



EIA REFERENCE NUMBER: 16/3/3/5/F3/16/3044/18
ENQUIRIES: Ms. M. Schippers
DATE OF ISSUE: 2019 -01- 16

The Municipal Manager
West Coast District Municipality
P. O. Box 242
MOORREESBURG
7310

Attention: Mr. H. Mathee

Tel: (022) 433 8400
Fax: (086) 692 6113

Dear Sir

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ("EA") FOR THE PROPOSED REGIONAL LANDFILL AND ASSOCIATED INFRASTRUCTURE ON PORTION 2 OF FARM VADERLANDSCHE RIETKUIL NO. 308, VANRHYNSDORP (THE ORIGINAL EA ISSUED ON 24 FEBRUARY 2014 REF. NO E12/2/3/2-F3/11-0795/10).

With reference to your application, find below the amended environmental authorisation in respect of this application.

AMENDED ENVIRONMENTAL AUTHORISATION

A. DECISION

The Department in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations (as amended on 07 April 2017), hereby amends the EA issued on 24 February 2014 (Reference Number: E12/2/3/2-F3/11-0795/10) as follows:

1. The following condition of section E (conditions of authorisation) of the EA, which reads:

*Condition 1: "This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension".*

Is herewith amended as follows:

"This environmental authorisation is valid for a period of **ten (10) years** from the date of issue. If the holder does not commence with the listed activities within the aforementioned period, the authorisation will lapse and a new application for environmental authorisation must be submitted to the competent authority."

2. Please find herewith attached a copy of the EA issued on 24 February 2014 (Ref. No. E12/2/3/2-F3/11-0795/10 (attached as Appendix 1).

B. REASONS FOR THE DECISION TO AMEND THE ENVIRONMENTAL AUTHORISATION:

In reaching its decision, the Department took, *inter alia*, the following into consideration:

1. The information contained in the application for the amendment dated 11 December 2018 and received by this Department on 14 December 2018.
2. The fact that there is no change in the scope of the development.
3. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
4. The proposed development is similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended).

Listing Notice 1

Activity Number: 9
Activity Description

The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—

- (i) *with an internal diameter of 0,36 metres or more; or*
- (ii) *with a peak throughput of 120 litres per second or more;*

excluding where—

- (a) *such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or*
- (b) *where such development will occur within an urban area.*

Activity Number: 10
Activity Description

The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes –

- (i) *with an internal diameter of 0,36 metres or more; or*
- (ii) *with a peak throughput of 120 litres per second or more;*

excluding where—

- (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or
- (b) where such development will occur within an urban area.

Activity Number: 24

Activity Description

The development of a road—

- (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or
- (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;

but excluding a road—

- (a) which is identified and included in activity 27 in Listing Notice 2 of 2014;
- (b) where the entire road falls within an urban area; or
- (c) which is 1 kilometre or shorter.

Listing Notice 2

Activity Number: 15

Activity Description

The clearance of an area of 20 hectares or more of indigenous vegetation, excluding 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.

Listing Notice 3

Activity Number: 4

Activity Description

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

i. Western Cape

- i. Areas zoned for use as public open space or equivalent zoning;
- ii. Areas outside urban areas:
 - (aa) Areas containing indigenous vegetation;
 - (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or
- iii. Inside urban areas:
 - (aa) Areas zoned for conservation use; or
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.

5. The conditions of the EA issued on 24 February 2014 will remain valid.

All information presented to the Department was taken into account in the Department's consideration of the application.

C. APPEAL:

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

1. An appellant must –

- 1.1. Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;
 - 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator; and
 - 1.3. If the appellant is a person other than the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.
2. The applicant (if not the appellant) the decision-maker, I&APs and Organ of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

3. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Jaap de Villiers
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

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 or URL <http://www.westerncape.gov.za>.

Yours faithfully



ZAAHIR TOERY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 16/01/2019

Copies to: (1). Mr. B. Smit (Matzikama Municipality)
(2). Mr. A. Oosthuizen (DEA&DP:DDF)

Fax: (027) 213 3238
Fax: (021) 483 8311

APPENDIX 1

Copy of the Environmental Authorisation issued on 24 February 2014



EIA REFERENCE NUMBER: E12/2/3/2-F3/11-0795/10

ENQUIRIES: Ms. M. Schippers

DATE OF ISSUE: 24 FEB 2014

The Municipal Manager
West Coast District Municipality
PO Box 242
MOORREESBURG
7310

Attention: Mr. H. Prins

Tel: (022) 433 8400
Fax: (022) 433 8484

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010: THE PROPOSED ESTABLISHMENT OF A REGIONAL LANDFILL AND ASSOCIATED INFRASTRUCTURE ON PORTION 2 OF THE FARM VADERLANDSCHE RIETKUIL NO. 308, VANRHYNSDORP.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the preferred alternative described in the Environmental Impact Assessment Report ("EIAR") dated September 2012.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

West Coast District Municipality
c/o Mr. I. van der Westhuizen
PO Box 242
MOORREESBURG
7310

Tel: (022) 433 8400
Fax: (022) 433 8484

The abovementioned company is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R386 of 21 April 2006

Activity Number: 1

Activity Description:

The construction of facilities or infrastructure, including associated structures or infrastructure, for –

- (k) the bulk transportation of sewage and water, including storm water, in pipelines with –
 - (i) an internal diameter of 0.36 metres or more; or*
 - (ii) a peak throughput of 120 litres per second or more.**

- (l) the transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts.*

Activity Number: 4

Activity Description:

The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.

Activity Number: 7

Activity Description:

The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum, gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.

Activity Number: 12

Activity Description:

The transformation or removal of indigenous vegetation of 3 hectares or more of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of Section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

Activity Number: 13

Activity Description:

The abstraction of groundwater at a volume where the general authorisation issued in terms of the National Water Act, 1998 (Act No. 36 of 1998) will be exceeded.

Activity Number: 15

Activity Description:

The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

Activity Number: 16

Activity Description:

The transformation of undeveloped, vacant or derelict land to –

(a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or

(b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.

Activity Number: 18

Activity Description:

The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.

Activity Number: 19

Activity Description:

The development of a new facility or the transformation of an existing facility for the conducting of manufacturing processes, warehousing, bottling, packaging, or storage, which, including associated structures or infrastructure, occupies an area of 1000 square metres or more outside an existing area zoned for industrial purposes.

Government Notice No. R387 of 21 April 2006

Activity Number: 1

Activity Description:

The construction of facilities or infrastructure, including associated structures or infrastructure, for –

(i) the extraction or processing of natural gas including gas from landfill sites.

Activity Number: 2

Activity Description:

Any development activity, including associated structures or infrastructure, where the total area of the development area is, or is intended to be 20 hectares or more.

Government Notice No. R544 of 18 June 2010 –

Activity Number: 9

Activity Description:

The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water –

- (i) with an internal diameter of 0.36 metres or more; or*
- (ii) with a peak throughput of 120 litres per second or more'*

excluding where:

- a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or*
- b. where such construction will occur within a urban area but further than 32 m from a watercourse, measured from the edge of the watercourse.*

Activity Number: 22

Activity Description:

The construction of a road, outside urban areas,

- (i) with a reserve wider than 13.5 meters; or*
- (ii) where no reserve exists where the road is wider than 8 metres, or*
- (iii) for which and environmental authorization was obtained for the router determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.*

Government Notice No. R545 of 18 June 2010 –

Activity Number: 15

Activity Description:

Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;

except where such physical alteration takes place for:

- (i) linear development activities; or*
- (ii) agriculture or afforestation where activity 16 in this Schedule will apply.*

The abovementioned is hereinafter referred to as "the listed activity".

Government Notice No. R546 of 18 June 2010 –

Activity Number: 4

Activity Description:

The construction of a road wider than 4 metres with a reserve less than 13.5 metres.

In the Western Cape:

- i. In an estuary;*
- ii. All areas outside urban areas,*
- iii. In urban areas:*
 - (aa) Areas zoned for use as public open space within urban areas;*
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.*

Activity Number: 14

Activity Description:

The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:

- (1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;*
- (2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;*
- (3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.*

In Western Cape

- i. All areas outside urban areas.

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

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The establishment of a new regional landfill and associated infrastructure on Portion 2 of the Farm Vanderlandsche Rietkuil No. 308, Vanrhynsdorp. The waste to be received at the site will comprise of general waste. The operational landfill footprint will cover an area of approximately 33ha and will reach a maximum fill height of approximately 6 meters above the existing ground level. The landfill is expected to have a life span of approximately 50 years.

The proposed facility will also include a vegetation volume reduction area of approximately 5ha, a crusher area of approximately 5ha and a materials recovery facility of approximately 2ha. Due to the low rainfall in the Matzikama area, no significant leachate is anticipated from the proposed landfill, therefore no leachate dam is planned to be constructed.

Waste will be transported to the landfill site by road. Access to the landfill site will be obtained via a paved road, namely Trunk Road 16/1 (TR 16/1).

Additional infrastructure will include offices, ablution facilities, a weighbridge, security infrastructure and a fence with a height of approximately 1.8m.

Water will be obtained from an existing borehole on site and electricity supply already exists as the site was previously used as a mining site.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portion 2 of the Farm Vaderlandsche Rietkuil No. 308, Vanrhynsdorp.

The SG 21 digit code is: C07800080030800002

Co-ordinates: 31° 38' 57.85" South
 18° 37' 31.15" East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Anel Blignaut Environmental Consultants
c/o Ms. A. Blignaut
PO Box 12268
DIE BOORD
STELLENBOSCH
7613

Tel: (021) 887 9900

Fax: (086) 607 9900

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)–

- 3.1 notify all registered interested and affected parties of –
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision.
- 3.2 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 Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below;
- 3.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision; and
4. A minimum of seven calendar days notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3, 13 and 21.
5. The holder is 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.
6. Any changes to, or deviations from the scope of the description set out in section B above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information as it deems necessary 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.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

The operational phase EMP must be updated to include the conditions of any permits or licenses required.

An application for amendment to the EMP must be submitted to the competent authority if any further amendments other than these required by this Environmental Authorisation are to be made to the EMP and this may only

be implemented once the amended EMP has been authorised by the competent authority.

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

9. A copy of the environmental authorisation and the EMP must be kept at the offices where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and the environmental authorisation and EMP 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. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
10. The applicant 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. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activities authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
 - 10.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activities was lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
 - 10.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
11. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.

13. The holder must appoint a suitably experienced ECO, or site agent where appropriate during all phases of the development to ensure compliance with the EMP and the conditions contained herein.
14. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
15. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
16. 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 further disturbed 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; shipwrecks; 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.

17. The following conditions regarding the temporary storage of fuel on site during construction must be complied with:
 - 17.1. The combined capacity of the temporary fuel storage tanks must not exceed 30m³;
 - 17.2. Temporary fuel storage tanks must be bunded (110% of the proposed tank's capacity) to contain any possible spills and to prevent any infiltration of fuel into the ground;
 - 17.3. Temporary fuel storage tanks must be designed and installed in accordance with relevant Oil Industry standards and SANS codes. The tanks must be constructed to conform to the requirements of all relevant legislation; and
 - 17.4. Gas and liquid fuel must not be stored in the same storage area.
18. The use of all generators on site must include the use of drip trays to contain possible fuel spills.
19. All noise and sounds generated must comply with the relevant SANS codes and standards.

20. Dust suppression methods must be used to mitigate dust during all phases of the proposed development. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens) must be implemented instead.
21. The Critical Biodiversity Area ("CBA") located on the southern portion of the site must be clearly demarcated as a "no-go" areas before the clearing of land for the proposed landfill commence.
22. The recommendations as stipulated in the Hydrogeological and Geotechnical Impact Assessment Report (dated August 2012 and compiled by SRK Consulting) must be implemented. (Attached as Appendix A)
23. Access to the site must be controlled.
24. Windblown waste on the site must be cleared on a regular basis.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations.

1. An appellant must –
 - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
 - 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
 - 1.3.1. a copy of the notice of intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.

3. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:

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
Room 809
8th Floor, Utilitas Building, 1 Dorp Street, Cape Town, 8001)

5. A prescribed notice of intention to appeal form and 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 or URL <http://www.westerncape.gov.za/eadp>.

G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. ZAAHIR TOEFY
DIRECTOR: LAND MANAGEMENT (REGION 2)

DATE OF DECISION: 24/02/2014

Copied to: (1) Ms. A. Bignaut (Anel Bignaut Environmental Consultants)
(2) Mr. J. Swartz (Matzikama Municipality)
(3) Ms. K. Rughoobee (DDF)

Fax: (086) 607 9900
Fax: (027) 213 3238
Fax: (021) 483 8311

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

E12/2/3/1-F3/11-0795/10

NEAS EIA REFERENCE NUMBER:

WCP/EIA/15921/2011

ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 01 February 2010 and received by the competent authority on 02 February 2010, the Scoping Report received by the competent authority on 08 April 2011, the EIAR received by the competent authority on 13 November 2012, the EMP submitted together with the EIAR, and additional information received by this Directorate on 12 November 2013;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses provided thereon, as included in the EIAR received by the competent authority on 13 November 2013; and
- e) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process was undertaken jointly for the application in terms of the NEMA and NEM: WA. This included:

- identification of and engagement with interested and affected parties;
- fixing a notice board at the site and any alternative sites where the listed activities are to be undertaken;
- giving written notice to the owners 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; and
- the placing of newspaper advertisements in the 'Die Burger' on 26 February 2010 and the 'Ons Kontrei' on 26 February 2010 and 18 May 2012 respectively.

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

Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address significant concerns raised.

2. Alternatives

Preferred Alternative (Herewith authorised)

This alternative entails the establishment of a new regional landfill and associated on Portion 2 of the Farm Vaderlandsche Rietkuil No. 308, Vanrhynsdorp. The waste to be received at the site will comprise of general waste. The operational landfill footprint will cover an area of approximately 33ha and will reach a maximum fill height of approximately 6 meters above the existing ground level. The landfill is expected to have a life span of approximately 50 years.

The proposed facility will also include a vegetation volume reduction area of approximately 5ha, a crusher area of approximately 5ha and a materials recovery facility of approximately 2ha. Due to the low rainfall in the Matzikama area, no significant leachate is anticipated from the proposed landfill, therefore no leachate dam is planned to be constructed.

Waste will be transported to the landfill site by road. Access to the landfill site will be obtained via a paved road, namely Trunk Road 16/1 (TR 16/1).

Additional infrastructure will include offices, ablution facilities, a weighbridge, security infrastructure and a fence with a height of approximately 1.8m.

Site Alternatives

Four site alternatives were investigated for the establishment of the landfill site which included Portion 1 of the Farm 307, Vanrhynsdorp, Portion 6 of the Farm 243, Vanrhynsdorp, Portion 2 of the Farm Vaderlandsche Rietkuil No. 308, Vanrhynsdorp and Portion 171 of the Farm 292, Vanrhynsdorp. However, Portion 2 of the Farm Vaderlandsche Rietkuil No. 308, Vanrhynsdorp is the preferred site (herewith authorised). The specialists who compiled the specialist studies during the EIA process preferred the site for development of the landfill.

Technical Alternatives

Technical alternatives investigated entailed considering a 30 or 50 year life span for the landfill with a height of 6 or 12m above natural ground level. A life span of 50 years was the preferred alternative (herewith authorised) as the regional waste disposal facility must provide for long-term waste disposal needs. A height of 6m above natural ground level was preferred (herewith authorised) to mitigate the potential visual impacts of the landfill on the existing landscape.

"No-Go" Alternative

The "no-go" alternative will mean that the waste disposal needs will not be met. As the preferred alternative has been designed in such a manner that it will not result in unacceptable impacts, the "no-go" alternative was not warranted.

3. Impacts, assessment and mitigation measures

3.1. Activity Need and Desirability

Population growth in the Matzikama and Cederberg area creates a demand for more landfill space. Matzikama and Cederberg Municipality have a lack of capacity at their waste disposal sites to accommodate the long term disposal of waste. In light of the above, the development of a new landfill site is required.

No additional services will be required. Water will be obtained from an existing borehole on site and electricity supply already exists as the site was previously used for mining. The development is also provided for in the infrastructure planning of the West Coast District Municipality as included in their IDP, and the necessary funds have been allocated.

3.2. Receiving environment

The site is situated approximately 3km north of the Olifantsriver and has a relatively flat topography. No construction will occur within 32m of a watercourse.

According to the Botanical Impact Assessment Report (dated 09 February 2012 and compiled by Nick Helme Botanical Surveys), the southern section of the site has been classified as a CBA. The vegetation found on the proposed site has been identified as Vanrhynsdorp Gannabosveld. This vegetation type has not been classified as a critically endangered or endangered ecosystem in terms of the National Environmental Management: Biodiversity Act of 2004 Threatened Ecosystem List, dated 09 December 2011. One species of conservation concern (*Othanna intermedia*) has been found on the proposed site.

With the implementation of the conditions of this Environmental Authorisation and the EMP, the potential negative environmental impacts of significance are expected to be managed to acceptable levels.

3.3. Dust and Noise Impacts

3.3.1. The impacts of dust generated during the construction and operational phases of the proposed landfill will be mitigated by the implementation of the conditions of this Environmental Authorisation and EMP. Dust suppression methods will be used to mitigate dust during the construction and operational phases of the landfill. No potable water will be used to mitigate dust in this regard. Alternative dust suppression methods (such as shade netting screens) must be implemented instead.

3.3.2. All noise and sounds generated during all phases of the proposed development will comply with the relevant SANS codes and standards. Furthermore, noise impacts will be mitigated by the implementation of the EMP.

3.4. Air Quality Impacts

The findings of the Air Quality Assessment Report (dated 09 March 2012 and compiled by Gondwana Environmental Solutions (Pty) Ltd.) as included in the EIAR, confirmed that pollutants that would pose a health risk from the proposed new landfill will not exceed the National Ambient Air Quality Standards and will therefore not have a significant negative impact on the environment or human health.

3.5. Heritage Impacts

Heritage resources including Early Stone Age and Middle Stone Age materials are known to occur on the site proposed for the landfill. Monitoring of excavations will be done by an ECO and should any heritage remains be exposed during excavations or any actions on the site, these will immediately be reported to the relevant authority.

3.6. Impact Assessment and significance

3.6.1. The potential of polluting the air that may pose health risks as a result of emissions from the landfill have been identified in the EIAR as being of low significance after mitigation. The pollutants that may pose a health risk from the proposed new landfill will not exceed the National Ambient Air Quality Standards. Furthermore, the potential impacts will be mitigated by the implementation of the conditions of this Environmental Authorisation and the EMP.

3.6.2. The visual impact on scenic routes and qualities during the construction and operational phase as a result of the proposed development has been identified in the EIAR as being of no significance. No scenic routes are located within close proximity to the landfill site. Furthermore the site is obscured by the presence of a large ridge where mining previously took place. In addition, any potential impacts will be mitigated by the implementation of the conditions of this Environmental Authorisation and the EMP.

3.6.3. The loss of natural vegetation during the construction and operational phase as a result of the proposed development has been identified in the EIAR as being of low to medium significance after mitigation. Areas previously disturbed due to mining activities will be used and the area identified as a CBA will be avoided. Furthermore, potential impacts will be mitigated by the implementation of the conditions of this Environmental Authorisation and the EMP.

3.6.4. Groundwater contamination as a result of fuel and oil spills during the construction phase will be low and site specific given the small quantities that will be used.

Groundwater contamination as a result of seepage of leachate during the operational phase has been identified in the EIAR as being of no significance. It is unlikely that leachate will be produced during the

operational phase. This is in light of the fact that the average evaporation rate in the area exceeds the average rainfall in the area. Furthermore, the potential impacts will be mitigated by the implementation of the conditions of this Environmental Authorisation and the EMP.

- 3.6.5. The impacts on heritage resources during the construction and operational phase as a result of the proposed development have been identified in the EIAR as being of no significance after mitigation. Monitoring of excavations will be done by an ECO and should any heritage remains be exposed during excavations or any actions on the site, these will immediately be reported to the relevant authority. Furthermore, the potential impacts will be mitigated by the implementation of the conditions of this Environmental Authorisation and the EMP.

National Environmental Management Act Principles

The National Environmental Management Act 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.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential air pollution that may pose a health risk as a result of emissions from the landfill;
- Potential visual impact;
- Potential for groundwater contamination;
- Loss of natural vegetation as a result of the proposed development;
- Potential destruction of heritage sources; and
- Generation of noise and dust as a result of the proposed construction and operational activities of the proposed development.

The Department is satisfied that the negative impacts of significance will be addressed by the conditions contained in this Environmental Authorisation and the mitigation measures contained in the EMP.

Positive impacts include:

- The proposed development will create landfill space; and
- The proposed development will result in employment opportunities.

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

-END-

Appendix A

Recommendations of the Hydrogeological and Geotechnical Impact Assessment Report.

8 RECOMMENDATIONS

From a hydrogeological point Sites B and C can be used as a landfill, but with mitigatory measures which should include:

- Maintain good housekeeping measures for on-site storage of hydrocarbon based products and clean up any spillages and waste on a daily basis. This material should be stored in appropriate containers in bunded area for removal and disposal;
- Supply on-site sanitation during construction;
- Carry out site construction during the dry summer months if possible, or at least avoid the normally 'wet' months;
- Install monitoring boreholes on the 'upstream' and 'downstream' sides of the landfill area. This should be done prior to construction of the waste site to establish background water quality;
- Sample these boreholes on a quarterly basis (if groundwater is present) for analysis for electrical conductivity, pH, chloride, nitrate, potassium, CO D and Total Alkalinity. A full chemical analysis should be done prior to establishment of the Site to include the following additional determinands: sodium, calcium, magnesium, sulfate, phosphate, fluoride, lead, zinc, nickel, cadmium, Total Chromium, iron and manganese. The data should be evaluated by a hydrogeologist on a regular basis;
- Establish a surface water sampling point immediately downstream of the site. Obtain at least one sample prior to construction as flow conditions allow. Analyse for the same constituents as above, plus suspended solids;
- Line the waste disposal area with appropriate materials as per the Minimum Requirements;
- Install a storm water control system to intercept 'clean' surface water run-off from upstream of and around the site and divert into the natural drainage channel downstream of the site.