



**REFERENCE:** 19/2/5/4/A6/97/WL0115/19

The City Manager  
City of Cape Town  
Directorate: Solid Waste Management  
PO Box 298  
**CAPE TOWN**  
8000

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**Attention:** Mr Rustim Keraan

## **VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE FISH HOEK HISTORIC WASTE DISPOSAL FACILITY (WDF) ON ERF NO. 8924, FISH HOEK, 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), as amended (NEM:WA), hereby vary and replace the existing Waste Management Licence (Licence No. 19/2/5/1/A6/97/WL0039/14) and issue this Waste Management Licence to the City of Cape Town (hereinafter referred to as 'the Licence Holder') for the decommissioning of the Fish Hoek WDF on Erf No. 8924, Fish Hoek (hereinafter referred to as "the Facility").

**B. DESCRIPTION OF THE ACTIVITY:**

The activities for decommissioning of the Fish Hoek WDF as per the “*Minimum Requirements for Waste Disposal by Landfill*”, 1998, Second Edition, Department of Water Affairs and Forestry (DWAF) (now Department of Water and Sanitation) (“*Minimum Requirements*”) and the NEM:WA “*National Norms and Standards for Disposal of Waste to Landfill*” published as Government Notice (GN) No. R 636 (GN R 636) of 23 August 2013, 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 cover integrity and erosion, and to rectify if needed which includes collecting and removing any exposed or illegally dumped waste;
- Implementation of a programme to identify and eradicate any declared weeds and alien invader species at the site;
- Conduct a once off water monitoring exercise to determine if the Facility is impacting the wetland, and to take relevant corrective action if necessary; and
- Rehabilitate the areas that are currently being used for the storage of builder's rubble.

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/A3/20/WL0121/19

**WASTE APPLICATION:** DECOMMISSIONING OF THE FISH HOEK HISTORIC WASTE DISPOSAL FACILITY

**LOCATION:** ERF NO. 8924, FISH HOEK, CITY OF CAPE TOWN

**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 Erf No. 8924, Fish Hoek, Cape Town.

1.2 Location of property on which Facility is situated:

Latitude	Longitude
34° 07' 31.18"	18° 24' 35.98"

1.3 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 14 May 2014 submitted by the Licence Holder, which is defined as follows:

Footprint of the Facility

Number of corners	Latitude	Longitude
Corner 1	18° 24' 37.71"	34° 07' 30.33"
Corner 2	18° 24' 34.01"	34° 07' 29.38"
Corner 3	18° 24' 32.31"	34° 07' 20.00"
Corner 4	18° 24' 32.31"	34° 07' 31.78"
Corner 5	18° 24' 36.76"	34° 07' 33.46"

1.3 The footprint of the Facility and its associated infrastructure is 15,400m<sup>2</sup>.

1.4 The SG 21 Digit code of the Facility is: C01600170000892400000.

## **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 (EMP), prior to any major construction / remediation activities being undertaken on Facility. The WMCO/ECO must:-
- 2.1.1. 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
- 2.1.2. 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 EMP dated May 2014, submitted as part of the final Basic Assessment Report, is hereby approved and must be implemented together with all the conditions of this Licence.
- 3.2. An application for the amendment to the EMP must be submitted to the Licensing Authority if any further amendments are to be made to the EMP and this may only be implemented once the amended EMP has been authorised by the Licensing Authority.
- 3.3. The Licence Holder must ensure that no illegal dumping occurs on any portion of the Site.
- 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 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. Exposed waste and illegally dumped waste needs to be collected and disposed of.
- 3.6. The Licence and EMP 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.
- 3.7. The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising.

## **4. DECOMMISSION PHASE**

- 4.1. The Facility must be decommissioned in accordance with the EMP 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. Upkeep of the Facility must be done with minimal impact on the environment.

- 4.3. The closure construction of the Site must be in accordance with the Final Basic Assessment Report: Fish Hoek General Landfill Site Closure Application dated May 2014 prepared by SRK Consulting.
- 4.4. Construction within the Facility must be carried out under the supervision of a Professional Civil Engineer, registered under the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990).
- 4.5. The Facility, or any portion thereof must be covered and the Site must be maintained in such a way that:-
  - 4.5.1. The formation of pools due to rain is prevented;
  - 4.5.2. Free surface runoff of rain-water is ensured;
  - 4.5.3. Contamination of stormwater is prevented;
  - 4.5.4. No objects or material which may hamper the rehabilitation of the Facility are present; and
  - 4.5.5. Little or no erosion occurs.
- 4.6. The waste body must be covered with the surrounding indigenous vegetation.
- 4.7. The closure of the Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability.
- 4.8. The slopes of the sides of the Facility must be constructed and maintained in such a manner that the occurrence of erosion is prevented..
- 4.9. 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).

## **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 11.
- 5.3. The presence of any nuisance such as vectors (flies and vermin), exposed waste, windblown litter, bad odours, etc. must be regularly monitored and the monitoring results must be kept in terms of Condition 11.1.

## **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.
- 7.3. Sporadic leachate from the Facility shall, by means of works which shall be constructed and maintained on a continuous basis by the Licence Holder and be lined as approved by the Responsible Authority, to prevent pollution to groundwater :-
- 7.3.1. With the written approval of the Responsible Authority be evaporated in lined dams as approved by the Responsible Authority.
- 7.3.2. Be discharged into any convenient sewer if accepted by the authority in control of the sewer.

## **8. MONITORING**

- 8.1. Water Quality Monitoring
- 8.1.1. A monitoring borehole network for the Facility, at least one borehole downstream of the Facility must be established and maintained by the Licence Holder so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
- 8.1.2. Monitoring boreholes must be equipped with lockable caps. The Responsible Authority reserves the right to take water samples at any time and to analyse these samples or have them analysed.
- 8.1.3. Monitoring for water quality must be conducted:-
- 8.1.3.1. for variables listed in Annexure II – bi-annually (twice a year)
- 8.1.3.2. for variables listed in Annexure III - annually  
or such frequency as may be determined by the Responsible Authority.
- 8.1.4. If, in the opinion of the Responsible Authority, a water quality variable listed under the detection monitoring programme, as referred to in Condition 8.1.3.1, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring program.
- 8.1.5. If, in the opinion of the Director, groundwater and/or surface water pollution may be or is occurring the Licence Holder must initiate an investigation into the cause of the problem or suspected problem.

## **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. DEPARTMENTAL AUDITS AND INSPECTIONS**

- 10.1. 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.
- 10.2. The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information the Director may require.
- 10.3. 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).

## **11. AUDITING**

- 11.1. Internal audits
  - 11.1.1. 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: RPW and Director. The records kept in terms of Condition 12 must also be included in the audit report.
- 11.2. External audits
  - 11.2.1. The Licence Holder must appoint an independent external auditor to audit the Site yearly 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 11.2.2.
  - 11.2.2. All audit reports must:-
    - 11.2.2.1. Specifically state whether conditions of this Licence are adhered to;
    - 11.2.2.2. Include an interpretation of all available data and test results regarding the operation of the Site and all its impacts on the environment;
    - 11.2.2.3. Specify target dates for the implementation of the recommendations to achieve compliance; and
    - 11.2.2.4. Specify whether corrective action which was taken for the previous audit's non conformities was adequate.

## **12. RECORD KEEPING**

- 12.1. All records required or resulting from activities required by this Licence must:-
  - 12.1.1. Be legible;
  - 12.1.2. Be made available and should form part of the external audit report;
  - 12.1.3. If amended, be amended in such a way that the original and any subsequent amendments remain legible and are easily retrievable;
  - 12.1.4. Be retained in accordance with documented procedures which are approved by the Department; and
  - 12.1.5. 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 Chief Director 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), 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 hundred and 120 (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 MANAGEMENT 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
    - 15.3.1.1. 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);
    - 15.3.1.2. the contact details of the person who will be the new Licence Holder;
    - 15.3.1.3. the reasons for the transfer;
    - 15.3.1.4. 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 authorized 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 before 29 September 2022. 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 by 29 September 2022, 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 16 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. This Licence is valid until 29 September 2027. 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.
- 17.5. 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
- 17.6. 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.
- 17.7. 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 National Water Act (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and 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.

**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 Marius Venter (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 DEADP.Appeals@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 Marius.Venter@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:** 23-09-2019

CC: (1) Malise Noe: (DWS: Resource Protection and Waste)  
(2) Wilna Moolman (DWS: Resource Protection and Waste)

E-mail: [NoeM@dws.gov.za](mailto:NoeM@dws.gov.za)

Email: [MoolmanW@dws.gov.za](mailto:MoolmanW@dws.gov.za)

## ANNEXURE I

### A. REASONS FOR THE DECISION (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:

1. The Department received a non-substantive variation application on 24 July 2019 to apply for a postponement of the commencement date to 29 September 2022, citing that due to the onerous financial demand of having eleven historic sites to decommission in five years and reallocation of City funds to finance priority drought alleviation projects, the rehabilitation of the Fish Hoek WDF cannot commence before the required commencement date. Budget allocations submitted to the Department show that funds are to be spread over the upcoming financial years in order to rehabilitate the WDF by the new commencement date. The remaining time before the original commencement period (i.e. 29 September 2019) were therefore insufficient for the activity to commence on time.
2. In accordance with the Licence condition 19.4, the Department has subsequently reviewed and updated the Licence by extending the commencement date for commencing closure of this Facility to 29 September 2022 (3-year extension).

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

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

- (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 Basic Assessment Report (BAR) dated 14 May 2014, compiled by SRK Consulting (Pty) Ltd, including the Waste Management Licence Application Additional Information Annexure.
- (c) Comments raised by I&AP's throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (d) A site visit undertaken by Marius Venter from this Department on 1 April 2014;
- (e) Record of Decision by the Department of Water Affairs 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 white sand with finely crushed shell, pebbles and shells, which is in turn underlain by quartzitic sandstone with thin lenses of grit, conglomerate and shale of the Peninsula formation, Table Mountain Group. The site is located just north of a fault zone, which has resulted in the uplift of coarse porphyritic granite of the Cape Granite suite to the south of the site.

An unchanneled valley bottom wetland occurs to the south of the site and extends to the west along the foot of the Silvermine Mountains. The wetland area to the south of the site comprises permanent water with wetland vegetation, including bulrush (*Typha sp.*) and restios (*Restionaceae*).

The site is located within the area of original extent of a threatened terrestrial ecosystem, namely Endangered Hangklip Sand Fynbos. The site itself and areas to the south are completely transformed with no natural vegetation remaining.

The site is located on the northern edge of Fish Hoek, just west of the residential area of Silverglades, adjacent to the City of Cape Town Fish Hawk Transport Depot and the Fish Hoek Silverglades Sports Field. To the north the site borders on the Table Mountain national Park. There are no industrial areas in the surrounding area, and the nearest residences to the site are located in Silverglades less than 200m away.



## **DEVIATION**

The Applicant requested and was granted deviation the from 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 garden 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, the current stat of the site and the nature of the adjacent landowners/occupiers (a municipal roads workshop and sports grounds), the requirement to directly notify these parties of the process is considered unnecessary. No alternative site has been assessed as the facility is an existing one.

## **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 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 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 Alternative

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 NEMA:WA 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; and
- (f) Submission of the final BAR to the Department on 19 May 2014.

### **AUTHORITIES CONSULTATION**

- (a) Cape Nature, and
- (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.

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End

## ANNEXURE II

### WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor:

Alkalinity (P.Alk)

Ammonia (NH<sub>3</sub>-N)

Chemical Oxygen Demand (COD)

Chlorides (Cl)

Electrical Conductivity (EC)

Nitrate (NO<sub>3</sub>-N)

pH

Potassium (K)

Total Dissolved Solids (TDS)

End

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## ANNEXURE III

### WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor:

Calcium (Ca)

Fluoride (F)

Magnesium (Mg)

Sodium (Na)

Sulphate (SO<sub>4</sub>)

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End