



REFERENCE: 19/2/5/4/A6/57/WL0098/19

The City Manager
City of Cape Town
Directorate: Solid Waste Management
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8000

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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), AS AMENDED, FOR THE DECOMMISSIONING OF THE NOORDHOEK HISTORIC WASTE DISPOSAL FACILITY, ON THE REMAINDER OF CAPE FARM NO. 933 AND ERF NO. 3823 NOORDHOEK

WASTE MANAGEMENT LICENCE

A. DECISION

I, Eddie Hanekom, in my capacity as the Director: Waste Management of the Department of Environmental Affairs and Development Planning (hereinafter referred to as 'the Department'), in terms of the National Environmental Management: Waste Act (NEM: WA), 2008 (Act No. 59 of 2008), as amended, read with the Environmental Impact Assessment (EIA) Regulations, 2014, promulgated in Government Notice (GN) No. R. 982 of 4 December 2014, as amended, hereby, repeal the Waste Management Licence with Reference No.: 19/2/5/1/A6/57/WL0041/14, and issue this varied Waste Management Licence with Reference No.: 19/2/5/4/A6/57/WL0098/19, to the City of Cape Town (hereinafter referred to as 'the Licence Holder') for the decommissioning of the Noordhoek Historic Waste Disposal Facility, on the Remainder of Cape Farm No. 933 and Erf No. 3823 Noordhoek (hereinafter referred to as "the Facility").

B. DESCRIPTION OF THE ACTIVITY:

The activities for decommissioning of a Communal WDF such as this Facility, as per the *Minimum Requirements for Waste Disposal by Landfill* (Second Edition 1998) of the Department of Water Affairs and Forestry (hereinafter referred to as the "Minimum Requirements"), will entail, but not be limited, to the following: -

- (a) Remedial design to address identified problem areas;
- (b) Final shaping, landscaping and re-vegetation;
- (c) Final landfill cover or capping design;
- (d) Construct the capping layer to minimum quality and thickness;
- (e) Permanent storm water diversion measures, run-off control and anti-erosion measures; and
- (f) Any infrastructure relating to the End-use Plan.

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

Category A

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

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 National Department of Water and Sanitation: Western Cape Provincial Operations who may be contacted at the address below:

Director: Resource Protection and Waste
Department of Water and Sanitation
Private Bag X16
SANLAMHOF
7532

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

C. LICENCE CONDITIONS

LICENCE NUMBER: 19/2/5/4/A6/57/WL0098/19
WASTE APPLICATION: DECOMMISSIONING OF THE NOORDHOEK HISTORIC WASTE DISPOSAL FACILITY
CLASS: (G:C:B+)
LOCATION: REMAINDER OF CAPE FARM NO. 933 AND ERF NO. 3823 NOORDHOEK
LICENCE HOLDER: CITY OF CAPE TOWN
CONTACT PERSON: DESIGNATED WASTE MANAGEMENT CONTROL OFFICER
POSTAL ADDRESS: P.O. BOX 298, CAPE TOWN, 8000

1. Location

- 1.1. This Licence authorises the City of Cape Town to decommission the Facility on the Remainder of Cape Farm No. 933 and Erf No. 3823 Noordhoek.
- 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 19 May 2014 submitted by the Licence Holder, which is defined as follows:

Table 1-1: Footprint of the Facility

Corner Points	Latitude	Longitude
1	18°22'50.19" S	34°6'37.96" E
2	18°22'50.19" S	34°6'37.96" E
3	18°22'50.19" S	34°6'37.96" E
4	18°22'50.19" S	34°6'37.96" E
5	18°22'50.19" S	34°6'37.96" E

- 1.3. Location of property on which Facility is situated:

Table 1-2: Location of Facility

Latitude	Longitude
18°22'53.82" S	34°6'45.84" E

- 1.4. The footprint of the Facility and its associated infrastructure is 20,130 m².
- 1.5. The Surveyor General 21 Digit code of the Facility is: C01600370000093300000.

2. Appointment of Waste Management Control Officer/Environmental Control Officer

- 2.1. The closure and rehabilitation activities, for decommissioning of the Facility, that are authorised by this Licence, must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them.

- 2.2. A Waste Management Control Officer (WMCO)/Environmental Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Licence and Environmental Management Programme (EMPr) dated 19 May 2014, prior to any construction activities being undertaken at the Facility. The WMCO/ECO must:
- 2.2.1. report any non-compliance with any Licence conditions or requirements or provisions of NEM: WA to the Licensing Authority through means reasonably available; and
 - 2.2.2. monitor any future construction activities and ensure that the construction plans are carried out in accordance with the approved engineering designs.

3. General Management

- 3.1. The EMPr for the facility mentioned in condition 2.2, submitted as part of the final BAR, as previously approved, 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. Any persons having duties that are or may be affected by the matters set out in this Licence must have convenient access to a copy of it. This must be kept at or near the place where those duties will be carried out.
- 3.4. A copy of this Licence and the EMPr must be kept at the Facility where the waste listed activity will be undertaken. The Licence and EMPr must be produced to any authorised official of the Department who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein and must be made available for inspection by any employee or agent of the Licence Holder who works or undertakes work at the Facility.

4. Decommission Phase

- 4.1. The Licence Holder must submit a Closure Report, which includes the Closure Design, Closure Requirements and End Use Plan to the Licence Authority for approval 90 (ninety) days prior to construction for decommissioning of the Facility.
- 4.2. The Facility must be decommissioned in accordance with the closure report for the facility in the EMPr, the final BAR prepared by SRK Consulting dated 19 May 2014 and in accordance with conditions of this Licence.
- 4.3. Construction of the Facility must be in accordance with the final BAR and EMPr as prepared by EAP and must be carried out under the supervision of the WMCO/ ECO, who must submit a declaration to the Director upon completion, that all possible mitigation measures have been put in place.
- 4.4. An alien invasive plant management programme must be established on the Facility.
- 4.5. 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).
- 4.6. The Facility must be constructed in accordance with recognised civil engineering practice, with special consideration to stability of the waste body.
- 4.7. The Facility, or any portion thereof must be constructed and maintained in such a way that:
 - 4.7.1. the formation of pools due to rain is prevented;
 - 4.7.2. free surface runoff of rain-water is ensured;
 - 4.7.3. contamination of stormwater is prevented;

- 4.7.4. no object or material which may hamper the rehabilitation of the Facility are present; and
- 4.7.5. little or no erosion occurs.

4.8. 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. Facility Security and Access Control

- 5.1. Weatherproof, durable and legible notices must be displayed at each entrance to the Facility in at least 3 (three) official languages applicable to the area. These notices must prohibit unauthorised entry, state the hours of operation, include the types of waste permissible, the name, address and telephone number of the Licence Holder and the person responsible for the operation of the Facility.
- 5.2. The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated Facility and that no illegal dumping occurs on the Facility.

6. Facility Management and Operations

- 6.1. The Licence Holder shall retain the responsibility for the Facility, any of its impacts arising from the operations on the environment and its monitoring and ensure that:
 - 6.1.1. the presence of any nuisance conditions or health hazards, such as vectors (flies and vermin), dust, windblown litter, exposed waste, obnoxious odours and noise are prevented and monitored on a regular basis and monitoring results thereof are kept in terms of condition 12.
 - 6.1.2. any complaints from the public must be attended to by the Licence Holder, who must take all reasonable and practical steps to alleviate the cause of the complaint within a reasonable timeframe to the satisfaction of the Director and record it in terms of conditions 12 and 13.

7. Environmental Pollution Investigations

- 7.1. If, in the opinion of the Director, any environmental pollution, nuisances or health risks may be or is occurring at the Facility, the Licence Holder must investigate the cause of the problem and take reasonable steps to alleviate the problem in consultation with the Director.
- 7.2. Should the investigation carried out as per condition 7.1 above reveal any unacceptable levels of pollution, the Licence Holder must submit a report with mitigation measures to the satisfaction of the Director.

8. Runoff Water Quality Management

- 8.1. Works constructed in compliance with condition 4 must be of such a capacity as to maintain a freeboard of half a metre and to accommodate: -
 - 8.1.1. All stormwater runoff, which could be expected as a result of the estimated maximum precipitation during a period of 24 (twenty-four) hours with an average frequency of once in the fifty years; and
 - 8.1.2. All expected leachate.
- 8.2. Works constructed in compliance with condition 4.7 must, on a continuous basis, be properly maintained.

- 8.3. All runoff water (stormwater) arising as a result of precipitation on land adjacent to the Facility must be prevented from entering the Facility and must be diverted and drained from the Facility, by means of works constructed by the Licence Holder in accordance with condition 4.
- 8.4. Stormwater leaving the site shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped or spilled on the site.
- 8.5. 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.

9. Monitoring

9.1. Water Quality Monitoring

- 9.1.1. The Licence Holder must establish and maintain a ground water monitoring borehole network with at least one upstream and one downstream borehole, so that unobstructed sampling, as required in terms of this Licence, can be undertaken.
- 9.1.2. Monitoring boreholes must be equipped with lockable caps. The Director and the Director: RPW reserve the right to take water samples at any reasonable time and to analyse these samples or have them analysed.
- 9.1.3. The details of the boreholes should be provided to the Director: RPW. This should include the depth, diameter, coordinates, lithological logs (geology), water strikes, groundwater level, construction details, field Electrical conductivity, pH etc.
- 9.1.4. The area of the landfill site should be capped in such a way that it would limit the formation of leachate and control the flow of storm water in such a way that it would minimize the possibility of contamination to groundwater.
- 9.1.5. The groundwater monitoring programme should include both the water quality and water level monitoring.
- 9.1.6. Water levels should be measured at least monthly and the readings recorded against time and date.

9.2. Detection monitoring

- 9.2.1. Monitoring for groundwater and surface water shall be conducted
 - (a) bi-annually (twice per year) for the water quality variables listed in Annexure II;
 - (b) annually for the quality variables listed in Annexure III;or such frequency as may be determined by the Licencing Authority.

9.3. Investigative monitoring

- 9.3.1. If, in the opinion of the Director and/or the Director: RPW, a water quality variable listed under the detection monitoring programme, as referred to in condition 9.2, shows an increasing trend, the Licence Holder shall initiate a monthly monitoring programme.

9.4. Further investigation

- 9.4.1. If, in the opinion of the Director and/or the Director: RPW, groundwater and/or surface water pollution have occurred or may possibly occur, the Licence Holder must conduct and/or appoint specialists to conduct the necessary investigations and implement monitoring and rehabilitation measures to the satisfaction of the Director and/or the Director: RPW.

10. Analysis of Samples

10.1. Monitoring Methods and Parameters

- 10.1.1. The Licence Holder must carry out all tests required in terms of condition 9.2 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).
- 10.1.2. 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.
- 10.1.3. A monitoring report done by a geohydrologist should be compiled at the end of the 18 (eighteen) months, using monitoring data collected. This report will then be evaluated to determine whether future monitoring may be needed.
- 10.1.4. In the event of contamination/pollution being found, the Director: RPW should be notified as soon as possible, and a remediation plan be provided for approval. Potential receptors are to be identified immediately and action taken to ensure that there is no health risk.

11. Auditing

11.1. Internal Audits

- 11.1.1. Internal audits must be conducted quarterly (four times per year) by the Licence Holder and on each audit occasion an official report must be compiled by the relevant auditor, in the format referred to in condition 11.3, to report the findings of the audits, which must be made available to the external auditor specified in condition 11.2.1 and the Director (if requested), according to condition 11.4.2.

11.2. External Audits

- 11.2.1. The Licence Holder must appoint an independent external auditor to audit the Facility annually (once a year) and this auditor must compile an audit report, in the format referred to in condition 11.3, documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.
- 11.2.2. The audit report must specifically state whether conditions of this Licence are adhered to and must include an interpretation of all available data and test results regarding the operation of the Facility and all its impacts on the environment.
- 11.2.3. The audit report must specify target dates for the implementation of the recommendations to achieve compliance and specify whether corrective action which was taken for the previous audits non-conformities was adequate.
- 11.2.4. Each external audit must be submitted to the Director within 30 (thirty) days, from the date on which the external auditor finalised the report.

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

11.4. Departmental Audits and Inspections

- 11.4.1. The Director reserves the right to audit and/or inspect the Facility without prior notification at any time and at such a frequency as the Director may decide, or to have the Facility audited or inspected.
- 11.4.2. The Licence Holder must make any records or documentation available to the Director upon request, as well as any other information the Director may require.
- 11.4.3. The findings of these audits or inspections shall be made available to the Licence Holder within 60 (sixty) days of the end of the audit or inspection and shall not be treated as confidential.

12. Record Keeping

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

13. Reporting

- 13.1. The Licence Holder must, within 24 (twenty-four) hours, notify the Director of the occurrence or detection of any incident at the Facility, which has the potential to cause, or has caused water pollution, pollution of the environment, health risks or nuisance conditions.
- 13.2. The Licence Holder must, within 14 (fourteen) days, or as specified by the Director from the occurrence or detection of any incident referred to in condition 13.1, submit an action plan, which must include a detailed time schedule, and resource allocation signed off by management, to the satisfaction of the Director of measures taken to: –
 - 13.2.1. correct the impact resulting from the incident;
 - 13.2.2. prevent the incident from causing any further impact; and
 - 13.2.3. prevent a recurrence of a similar incident.
- 13.3. In the event that measures have not been implemented within 21 (twenty-one) days of the incident to address impacts caused by the incident referred to in condition 13.1, or measures which have been implemented are inadequate, the Director may implement the necessary measures at the cost and risk of the Licence Holder.
- 13.4. The Licence Holder must keep and maintain an incident and complaints register, which must be made available to both external and Departmental auditors for the purpose of their audits.
- 13.5. The Department must be notified within 7 (seven) days of any changes to the management of the Facility including the name of the incoming person together with evidence that such person has the required technical competence.
- 13.6. The Department must be notified within 14 (fourteen) days of the following changes:
 - 13.6.1. Licence Holder's trading name, registered name or registered office address;
 - 13.6.2. Particulars of the Licence Holder's ultimate holding company (including details of an ultimate holding where a Licence Holder has become a subsidiary); and
 - 13.6.3. Steps taken with a view to the Licence Holder going into bankruptcy, entering into composition or arrangement with creditors.
- 13.7. All internal and external audit reports must be submitted to the Director within 30 (thirty) days from the date on which the auditor finalised the audit.

14. Leasing and Alienation of the Facility

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

15. Transfer of Licence

15.1. Should the Licence Holder want to transfer holdership of this Licence, he/she must apply in terms of section 52 of the NEM: WA.

15.2. Any subsequent Licence Holder shall be bound by the conditions of this Licence.

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:

- (a) 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);
- (b) the contact details of the person who will be the new Licence Holder;
- (c) the reasons for the transfer; and
- (d) an originally signed letter from the proposed new Licence Holder acknowledging the rights and obligations contained in the Licence and indicating that he/she can 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. The activities hereby Licenced may not commence within 20 (twenty) days of the date of signature of this Licence.

16.2. Should the Licence Holder be notified by the Director of a suspension of the Licence pending any appeals decision on the authorized activities, he/she may not commence with the activities until authorised by the Director in writing.

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 7 (seven) years from the date of this Licence. If commencement of the activity does not occur within that period, the validity of this Licence lapses and a new application for waste management licence must be made for the activity to be undertaken.

16.5. If the proponent anticipates that commencement of the activity would not occur within the 7 (seven) 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. This Licence is valid for a period of 12 (twelve) years from the date of this Licence. The licence may be reviewed any time before that date. Based on the results of the review, especially compliance to Licence conditions or recommendations from the audit reports and or changing legislation, the Licence can be amended or withdrawn, or the validity thereof extended.
- 17.6. Should the Licence Holder want to conduct the waste management activity beyond 12 (twelve) years, the Licence Holder must apply for a review 1 (one) year before the expiry date.
- 17.7. In terms of sections 28 and 30 of the National Environmental Management Act (Act No. 107 of 1998) (NEMA), and sections 19 and 20 of the National Water Act (Act No. 36 of 1998), any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Licence Holder reads through and understands the legislative requirements pertaining to the project. It is the Licence Holder's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

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: 30-09-2019

D. APPEAL OF LICENCE

1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (GN No. 993 of 2014), as amended.
2. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the holder by the Competent Authority:
 - 2.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 2.3 An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date that the notification of the decision was sent to the registered I&APs by the holder:
 - 2.3.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014, as amended to the Appeal Administrator; and
 - 2.3.2 submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
- 2.4 The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
- 2.5 The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174;

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001; or

By email: DEADP.Appeals@westerncape.gov.za

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

ANNEXURE I

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

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

- (a) The subsequent non-substantive variation was granted to postpone the due date for commencement of the decommissioning activity, for this Facility. This licence repeals the Waste Management Licence with Reference No.: 19/2/5/1/A6/57/WL0041/14, dated 10 December 2014.
- (b) The original Waste Management Licence with Reference No.: 19/2/5/1/A6/57/WL0041/14, dated 10 December 2014, required commencement within 5 (five) years (by 10 December 2019), and was valid for 10 (ten) years (until 10 December 2024). The information provided by the Licence Holder indicating the projected financial commitment and plan to commence with decommissioning of the Facility, was considered to vary this Waste Management Licence.
- (c) In accordance with condition 18.4 Waste Management Licence with Reference No.: 19/2/5/1/A6/57/WL0041/14, dated 10 December 2014, the Department has subsequently reviewed and updated the Waste Management Licence by postponing the commencement due date for decommissioning of the Facility to 7 (seven) years from the date of this Licence.

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.

- (d) The information contained in the Application Form for a Waste Management Licence dated 21 January 2014;
- (e) The Basic Assessment Report (BAR) dated 19 May 2014, compiled by SRK Consulting (Pty) Ltd, including the Waste Management Licence Application Additional Information Annexure;
- (f) Comments raised by I&AP's throughout the Public Participation Process, the Applicant and the Environmental Assessment Practitioner's responses thereto;
- (g) A site visit undertaken by Tanya Faber from this Department on 10 April 2014;
- (h) Relevant information contained in the Departmental information base; and
- (i) 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, are set out below.

Environment

The site is located in the eastern corner of Remainder Cape Farm No. 933 and the north-eastern corner of the Remainder of Erf No. 3823 Noordhoek. Both properties are largely vacant, comprising mostly wetland areas that form part of the larger Noordhoek wetlands. The Table Mountain National Park borders on Cape Farm No. 933 to the west (encompassing most of the rest of the Noordhoek wetlands) and the Noordhoek Sports Fields and Noordhoek Horse Riding Association are located on the northern part of Cape Farm No. 933.

The site is underlain by white sand with finely crushed shell, pebbles and shells in place along the beach, which is in turn underlain by quartzitic sandstone with thin lenses of grit, conglomerate and shale of Peninsula formation, Table Mountain group. The site is located north of the fault zone, which has resulted in the uplift of coarse porphyritic granite of the Cape Granite suite to the south of the site.

There are no well-defined watercourses in the Noordhoek Valley, with possible exception of the Bokramspruit stream that discharges into the sea near Kommetjie, and the Brookwood stream that runs into the wetlands to the north of the site. The Noordhoek Wetlands comprises a large semi-seasonal wetland (Papkuilsvlei) in the centre of the valley to the west of the site; three permanent water bodies, namely Lake Michelle (an artificial lake created in an old salt mine) to the south of the site and two Wildevoëlvlei wetlands further south towards Kommetjie; two elongated back lagoons behind the dunes on Noordhoek Beach, as well as extensive seasonal wetland areas and reed beds.

Deviation

The applicant requested permission for the deviation from Regulation 54(2) (a) to (d) of GN No. R. 543 of 18 June 2010, namely the requirement to give written notice to the owners and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken.

ALTERNATIVES

The following alternatives were considered: -

Site Alternatives

No site alternatives have been assessed as the Application is for the closure of the existing Facility.

Activity Alternatives

There are no direct activity alternatives as the process will involve the closure of the current Facility.

Design Alternatives

The project will entail the closure of an existing dumping site.

PUBLIC PARTICIPATION PROCESS (PPP)

The PPP comprised of the following: -

- (j) Copies of the draft BAR were sent to CapeNature, the Department of Water and Sanitation (DWS) for comment on 25 March 2014 and a copy of the draft BAR was sent to the Fish Hoek Public Library on 26 March 2014 to be made available for public comment;
- (k) Newspaper advertisements announcing the project and the availability of the draft BAR for public review appeared in two local newspapers, namely "People's Post" and "False Bay Echo", on 27 March 2014;
- (l) A site notice board announcing the project and the BA process was placed on the boundaries of the site on 27 March 2014;
- (m) A 40-day comment period was provided to all IAPs to review the draft BAR and submit comments. The comment period closed on 12 May 2014. All comments received are recorded and responded to in a Comments and Responses Report;

- (n) All IAPs responding to the newspaper advertisements and site notice boards were registered on the database of IAPs.
- (o) The final BAR was revised following the IAP comment period and released for a second, 21-day public comment period;
- (p) All registered IAPs were notified of the availability of the final BAR for review and was forwarded a copy of the Executive Summary; and
- (q) Copies of all correspondence, newspaper advertisements, site notices, the IAP database and the written submissions received from IAPs were enclosed with this Comments and Responses Report as Appendix F of the final BAR.

Authorities Consultation: -

- (r) Cape Nature; and
- (s) Department of Water and Sanitation (DWS) regional office, Western Cape.

Comments and recommendations provided by the other relevant authorities have been considered in the evaluation of this application. No authorities objected to the commencement of the activity. Where possible and relevant, the conditions imposed by Cape Nature and DWA have been included in the Waste Management Licence.

-----End-----

ANNEXURE II

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor at bi-annual intervals for:

Alkalinity (P.Alk)

Ammonia (NH₃-N)

Chemical Oxygen Demand (COD)

Chlorides (Cl)

Electrical Conductivity (EC)

Nitrate (NO₃-N)

pH

Potassium (K)

Total Dissolved Solids (TDS)

-----End-----

ANNEXURE III

WATER QUALITY VARIABLES REQUIRED FOR DETECTION MONITORING:

Monitor at annual intervals for:

Calcium (Ca)

Fluoride (F)

Magnesium (Mg)

Sodium (Na)

Sulphate (SO₄)

-----End-----

