

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)**

Case No. 12994/21

In the matter between:

OBSERVATORY CIVIC ASSOCIATION First Applicant

**GORINGHAICONA KHOI KHOIN
INDIGENOUS TRADITIONAL COUNCIL** Second Applicant

and

**TRUSTEES FOR THE TIME BEING OF
LIESBEEK LEISURE PROPERTIES TRUST** First Respondent

HERITAGE WESTERN CAPE Second Respondent

CITY OF CAPE TOWN Third Respondent

**THE DIRECTOR: DEVELOPMENT MANAGEMENT
(REGION 1), LOCAL GOVERNMENT, ENVIRONMENTAL
AFFAIRS & DEVELOPMENT PLANNING, WESTERN
CAPE PROVINCIAL GOVERNMENT** Fourth Respondent

**THE MINISTER FOR LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS & DEVELOPMENT
PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT** Fifth Respondent

**CHAIRPERSON OF THE MUNICIPAL PLANNING
TRIBUNAL OF THE CITY OF CAPE TOWN** Sixth Respondent

EXECUTIVE MAYOR, CITY OF CAPE TOWN Seventh Respondent

WESTERN CAPE FIRST NATIONS COLLECTIVE Eighth Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

MATTHEW CHARLES LAW,


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do hereby make oath and declare as follows:

1. I am an environmental economist and management consultant, and a certified Environmental Assessment Practitioner (EAP) accredited by the Environmental Assessment Practitioners Association of South Africa (EAPASA - registration number 2019-488). I hold the following degrees from Rhodes University: BSc, Environmental Science and Economics (2004), BSc (Hons), Economics (2005) and M.Com (Resource Economics) (2007). A copy of my *curriculum vitae* is attached hereto, marked Annexure "ML1".
2. Unless the context indicates otherwise, the facts deposed to in this affidavit are within my personal knowledge and are, to the best of my belief, both true and accurate.
3. I have more than 14 years' experience in the environmental management field. Key expertise includes undertaking environmental impact assessments (EIA) throughout Southern Africa, drafting regulated EIA reports (i.e. scoping reports, EIA reports, basic assessment reports and environmental management programmes), and the legislative framework governing environmental authorisations, mining right applications, waste management and water use licensing. In addition, I am a qualified and experienced environmental economist.
4. Between Jan. 2006 – Apr. 2007, I was employed by Rhodes University as a Resource Economics Researcher. Between Apr. 2007 – Apr. 2008, I practised as an environmental consultant at AVDS Environmental Consultants and have been practising as an EAP and environmental economist at SRK Consulting since April 2008.



5. I was appointed as the first respondent's EAP responsible for the basic assessment process required for the River Club development. I confirm that I was the principal author of the basic assessment report.
6. I have read the founding affidavit filed by the applicants and deposed to by Prof. Leslie London dated 1 August 2021, as well as the accompanying affidavits of Mr. T Jenkins, Ms. B O'Donoghue and Ms. D Prins-Solani.
7. I have also read the first respondent's answering affidavit deposed to by Mr. Jody Aufrichtig dated 24 August 2021 and confirm that, the contents of his affidavit are true and correct insofar as it pertains to me.
8. I note that when SRK terminated Ms O'Donoghue's appointment as detailed at paragraph 258 of the affidavit, it did so at the behest of the LLPT. A minor correction to paragraph 257 is that the LLPT subsequently appointed Dr. Townsend, Mr. Hart and Mr Arendse.
9. I confirm further that the statements in the answering affidavit regarding the basic assessment report are correct and that I have no reservations about the expertise or independence of any of the heritage practitioners.



MATTHEW CHARLES LAW

I certify that:

The deponent acknowledged to me that:

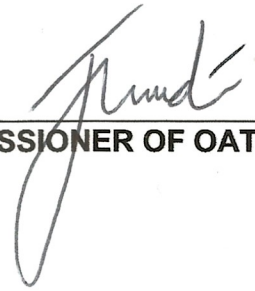
1. He knows and understands the contents of this declaration;
2. He has no objection to taking the prescribed oath;
3. He considers the prescribed oath binding on his conscience.

The deponent thereafter uttered the words: "I swear that the contents of this declaration is true and correct, so help me God".



MCL

The deponent signed the declaration in my presence at the address set out hereunder on this the 10th day of **SEPTEMBER 2021**.



COMMISSIONER OF OATHS

Full names: Jacques Naudé
 Capacity: Attorney
 Address: Boshoff Mokweni Att.
 33 Church Street
 Cape Town

Jacques Naudé
 COMMISSIONER OF OATHS
 Practising Attorney
 10th Floor, Vunani Chambers
 33 Church Street
 CAPE TOWN
 Tel: 021 422 4855

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Matthew Law

Principal Environmental Management Consultant



Profession Principal Environmental Consultant and Economist

Nationality South African

Education MCom, Resource Economics, 2007
BSc (Hons), Economics, 2005
BSc, Environmental Science and Economics, 2004

Registrations and Affiliations Registered Environmental Assessment Practitioner (EAP): 2019-488
IAIAsa (International Association for Impact Assessment – South Africa): Member

Specialisation Environmental Impact Assessment, Economic Impact Assessment; Environmental Management Planning, Development Planning / Project Scoping

Expertise Matthew Law has 14 years' experience in the environmental sector, including Environmental Impact Assessment (throughout Southern Africa), Environmental Permitting (including waste, water and heritage), Environmental Management Planning and Environmental Auditing. Matthew has extensive experience in the mining sector, and detailed knowledge of and practical experience with legislation governing applications relating to environmental authorisations, mining right applications and waste management and water use licensing.

Matthew regularly undertakes Economic Impact Assessments to inform Social and Environmental Impact Assessment processes. In addition, Matthew has experience in environmental valuation and assessing ecosystems services, and in a number of Social and Economic Impact Assessments for resource based projects in South and Central Africa. Matthew is also a certified Environmental Assessment Practitioner.

Employment

2008 - present SRK Consulting Pty (Ltd), Environmental Management Consultant
2007 - 2008 AVDS Environmental Consultants, Environmental Management Consultant
2006 - 2007 Rhodes University: Department of Entomology, Resource Economics Consultant

Languages English – read, write, speak (Excellent)
Afrikaans – read, write, speak (Fair)



Matthew Law
Principal Consultant**Environmental (and Social) Impact Assessment (EIA or ESIA)**

- Mineral Sands Resources, EIA for the proposed inland extension of Tormin Mine on Farm Geelwaal Karoo 262, Lutzville, Western Cape, 2021 – ongoing, R2.4 million
- Eskom, Screening study for ~200 km 275 kV transmission powerline, Western Cape, 2019 – ongoing, R5 million
- Tronox Mineral Sands, EIA for in-pit residue storage facility at Namakwa Sands Mine, Brand se Baai, Western Cape, 2019 – ongoing, R1.7 million
- Human Settlements Holistic Services, EIA for affordable housing development, Cape Town, Western Cape, 2019 – ongoing, R200k
- Tronox Mineral Sands, EIA for prospecting in the “coastal setback” at Namakwa Sands Mine, Brand se Baai, Western Cape, 2018 – ongoing, R800k
- Motaengil Africa, IFC compliant EIA for Private Hospital, Luanda, Angola, 2018 – 2019, R640k
- City of Cape Town (Aurecon), EIA for the decommissioning of a power station, Cape Town, Western Cape, 2018 – ongoing, R530k
- Angola Environmental Services, EIA for waste transfer facility, Soyo, Angola, R180k
- Angola Environmental Services, EIA for waste management facilities, Luanda, Angola, R180k
- Eskom, EIA for 66 kV Hex - Sandhills powerline Hex River Valley, Western Cape, 2017 - suspended, R340 000
- Eskom, EIA for 66 kV Hugo - Osplaas powerline Hex River Valley, Western Cape, 2017 - suspended, R360 000
- Eskom, EIA for 132 / 66 kV Ceres - Witzenburg powerline Ceres, Western Cape, 2017 - ongoing, R330 000
- Angola Environmental Services, EIA for two waste management facilities at the Sonils base, Luanda, Angola, 2017, R300 000
- Eskom, EIA for 132 / 66 kV Romansrivier powerline Ceres, Western Cape, 2017, R500 000
- Angola Environmental Services, EIA for hazardous waste landfill, Bengo Province, Angola, 2017 – Ongoing, R800 000
- Angola Environmental Services, EIA amendment for expansion of Hazardous Waste Landfill, Soyo, Angola, 2017 – Ongoing, R170 000
- MSR, EIA for expansion of mining activities at Tormin Heavy Mineral Sands Mine, Koekenaap, Western Cape, 2016 – 2018, R1 200 000
- Peninsula Energy, Strategic input into PEL Karoo Uranium EIA processes and project review, Western and Eastern Cape, 2016 – 2017, R250 000
- Eskom, Basic Assessment for expansion of oil recycling facility, Brackenfell, Western Cape, 2016 – 2018, R160 000
- Tronox Mineral Sands (Pty) Ltd, Environmental Impact Assessment (EIA) for Waste Management Licence for West Mine Slimes Dam 6, Brand se Baai, Western Cape, 2015 – 2017, R900 000


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Matthew Law Principal Consultant

- Liesbeek Leisure Properties Trust, Redevelopment of the River Club Property (Mixed Use Development), EIA for redevelopment, Observatory, Western Cape, 2015 – ongoing, R1 000 000
- Saldanha Bay Municipality, EIA for stormwater detention facilities and associated infrastructure at Middelpoos, Saldanha Bay, Western Cape, 2015 – 2018, R120 000
- Liesbeek Leisure Properties Trust, Preliminary consulting for future redevelopment of the River Club, Observatory, Western Cape, 2015, R30,000
- Nadeson Consulting Services, Various applications for the authorisation of stormwater infrastructure, Saldanha Bay and Langebaan, 2014 – 2017, R300,000
- Sonangol Exploration, EIA for Seismic Survey of Kwanza Onshore Blocks 11 and 12, Kissama, Angola, 2014, R600,000
- Tronox Mineral Sands (Pty) Ltd, Environmental Impact Assessment (EIA) for amendments to the East OFS Project, Brand se Baai, West Coast, South Africa, 2014 – 2016, R1 400,000
- Angola Environmental Services, EIA for Landfill, Soyo, Angola, 2013, US \$120,000
- Sonangol, EIA for Optic Fibre Cable Landing Sites, Various, Angola, 2013, US \$60,000
- Western Cape Department of Human Settlements, Various environmental assessments for low cost housing developments, West Coast District, Western Cape, 2013, R1 000,000+
- Angola Environmental Services, EIA for Thermal Desorption Facility, Soyo, Angola, 2013, US \$120,000
- Langeberg Municipality, BA for Waste Management Licence, Bonnievale, Western Cape, 2012 – 2013, R300,000
- Transnet National Ports Authority, BA for Environmental Authorisation, Saldanha Bay, Western Cape, 2012 – 2013, R250,000
- Airports Company of South Africa, BA for Environmental Authorisation, Cape Town International Airport, Cape Town, Western Cape, 2012 – 2013, R140,000
- Viaquin Investments, EIA and Environmental Management Programme (EMPr) for Prospecting Right, North of Vanrhyndorp, West Coast, South Africa, 2012, R80,000
- Tecmad, Retrospective EIA for Environmental Licence, Lucapa, Lunda Norte, Angola, 2012, R250,000
- Tronox, EIA and EMPr for Mining Right, EIA and EMPr for Mining Right, Brand se Baai, West Coast, South Africa, 2012 – 2016, R1 500,000
- Rareco / GWMD, EIA and EMPr amendment application for Mining Right, Vanrhyndorp, Western Cape, South Africa, 2011 (suspended mid process), R800 000 (EIA component only)
- Ranor Karoo Farm Holdings cc, EIA for Environmental Authorisation, Richmond, Northern Cape, South Africa, 2010 – 2014, R400,000
- Overstrand Municipality, BA for Environmental Authorisation, Hemel en Aarde, Western Cape, 2009 – 2011, R400,000
- Sonangol Logistica, EIAs for Environmental Licences for 6 fuel installations, Angola – Malange, Lubango and Luanda, 2010, US \$250,000
- Symphony Land Venture, BA for Environmental Authorisation, Cape Town, Western Cape, South Africa, 2009, R300,000
- HMG JV – Transnet, EIA for Environmental Authorisation, Saldanha Bay, Western Cape, South Africa, 2008 – 2009 (suspended mid process), R25 000,000



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- Symphony Land Venture, BA for Environmental Authorisation, Philippi, Western Cape, South Africa, 2008 – 2009, R200,000
- Worcester Land Trust, BA for Environmental Authorisation, Worcester, 2008 – 2009, R200,000

Economic Assessments

- Transnet Port Terminals, Social Impact Assessment for increased manganese handling at the Multipurpose Terminal at the Port of Saldanha, Saldanha, Western Cape, 2021 – ongoing, R120 000
- Department of Environmental Affairs and Development Planning, Environmental / resource economics valuation of the Papenkuils Wetland, Worcester, Western Cape, 2020, R500 000
- Departments of Public Works and Basic Education (via Nature Works), Socio-economic impact assessment for district hospital and public school, Somerset West, Western Cape, 2020, R80 000
- Anglo Gold Ashanti, Economic Baseline Report for Siguiri Gold Mine, Guinea, 2018, R130 000
- Pam Golding / Pennyroyal (Gibraltar) Ltd., Economics benefits analysis of Amber Resort Development, Zanzibar, Tanzania, 2017, R300 000
- Tronox Mineral Sands, Socio-Economic Impact Assessment of Mining and Associated Operations, Matzikama Municipality, Western Cape, 2017, R120 000
- Liesbeek Leisure Properties Trust, Review of Socio-Economic Impact Assessment for mixed-use development for River Club Redevelopment EIA, Cape Town, Western Cape, 2016 – Ongoing, R80 000
- Eskom, Socio-economic Impact Assessment for Koeberg Spent Nuclear Fuel Transient Interim Storage Facility, Cape Town, Western Cape, 2015, R60 000
- West Coast District Municipality , Economic baseline for District and Local Municipalities and CBA for ICMP Management Priorities, West Coast, South Africa, 2012, R70,000 (economic component only)
- Elemental Minerals Limited, Economic Impact Assessment, Pointe Noire, Congo Brazzaville, 2011 – 2012, US \$30,000
- AF-ROM Energy, Socio-economic Impact Assessment, Eastern Cape, South Africa, 2012, R60 000
- Rareco / GWMD, Socio-economic Impact Assessment, Vanrhynsdorp, Western Cape, South Africa, 2011, R60,000
- Mafutha Coal to Liquids Facility, Macro Economic Impact Assessment, Limpopo, South Africa, 2010 - 2011, R300,000
- Reko Diq Gold and Copper Mine EIA, Review of Economic Impact Assessment, Pakistan, 2010, R50,000
- Working for Water (South Africa), Solicited thesis that quantified the benefit of water hyacinth control measures using various techniques including contingent valuation, Nahoon, East London, 2006 – 2007, R200,000
- Rhodes University Department of Entomology / Working for Water (South Africa), Cost benefit analysis, Hluhluwe Umfolozi Park, Kwazulu Natal, 2006, R30,000
- Rhodes University Department of Entomology / Working for Water (South Africa), Cost benefit analysis, Enseni Nature Reserve, Kwazulu Natal, 2005, R40,000

Environmental Planning

- Kudumane Manganese Resources, EMP Amendment for KMR Manganese Mine, Hotazel, Northern Cape, 2017 – 2018, R170 000
- St Gobain, NEMA compliant EMP for gypsum mine, Vanrhynsdorp, Western Cape, 2016, R350 000



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Matthew Law

Principal Consultant

- Breede River Winelands Municipality, Environmental Management Framework, Breede River Winelands Municipality, Western Cape, 2010 / 2011 (Ongoing), R1 600,000
- Eigendom Broiler Farm, Operation Management and Monitoring Plan, Eigendom Farm, Gauteng, 2010, R60,000
- Brandwacht Developments (Pty) Ltd, Construction and Operation Management Plans, Stellenbosch, Western Cape, 2010, R50,000
- City of Cape Town, Environmental Management Framework, Cape Town, Western Cape, South Africa, 2008, R500,000

Environmental Control

- Eskom, Bi-monthly inspections of installation of new powerline, Goedverwacht, Western Cape, 2016, R170 000
- Engen, Environmental Control Officer, Milnerton, Western Cape, South Africa, 2008 – 2011, R300,000
- Brandwacht Land Development (Pty) Ltd, Environmental Control Officer, Stellenbosch, Western Cape, South Africa, 2010 – 2011, R80,000
- Airport Company of South Africa Environmental Control Officer, 2009 – 2010, R60,000
- Communicare, Environmental Control Officer, Goodwood, Western Cape South Africa, 2008 – 2009, R100,000
- Various (~20 separate appointments), Environmental Control Officer, Noordhoek, Western Cape, South Africa, 2007 – 2008, R100,000

Other Environmental Projects

- Mineral Sands Resources, Baseline for the potential future inland extension of Tormin Mine on site De Punt, Lutzville, Western Cape, 2021 – ongoing, R180 000
- Tronox Mineral Sands, Screening study to provide environmental input into the site selection process for the Sand Tailings Facility (STF) and the preferred In-Pit Residue Storage Facility (RSF) at the Namakwa Sands Mine, Brand se Baai, Western Cape, 2020, R300k
- Tronox Mineral Sands, Application for the exclusion of tailings as a waste stream in terms of NEM:WA at the Namakwa Sands Mine, Brand se Baai, Western Cape, 2020 - ongoing, R130k
- Black Mountain Mining (Vedanta), Black Mountain and Gamsberg Mines Water Use Licence and Regulation 704 External Audit, Aggeneys, Northern Cape, 2020, R115k
- Black Mountain Mining (Vedanta), Black Mountain Mine Bi-annual External EMPr Audit, Aggeneys, Northern Cape, 2020, R60k
- Tronox Mineral Sands, Surveillance monitoring and assessment of rehabilitation performance at the Namakwa Sands Mine, Brand se Baai, Western Cape, 2020, R270k
- Tronox Mineral Sands, Investigation into the effect of soil salinity levels on rehabilitation performance at Namakwa Sands Mine, Brand se Baai, Western Cape, 2020, R240k
- Tronox Mineral Sands, Survey of floral species of conservation concern in expansion areas to determine regional rareness and sensitivity of these species at Namakwa Sands Mine, Brand se Baai, Western Cape, 2020, R170k
- Tronox Mineral Sands, Palaeontological Field Manual, Brand se Baai, Western Cape, 2020, R90k
- Tronox Mineral Sands, Update of Rehabilitation Manual, Brand se Baai, Western Cape, 2020, R130k



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Matthew Law

Principal Consultant

- Tronox Mineral Sands, Watercourse habitat assessment and rehabilitation monitoring plan, Brand se Baai, Western Cape, 2019, R170k
- LA Fuels and Ecoservices, 24G Application for illegal reconstruction of solvent and oil recycling facility, Bellville, Cape Town, 2019 – ongoing, R170 000
- Black Mountain Mining (Vedanta), Black Mountain and Gamsberg Mines Integrated Water and Waste Management Plan Annual external audit, Aggeneys, Northern Cape, 2019, R120k
- Black Mountain Mining (Vedanta), Black Mountain and Gamsberg Mines: Bi-annual external audit of EMPs, Aggeneys, Northern Cape, 2019, R100k
- Black Mountain Mining (Vedanta), Black Mountain and Gamsberg Mines: Integrated Water and Waste Management Plan annual external audit, Northern Cape, 2018, R120k
- Spectrum Cannabis, Medical Marijuana Farm and Processing Facility Due Diligence, Malmesbury, Western Cape, 2018, R120k
- Peninsula Energy Limited, Ryst Kuil and Quaggasfontein Uranium Mines Strategic EIA advisory services to proponent: Environmental legislation expert and process strategist, Western and Eastern Cape, 2017 – 2018, R230 000
- Zenprop, Water Use Licence for groundwater abstraction at the Table Bay Mall, Cape Town, 2018, R90 000
- MSR, EIA for expansion of heavy mineral beach sand mining and inland mining: Project consultant and process strategist, Keokenaap, Western Cape, 2017 – ongoing, R370 000
- Eskom, Water Use Licence Applications for Romansrivier, Witzenburg, Hex – Sandhills and Hugo – Osplaas Powerlines, Western Cape, 2017 – ongoing, R350 000
- Liesbeek Leisure Properties Trust, NEMA Checklist of Applicability for the storage of fill material for River Club Redevelopment, Observatory, Western Cape, 2017, R30 000
- Liesbeek Leisure Properties Trust, Water Use Licence of the storage of fill material for River Club Redevelopment, Observatory, Western Cape, 2017, R60 000
- Atlantic Salmon, Water Use Licence for salmon aquaculture and orchards, Elands Bay, Western Cape, 2016, R40 000
- Eskom, Water Use Licence for construction of power lines, over Gamagara River, Kathu, Northern Cape, 2016, R60 000
- Tronox, EMPr performance review of various EMPr for mining activities, Brand-se-Baai, Western Cape, 2016, R240 000
- Liesbeek Leisure Properties Trust, Water Use Licence application for River Club Redevelopment, Observatory, Western Cape, 2016 – ongoing, R40 000
- Tronox, Development of Closure Commitments and Rehabilitation Monitoring Plan for Namakwa Sands Mine, Brand-se-Baai, Western Cape, 2015 – 2016, R600 000
- Nadeson Consulting Services, Water Use Authorisation Application for upgrade of sidewalk, Wellington, Western Cape, 2015, R40 000
- Atlantic Renewable Energy Partners (Pty) Ltd, Preliminary Water Use Licence Application for Bloemsmoed 1 and 2 Solar Farms, Upington, Northern Cape, 2015, R45 000
- Nadeson Consulting Services, Maintenance Management Plan for Stormwater Outlet, Langebaan, Western Cape, 2015, R50 000



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Matthew Law

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- Atlantic Renewable Energy Partners (Pty) Ltd, Water Use Licence Application for Sirius Solar One Solar Farm, Upington, Northern Cape, 2015, R130 000
- Aurora Power Solutions (Pty) Ltd, Water Use Licence Applications for Dyasonsklip 1 and 2 Solar Farms, Upington, Northern Cape, 2015, R230 000
- Nadeson Consulting Services, 24G Application for illegal construction of car park, Langebaan, Western Cape, 2015, R70 000
- Nadeson Consulting Services, Application for Ad-hoc development setback line for stormwater infrastructure upgrades, Langebaan, Western Cape, 2015, R60 000
- Tronox, Scope of Work for development of Rehabilitation Monitoring Plan, Brand-se-Baai, West Coast, South Africa, 2015, R60,000
- Brandwacht aan Rivier Home Owners Association, Water Use Licence Application, Stellenbosch, Western Cape, 2015, R40,000
- Tronox, Audit, Brand-se-Baai, West Coast, South Africa, 2014, R200,000
- Cisco, Due Diligence for National Scrap Metal, Kuilsriver, Western Cape, Cape Town, 2014, R80,000
- RE Capital 3, Water Use Licence Application for two potential solar farms, Uppington, Western Cape, R30,000
- Tronox, Closure Application for Prospecting Right, Brand se Baai, West Coast, South Africa, 2014, R70,000
- Curro Holdings Limited, Environmental Scans for various school sites, Various, 2014, R50,000
- Provincial Government of the Western Cape, Water Use Licence Application, Stellenbosch, Western Cape, 2013, R60,000
- Western Cape Department of Human Settlements, Water Use General Authorisation, Porterville, Western Cape, 2013, R50,000
- Provincial Government of the Western Cape, Water Use Licence Application, Stellenbosch, Western Cape, 2012, R70,000
- Tronox, Audit, Brand-se-Baai, West Coast, South Africa, 2012, R160,000
- Provincial Government Western Cape, Water Use Licence Application, Stellenbosch, Western Cape, 2012, R70,000
- Rareco / GWMD, Water Use Licence Application, Vanrhynsdorp, Western Cape, South Africa, 2011, R90,000
- Overstrand Municipality, Water Use Licence Application, Hemel en Aarde, Western Cape, 2009- 2010, R60,000
- National Scrap Metal (Pty) Ltd, 24G Rectification Application for Waste Management Licence and Environmental Authorisation for an illegal steel shredder, Kuils River, Western Cape, 2009 – 2011, R270,000

