



EIA REFERENCE NUMBER: 16/3/3/1/F4/8/3004/22
NEAS REFERENCE NUMBER: WCP/EIA/0001029/2022
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 22 JULY 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 NEW LAINGVILLE CEMETERY ON A PORTION OF REMAINDER OF ERF 80, LAINGVILLE.

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 in the attached Environmental Authorisation below.

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@enviro-eap.co.za

Email: nozeema.duarte@sbm.gov.za



EIA REFERENCE NUMBER: 16/3/3/1/F4/8/3004/22

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 NEW LAINGVILLE CEMETERY ON A PORTION OF REMAINDER OF ERF 80, LAINGVILLE.

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 28 March 2022.

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 12 Activity Description:</p> <p><i>"The development of</i></p> <ul style="list-style-type: none"> <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs—</i> <ul style="list-style-type: none"> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.</i> <p><i>excluding—</i></p> <ul style="list-style-type: none"> <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> <i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i> <i>(dd) where such development occurs within an urban area;</i> <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i> <i>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of the development and where indigenous vegetation will not be cleared."</i> <p>Activity Number: 19 Activity Description:</p> 	<p>The proposed development includes the development of infrastructure (i.e. the installation of precast concrete pipe culvert and associated inlet/outlet structures) with a physical footprint of 100m² within a watercourse.</p>
<p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles, or rock of more than 10 cubic metres from a watercourse;</i></p>	<p>The proposed development includes the infilling or depositing of more than 10m³ into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10m³ from a watercourse for the</p>

<p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies."</i> <p>Activity Number: 23 Activity Description:</p> <p><i>"The development of cemeteries of 2 500 square metres or more in size."</i></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> <ul style="list-style-type: none"> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan."</i> 	<p>installation of precast concrete pipe culverts and associated infrastructure.</p> <p>The proposed development entails the development of a cemetery and associated infrastructure of approximately 5.7ha in extent.</p> <p>The proposed development will result in the clearance of approximately 5.7ha of degraded indigenous vegetation.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 04 Activity Description:</p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>(i) Western Cape</p> <ul style="list-style-type: none"> <i>(i) Areas zoned for use as public open space or equivalent zoning;</i> <i>(ii) Areas outside urban areas;</i> <ul style="list-style-type: none"> <i>(aa) Areas containing indigenous vegetation;</i> <i>(bb) Areas on the estuary side of the development setback line or in an</i> 	<p>The development of an access road approximately 6m in width and approximately 225m in length and an internal road network approximately 538m in length and varying in width of 6 – 8m, outside an urban area on areas containing indigenous vegetation.</p>

<p><i>estuarine functional zone where no such setback line has been determined; or</i></p> <p>(iii) <i>Inside urban areas:</i></p> <p>(aa) <i>Areas zoned for conservation use; or</i> (bb) <i>Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</i></p> <p>Activity Number: 12 Activity Description:</p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation:</i></p> <p>(i) Western Cape</p> <p>(i) <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p>(ii) <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>(iii) <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas;</i></p> <p>(iv) <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p>(v) <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister."</i></p>	<p>The proposed development will result in the clearance of approximately 5.7ha of Saldanha Granite Strandveld vegetation, which is classified as Endangered 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, 2011.</p>
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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 5.7ha of indigenous vegetation for the development of the new Laingville cemetery and associated infrastructure on a portion of Erf 80, Laingville. An internal road network within the cemetery will measure approximately 538m in length and varying in width of 6 – 8m. A minimum distance of approximately 208m between the new cemetery and the stormwater drainage channel will be established.

An access road approximately 6m in width and approximately 225m in length will be developed from Duiker Street across the stormwater drainage line via a pipe culvert to the new cemetery. The pipe culvert will comprise of:

- Wing walls downstream and upstream on either side of the drainage line; and
- Gabion Baskets will be constructed for additional protection at the crossing points, where required.

An ablution block will be developed. A 5000L pre-constructed PVC conservancy tank located adjacent to the new ablution block will be installed and will connect via a 110mm diameter pipe.

Landscaping with locally occurring indigenous vegetation will be used as visual screening. Indigenous vegetation will be planted along the perimeter of the site to lower the water table. The new cemetery will be fenced, and access controlled.

Solid waste removal and sewerage services will be undertaken by the municipality. No additional municipal services will be required.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on a portion of Remainder of the Erf 80, Laingville.

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

Remainder of the Erf 80	C04600130000008000000
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Site co-ordinates for the proposed site is:

Middle point	33° 47' 33.07" South	18° 03' 26.03" East
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Site co-ordinates for the pipe culvert structure is:

Middle point	32°47'33.71" South	18°03'39.05" 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 28 March 2022 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 land clearing 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, 11 and 16.2.

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 activities, 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 activities, including site preparation, must not be commenced with until the appeal is decided.

Management of activity

9. The Environmental Management Programme ("EMPr") (dated 14 January 2022) 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 land clearing activities 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 site during land clearing activities whereafter it 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. In accordance with the recommendations of the Geotechnical Investigation (compiled by SKCMasakhizwe Engineers (Pty) Ltd and dated December 2020), the following mitigation measures must be implemented:
 - 16.1. Indigenous vegetation must be planted during the development phase along the perimeter of the site to lower the water table and maintained during the operational phase.
 - 16.2. A minimum distance of approximately 208m between the development and the stormwater drainage line must be established and maintained throughout the life-cycle of the development.
17. 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 activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period 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)

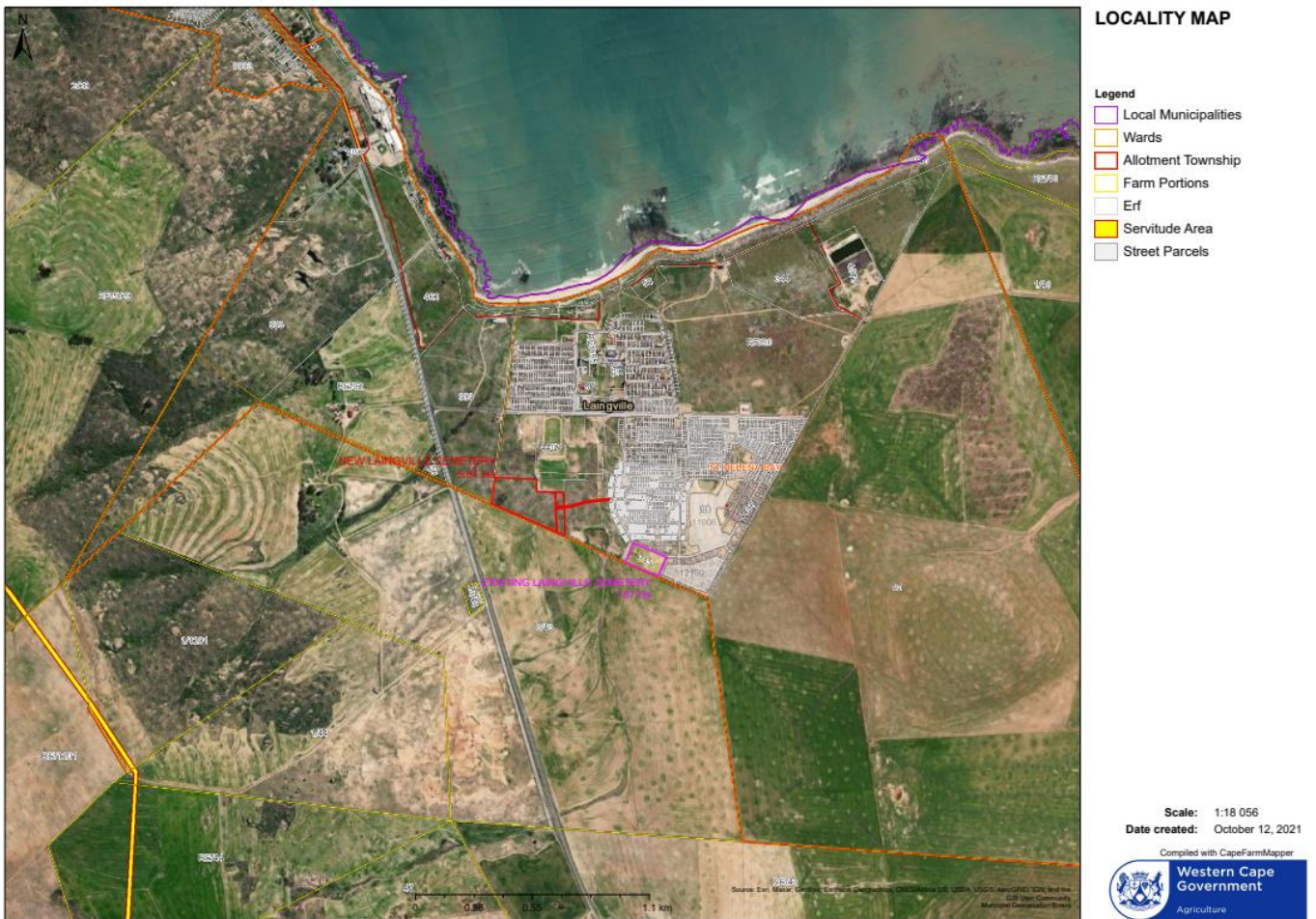
DATE OF DECISION: 22 JULY 2022

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

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

ANNEXURE 1: LOCALITY MAP

The proposed development is demarcated in red below.



ANNEXURE 2: SITE PLAN

Site plan for the proposed development.



CLIENT
SALDANHA BAY MUNICIPALITY



SALDANHA BAY
MUNICIPALITY
www.sibm.gov.za

PROPOSED SITE DEVELOPMENT PLAN: New Laingville Cemetery, Erf 80, Laingville

Scale: 1: 2 000	Drawn by: E. Pretorius
Checked by:	Approved by:
Date: 08 /02/ 2021	

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 and received by the competent authority on 18 January 2022, the BAR dated 28 March 2022 and received by the competent authority on 30 March 2022, the EMPr (dated March 2022) submitted together with the BAR, and additional information submitted by the EAP and received by the competent authority on 27, 28 and 29 June 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 28 March 2022;
- 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 for the pre-application process and in accordance with an approved Public Participation Plan (approved on 15 October 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 11 May 2018 and 09 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 04 June 2018, 12 September 2021 and 14 October 2021;
- The placing of a newspaper advertisement in the "Weslander" on 31 May 2018 and 16 September 2021;
- Placing the reports on the EAP's website for a minimum 30-day commenting period;
- Making a pre-application draft BAR available to I&APs for comment from 05 October 2018 to 05 November 2018; and
- Making the draft BAR available to I&APs for comment from 01 February 2022 to 03 March 2022.

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

The criteria for site selection were based on landownership, environmental and geomorphological constraints. Cognisance of the stormwater drainage line traversing the site, the proximity of the cemetery (specifically the burial area) to the stormwater drainage line and geotechnical considerations were factored into the preferred site selection. Alternatives with respect to access to the site was identified and assessed. The following alternatives, including the “No-Go” alternative, were identified and assessed as follows:

The Preferred Alternative (herewith authorised):

The authorised development entails the clearance of approximately 5.7ha of indigenous vegetation for the development of the new Laingville cemetery and associated infrastructure on a portion of Erf 80, Laingville. An internal road network within the cemetery will measure approximately 538m in length and varying in width of 6 – 8m. A minimum distance of approximately 208m between the new cemetery and the stormwater drainage channel will be established.

An access road approximately 6m in width and approximately 225m in length will be developed from Duiker Street across the stormwater drainage line via a pipe culvert to the new cemetery. The pipe culvert will comprise of:

- Wing walls downstream and upstream on either side of the drainage line; and
- Gabion Baskets will be constructed for additional protection at the crossing points, where required.

An ablution block will be developed. A 5000L pre-constructed PVC conservancy tank located adjacent to the new ablution block will be installed and will connect via a 110mm diameter pipe.

Landscaping with locally occurring indigenous vegetation will be used as visual screening. Indigenous vegetation will be planted along the perimeter of the site to lower the water table. The new cemetery will be fenced, and access controlled.

Solid waste removal and sewerage services will be undertaken by the municipality. No additional municipal services will be required.

The Preferred Alternative takes cognisance of the formalisation of the informal road over the non-perennial drainage line – the “shortest route” for the adjacent community. In addition, the preferred alternative provides the shortest access from the existing cemetery to the new cemetery and directly into the parking area for the new cemetery for access control and buffer purposes.

Alternative 2

Alternative 2 entailed providing access from Duiker Street directly into the burial space of the new cemetery. However, the location of the parking area for the cemetery was proposed to be adjacent to the existing sportsfield located north of the site. Alternative 2 was not deemed the preferred as the location of the parking area was not deemed practical as this would result in mourners needing to drive through the cemetery to enter the parking area.

Alternative 3

Alternative 3 entailed the development of an access road from Main Road to the proposed cemetery site. This would have resulted in the development of a 550m access road approximately 6m in width.

Although Alternative 3 would have avoided the stormwater drainage line, Alternative 3 was not deemed practical as this alternative increased the distance required to access the proposed cemetery.

"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 deemed the preferred.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is zoned as Single Residential and is located outside an urban area. The cemetery is in line with the 2011 approved Saldanha Bay Spatial Development Framework and Integrated Development Plan. The proposed development will comply with objectives of the Western Cape Provincial Spatial Development Framework (2014), which requires the provision of adequate community services and facilities. A rezoning application in terms of the relevant planning legislation will be applied for accordingly. Although the proposed development will be located within 500m of the nearest residential area, an exemption of Regulation 15(2)(b) of the Regulations Relating to the Management of Human Remains promulgated on 22 May 2013 in terms of the National Health Act (Act 61 of 2003) will be applied for. The existing Laingville Cemetery is also located within the 500m buffer area. The proposed development 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 development.

3.2. 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 proposed site is mapped to contain Saldanha Bay Strandveld vegetation, which is classified as Vulnerable according to the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection (2011). The specialist indicated that no species of conservation concern for flora and fauna were noted. The specialist further indicated that the indigenous vegetation on the proposed site was degraded and of low conservation value. The proposed site is not expected to be an important breeding site or habitat for any fauna or avifauna. 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 09 November 2018) that according to the South African Vegetation Map, the proposed cemetery site supports Saldanha Flats Strandveld. However, CapeNature agreed that the site is quite degraded and adjacent to an existing residential development which places pressure on the site and therefore the likelihood of rehabilitation of the site is very low and concluded that they do not object to proposed development of the cemetery provided that mitigation measures are implemented.

A Terrestrial Plant Species, Animal Species and Biodiversity Compliance Statement (compiled by Enviro-EAP (Pty) Ltd and dated September 2021) was undertaken to validate and verify the findings of the specialist study undertaken in 2018. The specialist confirmed that the findings of the Ecological Baseline Assessment (dated June 2018) are still relevant and applicable and no Species of Conservation Concern were recorded during the follow up site survey.

3.3. Groundwater and soil contamination

A Geotechnical Investigation (compiled by SKCMasakhizwe Engineers (Pty) Ltd and dated December 2020) was undertaken to evaluate the geotechnical suitability of the site for the proposed development. According to Cape Farm Mapper, the groundwater depth is approximately 7.97m 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), discharging into the non-perennial stream located approximately 208m east of the proposed site. Limited surface water originating upland of the proposed cemetery will be cut off by the gravel road verge south of the site.

The specialist noted little erosion on site, due to the very slight and constant gradient 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. 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 proposed development provided that all the recommended 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.

3.4. Aquatic Impacts

An Aquatic Biodiversity Compliance Statement (compiled by Enviro-EAP (Pty) Ltd and dated September 2021) was undertaken to investigate the impacts the proposed development will have on aquatic biodiversity.

According to the specialist the non-perennial river/stormwater drainage line located approximately 208m from the proposed cemetery flows upstream through cultivated lands and is formalised. Upstream of the road crossing a gravel weir blocks the water flow. Downstream, the river is blocked by roads and residential land uses and formalised before it flows into the sea. The water course is not pristine and of low to poor ecological condition. Degraded Western Strandveld Channelled Valley Bottom Wetland associated with the non-perennial river were recorded in the area, but not within the proposed site.

The watercourse within the study area have already been subjected to extreme modification as a result of the upstream agricultural activities and surrounding residential activities. From the assessment of freshwater features within the study area, the specialist concluded that the existing ecological status of the non-perennial river by the proposed cemetery and road crossing will not be altered and affected.

A Water Use License Application in terms of the National Water Act, 1998 (Act No. 36 of 1998) has been submitted to the Department of Water and Sanitation ("DWS") and the requirements of the aforementioned Act will be met.

3.5. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC confirmed (in their correspondence dated 13 August 2018) that since there is no reason to believe that the proposed cemetery 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. An updated statement from HWC was requested by the Environmental Assessment Practitioner on 22 September 2021. However, no response from HWC.

3.6. Health impacts

The potential health impacts associated with the proposed development 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 West Coast District Municipality in their electronic mail correspondence dated 01 March 2022, indicated that the site is located within 500 meters from the nearest residential buildings. An exemption in terms of Regulation 15(2)(b) of the Regulations Relating to the Management of Human Remains promulgated on 22 May 2013 in terms of the National Health Act, 2003 (Act No. 61 of 2003) will therefore need to be applied for.

3.7. Services

Saldanha Bay Municipality (in correspondence dated 08 February 2021 and 27 June 2022) have confirmed that the provision of additional services will be provided by the Municipality for the proposed cemetery development and is confirmed as follows:

- In terms of sewerage a conservancy tank will be installed and will be serviced on a weekly basis. Sufficient capacity exists;
- In terms of solid waste removal, the facility will be serviced on a weekly basis as per existing cemetery. Sufficient capacity exists;
- Sufficient electrical capacity is available to service the proposed cemetery; and
- Sufficient potable water is available to service the proposed development.

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 within close proximity to an existing cemetery;
- The optimal use of the site in connecting the existing cemetery to the new 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 activities 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 activities 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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