



EIA REFERENCE NUMBER: 16/3/3/1/F4/5/3050/21
NEAS REFERENCE NUMBER: WCP/EIA/0000986/2021
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: **05 MAY 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 HOPEFIELD CEMETERY EXPANSION ON A PORTION OF ERF RE/350, HOPEFIELD.

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: nazeema.duarte@sbm.gov.za

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED HOPEFIELD CEMETERY EXPANSION ON A PORTION OF ERF RE/350, HOPEFIELD.

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 17 January 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**".

Site co-ordinates for the proposed site is:

Middle point	33° 03' 52.25" South	18° 21' 19.07" 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 17 January 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 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4. Provide the registered I&APs with:
 - 7.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed 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 January 2022) and submitted as part of the application for Environmental Authorisation is hereby approved, on condition that the following amendments are made and must be implemented.
 - 9.1. A groundwater monitoring borehole must be installed to monitor ground water during the operational phase of the development.
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 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 Geotechnical Investigation (compiled by SKCMasakhizwe Engineers (Pty) Ltd and dated November 2020), indigenous vegetation must be planted along the boundary of the site to lower the water table that may occur seasonally and to manage potential erosion impacts on the proposed site. indigenous vegetation must be planted and maintained throughout the lifecycle 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: 05 May 2022

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

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

ANNEXURE 1: LOCALITY MAP

The proposed expansion is demarcated in red below.



Appendix A - Locality Map

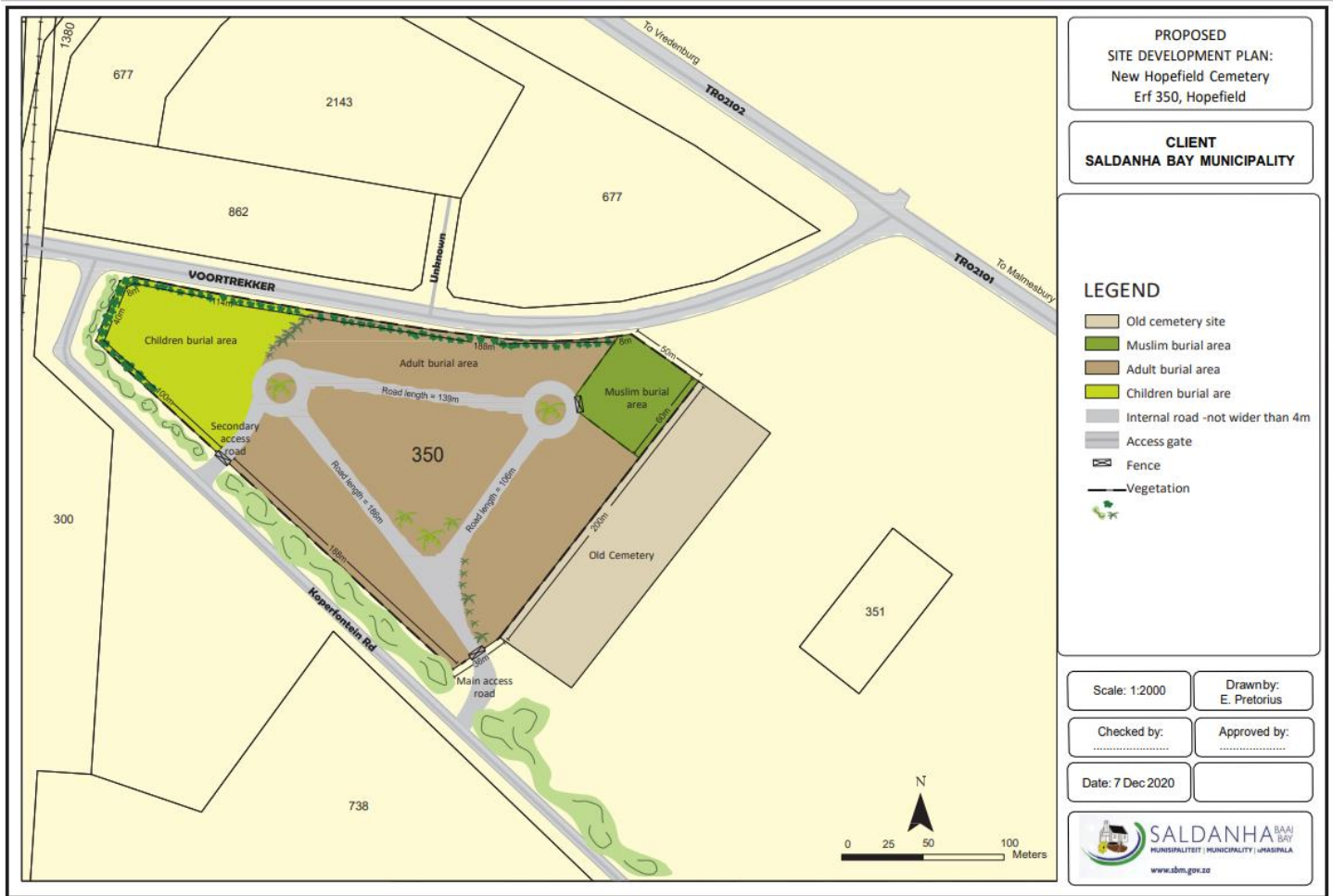
Scale: 1:2 257

Date created: October 3, 2018



ANNEXURE 2: SITE PLAN

Site plan for the proposed expansion.



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the application form dated and received by the competent authority on 01 October 2021, the BAR dated and received by the competent authority on 17 January 2022, the EMPr (dated January 2022) submitted together with the BAR, the amended application form dated 12 April 2022 and additional information submitted by the EAP and received by the competent authority on 12, 13 April 2022 and 05 May 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 17 January 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 11 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 16 September 2021
- Giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 04 June 2018, 05 October 2018, 11 September 2021 and 02 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 the draft BAR available to I&APs for comment from 04 October 2021 to 04 November 2021;

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

2. Alternatives

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

The Preferred Alternative– herewith authorised

The Preferred Alternative entails the clearance of approximately 4.5ha of indigenous vegetation for the expansion of the existing Hopefield Cemetery and associated infrastructure by approximately 4.5ha on a portion of on a portion of Erf RE/350, Hopefield. The expansion is proposed to extend on the western boundary of the existing cemetery up to Voortrekker and Kopperfontein Roads, Hopefield.

The internal roads of the cemetery expansion, which will be less than 1 kilometer in length and not wider than 4m, will connect to the existing cemetery parking area and entrance off Kopperfontein Road, Hopefield.

Soft landscaping will be planted in non-burial areas. The proposed site will be fenced and access controlled. No additional municipal services will be required as the existing services associated with the existing cemetery is adequate.

The Preferred Alternative takes cognisance of the location and orientation of the existing cemetery in order to link to the existing services and minimise the potential visual impacts associated with a cemetery. Although the proposed site is located outside an urban area, it is located adjacent to the existing cemetery and is anticipated to be in-keeping with the surrounding environment. In addition, the proposed site is disturbed from a botanical perspective.

"No-Go" Alternative

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

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is zoned as Agriculture and is located outside an urban area. The proposed site is located adjacent to the existing Hopefield Cemetery and will link to the existing service infrastructure used for the existing cemetery. The proposed expansion will comply with objectives of the Western Cape Provincial Spatial Development Framework (2014), which requires the provision of adequate community services and facilities. A rezoning application in terms of the relevant planning legislation will be applied for accordingly. The proposed expansion will not negatively impact the character of the area as it is located adjacent to the existing cemetery. Some employment opportunities will also be created as a result of the proposed expansion.

3.2. Agricultural Impacts

Although the site is zoned as agriculture, the site is currently vacant and has not been utilised for agriculture in the past. The existing cemetery is located to the east of the proposed site and roads are located to the west of the proposed site. The proposed site is therefore cut off from the larger property unit, which makes it unsuitable from an ecological and viable agricultural perspective. As such the potential loss of agricultural land is deemed to be low and insignificant. The Western Cape Government Department of Agriculture indicated (in their comment dated 06 February 2019) that they have no objection to the proposed development.

3.3. Ecological Impacts

An Ecological Baseline Assessment (compiled by Eco Impact Legal Consulting (Pty) Ltd and dated June 2018) was undertaken to determine the potential ecological impacts associated with the proposed development. The proposed site is mapped to contact Hopefield Sand Fynbos 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 24 October 2018) that according to the South African Vegetation Map, the proposed cemetery expansion site supports two vegetation types. The site is covered mainly by Hopefield Sand Fynbos on the eastern side of the site and Swartland Shale Renosterveld on the western side of the site. Hopefield Sand Fynbos is listed as Vulnerable but has a high number of Species of Conservation Concern and its remaining extent is decreasing fairly rapidly. Swartland Shale Renosterveld is Critically Endangered with only approximately 6% of its original extent remaining. However, CapeNature agreed that the site is quite degraded and that the site has not been determined as Critical Biodiversity Area.

A Terrestrial Plant Species, Animal Species and Biodiversity Compliance Statement (compiled by Enviro-EAP (Pty) Ltd and dated November 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. CapeNature indicated (in their comment dated 21 November 2021) that they do not object to the proposed development.

3.4. Groundwater and soil contamination

A Geotechnical Investigation (compiled by SKCMasakhizwe Engineers (Pty) Ltd and dated November 2020) was undertaken to evaluate the geotechnical suitability of the site for the proposed expansion. According to Cape Farm Mapper, the groundwater depth is approximately 12.34m 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 onto Koperfontein Road (south) and Voortrekker Road (north), and railway verge approximately 30m west of the proposed site. Limited surface water originating upland of the proposed extension of cemetery will be cut off by the gravel road verges.

The specialist noted little erosion on site, due to the very slight and constant gradient of the proposed site. The closest drainage feature to the proposed site is the Sout River, which is approximately 750m west of the proposed site. Although a flood line determination did not form part of the scope of the study, the proposed site is not located within the 1:50 year flood line and 1:100 year floodline. No groundwater or seepage was observed in the profile pits during the site visit.

The specialist concluded that the proposed site is considered suitable for the proposed expansion 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.

Additional mitigation measures were provided by this Department's Directorate: Pollution and Chemicals Management (in their comment dated 02 November 2021) and the Department of Water and Sanitation (in their comment dated 17 November 2021). These recommendations have been included in the EMPr.

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 expansion will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. An updated statement from HWC was requested by the Environmental Assessment Practitioner. However, no response from HWC was received to date.

3.6. Health impacts

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

3.7. Services

Saldanha Bay Municipality (in correspondence dated 08 February 2021) have confirmed that no additional services will be required for the proposed cemetery expansion. The existing ablution block and services currently available will be sufficient to cover the new proposed expansion in terms of potable water, solid waste services, electricity and sewerage.

The development will result in both negative and positive impacts.

Negative Impacts include:

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

Positive impacts include:

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

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), inter alia, provides for:

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed 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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