



REFERENCE: 16/3/3/5/B4/45/1020/24
NEAS REFERENCE: WCP/EIA/AMEND/0000830/2024
DATE OF ISSUE: 25 APRIL 2024

The Municipal Manager
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599

Attention: Ms. G. Mettler

Tel: (021) 808 8025
Email: municipal.manager@stellenbosch.gov.za

Dear Madam

APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 20 SEPTEMBER 2019 (REFERENCE NO.: 16/3/3/1/B4/45/1030/19), IN TERMS OF PART 1 OF CHAPTER 5 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED DEVELOPMENT OF THE CALCUTTA PUBLIC CEMETERY AND MEMORIAL PARK ON FARM NO. 29, STELLENBOSCH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the Environmental Authorisation issued on issued on 20 September 2019 (Reference No.: 16/3/3/1/B4/45/1030/19), attached herewith, together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

Zaahir Toefy

Digitally signed by Zaahir
Toefy
Date: 2024.04.25 08:47:09
+02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. W. Cordier (Guillaume Nel Environmental Consultants (Pty) Ltd) Email: willene@gnec.co.za
(2) Mr. S. van der Merwe (Stellenbosch Municipality) Email: Schalk.VanderMerwe@stellenbosch.gov.za
(3) Mr. P. Smit (Stellenbosch Municipality) Email: piet.smit@stellenbosch.gov.za



REFERENCE: 16/3/3/5/B4/45/1020/24
NEAS REFERENCE: WCP/EIA/AMEND/0000830/2024
DATE OF ISSUE: 25 APRIL 2024

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 20 SEPTEMBER 2019 (REFERENCE NO.: 16/3/3/1/B4/45/1030/19), IN TERMS OF PART 1 OF CHAPTER 5 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED DEVELOPMENT OF THE CALCUTTA PUBLIC CEMETERY AND MEMORIAL PARK ON FARM NO. 29, STELLENBOSCH

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. DECISION

By virtue of the powers conferred on me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), I herewith **grant** the amendment of the Environmental Authorisation ("EA") issued on 20 September 2019 (Reference No.: 16/3/3/1/B4/45/1030/19) in terms of Part 1 of Chapter 5 of the EIA Regulations, 2014 (as amended).

The EA is amended as set out below:

1. Section E: Conditions of authorisation

Condition 2:

The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.

is amended to read:

The holder must commence with the listed activities within the stipulated validity period for which this Environmental Authorisation is granted, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of **ten (10) years**, from 20 September 2019 (date of the original EA) until 20 September 2029, during which period the holder must commence with the authorised listed activities.
- (b) A period of **five (5) years**, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activities must be concluded.

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The amendment applied for is in terms of Part 1 of Chapter 5 of the NEMA EIA Regulations, 2014 (as amended) and will not change the scope of the Environmental Authorisation issued on 6 May 2019.
2. The amendments do not trigger any new listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for Environmental Authorisation.
4. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.

C. CONDITIONS

1. All other conditions contained in the Environmental Authorisation issued on 20 September 2019 (Attached as Annexure A), remain unchanged and in force.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. 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. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs –
 - 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 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.
3. 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.
4. 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; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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 appreciated.

Yours faithfully

**Zaahir
Toefy**

Digitally signed by
Zaahir Toefy
Date: 2024.04.25
08:47:32 +02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 25 APRIL 2024

CC: (1) Ms. W. Cordier (Guillaume Nel Environmental Consultants (Pty) Ltd) Email: willene@gnec.co.za
(2) Mr. S. van der Merwe (Stellenbosch Municipality) Email: Schalk.VanderMerwe@stellenbosch.gov.za
(3) Mr. P. Smit (Stellenbosch Municipality) Email: piet.smit@stellenbosch.gov.za

ANNEXURE A

ENVIRONMENTAL AUTHORISATION ISSUED ON 20 SEPTEMBER 2019 (REFERENCE NO.: 16/3/3/1/B4/45/1030/19)



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

EIA REFERENCE: 16/3/3/1/B4/45/1030/19

NEAS REFERENCE: WCP/EIA/0000593/2019

ENQUIRIES: D'mitri Matthews

DATE OF ISSUE: 2019 -09- 2 0

The Municipal Manager
Stellenbosch Municipality
P. O. Box 17
STELLENBOSCH
7599

Attention: Mr P. Smit

Tel.: (021) 808 8750

Fax: (021) 887 6167

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A FRESHWATER REHABILITATION, MAINTENANCE AND MANAGEMENT PLAN IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): DEVELOPMENT OF THE CALCUTTA PUBLIC CEMETERY AND MEMORIAL PARK ON FARM NO. 29, STELLENBOSCH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt** the Freshwater Rehabilitation, Maintenance and Management Plan, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully


MR. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. S. van der Merwe (Stellenbosch Municipality)
(2) Ms. V. Thompson (EnviroAfrica CC)
(3) Mr. N. Mkonto (Department of Water and Sanitation)
(4) Mr. R. Smart (CapeNature)
(5) Mr. C. van der Walt (Department of Agriculture)

Fax: (021) 886 6899
Fax: (086) 512 0154
Fax: (021) 941 6082
Fax: (086) 529 4992
Fax: (021) 808 5092

EIA REFERENCE: 16/3/3/1/B4/45/1030/19
NEAS REFERENCE: WCP/EIA/0000593/2019
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: **2019 -09- 20**

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A FRESHWATER REHABILITATION, MAINTENANCE AND MANAGEMENT PLAN IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): DEVELOPMENT OF THE CALCUTTA PUBLIC CEMETERY AND MEMORIAL PARK ON FARM NO. 29, STELLENBOSCH

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to Alternative 1, described in the Basic Assessment Report ("BAR"), dated May 2019.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Freshwater Rehabilitation, Maintenance and Management Plan ("FRMMP")** for the associated infrastructure within and adjacent to the watercourse on site, included in the BAR dated May 2019.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Stellenbosch Municipality
% Mr. P. Smit
P. O. Box 17
STELLENBOSCH
7599

6th Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 8350 Fax: +27 21 483 3098
E-mail: D'mitri.Matthews@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

Tel.: (021) 808 8750

Fax: (021) 887 6167

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
EIA Regulations Listing Notice 1 of 2014: Activity Number 12: The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — excluding— (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.	The proposal will include the construction of boardwalks and wooden bridges as well as a gabion lined drift, over the watercourse that traverses the site.
Activity Number 19: The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells,	The construction and maintenance of the watercourse crossings and the rehabilitation of the watercourse will require the infilling and movement of material in excess of 10m³.

shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.	
Activity Number 23: The development of cemeteries of 2 500 square metres or more in size.	The proposed public cemetery and memorial park will cover an area of approximately 30ha in extent.
Activity Number 24: The development of a road— (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; but excluding a road— (a) which [are] is identified and included in activity 27 in Listing Notice 2 of 2014; (b) where the entire road falls within an urban area; or (c) which is 1 kilometre or shorter.	An access road wider than 8m will be constructed as part of the proposal, in an area where no road reserve exists.
EIA Regulations Listing Notice 1 of 2014: Activity Number 4: The development of a road wider than 4 metres with a reserve less than 13,5 metres. i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been	The new access road will be wider than 4m and will require the removal of indigenous vegetation.

determined; or iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.	
Activity Number 12: The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. i. Western Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.	The proposal will include the clearance of more than 300m² of critically endangered indigenous vegetation.

The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative:

The proposal entails the development of a public cemetery and memorial park that will comprise:

- A traditional grave area which allows for whole-body burials in traditional underground graves with headstones.
- An informal zone. This zone is non-traditional burial sites within a memorial park/landscaped park/garden area with lawn plaques/or a tree of remembrance/tree as

headstone. The zone will incorporate the outspan in the southern section of the site and wetland buffer zones of 25m to 30m for watercourses.

- A columbarium and defined zone. These zones are non-traditional burial sites that comprise of formalized/built, above ground areas where either individual or group burials will take place. These areas include structures with niche/small spaces for placing cremated/legally reduced remains in urns or other approved containers, memorial walls with plaques of remembrance, floor plaques/flat headstones and mausoleums or crypts.
- A defined zone that includes an area for family and group burials and a heroes acre.
- An access road that will be constructed at a dedicated two-way intersection of the R304 at approximate KM 50,37.
- Internal roads of 8m wide near the entrance and around the bus parking and narrower roads for access to other regions within the cemetery and memorial park.
- A perimeter fence with main access gates and an entrance wall on the northern boundary.
- Boardwalks and wooden bridges.
- Gabion lined drift.
- An irrigation reservoir.
- A memorial park center and service zone consisting of:
 - A chapel,
 - Offices and a storage area,
 - Ablution facilities,
 - A workshop,
 - A plant/sapling nursery,
 - Staff accommodation, and
 - A gathering space.
- A sewer treatment plant and network.
- A storm water network and treatment plant. The subsurface storm water network will discharge storm water into a reed bed/storm water treatment system. A storm water attenuation pond will form part of the storm water management system.
- A security route along the boundary of the site.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm No. 29, Stellenbosch, at the following co-ordinates:

Latitude (S)			Longitude (E)		
33°	51'	13.55"	18°	48'	35.96"

The SG digit code is: C06700000000002900000

Refer to Annexure 1: Locality Map and Annexure 2: Site Development Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

EnviroAfrica CC
% Ms. V. Thomson
P. O. Box 5367

HELDERBERG

7135

Tel.: (021) 851 1616

Fax: (086) 512 0154

E. CONDITIONS OF AUTHORISATION**Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, Alternative 1, as described in the BAR dated May 2019 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 years** from the date of commencement of the first listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 12

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and

- 7.1.4 the date when the decision was issued.
- 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;
 - 7.4.5 e-mail address, if any, of the holder; and
 - 7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
- 8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

- 9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 10. The Freshwater Rehabilitation, Maintenance and Management Plan ("FRMMP") adopted as part of this Environmental Authorisation must be implemented.
- 11. The EMPr and FRMMP must be included in all contract documentation for all phases of implementation.

Monitoring

- 12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr, FRMMP and the conditions contained herein.
- 13. A copy of the Environmental Authorisation, EMPr, FRMMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.
- 14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The ECO must conduct fortnightly site audits. Monthly ECO Audit Reports must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an

application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.

4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. 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. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs–
 - 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 the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs 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.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation 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 appreciated.

Yours faithfully



MR. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 20/09/2019

CC: (1) Mr. S. van der Merwe (Stellenbosch Municipality)
(2) Ms. V. Thompson (EnviroAfrica CC)
(3) Mr. N. Mkonto (Department of Water and Sanitation)
(4) Mr. R. Smart (CapeNature)
(5) Mr. C. van der Walt (Department of Agriculture)

Fax: (021) 886 6899
Fax: (086) 512 0154
Fax: (021) 941 6082
Fax: (086) 529 4992
Fax: (021) 808 5092

ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map.

ANNEXURE 2: SITE DEVELOPMENT PLAN

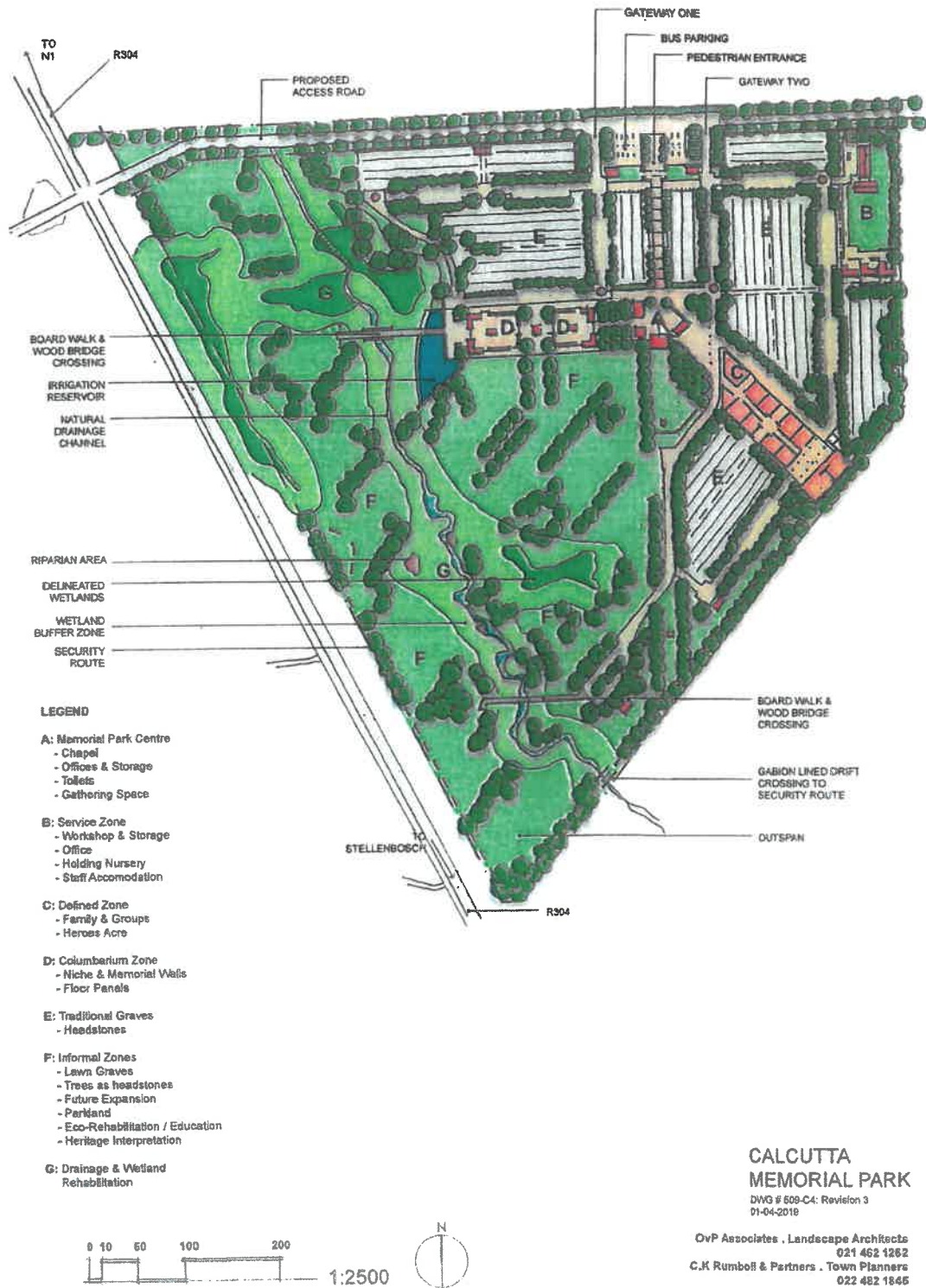


Figure 2: Site development plan for the cemetery and memorial park.



Figure 3: Storm water and sewage plan layout.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 16 April 2019, the final BAR dated May 2019 and the EMPr and FRMMP submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated May 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All the concerns raised by I&APs were responded to and addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation EMPr and in the FRMMP, in order to address the concerns raised.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at the sites where the listed activities are to be undertaken on 7 February 2018;
- the placing of a newspaper advertisement in the 'Eikestad Nuus' on 8 February 2018;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 14 September 2017, 9 February 2018, 15 November 2018, 1 February 2019 and 23 April 2019; and
- making the pre-application draft BAR's available to I&APs from 15 November 2018 and 1 February 2019 and making the in-process draft BAR available to I&APs for public review from 23 April 2019.

All the concerns raised by I&APs were responded to and addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and EMPr, in order to address the concerns raised.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Layout alternatives were assessed as part of the application and are discussed below.

Alternative 1 (Herewith Authorised):

The proposal entails the development of a public cemetery and memorial park that will comprise:

- A traditional grave area which allows for whole-body burials in traditional underground graves with headstones.
- An informal zone. This zone is non-traditional burial sites within a memorial park/landscaped park/garden area with lawn plaques/or a tree of remembrance/tree as headstone. The zone will incorporate the outspan in the southern section of the site and wetland buffer zones of 25m to 30m for watercourses.
- A columbarium and defined zone. These zones are non-traditional burial sites that comprise of formalized/built, above ground areas where either individual or group burials will take place. These areas include structures with niche/small spaces for placing cremated/legally reduced remains in urns or other approved containers, memorial walls with plaques of remembrance, floor plaques/flat headstones and mausoleums or crypts.
- A defined zone that includes an area for family and group burials and a heroes acre.
- An access road that will be constructed at a dedicated two-way intersection of the R304 at approximate KM 50,37.
- Internal roads of 8m wide near the entrance and around the bus parking and narrower roads for access to other regions within the cemetery and memorial park.
- A perimeter fence with main access gates and an entrance wall on the northern boundary.
- Boardwalks and wooden bridges.
- Gabion lined drift.
- An irrigation reservoir.
- A memorial park center and service zone consisting of:
 - A chapel,
 - Offices and a storage area,
 - Ablution facilities,
 - A workshop,
 - A plant/sapling nursery,
 - Staff accommodation, and
 - A gathering space.
- A sewer treatment plant and network.
- A storm water network and treatment plant. The subsurface storm water network will discharge storm water into a reed bed/storm water treatment system. A storm water attenuation pond will form part of the storm water management system.
- A security route along the boundary of the site.

This alternative is preferred as the layout plan accommodates wetland buffer zones between 25m and 30m, whilst providing ample memorial park/garden space to the west of the site. The additional crossing over the non-perennial drainage line will also enable the security team to have ease of access to the entire site during monitoring of the route. This alternative does not locate the conservancy tank/sewer treatment plant within the wetland buffer zone and makes provision for two storm water treatment plants and a storm water retention pond within the storm water network.

Alternative 2:

This alternative is similar to Alternative 1, with the exception of the wetland buffer zones ranging between 10m and 15m, structures (maintenance and nursery building) as well as cultivated areas

(orchards) within the wetland buffer zones and the conservancy tank being located in the wetland buffer zone and in close proximity to the non-perennial drainage line.

This alternative is not preferred since the layout does not allow for the maximum wetland buffer zones to be established and it places structures (maintenance and nursery building) as well as cultivated areas (orchards) in areas that are to be rehabilitated and maintained as part of a park. Additionally, the location of the conservancy tank within the wetland buffer zone is not appropriate and this alternative does not make provision for an effluent treatment plant or a retention pond.

Alternative 3:

This alternative is similar to Alternative 2, except that the access road off the R304 is located at KM 50,58.

This alternative is not preferred for the same reasons as provided for Alternative 2. In addition, this alternative is not preferred as it does not take the Final Traffic Study's recommendation into consideration that the access road off the R304 must be located at KM 50,37.

"No-Go" Alternative

The "no-go" option to not develop a public cemetery and memorial park was considered. However, it is not preferred because it will not address the need for additional burial space within Stellenbosch Municipality, which currently has very limited burial space at existing cemeteries.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

There is currently a shortage of land within Stellenbosch Municipality for the development of public cemeteries. The existing public cemeteries within Stellenbosch Municipality are nearing maximum occupation and alternative land for public cemeteries is needed. The proposed public cemetery and memorial park will address the limited burial space within the municipality. The specialist studies conducted during the EIA process has informed the layout of the site to avoid and mitigate impacts and provide the best practicable environmental option.

3.2 Biodiversity and Biophysical Impacts

According to the Botanical Statement dated 30 January 2019, compiled by Mr. P. Botes of PB Consulting, the site would have been historically comprised of Swartland Shale Renosterveld, an ecosystem listed as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The site is however, overgrown by a dense mix of alien invasive vegetation and approximately 5% of the site contains hardy shrubs or pioneer species. The site has been previously disturbed by sand mining, as well as harvesting and dumping, which has further degraded the area. The Botanical Statement concluded that the proposed development will not have any significant impact on indigenous vegetation. Through the implementation of the EMPr (accepted in Section E, Condition 9), the impact on indigenous vegetation will be limited.

According to the Freshwater Impact Assessment dated May 2019, compiled by Mr. J. Gericke of EnviroSwift, a non-perennial drainage line and a mosaic of depression wetlands were identified and delineated. The northern section of the non-perennial drainage line (between the northern boundary and northernmost wetland) is artificial and has been excavated historically. This may have been a measure to drain the northernmost wetland. The rest of the non-perennial drainage line is natural and has been subjected to substantial erosion, which is related to the presence of alien invasive vegetation. The present ecological state of the non-perennial drainage line is

classified as being largely modified, since there has been a large loss of natural habitat, biota and ecosystem functions. The ecological importance and sensitivity of the non-perennial drainage line is deemed to be moderate, since it has been severely impacted by alien invasive vegetation and the introduction of storm water runoff from the R304. However, rehabilitation is not excessively difficult, since the natural course seems to be intact. The mosaic of depression wetlands was delineated within the southern and north-western portion of the site. They are largely modified and have a moderate ecological importance. Through the implementation of the EMPr (accepted in Section E, Condition 9) and FRMMP (adopted in Condition 10), the impact on the non-perennial drainage line and depression wetlands will be mitigated.

Furthermore, a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) will be submitted to the Department of Water and Sanitation, that will assess the water related impacts further.

A FRMMP has been compiled to address future maintenance activities taking place in the affected watercourse. The maintenance of the structures authorised in this Environmental Authorisation forms part of this FRMMP. It must be noted that the accepted maintenance activities only relate to the activities described in the FRMMP. Should any new activities and associated infrastructure, not included in the FRMMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the FRMMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must 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."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

3.3 Geohydrological Impacts

According to the Geohydrological Assessment dated 23 October 2018, compiled by Mr. C. Peek of Geohydrological and Spatial Solutions International (Pty) Ltd, the site is located on a fractured aquifer. Most of the site is classified as having a low/medium groundwater vulnerability rating. The southern portion of the site has been classified as medium grading into a very high vulnerability classification. Traditional burial sites have however, been located in the north eastern and eastern section, which is away from the medium to very high vulnerability areas to avoid potential impacts on groundwater. Through the implementation of the EMPr (accepted in Section E, Condition 9), groundwater impacts will be mitigated.

3.4 Heritage Impacts

According to the Heritage Impact Assessment dated November 2018, compiled by New World Associates, no fossil remains were recorded during the palaeontological site visit, therefore it is unlikely to expect significant impacts palaeontological heritage. No pre-colonial archaeological heritage and no buildings, structures or features were encountered during the field assessment. Impacts on archaeological heritage is not anticipated. The proposed public cemetery and memorial park will have a medium impact and significance on the landscape, in terms of the visual impact associated with the development. An outspan has been identified in the south

western corner of the site. The area containing the outspan has however, been included in the informal park zone, to preserve the significance of this heritage feature within this landscape. Through the implementation of the EMPr (accepted in Section E, Condition 9), impacts on heritage resources will be mitigated.

3.5 Traffic Impacts

According to the Traffic Impact Assessment dated March 2019, compiled by Sturgeon Consulting (Pty) Ltd, the proposed new intersection at the northern boundary (KM 50,37) of the site will operate at acceptable levels of service.

The development will result in both negative and positive impacts.

Negative Impacts:

- There will be a minimal impact on the remaining indigenous vegetation.
- Impacts on the watercourse is expected during construction, however, rehabilitation of the stream will be undertaken.

Positive impacts:

- Additional land for burial will become available.
- The non-perennial drainage line and wetlands will be rehabilitated.
- Alien invasive plants will be removed.
- Employment opportunities will be created during the construction and operational phases.

4. National Environmental Management Act Principles

The NEMA Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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