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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