



14/3/1/B3/11/0400/19

Mr J. van Schalkwyk  
Coast to Coast Towers (Pty) Ltd.  
PO Box 47  
**DURBANVILLE**  
7550

Tel.: (021) 975 5987  
Email: jaco@ftp-consult.co.za

Dear Mr van Schalkwyk

**APPEALS LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION ISSUED FOR THE DEVELOPMENT OF A TELECOMMUNICATION BASE STATION AND ASSOCIATED INFRASTRUCTURE ON PORTION 8 OF THE FARM 1003 DELTA, GROOT DRAKENSTEIN**

The appeals lodged against the Environmental Authorisation ("EA") in the above regard issued by the Department of Environmental Affairs and Development Planning on 19 February 2019, refer.

After considering all relevant facts and supportive documents, I wish to advise that, in terms of section 43(6) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA"), I have decided to dismiss the appeals and confirm the abovementioned decision of the delegated officer. The original Environmental Authorisation ("EA") granted on 19 February 2019 and the conditions under which the authorisation was granted are therefore still valid, however Condition E8 and section G are excluded from this appeal decision and Conditions E2 and E7 have been amended to read as follows:-

**Condition E2**

The appeal Environmental Authorisation is valid for a period of five (5) years from the date of this appeal decision, within which commencement must occur.

**Condition E7**

The holder of the appeal Environmental Authorisation must within fourteen (14) calendar days of the date of the decision give written notice to all the interested and affected parties and organs of state of the appeal decision. The notice must inform the relevant parties of –

- (a) the outcome of the decision;
- (b) the date of the decision; and
- (c) draw the attention of all the relevant parties to the manner in which they may access the decision

### **REASONS FOR THE DECISION:**

The reasons outlined in the original EA are applicable to the appeal decision and the following are additional reasons:

#### I. Authority to apply

As stated by the EAP, the representative of the person in control of the land was changed prior to the submission of the final Basic Assessment Report ("BAR") which prompted to withdrawal of the Power of Attorney due to a misunderstanding.

A new Power of Attorney has been signed which allowed the applicant to proceed with the Environmental Impact Assessment ("EIA") application for the proposed cellular communication base station, without which the application would have been deemed invalid as Regulation 39(1) of the EIA Regulations, 2014 states –

*"If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land."*

I am satisfied that a valid written consent was in place when the EIA application was lodged and that the initial withdrawn Power of Attorney was replaced with a new consent signed by the acting chairperson Mr Jonathan Boulton on behalf of the Groot Drakenstein Games Club.

#### II. Visual Impact

The slim design of the monopole mast reduces the visual impact and becomes less visible as the distance from the mast increases. The monopole design easily blends into the surrounding environment.

The lattice design comprises of a triangular base with three sides and can resemble industrial infrastructure or overhead powerline infrastructure. It was concluded that this design alternative would be inappropriate in the area.

The proposed height of 25-m will be to accommodate multiple operators and allow for co-location, thus increase cellular coverage in the area while reducing the need for base stations.

A Visual and Environmental Specialist was consulted during the Environmental Impact Assessment ("EIA") application. Christoff du Plessis conducted a site visit to the proposed site and made the professional recommendation, on site, in consultation with the applicant and EAP that a Visual Impact Assessment ("VIA") and a tree mast would not be required in this instance, based on the specific location of the mast, i.e. behind tall surrounding trees and the adjacent land uses. The monopole mast and lattice mast was thus chosen as design alternatives for consideration.

The proposed placement of a monopole design mast amongst the trees will provide screening of the containers housing the operator's infrastructure and the bulk of the mast. Painting the monopole mast green will further mitigate the visual impact.

A VIA was undertaken as part of the responding statement, by Visual Specialist Christoff du Plessis, who has completed more than 15 VIAs, and reviewed by Independent Review Specialist Dr. Herman Booysen. The VIA does not provide any new recommendations and conclusions and support the EAP's Basic Assessment Report Application and the Department's decision to grant the EA for the preferred alternative design, location and mitigation- and management- measures for implementation.

The VIA concluded that:

- o Different location alternatives will not make a difference to the visual impact;
- o Due to the presence of tall trees situated at different distances around the proposed mast effect in the short distance zone;
- o A tree mast is not recommended, as it does not resemble the naturally occurring trees and may even draw more visual attention to the mast than the preferred slim-line monopole mast that is painted dark green; and
- o In the medium to long distance range, the monopole mast will be suitably visually mitigated by recommended mitigation- and management measures. Due to the mitigating effect of tall trees and the topography, tourist routes such as the R45 and R301 will not be impacted.

*"The visual impact within the short and moderate to low. Within the medium to long distance zone the visual impact will be moderate due to the churches situated towards the west. Beyond the five kilometer (5 km) mark the visual impact is considered to be negligible and low due to the limited observers within the area and the distance to the mast. The Tree mast will be more suitable within the short distance zone; however, as distance between the observer and the proposed development increases a monopole is more suitable. As the tree mast does not resemble natural trees within the environment attention will be drawn easier to it than that of a monopole mast. The visual Specialist will therefore recommend that a monopole mast be constructed. Alternative locations were assessed on Portion 8 of the Farm Delta No. 1003; however, it does not make a difference in terms of visual exposure as illustrated in Figure 14. If all mitigation measures are implemented by the Developer the visual impact will be low to moderate on residence residing within a five kilometer (5 km) radius as well as to commuters making use of the R45 and the R301 and tourists visiting the surrounding tourist attractions. Taking into account the visual exposure within the ten kilometer (10 km) radius, the*

visual impact will be low. Where possible a monopole mast should be developed, and painted green in order to blend in with the surrounding vegetation. "

I am satisfied that the visual impact of the proposed mast was considered. The location and design of the proposed mast sufficiently mitigates the visual impacts associated with it, and that no further investigation was required during the Basic Assessment Process.

### III. Mobile Network Operator contracts

As stated in the responding statement, no contracts can be signed with any Mobile Network Operator ("MNO") until the proposed mast is constructed.

The risk of obtaining all the relevant approvals is being borne by Coast to Coast Towers (Pty) Ltd be able to secure any MNO.

I conclude and am satisfied that the proposed mast will not be constructed until Coast to Coast Towers (Pty) Ltd will be at an advanced stage in securing MNOs.

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. In terms of the NEMA Principles, the effects of decisions on all aspects of the environment are to be taken into account. As such, the consideration, assessment and evaluation of the social, economic and ecological impacts of activities (disadvantages and benefits) must be undertaken, and decisions are to be appropriate in the light of such consideration and assessment.

In view of the above, the NEMA principles, compliance with the conditions stipulated in the EA, and compliance with the conditions of the EMP, the proposed development will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and any potentially detrimental environmental impacts resulting from the proposed development can be mitigated to acceptable levels.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



**ANTON BREDELL**  
**WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,**  
**ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE: 5/12/2019



14/3/1/B3/11/0400/19

Ms Dynielle Daem  
27 Deltacrest Country Estate  
Delta Road  
**GROOT DRAKENSTEIN**  
7680

E-mail: [dynielle@aol.com](mailto:dynielle@aol.com)

Dear Ms Daem

**APPEALS LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION ISSUED FOR THE DEVELOPMENT OF A TELECOMMUNICATION BASE STATION AND ASSOCIATED INFRASTRUCTURE ON PORTION 8 OF THE FARM 1003 DELTA, GROOT DRAKENSTEIN**

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Attached please find a copy of my appeal decision addressed to the applicant containing the reasons for my appeal decision.

Yours faithfully

**ANTON BREDELL**  
**WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE: 5/12/2019



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Mr H van Vuuren  
P O Box 3089  
**PAARL**  
7680

Email: [herman@xray.co.za](mailto:herman@xray.co.za)

Dear Mr van Vuuren

**APPEALS LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION ISSUED FOR THE DEVELOPMENT OF A TELECOMMUNICATION BASE STATION AND ASSOCIATED INFRASTRUCTURE ON PORTION 8 OF THE FARM 1003 DELTA, GROOT DRAKENSTEIN**

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Mr Nathan & Ms Randi Foster  
18 Delta Crest Estate  
Solms-Delta Farm  
**GROOT DRAKENSTEIN**  
7680

Email: [natefos@gmail.com](mailto:natefos@gmail.com)

Dear Mr & Ms Foster

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**ANTON BREDELE**  
**WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,  
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

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14/3/1/B3/11/0400/19

Mr A Bayne  
H16 Delfacrest Country Estate  
Simondium Road  
**GROOT DRAKENSTEIN**  
7680

E-mail: [Anthony.bayne@rothschildandco.com](mailto:Anthony.bayne@rothschildandco.com)

Dear Mr Bayne

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