



EIA REFERENCE: 16/3/3/2/B3/38/1010/19
NEAS REFERENCE: WCP/EIA/0000571/2019
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: **2020 -03- 1 0**

The Trustees
Prins Trust
24 Russel Street
PAARL
7646

Attention: Mr. J. Prins

Cell: 082 476 1577

Email: jacoprins@telkomsa.net

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED CREMATORIUM ON ERF NO. 11466, WELLINGTON

1. With reference to the above application, the Department 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 Environmental Impact Assessment 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 ("I&APs") are provided with access to 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 summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. P. Badenhorst (Pieter Badenhorst Professional Service cc)
(2) Ms. C. Winter (Drakenstein Municipality)
(3) Mr. M. Engelbrecht (Cape Winelands District Municipality)
(4) Ms. P. Huntly (CapeNature)
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED CREMATORIUM ON ERF NO. 11466, WELLINGTON

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 activity specified in Section B below with respect to the Site Alternative 2 and Design Alternative 2b, described in the Environmental Impact Assessment Report ("EIAR"), dated November 2019.

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

Prins Trust
% Mr. J. Prins
24 Russel Street
PAARL
7646

Cell: 082 476 1577
Email: jacoprins@telkomsa.net

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>EIA Regulations Listing Notice 2 of 2014: Activity Number 6</p> <p>The development of facilities or infrastructure for any process or activity which requires a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the generation or release of emissions, pollution or effluent, excluding—</p> <ul style="list-style-type: none"> (i) activities which are identified and included in Listing Notice 1 of 2014; (ii) activities which are included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the National Environmental Management: Waste Act, 2008 applies; (iii) the development of facilities or infrastructure for the treatment of effluent, polluted water, wastewater or sewage where such facilities have a daily throughput capacity of 2 000 cubic metres or less; or (iv) where the development is directly related to aquaculture facilities or infrastructure where the wastewater discharge capacity will not exceed 50 cubic metres per day. 	<p>The proposed crematorium requires an Atmospheric Emissions License in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) to operate.</p>

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

The holder is herein authorised to undertake the following alternative:

The proposal entails the establishment of a crematorium on Erf No. 11466, Wellington. The facility will include the following:

- Two (2) furnaces with a combined maximum capacity of 36 cremations per day;
- The cremator stack height will be 20m;
- The design will allow for installation of a scrubber and ceramic filtration plant, which removes heavy metals and particulate matter.
- A 9000-litre gas supply tank installed outside the building, but inside a protected yard, within the required safety zones. A blast protection safety wall will be erected around the gas tank;
- Refrigerator room;
- Washroom;
- Grinding room;
- Offices; and
- Parking facilities, which will be provided below and in front of an existing lean-to.

C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Erf No. 11466, Wellington, at the following co-ordinates:

Latitude (S)	Longitude (E)
33° 38' 58.97"	18° 58' 33.80"

The SG digit code is: C05500100001146600000

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

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Pieter Badenhorst Professional Services CC
% Mr. P. Badenhorst
P. O. Box 1058
WELLINGTON
7654

Cell: (082) 7763422
Fax: (086) 672 1916

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, Site Alternative 2 and Design Alternative 2b described in the EIAR dated November 2019, at the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **5 years** from the date of commencement of the listed activity.
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 alternative described in Section B 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 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. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 10

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 Appeals 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; and
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the 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; and
 - 7.4.6 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 2014 National Appeals Regulations (as amended).
8. The listed activity, including site preparation, may not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, may not commence until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
11. The ECO must conduct fortnightly compliance monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and quarterly Environmental Compliance Reports must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within six months after construction has been complete.
12. A copy of the Environmental Authorisation, EMPr and compliance monitoring reports must be kept at the site of the authorised activity.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above 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.

Auditing

14. The holder must ensure that environmental auditing is undertaken in accordance with Regulation 34 in terms of the NEMA EIA Regulations, 2014 (as amended) to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Reports must be submitted to the Competent Authority every **six (6)** months during the construction phase. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The final Environmental Audit Report must be submitted to the Competent Authority within six months after operation commenced.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

Specific Conditions

15. Only the cremation of humans will be allowed at the facility.
16. 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.

articles of value or antiquity; marine shell heaps; stone artefacts 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.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse 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. 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.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr 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.

G. 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 on which 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 on which 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 Organs 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 Organs 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: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
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 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. 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. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 10/03/2020

CC: (1) Mr. P. Badenhorst (Pieter Badenhorst Professional Service cc)

(2) Ms. C. Winter (Drakenstein Municipality)

(3) Mr. M. Engelbrecht (Cape Winelands District Municipality)

(4) Ms. P. Huntly (CapeNature)

(5) Mr. P. Harmse (Department of Environmental Affairs and Development Planning)

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ANNEXURE 1: LOCALITY MAP



Figure 1: Location of Erf No. 11466.

ANNEXURE 2: SITE DEVELOPMENT PLAN

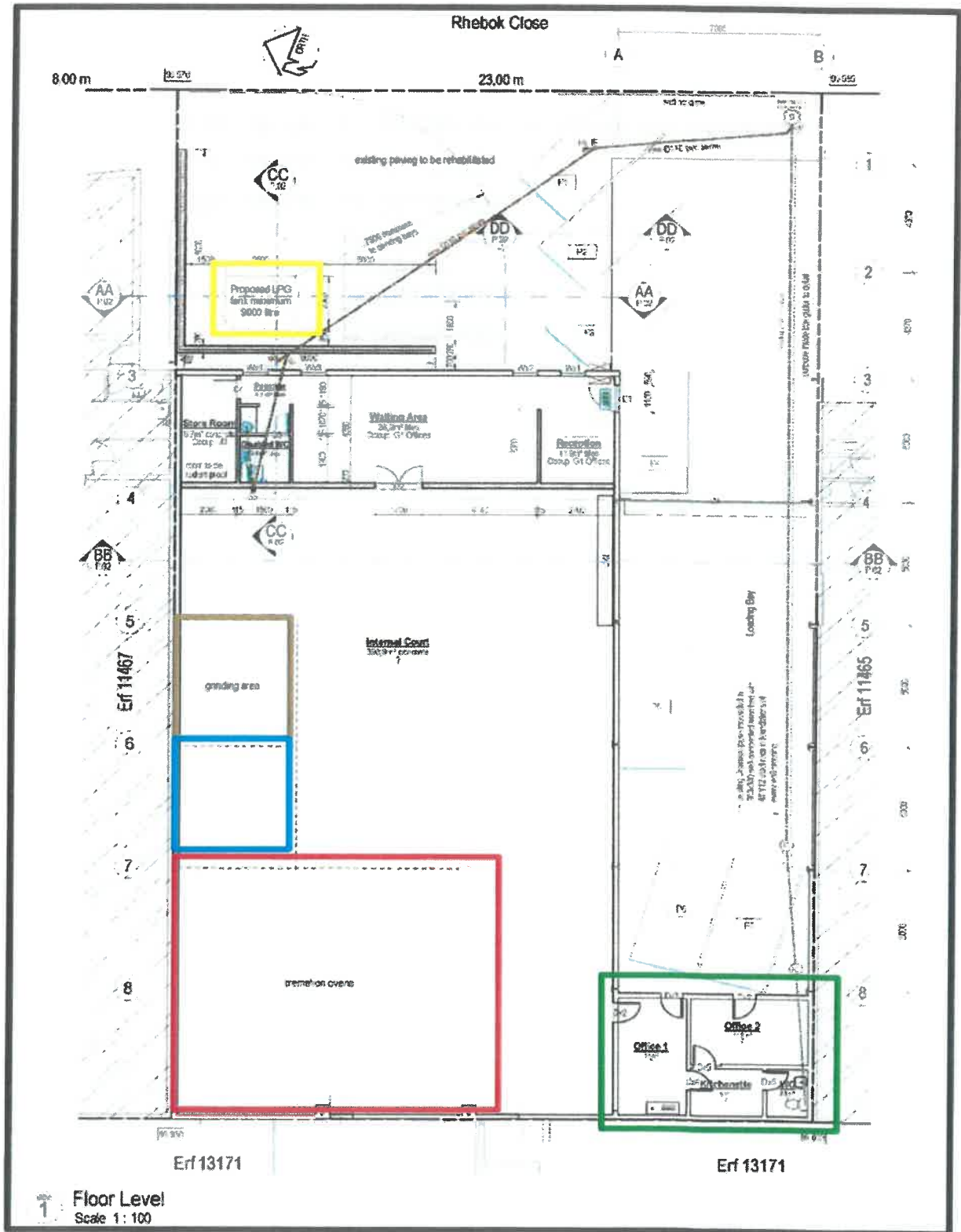


Figure 2: Site development plan within existing building.

ANNEXURE 2: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 27 February 2019, the final EIAR dated November 2019 and the EMPr submitted together with the final EIAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the EIAR dated November 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

The site is completely transformed, located within a developed industrial area and has no natural environmental/biophysical attributes. Since there is no crematorium at the site, a site visit was conducted on 14 November 2019 by officials from this Department at the Maitland Crematorium, which uses similar technology that will be implemented at the Wellington Crematorium.

The concerns raised by I&APs during the public participation process included issues relating to odour impacts, air pollution, impacts on existing businesses and noise impacts. The Department has considered these issues and is satisfied that the issues have been addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and EMPr, in order to address the concerns raised.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Paarl Post' and 'Die Burger' on 28 February 2019 and the 'Paarl Post' on 19 September 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity, on 27 and 28 February 2019 and 30 July 2019, as well as 20 and 25 September 2019;
- fixing notice boards at the site where the listed activity is to be undertaken on 1 March 2019;
- making the draft Scoping Report ("SR") available to I&APs for public review from 5 March 2019; and
- making the draft EIAR available to I&APs for public review from 30 July 2019 and the Amended draft EIAR from 25 September 2019.

The Department is satisfied that the public participation process that was followed met the minimum legal requirements and that the comments raised and responses thereto were included in the comments and response report.

2. Alternatives

The proposal entails the establishment of a crematorium that includes:

- Two (2) furnaces with a combined maximum capacity of 36 cremations per day;
- The cremator stack height will be 20m;
- The design will allow for installation of a scrubber and ceramic filtration plant, which removes heavy metals and particulate matter.
- A 9000-litre gas supply tank installed outside the building, but inside a protected yard, within the required safety zones. A blast protection safety wall will be erected around the gas tank;
- Refrigerator room;
- Washroom;
- Grinding room;
- Offices; and
- Parking facilities will be provided below and in front of an existing lean-to.

The furnaces to be used will be the W150 Macrotec gas-fired cremator and the system will:

- Use liquid petroleum gas (LPG) as fuel for the cremation process;
- Allow for the entire combustion process to be completed within air-controlled chambers;
- Generate temperatures of 870–980°C to ensure complete disintegration of a corpse, except for the skeleton, which will be ground afterwards into a dry powder; and
- Have a cremation rate of 60–75 minutes per corpse and only cremates one corpse at a time.

The site and design alternatives that were assessed are discussed below.

Site Alternative 1:

The proposal entails the establishment of a crematorium on Erf No. 11467, Wellington.

This alternative is not preferred because it is not suitable for the installation of gas infrastructure required for the crematorium.

Site Alternative 2 (Herewith Authorised):

The proposal entails the establishment of a crematorium on Erf No. 11466, Wellington.

This site is preferred because it is more suitable for the installation of gas infrastructure required for the crematorium.

Design Alternative 2a:

The establishment of a crematorium without a scrubber and filtration system and a stack height of 16m.

This alternative is not preferred because the cumulative levels of nitrogen dioxide will exceed the limit of 200µg/m³ in terms of the South African National Air Quality Standards, for the neighbouring property.

Design Alternative 2b (Herewith Authorised):

The establishment of a crematorium without a scrubber and filtration system and a stack height of 20m, with the option of installing a scrubber and filter at a later stage.

This alternative is preferred because the concentration of mercury, carbon dioxide and nitrogen dioxide will be below the prescribed limits in terms of the South African National Air Quality Standards. Additionally, this alternative allows for the addition of a scrubber and filtration system, should that be required in future.

Design Alternative 2c:

The establishment of a crematorium with a scrubber and filtration system and a stack height of 16m or 20m.

This alternative is not preferred because the inclusion of a scrubber and filtration system, is not a critical component to the design of the proposed cremator, as the 20m stack height adequately addresses the air quality management.

"No-Go" Alternative

The "no-go" option was considered and is not preferred because it does not provide the greater community with an alternative burial method that is more cost-efficient compared to traditional burials. In addition, there will be continued pressure for the municipality to secure land in order for cemeteries to be expanded or new cemeteries to be established.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

Currently, there is insufficient space available for cemeteries in the Drakenstein municipal area, with only limited opportunities for development of new cemeteries available. This has resulted in a need for alternative options. Cremation presents the community with a more cost-effective alternative to burial, while also alleviating the pressing need for additional burial space.

The site is located within the developed Wellington industrial area, is zoned for industrial use and is consistent with the Drakenstein Spatial Development Framework ("SDF"). Although a consent use is required for the establishment of a crematorium, in terms of the Drakenstein Zoning Scheme Bylaw, industrial areas are the only areas where crematoriums may be located. As such, the crematorium is regarded as being consistent with the objectives of the Drakenstein SDF.

3.2 Biophysical Impacts

The site has been completely transformed and developed, with no sensitive environmental attributes.

3.3 Air Quality Impacts

According to the Air Quality Impact Assessment dated July 2019, compiled by Amy Xu of DDA Environmental Engineers cc, the Atmospheric Dispersion Modelling examined the air pollutants (carbon monoxide, particulate matter, mercury and nitrogen dioxide) that may arise from the facility. They were well below the South African National Ambient Air Quality Standards for each air pollutant. The odour impact will be extremely low. This was measured at the Maitland Crematorium, which uses similar technology to that being proposed at the Wellington crematorium. As such, the air quality impact in the surrounding areas is rated as low. Furthermore, through the implementation of the EMP (Accepted as Condition 9), strict control in terms of the National Health Act 2003 (Act No. 61 of 2003) Regulations Relating to the Management of Human Remains 2013 and the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), the air quality impacts of the proposed crematorium will be further mitigated.

The development will result in both negative and positive impacts.

Negative Impacts:

- An increase in air quality impacts is anticipated, however, all pollutant concentrations will be below the South African National Ambient Air Quality Standards.
- There will be an increase in noise and odour impacts, however, mitigation measures for these impacts are addressed in the EMPr.

Positive impacts:

- The crematorium will allow the facility to meet the current increase in demand for cremations.
- There will be less pressure for the municipality to obtain land to expand existing cemeteries or create new ones.
- Temporary employment opportunities will be created during the construction phase.

4. National Environmental Management Act Principles

The NEMA 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 activity (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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