



REFERENCE: 19/2/5/4/A6/70/WL0121/17

The Municipal Manager
City of Cape Town
PO Box 298
CAPE TOWN
8000

Tel: (021) 400 2210
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For attention: Mr Rustim Keraan

VARIATION OF THE WASTE MANAGEMENT LICENCE ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008 (ACT NO. 59 OF 2008) FOR THE DECOMMISSIONING OF THE WITSAND HISTORIC WASTE DISPOSAL FACILITY ON PORTION 0 OF THE FARM SWEET WATER NO. 978, WITSAND BEACH, CITY OF CAPE TOWN

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, 2008 (Act No. 59 of 2008) (NEM:WA), as amended, read with the Environmental Impact Assessment (EIA) Regulations promulgated in terms of Government Notice (GN) No. R. 982 of 4 December 2014, hereby vary and replace the existing Waste Management Licence (Licence No. 19/2/5/1/A6/70/WL0045/14) of the City of Cape Town (hereinafter referred to as 'the Municipality') for the Witsand Historic Waste Disposal Facility (WDF), Farm Sweet Water No. 978, Witsand Beach, City of Cape Town (hereinafter referred to as 'the Facility').

B. DESCRIPTION OF THE ACTIVITY:

The activity of closure and decommissioning of this Facility, as per the "Minimum Requirements for Waste Disposal by Landfill of the Department of Water Affairs and Forestry", 1998, Second Edition, Department of Water Affairs and Forestry (DWAF) (now Department of Water and Sanitation) ("Minimum Requirements"), will entail but not be limited to the following:

- The Facility, or any portion thereof must be covered and must be maintained in such a way that:
 - the formation of pools due to rain is prevented;
 - free surface runoff of rain-water is ensured;
 - contamination of stormwater is prevented;
 - no objects or material which may hamper the rehabilitation of the Site are present; and
 - little or no erosion occurs.
- Conduct semi-annual visual inspections of the Facility to monitor waste body cover integrity and erosion, and to rectify if needed which includes collecting and removing any exposed or illegally dumped waste;
- Continue with the ongoing efforts to stabilise the mobile sand dunes covering the domestic waste area.
- Cover all visible and exposed and illegally dumped construction and demolition (C&D) waste.
- Implementation of a programme to identify and eradicate any declared weeds and alien invader species at the site;
- Investigate more permanent measures for stabilisation of the mobile dune system on the domestic waste area on the beach, in consultation with appropriately qualified specialists (e.g. coastal ecologists) and the relevant authorities; and
- Consult a freshwater ecologist / wetland specialist and implement any recommendations from the specialist to protect the wetland areas.

The following activity listed in the NEM:WA, 'List of waste management activities that have, or are likely to have, a detrimental effect on the environment', GN No. 921 of 29 November 2013 (GN No. 921), as amended, are hereby authorised:

Category A

3(14) The decommissioning of a facility for a waste management activity listed in Category A or B of this Schedule.

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

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

In this Licence, "Director: RPW" means the Director: Resource Protection and Waste of the Department of Water and Sanitation: Western Cape Provincial Operations, who may be contacted at the address below:

Director: RPW: Western Cape Provincial Operations

Department of Water and Sanitation

Private Bag X16

SANLAMHOF

7532

C. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/4/A6/70/WL0121/17

WASTE APPLICATION: DECOMMISSIONING OF THE WITSAND HISTORIC WASTE DISPOSAL FACILITY

LOCATION: PORTION 0 OF THE FARM SWEET WATER NO. 978, WITSAND BEACH

LICENCE HOLDER: CITY OF CAPE TOWN

CONTACT PERSON: CITY MANAGER AND/OR DESIGNATED WASTE MANAGER

ADDRESS: PO BOX 298, CAPE TOWN, 8000

1. LOCATION

1.1 This Licence authorises City of Cape Town to decommission the Facility on portion 0 of the Farm Sweet Water No. 978, Witsand Beach, Cape Town.

1.2 The location of the Facility must be according to co-ordinates indicated on the Waste Management Licence Application Form dated 21 January 2014, and Waste Management Licence Application Additional Information Annexure, dated May 2014, submitted by the Licence Holder, which is defined as follows:

Footprint of the Domestic Waste Facility

Number of corners	Latitude (S)	Longitude (E)
1	18° 20' 53.89"	34° 10' 24.42"
2	18° 20' 51.21"	34° 10' 23.62"
3	18° 20' 46.30"	34° 10' 24.89"
4	18° 20' 44.95"	34° 10' 30.98"
5	18° 20' 49.58"	34° 10' 32.67"
6	18° 20' 53.41"	34° 10' 29.35"

Footprint of the C&D Waste Facility

Number of corners	Latitude (S)	Longitude (E)
1	18° 20' 34.80"	34° 10' 17.95"
2	18° 20' 29.75"	34° 10' 21.24"
3	18° 20' 33.95"	34° 10' 21.93"
4	18° 20' 38.58"	34° 10' 20.66"

1.3 Location of property on which Facility is situated:

Latitude (S)	Longitude (E)
34° 10' 29.23"	18° 20' 55.19"

- 1.4 The footprint of the Facility and its associated infrastructure is 30,000m².
- 1.5 The SG 21 Digit code of the Facility is: C0160000000097800000.

2. APPOINTMENT OF WASTE MANAGEMENT CONTROL OFFICER/ENVIRONMENTAL CONTROL OFFICER

- 2.1. 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), prior to any major construction / remediation activities being undertaken on Facility. The WMCO/ECO must:
- report any non-compliance with any Licence conditions or requirements or provisions of NEM:WA to the Licensing Authority through the means reasonably available; and
 - monitor the construction / remediation activities to ensure that the layout plans are in accordance to the approved designs and record important findings of the Facility inspection.

3. GENERAL MANAGEMENT

- 3.1. The EMPr dated March 2014, submitted as part of the final Basic Assessment Report (BAR), is hereby approved and must be implemented together with all the conditions of this Licence.
- 3.2. 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.
- 3.3. The Licence Holder must ensure that no illegal dumping occurs on any portion of the Facility.
- 3.4. 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, kept at or near the place where those duties will be carried out.
- 3.5. The Licence Holder must ensure that the intended after-use is properly implemented and that waste body cover integrity and erosion is monitored on site and that any declared weeds and alien invader species on the Facility are eradicated to ensure the successful implementation of the intended after-use.
- 3.6. Illegally dumped waste needs to be collected and disposed of.
- 3.7. 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.
- 3.8. The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising.
- 3.9. The current management, maintenance and upkeep of the site must continue as entered into between the City of Cape Town and a competent service provider addressing the remediation maintenance project.
- 3.10. The Licence Holder must communicate the intended after use of the Closed Facility to the Licensing Authority before any development commences.

4. DECOMMISSION PHASE

- 4.1. The Facility must be decommissioned in accordance with the EMPr and the Rehabilitation Design Methodology, as well as in accordance with conditions of this Licence and any other written instruction by the Department.
- 4.2. The closure construction of the Site must be in accordance with the final BAR dated May 2014 prepared by SRK Consulting.
- 4.3. The waste body must be covered with the surrounding indigenous vegetation, where applicable.
- 4.4. The Facility, or any portion thereof must be covered and must be maintained in such a way that:
 - 4.4.1. the formation of pools due to rain is prevented;
 - 4.4.2. free surface runoff of rain-water is ensured;
 - 4.4.3. contamination of stormwater is prevented;
 - 4.4.4. no objects or material which may hamper the rehabilitation of the Site are present; and
 - 4.4.5. little or no erosion occurs.
- 4.5. The closure of the Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability.
- 4.6. The slopes of the sides of the Facility must be constructed and maintained in such a manner that the occurrence of erosion is prevented.
- 4.7. 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) (NWA).
- 4.8. Construction within the Site must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act 114 of 1990).

5. IMPACT MANAGEMENT

- 5.1. Weatherproof, durable and legible notice must be displayed at an entrance to the Facility in at least 3 (three) official languages applicable to the area. This notice must prohibit illegal dumping on site and must contain the name, address and telephone number of the Licence Holder and the person responsible for the Site, to which any complaints can be made regarding the site.
- 5.2. 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 Department and record it in terms of Condition 12.
- 5.3. The presence of any nuisances such as vectors (flies and vermin), exposed waste, windblown litter, bad odours, etc. must be regularly monitored and prevented, and the monitoring results be kept in terms of Condition 12.

6. ENVIRONMENTAL POLLUTION INVESTIGATIONS

- 6.1. If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or is occurring on 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.
- 6.2. Should the investigation carried out as per Condition 6.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

7. WATER QUALITY MANAGEMENT

- 7.1. All runoff water (storm water) 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.
- 7.2. Uncontaminated runoff water must under no circumstances be used to dilute leachate emanating from the Facility but must be diverted to and discharged into the nearest storm water channel.

8. MONITORING

- 8.1. If, in the opinion of the Director: RPW, groundwater and/or surface water pollution may be or is occurring, the Licence Holder must initiate an investigation and / or appoint specialists to conduct the necessary investigations and implement monitoring and rehabilitation measures to the satisfaction of the Director: RPW.

9. ANALYSIS OF SAMPLES

- 9.1. Monitoring Methods and Parameters
 - 9.1.1 The Licence Holder must carry out all tests required in terms of this Licence in accordance with methods prescribed by and obtainable from the South African Bureau of Standards (SABS), referred to in the Standards Act, 2008 (Act No. 8 of 2008).
 - 9.1.2 The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Licensing Authority, specifying that the method to be used is at least equivalent to the SABS method.

10. AUDITING

- 10.1. Internal audits
 - 10.1.1. Internal audits must be conducted bi-annually (twice a year) by the Licence Holder and on each audit occasion an official report must be compiled by the relevant internal auditor to report the findings of the audits, which must be submitted to the Director. The records kept in terms of Condition 12 must also be included in the audit report.
- 10.2. External audits
 - 10.2.1. The Licence Holder must appoint an independent external auditor to audit the Facility biennially (every two years) and this auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Licence Holder to the Director and must comply with Condition 10.2.2.
 - 10.2.2. All audit reports must:
 - 10.2.2.1. specifically state whether conditions of this Licence are adhered to;
 - 10.2.2.2. include an interpretation of all available data and test results regarding the operation of the Site and all its impacts on the environment;
 - 10.2.2.3. specify target dates for the implementation of the recommendations to achieve compliance; and
 - 10.2.2.4. specify whether corrective action which was taken for the previous audit's non conformities was adequate.

10.2.3. Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

11. DEPARTMENTAL AUDITS AND INSPECTIONS

11.1. The Department reserves the right to audit or inspect the Facility without prior notification at any time and frequency as may be determined by the Director.

11.2. The Licence Holder must make any records or documentation available to the Director & Director: RPW upon request, as well as any other information the Director may require.

11.3. The findings of these audits or inspections must be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection. Information from the audits must be treated in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

12. RECORDKEEPING

12.1. All records required or resulting from activities required by this Licence must:

- be legible;
- be made available and should form part of the external audit report;
- if amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
- be retained in accordance with documented procedures which are approved by the Department; and
- be made available to the Department upon the request of 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 on the Facility which has the potential to cause, or has caused any pollution.

13.2. The Licence Holder must, within 24 (twenty four) hours, notify the Director: RPW of the occurrence or detection of any incident on the Facility which has the potential to cause, or has caused water pollution.

13.3. The Licence Holder must, within 14 (fourteen) days, or as specified by the Director and/or Director: RPW from the occurrence or detection of any incident referred to in Condition 13.1 and/or 13.2, 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:

13.3.1. correct the impact resulting from the incident;

13.3.2. prevent the incident from causing any further impact; and

13.3.3. prevent a recurrence of a similar incident.

13.4. 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 Conditions 8.1, 13.1 and/or 13.2, or measures which have been implemented are inadequate, the Director and/or Director: RPW may implement the necessary measures at the cost and responsibility of the Licence Holder.

13.5. The Licence Holder must keep and maintain an incident and complaints register, which must be available at the request of the Director.

- 13.6. 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.
- 13.7. The Department must be notified within 14 (fourteen) days of the following changes:
 - 13.7.1. Licence Holder's trading name, registered name or registered office address;
 - 13.7.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary);
 - 13.7.3. Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 13.8. All audit reports (internal and external) must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.
- 13.9. The Licence Holder must register and report to the Departmental Integrated Pollutant and Waste Information System (IPWIS), if applicable, which can be accessed on the URL: <http://ipwis.pgwc.gov.za/ipwis3/public>.

14. LEASING AND ALIENATION OF THE FACILITY

- 14.1. Should the Licence Holder want to alienate or lease the Facility, he/she must notify the Director in writing of such an intention at least 120 (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, 2008.
- 15.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.
- 15.3. The rights granted by this Licence are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the Licence Holder may undertake the activities authorised by the Licensing Authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
 - 15.3.1. The applicant must submit an originally signed and dated application for an amendment of the Licence to the Licensing Authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including:
 - confirmation that the Licence is still in force (i.e. that the validity period has not yet expired or the listed activities were lawfully commenced with);
 - the contact details of the person who will be the new Licence Holder;
 - the reasons for the transfer;
 - an originally signed letter from the proposed new Licence Holder acknowledging the rights and obligations contained in the Licence and indicating that he/she has the ability to implement the mitigation and management measures and comply with the stipulated conditions.
 - 15.3.2. The Licensing Authority will issue an amendment to the new Licence Holder either by way of a new Licence or an addendum to the existing Licence if the transfer is found to be appropriate.

16. COMMENCEMENT

- 16.1. No construction or rehabilitation activities of this licensed activity may commence within 20 (twenty) days of the date of signature of the Licence.
- 16.2. Should the Licence Holder be notified by the Licensing Authority of a suspension of the Licence pending any appeals decision on the authorised activities, he/she may not commence with the activities until authorised by the Director in writing.
- 16.3. 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.
- 16.4. This activity must commence within a period of 5 (five) years from the date of issue. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for Licence must be made in order for the activity to be undertaken.
- 16.5. If the proponent anticipates that commencement of the activity would not occur within 5 (five) year period, he/ she must apply and show good cause for an extension of the Licence 6 (six) months prior to its expiry date.

17. GENERAL

- 17.1. This Licence shall not be transferable unless such transfer is subject to Condition 15 above.
- 17.2. 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.
- 17.3. Transgression of any condition of this Licence could result in the suspension of the Licence by this Department.
- 17.4. 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.
- 17.5. In terms of section 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and section 19 and 20 of the NWA, 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 understand 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 environmental acceptable manner.
- 17.6. This Licence is valid until 11 November 2024. The licence may be reviewed at any time after commencement. 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.
- 17.7. 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.

D. APPEAL OF LICENCE

- 1.1 Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
- 1.2 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:
 - 1.2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2.2 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.
- 1.3 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:
 - 1.3.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
 - 1.3.2 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.
- 1.4 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.
- 1.5 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 Jaap 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.

A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail 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: 24-07-2018

CC: (1) Danelle Fourie (SRK Consulting)

(2) W Moolman (DWA: Resource protection & Waste)

Fax: (021) 685-7105

Fax: (012) 323 0321

ANNEXURE I

A. REASONS FOR THE DECISION (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 NEMA, 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 28 November 2017 to change the referral of Kommetjie Environmental Awareness Group to a "competent service provider addressing the remediation maintenance project". In addition, the relaxation of Conditions 10.1.1 (internal audits will be changed from being conducted quarterly, to bi-annually) and 10.2.1 (external audits be changed from being conducted annually, to biennially). In addition, changes were made to the original licence in accordance with condition 17.6 of the waste management licence as approximately 3 (three) years have passed since the original licence was issued.
2. The removal of Condition 4.3 which states that the C&D waste be removed from the Facility. The waste area is mostly re-grown or covered and removal would be wasteful expenditure to remove. It was stated that continuous rehabilitation process is at play and addresses exposed/visible C&D waste and other waste material which will be monitored on a continuous basis.
3. Additional documentation, i.e. The Environmental Impact and Closure Requirement Report for the Witsand Landfill Site, dated January 2004 by SRK Consulting (Report No. 321752) and the request for quotation and purchase order for maintenance work performed at Witsand Landfill by Vula Environmental Services, was received on 27 June 2018.

B. REASONS FOR THE ORIGINAL DECISION (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.

- (a) The information contained in the Application Form for a Waste Management Licence dated 21 January 2014, compiled by SRK Consulting (Pty) Ltd;
- (b) The final BAR dated May 2014, compiled by SRK Consulting (Pty) Ltd, including the Waste Management Licence Application Additional Information Annexure.
- (c) Comments raised by Interested and Affected Parties (I&AP's) throughout the Public Participation Process (PPP), the Applicant and the Environmental Assessment Practitioner's (EAP's) responses thereto;
- (d) A site visit undertaken by Marius Venter from this Department on 1 April 2014;

- (e) Record of Decision by the DWS dated 24 June 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, 1998 (Act No. 107 of 1998).

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

ENVIRONMENT

The site is underlain by superficial sandy soils (white sand with finely crushed shell, pebbles and shells originating from beaches). The quaternary sand is underlain by quartzitic sandstone with thin lenses of grit, conglomerate and shale of the Peninsula formation, Table Mountain group. The Witsands Beach is a highly dynamic coastal system comprised of a wide beach of mobile dunes forming part of what was once a headland bypass system.

An unnamed, ephemeral stream drains the mountains behind and above Sandkop and flows onto the beach from the northeast. In winter, water ponds behind the back-of-beach dunes and feeds a reedbed wetland area to the southwest of the beach. Wetland areas in the form of reedbeds occur to the northeast and to the southwest of the beach. Surface water flow from the wetland to the west of the site discharges into the sea to the southwest of the site.

The site is located within the area of original extent of a threatened terrestrial ecosystem, namely Endangered Cape Flats Dune Strandveld. Although the waste site area itself does not contain natural vegetation (the C&D waste site is covered in non-indigenous grasses and the domestic waste area comprises sand dunes, with patches of dune vegetation), areas immediately surrounding the site comprise natural vegetation of medium to high quality.

The site – comprising the C&D waste site above Lighthouse Road and the general domestic waste area in the dunes behind Witsand Beach – is located in the southern part of a single, large property, the Farm Sweet Water (remainder of Cape Farm 978). The property stretches from about 1km south of Kommetjie in the north to just north of Misty Cliffs in the south, and comprises a stretch of relatively undeveloped coastal terrace as well as mountain slopes. The largest part of the Soetwater Resort is located on Farm 978. The Resort is popular among school groups and families from the greater Cape Town area. In addition to the resort and the historic landfill site, there is also a public slipway and an old, abandoned crayfish factory on the property.

DEVIATION

The Applicant requested and was granted deviation from the PPP requirements in terms of Regulation 54(2) of GN No. R. 543 of 18 June 2010. The application is for the formal decommissioning of a waste disposal site that has been closed for more than 30 years and currently comprises vacant land with naturally-established vegetation. Given the nature of the application, and the location of the site, the requirement to directly notify owners and occupiers of adjacent properties of the process was considered unnecessary. Owners and occupiers of land adjacent to the site will still have an opportunity to participate in the process through site notices and newspaper advertisements.

ALTERNATIVES

Site Alternatives

No site alternatives have been assessed as the activity focuses on the closure of the existing Facility.

Activity Alternatives

Compacting, shaping and capping of the waste body will be according to specifications based on the waste type and/or the waste site classification. The purpose of compacting, shaping and capping of a waste site is to reduce the risk of groundwater contamination through leachate generation, by preventing the ingress of water which percolates through the waste body and generates leachate.

The removal (excavation) of all waste from site and the disposal at an appropriately designed and construction waste disposal facility, which would entail earthworks and transportation of waste material, require rehabilitation of the excavated waste site area and put additional pressure on existing landfill capacity.

Design Alternatives

No design alternatives were assessed.

Technology Alternatives

No technology alternatives were assessed.

Operational Alternatives

No operational alternatives were assessed.

The No-Go Option

The site is an existing waste disposal facility that has not been operational for several years, but was never formally permitted / licensed in terms of relevant legislation. The current waste management

licence application for the formal decommissioning of the site in terms of the NEM:WA is in order to ensure that the site is legally compliant. The No-Go option is not considered a reasonable or feasible alternative, as this would mean that the site would remain unlicensed in contravention of the NEMA:WA and contrary to the principles set out in Chapter 2 of NEMA.

PUBLIC PARTICIPATION

The PPP comprised of the following:

- (a) Advertisements were placed in the "False Bay Echo" and "People's Post (False Bay)" on 27 March 2014.
- (b) Fixing of notice board at the boundary of the Facility was done on 27 March 2014.
- (c) 40-day I&AP Registration and public review and comment period on draft BAR (28 March 2014 to 12 May 2014).
- (d) Notification sent to registered I&APs and circulation of final BAR dated May 2014.
- (e) 21-day review and comment period on final Variation Report which ended on 31 July 2014.
- (f) Submission of the final BAR to the Department on 19 May 2014.

AUTHORITIES CONSULTATION:

- (a) Cape Nature
- (b) Department of Water Affairs (DWA) regional office, Western Cape

No authorities have objected to the proposed activities. Where possible and relevant, the conditions imposed by these authorities have been included in this Licence insofar as it relates to the environmental aspects of the proposed activities. This Licence is issued only in terms of the waste management legislation and the applicant is required to obtain all other necessary approvals before commencing with the activities.

End