

EIA REFERENCE: 16/3/3/1/E4/11/1070/21
NEAS REFERENCE: WCP/EIA/0001015/2021
DATE OF ISSUE: 29 March 2022

The Applicant
SBA Towers South Africa (Pty) Ltd.
Postnet Suite 174,
Private Bag X3036
PAARL
7620

Attention: Mr. W. von Solms

Tel: 021 870 1368
E-mail: wvonsolms@atlastowers.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED CONSTRUCTION OF A TELECOMMUNICATION MAST WITH A HEIGHT OF 25M AND ASSOCIATED INFRASTRUCTURE ON PORTION 3 OF THE FARM NO. 452, GRABOUW.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1). Mr. M. Leach (Enviroworks (Pty) Ltd.)
(2). Mr. J. Viljoen (Theewaterskloof Municipality)
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED CONSTRUCTION OF A TELECOMMUNICATION MAST WITH A HEIGHT OF 25M AND ASSOCIATED INFRASTRUCTURE ON PORTION 3 OF THE FARM NO. 452, GRABOUW.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred alternative as described in the Basic Assessment Report ("BAR"), received on 21 February 2022.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Applicant
SBA Towers South Africa (Pty) Ltd.
Postnet Suite 174,
Private Bag X3036
PAARL
7620

Tel: 021 870 1368
E-mail: wvonsolms@atlastowers.com

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

B. LISTED ACTIVITY AUTHORISED

| Listed Activity | Project Description |
|--|---|
| <p>Listing Notice 3 Activity Number: 3 <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>(a) <i>is to be placed on a site not previously used for this purpose; and</i></p> <p>(b) <i>will exceed 15 metres in height-</i></p> <p><i>but excluding attachments to existing buildings and masts on rooftops.</i></p> <p>i. Western Cape:</p> <p>i. All areas outside urban areas;</p> <p>ii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas; or</p> <p>iii. Areas zoned for use as public open space or equivalent zoning within urban areas.</p> | <p>The proposed development of a 25m high telecommunication mast, located outside the urban area.</p> |

The abovementioned list is hereinafter referred to as “**the listed activity**”.

The holder is herein authorised to undertake the following alternative as it relates to the listed activity:

The proposed development will entail the development of a 25m high tree type mast and associated infrastructure on Portion 3 of the Farm No. 452, Grabouw. Associated antennas and microwave dishes will be attached to the mast with equipment containers located at the foot of the mast. The compound will be surrounded by a 2.4m high palisade fence and will occupy an area of approximately 100m². The power supply for the proposed development will be obtained via a nearby power point. Access to the site will be gained from existing farm roads.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on portion 3 of the Farm Elgin Valley No 452, Grabouw and has the following co-ordinates:

| | | | |
|---------------|-----|-----|--------|
| Latitude (S) | 34° | 12' | 35.56" |
| Longitude (E) | 19° | 02' | 32.28" |

The SG digit code: C0130000000045200003

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

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

c/o Mr. M. Leach
Enviroworks
Private Bag X2
CENTURY CITY
7446

Cell: 076 965 8002

Email: michael@enviroworks.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred Alternative described in the BAR received on 21 February 2022 on the site as described in Section C above.
2. The holder must commence with the listed activity on the site within a period of **five (5) years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10) years** from the date of commencement of the Listed Activity.
4. 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.
5. Any changes to, or deviations from the scope of the alternative described in section B 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 in order 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.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1. notify all registered Interested and Affected Parties (“I&APs”) of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. 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 F below;
 - 7.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4. provide the registered I&APs with:
 - 7.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the holder,
 - 7.4.4. telephonic and fax details of the holder,
 - 7.4.5. e-mail address, if any, of the holder,
 - 7.4.6. 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 2014 National Appeals Regulations.
8. The listed activity, including site preparation, may not commence within **20 (twenty)** calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

9. The draft or Environmental Management Programme (“EMPr”) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer (“ECO”), or site agent where appropriate, before commencement of the proposed development to ensure compliance with the provisions of the EMPr, and the conditions contained herein. The ECO must conduct site visits as prescribed in the EMPr.

12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above 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.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person, that is not the ECO referred to in Condition 11 above and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

An audit report must be compiled and subsequently submitted to the competent authority within 2 months of completion of the development.

The holder must, within 7 days of the submission of the above-mentioned report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
18. All noise and sounds generated during the proposed development must comply with the relevant SANS codes and standards and the relevant noise regulations.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for the activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
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.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809, 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 29 MARCH 2022

Copies to: (1). Mr. M. Leach (Enviroworks (Pty) Ltd.)
(2). Mr. J. Viljoen (Theewaterskloof Municipality)
(3). Mr. J. van Almenkerk (Ama Casa Props 35 cc)

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ANNEXURE 1: LOCALITY MAP

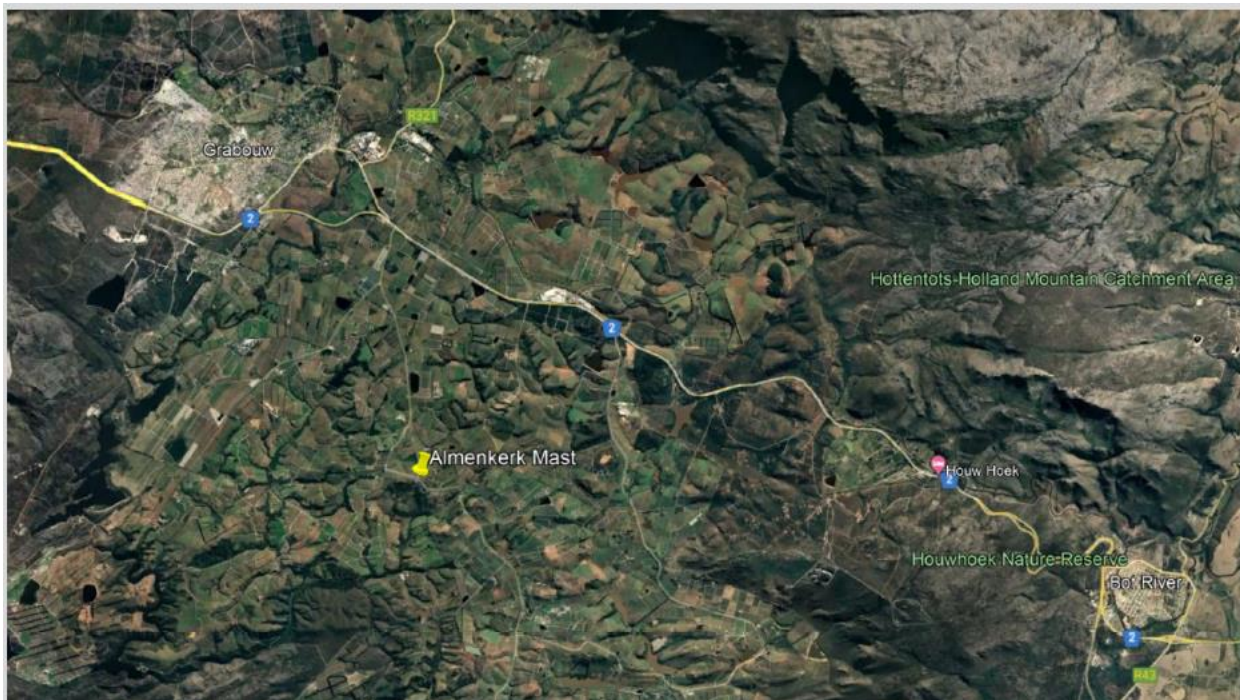


Figure 1: Location of portion 3 of the Farm Elgin Valley No 452, Grabouw

ANNEXURE 2: SITE PLAN

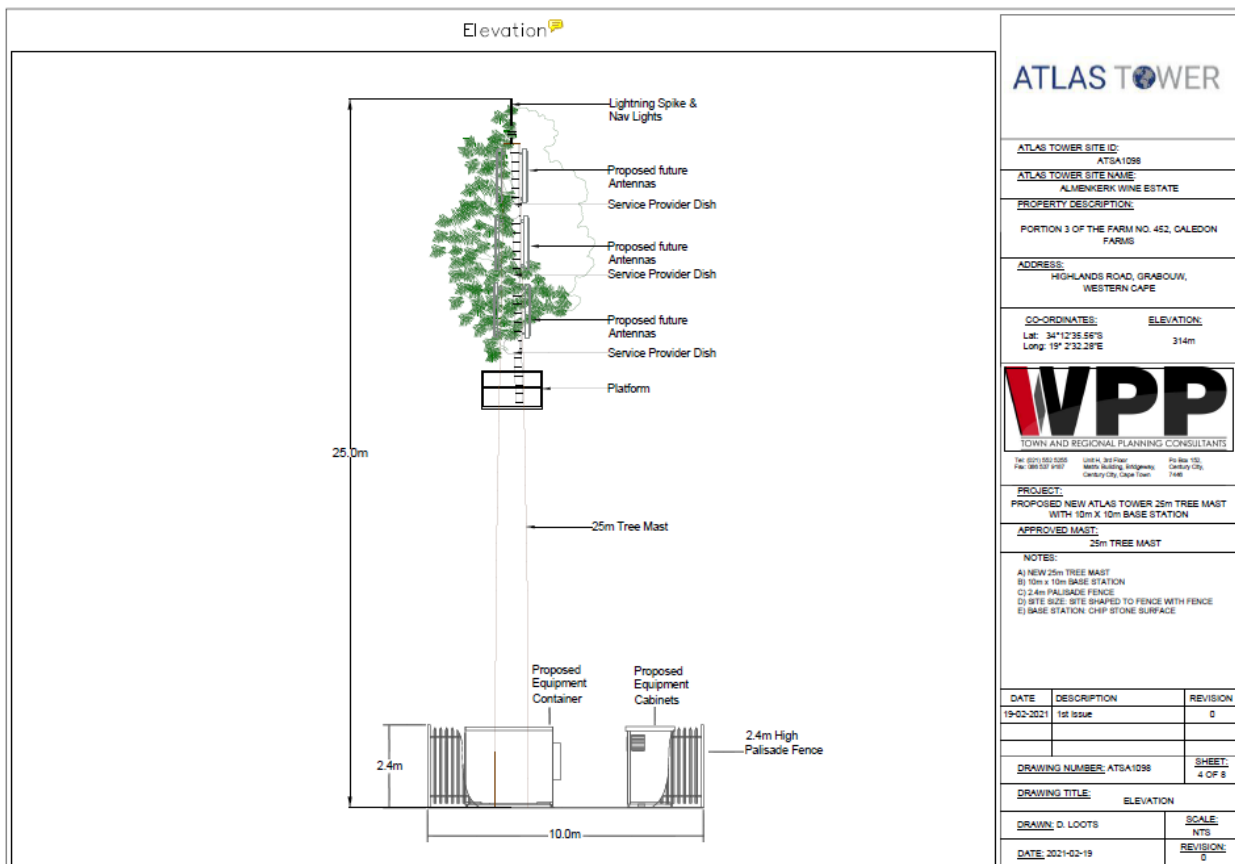


Figure 2: Proposed site plan

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form received by the Department on 15 November 2021 and the EMPr submitted together with the Basic Assessment Report on 21 February 2022.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 21 February 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the site where the listed activity is to be undertaken were placed at the site entrance from 02 December 2021;
- the placing of a newspaper advertisement in the "*Hermanus Times*" on 01 December 2021;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councilor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity;
- making the draft BAR available to I&AP's for comment from 02 December 2021 to 24 January 2022.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and that the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Design alternatives

Two design alternatives have been considered for the mast. These entailed a tree type or a lattice mast. A tree type mast was preferred (herewith authorised) as it will have a lower visual impact compared to the lattice mast and it will fit in with the surrounding area.

Preferred alternative (herewith authorised)

This alternative entails the development of a 25m high tree type mast and associated infrastructure on Portion 3 of the Farm No. 452, Grabouw. Associated antennas and microwave dishes will be attached to the mast with equipment containers located at the foot of the mast. The compound will be surrounded by a 2.4m high palisade fence and will occupy an area of approximately 100m². The power supply for the proposed development will be obtained via a nearby power point. Access to the site will be gained from existing farm roads.

The “No-Go” Alternative

The “No-Go” option of not proceeding with the proposed development is not preferred, as the benefits associated with the proposed development will not be realised.

3. Impact Assessment and Mitigation measures

3.1. Activity need and desirability

The proposed development is required since there is poor internet and communication coverage in the area. The proposed development will increase the level of coverage and improve internet connection and communication facilities and services in the area.

3.2. Biophysical impacts

According to the Aquatic compliance statement, no natural watercourses are located on or within 32m of the proposed site. Based on CapeNature's comment (dated 7 December 2021) the proposed site has been cultivated and does not contain indigenous vegetation. Furthermore, this proposed site is not located within an area identified as a Critical Biodiversity Area, Ecological Support Area, wetland or other biodiversity priority areas.

3.3. Visual Impacts

According to the Visual Impact Assessment (dated July 2021) the proposed development will be visible from Highlands Road, which crosses through the area. The visual impact will be moderate and temporary as motorists will only observe the mast while traveling through the area. The visual impact will be moderate and permanent to the residents of Cheverelles Cottages, Cathy Marshall Wines, Carmel Farms and Tangleberry Cottage. The overall visual impact has been rated as low negative significance, due to the preferred design option of a tree mast that will blend in with the surrounding environment.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential noise and dust impacts; and
- Visual impact.

Positive impacts:

- The proposed development will provide a better internet and communication coverage to the surrounding area.
- The mast will allow for multiple service providers to attach and house their equipment on the mast, thereby decreasing the need for additional masts in the area.

4. National Environmental Management Act 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.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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