



REFERENCE: 16/3/3/1/F1/12/2024/21
NEAS REFERENCE: WCP/EIA/0000906/2021
DATE OF ISSUE: 19 November 2021

The Municipal Manager
Bergvriër Municipality
P.O. Box 60
PIKETBERG
7320

Attention: Advocate Hanlie Linde

E-mail: CarsensJ@bergmun.org.za

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED EXPANSION OF THE EXISTING CEMETERY ON THE REMAINDER OF ERF NO. 1002, PORTERVILLE.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA 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 are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Sean Ranger (Footprint Environmental Services)
(2) Ms. Angila Joubert (Bergvriër Municipality)
(3) Mr. Dean Josephus (Bergvriër Municipality)

E-mail: sean.ranger1@gmail.com
E-mail: JoubertA@bergmun.org.za
E-mail: JosephusD@Bergmun.org.za



ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED EXPANSION OF THE EXISTING CEMETERY ON THE REMAINDER OF ERF NO. 1002, PORTERVILLE.

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 NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report (“BAR”) dated August 2021.

The granting of this Environmental Authorisation (hereinafter referred to as the “Environmental Authorisation”) is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Bergrivier Municipality
c/o Advocate Hanlie Linde
P.O. Box 60
PIKETBERG
7320

Tel.: (022) 913 6011
E-mail: CarsensJ@bergmun.org.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
Listing Notice 1 of the EIA Regulations, 2014 (as amended): Activity 44: <i>"The expansion of cemeteries by 2 500 square metres or more".</i>	The existing cemetery will be expanded by more than 2500m ² .

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

The holder is herein authorised to undertake the following related to the listed activity:

The proposed development entails the expansion of the existing cemetery on Remainder of Erf No. 1002, Porterville.

The expanded cemetery will not exceed 5ha in size. The existing mesh fence will be expanded, and access will be via the existing access gate.

The current gravel surface road (MR 5586) along the northern boundary of the existing cemetery will be used to access the expanded cemetery site.

C. LOCATION AND SITE DESCRIPTION

The listed activity will take place on Remainder of Erf No. 1002, Porterville.

The property is located to the east of Porterville and east of the R44.

The SG 21-digit code is: C05800070000100200000

Co-ordinates:

Latitude: 33° 01' 22.55" S

Longitude: 18° 59' 43.23" E

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

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Cederberg Conservation Services t/a FOOTPRINT Environmental Services
c/o Mr. Sean Ranger
P.O. Box 454
PORTERVILLE
6810

E-mail: sean.ranger1@gmail.com

Fax: (086) 655 8060

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated August 2021 on the site as described in Section C above.
2. Authorisation of the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, 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 five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and
 - (b) A period of five (**5**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity for the construction phase, must be concluded.
4. The activity that has been authorised may only be carried out at the site described in Section C above in terms of the approved EMPr.
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 such information 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered interested and affected parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 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);
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and

6.4 provide the registered I&APs with:

- 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
- 6.4.2 name of the responsible person for this Environmental Authorisation,
- 6.4.3 postal address of the holder,
- 6.4.4 telephonic and fax details of the holder,
- 6.4.5 e-mail address, if any;
- 6.4.6 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).

Commencement

- 7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

- 9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7 and 14.

Management of activity

- 10. The draft Environmental Management Programme ("EMPr") dated August 2021 (as compiled by Cederberg Conservation Services t/a FOOTPRINT Environmental Services) and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
- 12. The EMPr must be included in all contract documentation for all phases of implementation.
- 13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer (“ECO”), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct monthly site inspections during the construction phase.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report three months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.

16. The environmental audit reports must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

 - 16.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
 - 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;

- 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 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 and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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 archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
22. A borehole must be drilled before operating the site as a cemetery to determine the 2.5m basal zone.
- 22.1 The borehole must also be used for groundwater monitoring purposes.
 - 22.2 A basal zone of at least 2.5m must be implemented in order to understand the seasonal fluctuations of groundwater in the area.
 - 22.3 The borehole must be monitored at least twice a year (for quantity, quality and levels), once in summer and once in winter and the results must be submitted to the Department of Water and Sanitation, as well as to the Directorate: Pollution and Chemicals Management of the Department of Environmental Affairs and Development Planning ("DEA&DP"), once the results become available.

23. The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), must be adhered to.

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. If the holder does not commence with the listed activity within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the 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.
3. 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.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, 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.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. 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 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: Attention: Mr. 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. Marius Venter (Tel: 021 483 3721)
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 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. 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. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 19 NOVEMBER 2021

CC: (1) Mr. Sean Ranger (Footprint Environmental Services)
(2) Ms. Angila Joubert (Bergrivier Municipality)
(3) Mr. Dean Josephus (Bergrivier Municipality)

E-mail: sean.ranger1@gmail.com
E-mail: JoubertA@bergmun.org.za
E-mail: JosephusD@Bergmun.org.za

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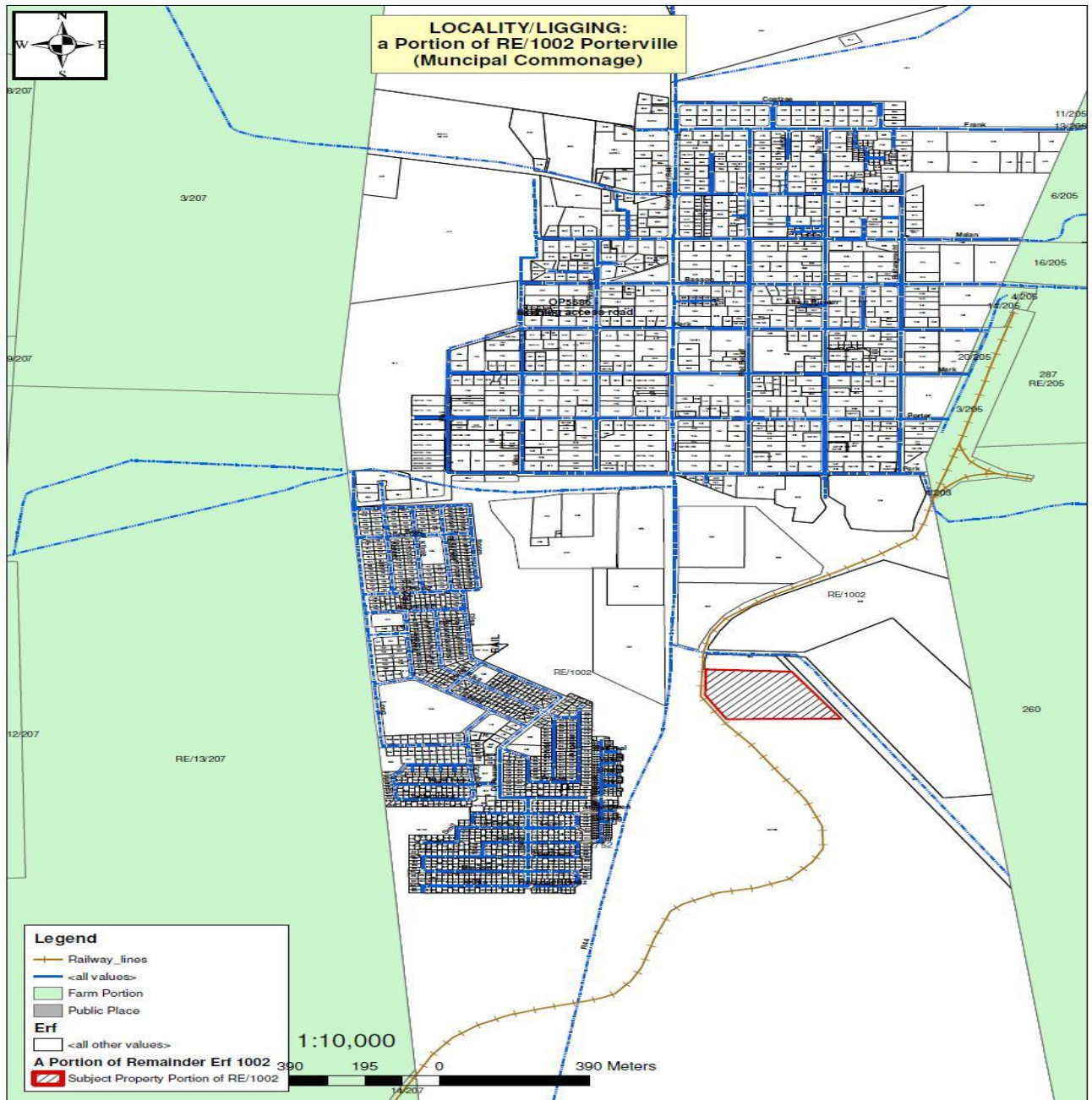
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ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated and received by the competent authority via electronic mail correspondence on 12 May 2021; the BAR dated August 2021; and the EMPr submitted together with the BAR;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated August 2021;
- d) 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 comprised of the following:

- Notice boards were placed on site and within the town of Porterville;
- Background Information Documents were distributed via e-mail on 21 February 2021;
- E-mails were sent on 21 February 2021 to announce the availability of the pre-application BAR;
- Background Information Documents were posted via registered post on 23 February 2021;
- An advertisement was placed in the "Weslander" newspaper on 25 February 2021;
- A copy of the pre-application BAR was placed at the Porterville and Monte Berta Public Libraries, and the municipal office, respectively;
- Follow-up e-mails were sent on 19 March 2021 to remind I&APs about the due date for submission of comments on the pre-application BAR;
- The pre-application BAR was made available from 25 February 2021 until 31 March 2021;
- E-mails were sent on 21 May 2021 to announce the availability of the draft BAR;
- Follow-up e-mails were sent on 24 June 2021 to adjacent neighbours to remind them about the due date for submission of comments on the draft BAR; and
- The draft BAR was made available from 25 May 2021 until 28 June 2021.

Authorities consulted

The authorities consulted included the following:

- CapeNature;
- Western Cape Department of Agriculture;
- Department of Agriculture, Land Reform and Rural Development;
- West Coast District Municipality;
- Bergvriervier Municipality;
- DEA&DP Directorate: Waste Management;
- DEA&DP Directorate: Pollution and Chemicals Management;
- DEA&DP Directorate: Air Quality Management;
- Department of Water and Sanitation;
- Heritage Western Cape; and
- Western Cape Department of Transport and Public Works.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

Considering that cemeteries form an essential part of a community's tradition and culture, it is vital that appropriate burial space is provided within an acceptable distance to a particular community. Furthermore, services requirements, social and community needs, as well as the provision of services to the surrounding properties were considered and accommodated. The property onto which the existing Porterville cemetery is to be expanded, fulfills these requirements. No environmental constraints were identified on the site and the layout of the cemetery makes optimal use of the site as per the cemetery guidelines.

Preferred site - herewith authorised:

The preferred site is located on Remainder of Erf No. 1002, Porterville, adjacent to the existing cemetery. This is the preferred site from a geotechnical point of view. Furthermore, the cemetery is within walking distance of the residential areas, eliminating expensive transport costs to and from the cemetery.

Alternative site:

The alternative site to the south of the waste management facility is located near a drainage line and is not suitable for a cemetery.

Preferred alternative – herewith authorised:

The proposed development entails the expansion of the existing cemetery on Remainder of Erf No. 1002, Porterville.

The expanded cemetery will not exceed 5ha in size. The existing mesh fence will be expanded, and access will be via the existing access gate

The following technology alternatives were also considered:

The preferred alternative entails the extension of the existing cemetery since traditional burials are the norm in the community and the existing cemetery is nearing its capacity. A crematorium was considered but was rejected since it will have a higher visual impact and associated air quality impacts.

"No-Go" Alternative:

This alternative implies that the existing cemetery will not be expanded. The alternative was rejected since there is a critical shortage of burial space and the current cemetery is nearing its capacity, which implies that new burial space is required.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The proposed site is located outside the urban edge, adjacent to the existing cemetery. A portion of the Remainder of Erf 1002 is already used as the existing cemetery and the proposed development is an expansion of the existing cemetery and existing land-use.

The site was used for agricultural wheat production in the past, however the land is owned by the Municipality and as such, will need to be rezoned to Open Space 1 to accommodate the proposed cemetery. The loss of agricultural land is not anticipated to have a significant impact on food security or wheat production, given the large

wheat production areas in the region. The National Department of Agriculture, Land Reform and Rural Development and the Western Cape Department of Agriculture have no objections to the proposed cemetery expansion.

The cemetery west of the R44 reached capacity in 2018 and cannot be expanded further. The current 1ha size cemetery is reaching capacity and must as such be expanded. At the current rate the existing cemetery will reach full capacity within a year or two.

The cemetery is consistent with the Spatial Development Framework of the Bergrivier Municipality. There is currently a critical shortage of burial space in Porterville and the expanded cemetery will therefore provide much needed burial space.

Regulation 15(2)(b) of the Regulations relating to the Management of Human Remains in terms of the National Health Act, 2003 (Act No. 61 of 2003) states the following: *"All burial sites must comply with the following environmental requirements- be located at least 350m from ground water sources used for drinking purposes and at least 500m from the nearest habitable building"*.

As such, the Bergrivier Municipality applied to the West Coast District Municipality for deviation from Regulation 15(2)(b) to establish the cemetery within 500m of the nearest habitable building.

3.2 Biophysical impacts

The site is currently vacant and undeveloped and was historically used for agriculture. There is no natural vegetation remaining on the site.

No threatened or protected species are present on the site. Furthermore, the site is not classified as a Critical Biodiversity Area or Ecological Support Area and has not been identified for conservation purposes.

No watercourses are present on the site. The slope of the site is fairly flat, and ponding of water is not anticipated to be problematic since the slope is ideal for use as a cemetery. Furthermore, due to the flat gradient of the site, erosion is not anticipated to occur.

3.3 Heritage impacts:

A Heritage Screener Report was compiled by CTS Heritage. The site falls within an area of low palaeontological sensitivity. According to the SAHRIS Fossil Layer Browser, the underlying bedrock consists of phyllite shale, greywacke, limestone and arenite of the Piketberg Formation of the Malmesbury Shales which are not known to be fossiliferous.

The proposed development is not expected to have any impact on heritage resources due to the transformed nature of the site. Heritage Western Cape indicated in their comment there is no reason to believe that the proposed development will impact on any significant heritage resources and as such, no further studies are required in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

3.4 Groundwater impacts:

The site is located on a major aquifer. SRK Consulting (South Africa) (Pty) Ltd conducted a preliminary assessment of the hydrogeological suitability of the existing cemetery site. A hydro-census was conducted in a radius of approximately 1 km from the site. The data

gathered during the hydro-census provided information on groundwater use, water quality, borehole yields and groundwater levels.

The hydro-census identified only three boreholes, with the closest borehole being approximately 900m northwest of the site. It was also reported that a borehole located approximately 300m east of the site is being used for domestic purposes.

The basement rocks at the site consist of the Porterville Formation of the Malmesbury Group, which consist mainly of alternating layers of phyllite shale and fine to medium grained greywacke. The shales of the Malmesbury Group weather to clay, and the site is thus most likely situated on a clay layer.

The aquifer in the area is of the fractured type, with a low exploitation potential due to low recharge potential and low hydraulic conductivity, particularly where clay horizons are present. Groundwater flow in the fractured aquifer is inferred to mimic the topography, *i.e.*, flowing from higher lying to lower lying areas (*i.e.*, from southeast to northwest).

The hydrogeological study concluded that the aquifer vulnerability to pollution is low and that the site is suitable to be used for a cemetery. It was however, recommended that a shallow borehole be drilled on the site to confirm (or otherwise) the presence of a substantial clay layer and that no shallow aquifers are present. This borehole can also be used for future monitoring purposes. This recommendation has been included in the conditions of this Environmental Authorisation and the EMPr.

3.5 Dust, traffic and noise impacts

Potential dust, traffic and noise impacts are anticipated during the construction phase. However, no significant potential dust, noise and traffic impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential impacts on groundwater; and
- Potential noise, dust and traffic impacts.

Positive impacts:

- Optimal use of municipal owned land for expansion of the existing cemetery;
- Provision of additional burial services in the local area; and
- Some employment opportunities.

National Environmental Management Act Principles

The National Environmental Management Act 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.

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 NEMA 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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