



**EIA REFERENCE NUMBER:** 16/3/3/5/A2/35/3064/22  
**NEAS REFERENCE NUMBER:** WCP/EIA/AMEND/0000694/2022  
**DATE OF ISSUE:** 20 October 2023

The Director  
Vygekraal Cemetery Board.  
36 Walnut Road  
**LANSDOWNE**  
7780

**For Attention: Mr. A. Salie**

Tel: 078 904 4039  
Email: [vygieskraalcb@gmail.com](mailto:vygieskraalcb@gmail.com)

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 2 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT 11 SEPTEMBER 2015 (REF. NO. 16/3/1/1/A2/35/3030/12) FOR THE PROPOSED EXPANSION OF THE VYGEKRAAL CEMETERY AND ASSOCIATED INFRASTRUCTURE ON ERF 171555 (PREVIOUSLY ERVEN 171553 AND 171554), RYLANDS.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the Environmental Authorisation, 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 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 in the amended Environmental Authorisation below.

Yours faithfully

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

Copies to: (1) Mr. F. Fredericks (SLR Consulting (South Africa) (Pty) Ltd)  
(2) Mr. A. Greenwood (City of Cape Town: ERM)

Email: [ffredericks@slrconsulting.com](mailto:ffredericks@slrconsulting.com)  
Email: [Andrew.Greenwood@capetown.gov.za](mailto:Andrew.Greenwood@capetown.gov.za)



EIA REFERENCE NUMBER: 16/3/3/5/A2/35/3064/22

## AMENDED ENVIRONMENTAL AUTHORISATION

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 2 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT 11 SEPTEMBER 2015 (REF. NO. 16/3/1/1/A2/35/3030/12) FOR THE PROPOSED EXPANSION OF THE VYGEKRAAL CEMETERY AND ASSOCIATED INFRASTRUCTURE ON ERF 171555 (PREVIOUSLY ERVEN 171553 AND 171554), RYLANDS.**

With reference to your application, find below the amendment to the Environmental Authorisation in respect of this application.

### A. BACKGROUND

1. An Environmental Authorisation ("EA") was issued by this Department on 11 September 2015 (Ref. No. 16/3/1/1/A2/35/3030/12) for the proposed expansion of the existing Vygekraal cemetery and associated infrastructure on Erven 171553 and 171554, Rylands (attached as Appendix A).
2. An amended EA was issued by this Department on 27 September 2020 (Ref. No. 16/3/3/5/A2/35/3036/20), which granted an extension to the validity period of the EA (Ref. No. 16/3/1/1/A2/35/3030/12) to 11 September 2025 (attached as Appendix B).
3. An application for amendment in terms of the NEMA EIA Regulations, 2014 (as amended) was received by this Department on 23 November 2022. The application is for the amendment of the EA (Ref. No. 16/3/1/1/A2/35/3030/12) for the changes to the description of the proposed site, changes to the approved mitigation measures in respect of groundwater impacts and the amendment of the approved EMPr.

### B. 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 Regulations, 2014 (as amended), the Department hereby **grants** the amendment to the Environmental Authorisation issued by this Department on 11 September 2015 (Ref. No. 16/3/1/1/A2/35/3030/12) in terms of Part 2 of the EIA Regulations, 2014 (as amended). The EA (Ref. No. 16/3/1/1/A2/35/3030/12) is amended as set out below:

1. Section A (DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION) of the EA issued on 11 September 2015 (Ref. No. 16/3/1/1/A2/35/3030/12) **is herewith updated** to reflect as follows:

*"Vygekraal Cemetery Board.*  
c/o Mr. A. Salie  
36 Walnut Road  
**LANSDOWNE**  
7780

Tel: 078 904 4039  
Email: [vygieskraalcb@gmail.com](mailto:vygieskraalcb@gmail.com)

2. All reference to "Erf 171553 and Erf 171554" **is hereby replaced with** "Erf 171555".
3. Section C (PROPERTY DESCRIPTION AND LOCATION) of the EA issued on 11 September 2015 (Ref. No. 16/3/1/1/A2/35/3030/12) reads as follows:

"The SG 21 digit codes are: C01600070017155300000 (Erf 171553)  
C01600070017155400000 (Erf 171554)

Co-ordinates: 33° 58' 08.33" South (Erf 171553)  
18° 31' 27.74" East

33° 58' 04.46" South (Erf 171554)  
18° 31' 40.19" East"

**is hereby replaced with:**

The SG 21 digit code is: C01600070017155500000

Co-ordinates: 33° 58' 04.213" South  
18° 31' 36.8" East"

4. Condition 8 of Section E (CONDITIONS OF AUTHORISATION) in the EA (Ref. No. 16/3/1/1/A2/35/3030/12), reads as follows:

"8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorization is hereby approved on condition that the following amendments are made to the EMP, and must be implemented:

8.1. The following conditions regarding the temporary storage of fuel on site during the implementation of the expansion activities must be complied with:

8.1.1 Temporary fuel storage on site must not exceed 30m<sup>3</sup> and any fuel storage tanks must be bunded (110% of the tank capacity) to contain any possible spills and to prevent any filtration of fuels into the ground; and

8.1.2. Drip trays must be provided for all vehicles, construction equipment and generators that may require re-fuelling on site to avoid the possible spillage of fuel/oil.

8.3. The following mitigation measures recommended in the Groundwater Assessment conducted by Mr. R. Morris of Morris Environmental and Groundwater Alliances dated, 25 November 2009 must be implemented:

8.3.1 A ring of dewatering wells and pumps must be installed along the outside perimeter of the site prior to the implementation of expansion activities;

8.3.2 Dewatering wells must be 6m deep and connected at appropriate intervals to surface suction pumps; and

8.3.3 A distance of approximately 2m must be maintained between the bottom of the graves and the top of the water table on the site.

- 8.4 The ground water system (pumps and wells) and groundwater levels must be continuously monitored by an appropriately trained person. A record of the groundwater monitored results must be kept and must be made available if requested;
- 8.5 The manner and frequency for updating the EMP must be done as follows:
  - 8.5.1 An application for amendment to the EMP must be submitted to the competent authority if any further amendments are to be made to the EMP, other than those mentioned above, and this may only be implemented once the amended EMP has been authorised by the competent authority.
  - 8.5.2 The EMP must be included in all contract documentation for all phases of implementation."

**is hereby replaced with:**

"8. The Environmental Management Programme ("EMPr") (compiled by SLR Consulting and dated May 2023) submitted as part of the application for amendment is hereby approved on condition that the following conditions must be implemented:

- 8.1. The following conditions regarding the temporary storage of fuel on site during the implementation of the expansion activities must be complied with:
  - 8.1.1 Temporary fuel storage on site must not exceed 30m<sup>3</sup> and any fuel storage tanks must be bunded (110% of the tank capacity) to contain any possible spills and to prevent any filtration of fuels into the ground; and
  - 8.1.2. Drip trays must be provided for all vehicles, construction equipment and generators that may require re-fuelling on site to avoid the possible spillage of fuel/oil.
- 8.2. The following mitigation measures recommended in the Groundwater Dewatering Investigation and Groundwater Impact Assessment Report conducted by SLR Consulting (South Africa) and dated August 2022 must be implemented:
  - 8.2.1 Dewatering wells and pumps must be installed along the eastern and southern boundaries of the site prior to the implementation of the expansion activities;
  - 8.2.2 Dewatering wells must be 6m deep and connected at appropriate intervals to surface suction pumps; and
  - 8.2.3 A minimum distance of 0.5 m must be maintained between the bottom of the graves and the top of the water table on the site.
- 8.3 The ground water system (pumps and wells) and groundwater levels must be monitored monthly by an appropriately trained person. A record of the groundwater monitored results must be kept and must be made available if requested;
- 8.4 The manner and frequency for updating the EMPr must be done as follows:
  - 8.4.1 An application for amendment to the EMPr must be submitted to the competent authority if any further amendments are to be made to the EMPr, other than those mentioned above, and this may only be implemented once the amended EMPr has been authorised by the competent authority.
  - 8.4.2 The EMPr must be included in all contract documentation for all phases of implementation."

## C. REASONS FOR THE DECISION:

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

1. The information contained in the application for amendment dated and received by this Department on 23 November 2022, the final Amendment Report dated and received by this Department on 29 June 2023 and the additional information received by the Department on 18 October 2023.
2. Since the proposed amendment will result in a change of scope of a valid EA (Ref. No. 16/3/1/1/A2/35/3030/12) and the proposed amendment will result in an increased level or change in the nature of the impacts, a Part 2 amendment process in terms of Regulation 31 of the NEMA EIA Regulations, 2014 (as amended) was followed.
3. A public participation process was undertaken, which entailed the following:
  - 3.1. Two site notices were placed on site on 23 November 2022.
  - 3.2. The placing of a newspaper advertisement in the "Athlone News" on 23 November 2022.
  - 3.3. Interested and Affected Parties ("I&APs") registered during the initial application for Environmental Authorisation were notified of the availability of the draft Amendment Report and revised draft Amendment Report via electronic mail on 23 November 2022 and 15 May 2023, respectively.
  - 3.4. An electronic copy of the draft Amendment Report and revised draft Amendment Report was made available on the EAP's website, free data website and at the Rylands Public Library for comment from 24 November 2022 to 16 January 2023 and from 15 May 2023 to 15 June 2023, respectively.
  - 3.5. All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. The 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 response report. Specific management and mitigation measures have been considered in this amended Environmental Authorisation and in the EMPr (dated May 2023) to adequately address significant concerns raised.
4. Specialist input
  - 4.1. Groundwater Dewatering Investigation and Groundwater Impact Assessment Report

A Groundwater Dewatering Investigation and Groundwater Impact Assessment Report (prepared by SLR Consulting (South Africa) and dated August 2022) was conducted using numerical modelling. The model simulations, using conservative abstraction rates of 0.5-0.6l/s estimated from the aquifer testing, indicated that this would not achieve a drawdown of approximately 2m below burial depth. Rather, dewatering may lower groundwater levels to below burial depth, ranging between 0.5 – 4 m below burial depth.

Four modelling scenarios were initially run to assess the potential impacts to groundwater levels. The report noted that pre-expansion groundwater quality indicated that nitrate, total suspended solids, and faecal coliforms may be originating from the cemetery and pose a potential acute health risk if ingested as well as potential impacts on any irrigation systems and potentially to plants by reducing photosynthetic activity.

Based on a review of the groundwater level difference between burial depth and dewatering scenarios, as well as the drawdown cone extent for modelled scenarios, there is a limited extent of groundwater drawdown for each of the scenarios, with a worst-case drawdown not expected to exceed 0.3 m approximately 80 m east of the site boundary; hence limited impact to neighbouring residential and recreational areas. Further, there is insignificant impact expected to the City of Cape Town's Cape Flats production wells. Based on the modelling results, it can be observed that 5 years after the pumping is stopped, it is anticipated that the aquifer is almost fully recovered, and only a 0.4m maximum drawdown is predicted on a very small radius of influence.

The report recommended that Scenario 2 is implemented with groundwater abstraction from the five new boreholes and existing sump with annual abstraction rate of 19 872 m<sup>3</sup> /a (i.e. 0.78 l/s) and will achieve groundwater levels between 0.5 m – 4 m below burial depth with manageable disposal requirements to sewer. The recommendations of the study have been set as a condition in this amended Environmental Authorisation and incorporated into the amended EMPr. The Department of Water and Sanitation indicated (in their comment dated 06 June 2023) has not indicated any objection to the proposed amendment and recommended the need for groundwater monitoring. This recommendation has been incorporated into the EMPr.

#### 4.2. Dewatering Pumps and Pipeline System Design Report

A Dewatering Pumps and Pipeline System Design Report (prepared by SLR Consulting (South Africa) and dated March 2022) was conducted. The report recommends that a borehole pump that consists of a submersible pump directly coupled to a submersible motor is installed and noted that borehole depths are shallow and should be drilled deeper, and to equal depths, to increase the pumped volume and static head differences.

5. In terms of the details of the proposed site, Erf 171553 and Erf 171554 have been consolidated into Erf 171555, Rylands and therefore the amended Environmental Authorisation has been amended to reflect the updated property details of the proposed site.

#### 6. Confirmation of services

The City of Cape Town's: Water and Sanitation Department (letter dated 7 February 2023) confirmed that the Cape Flats Wastewater Treatment Works has sufficient capacity to accommodate the abstracted groundwater. In addition, no objections to the proposed amendment were received from the City of Cape Town in their correspondences dated 14 February 2023 and 14 June 2023.

7. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
8. All other conditions contained in the EA (Ref. No. 16/3/1/1/A2/35/3030/12), as amended on 27 September 2020 (Ref. No. 16/3/3/5/A2/35/3036/20), remain unchanged and in force.

### D. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 1.1. Notify all registered interested and affected parties ("I&APs") of –
    - 1.1.1. the outcome of the application;
    - 1.1.2. the reasons for the decision as included in Section B;
    - 1.1.3. the date of the decision; and
    - 1.1.4. the date when the decision was issued.

- 1.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeal Regulations, 2014 (as amended) detailed in Section E below;
- 1.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 1.4. Provide the registered I&APs with:
  - 1.4.1. the name of the holder (entity) of this Environmental Authorisation;
  - 1.4.2. name of the responsible person for this Environmental Authorisation;
  - 1.4.3. postal address of the holder;
  - 1.4.4. telephonic and fax details of the holder;
  - 1.4.5. e-mail address, if any, of the holder; and
  - 1.4.6. 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).
2. Proof of compliance with Condition 1 of this amended EA must be submitted along with the notification of commencement of expansion activities.
3. All other conditions contained in the EA issued on 11 September 2015 (Ref. No. 16/3/1/1/A2/35/3030/12), as amended on 27 September 2020 (Ref. No. 16/3/3/5/A2/35/3036/20), remain unchanged and in force.

## **E. 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: Marius 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](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### F. 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 environment is greatly appreciated.

Yours faithfully

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

**DATE OF DECISION: 20 October 2023**

Copies to: (1) Mr. F. Fredericks (SLR Consulting (South Africa) (Pty) Ltd)  
(2) Mr. A. Greenwood (City of Cape Town: ERM)

Email: [ffredericks@slrconsulting.com](mailto:ffredericks@slrconsulting.com)  
Email: [Andrew.Greenwood@capetown.gov.za](mailto:Andrew.Greenwood@capetown.gov.za)

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## **APPENDIX A**

A copy of the Environmental Authorisation issued by this Department on 11 September 2015 (Ref. No. 16/3/1/1/A2/35/3030/12).

## **APPENDIX B**

A copy of the amendment to the Environmental Authorisation issued by this Department on 27 September 2020 (Ref. No. 16/3/3/5/A2/35/3036/20).