



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref: 3/4/3/5/3/4

2021-03-08

MINUTES

PARKS, OPEN SPACES AND ENVIRONMENT COMMITTEE MEETING

2021-03-08 AT 10:00

MINUTES
PARKS, OPEN SPACES AND ENVIRONMENT
COMMITTEE MEETING
2021-03-08
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	NONE	

PRESENT: Cllr XL Mdemka (Ms) [Chairperson: Parks, Open Spaces & Environment]

COUNCILLORS: F Adams
Ald JP Serdyn (Ms)
E Vermeulen (Ms)

OFFICIALS: Director: Community and Protection Services (G Boshoff)
Senior Manager: (A van der Merwe)
Senior Env. Planner (S van der Merwe)
Manager: Parks and Cemeteries (N Mohamed (Ms))
Senior Admin Officer (T Samuels (Ms))

1.	OPENING AND WELCOME
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The Chairperson, Cllr XL Mdemka (Ms), welcomed all present at the meeting of this Committee for 2021.

2.1	COMMUNICATION BY THE CHAIRPERSON	(3/4/3/6)
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The Chairperson, on behalf of the Community and this Committee, expressed her gratitude towards the Parks and Cemeteries Section for the beautification of the town. She requested the Director: Community and Protection Services to convey the message to the Teams of Parks and Cemeteries for the good work done.

2.2	DISCLOSURE OF INTERESTS	(3/6/2/2)
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NONE

3.	APPLICATION FOR LEAVE OF ABSENCE
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NONE

4.1	CONFIRMATION OF THE MINUTES	(3/4/3/5/2/4)
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The minutes of the Parks, Open Spaces and Environment Committee Meeting held on 2020-10-12, was confirmed as correct.

4.2	REPORT/S BY THE DIRECTOR: COMMUNITY AND PROTECTIONS SERVICES RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MEETINGS	(3/4/3/5/2/2)
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NONE

5.	PARKS, OPEN SPACES & ENVIRONMENT: [PC: CLLR XL MDEMKA (MS)]
5.1	NON-DELEGATED MATTERS
5.1.1	PROGRESS REPORT (3) - IDENTIFICATION AND ACQUISITION OF AUTHORISATIONS AND APPROVALS FOR THE ESTABLISHMENT OF ONE OR MORE REGIONAL CEMETERIES FOR STELLENBOSCH MUNICIPALITY

Collaborator No:

IDP KPA Ref No:

Meeting Date:

1. SUBJECT: PROGRESS REPORT (3) - IDENTIFICATION AND ACQUISITION OF AUTHORISATIONS AND APPROVALS FOR THE ESTABLISHMENT OF ONE OR MORE REGIONAL CEMETERIES FOR STELLENBOSCH MUNICIPALITY

2. PURPOSE

To report on the status of the above project.

3. DELEGATED AUTHORITY

Council of Stellenbosch Municipality.

4. EXECUTIVE SUMMARY

During 2016 Stellenbosch Municipality commenced with a project of identifying and acquiring the necessary environmental and land use approvals for the establishment of one or more large (±30ha) cemeteries for the WC024 area.

During a comprehensive feasibility study conducted 54 sites were considered against a set of criteria as previously reported on. A total of 4 sites were identified as being feasible:

- Louw's Bos (Farm 502, south of Stellenbosch)
- Culcatta (Farm 29, north of Koelenhof)
- Meerlust (Portion 1 of Farm Meer Lust No 1006, Groot-Drakenstein)
- De Novo (Portion 10 of Farm De Novo No 727, south of Muldersvlei)

Of the 4 sites 2 were included in the process of acquiring the necessary environmental and land use approvals for the establishment of a cemetery. These 2 sites were Louw's Bos and Culcatta. Even though the Meerlust site is ideally located (in terms of need for burial space) it was (for the time being) excluded due to risks associated with the site's location in close proximity to an existing settlement. The National Health Act, 61 of 2003, Regulations Relating to the Management of Human Remains (Government Notice R363). The De Novo site (property of the Department of Transport and Public Works) was excluded due to uncertainty regarding the long term use of the property.

Both sites (Louw's Bos and Culcatta) require the following approvals:

- Environmental Authorization (in terms of the National Environmental Management Act, 107 of 1998, Environmental Impact Assessment Regulations)
- Water Use Licensing (in terms of the National Water Act, 36 of 1998)
- Land Use Approval (in terms of the Stellenbosch Land Use Planning By-Law)

The process of acquiring all 3 sets of approvals for both sites are at different stages of conclusion.

Since the previous progress report that served in the above regard the Minister: Department of Environmental Affairs and Development Planning has upheld an appeal on the Environmental Authorisation issued in terms of the National Environmental Management Act, 107 of 1998, on the Louw's Bos proposal (Annexure 8). Stellenbosch Municipality's only recourse on the matter is to apply to the Western Cape High Court to have the Minister's decision reviewed.

Both sites, Louw's Bos and Culcatta (individually), has the potential to provide for Stellenbosch Municipality's burial need for a substantial period of time (estimated ± 30 years). The development of either one (or both) of the memorial parks, as proposed, will represent a substantial financial investment, in the form of access, perimeter fence, internal infrastructure, from Stellenbosch Municipality. With this in mind it is this department's opinion that a decision on whether to further pursue the development of Louw's Bos as a cemetery be delayed until such time as the Land Use (appeal) - and Water Use process for Culcatta has been finalised. It may be that Culcatta's capacity to provide for Stellenbosch Municipality's burial need for the medium- and long term is regarded as sufficient as to not pursue a potentially financially draining endeavour of taking the Minister's decision on Louw's Bos Environmental Authorization on review.

5. RECOMMENDATION

that the report on the status of the project: Identification and acquisition of authorisations and approvals for the establishment of one or more regional cemeteries for Stellenbosch Municipality, be noted.

6. DISCUSSION / CONTENTS

6.1 Background

The provision and maintenance of cemeteries, funeral parlors and crematoria is a function vested in local government in terms of Schedule 5 (Part B) of the Constitution of the Republic of South Africa, 108 of 1996.

Stellenbosch Municipality (the Municipality), like most of its neighboring local authorities, have a shortage in burial space. In reaction to the shortage of burial space the Municipality during 2016 started with a project of identifying and developing one or more regional cemetery sites within the WC024 area to provide for the whole of the municipality for the foreseeable future.

6.2 **Discussion****History:**

The Municipality's burial space in existing cemeteries are under pressure. The development of suitable cemetery sites to provide capacity in this regard has become critical.

An Item (listed under 6.6 below and attached under Annexure 1) that served before Council during 2015 reported the status of burial space within the Municipality and the need to provide for additional burial space. The above Council Meeting resolved that the situation pertaining to burial space in the municipality is acknowledged and that various possible sites be investigated as a solution to the burial space needed. The then Department Planning & Economic Development subsequently initiated a tender process in terms of which the following call for proposals was issued:

- a) *the establishment of a professional team for the identification of suitable sites for the establishment of one or more regional cemetery sites of 30 ha and more within Stellenbosch Municipality;*
- b) *the preparation and the submission of applications for authorisation of a municipal cemetery, including all specialist assessments related to the activities;*
- c) *the planning and design of all related services infrastructure for the cemetery; and*
- d) *the planning and design of the cemetery and establishing a cemetery register in accordance with the layout.*

CK Rumboll & Partners were appointed during June 2016 in the above regard after the tender process was successfully concluded and commenced with the identification and feasibility study of the various sites.

During 2017, after the identification and feasibility study of the various sites were completed, Council resolved (Resolution included under Annexure 2) that it supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired. Following the above Council Resolution these sites were included in a Pre-Application (in terms of the National Environmental Management Act, 107 of 1998) process which included a public participation process. This was done to screen out any potential issues that might occur during an official application process.

Of the 4 sites 2 (Louw's Bos and Culcatta) were included in the process of acquiring the necessary environmental and land use approvals for the establishment of a cemetery (see the Memorandum [May 2018] in this regard submitted to the Municipal Manager included under Annexure 3).

The 2 remaining sites were (for the time being) excluded from the process after a process of communication with the land owner (Department of Transport and Public Works) and the long term intention of the property could not be established as well as risks associated with the location of the Meerlust site relevant to existing settlements a boreholes.

Approvals (progress):

Both sites (Louw's Bos and Culcatta) require the following approvals:

- Environmental Authorization (in terms of the National Environmental Management Act, 107 of 1998, Environmental Impact Assessment Regulations)
- Water Use Licensing (in terms of the National Water Act, 36 of 1998)
- Land Use Approval (in terms of the Stellenbosch Land Use Planning By-Law).

Environmental Authorization

Applications for Environmental Authorization to the Department of Environmental Affairs and Development Planning for both sites followed a range of specialist studies including geological, archaeological, paleontology, freshwater, heritage, visual, botanical and geohydrological assessments conducted.

Louw's Bos: Environmental Authorisation (EA) issued 22 January 2020 (Annexure 4). The above EA issued by the Department of Environmental Affairs and Development Planning was appealed against by a group of landowners in the vicinity of the proposed development. Stellenbosch Municipality has, through its appointed Environmental Assessment Practitioner, submitted its corresponding papers and is awaiting the decision from the Minister on the appeal received.

Culcatta: Environmental Authorisation issued 20 September 2019 (Annexure 5).

Water Use Licensing

Applying for water use includes a number of phases (Pre-Application Phases / Phase 1: Pre-Application Meeting / Phase 2: Draft Application / Phase 3: Final Submission).

Louw's Bos: Application submitted to the Department Water and Sanitation September 2019.

Culcatta: Final Submission to the Department Water and Sanitation made November 2019. Awaiting a decision on a General Authorization.

Land Use Approval

As both sites are the property of the Municipality both land use applications were referred to the Municipal Planning Tribunal for a decision.

Louw's Bos: Land use application approved by the Municipal Planning Tribunal on 28 August 2020 (Annexure 6).

Culcatta: Land use application approved by the Municipal Planning Tribunal (MPT) on 26 June 2020 (Annexure 7). Appeal received on the MPT decision.

Planning:

Both sites are planned in a manner that does not conform to the traditional way people think of graveyards (as areas used solely for burial purposes, i.e. predominantly rows of graves), but rather as memorial parks visited for a range of activities other than burials. Together these sites will consist of a combined area of 30 hectare of burial space (traditional graves).

During the 2017/18 financial year a total number of 810 people were buried in the Municipality. This equates to 67.5 burials per month. The general formula for calculating traditional grave (i.e. interment) space, as set out by the Western Cape Department of Environmental Affairs and Development Planning, is determined at 2 000 graves per hectare or alternatively 5m² per traditional grave, including 10% for circulation. In the planned Culcatta cemetery and memorial park alone, approximately 11 hectare is proposed for grave space. Using the formula provided by the Department of Environmental Affairs and Development Planning, 22 000 traditional graves may be provided for as set out below.

$$11 \text{ ha} \times 2\,000 = 22\,000 \text{ graves} \quad 22\,000/810 = \mathbf{27 \text{ years}}$$

$$110\,000 / 5\text{m}^2 = 22\,000 \text{ graves}$$

The planned Culcatta site should provide sufficient traditional interment space for approximately the next 27 years.

6.3 Financial Implications

On completion of this project (acquisition of the approvals), which is expected to conclude during 2020, it is estimated that the establishment / development of the 2 sites will cost in the order of R34 000 000-00 over the next 5 years.

6.4 Legal Implications

The provision and maintenance of cemeteries, funeral parlors and crematoria is a function vested in local government in terms of Schedule 5 (Part B) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).

6.5 Staff Implications

This progress report has no staff implications to the Municipality.

Given the size of the cemetery sites additional dedicated staff will have to be appointed for the day-to-day maintenance and upkeep of both or either site.

6.6 Previous / Relevant Council Resolutions**27TH Council Meeting: 2015-02-25: Item 7.4****RESOLVED** (nem con)

- (a) that the current situation pertaining to burial space in WC024, be noted by Council; and
- (b) that the following sites which were identified, be investigated as a solution to the critical burial space needed:
 - (i) Erf 619/1: Municipal owned land zoned for agricultural use. This land is approximately 29 ha not in lease currently;
 - (ii) Louw's Bos plantation: The plantation operation has been stopped and the area is currently Fynbos area;
 - (iii) De Novo existing cemetery is owned by Department of Transport and Public Works;
 - (iv) Franschhoek Valley: La Motte – Farm 1339/1 (Public Works);
 - (v) Wemmershoek: Farm 1024/1 (Stellenbosch Municipality).
 - (vi) Dennegeur: Erf 3666 (Private).
 - (vii) Klapmuts: Farm 748/40 (Private).
 - (viii) Stellenbosch: Onder Papegaaiberg – Re Farm 183 (Stellenbosch Municipality)
 - (ix) Jamestown: Farm 1166 (Private).

8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2**RESOLVED** (nem con)

- (a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;
- (b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;

- (c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and
- (d) that Council authorises the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries.

6.7 Risk Implications

The direct risk to the Municipality is the reality that the WC024 cemeteries have reached its capacity and will run out of burial space over the next few years.

RECOMMENDATIONS FROM PARKS, OPEN SPACES AND ENVIRONMENT COMMITTEE MEETING: 2021-03-08: ITEM 5.1.1

that the report on the status of the project: Identification and acquisition of authorisations and approvals for the establishment of one or more regional cemeteries for Stellenbosch Municipality, be noted.

ANNEXURES

Annexure 1: Council Resolution 2015

Annexure 2: Council Resolution 2017

Annexure 3: Memorandum to the Municipal Manager (May 2018)

Annexure 4: Environmental Authorisation (Louw's Bos) (22 January 2020)

Annexure 5: Environmental Authorisation (Culcatta) (20 September 2019)

Annexure 6: Municipal Planning Tribunal Meeting Minutes (28 August 2019)

Annexure 7: Municipal Planning Tribunal Meeting Minutes (26 June 2019)

Annexure 8: Minister's Decision on the Louw's Bos appeal (22 January 2021)

FOR FURTHER DETAILS CONTACT:

NAME	Schalk van der Merwe
POSITION	Environmental Planner
DIRECTORATE	Community and Protection Services
CONTACT NUMBERS	021 808 8679
E-MAIL ADDRESS	schalk.vandermerwe@stellenbosch.gov.za
REPORT DATE	15 February 2021

5.2	DELEGATED MATTERS
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5.2.1	MONTHLY REPORT: SEPTEMBER 2020: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES
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Collaborator No: 696721

IDP KPA Ref No: Green and Sustainable Valley

Meeting Date: 08 March 2021

1. SUBJECT: SEPTEMBER 2020: MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES

2. PURPOSE

To notify the Committee of the monthly activities (**ANNEXURE A**) that were conducted by the Sections: Environmental Management, Parks and Cemeteries for September 2020.

3. DELEGATED AUTHORITY

For notification by the Portfolio Committee.

4. EXECUTIVE SUMMARY

To present the monthly activity report of the Sections: Environmental Management, Parks and Cemeteries for the month of September 2020 to the Committee for notification.

**PARKS, OPEN SPACES AND ENVIRONMENT COMMITTEE MEETING: 2021-03-08:
ITEM 5.2.1**

NOTED

the monthly report for September 2020, by Environmental Management, Parks and Cemeteries.

5.2.2	MONTHLY REPORT: OCTOBER 2020: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES
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Collaborator No:

IDP KPA Ref No: Green and Sustainable Valley

Meeting Date: 8 March 2021

1. SUBJECT: OCTOBER 2020: MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES

2. PURPOSE

To notify the Committee of the monthly activities (**ANNEXURE A**) that were conducted by the Sections: Environmental Management, Parks and Cemeteries for October 2020.

3. DELEGATED AUTHORITY

For notification by the Portfolio Committee.

4. EXECUTIVE SUMMARY

To present the monthly activity report of the Sections: Environmental Management, Parks and Cemeteries for the month of October 2020 to the Committee for notification.

**PARKS, OPEN SPACES AND ENVIRONMENT COMMITTEE MEETING: 2021-03-08:
ITEM 5.2.2**

NOTED

the monthly report for October 2020, by Environmental Management, Parks and Cemeteries.

5.2.3	MONTHLY REPORT: NOVEMBER 2020: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES
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Collaborator No: 702756

IDP KPA Ref No: Green and Sustainable Valley

Meeting Date: 8 March 2021

1. SUBJECT: NOVEMBER 2020: MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES

2. PURPOSE

To notify the Committee of the monthly activities (**ANNEXURE A**) that were conducted by the Sections: Environmental Management, Parks and Cemeteries for November 2020.

3. DELEGATED AUTHORITY

For notification by the Portfolio Committee.

4. EXECUTIVE SUMMARY

To present the monthly activity report of the Sections: Environmental Management, Parks and Cemeteries for the month of November 2020 to the Committee for notification.

**PARKS, OPEN SPACES AND ENVIRONMENT COMMITTEE MEETING: 2021-03-08:
ITEM 5.2.3**

NOTED

the monthly report for November 2020, by Environmental Management, Parks and Cemeteries.

5.2.4	MONTHLY REPORT: DECEMBER 2020: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES
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Collaborator No: 702761

IDP KPA Ref No: Green and Sustainable Valley

Meeting Date: 8 March 2021

1. SUBJECT: DECEMBER 2020: MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES

2. PURPOSE

To notify the Committee of the monthly activities (**ANNEXURE A**) that were conducted by the Sections: Environmental Management, Parks and Cemeteries for December 2020.

3. DELEGATED AUTHORITY

For notification by the Portfolio Committee.

4. EXECUTIVE SUMMARY

To present the monthly activity report of the Sections: Environmental Management, Parks and Cemeteries for the month of December 2020 to the Committee for notification.

**PARKS, OPEN SPACES AND ENVIRONMENT COMMITTEE MEETING: 2021-03-08:
ITEM 5.2.4**

NOTED

the monthly report for December 2020, by Environmental Management, Parks and Cemeteries.

5.2.5	MONTHLY REPORT: JANUARY 2021: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES
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Collaborator No: 702762

IDP KPA Ref No: Green and Sustainable Valley

Meeting Date: 8 March 2021

1. SUBJECT: JANUARY 2021: MONTHLY REPORT: ENVIRONMENTAL MANAGEMENT, PARKS AND CEMETERIES

2. PURPOSE

To notify the Committee of the monthly activities (**ANNEXURE A**) that were conducted by the Sections: Environmental Management, Parks and Cemeteries for January 2021.

3. DELEGATED AUTHORITY

For notification by the Portfolio Committee.

4. EXECUTIVE SUMMARY

To present the monthly activity report of the Sections: Environmental Management, Parks and Cemeteries for the month of January 2021 to the Committee for notification.

**PARKS, OPEN SPACES AND ENVIRONMENT COMMITTEE MEETING: 2021-03-08:
ITEM 5.2.5**

NOTED

the monthly report for January 2021, by Environmental Management, Parks and Cemeteries.

6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

7.	NOTICES OF MOTIONS AND NOTICES OF QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

8.	URGENT MATTERS
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NONE

9.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 11:10.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendment**