



REFERENCE: 16/3/3/1/B4/45/1047/19
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: 2019 -09- 23

The Municipal Manager
Stellenbosch Municipality
P. O. Box 17
STELLENBOSCH
7599

Attention: Mr P. Smit

Tel.: (021) 808 8750
Fax: (021) 887 6167

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL BASIC ASSESSMENT REPORT ("BAR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS 2014 (AS AMENDED) FOR THE PROPOSED LOUW'S BOS PUBLIC CEMETERY AND MEMORIAL PARK ON FARM NO. 502, STELLENBOSCH

1. The final BAR dated September 2019, as received by this Department on 13 September 2019, refers.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. This Department will consider the BAR in accordance with the prescribed timeframes and advise you accordingly.
4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the

Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

6. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr S. van der Merwe (Stellenbosch Municipality)
(2) Ms V. Thompson (EnviroAfrica CC)

Fax: (021) 886 6899
Fax: (086) 512 0154



EIA REFERENCE: 16/3/3/1/B4/45/1047/19
NEAS REFERENCE: WCP/EIA/0000633/2019
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: 2020 -01- 2 2

The Municipal Manager
Stellenbosch Municipality
P. O. Box 17
STELLENBOSCH
7599

Attention: Mr. P. Smit

Tel.: (021) 808 8750

Fax: (021) 887 6167

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): LOUW'S BOS PUBLIC CEMETERY AND MEMORIAL PARK ON FARM NO. 502, STELLENBOSCH.

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. S. van der Merwe (Stellenbosch Municipality)
(2) Ms. V. Thompson (EnviroAfrica CC)
(3) Mr. N. Mkonto (Department of Water and Sanitation)
(4) Mr. R. Smart (CapeNature)
(5) Mr. C. van der Walt (Department of Agriculture)

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EIA REFERENCE: 16/3/3/1/B4/45/1047/19
NEAS REFERENCE: WCP/EIA/0000633/2019
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: 2020 -01- 22

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): LOUW'S BOS PUBLIC CEMETERY AND MEMORIAL PARK ON FARM NO. 502, STELLENBOSCH.

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 Site Alternative 1 and Layout Alternative 1, described in the Basic Assessment Report ("BAR") dated September 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

Stellenbosch Municipality
% Mr. P. Smit
P. O. Box 17
STELLENBOSCH
7599
Tel.: (021) 808 8750
Fax: (021) 887 6167

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

B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 23: The development of cemeteries of 2 500 square metres or more in size.</p>	<p>The proposed public cemetery and memorial park will cover an area of approximately 30ha in extent.</p>
<p>Activity Number 24: The development of a road—</p> <p>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</p> <p>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</p> <p>but excluding a road—</p> <p>(a) which [are] is identified and included in activity 27 in Listing Notice 2 of 2014;</p> <p>(b) where the entire road falls within an urban area; or</p> <p>(c) which is 1 kilometre or shorter.</p>	<p>An access road wider than 8m will be constructed as part of the proposal, in an area where no road reserve exists.</p>
<p>Activity Number 27: 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—</p> <p>(i) the undertaking of a linear activity; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>An area of more than 1ha of indigenous vegetation will be cleared as part of the proposal.</p>
<p>EIA Regulations Listing Notice 3 of 2014: Activity Number 4: The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial</p>	<p>The internal roads will be wider than 4m and will require the removal of indigenous vegetation.</p>

Development Frameworks adopted by the competent authority.	
<p>Activity Number 12: The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>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;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. 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;</p> <p>iv. 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</p> <p>v. 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.</p>	<p>The proposal will include the clearance of more than 300m² of critically endangered indigenous vegetation.</p>

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

The holder is herein authorised to undertake the following alternative:

The proposal entails the development of a public cemetery and memorial park that will comprise the following, as indicated in Annexure 2: Site Development Plan:

- A traditional grave area which allows for whole-body burials in traditional underground graves with headstones.
- An informal zone. This zone is non-traditional burial sites within a memorial park/landscaped park/garden area with lawn plaques/or a tree of remembrance/tree as headstone.
- A columbarium and defined zone. These zones are non-traditional burial sites that comprise of formalized/built, above ground areas where either individual or group burials will take place. These areas include structures with niche/small spaces for placing cremated/legally reduced remains in urns or other approved containers, memorial walls with plaques of remembrance, floor plaques/flat headstones and mausoleums or crypts.
- A defined zone that includes an area for family and group burials and a heroes acre.

- An access road that will be constructed from Annandale road, towards the central portion of the site.
- Internal roads of 8m wide near the entrance and around the bus parking and narrower roads for access to other areas within the cemetery and memorial park.
- A perimeter fence with main access gates and an entrance wall on the northern boundary.
- A memorial park center and service zone consisting of:
 - A chapel,
 - Offices and a storage area,
 - Ablution facilities,
 - A workshop,
 - A plant/sapling nursery,
 - Staff accommodation, and
 - A gathering space.
- A sewage treatment plant and sewer network.
- A storm water network and treatment plant. The subsurface storm water network will discharge storm water into a reed bed/storm water treatment system. A storm water attenuation pond will form part of the storm water management system.
- A security route along the boundary of the site.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm No. 29, Stellenbosch, at the following co-ordinates:

Latitude (S)	Longitude (E)
33° 59' 35.36"	18° 47' 47.58"

The SG digit code is: C06700000000050200000

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

EnviroAfrica CC
 % Ms. V. Thomson
 P. O. Box 5367

HELDERBERG
 7135

Tel.: (021) 851 1616
 Fax: (086) 512 0154

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, Site Alternative 1 and Layout Alternative 1, as described in the BAR dated September 2019 at the site as described in Section C above.
2. The holder must commence with the listed activities 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 **15 years** from the date of commencement of the first 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: 6, 7, 8 and 12

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 activities, including site preparation, must 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 activities, including site preparation, must 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.
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 commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. 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 six months after construction has been completed.
13. A copy of the Environmental Authorisation, EMPr and compliance monitoring reports must be kept at the site of the authorised activity.
14. Access to the site referred to in Section C must be granted, and the Environmental Compliance 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

15. 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 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

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.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any 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 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 referred to 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. 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 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. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 22/06/2020

CC: (1) Mr. S. van der Merwe (Stellenbosch Municipality)
(2) Ms. V. Thompson (EnviroAfrica CC)
(3) Mr. N. Mkonto (Department of Water and Sanitation)
(4) Mr. R. Smart (CapeNature)
(5) Mr. C. van der Walt (Department of Agriculture)

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ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map.

ANNEXURE 2: SITE DEVELOPMENT PLAN



Figure 2: Site development plan for the cemetery and memorial park.



Figure 3: Storm water and sewage plan layout.

ANNEXURE 3: 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 20 June 2019, the final BAR dated September 2019 and the EMPr submitted together with the final BAR;
- 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 BAR dated September 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All the concerns raised by I&APs were responded to and 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;
- fixing notice boards at the sites where the listed activities are to be undertaken on 23 January 2019;
- the placing of a newspaper advertisement in the 'Eikestad Nuus' on 24 January 2019;
- 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 25 January 2019 and 19 June 2019; and
- making the pre-application draft BAR available to I&APs for public review from 25 January 2019 and making the in-process draft BAR available to I&APs for public review from 20 June 2019.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

The site and layout alternatives that were assessed as part of the application are discussed below.

Site Alternative 1 (Herewith Authorised):

This alternative proposes the development of a public cemetery and memorial park to be located south of Annandale Road.

This alternative is preferred because the access road, that will be constructed from Annandale Road towards the central portion of the site, will not require the wetland in the north-eastern corner of the site to be crossed to gain access to the site. Additionally, there are no critical biodiversity areas ("CBA") or ecological support areas ("ESA") mapped on the site and the site will not be affected by the future western by-pass road.

Site Alternative 2:

This alternative proposes the development of a public cemetery and memorial park to be located north of Annandale Road.

This alternative is not preferred because the access road will cross a watercourse and private land. There are CBA's and ESA's mapped on the site, the site is more actively cultivated during winter and summer and the future western by-pass road will cross the site.

Layout Alternative 1 (herewith Authorised):

The proposal entails the development of a public cemetery and memorial park that will comprise:

- A traditional grave area which allows for whole-body burials in traditional underground graves with headstones.
- An informal zone. This zone is non-traditional burial sites within a memorial park/landscaped park/garden area with lawn plaques/or a tree of remembrance/tree as headstone.
- A columbarium and defined zone. These zones are non-traditional burial sites that comprise of formalized/built, above ground areas where either individual or group burials will take place. These areas include structures with niche/small spaces for placing cremated/legally reduced remains in urns or other approved containers, memorial walls with plaques of remembrance, floor plaques/flat headstones and mausoleums or crypts.
- A defined zone that includes an area for family and group burials and a heroes acre.
- An access road that will be constructed from Annandale road, towards the central portion of the site.
- Internal roads of 8m wide near the entrance and around the bus parking and narrower roads for access to other areas within the cemetery and memorial park.
- A perimeter fence with main access gates and an entrance wall on the northern boundary.
- A memorial park centre and service zone consisting of:
 - A chapel,
 - Offices and a storage area,
 - Ablution facilities,
 - A workshop,
 - A plant/sapling nursery,
 - Staff accommodation, and
 - A gathering space.
- A sewage treatment plant and sewer network.
- A storm water network and treatment plant. The subsurface storm water network will discharge storm water into a reed bed/storm water treatment system. A storm water attenuation pond will form part of the storm water management system.

- A security route along the boundary of the site.

This alternative is preferred because the access road will not cross the wetland located in the north-eastern corner of the site.

Layout Alternative 2:

This alternative is similar to Layout Alternative 1, with the exception of the access road, which will be located in the north eastern corner of the site.

This alternative is not preferred because it will result in the infilling of a wetland.

"No-Go" Alternative

The "no-go" option to not develop a public cemetery and memorial park was considered. However, it is not preferred because it will not address the need for additional burial space within Stellenbosch Municipality, which currently has very limited burial space at existing cemeteries.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

There is currently a shortage of land within Stellenbosch Municipality for the development of public cemeteries. The existing public cemeteries within Stellenbosch Municipality are nearing maximum occupation and alternative land for public cemeteries is needed. The proposed public cemetery and memorial park will address the limited burial space within the municipality. The specialist studies conducted during the EIA process have informed the layout of the site to avoid and mitigate impacts and provide the best practicable environmental option.

3.2 Biodiversity and Biophysical Impacts

According to the Botanical Constraints Analysis dated October 2018, compiled by Dr. David McDonald of Botanical Surveys and Tours cc, the site would have been historically comprised of Swartland Shale Renosterveld, an ecosystem listed as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). The site is however, actively cultivated with vineyards and the areas that are fallow contain no intact indigenous vegetation plant community anywhere within it. Even though indigenous plants are present, no species of conservation concern were recorded. The general suite of plant species consists of weedy exotics and a handful of disturbance-tolerant indigenous species. The Botanical Constraints Analysis concluded that the proposed development will not have any significant impact on indigenous vegetation. Through the implementation of the EMPr (accepted in Section E, Condition 10), the impact on indigenous vegetation will be limited.

According to the Freshwater Impact Assessment dated June 2019, compiled by Mr. J. Gericke of EnviroSwift, an unchanneled valley bottom wetland was identified and delineated on the site located south of Annandale Road. The present ecological state of the unchanneled valley bottom wetland is classified as being largely modified, with a moderate ecological importance and sensitivity. However, the layout of the site excludes the unchanneled valley bottom wetland from any development and provides a 15m buffer to be implemented. Through the implementation of the EMPr (accepted in Section E, Condition 10), the impact on the unchanneled valley bottom wetland will be mitigated.

3.3 Geohydrological Impacts

According to the Geohydrological Assessment dated 30 November 2018, compiled by Mr. C. Peek of Geohydrological and Spatial Solutions International (Pty) Ltd, the site is located on an intergranular and fractured aquifer. Most of the site is classified as having a low/medium groundwater vulnerability rating due to the clay layer, which acts as a barrier above the main aquifer. The Louw's Bos south site is the preferred site due to its location in relation to groundwater users. Through the implementation of the EMPr (accepted in Section E, Condition 10), groundwater impacts will be mitigated.

3.4 Heritage Impacts

According to the Heritage Impact Assessment dated November 2018, compiled by New World Associates, no fossil remains were recorded during the palaeontological site visit, therefore it is unlikely to expect significant impacts palaeontological heritage. A small number of early stone age implements were recorded in a large block of wheat fields. No archaeological resources were recorded for the remainder of the site. Due to the small numbers of early stone age implements found (within a highly transformed context), the site was graded as having a low archaeological significance. Impacts on archaeological heritage are not anticipated. The proposed public cemetery and memorial park will have a medium impact and significance on the landscape, in terms of the visual impact associated with the development. Through the implementation of the EMPr (accepted in Section E, Condition 10), impacts on heritage resources will be mitigated.

3.5 Traffic Impacts

According to the Traffic Impact Assessment dated April 2019, compiled by Sturgeon Consulting (Pty) Ltd, the proposed access to the site meets the required shoulder site distances. The access spacing required for a Class 3 road will also be met and the access will operate at acceptable levels of service.

The development will result in both negative and positive impacts.

Negative Impacts:

- There will be a minimal impact on the remaining indigenous vegetation.
- Impacts on groundwater are anticipated, however, adequate mitigation for the impacts have been included in the EMPr.

Positive impacts:

- Additional land for burial will become available.
- Alien invasive plants will be removed.
- Employment opportunities will be created during the construction and operational phases.

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 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 NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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