



REFERENCE: 14/2/4/2/1/A5/11/0012/19

ENQUIRIES: Ziyaad Allie

REGISTERED MAIL

The Managing Director
Atlas Towers (Pty) Ltd
100 Cecilia Square
PAARL
7646

Tel: (021) 870 1302
Fax: (086) 551 0550
Email: wessels@atlastowers.com

Attention: Mr Cornelis Wessels

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") FOR THE UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: UNLAWFUL DEVELOPMENT OF A 25m HIGH TELECOMMUNICATION MAST ON PORTION 47 OF FARM 222, CRAMMIX ROAD, BRACKENFELL

With reference to your application dated 05 June 2019 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below as described in the application dated 05 June 2019.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Atlas Towers Pty) Ltd.
c/o Mr Cornelis Wessels
Cecilia Square
100 Cecilia Street
PAARL
7646

Tel: (021) 870 1302

Fax: (086) 551 0550

Email: cwessels@atlastowers.com; wvonsolms@atlastowers.com

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R. 324 of 2014 – Activity Number: 3 Activity Description: <i>The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower;</i></p>	<p>The activity commenced in July 2018 and entailed the development of a 25m telecommunication mast. The mast is located on a property outside of the urban area, which is zoned as Agriculture</p>

<p><i>(a) is to be placed on a site not previously used for this purpose; and</i></p> <p><i>(b) will exceed 15 metres in height but excluding attachments to existing buildings and masts on rooftops.</i></p> <p><i>In the Western Cape</i></p> <p><i>i) All areas outside urban areas; or</i></p> <p><i>ii) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas.</i></p>	<p>and is currently being used for agricultural purposes.</p>
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The abovementioned list is hereinafter referred to as "the listed activities".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Portion 47 of Farm 222, off Crammix Road, Brackenfell, Cape Town.

The SG digit code is: C06700000000022200047

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 53' 26.18" South	18° 43' 16.83" East
2	33° 53' 31.85" South	18° 43' 14.46" East
3	33° 53' 34.34" South	18° 43' 15.60" East
4	33° 53' 32.53" South	18° 43' 19.68" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 53' 26.37" South	18° 43' 16.61" East
2	33° 53' 26.75" South	18° 43' 16.50" East
3	33° 53' 26.52" South	18° 43' 16.78" East
4	33° 53' 26.39" South	18° 43' 16.75" East

Refer to Annexure 1 (a) & (b): Locality Map and Annexure 2: Site Plan.
Herein-after referred to as "the site".

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

EnviroAfrica cc
c/o Mr Emile Esquire
P.O. Box 5367
HELDERBERG
7135

Tel: (021) 851 1616
Fax: (086) 512 0154
Email: emile@enviroafrica.co.za

F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The activity includes the construction of a 25m high tree design telecommunication mast on Portion 47 of Farm 222, Brackenfell. The holder commenced and completed the activity in 2018.

The telecommunication mast and base station consists of the following infrastructure:

- 3 Future equipment containers;
- A 2.4m high palisade fence for safety and security reasons;
- An access gate;
- A concrete mast foundation;
- Antennas attached to the top of the telecommunication mast;
- A lightning spike and navigation lights at the top of the mast;
- Electricity to power the mast is sourced from Eskom; and

The development footprint of the telecommunication base station is approximately 67m². Access to the site exists, thus no new roads were constructed.

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above in accordance with and restricted to the Implemented Alternative described in the application dated 05 June 2019 on the site as described in Section D above.
2. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. Any changes to, or deviations from the scope of the alternative described in Section F above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

PART II

Notification and administration of an appeal

4. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 4.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 4.1.1 the outcome of the application;
 - 4.1.2 the reasons for the decision as included in Annexure 3;
 - 4.1.3 the date of the decision; and
 - 4.1.4 the date when the decision was issued.

4.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.

4.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

4.4 provide the registered I&APs with:

4.4.1 the name of the holder (entity) of this Environmental Authorisation;

4.4.2 name of the responsible person for this Environmental Authorisation;

4.4.3 postal address of the holder;

4.4.4 telephonic and fax details of the holder;

4.4.5 e-mail address, if any, of the holder; and

4.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.

PART III

Management of the activity/development

5. The draft Environmental Management Programme ("EMPr") of June 2019 compiled by EnviroAfrica submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

6. The EMPr must be included in all contract documentation for all phases of implementation.

PART IV

Monitoring

7. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website (if applicable).

8. Access to the site referred to in Section D must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing

the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

PART V

Auditing

9. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, and the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VI

Activity/ Development Specific Conditions

10. The two existing trees on site must be retained as well as the existing palisade fence is to be painted green to minimise potential negative visual impacts.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental

authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –

- 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –
 - 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.
3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. This appeal and responding statement must be submitted to the address listed below-

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs &
Development Planning
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours faithfully



ADV. CHARMAINE MARÉ

DIRECTOR: ENVIRONMENTAL GOVERNANCE

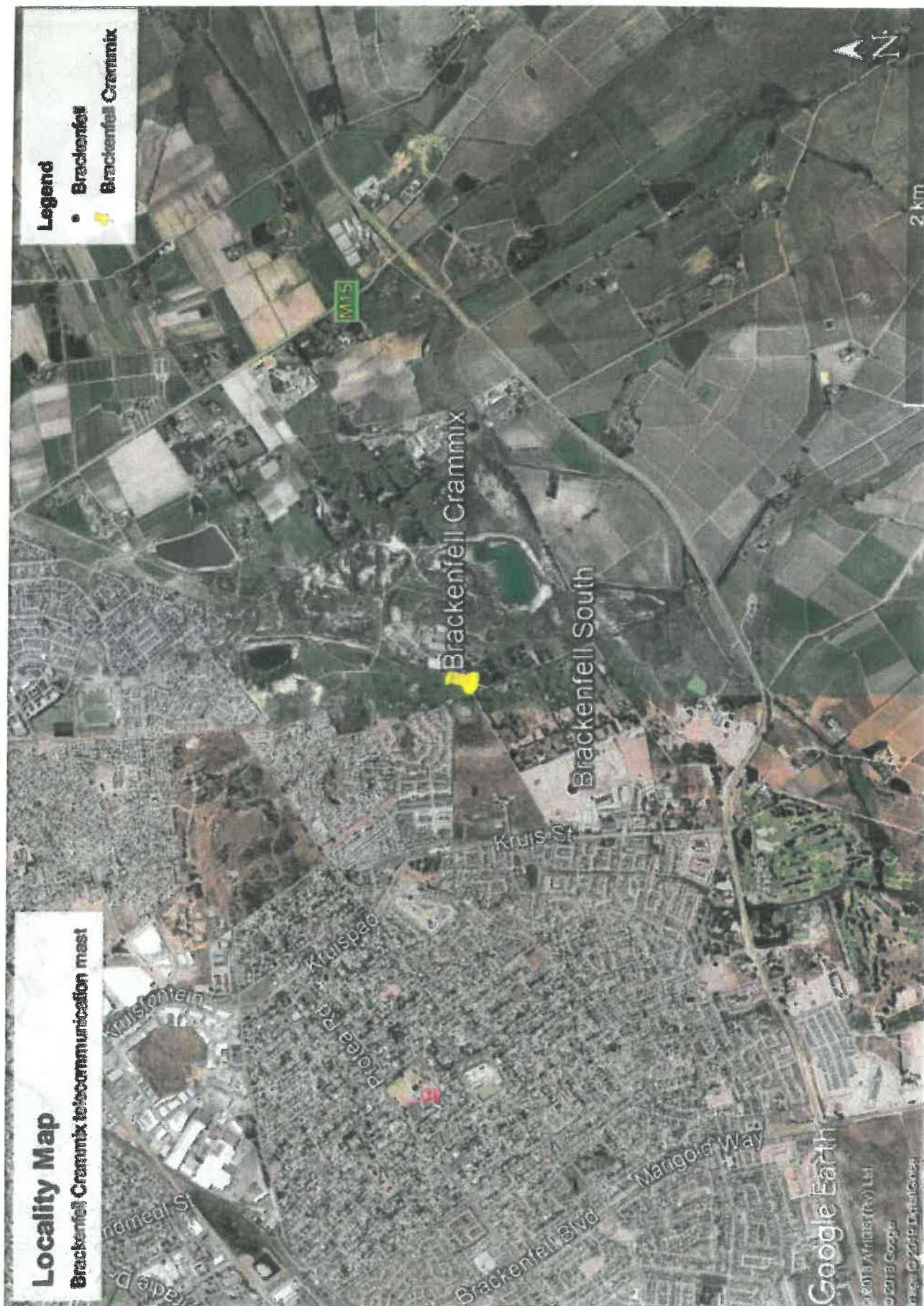
DATE OF DECISION: 31 January 2020

Copied to: (1) Emile Esquire (EAP)
(2) Mr Michael Duncan Dreyer (Landowner)

Email: emile@enviroafrica.co.za

Email: mike@c2mca.co.za

ANNEXURE 1 (a): LOCALITY MAP



ANNEXURE 1 (b): LOCALITY MAP



FOR OFFICIAL USE ONLY:

S24G REFERENCE: 14/2/4/2/1/A5/11/0012/19

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R50 000 (Fifty thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

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

- a) The information contained in the application form dated 05 June 2019 and the EMPr submitted together with the application.
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures.

- f) The site visit conducted on -

Date: 12 September 2019

Attended by: Mr Ziyaad Allie (an official from this Department).

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

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the **Tygerburger** newspaper on 20 February 2019;
- A site notice was erected on 05 February 2019; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 03 April 2019.
- I&APs were afforded the opportunity to provide comments on the application.

1.1 Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- Heritage Western Cape (HWC)
- City of Cape Town (CoCT)

At the end of the public participation process, only two comments were received from HWC and the CoCT which did not raise any objections regarding the installation of the telecommunication mast. The CoCT stated that the two existing trees on the site must be retained and the existing palisade fence is to be painted green to minimise any negative visual impacts. Furthermore, the CoCT stated their support of the application subject to the conditions as previously mentioned.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

2.1 Site/Activity Alternatives

Alternative 1 (Herewith authorised)

This entails the development of a 25m high tree design telecommunication mast on Portion 47 of Farm 222, Brackenfell. The telecommunication mast and base station consists of the following infrastructure:

- 3 Future equipment containers;
- 2.4m high palisade fence for safety and security reasons;
- An access gate;
- A concrete mast foundation;
- Antennas were attached to the top of the telecommunication mast;
- Lightning spike and navigation lights at the top of the mast;
- Electricity to power the mast is sourced from Eskom;

The development footprint of the telecommunication base station is approximately 67m². Access to the site exists, thus no new roads were constructed.

2.2 The option of not implementing or continuing with the activity ("No-Go" Alternative)

No other alternatives were considered as the 25m high tree telecommunication mast is already constructed and fully operational.

According to the assessment, the option of ceasing the activity, and its associated infrastructure and rehabilitation of the site is unreasonable and unfeasible. Although this option would result in no potential negative environmental impacts, the social benefits from implementing the activity would not be achieved. A more efficient telecommunications service, considered as essential for the business sector and private/social communication, would therefore not be achieved.

3. **Environmental Impact Assessment (EIA) and Mitigation Measures**

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Regional/ Planning Context

The site is located outside of the urban edge and is surrounded by agricultural land uses. Normandie Estate is the nearest built-up area and is located approximately 250m north-west of the proposed site. The telecommunication mast is not likely to have a negative impact on the planning context of the area from a regional perspective. A consent use was obtained from the City of Cape Town on 19 May 2017. The benefits of telecommunications services in modern society has already been realised and is potentially limitless.

3.2. Biophysical Impacts

The development of the telecommunication mast had negligible impact on the biophysical and biodiversity of the receiving environment.

3.3. Visual / Sense of Place

The development of the telecommunication mast has a low negative visual impact on the receiving environment.

4. **NEMA Principles**

The National Environmental Management Principles (set out in section 2 of the NEMA), which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----

Nabeelah Khan

From: Microsoft Outlook
To: emile@enviroafrica.co.za
Sent: Friday, January 31, 2020 11:34 AM
Subject: Relayed: 14/2/4/2/1/A5/11/0012/19 - Environmental Authorisation Farm 222, Crammix Road, Brackenfell

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

emile@enviroafrica.co.za (emile@enviroafrica.co.za)

Subject: 14/2/4/2/1/A5/11/0012/19 - Environmental Authorisation Farm 222, Crammix Road, Brackenfell

Nabeelah Khan

From: Microsoft Outlook
To: wessels@atlastowers.com
Sent: Friday, January 31, 2020 11:34 AM
Subject: Undeliverable: 14/2/4/2/1/A5/11/0012/19 - Environmental Authorisation Farm 222, Crammix Road, Brackenfell



Your message to wessels@atlastowers.com couldn't be delivered.

[wessels](mailto:wessels@atlastowers.com) wasn't found at [atlastowers.com](mailto:wessels@atlastowers.com).

Nabeelah.Khan

Action Required

Unknown To address

Office 365

wessels
Recipient

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.

- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: [Fix email delivery issues for error code 5.1.1 in Office 365](#), and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? [Send feedback to Microsoft](#).

More Info for Email Admins

Status code: 550 5.1.1

This error occurs because the sender sent a message to an email address outside of Office 365, but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected.

Nabeelah Khan

From: Microsoft Outlook
To: Ziyaad Allie
Sent: Friday, January 31, 2020 11:35 AM
Subject: Delivered: 14/2/4/2/1/A5/11/0012/19 - Environmental Authorisation Farm 222, Crammix Road, Brackenfell

Your message has been delivered to the following recipients:

[Ziyaad Allie \(Ziyaad.Allie@westerncape.gov.za\)](mailto:Ziyaad.Allie@westerncape.gov.za)

Subject: 14/2/4/2/1/A5/11/0012/19 - Environmental Authorisation Farm 222, Crammix Road, Brackenfell

Nabeelah Khan

From: Emile Esquire <emile@enviroafrica.co.za>
Sent: Friday, January 31, 2020 11:57 AM
To: Nabeelah Khan; wessels@atlastowers.com
Cc: Ziyaad Allie; mike@c2mca.co.za
Subject: RE: 14/2/4/2/1/A5/11/0012/19 - Environmental Authorisation Farm 222, Crammix Road, Brackenfell

Dear Nabeelah,

Your e-mail with attached correspondence dated 31 January 2020, refer.

I hereby acknowledge receipt of the attached Environmental Authorisation dated 31 January 2020.

Kind regards,

Emile Esquire



EnviroAfrica

Environmental Consultant

EnviroAfrica cc

p: +27 21 851 1616

f: +27 86 512 0154

a: Unit 7, Pastorie Park, Reitz St, Somerset West, 7130

P.O. Box 5367, Helderberg, 7135

w: www.enviroafrica.co.za e: emile@enviroafrica.co.za

From: Nabeelah Khan <Nabeelah.Khan@westerncape.gov.za>

Sent: Friday, 31 January 2020 11:34 AM

To: wessels@atlastowers.com

Cc: Ziyaad Allie <Ziyaad.Allie@westerncape.gov.za>; emile@enviroafrica.co.za; mike@c2mca.co.za

Subject: 14/2/4/2/1/A5/11/0012/19 - Environmental Authorisation Farm 222, Crammix Road, Brackenfell
Importance: High

Good day Mr. Cornelis Wessels

I trust you are well.

Please find the attached letter for your attention.

Kind Regards

Nabeelah Khan
Administrative Officer
Sub-Directorate: Rectification
Directorate: Environmental Governance
Department of Environmental Affairs and Development Planning

1st Floor, 1 Dorp Street, Leeusig Building, Cape Town, 8001

Telephone : 021 483 5827

Facsimile : 021 483 4033

Email : nabeelah.khan@westerncape.gov.za

Website : www.westerncape.gov.za/eoadp



Western Cape
Government

BETTER TOGETHER.