

 REFERENCE:
 16/3/3/1/B3/38/1051/21

 NEAS REFERENCE:
 WCP/EIA/0001038/2022

 DATE:
 18 March 2022

The Board of Directors SBA Towers (Pty) Ltd Private Bag X3036 **PAARL** 7620

Attention: Mr Wian von Solms

Tel: 021 870 1368 Email: 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 ("EIA") REGULATIONS, 2014: THE PROPOSED DEVELOPMENT OF A 30M HIGH TELECOMMUNICATION MAST ON PORTION 24 OF OLYVEN BOOMEN FARM NO. 83, MALAN VALLEY, WELLINGTON.

- 1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the 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) DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING CC: (1) Jan-Louis Jordaan (Enviroworks (Pty) Ltd) (2) Cindy Winter (Drakenstein Local Municipality) Emo

Email: jl.jordaan@enviroworks.co.za Email: Cindy.winter@drakenstein.gov.za



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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: THE PROPOSED DEVELOPMENT OF A 30M HIGH TELECOMMUNICATION MAST ON PORTION 24 OF OLYVEN BOOMEN FARM NO. 83, MALAN VALLEY, WELLINGTON.

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 Alternative 1 described in the Basic Assessment Report ("BAR"), received on 14 January 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

SBA Towers (Pty) Ltd c/o Mr W von Solms Private Bag X3036 **PAARL** 7620

Tel: 021 870 1368 Email: wvonsolms@atlastowers.com

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Project Description
Listing Notice 3 –	The proposed development of a 30m
Activity Number: 3	high telecommunication mast, located
	outside the urban area of Wellington.
The development of masts or towers of any material or	
type used for telecommunication broadcasting or radio	
transmission purposes where the mast or tower-	
(a) is to be placed on a site not previously used for this	
purpose; and	
(b) will exceed 15 metres in height-	
but excluding attachments to existing buildings and masts	
on rooftops.	
i. Western Cape:	
<ol> <li>All areas outside urban areas;</li> </ol>	
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	
iii. Areas zoned for use as public open space or	
equivalent zoning within urban areas.	

The abovementioned list is hereinafter referred to as "the listed activity".

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

The proposed development entails the following:

- The development of a 30m high lattice telecommunication mast that can accommodate 12 antennas on Portion 24 of Farm Olyven Boomen No. 83, Wellington.
- The telecommunication mast will be painted with red and white day/night markings.
- The compound will be surrounded by a 2.4m high palisade fence.
- The total development footprint for the proposed project is approximately 100m<sup>2</sup>.
- Access to the proposed site will be gained via existing gravel roads on the farm, from the Route 44 (R44) road.
- Electricity will be supplied by Eskom via a connection at the farmhouse.

# C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activity will be undertaken is on Portion 24 of Farm Olyven Boomen No. 83, Malan Valley, Wellington and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates	33° 35' 01.77" South	18° 58' 13.22'' East

The SG digit code is: C055000000008300024

Refer to Annexure A: Locality Map and Annexure B: Site Plan.

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

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Enviroworks (Pty) Ltd c/o Jan-Louis Jordaan Private Bag X01 **BRANDHOF** 9324 Cell: 079 506 2356 Email: jl.jordaan@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 Alternative 1 described in the Basic Assessment Report ("BAR"), received on 14 January 2022 on the site as described in Section C above.
- 2. The Environmental Authorisation is valid for a period of **five years** from the date of issue, within which commencement must occur.
- 3. The development must be concluded within **ten 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 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 any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.

- 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 and the EMPr. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner and Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority within two months after the development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports 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.

## 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 a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that 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.

 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 (as amended).

- 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 (as amended) 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 (as amended) 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.

- 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 8<sup>th</sup> 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 <u>DEADP.Appeals@westerncape.gov.za</u>.

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 <u>DEADP.Appeals@westerncape.gov.za</u> or URL http://www.westerncape.gov.za/eadp.

## H. DISCLAIMER

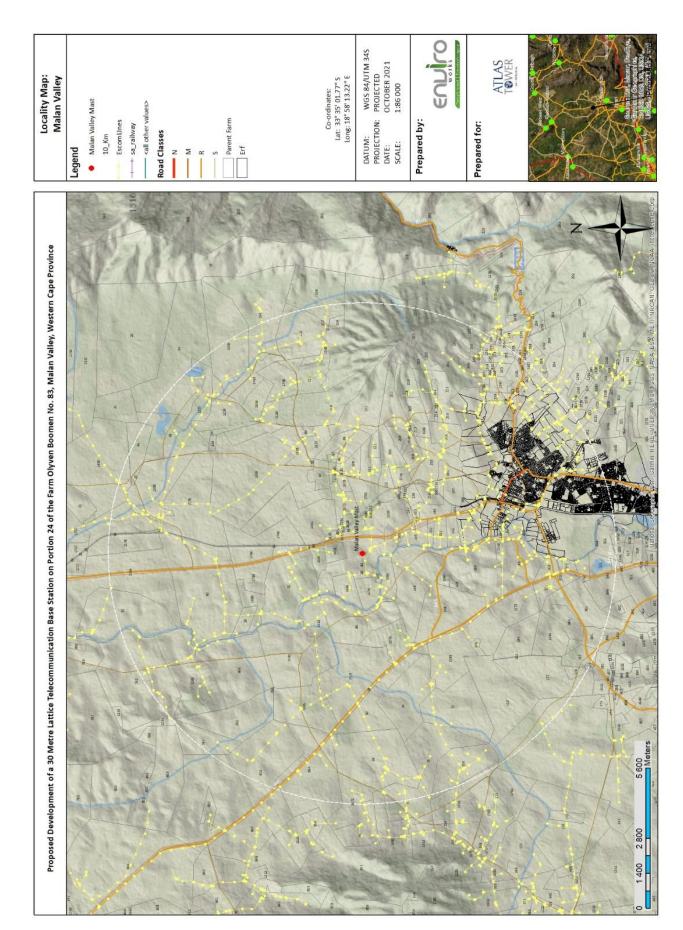
The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance 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.

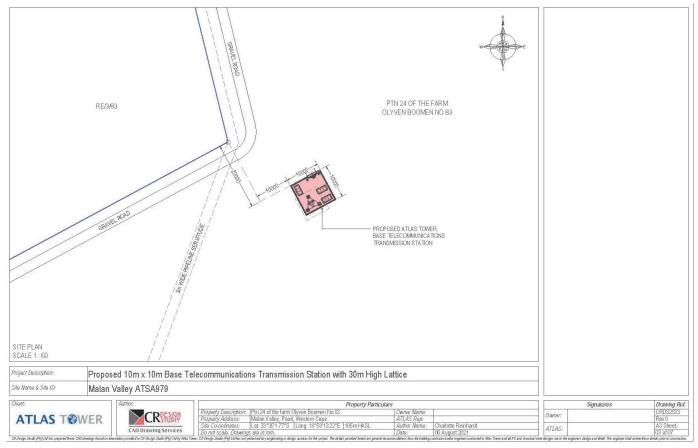
Yours faithfully

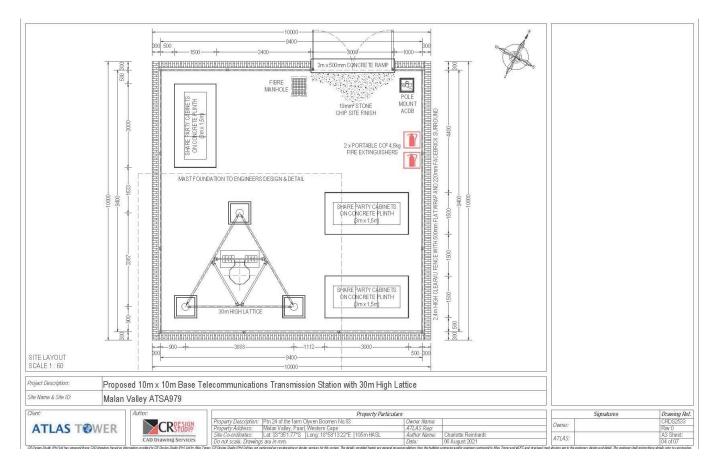
MR. ZAAHIR TOEFY DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1) DATE OF DECISION: 18 MARCH 2022

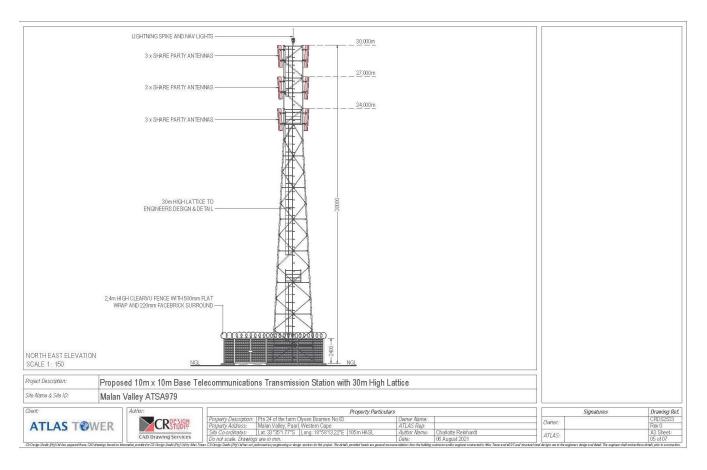
CC: (1) Jan-Louis Jordaan (Enviroworks (Pty) Ltd) (2) Cindy Winter (Drakenstein Local Municipality) Email: jl.jordaan@enviroworks.co.za Email: Cindy.winter@drakenstein.gov.za

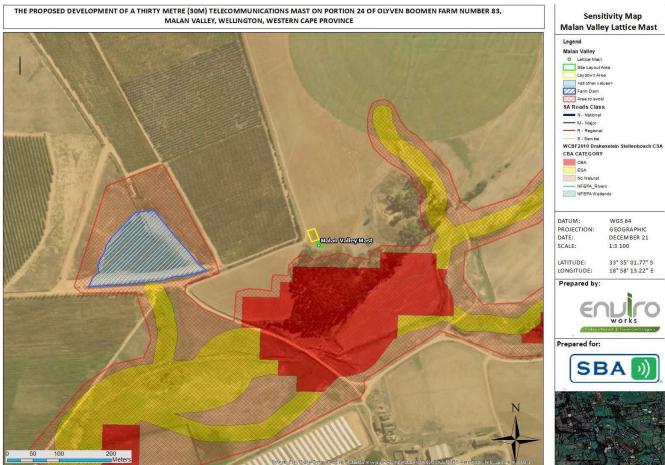


## ANNEXURE 2: SITE PLAN









## 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 on 30 September 2021, and the EMPr submitted together with the final Basic Assessment Report on 14 January 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 final Basic Assessment Report received on 14 January 2022;
- 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 considered to be the most significant for the decision is set out below.

## 1. Public Participation

The Public Participation Process ("PPP") included the following:

- identification of and engagement with I&APs;
- placing notice boards at the site where the listed activity is to be undertaken and at two public places in Wellington on 1 July 2021 and 7 October 2021;
- placing of a newspaper advertisement in the Paarl Post on 1 July 2021 and 7 October 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 on 1 July 2021;
- circulating the pre-application draft BAR to I&APs from 1 July 2021 and the in-process draft BAR from 07 October 2021.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and 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:

The following three alternatives were considered:

### Alternative 1: A 30 m high lattice mast – (Preferred alternative herewith authorised):

The proposal entails the development of a 30m high lattice telecommunication mast that can accommodate 12 antennas on Portion 24 of Farm Olyven Boomen No. 83, Wellington. The telecommunication mast will be painted with red and white day/night markings. The compound will be surrounded by a 2.4m high palisade fence. The total development footprint for the proposed project is approximately 100m<sup>2</sup>. Access to the proposed site will be gained via existing gravel roads on the farm, from the Route 44 (R44) road. Electricity will be supplied by Eskom via a connection at the farmhouse.

A 30m high lattice mast was considered the preferred alternative for the following reasons:

- It complies with the Drakenstein Zoning Scheme By-law, 2018 and the Drakenstein Municipality's Telecommunication Infrastructure Policy, which allows for a maximum mast height of 30m.
- It will have a lower visual impact than the other alternatives considered, due to the lattice design of the mast, which allows visibility of the background and reduces the visual exposure of the mast.

### Alternative 2: A 30m high tree mast

A tree mast of 30m in height, with the antennas mounted on the upper end of the tower, was also considered as a design alternative but was not preferred. Although the proposed site is surrounded by trees, the 30m high tree mast will be considerably taller in comparison and will therefore be more visible.

### Alternative 3: A 40m high lattice mast

A free-standing 40m high lattice mast was also considered as a viable option by the applicant. However, the Drakenstein Zoning Scheme By-law, 2018 together with the Drakenstein Municipality's Telecommunication Infrastructure Policy only allows for a maximum mast height of 30m and the increased height will result in a higher visual impact. The 40m high mast was therefore no longer supported as the preferred alternative.

## No-go Option

This alternative entails not constructing the mast and associated infrastructure. This was not preferred since it will not provide a more efficient telecommunication service to the surrounding area and community.

### 3. Impact Assessment and Mitigation measures

### 3.1 Activity need and desirability

A lack of network coverage has been identified in the areas surrounding the proposed development. The proposed cellular communication mast is considered as part of the essential services for the surrounding community in terms of business and communication purposes, including for emergency and safety purposes. It will provide the required improved network coverage to all the consumers in the area since the mast will be able to accommodate more than one operator through colocation/sharing.

### 3.2 Biophysical Impacts

The site is mapped to contain Swartland Shale Renosterveld vegetation, which is classified as a Critically Endangered vegetation type. The site has however been transformed and disturbed by past agricultural activities and no longer represent the historic natural vegetation type. It is not located within

a Critical Biodiversity Area and no watercourses are present within 32m of the site. The development is therefore not expected to have any significant biophysical impacts. The development footprint will be limited to the disturbed areas and the surrounding areas will not be impacted by the proposed development.

## Visual Impact

Based on the findings of the Visual Impact Assessment dated October 2021, compiled by Enviroworks, the proposed development will be highly visible within the short distance zone due to the close proximity of the observer to the mast. Only the top of the mast will however be visible to the three farmsteads that were identified within the short distance zone, due to the dense tree cover adjacent to the mast. The visual impact will be temporary and high for motorists traveling along the R44 within this zone. The visual impact will decrease from high to moderate as the distance increases between the observer and the proposed development. The specialist findings determined that the lattice mast design is the preferred option since it will allow for the viewing of the background, thereby increasing the landscape compatibility of the proposed development. The preferred alternative herewith authorised is therefore in line with the specialist recommendations.

The development will result in both negative and positive impacts.

## Negative Impacts:

- During the construction phase, noise and dust impacts can be expected, which will only be temporary and is expected to be negligible.
- The development will have a negative impact on the visual character of the area but will be mitigated to an acceptable level due to its design and location.

## Positive impacts:

- The development will provide improved cellular reception to the community in the surrounding area.
- The mast will allow for multiple service providers, 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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