pty) Ltd (hereinafter referred to as 'the Licence Holder') for the Recycling Facility, at 33 Dynamo Way, on Erf No. 1194, Wimbledon Estate, Blackheath (hereinafter referred to as 'the Facility').

## **B. DESCRIPTION OF THE ACTIVITY:**

The activity entails the construction and operation of a waste recycling facility. It will comprise of an enclosed warehouse with all truck movements at the Facility restricted to the north eastern portion. A weighbridge will be located at the north eastern entrance to the Facility and a wash bay will be located north-west of the warehouse. All the waste management activities will be undertaken inside the warehouse which will have a concrete floor. The entire exterior of the Facility will have hard paved surfaces and the storm water drains will be equipped with litter traps.

The Facility will operate 24 (twenty-four) hours a day, 7 (seven) days a week and will comprise of storage, sorting, shredding, grinding, crushing, screening, bailing, recycling or recovery of waste including the refining, utilisation, or co-processing of business waste, by-products, general waste and inert waste. The targeted general waste to be accepted and processed at the Facility is paper, cardboard, plastics, glass, certain scrap metals and other non-hazardous general waste (e.g. compostable material).

In light of the above, the following Category A, 3 listed activities in the NEM: WA, 'List of waste management activities that have, or are likely to have, a detrimental effect on the environment, 2013', Government Notice (GN) No. 921 of 29 November 2013 (GN No. 921), as amended, are hereby authorised:

### Category A

- 3(3) The recycling of general waste at a facility that has an operational area in excess of 500m<sup>2</sup>, excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.
- 3(5) 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.
- 3(12) The construction of a facility for a waste management activity listed in Category A of this Schedule (not in isolation to associated waste management activity).

With regard to the storage, sorting, shredding, grinding, crushing, screening or bailing of the waste at the Facility, as discussed above, the following Category C, 5 listed activities in GN No. 921, may be triggered if the volumes stored are exceeded:

### Category C

- 5(1) The storage of general waste at a facility that has the capacity to store in excess of 100m<sup>3</sup> of general waste at any one time, excluding the storage of waste in lagoons or temporary storage of such waste.
- 5(2) The storage of hazardous waste at a facility that has the capacity to store in excess of 80m<sup>3</sup> of hazardous waste at any one time, excluding the storage of hazardous waste in lagoons or temporary storage of such waste.
- 5(6) The sorting, shredding, grinding, crushing, screening or bailing of general waste at a waste facility that has an operational area that is 1000m<sup>2</sup> and more.

Should these volumes be exceeded, then the Licence Holder would be required to comply with the NEM: WA, 'National Norms and Standards for the Storage of Waste, 2013', GN No. 926 of 29 November 2013 and/or the NEM: WA, 'National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening, Chipping or Bailing of General Waste, 2017', GN No. 1093 of 11 October 2017.

In this Licence, "Director" means the Director: Waste Management of the Western Cape Department of Environmental Affairs and Development Planning, who may be contacted at the address below:

Director: Waste Management  
Department of Environmental Affairs and Development Planning  
Private Bag X 9086  
**CAPE TOWN**  
8000

The Licence Holder appointed the following independent Environmental Assessment Practitioner (EAP) to administer the initial application for the initial Waste Management Licence:

**DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)**

The Board of Directors  
Doug Jeffery Environmental Consultants (Pty) Ltd  
Contact person: Adel Groenewald  
P.O. Box 44  
**KLAPMUTS**  
7600  
Tel.: (021) 875 5272  
Fax: (086) 660 2635  
E-mail: [doug@dougjeff.co.za](mailto:doug@dougjeff.co.za)

The granting of this Waste Management Licence is subject to compliance with the conditions set out in section C.

**C. LICENCE CONDITIONS**

**LICENCE NUMBER:** 19/2/5/4/A4/4/WL0157/18  
**WASTE APPLICATION:** RECYCLING FACILITY  
**LOCATION:** 33 DYNAMO WAY, ERF 1194, WIMBLEDON ESTATE, BLACKHEATH  
**LICENCE HOLDER:** SMARTMATT A (PTY) LTD  
**CONTACT PERSON:** DESIGNATED WASTE MANAGEMENT CONTROL OFFICER  
**ADDRESS:** P.O. BOX 26384, ISIPINGO BEACH, 4115

**1. Location**

- 1.1. This Licence authorises the SmartMatta (Pty) Ltd to construct and operate the Facility at 33 Dynamo Way, on Erf No. 1194, Wimbledon Estate, Blackheath.
- 1.2. Location of property on which Facility is situated:

**Table 1-1: Location of Facility**

Latitude	Longitude
33°57'45.40"S	18°41'9.84"E

- 1.3. The boundaries of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 14 December 2018, submitted by the Licence Holder, which is defined as follows:

**Table 1-2: Footprint of the Facility**

Corner Points	Latitude	Longitude
1	33°57'43.08"S	18°41'8.10"E
2	33°57'45.93"S	18°41'12.39"E
3	33°57'46.77"S	18°41'11.69"E
4	33°57'48.62"S	18°41'11.09"E
5	33°57'48.62"S	18°41'6.73"E

- 1.4. The footprint of the Facility and its associated infrastructure is 14 516m<sup>2</sup>.
- 1.5. The Surveyor General 21 Digit code of the Facility is: C06700020000119400000.

**2. Permissible Waste**

- 2.1. Any portion of the Facility which has been constructed or developed according to condition 5 of this Licence, may be used for the recycling and recovery of waste. Only waste that is classified as general waste, according to the NEM: WA, or any current and future Norms and Standards developed by the Department of Environmental Affairs, is permitted.

- 2.2. If more than 80m<sup>3</sup> of hazardous waste is going to be stored at the Facility, a registration form must be completed, and the waste must be stored in accordance with the relevant NEM: WA, 'National Norms and Standards for the Storage of Waste, 2013' GN No. 926 of 29 November 2013.

**3. Appointment of Waste Management Control Officer/Environmental Control Officer**

- 3.1. The waste management activities that are authorised by this Licence, must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them.
- 3.2. A Waste Management Control Officer (WMCO)/Environmental Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and Environmental Management Programme (EMPr) dated August 2014, prior to any construction activities being undertaken at the Facility. The WMCO/ECO must:
- 3.2.1. report any non-compliance with any Licence conditions or requirements or provisions of NEM: WA to the Licensing Authority through means reasonably available;
  - 3.2.2. identify and submit potential measures to the Licence Holder and the Director in respect of waste minimisation, including the reduction, recovery, re-use and recycling of waste; and
  - 3.2.3. monitor any future construction activities and ensure that the construction plans are carried out in accordance with the approved engineering design.

**4. General Management**

- 4.1. The EMPr for the facility mentioned in condition 3.2, submitted as part of the final BAR, is hereby approved and must be implemented together with all the conditions of this Licence.
- 4.2. An application for the amendment to the EMPr must be submitted to the Licensing Authority if any further amendments are to be made to the EMPr and this may only be implemented once the amended EMPr has been authorised by the Licensing Authority.
- 4.3. Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it. This must be kept at or near the place where those duties will be carried out.
- 4.4. A copy of this Licence and the EMPr must be kept at the Facility where the waste listed activity will be undertaken. The Licence and EMPr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.

**5. Construction**

- 5.1. Construction of the Facility must be in accordance with the final BAR and EMPr as prepared by EAP and must be carried out under the supervision of a WMCO/ ECO, who must submit a declaration to the Director upon completion, that all possible mitigation measures have been put in place and highlight likely deficiencies before the recycling and recovery listed activities may commence.
- 5.2. Construction within the Facility must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990).
- 5.3. The Facility must be constructed in accordance with recognised civil engineering practice.

- 5.4. The Facility, or any portion thereof must be constructed and maintained in such a way that:
- 5.4.1. the formation of pools due to rain is prevented;
  - 5.4.2. free surface runoff of rain-water is ensured; and
  - 5.4.3. contamination of stormwater is prevented.
- 5.5. Any development which occurs within the 1:100-year flood line and/or within 500m from the boundary of a wetland would require a Water Use Licence in terms of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998).

## **6. Facility Security and Access Control**

- 6.1. The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed with a fence and a gate.
- 6.2. Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least 3 (three) official languages applicable to the area. These notices must prohibit unauthorised entry, state the hours of operation, include the types of waste permissible, the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.
- 6.3. The Licence Holder must ensure that there is no illegal access to the Facility.
- 6.4. The Licence Holder shall ensure that all entrance gates are manned during the hours of operation and locked outside the hours of operation.
- 6.5. The Licence Holder must prevent the acceptance of any waste not authorised at the Facility.
- 6.6. All waste loads must be checked at the gate to prevent the management of waste not permitted by this Licence.

## **7. Facility Management and Operations**

- 7.1. The Licence Holder shall retain the responsibility for the Facility, any of its impacts arising from the operations on the environment and its monitoring and ensure that:
- 7.1.1. the presence of any nuisance conditions or health hazards, such as vectors (flies and vermin), dust, windblown litter, obnoxious odours and noise are prevented and monitored on a regular basis and monitoring results thereof are kept in terms of condition 12.
  - 7.1.2. any complaints from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the cause of the complaint within a reasonable timeframe to the satisfaction of the Director and record it in terms of conditions 12 and 13.
- 7.2. Redundant foods and animal feeds should be kept in such a way as not to cause any nuisance conditions to the surrounding areas.
- 7.3. Odour suppression techniques and technologies should be used, if requested by the Director, to mitigate any nuisance conditions resulting from the operation of the Facility.
- 7.4. All truck movements must be restricted to and from the site, along the northern section of Dynamo Way.
- 7.5. Dust created by the daily operations of the Facility must be mitigated as far as possible. Adequate measures must be taken to control dust in terms of the City of Cape Town, Air Quality Management Bylaw, 2010.

- 7.6. Any noise producing equipment must be adequately muffled so as not to create a disturbing noise or noise nuisance to any of the surrounding property owners. The Facility must comply with the Noise Control Regulations P.N. 200/2013, as promulgated under the Environmental Conservation Act, 1989 (Act No. 73 of 1989).
- 7.7. The warehouse should be designed to ensure that the southern, western and eastern walls, as well as the roof, provide adequate airborne sound insulation. Any apertures required for ventilation purposes would need to be fitted with adequate sound attenuators. Sound attenuation may be considered adequate in the absence of nuisance conditions arising from noise complaints.
- 7.8. All waste management activities must be done on hardened surfaces.
- 7.9. Spill kits, which include hydrocarbon absorbent material, must be kept at the Facility and staff must be trained to use these spill kits.
- 7.10. An area must be demarcated for fuelling and workshop services. Any hazardous substances and fuel must be kept in storage areas that are bunded to contain 110% of the volume of the product stored.
- 7.11. The Licence Holder must ensure the health and safety of workers and employees on the Facility, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 7.12. An Emergency Response Plan (ERP) must be implemented, and all staff must be trained in the implementation thereof. The ERP should be regularly updated and must include fire evacuations, injury on duty, accidents, and procedures caused by unexpected hazardous waste ending up at the Facility.

## **8. Environmental Pollution Investigations**

- 8.1. If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or is occurring at the Facility, the Licence Holder must investigate the cause of the problem and take reasonable steps to alleviate the problem in consultation with the Director.
- 8.2. Should the investigation carried out as per condition 8.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

## **9. Runoff Water Quality Management**

- 9.1. Works constructed in compliance with condition 5.4 must, on a continuous basis, be properly maintained.
- 9.2. All runoff water (stormwater) arising as a result of precipitation on land adjacent to the Facility must be prevented from entering the Facility and must be diverted and drained from the Facility, by means of works constructed by the Licence Holder in accordance with condition 5.
- 9.3. The stormwater management system must ensure surface water runoff is properly drained to avoid flooding.
- 9.4. The stormwater channel and grids must be cleared of any windblown litter and all contaminated water must be contained at the Facility and be safely disposed of.
- 9.5. Runoff water arising on the Facility must not come into contact with waste. The collected bales of recyclables must be elevated to prevent contact with run-off water. Pre-consumer waste, which if poses no risk of stormwater contamination, may come into contact with stormwater.

## **10. Monitoring**

- 10.1. Water Quality Monitoring
  - 10.1.1. The stormwater system, grids and channels must be monitored and cleared on a weekly basis of windblown litter and any contaminating substances. These monitoring results must be kept in terms of Condition 11.
- 10.2. Dust emission monitoring
  - 10.2.1. Should dust create nuisance conditions, monitoring shall be done for the durations and at the intervals determined by the City of Cape Town. Dust must be monitored visually continuously however. Mitigation measures must be implemented if the dust creates nuisance conditions.
- 10.3. The Licence Holder must put in place a monitoring and measurement plan that must *inter alia* include:
  - 10.3.1. mass (in tonnes or kilograms) received, recycled, recovered;
  - 10.3.2. transferred;
  - 10.3.3. waste types;
  - 10.3.4. sources and destinations.

## **11. Auditing**

- 11.1. Internal Audits
  - 11.1.1. Internal audits must be conducted quarterly (four times per year) by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor, in the format referred to in condition 11.3, to report the findings of the audits, which must be made available to the external auditor specified in condition 11.2.1 and the Director (if requested), according to condition 11.4.2.
- 11.2. External Audits
  - 11.2.1. The Licence Holder must appoint an independent external auditor to audit the Facility annually (once a year) and this auditor must compile an audit report, in the format referred to in condition 11.3, documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.
  - 11.2.2. The audit report must specifically state whether conditions of this Licence are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.
  - 11.2.3. The audit report must specify target dates for the implementation of the recommendations to achieve compliance and specify whether corrective action which was taken for the previous audits non-conformities was adequate.
  - 11.2.4. Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.
- 11.3. Both the internal and external audit reports must be in accordance with the format as prescribed by the Director.
- 11.4. Departmental Audits and Inspections
  - 11.4.1. The Director reserves the right to audit and/or inspect the Facility without prior notification at any time and at such a frequency as the Director may decide, or to have the Facility audited or inspected.
  - 11.4.2. The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information the Director may require.



11.4.3. The findings of these audits or inspections shall be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

## **12. Record Keeping**

- 12.1. The Licence Holder must keep records of all monitoring results, nuisances and complaints at the Facility.
- 12.2. Accurate records of waste volumes or masses received and recovered must be kept at the Facility and reported to the Department as per condition 12.4.
- 12.3. All records required or resulting from activities required by this Licence must:
- 12.3.1. be legible;
  - 12.3.2. be made available and should form part of any audit report;
  - 12.3.3. be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - 12.3.4. be retained in accordance with documented procedures which are approved by the Department; and
  - 12.3.5. be made available upon the request of the Director.
- 12.4. The Licence Holder must register and report all waste volumes or masses received, recovered, or stored to the Department's Integrated Pollutant and Waste Information System (IPWIS), which can be accessed on the URL: <http://ipwis.pgwc.gov.za/ipwis3/public>, as required by the Director.

## **13. Reporting**

- 13.1. The Licence Holder must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident at the Facility, which has the potential to cause, disruption in the normal operation of the Facility, or has caused water pollution, pollution of the environment, health risks or nuisance conditions.
- 13.2. The Licence Holder must, within 14 (fourteen) days, or as specified by the Director from the occurrence or detection of any incident referred to in condition 13.1, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by management, to the satisfaction of the Director of measures taken to: –
- 13.2.1. correct the impact resulting from the incident;
  - 13.2.2. prevent the incident from causing any further impact; and
  - 13.2.3. prevent a recurrence of a similar incident.
- 13.3. In the event that measures have not been implemented within 21 (twenty-one) days of the incident to address impacts caused by the incident referred to in condition 13.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 13.4. The Licence Holder must keep and maintain an incident and complaints register, which must be made available to both external and Departmental auditors for the purpose of their audits.
- 13.5. The Department must be notified within 7 (seven) days of any changes to the management of the Facility including the name of the incoming person together with evidence that such person has the required technical competence.
- 13.6. The Department must be notified within 14 (fourteen) days of the following changes:
- 13.6.1. Licence Holder's trading name, registered name or registered office address;
  - 13.6.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and

- 13.6.3. Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 13.7. All internal and external audit reports must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.
- 13.8. The Department must be notified without delay in the case of the following:
  - 13.8.1. Any malfunction, breakdown of failure of equipment or techniques, accident or fugitive emission, which has caused, is causing or may cause significant pollution;
  - 13.8.2. The breach of conditions of this Licence; and
  - 13.8.3. Any significant adverse environmental and health effects.
- 13.9. Prior written notification must be given to the Director of the following events and within the specified timeframes:
  - 13.9.1. As soon as practicable prior to the permanent cessation of any operational activities;
  - 13.9.2. Full or partial cessation of the decommissioning activities for a period likely to exceed 3 (three) months; and
  - 13.9.3. Full or partial resumption of the decommissioning of all or part of the activities after a cessation notified under (13.9.2) above.

#### **14. Leasing and Alienation of the Facility**

- 14.1. Should the Licence Holder want to alienate or lease the Facility, he/she shall notify the Director in writing of such an intention at least 120 (one hundred and twenty) days prior to the said transaction. Should the approval be granted, the subsequent Licence Holder shall remain liable to compliance with all Licence conditions.

#### **15. Transfer of Licence**

- 15.1. Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM: WA.
- 15.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.

#### **16. Rehabilitation and closure of the facility**

- 16.1. In accordance with Government Notice No. 921 of 29 November 2013, or any amendments thereto, a waste management licence is required for the decommissioning of the Facility. The Licence Holder must therefore submit a waste management licence application should he/she intend to decommission the Facility.
- 16.2. The Licence Holder must rehabilitate the Facility or any portion thereof, in accordance with a closure report and rehabilitation plan, which must be submitted to the Director for approval at least one year prior to the intended closure of the Facility, or any portion thereof.
- 16.3. The Licence Holder shall remain responsible for the Facility, and/or any of its impacts on the environment, after operations at the Facility have ceased.

#### **17. Commencement**

- 17.1. The activities hereby Licenced may not commence within 20 (twenty) days of the date of signature of this Licence.

- 17.2. Should the Licence Holder be notified by the Director of a suspension of the Licence pending any appeals decision on the authorized activities, he/she may not commence with the activities until authorised by the Director in writing.
- 17.3. After the 20 (twenty) day appeal period has expired and no good cause to extend the appeal period has been submitted, a written notice must be given to the Department that the activity will commence.
- 17.4. This activity must commence within a period of 4 (four) years from the date of first issue. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for waste management licence must be made in order for the activity to be undertaken.
- 17.5. If the proponent anticipates that commencement of the activity would not occur within the 4 (four) year period, he/she must apply and show good cause for an extension of the Licence 6 (six) months prior to its expiry date.

## **18. General**

- 18.1. This Licence shall not be transferable unless such transfer is subject to condition 15 above.
- 18.2. This Licence shall not be construed as exempting the Licence Holder from compliance with the provisions of any National and Provincial Legislation and relevant Ordinance, Regulation, By-laws and relevant National Norms and Standards.
- 18.3. Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 18.4. Transgression of any condition of this Licence could result in the suspension of the Licence by the Licensing Authority and may render the Licence Holder liable for criminal prosecution or other actions provided for in Section 67(1) of the NEM: WA, 2008.
- 18.5. This Licence is valid for a period of 10 (ten) years from the date of first issue of this Licence. The licence may be reviewed any time before that date. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn, or the validity thereof extended.
- 18.6. If in the opinion of the Director, continuous nuisance conditions are caused by the daily operations of the Facility, the Director may institute a Monitoring Committee to be established for the Facility.
- 18.7. Should the Licence Holder want to conduct the waste management activity beyond 10 (ten) years, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 18.8. In terms of sections 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and sections 19 and 20 of the National Water Act (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understands the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

#### **D. APPEAL OF LICENCE**

1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
2. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
  - 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 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.
- 2.3 An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered I&APs by the holder:
  - 2.3.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
  - 2.3.2 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.
- 2.4 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.
- 2.5 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 J. de Villiers (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 [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).

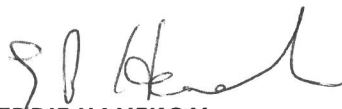
A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

**E. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of the Licence 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 greatly appreciated.

Yours faithfully,



**EDDIE HANEKOM**

**DIRECTOR: WASTE MANAGEMENT**

**DATE OF DECISION:** 19-10-2018

## ANNEXURE I

### **A. REASONS FOR THIS VARIATION OF THE DECISION (APPEALABLE)**

The reasons for the variation of the decision, as well as factors affecting the broader development that were considered to ensure the effective implementation of this Licence, are explained below:

The Department reviewed original Waste Management Licence according to section 54(1) of the NEM: WA, which states:

*"(1) A licensing authority may, by written notice to the holder of a waste management licence, vary the licence-*

*(d) to make a non-substantive amendment; (or)*

*(e) at the written request of the holder of the waste management licence".*

The Department also considered Regulation 29 of the Environmental Impact Assessment Regulations, 2014, which states:

*"An environmental authorisation may be amended by following the process prescribed in this Part if the amendment—*

*(a) will not change the scope of a valid environmental authorisation, nor increase the level or nature of the impact, which impact was initially assessed and considered when application was made for an environmental authorisation; or*

*(b) relates to the change of ownership or transfer of rights and obligations."*

The review and subsequent non-substantive variation of the decision was performed based on the variation application received on 11 September 2018, to align the Waste Management Licence conditions with current waste legislation, through repealing the existing Waste Management Licence, and issuing this Waste Management Licence.

The Licence Holder submitted the application to vary the conditions regarding sound attenuation, stormwater and dust management as well as external auditing and other non-substantive conditions, such as the Surveyor General 21-digit code. These conditions were varied to clarify their requirements and practicality by removing any ambiguity in the conditions:

- SG 21 digit code in condition 1.5 was updated;
- A sentence was added in condition 7.7, to specify that sound attenuation may be considered adequate in the absence on nuisance conditions arising from noise complaints. Thus far, no noise complaints have been received by the Licence Holder. The use of the word "adequate" in the previous Licence was unclear and therefore open to interpretation;
- The condition which required that skips to be clearly marked was removed, because material brought into the Facility's depot bins, skips or containers are being traced through the Waste Manifest System that includes the bin, skip or container number;
- Condition 9.5 was varied to allow stormwater to make contact with clean pre-consumer waste if such waste does not pose a risk of stormwater contamination. The Licence Holder specified that occasionally clean pre-consumer waste will be stored in bulk bags, which poses no risk of stormwater contamination;
- The requirements for dust control mitigatory measures specified in condition 7.5 was varied to clearly state that the Licence Holder must comply with the City of Cape Town's Air Quality Management Bylaw. The activities carried out at this Facility does not produce high levels of dust. Granulation is the only activity which produces dust, but it is contained in a indoor environment. The Occupational Hygiene Survey done in 2017 reflected that the dust levels were safe and insignificant. Continuous monitoring of the dust levels, as previously required, would add no value to the operation of the Facility, but would be costly; and

The previous variation of the Licence dealt with the change in frequency for external auditing of the Facility. The frequency of external auditing was reduced from twice per year to once per year. Although, this amendment was applied for, the previous variation had already fixed the issue.

Only these latent changes are appealable during the appeals window period. The activity as originally proposed, remains unchanged. Therefore, the non-substantive variations were reflected above.

The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to vary the Waste Management Licence conditions as the impacts associated with the proposed activity were assessed during the EIA process.

**B. REASONS FOR VARIATION OF THE DECISION (NOT APPEALABLE)**

The waste management activities licenced above have been considered in the broader context of the integrated waste management planning for the City of Cape Town. The reasons for this Licence decision, as well as the factors affecting the broader development that were considered in the EIA application to ensure the effective implementation of this Licence, are explained below. All the following information that was available to the Department was taken into account in the Department's consideration of the application:

1. The Department received an application on 3 October 2017 for the variation of condition 9.2.1 "*The Licence Holder must appoint an independent external auditor to audit the Facility bi-annually (twice per year)*" to "*The Licence Holder must appoint an independent external auditor to audit the Facility annually (once a year)*".

**C. REASONS FOR VARIATION OF THE DECISION (NOT APPEALABLE)**

The waste management activities licenced above have been considered in the broader context of the integrated waste management planning for the City of Cape Town. The reasons for this Licence decision, as well as the factors affecting the broader development that were considered in the EIA application to ensure the effective implementation of this Licence, are explained below. All the following information that was available to the Department was taken into account in the Department's consideration of the application:

1. The Department received an application on 15 December 2016 for the change in name and refinement of the building design of WML from Re-ethical Environmental Re-engineering (KZN) (Pty) Ltd., to Smartmatta (Pty) Ltd. In addition, changes were made to the original licence validity period in accordance with condition 17.4 and 17.5 of the waste management licence.
2. Category A 3(3): "The recycling of general waste at a facility that has an operational area in excess of 500m<sup>2</sup>, excluding recycling that takes place as an integral part of an internal manufacturing process within the same premises.", have been included within the amended WML, as this activity has been applied for and assessed during the original Basic Assessment Report for the WML.
3. A new building design was submitted to the Department for the refinement of the current building design, as well as a specialist report from Jongens Keet Associates, indicating that the revised site plan will not cause a change in noise impact.
4. This Licence repeals the previous Waste Management Licence issued to Re-ethical Environmental Re-engineering (KZN) (Pty) Ltd., by the Department on 10 December 2014.

**D. REASONS FOR THE ORIGINAL DECISION TO ISSUE THE LICENCE (NOT APPEALABLE):**

The reasons for the licence decision, as well as factors affecting the broader development that were considered to ensure the effective implementation of this Licence, are explained below.

The following information was available to the Department which was taken into account in the Department's consideration of the application:

- (a) The information contained in the Application Form for a Waste Management Licence, dated October 2014, compiled by Doug Jeffery Environmental Consultants (Pty) Ltd;
- (b) The Basic Assessment Report (BAR), dated August 2014, compiled by Doug Jeffery Environmental Consultants (Pty) Ltd;
- (c) The Waste Management Licence Application Additional Information Annexure, dated August 2014, compiled by Doug Jeffery Environmental Consultants (Pty) Ltd;
- (d) Comments raised by Interested and Affected Parties (I&AP's) throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (e) A Facility inspection undertaken by Marius Venter and Waleed Galvaan from this Department on 26 November 2014;
- (f) Relevant information contained in the Departmental information base; and
- (g) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA.



A summary of the issues, which, in the Department's view were of the most significance, are set out below.

### **Deviation**

The applicant deviated from public participation requirements in terms of Regulation 54(2)(b)(iii) of Government Notice No. R. 543 of 18 June 2010. The Department accepts the motivation due to the following reasons:

- (a) Landowners of adjacent land will be notified in writing via post. Notifying occupiers of the land adjacent to the site becomes very difficult since it is seldom that most occupiers are home during the day, and an occupier could easily be overlooked if he/she is residing in a dwelling structure at the back of an erf. Notification letters distributed via a letter drop was undertaken to notify as many occupiers as possible of the adjacent properties.

### **Alternatives**

The following alternative was considered:

#### **Site Alternative**

No site alternatives have been assessed.

#### **Activity Alternative**

No activity alternatives have been assessed.

#### **Design Alternative**

Two layout alternatives were assessed. The preferred alternative would address all noise related issues and was seen as the best option.

#### **No-go alternative**

The No-go alternative would involve no change to the existing site, i.e. the facility remains as is. This is does not seem to be feasible or reasonable as the area is zoned for General Industrial.

### **Environment**

The Facility is located in Blackheath Industria. The site itself is bound by Dynamo Way along its eastern boundary. The remainder of the property is bounded by vacant land for the most part with scattered industrial developments surrounding the site and directly bounding the property to the north. Residential developments are located to the south and west of the site.

The site is underlain by quartzite sandstone of the Peninsula Formation of the Table Mountain Group. The soil class is imperfectly drained and sandy soils. There is no surface water present on or immediately adjacent to the site.

The site is considered degraded as it includes areas heavily invaded by alien plants.

### **Public Participation Process**

The Public Participation Process in terms of the 2010 NEMA EIA Regulation GN R. 543 comprised of the following:

- (a) Advertisements were placed in the Cape Times and Tygerburger on 14 May 2014;

- (b) A Notice Boards was erected at the entrance to the property on 14 May 2014;
- (c) Notification via registered mail sent to neighbouring landowners and stakeholders on 8 May 2014;
- (d) The 40-day comment period for the draft BAR that was made available to State Departments and Interested and Affected Parties from the 14 May to 25 June 2014; and
- (e) The 21-day comment period for the final BAR that was made available to State Departments and Interested and Affected Parties that ended on 22 September 2014.

### **Authorities Consultation**

The authorities consulted include the following:

- (a) Department of Environmental Affairs and Development Planning: Pollution Management;
- (b) City of Cape Town: Environmental and Heritage Management;
- (c) City of Cape Town: Integrated Transport Planning;
- (d) City of Cape Town: Air Quality;
- (e) City of Cape Town: Specialised Services;
- (f) City of Cape Town: Town Planning;
- (g) City of Cape Town: Solid Waste Management.

Comments and recommendations provided by the relevant authorities have been considered in the evaluation of this application. No authorities objected to the closure of the Facility. Where possible and relevant, the conditions imposed by these authorities have been included in the Licence.

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