

COMMENTS AND RESPONSE TABLE:

THE PROPOSED EXPANSION OF MELKHOUTFONTEIN CEMETERY ON ERF 566 AND PORTION 141/480, HESSEQUA LOCAL MUNICIPALITY, WESTERN CAPE.

Comments Received during the (30-Days) Public Participation on the Draft Basic Assessment Report.

Nr	Comment Received	Date Received	I&AP	Company / Representing	Response
State/Provincial Departments					
1.	<p>Good day Ameesha</p> <p>Thank you for informing HWC.</p> <p>Please note that our previous comment still stand as seen below.</p> <p>Comment Received on NID (August 2020): NOTIFICATION OF INTENT TO DEVELOP: PROPOSED EXPANSION OF AN EXISTING CEMETERY, ERF 566 AND ERF 141/480, MELKHOUTFONTEIN, STILL BAY, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)</p> <p>CASE NUMBER: 20061006SB0720E</p> <p>The matter above has reference.</p> <p>Heritage Western Cape is in receipt of your application for the above matter received on 21 July 2020. This matter was discussed at the Heritage Officers meeting held on 27 July 2020.</p> <p>You are hereby notified that, since there is no reason to believe that the proposed expansion of an existing Cemetery, Erf 566 and Erf 141/480, Melkhoutfontein, Still Bay will impact on heritage</p>	<p>Email comment received on 23rd November 2020.</p>	<p>Stephanie Barnardt.</p>	<p>Heritage Western Cape.</p>	<p>Noted.</p> <p>Noted. Heritage case number is noted and will be utilized in any further communication with HWC.</p> <p>Noted, no further action will be required by HWC.</p> <p>Noted. This will be included in the EMPr and the Contractor will be made aware of this prior to the</p>

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	<p>resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.</p> <p>However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.</p> <p>This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.</p> <p>HWC reserves the right to request additional information as required.</p> <p>Should you have any further queries, please contact the official above and quote the case number.</p> <p>Yours faithfully</p>				<p>commencement of construction activities.</p> <p>Noted. The applicant will be advised that all necessary approvals will need to be in place, prior to the commencement of any activities on site.</p> <p>HWC will be included in the second round of public participation and may supply any additional comment during this period.</p>
2.	<p>Dear Madam</p> <p>COMMENTING PERIOD ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED EXPANSION OF MELKHOUTFONTEIN CEMETERY ON ERF 566 AND PORTION 141 OF FARM 480, HESSEQUA LOCAL MUNICIPALITY, WESTERN CAPE.</p> <p>1. The following refer:</p>	<p>Email received on 23rd November 2020.</p>	<p>SW Cartstens</p>	<p>Western Cape Government- Road Network Management.</p>	

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	<p>1.1 Your email on behalf of Sharples Environmental Services on 23 October 2020.</p> <p>1.2 Sharples Environmental Services' public participation plan 23/MHF/PPPlan/10/2020 dated October 2020.</p> <p>1.3 Element Consulting Engineers' preliminary engineering design report dated September 2018.</p>				Noted.
3.	<p>2. Minor Road 4896 (OP04896: Rooipitjie Road), for which this Branch is the Road Authority (Roads Ordinance 19 of 1976), is affected by this expansion. From an environmental point of view will this Branch offer no objection to the issuing of an Environmental Authorisation provided that this Branch be offer the opportunity to comment during a land use application phase: at which time this Branch will revise the access, parking arrangements, address the boundary wall along OP04896 and, if necessary, advise on designs that need to be submitted to this Branch's Chief Design Directorate for approval before construction thereof may commence.</p> <p>Yours faithfully.</p>				<p>No objection is noted from the Western Cape Government, Road Network Management.</p> <p>The Engineer has been supplied with this comment and will inform the municipality that this Department needs to be included as an I&AP for the land use application phase.</p>
4.	<p>Marilise</p> <p>Die sluitingsdatum vir lewering van kommentaar sluit mos vandag.</p> <p>Ek het geen negatiewe kommentaar nie en ondersteun die uitbreiding van die bergraafplaas soos voorgestel ten volle.</p> <p>Ek vertrou dat die EIA goedkeuring spoedig</p>	<p>Email received on 24th November 2020, via engineers.</p>	<p>André Hansen - Specialist: Solid Waste, Public Facilities and Amenities.</p>	<p>Hessequa Local Municipality</p>	<p>It is noted that Hessequa Local Municipality is in support of the proposed development.</p> <p>We will follow the legislated procedure in order to obtain Environmental Authorization, within our valid timeframe. The final report will be issued to the Department of Environmental Affairs and Development Planning for the final decision.</p>

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	afgehandel kan word. Is daar nog enige iets anders wat jul van my nodig het? U antwoord word waardeer. Groete				The applicant will be contacted for any further information, as an when necessary.
5.	Dear Sir COMMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED EXPANSION OF THE MELKHOUTFONTEIN CEMETERY ON ERF 566 AND PORTION 141/480, STILL BAY, HESSEQUA LOCAL MUNICIPALITY 1. The abovementioned document received by the Directorate: Development Management (Region 3), hereinafter referred to as "this Directorate" via electronic mail on 4 October 2020 refers.	Email received on 24 th November 2020.	Shireen Pullen.	Department of Environmental Affairs and Development Planning. Environmental Impact Management Services: Region 3.	Noted. The document was sent to DEADPEIAAdmin.George@westerncape.gov.za , on the 23rd of October 2020.
6.	2. This letter serves as an acknowledgment of receipt of the abovementioned document by this Directorate.				Noted.
7.	3. It is understood that the proposal entails the expansion of an existing cemetery in Still Bay on Erf 566 and portion 141/480, Melkhoutfontein. The expansion will include the clearance of approximately 8 339m ² on both properties, the demolition of a boundary wall between the eastern and southern side of the site and the erection of a new boundary wall around the extended area, the extension of an existing access road, with gravel/asphalt finish, the Implementation of stormwater management design specific to				Noted.

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	site and the rehabilitation of the site with indigenous vegetation and rescued bulbs/cuttings from degraded fynbos.				
8.	<p>4. This Directorate has reviewed the pre-application BAR and comments as follows:</p> <p>4.1 It is noted that the proposed cemetery is located within close proximity of the Melkhoutfontein aquifer. The aquifer developed for Melkhoutfontein is of strategic importance and requires strict protection. Specific mitigation measures should be written into the Environmental Management Programme (EMPr) to ensure this aquifer is protected from the impacts that may potentially result from the proposed cemetery expansion.</p>				<p>The Geohydrological and Geotechnical assessment completed by GEOSS South Africa (Pty) Ltd (2020) classified the underlying aquifer according to the Department of Water Affairs and Forestry (DWAF, 2002) as an intergranular aquifer with an average yield potential of 5.0 L/s. The assessment makes various recommendations that have been incorporated into the EMPr, specifically within the construction phase mitigation measures aimed at preventing water (groundwater) pollution and operational phase mitigation measures aimed at preventing the contamination of groundwater</p>
9.	<p>4.2 It is also noted that a General Authorisation is applicable to the proposal. This should be confirmed by the Breede Gouritz Catchment Management Agency (BGCMA). Groundwater monitoring and sampling requirements must also be incorporated into the EMPr.</p>				<p>A General Authorization in terms of the National Water Act, 1998 (Act 36 of 1998), Section 21 (c) and (i) was obtained as of September 2020.</p> <p>Groundwater monitoring and sampling requirements will be incorporated into the EMPr.</p>
10.	<p>4.3 It is understood that no alternatives were considered for the proposal based on the fact that there is an existing cemetery and this is merely an expansion. Please note that the aim of the consideration of alternatives in the EIA Process is to find the best Environmentally Practicable Environmental option. Although it is acknowledged that there might not be an alternative site for the proposed expansion, it must be noted that alternatives are not limited to site</p>				<p>Operational alternatives have been explored and addressed. These alternatives include vertical burial, horizontal burial, a combination of horizontal and vertical burial, as well as cremation.</p>

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	<p>alternatives. It may also include, but is not limited to lay-out alternatives, design, operational and technology alternatives, etc. You are therefore strongly advised to consider alternatives to avoid potential impacts. The BAR must comparatively assess all the feasible and reasonable alternatives in order to select the best practicable environmental option.</p>				
11.	<p>4.4 The pre-application BAR notes that the entire expansion area forms part of a Critical Biodiversity Area (CBA) that runs in a west-east direction from the Duiwenhoksrivier (in the west) to the Gourits River (in the east) across the Goukou, linking several nature reserves along the way. Comment from CapeNature will be crucial in this regard.</p>				<p>Noted.</p> <p>Two CapeNature representatives were registered as automatic I&APs and were alerted of the public participation period for the proposed development. They were provided with a link for comment when the commenting period opened.</p> <p>It should be noted that the site was subjected to a biodiversity survey, and it was determined that the due to the degraded state of the site and its position next to an existing cemetery and residential area, the impact on the biodiversity (CBA) network is of a lesser concern. All mitigation measures and recommendations have been integrated into the BAR and EMPr.</p>
12.	<p>4.5 The findings of the Terrestrial Biodiversity Study done in June 2020 indicated that another site inspection should be undertaken early November 2020 to eliminate the low possibility that one or more of the other three butterfly species of conservation concern could occur on or near the site. Please clarify whether such site inspection was undertaken and what the findings of the</p>				<p>The stipulated site visit did not take place. It was concluded that there is a low possibility that one or more of the SCCs butterfly species could occur on or near the site.</p>

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	inspection was.				
13.	4.6 This Directorate notes the involvement of numerous specialists in the process. It is reiterated that any specialist performing work related to any of the fields of practice listed in Schedule 1 of the Natural Scientific Professions Act, 2003 (Act 27 of 2003) must be registered with the South African Council for Natural Scientific Professions ("SACNASP")[1] in any of the prescribed categories [Section 18] and further to this, only a person registered with the SACNASP may practise in a consulting capacity [Section 20].				Noted, all specialist studies were commissioned within the original quotation issued by Sharples Environmental Services.cc. March 2020 (Appendix E20). Except for the Terrestrial Biodiversity Assessment, which was later identified. This was undertaken by Dave Edge (a member of LEPSOC of Africa).
14.	4.7 In the case where a specialist assessment was commissioned prior to 9 May 2020, you are required to submit proof to the competent authority that the work was commissioned prior to said date (e.g. approved quotation for specialist assessment and/or proof of work being carried out).				
15.	4.8 The Pre-application BAR submitted to this Directorate did not have an EMPr attached to it. Please ensure that the final document to be submitted to the competent authority must contain an EMPr that complies with the provisions of Appendix 4 of the NEMA EIA Regulations. The EMPr should include management actions and outcomes and must clearly distinguish between the two.				
16.	5. Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.				Noted. This will be communicated to the applicant.

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17.	<p>6. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p> <p>Yours faithfully</p>				<p>Noted. The Competent Authority will be included in as an automatically registered I&AP in the next round of public participation.</p>
18.					
19.	<p>Attention: Ameesha Sanker</p> <p>Dear Madam,</p> <p>COMMENTS ON THE PROPOSED EXPANSION OF MELKHOUTFONTEIN CEMETERY ON ERF 566 & PORTION 141/480, HESSEQUA MUNICIPALITY, WESTERN CAPE PROVINCE</p> <p>The above mention report, has reference.</p> <p><u>The Breede-Gouritz Catchment Management Agency (BGCMA) has the following comments:</u></p> <p>1. No operation is allowed within 100m of a water resource or 1;100 year flood line, whichever is greatest. If the proposed activity falls within this area, authorization needs to be put in place in terms of the National Water Act (NWA), 1998 (Act No. 36 of 1998). This is to ensure that the riparian ecological status of the water resource will not be negatively impacted.</p>	<p>Email comment received on 28th November 2020.</p>	<p>Mr Jan Van Staden.</p>	<p>Breede-Gouritz Catchment Management Agency.</p>	<p>According to the Freshwater Habitat Impact Assessment (2020), the proposed site is not within 100m of a water resource or within the 1:100 year flood line. The site is however within the regulated area of a Wetland and therefore a General Authorization in terms of the National Water Act, 1998 (Act 36 of 1998), Section 21 (c) and (i) was obtained as of September 2020.</p>
20.	<p>2. Please note that any development within 500m from the boundary of any wetland requires authorization in terms of the National Water Act (NWA), 1998 (Act No. 36 of 1998)</p>				<p>A General Authorization in terms of the National Water Act, 1998 (Act 36 of 1998), Section 21 (c) and (i) was obtained as of September 2020.</p>

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21.	3. No water may be abstracted from any surface water body and groundwater unless authorized by this Agency. Where will the water for the proposed activity be sourced from?				<p>It is not proposed that any water be abstracted from any surface water body or groundwater.</p> <p>It is proposed that the existing water pipeline will be extended further South, into ERF 566, and a tap will be positioned at the southern-most point of this line, for provision of water. Therefore, the municipality will be responsible for supplying water (as is confirmed in their Confirmation of Services, Appendix E16 of the BAR).</p>
22.	4. Where solid waste disposal is to take place on site, ensure that only non-toxic materials which have no risk of polluting the groundwater, are buried in designated approved areas at acceptable depths below ground level.				<p>No solid waste will be disposed of on the site. It has been confirmed that Hessequa Municipality will be responsible for the removal of waste from the cemetery site. It has also been advised that the contractor ensure that the demarcated site be cleared of litter and any backfilled soil be cleared of litter, before being utilized.</p> <p>Mitigation measures have been included in the BAR and EMP, to address the potential contamination of groundwater as a result of burials, from:</p> <ul style="list-style-type: none"> - The decomposition of human remains. - Metal corrosion, paints and varnishes. - Compounds used during embalming. <p>Further to this, the existing Hessequa Municipal By-Law for Cemeteries and Crematoria (2008), Chapter 4, item 15(1), advises that the maximum depth of graves, may only be 2m's (2000mm), which supports the Geotechnical recommendation that no grave may exceed 2m's in depth, to avoid the groundwater levels which were measured at 2.6 to 2.9 mbgl, near the</p>

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					<p>cemetery. Along with Chapter 4, item 19(1), the use of coffins constructed of bio-degradable material, is advised, contravention of this is seen as an offence.</p>
23.	5. No surface, ground or storm water may be polluted as a result of any activities on the site. Please use silt retention traps and a Storm water master plan to prevent erosion and pollution.				<p>Noted. Silt retention traps have been included as a mitigation measure in the BAR and EMPr, to address any erosional or sedimentation events. Furthermore, additional mitigation measures have been included to address impacts that may result in pollution.</p> <p>The final BAR will recommend, that as a condition of the approved Environmental Authorization, a formal stormwater management plan be drawn up for this site and implemented during construction and operational phases.</p>
24.	6. The rehabilitation of the site must ensure that the final conditions of the site is environmentally acceptable and that there will be no adverse long-term effects on the surrounding environment especially the water resources.				<p>It is noted within the EMPr that the appointed ECO must also undertake a final inspection 6 months after completion of construction activities. The purpose of this final inspection is to ensure that the rehabilitation measures applied at the conclusion of the construction phase have been sufficient to promote the successful rehabilitation of the site, and to identify any further issues that require attention or follow-up.</p>
25.	7. Please note that all requirements as stipulated in the National Water Act (NWA), 1998 (Act No. 36 of 1998) must be adhered to.				<p>Noted. All recommendations and conditions will be adhered to.</p>
26.	8. Please note that this Agency reserves the right to amend and/or add to the comments made above in the light of subsequent information				<p>Noted. BGCMA will be included as an automatically registered I&AP for the next round of public participation.</p>

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	received. If you have any questions please don't hesitate to contact the official at the above mentioned details.				Noted.
27.	Dear Ms Ameesha Sanker PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT: PROPOSED EXPANSION OF THE MELKHOUTFONTEIN CEMETERY ON ERF 566 AND PORTION 141/480, HESSEQUA LOCAL MUNICIPALITY.	Email comment received on 09 December 2020.	Ms. M Simons	CapeNature	Noted.
28.	CapeNature would like to thank you for the opportunity to review your application for the proposed expansion of the Melkhoutfontein Cemetery, Still Bay. The proposed expansion will entail the following as extracted from the dBAR: "The proposed expansion of the Melkhoutfontein Cemetery will entail the extension of the property by an additional 1.83 hectares, allowing the inclusion of an additional 1863 plots. The existing fence line, gravel access road, and water pipeline will be extended further South, into ERF 566, and a tap will be position at the southern-most point of this line, for provision of water. Proposed Scope of Works: <ul style="list-style-type: none"> • Demolish wall boundary (eastern and southern side of site) and erect new boundary wall around extension. • Clear 8 339m2 proposed extension on Erf 566 				Noted.

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	<p>and Erf141/480 (combined).</p> <ul style="list-style-type: none"> • Extend existing access road, with gravel/asphalt finish. • Implement stormwater management design specific to site. • Rehabilitation with indigenous vegetation and rescued bulbs/cuttings from degraded fynbos. 				
29.	<p>Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature wishes to make the following comments:</p>				Noted.
30.	<p>According to the Western Cape Biodiversity Spatial Plan (WCBSP 2017) the site is mapped as Critical Biodiversity Areas (CBA 1: Terrestrial, Aquatic and River and CBA 2: Terrestrial) and Ecological Support Areas (ESA 2: Restore). Non-perennial rivers flow along the southern boundary of the site and forms part of a Freshwater Ecosystem Priority Areas River Corridor, climate adaptation corridor, and is mapped as part of the Southern Coastal Belt Watercourse Protection. The vegetation units present is Vulnerable Albertinia Sand Fynbos and Least Concerned Canca Limestone Fynbos. The former will be listed as Least Concerned in the updated draft ecosystem threat listings for the updated National Biodiversity Assessment (2018).</p>				Noted.
31.	<p>Freshwater Habitat impact Assessment</p>				The aquatic habitat identified and assessed in the specialist report is a wetland located a great

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	<p>We agree with the freshwater assessment that there are no aquatic habitats within the proposed cemetery expansion site. The assessment mentioned that the river ecosystem will not be disturbed if the No-Go zones are adhered to, however it mentioned in the conclusion that the wetland downslope could be impacted. Nonetheless, there might be some impacts from the construction phase, even though the impacts may be less and if the mitigation measures are implemented. It is quite important that all mitigation measures be implemented.</p> <p>Regarding Table 7 on the evaluations of potential impacts and reversibility (pages 30-31); we are unclear regarding the reversibility marked as “barely” if mitigation measures are implemented. Does this mean that if mitigation measures are implemented, the impact has limited reversibility?</p>				<p>distance downslope of the project site.</p> <p>After mitigation is implemented, and the No Go Area is avoided, there will be no impacts to the aquatic habitat. Without mitigation there is a small risk of impacting the wetland and therefore it is agreed that the specialist recommendations be implemented.</p> <p>Noted. The aquatic impacts are negligible, even without mitigation being applied, and they can largely be reversed, except, perhaps in the case of any potential sedimentation which may occur under worst-case scenario (as this fine sediment is difficult to remove from the wetland or buffer area without causing further damage). This is why the word ‘Partly’ was utilised to indicate the reversibility of the impact before mitigation.</p> <p>In response to your question regarding the use of the word ‘Barely’ for reversibility after mitigation, it implies that the little/or no impacts caused during the project would be difficult to reverse at all. For example, there is likely to be some dust generated during construction which could potentially enter the wetland via wind. It is ‘barely’ possible to reverse such an impact (which is minuscule and unlikely).</p> <p>In short, yes, it does mean that if mitigation measures are implemented, the impact has limited reversibility.</p>
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	<p>Sewage and chemicals must not enter the aquatic habitat thus the positioning of these facilities should be within the already disturbed areas and away from the watercourse. The contractors and municipal workers have to stay out of the No-Go areas and away from the 28m buffer of the watercourse.</p>				<p>Agreed, and this will be monitored by the contractor and the ECO as per the EMPr during construction.</p>
32.	<p>Biodiversity Survey</p> <p>The fieldwork for the biodiversity survey was undertaken during June, which is during the winter season, and not ideal for plant surveying as some geophytes, annuals and other flowering plants might have been missed. Using Google Earth Satellite Imagery, the site has been transformed over time, which agrees with the botanical specialist report. The survey recorded various plant species including two Species of Conservation Concern namely: <i>Aspalathus sanguinea</i> and <i>Leucospermum praecox</i>, endemics such as <i>Lampranthus fergusoniae</i> and <i>Acmadenia densifolia</i>, and protected trees <i>Sideroxylon inerme</i>. Even though the area is degraded, the local species are well represented and should be protected and restored after the operational phase. We support the comment that search and rescue should be done prior to construction and these species can be used during rehabilitation. In addition, a CapeNature permit would be required for plant and animal search-and-rescue.</p>				<p>Thank you for your comment. The Ecological Specialist has advised the following: “Please note that I have recorded the endemics listed above, namely <i>Lampranthus fergusoniae</i> and <i>Acmadenia densifolia</i>, on limestone fynbos proper, a significant distance away from the site. With regards to search and rescue, it is recommended that succulents (<i>Aizoaceae</i> family) and bulbs be collected from the areas to be disturbed, incl. the area inside the cemetery, which can then be replanted in the disturbed areas outside the cemetery once construction has been completed.”</p> <p>Thank you for your comment. It has been established that no species of concern were identified within the proposed development footprint. Therefore, no permit would be required. However, the EMPr will advise that should a species of concern be identified within the footprint at a later stage, a permit will be pursued. But at present, this is not required.</p>

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	The botanical report mentioned that agricultural activities, developments and the increase in invasive alien plants are threats to the indigenous vegetation thus the mitigation measures should be strictly implemented as proposed by the specialist in order to minimize the disturbance footprint.				This is noted and will be included in the EMPr for implementation.
33.	The property has <i>Sideroxylon inerme</i> (milkwood), which is a listed indigenous protected tree species. Therefore, during the construction these trees should not be disturbed or damaged, without obtaining a permit from Department of Environment, Forestry and Fisheries (DEFF). Prior to construction carefully mark the trees that will be retained and have measures to protect these trees. Throughout the development, the impact on the protected trees must be minimal and they should be clearly marked during the construction phase.				As per the response received from Ecological Specialist: “No milkwoods were recorded on or adjacent to the site. However, it is probably wise to keep the comment on record.”
34.	The Species of Conservation Concern and local endemics should be translocated. Extreme caution should be applied during the relocation of the plants to ensure they are not damaged. Suitable micro-habitats must be identified and consider eliminating any threats to the plants, once relocated. A Botanical Specialist must oversee the process and determine a the correct season to give the plants an adequate chance to establish.				As per the response received from Ecological Specialist: “No milkwoods were recorded on or adjacent to the site. However, it is probably wise to keep the comment on record.” Topsoil also contains seeds of indigenous species, such as the mentioned <i>Aspalathus sanguinea</i> . The protection and use of topsoil in rehabilitation efforts must not be overlooked.
35.	In terms of the Alien and Invasive Species regulations, specific alien plant species are either prohibited or listed as requiring a permit; aside from restricted activities concerning, inter alia, their spread, and should be removed. The removal of invasive alien plant species must be continuous				Thank you for your comment. As per the Ecological Specialists response: Alien clearing/management is best handled in an integrated plan drawn up for all municipal land/areas. There should be collaboration with local firewood collecting industries, mulching

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<p>and around properties adjacent to the road and should continue beyond the operational phase.</p> <p>A site-specific invasive alien plan should be compiled and outline the following:</p> <ul style="list-style-type: none"> • delineate the locations of invasive alien plants in relation to the development areas and illustrate this on a map; • stipulate a timeframe and strategy for alien plan removal (which are potentially the best months of the year to destabilise and remove the alien plants, based on weather conditions/patterns); • list potential methods of clearing (i.e. 				<p>companies, etc. In this case it does not make sense to draw up a dedicated alien management plan just for the cemetery as the entire valley is infested. The hill slope to the north of the bypassing road is covered with rooikrans. It should rather be handled in a holistic manner as described above.</p> <p>As advised by the Aquatic Specialist: The road is within the cemetery site and so this comment is not fully understood. The 'properties' adjacent to the access road will be part of the site and therefore will be cleared of aliens.</p> <p>The aliens within the entire cemetery expansion site and surrounding the boundary wall in the construction working area, will be removed. It is the landowner's responsibility to manage aliens as well as the contractor during construction of the wall and clearance of the site.</p> <p>During the operational phase (which involves the use of the extended cemetery area for graves and access), the landowner (being the Municipality) will be responsible for alien invasive plant management of the property. The EMPr includes the recommended guidance on alien plant control, which will be assisted by the ECO.</p> <p>The site is small and there are scattered individuals of alien plants (such as Rooikrans bushes). There are no dense strands which require mapping or areas of the site which are any more infested than others. Re-vegetation is</p>
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	<p>herbicides or cutting); and</p> <ul style="list-style-type: none"> list the relevant indigenous plants species used for the rehabilitation (with accompanying photographs). 				<p>not proposed for the cemetery site as this will be graves.</p> <p>Delineation is not deemed as necessary and each plant should not have to be counted and GPS coordinates recorded. It is sufficient to just identify and remove the individuals by walking the site with the ECO or appropriately qualified environmental practitioner.</p> <p>Additionally, the alien plants (Rooikrans bushes) will be removed during the land clearance for the expanded cemetery area and boundary wall. The construction phase should result in their removal and any strategy regarding weather will not matter (since the land is being disturbed any way and there are only a number of individuals). During operation, the landowner (Municipality) will be responsible for preventing any aliens from re-establishing, on an ongoing basis. Therefore, a timeframe should also not be necessary as the removal is planned to be done prior to the operational phase and then continue indefinitely when needed.</p> <p>Initial clearing will involve manual removal of identified bushes on site as part of construction. Follow-up clearing using herbicides will be required if there is new growth. See Alien Management within the EMP. Long-term management will be done by the landowner. It is highly likely that this will be maintained as management will not allow for graves to be covered and neglected.</p>
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					<p>Rehabilitation will largely involve the revegetation of the site with indigenous grass as this is suited to a cemetery. The site is not proposed to be rehabilitated to the indigenous vegetation type prior to impacts. It is only proposed to vegetate the disturbed area for cemetery use. The grass is likely to establish without much intervention. Beyond the boundary wall it is likely that indigenous vegetation will re-establish post construction provided the alien plants are managed. Seeds, personnel, irrigation etc. is not 100% required, simply basic management. Therefore, a stringent alien management plan for this small site is not useful but the information within the EMPr relating to alien plant control will be sufficient. The Environmental Control Officer (ECO) will be appropriately qualified to identify aliens requiring removal and discuss other control measures detailed within the EMP.</p>
36.	<p>The aim of this process will be to provide the municipality with relevant information regarding which invasive alien plants should be removed. Followed by the re-vegetation, with indigenous plants. In terms of the rehabilitation, the municipality officials that will assist in the rehabilitation should be trained in terms of which indigenous plant species to collect, where these species can be locally found, how and what time of year to collect the seeds (or cuttings) and lastly state if the any planted vegetation should be irrigated and how frequent? The disturbed areas</p>				<p>A general rehabilitation plan has been drawn up by Sharples Environmental Services, and has been included in the appendix of the EMPr. The EMPr recommends that the ECO ensures that the rehabilitation plan is included in the inductions, therefore is fully communicated to the team. The applicant is responsible for ensuring that any official responsible for the rehabilitation during operational phase, is effectively trained, accordingly.</p>

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	should also be rehabilitated after their operational phase.				
37.	Identify and label separate waste receptacles for different waste. Waste generated during construction and operational phases must be emptied regularly to ensure they do not overflow. Removal of waste and building materials must be disposed, offsite, at a registered disposal facility. Waste outside of the expansion footprint should also be removed during construction until post-operational.				Thank you for your comment. An integrated waste management process is outlined within the EMPr to ensure that waste generated on site during the construction and operational phases does not have a negligible impact on the surrounding environment.
38.	During the clearing of indigenous vegetation and invasive alien plants, areas susceptible to erosion must be protected by installing the necessary temporary structures.				Thank you for your comment. The Ecological Specialist has supplied the following comment: "The substrate is quite sandy and relatively flat. Good on-site infiltration is therefore expected and little chance of erosion. Surface runoff from the adjacent road towards the cemetery should be looked at by an engineer, but it should not be a problem given the flat terrain."
39.	The Environmental Control Officer (ECO) should be present, if possible, during the clearing of alien invasive plant species and vegetation to ensure the implementation of the proposed mitigation measures and to identify any harmful activities.				Thank you for your comment, this has been included in the EMPr, if possible.
40.	In uthorizat, the watercourse should be considered as No-Go areas and the 32m buffer must be strictly implemented. The removal of invasive alien plants must be continuous and indigenous fynbos species should be used during the re-habilitation. Protected trees should not be harmed during the construction and clearly marked if they would be retained or re-located.				Noted. This has been incorporated in the EMPr for implementation during construction phase. This has been incorporated in both the operational and construction impacts of the EMPr to be implemented on site.
41.	CapeNature reserves the right to revise initial comments and request further information based				Noted. CapeNature will be included in the Post-Application Public Participation.

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	<p>on any additional information that may be received.</p> <p>Yours sincerely</p>				
42.	<p>Dear Sir</p> <p>ACKNOWLEDGEMENT OF THE APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED EXPANSION OF THE MELKHOUTFONTEIN CEMETERY ON ERF RE/566 AND PORTION 480 OF THE FARM MELKHOUTE FONTEIN NR. 141, STILL BAY, HESSEQUA LOCAL MUNICIPALITY</p> <p>1. The abovementioned document received by the Directorate: Development Management (Region 3), hereinafter referred to as “this Directorate” via electronic mail on 1 December 2020, refers.</p> <p>2. This letter serves as an acknowledgment of receipt of the abovementioned document.</p> <p>3. Due to the Nation-Wide COVID-19 Lockdown, officials from this Directorate have been working remotely during the lockdown period. Notwithstanding the limitations of the current situation, in the interest of service delivery during this period and within the available means, this Directorate has strived to maintain a certain level of service delivery.</p>	<p>Email comment received on 17th December 2020.</p>	<p>Ms Shireen Pullen</p>	<p>Department of Environmental Affairs and Development Planning Development Management (Region 3)</p>	<p>Your acknowledgement is noted, thank you.</p>
43.	<p>4. Development Proposal</p> <p>➤ According to the information provided in the Notice of Intent (“NOI”), the proposal entails the expansion of the existing Melkhoutfontein Cemetery on Erf RE/566 and Portion 141 of the Farm Melkhoute Fontein Nr. 480 in Still</p>				

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	<p>Bay, Western Cape, Hessequa Local Municipality (hereafter referred to as “the property”).</p> <ul style="list-style-type: none"> ➤ It also states that the existing cemetery has roughly 45 vacant burial plots available, which should allow for approximately 18 months of cemetery life, at more or less 25 funerals per year. ➤ The intention of the Hessequa Municipality is to extend the existing cemetery to the east and south on a vacant part of Portion 141 of Melkhoutfontein 480 (approximate area 5 843.50m²) and to the south on a part of Remainder of Farm 566 (approximate area 2 495.50m²) – a total expansion of 8 339.00m². According to preliminary engineering investigations, the current expansion proposal will be a solution, sufficient for the next 5 years. ➤ The proposal includes the demolition of the wall boundary (eastern and southern side of site) and erection of a new boundary wall around the extended area. It also includes the clearance of approximately 8 339m² for the proposed extension onto Re/566 and Portion 141 of Melkhoutfontein 480. The proposal also includes the construction of storm water management structures and the extension of the existing road with a gravel/asphalt finish. ➤ Rehabilitation with indigenous vegetation and rescued bulbs/cuttings from degraded fynbos also forms part of the proposed development. 				
44.	5. Please take note of the following advice pertaining to the nature and extent of the				Thank you for your comment, it is noted.

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	<p>processes that must be followed in order to comply with the National Environmental Management Act (Act no. 107 of 1998) and the Environmental Impact Assessment Regulations 2014, as amended.</p> <p>5.1 Also note that the timeframes as regulated under the EIA Regulations 2014, as amended are very stringent. Please ensure that you adhere to these timeframes to avoid any unnecessary lapsing of the application.</p>				
45.	<p>5.2 Applicable activities</p> <p>You are hereby advised that only those activities applied for will be considered for authorization. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the EIA process.</p>				<p>Thank you for your comment. The applicant is aware that all the applicable listed activities have been applied for and assessed as part of the Basic Assessment process.</p>
46.	<p>5.3 Exemption</p> <p>It is evident that you do not intend to apply for exemption from any provisions contained in the EIA regulations or NEMA. Please note that should you fail to meet a requirement of the Regulations or NEMA and if no exemption from that provision was applied for, your Basic Assessment Report will be refused.</p>				<p>Thank you for your comment it is noted.</p>
47.	<p>5.4 Alternatives</p> <p>Be advised that in terms of the EIA Regulations and NEMA the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that the Department may grant uthorization for an alternative as if it has been applied for or may grant uthorization in respect of all or part of the activity applied for as specified in Regulation</p>				<p>Thank you for your comment. Due to the nature of the proposal (expansion of an existin cemetery), and the restricted boundaries of the site (existing infrastructure to the north and</p>

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	<p>20 of GN No. R. 982 of 4 December 2014. Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (i.o.w. the “no-go” option) in addition to other alternatives identified. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist must be provided to the Department. Refer to the Department’s Guideline on Alternatives available on the Department’s website.</p>				<p>west), operational alternatives were considered as per Section H of the Draft Basic Assessment Report. The Guideline on Alternatives (2013) was used as a reference.</p>
48.	<p>5.5 Protocols or Minimum Information Requirements</p> <p>➤ Please be informed that the applicable protocols or minimum information requirements, which were published in Government Notice No. 320 of 20 March 2020 (Government Gazette No. 43110 of 20 March 2020 refers), which came into effect on 9 May</p>				<p>Costs related to predicted specialist studies were estimated and included in the approved quotation issued by Sharples Environmental Services on 6th March 2020, for the “Proposal for the Undertaking of the Basic Environmental Assessment Process for the Extension of a</p>

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	specialist assessment and/or proof of work being carried out).				
49.	<p>5.6 Site verification Report received by this Directorate on 23 November 2020</p> <p>➤ Agricultural Theme</p> <p>It is noted that agricultural input is disregarded based on the findings of Mr. Mark Berry and the EAP. According to protocol, an agricultural theme that results in medium sensitivity requires a minimum of a compliance statement to be done by an agricultural soil scientist that is registered with the SACNASP. Alternatively, the Department of Agriculture must be consulted to determine whether an agricultural specialist assessment needs to be conducted and submitted along with the Basic Assessment Report.</p>				<p>Thank you for your comment. The Department of Agriculture has been included as an I&AP and will be issued a hard copy (as has been requested by the Department), for commenting purposes.</p>
50.	<p>➤ Plant and Animal Species Theme</p> <p>According to the screening tool report both the Plant Species and Animal Species themes at the proposed site have been sensitivity ratings of “medium”. In light thereof, it is noted that a site inspection was done by Mark Berry which indicated that the site is severely degraded. Please note that the minimum requirements for animal and plant species where the sensitivity came up “medium” is a compliance statement by a SACNSP registered specialist that should be submitted along with the Basic Assessment Report. In the case where a specialist assessment was commissioned prior to 9 May 2020, you are required to submit proof to the competent authority that the work was commissioned</p>				<p>Thank you for your comment. The Biodiversity Survey undertaken by Mark Berry is more comprehensive than just a compliance statement. Therefore, this theme has been thoroughly addressed beyond the minimum requirement, by a SACNASP registered professional. As per Appendix E20, the Botanical Specialist input was incorporated at the stage of appointment of the EAP, 6th March 2020.</p>

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	<p>prior to said date (e.g. approved quotation for specialist assessment and/or proof of work being carried out).</p>				
51. 5 0	<p>➤ Terrestrial Biodiversity Theme</p> <p>According to the Screening Tool Report a “Very High Sensitivity” has been assigned to the Terrestrial Biodiversity Theme and that this will be covered by the Butterfly Study as well as a Botanical Study that will be submitted along with the Basic Assessment Report. Where the information gathered from the site sensitivity verification finds that the terrestrial biodiversity sensitivity is low, a compliance statement will be required. In light of the above, it is the opinion of this Directorate that the Butterfly and Botanical Studies are not sufficient and you are hereby advised that a Terrestrial Biodiversity Impact Assessment, which adheres to the content requirements of the Terrestrial Biodiversity Protocol, must be undertaken and the findings submitted along with the Basic Assessment Report.</p>				<p>The Terrestrial Biodiversity Study was undertaken by Dave Edge, who is not a registered SACNASP professional, however he is a member and founder of LEPSOC (Lepidopterist’s Society of Africa).</p>
52.	<p>5.7 Public Participation</p> <p>➤ A public participation process (“PPP”) that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken. You are advised that public participation may be undertaken prior to the submission of the application, although this is not mandatory. It is the Environmental Assessment Practitioner’s discretion at what stage the requirements of Regulation 41 are met. You are reminded that a period of at</p>				<p>Noted. The Pre-Application Draft Basic Assessment Report made available for a 30-day commenting period on October 23rd, 2020 – November 24th, 2020.</p>

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	<p>least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the BAR and EMPr.</p> <ul style="list-style-type: none"> ➤ In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014, any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. Please note that the Environmental Assessment Practitioner (“EAP”) is responsible for such consultation. Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments in terms of Section 24O (2) and (3) of NEMA in the BAR, where appropriate. ➤ When notifying I&Aps of the application the minimum information to be provided in a notice, which include placing an advertisement or fixing a notice board, must contain, inter alia, whether a Basic Assessment or Scoping & EIR process is to be followed and information on how to register as an I&AP. A register of I&Aps must be opened, maintained and made available to any person requesting access to the register in writing. The register must also be submitted together with the BAR. <p>In accordance with Regulation 7(2), your EAP must consult with every Organ of State that administers a law relating to a matter affecting the environment relevant to that application. The EAP must notify such Organ of State, including the</p>				<p>This is noted. Proof of Communication has been included in Appendix F of the Draft BAR.</p> <p>The Public Participation Process will be aligned with Chapter 6 of the EIA regulations. A register of I&Aps will be submitted with the BAR.</p> <p>In accordance with Regulation 7(2), every Organ</p>
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	<p>Competent Authority, in writing and provide them with a copy of the Basic Assessment Report. Note: Proof of the notification and contact details of such Organs of State must accompany the report that is submitted to the Competent Authority.</p> <ul style="list-style-type: none"> ➤ In terms of good environmental practice you are encouraged to engage with State Departments and other Organs of State early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the draft Basic Assessment Report available to State departments as stipulated above. ➤ The EAP must record and respond to all comments received. The comments and responses must be captured in a Comments and Responses Report and must also include a description of the public participation process followed and this report must also be included in the public participation information to be attached to the final Basic Assessment Report. 				<p>of State that administers a law relating to a matter affecting the environment relevant to that application has been notified, including the Competent Authority. A copy of the Basic Assessment Report was provided to the competent authority when the commenting period opened on October 26th, 2020.</p> <p>Noted.</p> <p>Noted. The Comments and Responses table will form a part of the Draft BAR, Appendix F.</p>
53. 5 2	<p>5.8 Draft Environmental Management Programme (EMPr) received by this Directorate on 24 November 2020</p> <p>12.1 It is noted that the EMPr contains measures related to the adherence health and safety legislation and general construction matters. Please note that this will have an influence on the auditing of compliance with the EMPr since all measures included in the EMPr needs to be audited. As such it is advised that any additional</p>				

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<p>information or guidance to what is specified in Appendix 4 and Section 24N of NEMA, should be clearly separated from the body of the report (i.e. appendices).</p> <p>12.2 It is also requested that the terminology in the EMPr related to the execution of tasks be checked for consistency. Terms such as “should” and “may”, which do not provide clear instruction or cannot be enforced, must be avoided in the document.</p> <p>12.3. The frequency for the submissions of ECO reports and Auditing reports is not clear. Please provide clarity in this regard within the EMPr.</p> <p>12.4 This Directorate is also of the opinion that the EMPr should contain specific mitigation measures to ensure this aquifer is protected from the impacts that may potentially result from the proposed cemetery expansion.</p> <p>12.5 In accordance with Section 24N of NEMA and regulation 19(1)(a) the Competent Authority hereby requires the submission of an Environmental Management Programme (“EMPr”). The contents of such an EMPr must meet the requirements outlined in Section 24N (2) & (3) of the NEMA (as amended) and Appendix 4 of the EIA Regulations 2014. The EMPr must address the potential environmental impacts of the activity throughout the project life cycle including an assessment of the effectiveness of monitoring and management arrangements after</p>				<p>Thank you for your comment the EMPr will be updated to address this.</p> <p>Thank you for your comment the EMPr will be updated to address this.</p> <p>The EMPr will be amended to include specific mitigation measures to ensure this aquifer is protected from the impacts that may potentially result from the proposed cemetery expansion.</p> <p>The contents of such an EMPr meets the requirements outlined in Section 24N (2) & (3) of the NEMA (as amended) and Appendix 4 of the EIA Regulations 2014.</p>
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	<p>implementation (auditing). The EMPr must be submitted together with the Basic Assessment Report. The Competent Authority would like to advise that in compiling the EMP the Department's Guideline for Environmental Management Plans (June 2005), available on the Department's website (http://eadp-westerncape.kznsshf.gov.za/your-resource-library) must be taken into account.</p>				<p>Noted.</p>
<p>54. 5 3</p>	<p>5.9 Guidelines</p> <p>You are advised that when undertaking the EIA process, you must take into the account the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (http://eadp-westerncape.kznsshf.gov.za/your-resource-library). In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:</p> <ul style="list-style-type: none"> ➤ Guideline for the review of specialist input in the EIA process, June 2005. ➤ Guideline for involving biodiversity specialists in the EIA process, June 2005. ➤ Guideline for environmental management plans, June 2005. ➤ Guideline on Alternatives (March 2013) ➤ Guideline on Need and Desirability (March 2013) 				<p>Noted.</p> <p>The applicable guidelines have been taken into account when undertaking the EIA process.</p>
<p>55. 5 4</p>	<p>5.10 Need & desirability</p> <p>13.1 In terms of the NEMA EIA Regulations, when considering an application, the Competent Authority must take into account a number of</p>				<p>Noted.</p> <p>Section E of the Pre-Application Draft Basic Assessment Report considers and reports on the need for and desirability of the proposed activity.</p>

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<p>specific considerations including inter alia, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department’s Guideline on Need and Desirability (March 2013) available on the Department’s website (www.westerncape.gov.za/eadp).</p> <p>13.2 In terms of having to consideration need and desirability, it must be noted the final environmental decision will, inter alia, be informed by town planning considerations, informed by inter alia the Provincial Urban Edge Guideline (December 2005) and the Western Cape Provincial Spatial Development Framework (2014) (“WCPSDF”). The Competent Authority requires that you demonstrate in the Basic Assessment Report the strategic context of the site specific proposed development in relation to the broader surrounding area. You will need to demonstrate amongst other whether the proposed development is line with Departmental policies/guidelines such the Western Cape Provincial Spatial Development Framework, Urban edge for the area or whether if in the absence of an urban edge whether it is located within the built-up edge of the town. Comment in this regard will be required from the Municipality’s planning component. You are requested to confirm from</p>				<p>Thank you for your comment. Section E of the Pre-Application Draft Basic Assessment Report considers and reports on the need for and desirability of the proposed activity by demonstrating the strategic context of the site-specific proposed development in relation to the broader surrounding area. Section E of the Pre-Application Draft Basic Assessment Report details how the proposed development is line with Departmental policies/guidelines such the Western Cape Provincial Spatial Development Framework, Urban edge, the Integrated Development Plan of the local municipality and the Spatial Development Framework of the local municipality.</p> <p>As per the response received by the Hessequa Municipality: Development planning on the 2nd of February 2021, included in <u>Appendix E</u>; “Dear Me. / Mrs.</p>
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<p>the municipality that the proposed development is in line with the forward planning for the area.</p> <p>13.3 Please note that it is a requirement in terms of the NEMA EIA Regulations that the competent authority takes into account the aspect of need and desirability for any development. As such, the aspect of need and desirability must be considered and reported on in the BAR. The BAR must also reflect how the strategic context of the site in relation to the broader surrounding area has been considered in addressing need and desirability.</p> <p>5.11 Regulations Relating to the Management of Human Remains (GN. R363 of 22 May 2013) The applicability of the Regulations Relating to the Management of Human Remains (GN. R363 of 22 May 2013) must be determined. These regulations require that all burial sites must comply with the following environmental requirements, namely that the burial site-</p> <p>7. does not lie below the 1:100 flood line; (ii) is located 350 metres from ground water sources used for drinking; and (iii) is located at least 500 metres from the nearest habitable building.</p> <p>The relevant authority (inter alia the Garden Route District Municipality) must be consulted regarding</p>				<p>MELKHOUTFONTEIN CEMETERY.</p> <ol style="list-style-type: none"> 1. The Hessequa Council adopted the Spatial Development Framework on the 30th of April 2013 and approved the amended document in 2017. 2. The cemetery is partly situated on a portion of the Remainder of Erf 566 and on a portion of the Farm Melkhoutfontein Nr 480. 3. Attached (<u>See appendix F for attached map</u>) is the SDF map of Melkhoutfontein indicating the cemetery and proposed expansion of it. We trust that you will find this in order. <p>Yours faithfully.”</p> <p>Proposed expansion lies within 500 meters from the nearest habitable building. It has been recommended that an exemption be obtained by the Local Municipality, prior to the commencement if any activities.</p> <p>Representatives of the Garden Route District Municipality in the following departments have been registered as an I&AP;</p> <p style="text-align: center;">- Community Services</p>
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	<p>the above and written comment must be obtained how all the provisions of the Regulations Relating to the Management of Human Remains (GN. R363 of 22 May 2013), apply to the proposed development and whether exemption from said regulations is applicable.</p>				<ul style="list-style-type: none"> - Planning and Economic Development - Roads Services - Environmental Management, Climate Change and Mitigation. <p>A response was obtained from the WCG: District Manager of Garden Route and Central Karoo, as per Appendix E9.</p>
56.	<p>6. General</p> <p>14.1 In addition to the above, you must clearly show how the proposed development complies with the principles contain in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.</p> <p>14.2 You are hereby advised that the Basic Assessment Report must contain all the information outlined in Regulations Appendix 1 of Government Notice 982 of 4 December 2014 and must also include the information requested in this letter; omission of any of the said information may result in the Basic Assessment Report being refused.</p> <p>14.3 The Department awaits the submission of the Basic Assessment Report as prescribed by Regulation 19(1) of the EIA Regulations, GN. R 982 of 4 December 2014. In accordance with Regulation 19(1) and as allowed for by Regulation 19 of GN No. R. 982 of 4 December 2014 the Department hereby stipulate that the final Basic</p>				<p>Noted.</p> <p>Section E and J of the Pre-Application Draft Basic Assessment Report shows how the proposed development meets the requirements of sustainable development by relating aspects of the proposed development to the various principles of the New Growth Path (NGP) (2010) and by highlighting how energy, waste and water will be sustainably utilized.</p> <p>Noted.</p> <p>Noted.</p>

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<p>Assessment Report must be submitted to this Department within a period of 90-days from the date the Competent Authority received the application form (viz.1 December 2020).</p> <p>14.4 If you, however, have been complying with the requirements of the Regulations and have progressed with the application process, but for some reason significant changes have to be made or significant new information has to be added to the basic assessment report and you will not be able to submit the BAR within the 90-day period, you must timeously notify the Competent Authority in writing before the end of the 90-days. You will be required to submit a concise motivation why the BAR will not be submitted within the 90-day period. The motivation must include the tasks that have been performed to date, the reasons for the delay in submission and an indication when the BAR will be submitted to the Competent Authority. Such motivation should be submitted to the Competent Authority at least 7-days before the end of the 90-day period. The Competent Authority will consider your motivation and inform you of its decision whether or not to continue with the processing of the current application. Should no motivation be provided, your file will be closed for administrative purposes. As such, a new application process will have to be initiated with a new Application Form for Basic Assessment to be submitted if you wish to again pursue your proposed development.</p> <p>8. This Directorate awaits the submission of the</p>				<p>Noted.</p> <p>It was advised by the case officer, Ms Shireen Pullen, on 04th November 2020, via email. That a</p>
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	<p>amended Public Participation Plan for consideration. Please note that one (1) electronic copy of each document must be submitted to the Department for consideration. Please submit the amended plan to the above generic e-mail address and the assigned case officer (E-mail: Shireen.Pullen@westerncape.gov.za).</p>				<p>Public Participation Plan is no longer a requirement, and the Plan submitted to the Department addresses all issues.</p>
57.	<p>9. In accordance with the Directions regarding measures to address, prevent and combat the spread of COVID-19 (Government Notice No. 650 of 5 June 2020) during Alert Level 3, all applications, reports and documents, which include all signatures and Annexures which are included as part of the application and subsequent reports, must be submitted via e-mail to the relevant official, with attached PDF versions of letters and reports. If the documents are too large to attach to an e-mail, the competent authority must be notified per e-mail and provided with an electronic link to such documents that is accessible by the relevant authority.</p> <p>Note: The Directorate: Development Management (Region 3), has created a generic e-mail address to centralise its administration within the component (i.e. notifying clients of decisions and receiving EIA applications, Notice of Intent form; request for fee reference numbers, etc.) Please make use of the new e-mail address too when submitting such documents:</p>				<p>This is noted, it has been included in the BAR and EMPr.</p>

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	<p>DEADPEIAAdmin.George@westerncape.gov.za</p> <p>14 Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.</p> <p>15 Please note that the activity may not commence prior to an environmental authorization being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the competent authority has granted an environmental authorization for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Law Enforcement component of this Department for prosecution. 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.</p> <p>16 The Competent Authority reserves the right to revise initial comments and request further information based on the information received. Yours faithfully</p>	<p>24th November 2020</p>			<p>The above-mentioned reference number will be quoted in any future correspondence in respect of the application.</p> <p>Noted, this has been advised as per the EMPr and the BAR.</p> <p>This is noted.</p>
<p>58.</p>	<p>SITE VERIFICATION REPORT AND ENVIRONMENTAL MANAGMENT PROGRAMME (EMPr) FOR THE PROPOSED EXPANSION OF THE MELKHOUTFONTEIN CEMETERY ON ERF 566 AND PORTION 141/480, STILL BAY, HESSEQUA LOCAL MUNICIPALITY</p>				

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<p>1. The abovementioned documents received by the Directorate: Development Management (Region 3), hereinafter referred to as “this Directorate” via electronic mail on 23 November 2020 and 24 November 2020, respectively refers.</p> <p>2. This letter serves as an acknowledgment of receipt of the abovementioned documents by this Directorate.</p> <p>3. EMPr</p> <p>3.1 It is noted that the EMPr contains measures related to the adherence health and safety legislation and general construction matters. Please note that this will have an influence on the auditing of compliance with the EMPr since all measures included in the EMPr needs to be audited. As such it is advised that any additional information or guidance to what is specified in Appendix 4 and Section 24N of NEMA, should be clearly separated from the body of the report (i.e. appendices).</p> <p>3.2 It is also requested that the terminology in the EMPr related to the execution of tasks be checked for consistency. Terms such as “should” and “may”, which do not provide clear instruction or cannot be enforced, must be avoided in the document.</p> <p>3.3. The frequency for the submissions of ECO reports and Auditing reports is not clear. Please provide clarity in this regard within the EMPr.</p>				<p>Noted.</p> <p>Thank you for your comment. All health and safety matters recommended within the EMPr may have a specific environmental impact, therefore must be included. The adherence to health and safety and general construction legislation, is referred to in general, and will be audited by an alternative officer (ie: health and safety).</p> <p>Noted. The EMPr will be updated.</p> <p>Noted. The EMPr will be updated.</p> <p>Noted. The EMPr will be updated, aquifer and groundwater mitigation measures will be</p>
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	<p>3.4 This Directorate is also of the opinion that the EMPr should contain specific mitigation measures to ensure this aquifer is protected from the impacts that may potentially result from the proposed cemetery expansion.</p> <p>4. Site verification Report 4.1 Agricultural Theme It is noted that agricultural input is disregarded based on the findings of Mr. Mark Berry and the EAP. According to protocol, an agricultural theme that results in medium sensitivity requires a minimum of a compliance statement to be done by an agricultural soil scientist that is registered with the South African Council for Natural Scientific Professions (“SACNASP”)[1. Alternatively, the Department of Agriculture must be consulted to determine whether an agricultural specialist assessment needs to be conducted and submitted along with the Basic Assessment Report.</p> <p>4.2 Plant and Animal Species Theme According to the screening tool report both the Plant Species and Animal Species themes at the proposed site have been sensitivity ratings of “medium”. In light thereof, it is noted that a site inspection was done by Mark Berry which indicated that the site is severely degraded. Please note that the minimum requirements for animal and plant species where the sensitivity came up “medium” is a compliance statement by a SACNSP registered specialist that</p>				<p>included.</p> <p>Noted. The Department of Agriculture will be supplied with a hardcopy of the Draft BAR for review and comment (as has now become a requirement of the Department).</p> <p>Noted. The details have been included in Appendix E20. The specialist report has been included in Appendix G, and integrated into the BAR and EMPr.</p>
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	<p>should be submitted along with the Basic Assessment Report. In the case where a specialist assessment was commissioned prior to 9 May 2020, you are required to submit proof to the competent authority that the work was commissioned prior to said date (e.g. approved quotation for specialist assessment and/or proof of work being carried out).</p> <p>4.3 Terrestrial Biodiversity Theme According to the Screening Tool Report a “Very High Sensitivity” has been assigned to the Terrestrial Biodiversity Theme and that this will be covered by the Butterfly Study as well as a Botanical Study that will be submitted along with the Basic Assessment Report.</p> <p>5. Please note that this comment must be read in conjunction with the comment on the preapplication Basic Assessment Report issued on 24 November 2020.</p> <p>6. Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.</p> <p>7. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p> <p>Yours faithfully</p>				<p>Noted. The specialist report has been included in Appendix G, and integrated into the BAR and EMPr.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
59.	Attention: Ms. A. Sanker	Email comment	Mr Mlungisi	Western Cape	

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	<p>PROPOSED EXPANSION OF THE MELKHOUTFONTEIN CEMETERY ON ERF 566 AND PORTION 141/480, HESSEQUA LOCAL MUNICIPALITY.</p> <p>Your Email with attachment dated 09th November 2020 concerning the above mentioned refers.</p>	<p>received on 08 January 2021.</p>	<p>Booi.</p>	<p>Provincial Health-District Manager: Garden route and Central Karoo.</p>	
<p>60.</p>	<p>1. The proposed expansion as well as the existing site is already stated in the draft report that a potential for ground water pollution is high.</p>				<p>Thank you for your comment, a Geohydrological Assessment was undertaken to assess the sensitivities in this regard.</p>
<p>61.</p>	<p>2. Cemeteries are ideally situated where the water table is low, and at an acceptable distance from water sources such as rivers to avoid contamination.</p>				<p>The proposed development is the expansion of an existing cemetery, that has been acceptably functioning for years prior to this proposal. Due to the limitations identified along the northern and western borders (existing infrastructure), the expansion is restricted to the southern and eastern borders of the site. An Aquatic Impact Assessment was undertaken and determined that the potential impacts of the proposed expansion on the aquatic habitat was at most "Low" and with mitigation could be reduced to very low, during construction and operational phases.</p> <p>All impacts and appropriate mitigation, over and above the mitigation recommended by the Specialist, were addressed in the Draft BAR and translated through to the EMPr for implementation during the construction and operational phases.</p>
<p>62.</p>	<p>3. In terms of Section 15 (2) of the Regulations relating to the Management of Human Remains, R363 of May 2013, all burial sites must comply with the following environmental requirements;</p>				<p>Thank you for your comment, we can confirm:</p>

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	<p>(a) Be located outside the 100-year floodplain;</p> <p>(b) Be located at least 350m from ground water sources used for drinking purposes and at least 500m from the nearest habitable building;</p> <p>(c) For a preferred burial site with a soil of sand-clay mix of low porosity and a small and fine grain texture, the water table should be at least 2.5m deep in order to allow for traditional grave depth of 1.8 meters;</p> <p>(d) For areas with higher water tables, the local government may determine a reasonable depth with additional walling recommendations to protect underground water; and</p> <p>(e) The covering soil shall not be less than 1 m, should bodies be buried in the same grave, 300mm of soil shall be maintained between the coffins.</p>				<p>That the development will occur outside of the 100-year floodline. Therefore, no exemption is required in this regard.</p> <p>It has been determined that there are boreholes and a spring located within 350m of the proposed expansion site. As well as habitable buildings within m of the existing and proposed expansion site. Therefore, it is recommended that an exemption be obtained by the Local Municipality, prior to the commencement of any construction activities.</p> <p>Groundwater levels were measured at approximately 2.6 to 2.9 mbgl near the cemetery, with predominantly sandy soils, with the presence of calcrete. Therefore, the proposed expansion is in line with this requirement.</p> <p>The Municipal By-law prohibits any burial beyond 2m depth, and the water table was predicted to be approximately 2.6mbgl. Therefore, despite the relatively shallow water table, the proposed burial depths are well above the water table. In addition, calcrete of approximately 0.2m – 1m thickness was identified approximately 1m – 1.5m due to the presence of calcrete, which can limit the depths of the graves.</p> <p>This is a requirement can be met.</p>
63.	4. Exemptions to these regulations – Regulation 2 (2):				

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	<p>(a) A local government may, with the approval of the Director-General, in writing exempt any person from compliance with any provisions of these regulations where, in the opinion of the local government, non-compliance does not or will not create a health nuisance, health hazard or endanger human health; and that</p> <p>(b) Such exemptions shall be subject to such conditions and valid for such a period as the local government may, with the approval of the Director-General or delegated person, lay down and stipulate.</p> <p>(c) A local government must issue a certificate of exemption to a person, for exemption of any provision of these regulations.</p>				<p>Due to the vicinity of the habitable buildings and the identified boreholes (which can be used for monitoring purposes), it has been recommended that an exemption must be applied for in terms of Chapter 2 of the National Health Act, 2003 (Act no.61 of 2003), Regulations Relating to Management of Human Remains (GN. R363 of 22 May 2013), by the applicant (Hessequa Local Municipality).</p>
64.	<p>5. If any of the requirements referred to under point three (3) of this Notice cannot be met, the Section Municipal Health Services must be informed and needs to apply for approval from the Director General of the Department National Health to exempt the Hessequa Municipality from any non-compliances in terms of regulations 15(2).</p>				
65.	<p>6. Over and above the set requirements / recommendations in the Environmental Management Programme, geohydrological and geotechnical assessment etc., this Office Concurs with the recommendations of the study on Geohydrological and Geotechnical Assessment namely that:</p>				<p>Noted. This has been recommended in both the BAR and the EMPr, the recommended plan has been added as an appendix of the EMPr to be implemented on site.</p>
66.	<p>(a) Strict mitigation measures and groundwater monitoring plan should be implemented to prevent surface or ground water pollution due to any actions on the site as per the applicable requirements with respect to relevant legislation</p>				

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	pertaining to water must be met.				
67.	(b) The aquifer developed for the Melkhoutfontein is of strategic importance and requires strict protection.				Noted. Mitigation measures and aquifer protection measures have been recommended to avoid contamination of groundwater, in addition, ground water monitorings is the most efficient tool to ensure protections of aquifer, which has been recommended and detailed in the EMPr.
68.	(c) The cemetery expansion should only be allowed in the case that no abstraction takes place within 250m of the cemetery.				This is noted and recommended, as per the BAR and EMPr.
69.	(d) Irrespective of whether the cemetery expansion occurs, the groundwater monitoring recommendations should be implemented for the current cemetery.				Thank you for your comment. The recommendation for groundwater monitoring is included in the BAR. Should the development not proceed, the EMPr and BAR cannot govern the management of the existing cemetery.
70.	(e) Should the cemetery expansion occur, the proposed expansion will need to conform to the standard industry mitigations measures for developing a cemetery in order to minimize contamination on site.				Thank you for your comment. Standard industry mitigation measures will be implemented, as development and management of a cemetery, forms a part of the standard Municipal By-Law.
71.	(f) The recommended monitoring of groundwater system on site.				Groundwater monitoring has been recommended to form a part of the condition for environmental authorization.
72.	7. Further that the following must be complied to. (a) Any solid waste must be disposed of at a waste disposal facility licensed in terms of applicable legislation.				Thank you for your comment. This has been advised in terms of waste management in the BAR and the EMPr.
73.	(b) The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.				Thank you for your comment. The relevant legislation has been included as a general recommendation in the EMPr. Health and Safety requirements on site, will be implemented by a

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					Health and Safety representative and monitored by an external consultant.
74.	(c) The holder of the Environmental Authorisation must always ensure that the construction activities comply with the Noise Control Regulations in terms of the relevant legislation, namely -				Thank you for your comment. This has been integrated into the EMPr for implementation during construction and operational phases.
75.	(d) All noise and sound generated during all phases of the proposed development, as well as during the operation of the Cemetery, must comply with the relevant SANS codes and standards.				
76.	(e) Adequate ablution facilities must be provided on site during construction. The ration of 15 people per ablution facility must not be exceeded.				Thank you for your comment. This has been integrated into the EMPr, to be implemented on site.
77.	8. Notwithstanding the Environmental Authorization, the holder must comply with any other statutory requirements that may be applicable when undertaking these activities.				Thank you for your comment. The applicant has been advised of such in the BAR and EMPr.
78.	9. Good practices will also include the maintenance of norms and standards, having a good set of by-laws, and having electronic software to assist the Municipality in cemetery management.				Thank you for your comments. This has been integrated into the EMPr as a mitigation measure recommended for the applicant to adopt. There is an existing By-Law governing the management of Cemeteries in terms of the Hessequa Municipality: Cemeteries and Crematoria By-Law (2008). The BAR and EMPr have taken this By-Law into account and the proposed development is in line with this By-Law.
79.	10. Therefore there is no objection to the expansion subject to compliance to all of the above.				Thank you for your comment. An exemption will be applied for in terms of Chapter 2 of the National Health Act, 2003 (Act no.61 of 2003), Regulations Relating to Management of Human

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					Remains (GN. R363 of 22 May 2013), by the applicant (Hessequa Local Municipality), prior to the commencement of any works.
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