



REFERENCE: 16/3/3/1/F5/17/2025/23
NEAS REFERENCE: WCP/EIA/0001302/2023
DATE OF ISSUE: 08 February 2024

The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299

Attention: Mr. Alwyn Zaayman

E-mail: zaaymana@swartland.org.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A CEMETERY AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 5662 (A PORTION OF ERF NO. 1105), MOORREESBURG.

1. With reference to the above application, the competent authority 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 EIA 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 are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Bernard de Witt (EnviroAfrica cc)
(2) Mr. André Oosthuizen (DEA&DP: DDF)

E-mail: bernard@enviroafrica.co.za
E-mail: Andre.Oosthuizen@westerncape.gov.za



REFERENCE: 16/3/3/1/F5/17/2025/23

NEAS REFERENCE: WCP/EIA/0001302/2023

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED ESTABLISHMENT OF A CEMETERY AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 5662 (A PORTION OF ERF NO. 1105), MOORREESBURG.

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 NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report (“BAR”) dated 03 October 2023.

The granting of this Environmental Authorisation (hereinafter referred to as the “Environmental Authorisation”) is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Swartland Municipality
c/o Mr. Alwyn Zaayman
Private Bag X52
MALMESBURY
7299

Tel.: (022) 487 9400
Fax: (022) 487 9440
E-mail: zaaymana@swartland.org.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
Listing Notice 1 of the EIA Regulations, 2014 (as amended): Activity 23: <i>"The development of cemeteries of 2 500 square metres or more in size".</i>	The proposed cemetery will be approximately 5ha in size.

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

The holder is herein authorised to undertake the following related to the listed activity:

The proposed development entails the establishment of a cemetery and associated infrastructure on Erf No. 5662 (a portion of Erf No. 1105), Moorreesburg. The proposed cemetery and associated infrastructure will be approximately 5ha in size. The proposed cemetery will be landscaped and fenced. A car parking area will also be provided. Access will be obtained from Eighth Avenue.

C. LOCATION AND SITE DESCRIPTION

The listed activity will be undertaken on Erf No. 5662 (a portion of Erf No. 1105), Moorreesburg.

The erf is located on the corner of Eighth Avenue and Omega Street, Moorreesburg.

The SG 21-digit code is: C04600100000566200000

Co-ordinates:

Latitude: 33° 07' 50.0" S

Longitude: 18° 40' 06.3" E

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

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

EnviroAfrica cc
c/o Mr. Bernard de Witt
P.O. Box 5367
HELDERBERG
7130

Tel.: (021) 851 1616

E-mail: bernard@enviroafrica.co.za

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 the preferred alternative, described in the BAR dated 03 October 2023 on the site as described in Section C above.
2. Authorisation of the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of ten (**10**) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and
 - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity must be concluded.
4. The activity that has been authorised may only be carried out at the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 such information 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered interested and affected parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);

- 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 6.4 provide the registered I&APs with:
- 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
- 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7 and 14.

Management of activity

10. The draft EMPr dated October 2023 (as compiled by EnviroAfrica cc) and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.

13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct monthly site inspections during the construction phase.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report four (4) months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
 - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;

- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.3 evaluate the effectiveness of the EMPr;
 - 16.4 identify shortcomings in the EMPr;
 - 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.7 include a photographic record of the site applicable to the audit; and
 - 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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 archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.

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. If the holder does not commence with the listed activity within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the 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.
3. 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.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, 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.
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. 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 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 the holder of the decision sent notification of the decision to the registered I&APs -

- 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker *i.e.*, the competent authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
 4. The appeal and the responding statement must be submitted to the address listed below:

By post: Attention: Mr. Marius Venter
Western Cape Ministry of Local Government, Environmental
Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Marius Venter (Tel: 021 483 3721)
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 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. 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: 08 FEBRUARY 2024

CC: (1) Mr. Bernard de Witt (EnviroAfrica cc)
(2) Mr. André Oosthuizen (DEA&DP: DDF)

E-mail: bernard@enviroafrica.co.za
E-mail: Andre.Oosthuizen@westerncape.gov.za

FOR OFFICIAL USE ONLY:

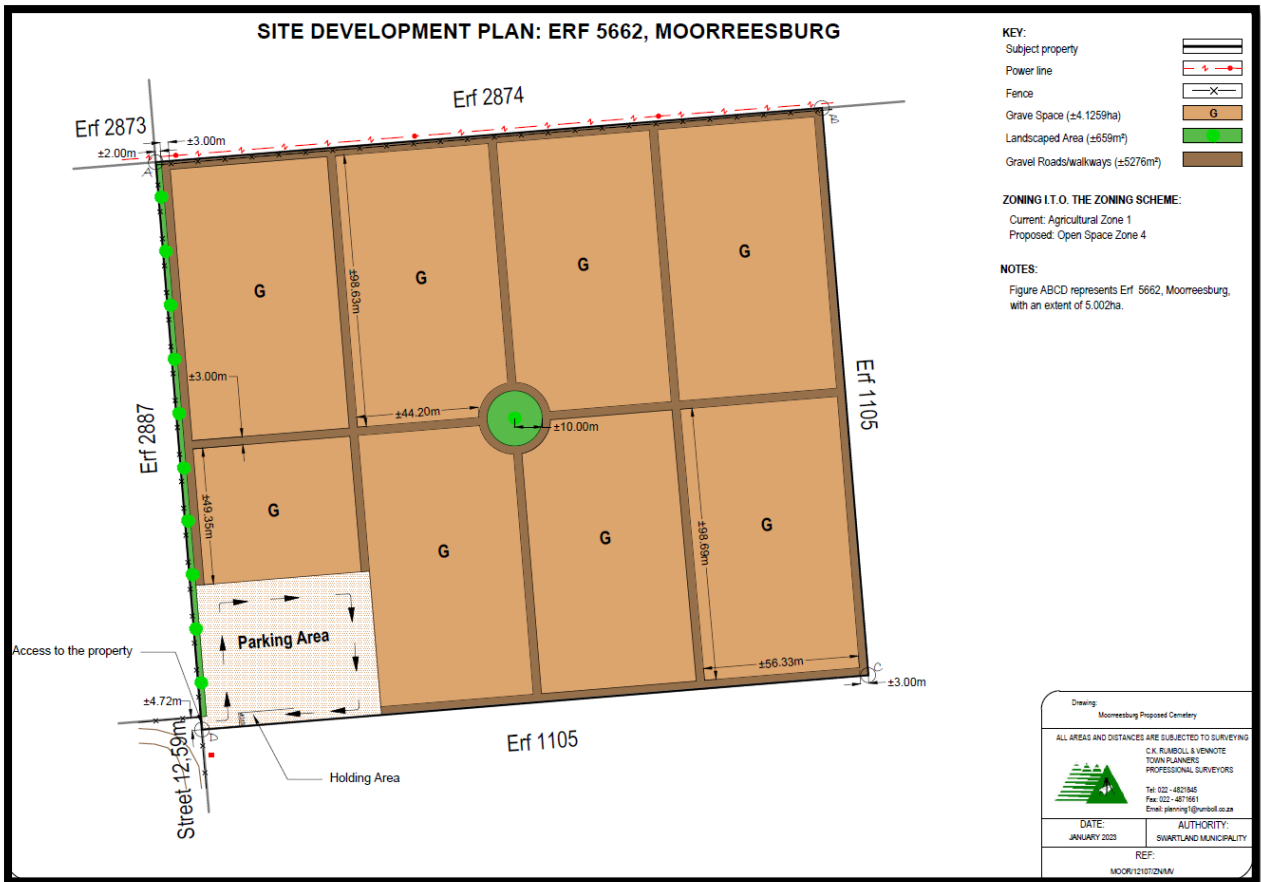
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ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form received by the competent authority via electronic mail correspondence on 4 July 2023; the BAR dated 03 October 2023, as received by the competent authority via electronic mail correspondence on 06 October 2023; the EMPr submitted together with the BAR; and the additional information received by the competent authority via electronic mail correspondence on 06 October 2023, 16 November 2023, 17 January 2024 and 02 February 2024, respectively.
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated 03 October 2023.
- d) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process comprised of the following:

- A notice was placed on site;
- An advertisement was placed in the "Swartland Gazette" newspaper on 03 May 2022;
- E-mails were sent to adjacent neighbours, the ward councillor, local municipality and relevant organs of state/State Departments on 04 May 2022 and 17 July 2023, respectively;
- An electronic copy of the draft BAR was placed on the EAPs website for the duration of the commenting period; and
- The draft BAR was made available from 11 July 2023 until 18 August 2023.

Authorities consulted

The authorities consulted included the following:

- Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Pollution and Chemicals Management;
- DEA&DP Directorate: Waste Management;
- National Department of Agriculture, Rural Development and Land Reform;
- Western Cape Department of Agriculture;
- Heritage Western Cape;
- Swartland Municipality;
- West Coast District Municipality;
- Department of Water and Sanitation; and
- CapeNature.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

Considering that cemeteries form an essential part of a community's tradition and culture, it is vital that appropriate burial space is provided within an acceptable distance to a particular community. Furthermore, services requirements, social and community needs, as well as the provision of services to the surrounding properties were considered and accommodated. The option of expanding the existing cemetery sites in the town, was not possible due to insufficient space. As such, the proposed site for the new cemetery fulfills these requirements. No environmental constraints were identified on the site and the layout of the cemetery makes optimal use of the site, as per the cemetery guidelines. Therefore, only the preferred alternative and "no-go" alternative were assessed.

Preferred alternative – herewith authorised:

The preferred alternative entails the establishment of a cemetery and associated infrastructure on Erf No. 5662 (a portion of Erf No. 1105), Moorreesburg. The proposed cemetery and associated infrastructure will be approximately 5ha in size. The proposed cemetery will be landscaped and fenced. A car parking area will also be provided. Access will be obtained from Eighth Avenue.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed cemetery will not be established. This alternative was not deemed as preferred, since there is a critical shortage of burial space and the current cemeteries are nearing its capacity and new burial space is required. The "no-go" alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

Moorreesburg currently has three cemeteries, which serve the town and surrounding rural areas. However, the cemeteries are nearing capacity. Since there is currently a critical shortage of burial space in Moorreesburg, the proposed cemetery will therefore provide much needed burial space. There is also not enough space to expand the existing cemeteries to provide for additional burial space.

Erf No. 5662 will need to be rezoned from Agricultural Zone 1 to Open Space Zone 4 in terms of Section 25(2)(a) of the Swartland Municipal By-law on Municipal Land Use Planning, March 2020.

The design and layout of the proposed cemetery will:

- Ensure a safe, accessible and aesthetically pleasing site for the burials of the deceased;
- Keep maintenance and costs low;
- Use design elements such as meandering walkways, views and vistas, landscaped planting, open spaces, well designed entrances and fencing to create a sense of place and dignity;
- Ensure easy access for vehicles, digging machinery and pedestrians; and
- Keep the design of the layout flexible.

3.2 Botanical impacts

A Terrestrial Biodiversity Compliance Statement dated 27 May 2022 was compiled by PB Consult Environmental Management Services, to assess the potential botanical impacts associated with the proposed development.

Historically, the site would have been covered with Swartland Shale Renosterveld, which is considered critically endangered in terms of the "List of ecosystems that are threatened and in need of protection dated December 2022", promulgated in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

The site is actively being farmed as dry-land seasonal crops (wheat and lucerne) and is surrounded by cultivated land. During the site visit conducted by the specialist, the site had just been ploughed/prepared for the next planting season.

The site does not overlap any Critical Biodiversity Areas or Ecological Support Areas. Due to the transformed nature of the site, the proposed development will not have a significant impact on national or provincial conservation targets for Swartland Shale Renosterveld.

No significant impacts on biophysical elements are anticipated as a result of the proposed development, as the site is completely transformed.

3.3 Freshwater impacts

There are no watercourses present on the site. The closest watercourse is located approximately 1300m from the site. The river is further than the minimum recommended safe distance with regards to permeability, and as such no impacts on the river are anticipated.

3.4 Traffic impacts:

A Site Transport Assessment Report dated 07 February 2023 was compiled by Sturgeon Consulting, to assess the potential traffic impacts associated with the proposed development.

The peak traffic flow along Main Road (DR1171) occurs between 12h00 and 13h00 during the week. Saturday traffic flows are expected to be lower, although it is expected that more funerals take place over a weekend. The proposed development will generate a total of 12 vehicles per hour trips (9 inbound and 3 outbound) during the midday peak hour and 24 vehicles per hour trips (12 inbound and 12 outbound) during the Saturday peak hour. The resultant number of trips on the surrounding road network that will be generated by the proposed development will therefore be very low (less than 25 peak hour trips) during both peak hours and will have an insignificant traffic impact on the surrounding road network. No road upgrades are therefore required.

Access to the site will be along the northeastern corner of the Eighth Avenue/Omega Street intersection, approximately 770m east of the Main Road/Eighth Avenue intersection and approximately 285m east of the access to Erf No. 2888. The access will be stop-controlled on the development side and will operate in a one-way direction in and out of the holding area. Vehicles will enter (given right of way) at the same time and leave giving way to any entering vehicles. No access spacing or shoulder sight distance issues are expected.

Sufficient parking space will be provided on site (including buses and/or taxis) within the allocated parking/holding area. No additional public transport facilities are required for the proposed development.

3.5 Agricultural impacts

A Site Sensitivity Verification Report and Agricultural Compliance Statement dated 23 May 2023 was compiled by Johann Lanz, to assess the potential agricultural impacts associated with the proposed development.

According to the Compliance Statement, the site falls within an area that is classified as a Protected Agricultural Area. A Protected Agricultural Area is a demarcated area in which the climate, terrain, and soil are generally conducive for agricultural production and which, historically, has made important contributions to the production of the various crops that are grown across South Africa. Within Protected Agricultural Areas, the protection, particularly of arable land, is considered a priority for the protection of food security in South Africa.

Despite some potential climate and soil limitations, the site is of high enough agricultural potential that it is suitable and used for viable rain-fed field crop production of small grains.

The proposed development will result in the permanent loss of 5ha of agricultural land. The loss of cropland represents some loss of agricultural production potential, both for the affected farmer and in terms of national food security. Due to the size of the area to be lost and the agricultural production potential of the land, the agricultural impact has been assessed as being of medium negative significance. Furthermore, the cumulative impact of agricultural land loss from urban expansion around towns in the Western Cape is significant and the proposed development will contribute to the cumulative loss in the Province.

The site is in close proximity to the town of Moorreesburg in an area that has already been divided into small land parcels that are no longer of sufficient size to be individually viable as agricultural production land. As such, the agricultural impact of the proposed development is deemed acceptable. Further, the Western Cape Department of Agriculture indicated in their comment dated 15 November 2023, that they have no objection to the proposed development.

3.6 Geotechnical impacts

A Geotechnical Investigation Report dated February 2023 was compiled by SKCMasakhizwe Engineers (Pty) Ltd., to assess the potential geotechnical impacts associated with the proposed development.

The maximum slope of the site is approximately four degrees. The ponding of water will therefore not be problematic as the slope is ideal for the use as a cemetery. The water table is deep (11.56m below ground level) and the permeability of the *in-situ* soils is within the prescribed range for cemeteries. The installation of cutoff drains and internal roads to channel storm water to suitable discharge points will reduce the possibility of groundwater pollution.

The nearest registered borehole is anticipated to be further away than the minimum distance of 166m. No evidence of boreholes or wells on the property adjacent to the site was found. A non-perennial stream flows approximately 1300m west of the site. The stream will therefore be further than the minimum recommended safe distance from the site's boundary.

Groundwater or seepage was not observed in the profile pits that were excavated. Due to the relatively flat gradient of the site, erosion is unlikely to occur. The proposed drainage channels will further curb possible erosion around the site.

This Department's Directorate: Pollution and Chemicals Management indicated in their comment dated 2 February 2024, given the findings of the Geotechnical Report which were that the proposed site is suitable for the development of a cemetery, in terms of ideal soil permeability, slope, groundwater depth, distance from existing water sources and drainage features, the Directorate supports the proposed development.

3.7 Storm water impacts

A Storm Water Management Plan dated 10 April 2023 was compiled by SKCMasakhizwe Engineers (Pty) Ltd., to assess the potential storm water impacts associated with the proposed development.

Surface water originating upland of the site will be cut off by diverting the existing drainage channel around the site. Due to the relatively flat gradient of the site, erosion is unlikely to occur. The proposed drainage channels will further curb possible erosion around the site. Surface water that penetrates the top sand/gravel soil layers will flow in the same direction as the surface slope and drain into the non-perennial stream west of the site.

3.8 Dust impacts

Potential dust impacts are anticipated during the construction phase. However, no significant potential dust impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential groundwater and storm water impacts;
- Potential traffic impacts; and
- Potential impacts on agricultural land.

Positive impacts:

- Optimal use of municipal owned land for the development of a new cemetery;
- Provision of additional burial services in the local area; and
- Some employment opportunities.

National Environmental Management Act Principles

The National Environmental Management Act 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.

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.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*

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