

SITE SENSITIVITY VERIFICATION REPORT

**PROPOSED DEVELOPMENT OF A NEW LANDFILL SITE (CLASS B) AND
ASSOCIATED INFRASTRUCTURE ON THE REMAINING EXTENT OF PORTION 1
OF THE FARM MELK SPRUIT NO. 12, WALTER SISULU LOCAL MUNICIPALITY,
EASTERN CAPE PROVINCE**



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1 INTRODUCTION AND PROJECT DESCRIPTION

In accordance with Regulation 12 of the 2014 EIA Regulations (GNR 326), Rambuda Consultants (Pty) Ltd has been appointed by Imbawula Civil Projects (Pty) Ltd (On behalf of Walter Sisulu Local Municipality), as an independent environmental practitioner to facilitate the Scoping & Environmental Impact Assessment (S&EIA) process required in terms of the National Environmental Management Act, 1998 (NEMA, Act 107 of 1998 as amended) and National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) for the proposed landfill site which is located on the remaining extent of portion 1 of the farm Melk Spruit No. 12, Walter Sisulu Local Municipality of Joe Qgabi District Municipality, Eastern Cape Province.

1.1 Project Location

The proposed landfill site is located on the remaining extent of portion 1 of the farm Melk Spruit No. 12, Walter Sisulu Local Municipality. The central coordinates of the preferred site are situated at the following coordinates: 30°41'27.97" S 26°39'46.43" E. Refer to the locality map below.

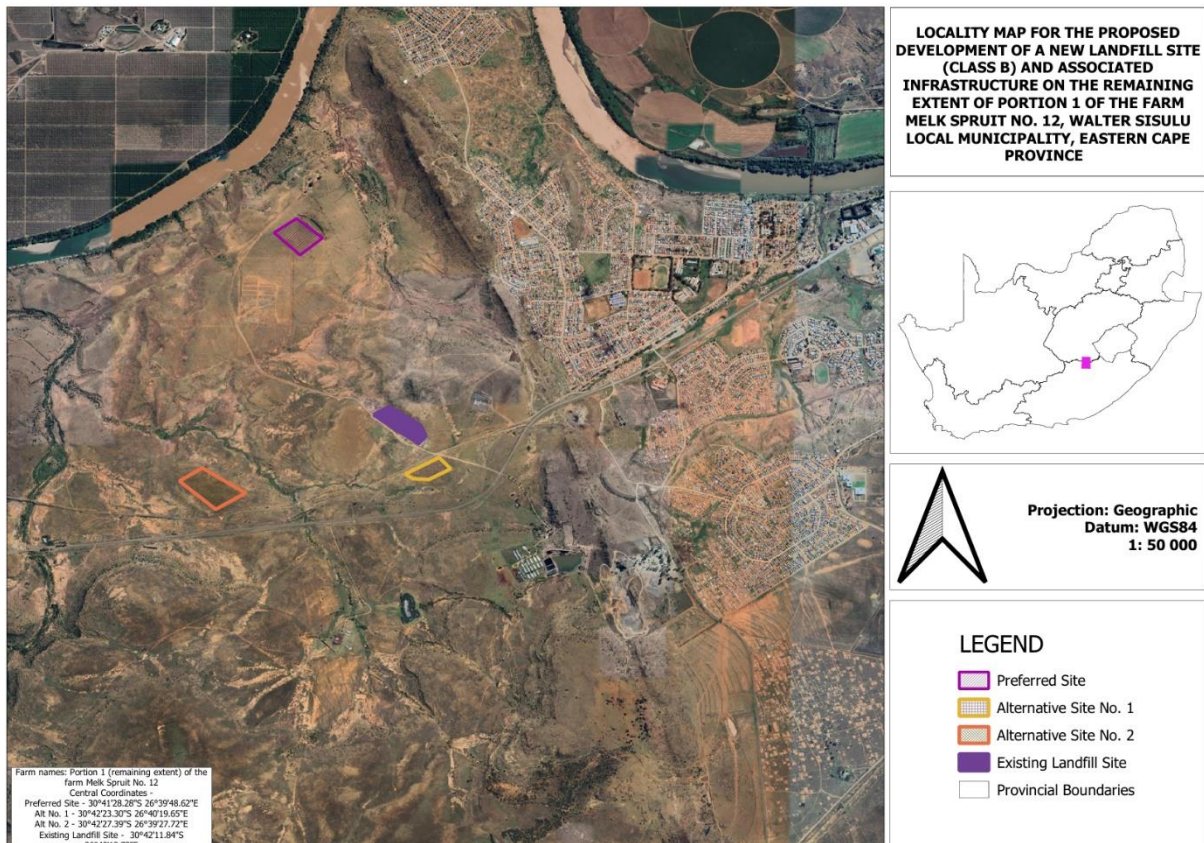


Figure 1: Locality Map of the Project

Table 1: Property Information

Farm names:	The remaining extent of Portion 1 of the farm Melk Spruit No. 12.
Central coordinates	30°41'27.97" S 26°39'46.43" E
Application area (ha)	Approximately 06 Ha
Property Size (ha)	681.76 Ha
Magisterial District:	Joe Qgabi District Municipality
Local Municipality:	Walter Sisulu Local Municipality

Distance and direction to the nearest town	Approximately 05 km northeast of the Maletswai CBD.
SG Codes	C00500000000001200001
Title Deeds No.	T55629/1996
Land Owner	Walter Sisulu Local Municipality

1.2 Project Description

The proposed development entails the development of a landfill site, with a total gross landfill airspace of approximately 460,881 m³, which includes a 15% allowance for daily and intermediate cover, final capping, and operational inefficiencies. The required landfill site is designed with a 20-year design horizon.

The proposed landfill site will have four (4) separated cells with a designed airspace equivalent to a five (5) year operational cycle. The preferred option consists of landfill cells that will have an effective height of approximately 13m (consisting of approximately 10 m above-ground height and 3m below ground). The cell sizes and height are considered the optimal balance for the proposed site. It provides a compact footprint of 3.55 ha, which increases to approximately 6.0 ha gross once ancillary infrastructure is included. Compared with shallower fills, the 10 m configuration significantly reduces visual impact, stability problems, and wind blow effect.

The corner coordinates for the proposed site are as follows: Point No.1: 30°41'29.43"S 26°39'58.18"E, Point No.2: 30°41'35.28"S 26°39'52.11"E, Point No.3: 30°41'27.44"S 26°39'41.94"E, Point No.4: 30°41'21.06"S 26°39'48.92"E. Refer to Figure 1 below for the Layout Plan

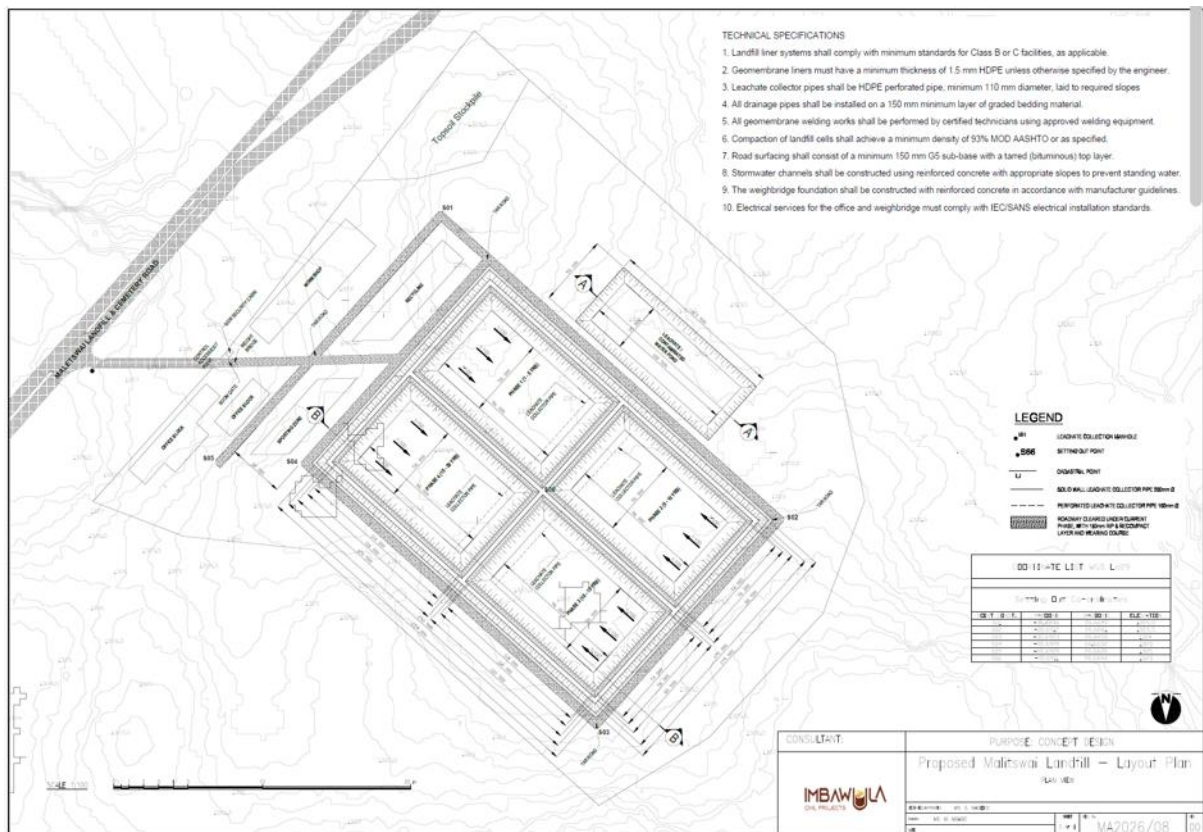


Figure 2: Proposed Concept Design for the Maletswai Landfill Site

1.3 Project Need and Desirability

The nature of the proposed development can be summarised as follows:

- **Legislative and Regulatory Need**
 - Compliance with **NEM: Waste Act (Act 59 of 2008)** (e.g., Section 20: duty to close and remediate old landfill).
 - Alignment with the **National Environmental Management Act (NEMA)** principles.
 - Meeting **municipal obligations** for waste disposal and service delivery.
 - The proposed development of a landfill site is necessary to address poor landfill practices at the now closed Maizefield Landfill site (JG/A/14/001/2022), the closure licence gave the municipality a five (5) year period to ensure that the old landfill site is closed. The closure of the old landfill site has created a need to develop a new landfill site to cater for the Maletswai Town and associated settlements. While the municipality has two (2) licensed landfill sites at James Calata and Steynsburg towns, these are far from the Maletswai Area, thus resulting in higher haulage-related impacts (economic and environmental impacts). The project aims to:
 - ✓ To replace the old Maizefield Landfill Site, which is in the process of closure.
 - ✓ Provide facilities for improved waste management practices, such as proper water quality monitoring, landfill development with all required mitigation measures for pollution control and management.
 - ✓ Provide a facility for sorting and recycling of waste, thus reducing the amount of waste being disposed of in the landfill site.
 - ✓ Provide for the required alternative disposal site for general waste.
- **Current Waste Management Challenges**
 - Closure of the Maizefield Landfill and resulting service gaps.
 - Limited capacity of existing landfills (James Calata, Steynsburg) and distance-related issues.
 - Inefficiencies or environmental risks of current waste disposal practices (e.g., illegal dumping, leachate, pollution).
 - Social impacts of inadequate waste services (health risks, aesthetic issues).
- **Population and Waste Generation Needs**
 - Projected population growth and urban expansion in Maletswai and surrounding settlements.
 - Current and projected waste volumes and composition (municipal solid waste, recyclables).
 - Trends in waste generation and the municipality's capacity to handle it.
- **4. Socio-Economic Justification (Desirability)**
 - Job creation during construction and operation.
 - Local economic development opportunities (e.g., recycling enterprises, waste sorting facilities).
 - Service delivery improvements and contribution to community well-being.
 - Cost-effectiveness of a local landfill versus transporting waste to distant sites.
- **Site-Specific Justification**
 - Suitability of the proposed location (distance from sensitive areas, accessibility, geology, hydrology).

- Reduced haulage and related environmental impacts.
- Integration with existing infrastructure (roads, water, monitoring systems).

The Project is therefore both necessary to meet current and future infrastructure demands and desirable for promoting safe, sustainable, and efficient waste management practices within the region, while supporting local economic activity and community well-being.

2 LEGISLATION, GUIDELINES AND POLICIES CONTEXT

2.1 Introductions

According to Appendix 1 Section 2 (1) of the 2014 EIA Regulations (as amended in 2017), a Scoping Report must include “(e) a description of the policy and legislative context within which the development is proposed, including—

- (h) an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments that apply to this activity and have been considered in the preparation of the report; and
- (ii) how the proposed activity complies with and responds to the legislation and policy context, plans, guidelines, tools, frameworks, and instruments.”

The development is subject to various legislative requirements in relation to South African environmental law. This section provides a brief overview of relevant legislation and its applicability to the development. The development's construction and operation must adhere to all applicable legal requirements pertaining to environmental management.

The following acts and policies and their relevance to the development are briefly summarised:

- The Constitution of South Africa Act, 1996 (Act No. 108 of 1996);
- National Environmental Management Act, 1998 (Act No. 107 of 1998)
- National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);
- National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended
- National Environmental Biodiversity Act, 2004 (Act No. 10 of 2004);
- National Water Act, 1998 (Act No. 36 of 1998);
- White Paper on Integrated Pollution and Waste Management for South Africa;
- Environmental Conservation Act, 1989 (Act No. 73 of 1989);
- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);
- The National Heritage Resources Act, 1999 (Act No. 25 of 1999);
- The National Forest Act, 1998 (Act No. 84 of 1998)
- Environmental Impact Assessment Regulations, promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- Waste Management Regulations, promulgated in terms of the NEMWA.
- National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998)
- Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013)
- Walter Sisulu Local Municipality, Integrated Development Plan
- Joe Gqabi District Municipality, Integrated Development Plan
- Fire Brigade Services Act, 1987 (Act No. 99 of 1987).
- Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

i The Constitution of South Africa Act, 1996 (Act No.108 of 1996)

The Constitution is the supreme law of the Republic, and all laws and conduct must be consistent with the Constitution. The Bill of Rights emphasises several provisions relevant to securing the protection of the environment. Section 24 states that “Everyone has the right –

- a) To an environment that is not harmful to their health or well-being; and*
- b) To have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –*
 - i). prevent pollution and ecological degradation;*
 - ii). promote conservation; and*
 - iii). secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”*

The Constitution, therefore, compels the government to give effect to the people's environmental rights and places the government under a legal duty to act as a responsible custodian of the country's natural environment. The Constitution compels the government to pass legislation that protects the environment, prevents pollution and ecological degradation, promotes conservation, and secures sustainable development.

The proponent must ensure that the development does not contravene the Constitution by ensuring that no pollution or ecological degradation results from the activities undertaken and by undertaking the development in an ecologically sustainable manner.

Relevance to the development: *The proponent must ensure that the development's construction or operation does not contravene the Constitution. The proponent should comply with the Constitution by providing that no pollution or ecological degradation occurs due to the development and by conducting environmentally sustainable developmental practices. The proposed application must have all relevant permits before commencement, which include the Waste Management Licence, Environmental Authorisation, Construction Permits, etc.*

ii National Environmental Management Act, 1998 (Act No. 107 of 1998)

The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) provides for duty of care and remediation of environmental damage, imposes an obligation on the responsible person (including an owner of land or premises, a person in control of land or premises or a person who has a right to use the land or premises) to take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.

NEMA serves as the basis for all environmental frameworks in South Africa. On 4 December 2014, new EIA Regulations (GNR 982) were promulgated in terms of Chapter 5 of the NEMA. These regulations were amended in April 2017 (GNR 326). The EIA Regulations contain three listing notices (GNR. 324, 325, and 327) which identify activities that are subject to either a BA or Scoping and EIA in order to obtain an EA. A BA must be completed if the proposed project triggers activities listed in GNR. 983 (Listing

Notice 1) or GNR. 984 (Listing Notice 2). Activities triggered in GNR. 985 (Listing Notice 3) requires a Scoping and EIA process to be undertaken.

The listed activities, which are applicable to the proposed development for which the EA is being applied, are presented in the table below.

Table 2: Triggered Listed Activities in terms of EIA regulations of 2014, as amended

Indicate the number and date of the relevant notice:	Activity No (s) (in terms of the relevant notice) :	Describe each listed activity as per the detailed project description (and not as per the wording of the relevant Government Notice):
Government Notice (GN) No. 983 of the 04 th of December 2014 (as amended by GN No. 327 of the 07 th of April 2017).	27	The proposed development entails the clearance of approximately 6 hectares of indigenous vegetation for the development of a landfill site with associated infrastructure. The proposed site has not been disturbed in more than 10 years; thus, the vegetation complies with the indigenous vegetation definitions.
	28	The proposed development involved the development of a landfill site covering approximately six (6) hectares outside the urban areas. The proposed site is used for agricultural purposes, mostly for grazing activities; however, it was previously used for other agricultural activities such as maize farming.

Based on the EIA-listed activities, the project was supposed to be subjected to the Scoping and Full Environmental Impact Assessment Process; however, due to the project also triggering waste management-listed activities requiring the Scoping and Full Environmental Impact Assessment Process, the whole application will have to be subjected to the Scoping and Full Environmental Impact Assessment Process. This report serves as a Scoping Report for the proposed development.

Relevance to the development: *The proposed development must be subjected to the Environmental Impact Assessment process before the commencement of the works. The Scoping and Full Environmental Impact Assessment Process will be followed to obtain Environmental Authorisation.*

iii National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)

The National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) provides for the setting of national norms and standards for regulating air quality monitoring, management and control and describes specific air quality measures to protect the environment and human health or well-being by:

- Preventing pollution and ecological degradation; and
- Promoting sustainable development through reasonable resource use.

The National Environmental Management: Air Quality Act also includes reference to the control of offensive odours, whereby reasonable steps to prevent the emission of any offensive odours caused by activities on premises are required. Also relevant is the establishment of national ambient dust fall-out levels that may be relevant to the development.

Relevance to the development: *The development does not trigger registration or licensing in terms of this Act; however, during the construction phase, the generation of dust and noise could become a factor for surrounding land users. Also, poor manure*

management might contribute to poor air quality during the operation phase. However, it remains the proponent's responsibility to remain within the acceptable limits as stipulated in the NEM: QA (Act No. 39 of 2004).

iv National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended:

The National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) (NEM: WA) aims to reform the law regulating waste management to protect health and the environment.

This is achieved by:

- Providing reasonable measures for the prevention of pollution, ecological degradation and securing ecologically sustainable development;
- providing for national norms and standards for regulating the management of waste by all spheres of government;
- providing for specific waste management measures;
- providing for the licensing and control of waste management activities;
- providing for the remediation of contaminated land;
- providing for the national waste information system; and
- providing for compliance and enforcement thereof.

The NEM: WA indicates that certain waste management activities must be licensed, and according to Section 44 of the Act, the licensing procedure must be integrated with an environmental impact assessment process per the EIA Regulations promulgated in terms of the NEMA. Government Notice 921, published in Government Gazette No. 37083, on 29 November 2013, lists the waste management activities that require licensing. A distinction is made between Category A waste management activities, which require a Basic Assessment, and Category B waste management activities, which require the S&EIR process to be followed.

Table 3: Triggered Listed Activity in terms of Waste Management Licence regulations of 2013, as amended

INDICATE THE NO. & DATE OF THE RELEVANT NOTICE:	ACTIVITY NUMBERS (AS LISTED IN THE WASTE MANAGEMENT ACTIVITY LIST) :	DESCRIBE EACH LISTED ACTIVITY (and not as per the wording of the relevant Government Notice):
Government Notice No. 921 in Government Gazette No. 37083 of 29 November 2013, as amended	Category C (Activity 1)	The proposed landfill site will have a Material Recovery Area with a capacity to store approximately 800 m3 of the diverted waste materials.
	Category B (Activity 8)	The proposed development entails the development of a landfill site with four (4) cells covering approximately four (4) hectares with a combined designed airspace of approximately 460 880 m ³ .
	Category B (activity 10)	The proposed development entails the construction of a Class B landfill site.

Based on the EIA-triggered waste management-listed activities, a Scoping and Full Environmental Impact Assessment Process must be followed.

Relevance to the development: *The proposed development must be subjected to the Environmental Impact Assessment process before the commencement of the works. The Scoping and Full Environmental Impact Assessment Process will be followed to obtain the Waste Management Licence.*

v National Environmental Management - Biodiversity Act, 2004 (Act No. 10 of 2004)

National Environmental Management - Biodiversity Act, 2004 (Act No. 10 of 2004): The Biodiversity Act provides for the conservation and management of South Africa's biodiversity. It has been developed in alignment with NEMA for the conservation of species and ecosystems that warrant national protection, sustainable use of Indigenous biological resources and fair and equitable sharing of benefits arising from bioprospecting involving Indigenous biological resources. By recognising that biodiversity conservation must also occur outside of protected areas, the Biodiversity Act introduces tools, including:

- Development of a National Biodiversity Framework (NBF)
- Development and publishing of bioregional plans to map and identify Critical Biodiversity Areas (CBAs), and provide guidelines for land-use planning and decision-making in these areas.
- Development and publishing of Biodiversity Management Plans (BMP) for an ecosystem, an indigenous species, or a migratory species.
- Publishing of threatened ecosystems and species in the Government Gazette, and the requirement for permits for carrying out a restricted activity involving a threatened species.
- Prevention of the spread and eradication of invasive alien species.

Threatened or protected ecosystems and species:

NEMBA states that biodiversity loss through habitat loss, degradation or fragmentation must be avoided, minimised, or remedied. The loss of biodiversity includes the loss of threatened or protected species and the loss of localised endemics. Chapter 4 of the NEM: BA deals with threatened or protected ecosystems and species, and its purpose is "to—

- a) *provide for the protection of ecosystems that are threatened or in need of protection to ensure the maintenance of their ecological integrity;*
- b) *provide for the protection of species that are threatened or in need of protection to ensure their survival in the wild;*
- c) *give effect to the Republic's obligations under international agreements regulating international trade in specimens of endangered species; and*
- d) *ensure that the utilisation of biodiversity is managed in an ecologically sustainable way."*

Aspects concerning the loss of biodiversity through the loss of localised endemics, the loss of localised species diversity, and the loss of ecological functions which support biodiversity are discussed in the Biodiversity Assessment Report (**to be included in the Draft EIA Report**). The study site is located within the Eastern Upper Karoo, which has a conservation status of 'Least concern'. Based on the desktop studies, no red data listed (RDL) flora were observed. No faunal SCC were observed, but a few species are likely to occur in the general area.

Bioregional spatial planning:

CBA Maps are provided with formal legal status through the NEMBA, which introduced several new legislative tools to assist with conserving and managing South Africa's biodiversity. One of these is the declaration of "bioregions" and the publication of bioregional plans. Guidelines for the development of bioregional plans were developed by SANBI at DFFE's (then DEA) request and were published in the Government Gazette in 2009 as the "Guideline regarding the determination of bioregions and the preparation and publication of bioregional plans", referred to for short as the Guideline for Bioregional Plans (DEAT, 2009).

According to the Guideline for Bioregional Plans, the purpose of a bioregional plan is to provide a map of CBAs and ESAs with accompanying land-use guidelines, to inform land-use planning, environmental assessment and authorisations, and natural resource management by a range of sectors whose policies and decisions impact on biodiversity. A CBA Map is thus the core component of a bioregional plan. See below for a summary of the conceptual framework for CBA maps.

Table 4: Conceptual framework for CBA maps

Map category	Landscape-level purpose	Broad management objective
Protected areas	Formal long-term protection for important biodiversity and landscape features. Together with CBAs, it ensures that a viable representative sample of all ecosystem types and species can persist.	Must stay in largely natural ecological conditions. Details are determined by the management plan that is required for each protected area.
CBA: Critical Biodiversity Areas	Together with protected areas, it ensures that a viable representative sample of all ecosystem types and species can persist.	Must stay in largely natural ecological conditions.
ESA: Ecological Support Areas	Ensures the long-term ecological functioning of the landscape as a whole.	Must retain ecological processes, which often require at least semi-natural ecological conditions.
ONA: Other Natural Areas	Allows for a range of other land uses, including intensive land uses.	Determined by other spatial planning tools (e.g. SDFs).
NNR: Areas with No Natural Habitat Remaining	Areas already severely or irreversibly modified by intensive land uses.	Determined by other spatial planning tools (e.g. SDFs).

According to the Eastern Cape Biodiversity Sector Plan (2019), the study site is within a Terrestrial Ecological Support Area (ESA2).

According to the plan, ESAs are areas NOT essential for meeting biodiversity targets, but are essential in terms of:

- *Terrestrial landscape: Ensuring connectivity between CBAs, strengthening climate change resilience, and the proper function of ecosystem infrastructure for the delivery of ecosystem services. From a terrestrial perspective, ESAs may include riparian areas, coastal corridors, ridges, etc.*
- *Aquatic landscape: ESAs extend into catchments that are essential for the maintenance of CBA rivers and wetlands.*

ESAs need to be maintained in a semi-natural, if not natural, state. The site is within an ESA2, which is defined as an area where there is no natural habitat remaining in an area that would have been designated as a CBA 1, CBA 2 or ESA1. Several developments are excluded from ESA 2.

Relevance to the development: Based on the ECBSP (2019), municipal landfill sites are not addressed in the Handbook. However, the landfill site was considered under the “Other Services” land use type. This land use type is meant for Government Use: use of land by national, provincial or municipal government to give effect to its governance role: water, sewerage pipelines, Eskom power lines. This includes municipal zoning schemes appropriate for power generation by Independent Power Producers.

The proposed development is considered a small landfill site, and as such, it is compatible with the proposed site (i.e. Yes (Y)) as per Table 12: Matrix of recommended land use management guidelines for terrestrial-based activities in the ECBSP Handbook.

vi *The National Water Act, 1998 (Act No. 36 of 1998)*

The National Water Act, 1998 (Act No. 36 of 1998) (NWA), administered by DWS, aims to manage and protect the national water resources to achieve sustainable use of water for the benefit of all water users. The purpose is to achieve sustainable use of water for the benefit of all water users. The purpose of the Act is to ensure that the nation's water resources are protected, used, developed, conserved, and managed in ways that consider:

- Promoting equitable access to water;
- Redressing the results of past racial discrimination;
- Promoting the efficient, sustainable, and beneficial use of water in the public interest;
- Facilitating social and economic development;
- Providing for the growing demand for water use;
- Protecting aquatic and associated ecosystems and their biological diversity;
- Reducing and preventing pollution and degradation of water resources;
- Meeting international obligations;
- Promoting dam safety; and
- Managing floods and drought.

Section 21 of the NWA sets out water uses that may require registration or licensing. In terms of the NWA, water uses include any activity involving the following:

- a) ***Taking water from a water resource.***
- b) Storing water.
- c) Impeding or diverting the flow of water in a watercourse.
- d) Engaging in a stream flow reduction activity contemplated in section 36.
- e) Engaging in a controlled activity identified as such in section 37(1) or declared under section 38(1).
- f) Discharging waste or water-containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit.
- g) ***Disposing of waste in a manner that may detrimentally impact a water resource.***
- h) Disposing of any manner of water which contains waste from or which has been heated in any industrial or power generation process.
- i) Altering the bed, banks, course or characteristics of a watercourse.
- j) Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people.
- k) Using water for recreational purposes.

Relevance to the development: *The development might also trigger water use licensing in terms of the National Water Act, 1998.*

Thus, a Water Use Licence could be required for the following water uses:

- Section 21 (a) and (g) Taking water from a borehole for commercial use.
 - *The proposed development is located within Quaternary Catchment No. D14A of the Orange Vaal Catchment Management Area. According to the National Water Act, 1998 (36/1998): Revision of General Authorisation for the Taking and Storing of Water, National Water Act, 1998 (Act No. 36 of 1998), Government Notice 538 of 2016, any water user has a right to utilise 75m³/a from the borehole under this General Authorisation. The proposed landfill site is located on the remaining extent of Portion 1 of the Farm Melk Spruit No. 12, with an extent of 681 Ha in extent. Thus, the farm qualifies for approximately 51 075 m³/a from underground resources. Therefore, the General Authorisation Application will apply to this proposed development.*
 - *The proposed septic tanks will be small in extent, thus also qualify for GA in terms of Government Notice No. 665: Revision of General Authorisation in terms of Section 39 of the National Water Act, 1998 (Act No. 36 of 1998) (06 September 2013)*
 - *The required application will be made during the EIA Phase.*
- Section 21 g - related to the actual landfill site development is managed through the Record of Decision (RoD), which forms part of the Integrated Environmental Authorisation.
 - *The ROD is a legal document indicating DWS's decision regarding the licensing of the waste disposal site; include a decision to either recommend or not recommend the licence, accompanied by conditions under which DWS makes the above decision, conditions related to the protection of the water resource, and it is delegated to the Chief Director: Water Use Licence Management with the Department of Water and Sanitation.*
 - *The following figure shows the business process followed when applying for the RoD*

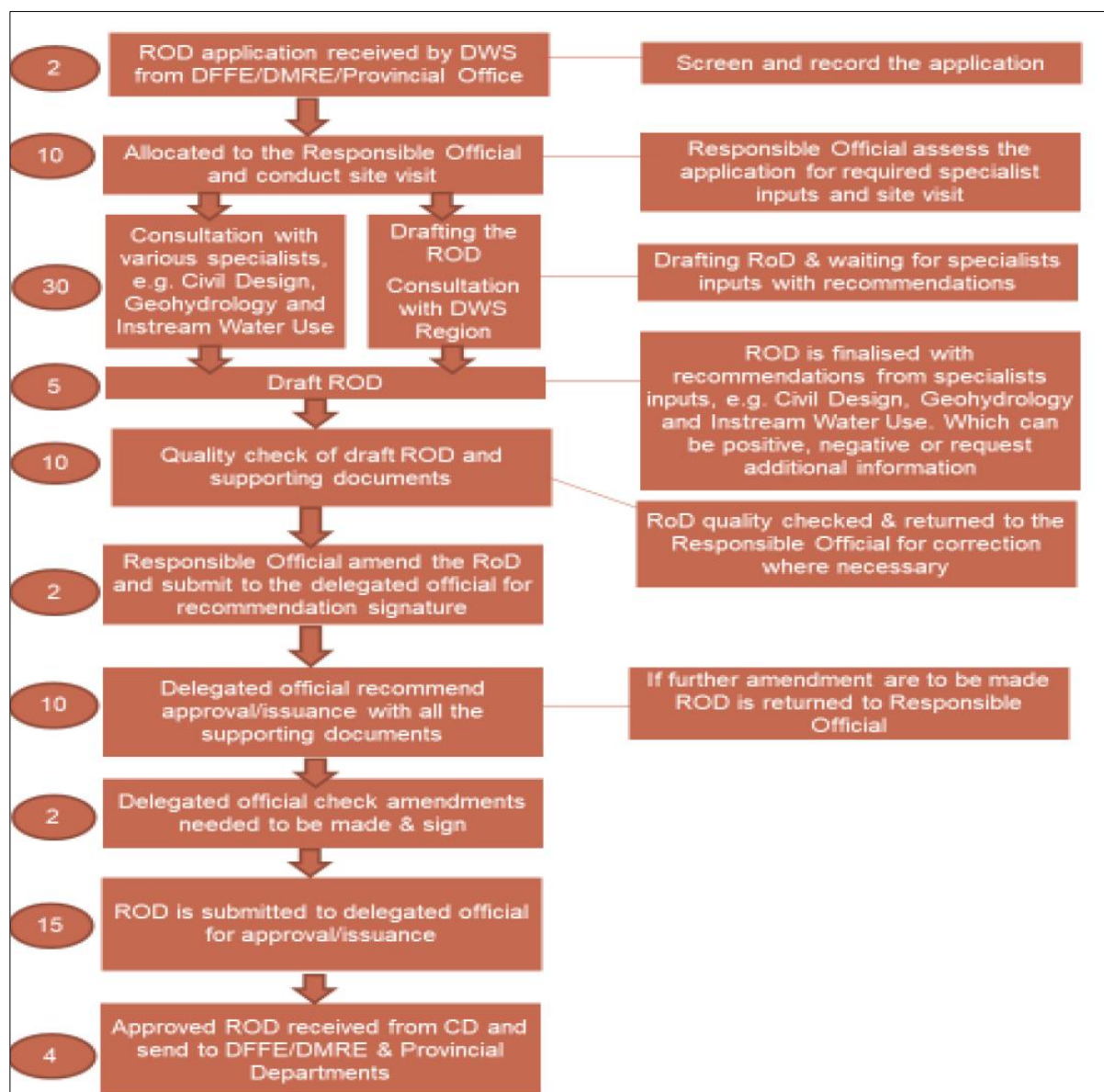


Figure 3: DWS RoD Business Process

vii Environmental Conservation Act, 1989 (Act No.73 of 1989)

In terms of section 20 (1) of the Environmental Conservation Act, 1989, (Act No. 73 of 1989), waste can only be disposed of at a facility that has a permit issued by the Minister of Water Affairs and Forestry. The facility must be sited, designed, operated, and monitored strictly in accordance with the permit conditions. These conditions will include the requirements, standards and procedures set out in the DWS waste management series.

It should be noted that section 20 (1) of the Environmental Conservation Act, 1989, has been amended in terms of the issuing of waste disposal permits and exemptions, which is now the responsibility of the Minister of Environmental Affairs.

Section 24 of the Act allows the Minister to make regulations with respect to several waste management issues, and includes the following regulations:

- Disposal site application;

- Directions for control and management of general and small waste disposal sites;
- Noise control regulations; and plastic bag Regulations; and
- The waste will thus be subject to a permit issued under section 20 of the ECA.

viii Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)

The Occupational Health and Safety Act 85 of 1993 is South Africa's principal legislation concerning the health and safety of employees. It also aims to protect people who are not at work against hazards to health and safety arising out of or in connection with the activities of persons at work. The Act places the responsibility on the employer to ensure a safe and healthy working environment and to ensure that every employee is made conversant with health and safety requirements relevant to their work. At the same time, the Act places the responsibility on the employee to follow their employer's health and safety procedures and instructions. Several Regulations have been promulgated under the Act that are relevant to development, including the following:

- General Administrative Regulations, 1994;
- Asbestos Regulations,
- Lead Regulations,
- Regulations for Hazardous Chemical Substances, 1995;
- Hazardous Biological Agents of 2001;
- General Safety Regulations, 1986;
- Environmental regulations for workplaces (Department of Labour, 1994); and
- Construction Regulations.

Relevance to the development: *All waste management activities need to be carried out in accordance with the requirements of the OHS Act and must include the following activities:*

- *Waste Management Practices must be safe and without risk;*
- *Risk Assessments conducted should include waste-related activities.*
- *Waste management training should be provided to employees and contractors; Written work instructions should be provided where necessary; and*
- *Relevant personal protective equipment and respiratory protective equipment must be provided as a last resort after all mitigatory measures have been reviewed.*

ix The National Heritage Resources Act, 1999 (Act No. 25 of 1999)

The National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) introduces an integrated and interactive system for managing national heritage resources. The NHRA also includes landscapes and natural features of cultural significance as heritage resources. Under the National Heritage Act, 1999 (Act No. 25 of 1999), the following are protected:

Burial grounds and graves

36. (1) Where it is not the responsibility of any other authority, SAHRA must conserve and generally care for burial grounds and graves protected in terms of this section, and it may make such arrangements for their conservation as it sees fit.

(2) SAHRA must identify and record the graves of victims of conflict and any other graves which it deems to be of cultural significance and may erect memorials associated with the grave referred to in subsection (1), and must maintain such memorials.

(3) (a) No person may, without a permit issued by SAHRA or a provincial heritage resources authority—

- (a) destroy, damage, alter, exhume or remove from its original position or otherwise disturb the grave of a victim of the conflict, or any burial ground or part thereof which contains such graves;
- (b) destroy, damage, alter, exhume, remove from its original position or otherwise disturb any grave or burial ground older than 60 years which is situated outside a formal cemetery administered by a local authority; or
- (c) bring onto or use at a burial ground or grave referred to in paragraph (a) or (b) any excavation equipment, or any equipment which assists in the detection or recovery of metals.

Additionally, Section 38(1) under **Heritage Resources Management** of the National Heritage Act, 1999 (Act No. 25 of 1998), also protect heritage resources when the development falls within the following regulated activities:

- 38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as—
 - (a) *the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;*
 - (b) *the construction of a bridge or similar structure exceeding 50 m in length;*
 - (c) *any development or other activity which will change the character of a site—*
 - (i) exceeding 5,000 m² in extent; or
 - (ii) involving three or more existing erven or subdivisions thereof; or
 - (iii) involving three or more erven or divisions thereof which have been consolidated within the past five years; or
 - (iv) the costs of which will exceed a sum set in terms of regulations by SAHRA or a provincial heritage resources authority.
 - (d) *the re-zoning of a site exceeding 10,000 m² in extent; or*
 - (e) *any other category of development provided for in regulations by SAHRA or a provincial heritage resources authority.*

Relevance to the development: *Based on the above sections of the National Heritage Act, 1999, the development should be subjected to phase 1 – Heritage Impact Assessment, including the palaeontological impact assessment, before commencement. The specialist has been appointed, and the reports will be included within the Draft EIA Report.*

x The National Forests Act, 1998 (Act No.84 of 1998)

The National Forests Act, 1998 (Act No. 84 of 1998) (NFA) was passed to protect and conserve trees growing in South Africa. The purpose of the NFA is to preserve trees and forests and to promote the sustainable management and development of forests for the benefit of all South Africans. Government Gazette 46094 (Notice No. 1935), published on 25 March 2022, lists nationally protected trees, which, under the Act, are protected against specific activities. The effect of the declaration is that no person may (a) cut, disturb, damage or destroy; or (b) possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree, or any forest product derived from a protected tree, except under a license granted by the Minister; or in terms of an exemption published by the Minister in the Gazette.

Relevance to the development: Aspects concerning the loss of biodiversity through the loss of localised endemics, the loss of localised species diversity, and the loss of ecological functions which support biodiversity are discussed in the Biodiversity Assessment Report (to be included in the Draft EIA Report). The study site is located within the Eastern Upper Karoo, which has a conservation status of 'Least concern'. Based on the desktop studies, no red data listed (RDL) flora were observed. No faunal SCC were observed, but a few species are likely to occur in the general area.

3 DFFE SCREENING TOOL REQUIREMENTS

In terms of GN R 960 (promulgated on 5 July 2019) and Regulation 16(1)(b)(v) of the 2014 EIA Regulations (as amended), the submission of a Screening Report generated from the DFFE's national web based environmental screening tool (<https://screening.environment.gov.za>) is compulsory for the submission of applications in terms of Regulation 19 and 21 of the 2014 EIA Regulations. The screening tool assessment was undertaken for the project study area. The results of the screening tool assessments for the various themes are presented in Table 5.

Table 5: Themes identified by the DFFE Screening Tool for the proposed development

Theme	Very High sensitivity	High sensitivity	Medium sensitivity	Low sensitivity
Agriculture Theme		X		
Animal Species Theme				X
Aquatic Biodiversity Theme	X			
Archaeological and Cultural Heritage Theme				X
Civil Aviation Theme		X		
Defence Theme				X
Palaeontology Theme	X			
Plant Species Theme				X
Terrestrial Biodiversity Theme	X			

3.1 Specialist Assessment Identification

According to the Screening Tool Report, the following Specialist Assessments were identified and recommended to be undertaken as part of the environmental process for the proposed development:

- Agricultural Impact Assessment
- Landscape/Visual Impact Assessment
- Archaeological and Cultural Heritage Impact Assessment
- Palaeontology Impact Assessment
- Terrestrial Biodiversity Impact Assessment
- Aquatic Biodiversity Impact Assessment
- Noise Impact Assessment
- Traffic Impact Assessment
- Geotechnical Assessment
- Climate Impact Assessment
- Health Impact Assessment
- Socio-Economic Assessment
- Ambient Air Quality Impact Assessment
- Plant Species Assessment

- Animal Species Assessment

In accordance with the Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of National Environmental Management Act, NEMA, 1998 (Act No. 107 of 1998) this Site Sensitivity Verification Report (SSVR) has essentially been compiled to provide a rationale for the Specialist Studies undertaken as part of the Scoping and Environmental Impact Assessment Process.

4 SITE SENSITIVITY VERIFICATION METHODOLOGY

The EAP team undertook several site visits to the proposed area, including on the following days: 16 September 2025 and 12 October 2025. Refer to the site photos in Photoplates 1-6. The site findings were compared to the findings of the various themes of the Screening Tool Report.

4.1 Site Assessment

This Site Sensitivity Verification Report has used the information collected by the EAP and Specialists to confirm or dispute (as may be applicable) the environmental sensitivity ratings identified by the National Screening Tool (Appendix E of the final scoping report). The Specialist Assessments/Theme and sensitivity ratings identified by the Screening Tool are summarised in Table 5 above.

On-site observations and conditions were recorded. The observations from the on-site assessment are summarised in Photo Plate 1-6.



Photo Plate No. 1 – showing the preferred site and Eskom power lines as well as the transformer onsite.



Photo plate 2 – showing the gravel road of R58 to the preferred site. The same access road passes through the alternative site No. 1

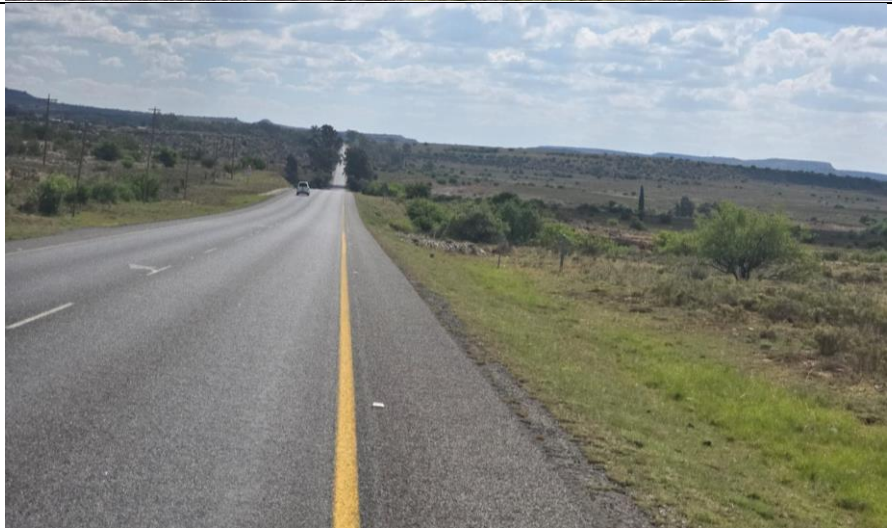


Photo plate 3 – showing the general view of alternative site no. 2, located along R58 road



Photo plate 4 – showing the general view of the alternative site no. 1, located between the R58 road and the railway line



Photo Plate No. 5 – showing the abandoned agricultural dam and its downstream view



Photo Plate No. 6 – showing the general vegetation of the preferred site.

Figure 4: Site Photographs

5 SITE SENSITIVITY VERIFICATION

This Site Sensitivity Verification Report has considered the information collected by the EAP and the Specialists during a desktop and site assessment, to confirm or dispute (as may be applicable) the environmental sensitivity ratings identified by the National Screening Tool (see Table 6). A copy of the Screening Report is attached as Appendix E of the final Scoping Report. The Specialist Assessments/Theme and sensitivity ratings identified by the Screening Tool are summarised in Table 5, including the EAPs and Specialists' responses thereto.

Table 6: Specialist Assessments/themes and sensitivity ratings identified by DFFE's web-based Screening Tool

Specialist Assessment / Theme	Sensitivity Rating as per Screening Report	Sensitivity Rating as per the EAP / Specialist Verification	Response
Agricultural Impact Assessment	High sensitivity	Medium	The studies are being prepared and will be included in the draft EIAR
Terrestrial Biodiversity Impact Assessment	Very High sensitivity	Medium	
Geotechnical Assessment	None Provided	Medium	
Aquatic Biodiversity Impact Assessment	Very High sensitivity	Medium	
Archaeological and Cultural Heritage Impact Assessment	Low sensitivity	Medium	
Palaeontology Impact Assessment	Very High sensitivity	Medium	
Plant Species Assessment	Low sensitivity	Low	
Animal Species Assessment	Low sensitivity	Medium	
Geohydrological Impact Assessment	None Provided	High	
Ambient Air Quality Impact Assessment	None Provided	Medium	While there are sensitive receptors within a 5km radius of the proposed site, its location provides an advantage in mitigating adverse impacts associated with these environmental aspects of the project. The topographical influence of the site will have a significant impact on air pollution dispersion modelling, viewshed, and other factors. In simplified terms, the mountains will act as a barrier to airflow, thereby protecting receptors within the zone of influence. Additionally, information from the
Landscape/Visual Impact Assessment	None Provided	Low	
Health Impact Assessment	None Provided	Low	
Noise Impact Assessment	None Provided	Low	

Specialist Assessment / Theme	Sensitivity Rating as per Screening Report	Sensitivity Rating as per the EAP / Specialist Verification	Response
			existing unmanaged landfill site was used as a reference point for air movements/dispersions, which indicated localised changes to the ambient air quality, thus resulting in the conclusion that impacts are minimal outside the project area. Additionally, the size of the landfill is considered small; as such, the potential impact will be localised in nature
Traffic Impact Assessment	None Provided	Low	The proposed site is within the same area as the existing landfill site, and no additional traffic shocks are expected. The site has existing access to the R58; as such, no major road improvement is expected.
Climate Impact Assessment	None Provided	Low	The proposed size of the landfill is considered small, and as such, the potential impacts will be localised in nature. Therefore, the potential impacts from the landfill site can be assessed with limited specialist input.
Socio-Economic Assessment	None Provided	Low	
Civil Aviation	High	Low	While the Environmental Screening Tool Report does not require any Civil Aviation Report under the identified Specialist assessments (Refer to pages 5 and 6 of the report in Appendix I3). The proposed sites were considered: • The closest aerodrome is FAAN on the eastern side of Maletswai; the proposed site has no impact or influence on it. • The waste cells' height is kept within 10 m and, considering that the proposed sites are located at an average of 1323 above sea level, which is lower than the surrounding mountain's average of 1390 m above sea level. Thus, minimising the risk of any interference with low-flying aircraft or aviation operations in the vicinity. • In terms of the Local Airspace Classification, the proposed site is situated outside of controlled airspace typically used for

Specialist Assessment / Theme	Sensitivity Rating as per Screening Report	Sensitivity Rating as per the EAP / Specialist Verification	Response
			commercial or military aviation. Therefore, the project does not interfere with regulated air traffic patterns. • Runway Proximity: The proposed development is not located near major airports or airstrips, reducing the likelihood of any conflict with take-off, landing, or flight paths. • Lighting: The development will adhere to minimal lighting specifications to prevent interference with nocturnal navigation for aircraft. No high-intensity lights will be installed that could be mistaken for navigational aids. • Building materials and windows are selected to avoid excessive reflection or glare that could impact visibility for passing aircraft. The proposed sites are located on the remaining extent of Portion 1 of the farm Melk Spruit No. 12, Maletswai is not expected to have any impacts on Civil Aviation; therefore, no further Civil Aviation Impact Assessments are recommended. However, the CIVIL AVIATION COMPLIANCE STATEMENT has been prepared and appended to the EIA Report under appendix D8.

6 CONCLUSION

The following specialist studies are being undertaken for the project:

- Agricultural Impact Assessment Study
- Terrestrial Biodiversity Impact Assessment Study
- Geotechnical Assessment
- Aquatic Biodiversity Impact Assessment Study
- Archaeological and Cultural Heritage Impact Assessment
- Palaeontology Impact Assessment
- Geohydrological Impact Assessment (this study will be undertaken to fulfil the requirement for the Water Use License Application).
- Civil Compliance Statement Report.

As part of these studies, the Specialists will gather more data relevant to identifying and assessing environmental impacts that might occur as a result of the proposed project in their particular field of expertise. They will provide baseline information through their site verification assessments and identify and assess impacts according to predefined rating scales. The Specialists will also suggest ways in which negative impacts can be prevented, controlled, and mitigated, to enhance the project's positive impacts. The results of the Specialist Studies were integrated into the draft EIAR.

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Project EAP