



EIA REFERENCE NUMBER: 16/3/3/1/F4/17/3027/21
NEAS REFERENCE NUMBER: WCP/EIA/0000929/2021
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 15 March 2022

The Municipal Manager
Saldanha Bay Municipality
Private Bag X12
VREDENBURG
7380

For Attention: Ms. Y. Links

Tel: (022) 701 7000

E-mail: Yulene.Links@sbm.gov.za

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CENTRAL CEMETERY EXPANSION ON A PORTION OF FARM NO. RE/957, VREDENBURG.

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** Environmental Authorisation, 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 decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 summarised hereunder.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Mr. N. Hanekom (Enviro-EAP (Pty) Ltd)
(2) Ms. N. Duarte (Saldanha Bay Municipality)

Email: nicolaas@envio-eap.co.za

Email: nazeema.duarte@sbm.gov.za

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED CENTRAL CEMETERY EXPANSION ON A PORTION OF FARM NO. RE/957, VREDENBURG.

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 the Preferred Alternative, described in the Basic Assessment Report ("BAR") dated 04 November 2021.

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

The Municipal Manager
Saldanha Bay Municipality
Private Bag X12
VREDENBURG
7380

Tel: (022) 701 7000
Email: Yulene.Links@sbm.gov.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 24 Activity Description:</p> <p><i>“The development of a road –</i></p> <p><i>(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</i></p> <p><i>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</i></p> <p><i>but excluding a road-</i></p> <p><i>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</i></p> <p><i>(b) where the entire road falls within an urban area; or</i></p> <p><i>(c) which is 1 kilometre or shorter.”</i></p>	<p>The proposed development will include the development of internal roads of approximately 1373m in length with varying width of between 5m – 9m.</p>
<p>Activity Number: 27 Activity Description:</p> <p><i>“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></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.”</i></p>	<p>The proposed expansion will result in the clearance of approximately 18.9ha of degraded indigenous vegetation.</p>
<p>Activity Number: 28 Activity Description:</p> <p><i>“Residential, mixed, retail, commercial, industrial, or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development—</i></p> <p><i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p>	<p>The proposed expansion will occur on land used for agriculture after 01 April 1998 and outside an urban area, where the total land to be developed will be bigger than 1ha in extent.</p>

<p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial, or institutional purposes."</p> <p>Activity Number: 44 Activity Description:</p> <p>"The expansion of cemeteries by 2 500 square metres or more."</p>	<p>The proposed expansion of the existing central cemetery will be increased by approximately 18.9ha in extent.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 4 Activity Description:</p> <p>"The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p><u>i. Western Cape</u></p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</p>	<p>The proposed development will include the development of internal roads of approximately 1373m in length with varying width of between 5m – 9m.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the authorised development:

The authorised development entails the clearance of approximately 18.9ha of indigenous vegetation for the expansion of the existing Central Cemetery and associated infrastructure by approximately 18.9ha on a portion of Farm No. RE/957, located between Vredenburg and Saldanha. The expansion to the existing cemetery will be located on the southern boundary of the existing cemetery.

Internal roads approximately 1373m in length and varying 5m – 9m in width will be developed. Associated parking facilities will be provided.

An ablution block and associated infrastructure will be developed. A pre-constructed conservancy tank with a capacity of approximately 5000L will be developed. The conservancy tank will be serviced by the local authority. Solid waste removal services have further been confirmed by the local authority.

Soft landscaping will be planted along the internal roads, the garden area and along the southern, western and eastern boundaries of the proposed site. The proposed site will be fenced and access controlled.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on a portion of Farm No. RE/957, located between Vredenburg and Saldanha.

The 21-digit Surveyor General code for the proposed site is:

Farm No. RE/957	C0460000000095700000
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Site co-ordinates for the proposed site is:

Middle point	32° 56' 58.57" South	17° 58' 11.43" East
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Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

The said section of land is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Enviro-EAP (Pty) Ltd.
c/o Mr. Nicolaas Hanekom
2 School Street
AGULHAS
7287

Cell.: (076) 963 6450
Email: nicolaas@enviro-eap.co.za

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 the Preferred Alternative described in the BAR dated 04 November 2021 on the site described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10) years** from the date of commencement of the listed activities.
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 alternatives described in section B above must be 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. A minimum of 7 (seven) calendar days' notice, in writing must be given to the Competent Authority before commencement of expansion activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 11.

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 Appeal 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;
 - 7.4. Provide the registered I&APs with:
 - 7.4.1. 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,
 - 7.4.6. the 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 National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not be commenced with within 20 (twenty) calendar days from the date the holder 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 activity, including site preparation, must not be commenced with until the appeal is decided.

Management of activity

9. The Environmental Management Programme ("EMPr") (dated 04 November 2021) and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before commencing with development activity to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the office of the EA holder of the authorised listed activities and must be made available to any authorised person on request.
13. Access to the site referred to in Section C above must be granted and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see these for the purpose of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activities and submit an Environmental Audit Report to the Competent Authority within one (1) month of completion of the environmental audit.
 - 14.2. A final Environmental Audit Report must be submitted to the Competent Authority within one (1) year after the completion of the development phase.
 - 14.3. The holder must, within 7 (seven) days of the submission of the Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

Specific conditions

15. 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 palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; stone artifacts 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.
16. The recommendations of the Ecological Baseline Assessment (compiled by Eco Impact Legal Consulting (Pty) Ltd and dated June 2018), as included in the EMPr, must be implemented.

17. In accordance with the recommendations of the Geotechnical Investigation (compiled by SKCMasakhizwe Engineers (Pty) Ltd and dated January 2021), the following mitigation measures must be implemented:
 - 17.1. Indigenous vegetation must be planted and developed along the site perimeter to lower the water table that may occur seasonally; and
 - 17.2. Cut-off drains on the north, east and south boundaries of the proposed site must be maintained for the drainage of potential surface water runoff.
18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

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 activity.
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 activity within the period specified 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. An application for amendment of the Environmental Authorisation must be submitted 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 made 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 must –
 - 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 form/s must be submitted by means of one of the following methods:

By post: Attention: Mr. M. Venter
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. M. Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the holder, 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 15 MARCH 2022

Copies to: (1) Mr. N. Hanekom (Enviro-EAP (Pty) Ltd)
(2) Ms. N. Duarte (Saldanha Bay Municipality)

Email: nicolaas@envio-eap.co.za
Email: nazeema.duarte@sbm.gov.za

ANNEXURE 1: LOCALITY MAP

The proposed expansion is demarcated in red below.



Appendix A: Locality Map

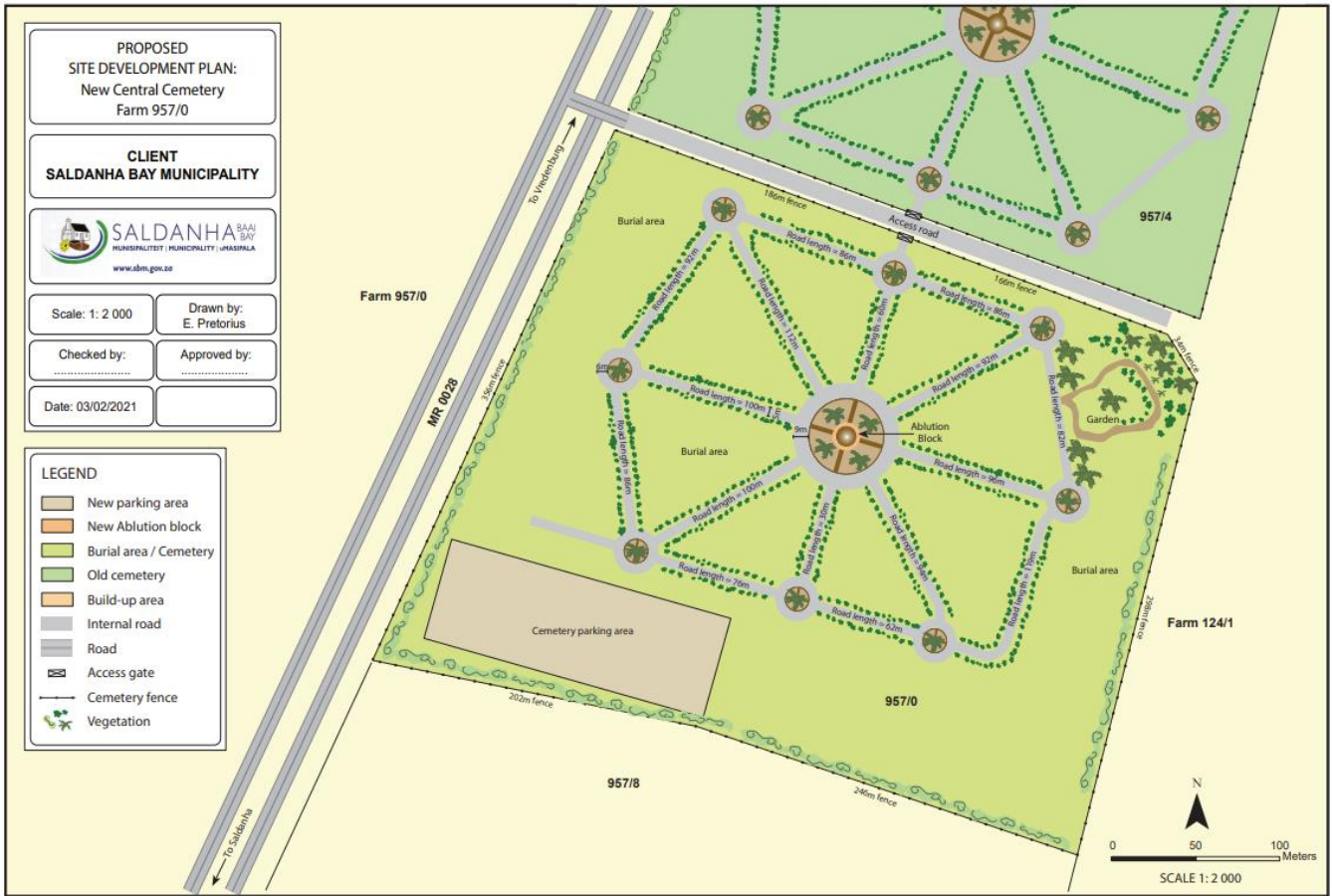
- Legend**
- Farm Portions
 - Erf

Scale: 1:9 028
Date created: June 27, 2018



ANNEXURE 2: SITE PLAN

Site plan for the proposed expansion.



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the application form dated 30 April 2021 and received by the competent authority on 14 June 2021, the amended application form and BAR dated 04 November 2021 and received by the competent authority on 05 November 2021, the EMPr (dated 04 November 2021) submitted together with the BAR and the additional information submitted by the EAP and received by the competent authority on 11 January 2022 and 23 February 2022;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 04 November 2021;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process ("PPP") was undertaken in accordance with an approved Public Participation Plan (approved on 12 July 2021) and entailed the following:

- Identification of and engagement with I&APs;
- Fixing a notice board at the site where the listed activities are to be undertaken on 16 September 2021;
- 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 12 and 23 September 2021;
- The placing of a newspaper advertisement in the "Weslander" on 16 September 2021;
- Placing the draft BAR and revised draft BAR on the EAP's website for a minimum 30-day commenting period;
- Making the draft BAR available to I&APs for comment from 14 June 2021 to 15 July 2021; and
- Making the revised draft BAR available for comment from 23 September 2021 to 25 October 2021.

All of the concerns raised by I&APs were responded to and adequately addressed during the public participation process. This Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

2. Alternatives

Given that the proposed expansion is for an existing development, no reasonable or feasible site alternatives or layout alternatives were identified. The Preferred Alternative and the "No-Go" alternative were identified and assessed as follows:

The Preferred Alternative– herewith authorised

The preferred alternative entails the clearance of approximately 18.9ha of indigenous vegetation for the expansion of the existing Central Cemetery and associated infrastructure by approximately 18.9ha on a portion of Farm No. RE/957, located between Vredenburg and Saldanha. The expansion to the existing cemetery will be located on the southern boundary of the existing cemetery.

Internal roads approximately 1373m in length and varying 5m – 9m in width will be developed. Associated parking facilities will be provided.

An ablution block and associated infrastructure will be developed. A pre-constructed conservancy tank with a capacity of approximately 5000L will be developed. The conservancy tank will be serviced by the local authority. Solid waste removal services have further been confirmed by the local authority.

Soft landscaping will be planted along the internal roads, garden area and along the southern, western and eastern boundaries of the proposed site. The proposed site will be fenced and access controlled.

The Preferred Alternative takes cognisance of the location and orientation of the existing cemetery in order to link to the existing services and minimise the potential visual impacts associated with a cemetery. The Preferred Alternative site was selected based on the fact that it avoids botanically sensitive areas north and west of the existing cemetery, aquatic sensitive areas west of the existing cemetery and active agricultural areas east of the existing cemetery. The Preferred Alternative was further deemed preferred from an ecological, geotechnical and agricultural perspective.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo". However, since the preferred alternative will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is zoned as Agriculture and is located outside an urban area. The proposed site is located adjacent to the existing Central Cemetery and will link to the existing service infrastructure used for the existing cemetery. The proposed expansion will comply with objectives of the Western Cape Provincial Spatial Development Framework (2014), which requires the provision of adequate community services and facilities. The proposed expansion is further in line with the approved Saldanha Bay Spatial Development Framework and all other planning policies applicable to the area. The proposed expansion will not negatively impact the character of the area as it is located adjacent to the existing cemetery. Some employment opportunities will also be created as a result of the proposed expansion.

3.2. Agricultural Impacts

An Agricultural Compliance Statement (compiled by Johann Lanz and dated 16 September 2021), was undertaken in terms of the Protocols. According to the Screening Report (dated 08 April 2021), the proposed site was mapped to be located within a high sensitivity area from an agricultural perspective. The specialist indicated that the agricultural sensitivity identified in terms of the Screening Report is a direct function of the capability of the land for agricultural production. Although the proposed site has been cultivated in the past, it has not been cultivated for more than 20 years and should therefore no longer be classified as cultivated land. The specialist confirmed that the proposed site is not of high agricultural sensitivity because of limiting factors such as low rainfall and soils with very limited moisture holding capacity. The specialist furthermore confirmed that, because of these limits to agricultural potential and use, the proposed development will not have an unacceptable negative impact on the agricultural production capability of the proposed site. The specialist recommended that the proposed development be approved, and no mitigation measures were proposed.

The Western Cape Government Department of Agriculture indicated (in their comment dated 06 December 2018) that they have no objection to the proposed development.

3.3. Ecological Impacts

An Ecological Baseline Assessment (compiled by Eco Impact Legal Consulting (Pty) Ltd and dated June 2018) was undertaken to determine the potential ecological impacts associated with the proposed development. The specialist indicated that no species of conservation concern for flora and fauna were noted. The specialist further indicated that since the proposed site was ploughed more than 10 years ago, the indigenous vegetation on the proposed site was degraded and of low conservation value. The indigenous vegetation on the proposed site was identified as Saldanha Flats Strandveld, which is classified as Vulnerable in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection. Although the potential ecological impacts have been deemed to be of low negative significance, the specialist has recommended mitigation measures, which have been included in the EMPr.

CapeNature indicated (in their comment dated 15 July 2021) that they have no objection to the proposed expansion on condition that there are no species of conservation concern, particularly *Romulea elliptica*, identified on the proposed site. CapeNature further recommended that locally occurring indigenous plant species should be used for landscaping and a phased approach be taken for the clearance of the site to make space for burial purposes.

A Terrestrial Plant Species Compliance Statement (compiled by Enviro-EAP (Pty) Ltd and dated 21 September 2021) was undertaken. The specialist confirmed that the findings of the Ecological Baseline Assessment (dated June 2018) are still relevant and applicable and no *Romulea elliptica* or any other species of conservation concern were recorded during the follow up site survey. The recommendations of CapeNature have been included in the EMPr.

3.4. Groundwater and soil contamination

A Geotechnical Investigation (compiled by SKCMasakhizwe Engineers (Pty) Ltd and dated January 2021) to evaluate the geotechnical suitability of the site for the proposed expansion. According to Cape Farm Mapper, the groundwater depth is approximately 11.88m below ground level and the permeability of the in-situ soils is within the prescribed range for cemeteries.

According to the specialist, surface water drainage from the site will be overland flow (minimal), which will be cut-off by the gravel road verges south and east of the site. Limited surface water originating upland of the proposed extension of cemetery will be cut off by the gravel road verge north of the site. This gravel road verge (and cut off drain) must be maintained to ensure drainage of the upland area in the case of a storm event.

The specialist noted little erosion on site, due to the very slight and constant gradient of the proposed site. The closest drainage feature to the proposed site is the Bok River, which is approximately 510m south of the proposed site. Although a flood line determination did not form part of the scope of the study, the proposed site is not located within the 1:50 year flood line and 1:100 year floodline. No groundwater or seepage was observed in the profile pits during the site visit.

The specialist concluded that the proposed site is considered suitable for the development of a cemetery, provided that all the mitigation measures are implemented. The recommendations of the specialist have been included as a condition set in this Environmental Authorisation and have been included in the EMPr. The recommendations of the specialist are supported by this Department's Directorate: Pollution and Chemicals Management (as indicated in their comment dated 15 July 2021)

The Department of Water and Sanitation provided a comment on the EIA application (dated 23 July 2021). The Department did not indicate any objection to the proposed development, but has provided mitigation measures that must be implemented. The mitigation measures include a recommendation of implementing and maintaining a basal buffer zone of at least 2.5m, the development of a stormwater management plan and the systematic removal of indigenous vegetation to limit the exposure of bare soil. These recommendations have been included in the EMPr.

3.5. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape. Heritage Western Cape confirmed (in their correspondence dated 13 August 2018) that since there is no reason to believe that the proposed cemetery expansion will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. Heritage Western Cape confirmed on 23 February 2022 that their comment dated 13 August 2018 still applies and that no further action is required.

3.6. Health impacts

The potential health impacts associated with the operational phase of the proposed expansion have been identified and assessed. The Western Cape Government Department of Health has (in their comment dated 25 October 2018) drawn the applicant's attention to the requirements stipulated in Section 15 of GN R.363 of 22 May 2013 in terms of the National Health Act, 2003 (Act No. 61 of 2003), which relates to the management of human remains. The requirements of the National Health Act, 2003 (Act No. 61 of 2003) will be met.

3.7. Services

A conservancy tank with a capacity of approximately 5000L will be installed as part of the proposed development. Services have been confirmed by Saldanha Bay Municipality (in correspondence dated 08 February 2021) that the conservancy tank will be serviced and solid waste removal capacity is sufficient to accommodate the proposed expansion. Minimal electricity supply and potable water supply will be required and is available.

The development will result in both negative and positive impacts.

Negative Impacts include:

- The loss of indigenous vegetation;
- The potential groundwater and soil contamination; and
- Limited visual impacts

Positive impacts include:

- The provision of additional burial space next to an existing cemetery;
- The optimal use of the site in proximity to the existing cemetery; and
- The creation of some employment opportunities.

4. National Environmental Management Act Principles

The National Environmental Management 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 activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"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."*

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