

Reference: 19/2/5/4/E2/15/WL0068/23

For attention: Mr. Craig Mitchell

The Municipal Manager
Overstrand Municipality
P.O. Box 20
HERMANUS
7200

Email: cmitchell@overstrand.gov.za

VARIATION OF THE WASTE MANAGEMENT LICENCE FOR THE DECOMMISSIONING OF THE HERMANUS WASTE DISPOSAL FACILITY ON REMAINDER OF ERF 243, HERMANUS

WASTE MANAGEMENT LICENCE

A. DECISION

I, Lance McBain-Charles, in my capacity as the Acting 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. 19/2/5/4/E2/14/WL0167/18) and issue this Waste Management Licence to the Overstrand Municipality (hereinafter referred to as "the Municipality") for the decommissioning of the Hermanus Waste Disposal Facility (WDF) on Erf 243, Hermanus.

B. DESCRIPTION OF THE ACTIVITY:

The activities for closure and decommissioning of the Hermanus WDF, as per the "Minimum Requirements for Waste Disposal by Landfill", 1998, published by the then Department of Water Affairs and Forestry (now Department of Water and Sanitation (DWS)), will entail but not be limited to the following:

- a) Levelling of existing waste mounds (combination of green waste, builder's rubble and household waste).
- b) Shape and consolidate the waste body to form the final profile.
- c) Construct the capping layer to minimum quality and thickness.
- d) Covering of the area with topsoil to allow for the growth of vegetation.
- e) Construction of permanent stormwater diversion measures, run-off control and anti-erosion measures.
- f) Erect a security fence to enclose the rehabilitated waste facility.

The following activity identified in the NEM:WA "List of waste management activities, that have, or are likely to have, a detrimental effect on the environment", published as Government Notice (GN) No. 921 of 29 November 2013, is 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 storage of waste at a facility that has the capacity to store in excess of 100m³ of general waste and/or 80m³ of hazardous waste at any one time, excluding the storage of waste in lagoons or temporary storage of such waste, would require the applicant to comply with the NEM:WA "National Norms and Standards for Storage of Waste", published as GN No. 926 on 29 November 2013. Similarly, the storage of waste tyres in an area exceeding 500m², must comply GN No. 926. These activities no longer require a waste management licence. This information can be accessed in Category C of GN 921.

The sorting, shredding, grinding, crushing, screening, chipping or bailing of general waste at a facility which has an operational area of more than 1000m², must comply with the NEM:WA "National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening, Chipping or Bailing of General Waste", published as GN No. 1093 on 11 October 2017. This activity no longer requires a waste management licence. This information can be accessed in Category C of GN 921.

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

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/E2/15/WL0068/23
WASTE APPLICATION: CLOSURE OF THE HERMANUS WASTE DISPOSAL FACILITY
LOCATION: PORTION OF ERF 294 OF THE MUNICIPAL COMMONAGE
LICENCE HOLDER: OVERSTRAND MUNICIPALITY
CONTACT PERSON: MR. CRAIG MITCHELL
ADDRESS: P.O. BOX 20, HERMANUS, 7200
Tel: (028) 316 3724
Fax: (028) 316 3721

1. LOCATION

1.1 This Licence authorises Overstrand Municipality to close the Facility on Remainder of Erf 243, Hermanus.

1.2 The location of the entrance to the Facility must be according to the following co-ordinates:

Latitude (S)	Longitude (E)
34°25'25.00"	19°13'03.00"

1.3 The footprint of the Facility must be according to the following co-ordinates:

Footprint of the Facility

Number of corners	Latitude (S)	Longitude (E)
Corner 1	34°25'25''	19°13'03''
Corner 2	34°25'30''	19°13'01''
Corner 3	34°25'26''	19°12'42''
Corner 4	34°25'18''	19°12'45''

1.4 The footprint of the Facility and its associated infrastructure is 63 881m².

1.5 The SG 21 Digit Code of the Facility is: C01300130000024300000.

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

2.1 The waste management activities 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), 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 the means reasonably available;

2.2.2 monitor the construction of the infrastructure to ensure that the layout plans are in accordance with the approved designs and record important findings of the Facility inspection; and

2.2.3 submit a declaration to the Director upon completion of the construction works that all possible mitigation measures have been put in place and highlight likely deficiencies before commencement of the listed activities.

3. GENERAL MANAGEMENT

- 3.1 The EMPr dated February 2013, 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 closure and rehabilitation of the Facility must be managed by fit and proper persons who are competent in respect of the responsibilities to be undertaken by them in connection with the commencement of the decommissioning activity.
- 3.4 The Licence Holder must ensure that no illegal access is gained to the closed and rehabilitated portion of the Facility and that no illegal dumping occurs on this portion of the Facility.
- 3.5 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.
- 3.6 The Licence Holder must ensure that the intended end-use is properly implemented and that the landscaping of the Facility, the drainage system and the vegetation form part of the development to ensure the successful implementation of the intended end-use plan.
- 3.7 A copy of this Licence and the EMPr must be kept at the Facility where the waste listed activities 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.
- 3.8 The Licence Holder shall remain responsible for the Facility, and/or any of its impacts arising from the operations on the environment.
- 3.9 Organic waste must be handled in accordance with an Organic Waste Diversion Plan, targets and procedures, developed by the Municipality, in order to comply with the associated targets set in 2013 of 50% diversion by the year 2022 and 100% diversion by the year 2027.

4. DECOMMISSIONING PHASE

- 4.1 The Licence Holder must submit a Rehabilitation Design and Closure Plan, completed by a professional civil engineer, to the Licensing Authority for approval 30 days prior to construction for decommissioning of the Facility.
- 4.2 The Facility must be decommissioned in accordance with the EMPr and the approved Rehabilitation Design and Closure Plan, as well as in accordance with conditions of this Licence and any other written instruction by the Department.
- 4.3 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 114 of 1990).
- 4.4 The movement of scattered waste to the central rehabilitation area must be done with minimal impact on the environment.
- 4.5 The waste body must be shaped, consolidated and compacted to its final profile to fit in as far as possible with the surrounding environment.
- 4.6 The waste body must be capped with a 200mm layer of topsoil and extend the surrounding vegetation over the waste body.
- 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 Facility, or any portion thereof must be covered, and the Facility must be maintained in such a way that:
- 4.8.1 the formation of pools due to rain is prevented;
 - 4.8.2 free surface runoff of rainwater is ensured;
 - 4.8.3 contamination of stormwater is prevented;
 - 4.8.4 no objects or material which may hamper the rehabilitation of the Site are present; and
 - 4.8.5 little or no erosion occurs.
- 4.9 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, by means of works constructed by the Licence Holder in accordance with Condition 4.
- 4.10 Works constructed in compliance with Condition 4.9, must be of such a capacity as to maintain a freeboard of half a metre and to accommodate 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.
- 4.11 The construction for closure must be done in accordance with the requirements stipulated in the "Minimum Requirements" or any updated applicable versions as well as the Reports and the conditions of this Licence and any other written instruction issued by the Licensing Authority to the Licence Holder.

5. FACILITY SECURITY AND ACCESS CONTROL

- 5.1 The Licence Holder must prevent unauthorised access to the Facility, by having the Facility enclosed.
- 5.2 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 and must contain the name, address and telephone number of the Licence Holder and the person responsible for the Facility. The notices must also indicate the alternative waste management or disposal options.
- 5.3 The Licence Holder must ensure that there is no illegal access to the closed and rehabilitated Facility and that no illegal dumping occurs at the Facility.
- 5.4 The Licence Holder shall ensure effective access control.

6. IMPACT MANAGEMENT

- 6.1 The Licence Holder shall retain the responsibility for the Facility, and its monitoring after decommissioning of the Facility, in accordance with the "Minimum Requirements" and any relevant Norms and Standards that may replace the "Minimum Requirements".
- 6.2 The presence of any nuisances such as flies, exposed waste, and bad odours must be monitored every 6 (six) months and monitoring results kept in terms of Condition 12.
- 6.3 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 Conditions 12 and 13.
- 6.4 The Facility must be managed and operated:
- 6.4.1 in such a manner that no nuisance conditions such as odour or health hazards occur; and
 - 6.4.2 so that no general waste is burned at the Facility.
- 6.5 The Licence Holder must ensure that all roads at the Facility are maintained to allow access to all areas by vehicle.

- 6.6 The Licence Holder must make use of moveable fences to control windblown litter.
- 6.7 The Licence Holder must take responsibility for the health and safety of workers and employees at the Facility, in terms of Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

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 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.
- 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. MONITORING METHODS AND PARAMETERS

- 8.1 The Licence Holder shall carry out all tests 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), to analyse the samples taken under the monitoring programmes specified in Condition 9.
- 8.2 The Licence Holder may only use another method of analysis if written proof is submitted to and accepted by the Director and the Director: RPW, specifying that the method to be used is at least equivalent to the SABS method.
- 8.3 In the event of contamination/pollution being detected, the Director and 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.

9. MONITORING

9.1 WATER QUALITY MONITORING

- 9.1.1 If, in the opinion of the Director and/or Director: RPW, 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.
- 9.1.2 Investigations carried out in terms of Condition 9.1.1 above must include the monitoring of the relevant environmental pollution, nuisance and health risk variables, at those monitoring points and such frequency to be determined in consultation with the Director.
- 9.1.3 Should the investigation carried out as per Conditions 9.1.1 and 9.1.2 above reveal any unacceptable levels of pollution, the Licence Holder must submit mitigation measures to the satisfaction of the Director.

10. INTERNAL AND EXTERNAL AUDITS

10.1 INTERNAL AUDITS

- 10.1.1 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 to report the findings of the audits, which must be made available to the external auditor specified in Condition 10.2.1, and the Director, within 30 (thirty) days of the date the audit was conducted.

10.2 EXTERNAL AUDITS

- 10.2.1 The Licence Holder must appoint an independent external auditor to conduct annual audits before the decommissioning of the Facility commences and after the decommissioning phase has been concluded, to audit the Facility every 2 (two) years. This auditor must compile an audit report documenting the findings of the audit, which must be submitted by the Licence Holder to the Director.

- 10.2.2 The audit report must:
 - 10.2.2.1 Specifically state whether the conditions of this licence are being adhered to;
 - 10.2.2.2 Include an interpretation of all available data and test results regarding the operation of the Facility 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 the corrective actions taken after the previous audits was adequate.
- 10.2.3 The external audit report must be submitted to the Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee"), provided in Condition 11 below, within 3 (three) months, from the date on which the external auditor finalised the report.
- 10.2.4 Each external audit must be submitted to the Director within 30 (thirty) days from the date on which the external auditor finalised the report.
- 10.2.5 Both the internal and external audit reports must be in accordance with the format as prescribed by the Department.

10.3 DEPARTMENTAL AUDITS AND INSPECTIONS

- 10.3.1 The Department and the Director: RPW reserves the right to audit and/or inspect the Facility at any time and at such a frequency as the Director and the Director: RPW may decide, or to have the Facility audited or inspected.
- 10.3.2 The Licence Holder must make any records or documentation available to the Director and the Director: RPW upon request, as well as any other information the Director and the Director: RPW may require.
- 10.3.3 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.

11 MONITORING COMMITTEE

- 11.1 The Licence Holder must take the necessary steps to establish, maintain and ensure the continued functioning of a Monitoring Committee for the normal operative lifetime of the Facility and for a period of at least 2 (two) years after the closure of the Facility, or such longer period as may be determined by the Director.
- 11.2 The Monitoring Committee shall be representative of relevant interested and affected parties (I&APs) and may consist of at least 3 (three) of the following representatives:
 - 11.2.1 Licence Holder and/or his/her appointed consultant(s) or advisor(s);
 - 11.2.2 representative(s) of the Health, Environment and/or Waste Departments of the relevant local authority;
 - 11.2.3 representative(s) of this Department; and
 - 11.2.4 at least 3 (three) persons/parties, their representatives elected by the local residents, or proof of notification of the invitation to attend the Monitoring Committee to I&AP's of each meeting.
- 11.3 The Monitoring Committee shall meet annually (once a year) and no later than 3 (three) months after the finalisation of the external audit report was conducted in terms of Condition 10.2.1, and submitted in terms of Condition 10.2.3.
- 11.4 The Licence Holder must keep minutes of all meetings of the Monitoring Committee and distribute these minutes to all members of the Monitoring Committee within 30 (thirty) days after the meeting.

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 the external audit report;
 - 12.2.3 If amended, 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 approved by the Department; and
 - 12.2.5 be made available to the Department upon the request of the Director and/or Director: RWP.
- 12.3 The Licence Holder shall record all water quality and chemical analysis in a format agreed upon in writing between the Director: RPW, the Licence Holder, and a relevant specialist if so required.
- 12.4 The Licence Holder must register and report all waste volumes or masses received, recovered, disposed of 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 Department.

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 any pollution.
- 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 responsibility of the Licence Holder.
- 13.4 The Licence Holder or duly appointed person must keep an incident report 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 The Department must be notified without delay in the case of the following:
- 13.7.1 any malfunction, breakdown of failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
 - 13.7.2 the breach of conditions of this licence; and
 - 13.7.3 any significant adverse environmental and health effects.
- 13.8 Prior written notification must be given to the Director of the following events and within the specified timeframes:
- 13.8.1 as soon as practicable prior to the permanent cessation of any operational activities;
 - 13.8.2 full or partial cessation of the operational activities for a period likely to exceed 3 (three) months; and
 - 13.8.3 full or partial resumption of the operation of all or part of the activities after a cessation notified under 13.8.2 above.

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 (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 THE LICENCE

- 15.1 Should the Licence Holder want to transfer ownership 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 original 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:
 - 15.3.2 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);
 - 15.3.3 the contact details of the person who will be the new Licence Holder;
 - 15.3.4 the reasons for the transfer; and
 - 15.3.5 an original 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.
- 15.4 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 construction and rehabilitation activities of the licensed activity may not 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 decommissioning phase must commence within 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 the expiry date for commencement.

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 This Licence is valid for a period of 10 (ten) years from the date of issue of this Licence. The licence may be reviewed any time after commencement. Based on the results of the review, especially compliance with the 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.
- 17.7 In terms of Section 28 and 30 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, 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 the environmental risks of their work and training them to operate in an environmentally 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: Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Lance McBain-Charles
Acting Director: Waste Management

Date: 2023/05/12

ANNEXURE I

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:

The Department received a variation application from the Overstrand Municipality on 20 April 2023 for the existing Hermanus WDF waste management licence (WML) (Ref: 19/2/5/4/E2/14/WL0167/18). The Department has reviewed the application and extended the commencement of decommissioning date, as contained in the WML, with 5 years to 19 May 2028, and the validity of the WML for a further 10 years from the signature of this WML.

In accordance with the Licence Condition 17.4, the Department has also reviewed and updated the Licence.

REASONS FOR THE 2018 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:

The Department received a non-substantive variation application from Overstrand Municipality on 28 September 2018 to apply for a postponement of the commencement for five to ten years, citing that due to other waste management projects and current activities requiring funds, the rehabilitation of the Hermanus WDF could not be commenced with before the original commencement period (i.e. 31 March 2019) was reached.

In accordance with Licence Condition 17.4, the Department has also reviewed and updated the validity period of this Licence.

REASONS FOR THE ORIGINAL DECISION (Not appealable)

The information contained in the Waste Management Licence Application form, dated 30 November 2012, a site inspection conducted on 15 November 2012, the final BAR, dated 13 August 2013 and the Waste Management Licence Application Additional Information Annexure, dated 12 August 2013, compiled by Strategic Environmental Focus (Pty) Ltd, as well as the Record of Decision by the Department of Water Affairs, dated 9 December 2013, were taken into account in the Department's consideration of the application. Comments raised by I&AP's throughout the Public Participation Process (PPP), the applicant and the Environmental Assessment Practitioner's responses thereto were taken into account. The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA, have also been considered in this decision. A summary of the issues which, in the Department's view, were of the most significance is set out below.

ENVIRONMENT

The Facility was previously used for disposal of domestic waste, construction and demolition waste and green waste. Therefore the Facility does not contain any sensitive ecosystems, habitats or vegetation of environmental significance.

Geology

The Facility is underlain by the lower Peninsula Formation and Upper Nardouw Subgroup which predominantly comprise of resistant quartzitic sandstones separated by Cederberg Shale Formation.

Surface Water

No inland surface water bodies occur within close proximity to the project site.

ALTERNATIVES

Site Alternatives

No site alternatives have been assessed as the activity focuses on 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 WDF. Design or layout alternatives for the proposed land end use, namely a soccer field will still have to be finalised. The Design and Closure plan must still be submitted by the applicant.

Technology Alternatives

No technology alternatives were assessed.

The No-Go Option

The no-go option of not closing and rehabilitating the Facility is not considered appropriate and allowing the activity to continue would be impractical and illegal. The failure to rehabilitate the Facility according to the required standards may result in an unacceptable environment impact. The Facility may then become an illegal disposal facility for members of the public.

PUBLIC PARTICIPATION

The PPP comprised of the following:

- Advertisements were placed in the "Hermanus Times" on 21 March 2013.
- Notices was sent to neighbours on 25 March 2013.
- 40-day I&AP Registration and public review and comment period on draft BAR (25 March to 7 May 2013).
- 21-day review and comment period on final BAR 12 August – 2 September 2013.

Authorities Consultation:

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 waste management legislation and the applicant is required to obtain all other necessary approvals before commencing with the activities.

End