

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 16 April 2019, the final BAR dated May 2019 and the EMPr and FRMMP 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 May 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 EMPr and in the FRMMP, 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 7 February 2018;
- the placing of a newspaper advertisement in the 'Eikestad Nuus' on 8 February 2018;
- 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 14 September 2017, 9 February 2018, 15 November 2018, 1 February 2019 and 23 April 2019; and
- making the pre-application draft BAR's available to I&APs from 15 November 2018 and 1 February 2019 and making the in-process draft BAR available to I&APs for public review from 23 April 2019.

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.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Layout alternatives were assessed as part of the application and are discussed below.

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. The zone will incorporate the outspan in the southern section of the site and wetland buffer zones of 25m to 30m for watercourses.
- 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 at a dedicated two-way intersection of the R304 at approximate KM 50,37.
- Internal roads of 8m wide near the entrance and around the bus parking and narrower roads for access to other regions within the cemetery and memorial park.
- A perimeter fence with main access gates and an entrance wall on the northern boundary.
- Boardwalks and wooden bridges.
- Gabion lined drift.
- An irrigation reservoir.
- 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 sewer treatment plant and 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 as the layout plan accommodates wetland buffer zones between 25m and 30m, whilst providing ample memorial park/garden space to the west of the site. The additional crossing over the non-perennial drainage line will also enable the security team to have ease of access to the entire site during monitoring of the route. This alternative does not locate the conservancy tank/sewer treatment plant within the wetland buffer zone and makes provision for two storm water treatment plants and a storm water retention pond within the storm water network.

Alternative 2:

This alternative is similar to Alternative 1, with the exception of the wetland buffer zones ranging between 10m and 15m, structures (maintenance and nursery building) as well as cultivated areas

(orchards) within the wetland buffer zones and the conservancy tank being located in the wetland buffer zone and in close proximity to the non-perennial drainage line.

This alternative is not preferred since the layout does not allow for the maximum wetland buffer zones to be established and it places structures (maintenance and nursery building) as well as cultivated areas (orchards) in areas that are to be rehabilitated and maintained as part of a park. Additionally, the location of the conservancy tank within the wetland buffer zone is not appropriate and this alternative does not make provision for an effluent treatment plant or a retention pond.

Alternative 3:

This alternative is similar to Alternative 2, except that the access road off the R304 is located at KM 50,58.

This alternative is not preferred for the same reasons as provided for Alternative 2. In addition, this alternative is not preferred as it does not take the Final Traffic Study's recommendation into consideration that the access road off the R304 must be located at KM 50.37.

"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 has 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 Statement dated 30 January 2019, compiled by Mr. P. Botes of PB Consulting, 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, overgrown by a dense mix of alien invasive vegetation and approximately 5% of the site contains hardy shrubs or pioneer species. The site has been previously disturbed by sand mining, as well as harvesting and dumping, which has further degraded the area. The Botanical Statement 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 9), the impact on indigenous vegetation will be limited.

According to the Freshwater Impact Assessment dated May 2019, compiled by Mr. J. Gericke of EnviroSwift, a non-perennial drainage line and a mosaic of depression wetlands were identified and delineated. The northern section of the non-perennial drainage line (between the northern boundary and northernmost wetland) is artificial and has been excavated historically. This may have been a measure to drain the northernmost wetland. The rest of the non-perennial drainage line is natural and has been subjected to substantial erosion, which is related to the presence of alien invasive vegetation. The present ecological state of the non-perennial drainage line is

classified as being largely modified, since there has been a large loss of natural habitat, biota and ecosystem functions. The ecological importance and sensitivity of the non-perennial drainage line is deemed to be moderate, since it has been severely impacted by alien invasive vegetation and the introduction of storm water runoff from the R304. However, rehabilitation is not excessively difficult, since the natural course seems to be intact. The mosaic of depression wetlands was delineated within the southern and north-western portion of the site. They are largely modified and have a moderate ecological importance. Through the implementation of the EMPr (accepted in Section E, Condition 9) and FRMMP (adopted in Condition 10), the impact on the non-perennial drainage line and depression wetlands will be mitigated.

Furthermore, a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) will be submitted to the Department of Water and Sanitation, that will assess the water related impacts further.

A FRMMP has been compiled to address future maintenance activities taking place in the affected watercourse. The maintenance of the structures authorised in this Environmental Authorisation forms part of this FRMMP. It must be noted that the accepted maintenance activities only relate to the activities described in the FRMMP. Should any new activities and associated infrastructure, not included in the FRMMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the FRMMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"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."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

3.3 Geohydrological Impacts

According to the Geohydrological Assessment dated 23 October 2018, compiled by Mr. C. Peek of Geohydrological and Spatial Solutions International (Pty) Ltd, the site is located on a fractured aquifer. Most of the site is classified as having a low/medium groundwater vulnerability rating. The southern portion of the site has been classified as medium grading into a very high vulnerability classification. Traditional burial sites have however, been located in the north eastern and eastern section, which is away from the medium to very high vulnerability areas to avoid potential impacts on groundwater. Through the implementation of the EMPr (accepted in Section E, Condition 9), 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. No pre-colonial archaeological heritage and no buildings, structures or features were encountered during the field assessment. Impacts on archaeological heritage is 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. An outspan has been identified in the south

western corner of the site. The area containing the outspan has however, been included in the informal park zone, to preserve the significance of this heritage feature within this landscape. Through the implementation of the EMPr (accepted in Section E, Condition 9), impacts on heritage resources will be mitigated.

3.5 Traffic Impacts

According to the Traffic Impact Assessment dated March 2019, compiled by Sturgeon Consulting (Pty) Ltd, the proposed new intersection at the northern boundary (KM 50,37) of the site 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 the watercourse is expected during construction, however, rehabilitation of the stream will be undertaken.

Positive impacts:

- Additional land for burial will become available.
- The non-perennial drainage line and wetlands will be rehabilitated.
- 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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