



REFERENCE: 16/3/3/1/A5/20/2029/22
NEAS REFERENCE: WCP/EIA/0001107/2022
DATE OF ISSUE: 29 November 2022

The Board of Directors
ATC South Africa (Pty) Ltd.
Suite 11 & 12
Building C Monte Circle
64 Montecasino Boulevard
FOURWAYS
2191

Attention: Hayden May

E-mail: Hayden.May@americantower.com

Dear Sir/Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED DEVELOPMENT OF A 25M HIGH TREE MAST AND ASSOCIATED INFRASTRUCTURE ON FARM NO. 166, DURBANVILLE.

1. With reference to the above application, the competent authority 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 EIA 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 are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Boitumelo Tlhapi (Ace Environmental Solutions)
(2) Ms. Monique Uys (Ace Environmental Solutions)
(3) Ms. Sonja Warnich-Stemmet (City of Cape Town)

E-mail: EAP@ace-env.co.za
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E-mail: Sonja.Warnichstemmet@capetown.gov.za



REFERENCE: 16/3/3/1/A5/20/2029/22
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED): PROPOSED DEVELOPMENT OF A 25M HIGH TREE MAST AND ASSOCIATED INFRASTRUCTURE ON FARM NO. 166, DURBANVILLE.

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 NEMA and the EIA Regulations, 2014 (as amended), 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 included in the Basic Assessment Report (“BAR”) dated 05 September 2022.

The granting of this Environmental Authorisation (hereinafter referred to as the “Environmental Authorisation”) is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

ATC South Africa (Pty) Ltd.
c/o Hayden May
Suite 11 & 12
Building C Monte Circle
64 Montecasino Boulevard
FOURWAYS
2191

Tel.: (021) 003 3959
E-mail: Hayden.May@americantower.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 Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended):</p> <p>Activity 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> <i>(a) is to be placed on a site not previously used for this purpose; and</i> <i>(b) 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> <ul style="list-style-type: none"> <i>i. All areas outside urban areas;</i> <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; or</i> <i>iii. Areas zoned for use as public open space or equivalent zoning within urban areas".</i> 	<p>A 25m high tree mast and associated infrastructure will be developed outside an urban area.</p>

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

The holder is herein authorised to undertake the following related to the listed activity:

The proposed development entails the development of a 25m high tree mast and associated infrastructure on Farm No. 166, Durbanville. The proposed development will be enclosed with a 2.4m high palisade fence for security purposes. The proposed development footprint will be approximately 60m² in extent. Access will be obtained from Francis Albert Avenue.

C. LOCATION AND SITE DESCRIPTION

The listed activity will be undertaken on Farm No. 166, Durbanville.

The SG 21-digit code is: C01600000000016600000

Co-ordinates:

Latitude: 33° 48' 47.0" S

Longitude: 18° 39' 01.3" E

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

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

Ace Environmental Solutions
c/o Boitumelo Tlhapi
Private Bag X32
HIGHVELD PARK
0169

Tel.: (012) 663 5200
E-mail: Eap@ace-env.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 dated 05 September 2022 on the site as described in Section C above.
2. Authorisation of the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for–

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activity; and
 - (b) A period of five (**5**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activity must be concluded.
4. The activity that has been authorised may only be carried out at the site described in Section C above in terms of the approved Environmental Management Programme (“EMPr”).
 5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 such 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1 notify all registered interested and affected parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date of issue of the decision;
 - 6.2 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 Appeal Regulations, 2014 (as amended);
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2 name of the responsible person for this Environmental Authorisation,
 - 6.4.3 postal address of the holder,
 - 6.4.4 telephonic and fax details of the holder,
 - 6.4.5 e-mail address, if any;
 - 6.4.6 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 (as amended).

Commencement

7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 6, 7 and 14.

Management of activity

10. The draft EMPr as compiled by Ace Environmental Solutions and submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
 - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2 submit an environmental audit report four (3) months after commencement of the construction phase to the relevant competent authority;
 - 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and

- 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on-
- (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
- 16.3 evaluate the effectiveness of the EMPr;
- 16.4 identify shortcomings in the EMPr;
- 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 16.7 include a photographic record of the site applicable to the audit; and
- 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit 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, where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. 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 waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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 archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

- A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
 22. Health standards of structures associated with communication networks must be reviewed periodically based on ongoing scientific research.
 - 22.1 The holder will be required to decommission (including site rehabilitation) or upgrade any communication structure that does not meet the most recently published health standards on the World Health Organisation, the International Committee on Non-Ionising Radiation Protection (which have been adopted by the National Department of Health) and the Independent Communication Authority of South Africa.
 - 22.2 Should the relevant health authority determine that the current limits of electromagnetic radiation pose a significant health risk, then decommissioning of the activity, as well as the rehabilitation of the site/property shall be required to the satisfaction of the competent authority.
 23. The existing row of mature trees along Francis Albert Avenue may not be removed or damaged.

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. If the holder does not commence with the listed activity within the period referred to in Condition 3, 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.
3. 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 (as amended) 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.

4. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

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

By post: Attention: Mr. Marius Venter
 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>.

G. 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)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 29 NOVEMBER 2022

CC: (1) Boitumelo Tlhapi (Ace Environmental Solutions)
(2) Ms. Monique Uys (Ace Environmental Solutions)
(3) Ms. Sonja Warnich-Stemmet (City of Cape Town)

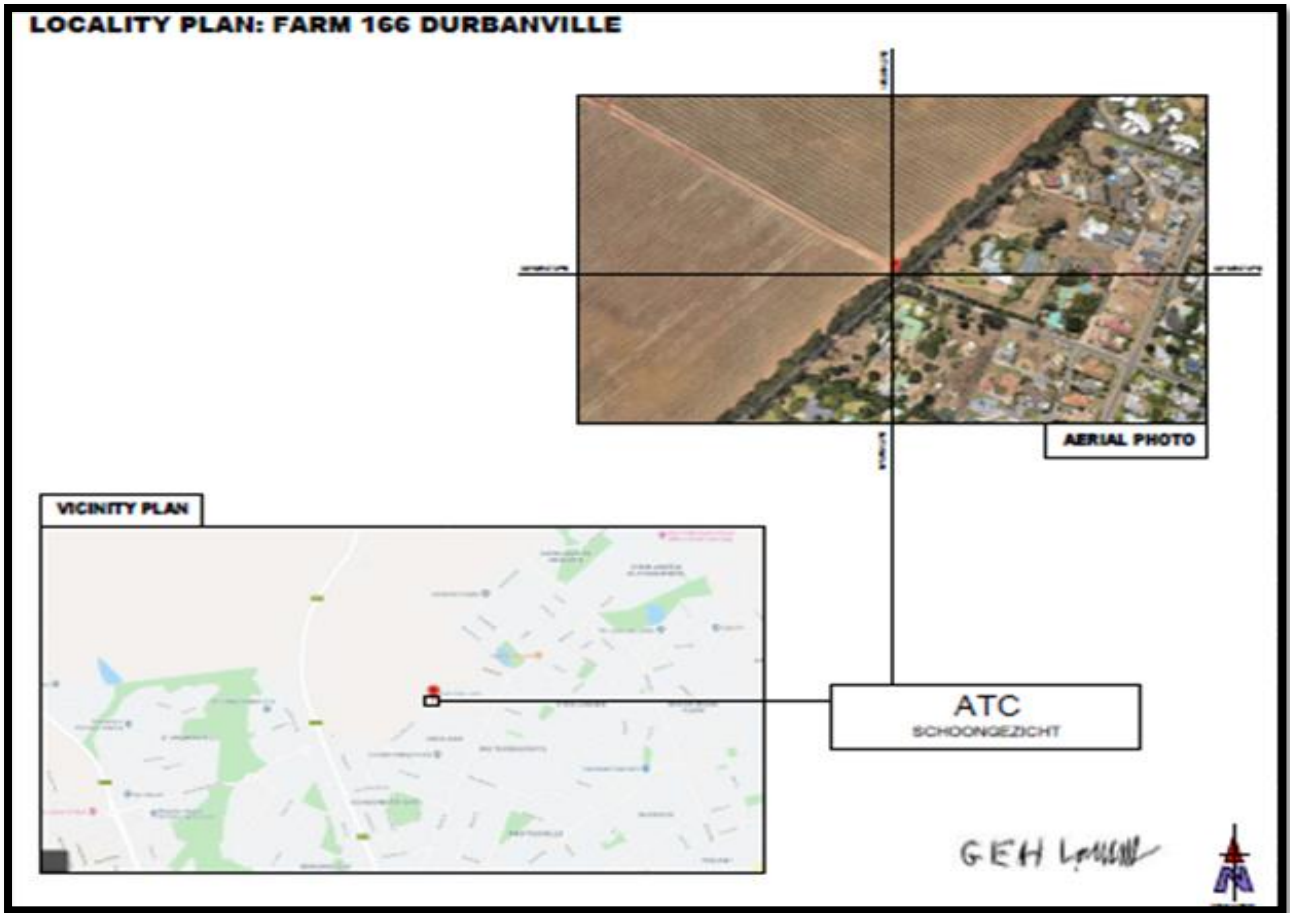
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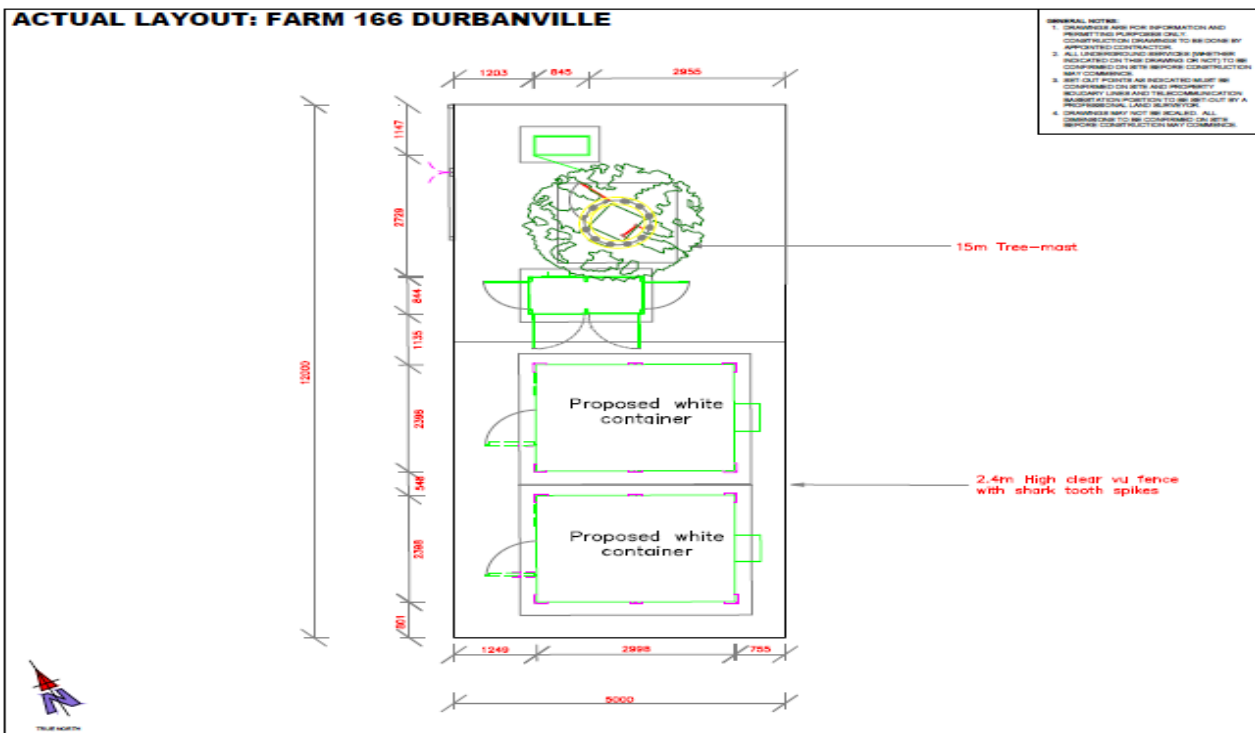
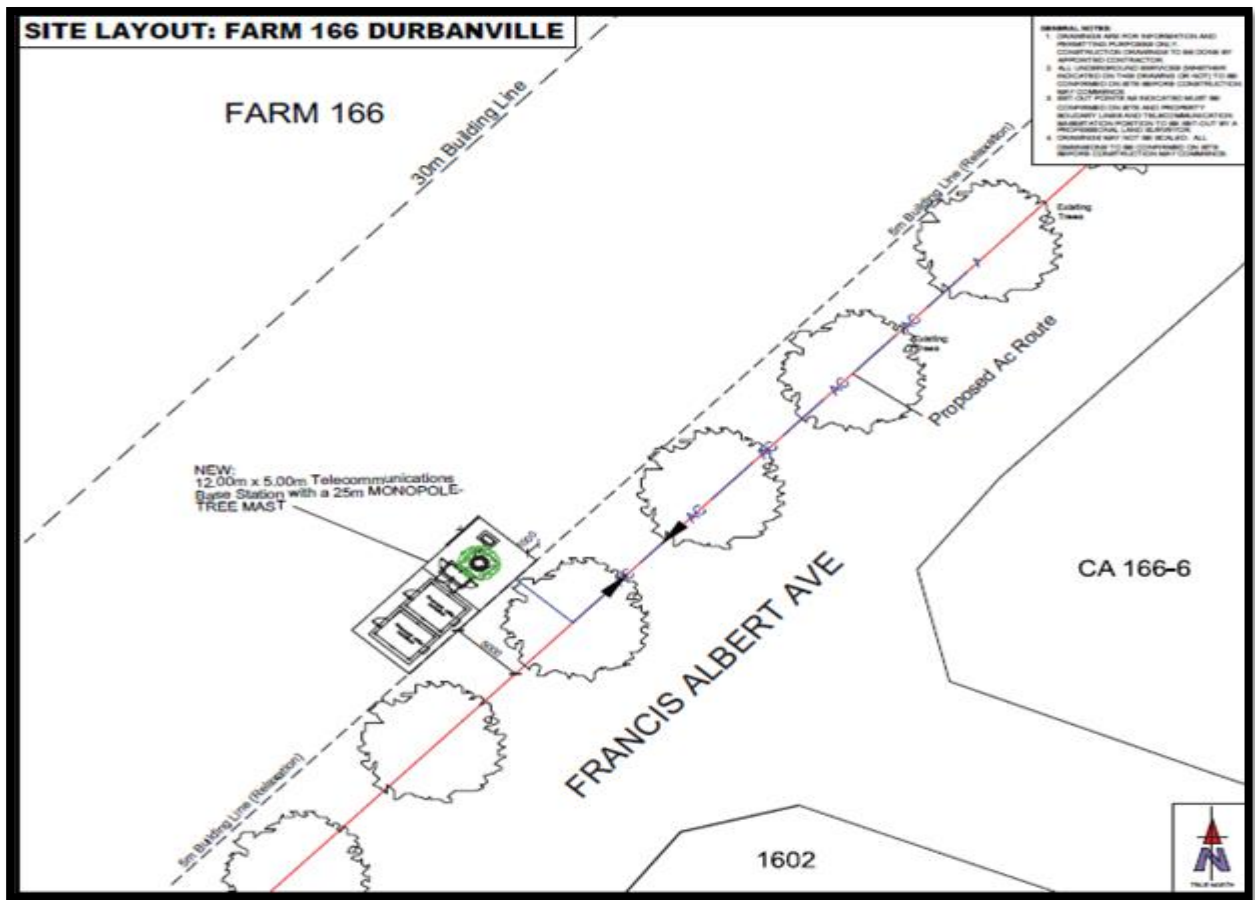
EIA REFERENCE NUMBER: 16/3/3/1/A5/20/2029/22

NEAS EIA REFERENCE NUMBER: WCP/EIA/0001107/2022

ANNEXURE 1: LOCALITY PLAN

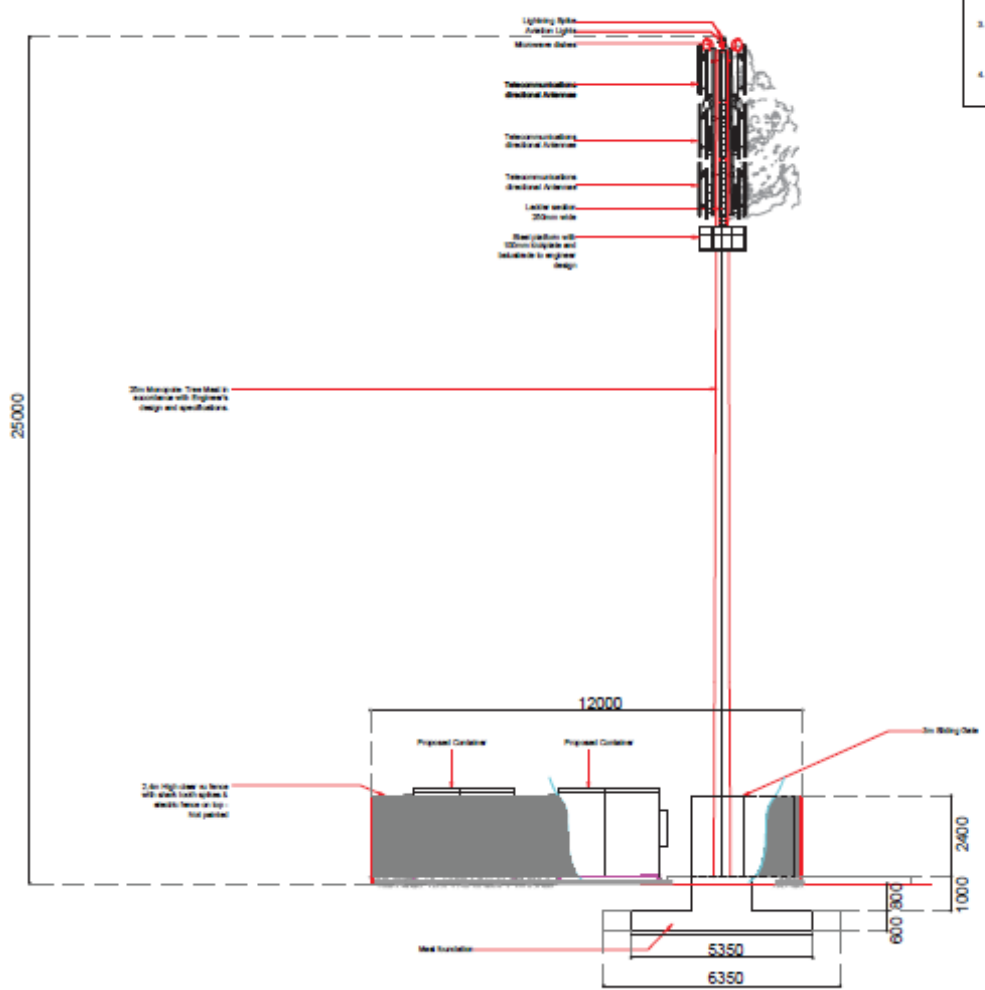


ANNEXURE 2: SITE PLAN



ELEVATION: FARM 166 DURBANVILLE

- GENERAL NOTES:**
1. DRAWINGS ARE FOR INFORMATION AND PERMITTING PURPOSES ONLY. CONSTRUCTION DRAWINGS TO BE DONE BY APPOINTED CONTRACTOR.
 2. ALL UNDERGROUND SERVICES (WHETHER INDICATED ON THIS DRAWING OR NOT) TO BE CONFIRMED ON SITE BEFORE CONSTRUCTION MAY COMMENCE.
 3. SET OUT POINTS AS INDICATED MUST BE CONFIRMED ON SITE AND PROPERTY BOUNDARY LINES AND TELECOMMUNICATION SUBMITTAL POSITION TO BE SET OUT BY A PROFESSIONAL LAND SURVEYOR.
 4. DRAWINGS MAY NOT BE RECALLED. ALL DIMENSIONS TO BE CONFIRMED ON SITE BEFORE CONSTRUCTION MAY COMMENCE.



South-Eastern Elevation

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the application form received by the competent authority via electronic mail correspondence on 02 June 2022; the BAR dated and received by the competent authority via electronic mail correspondence on 05 September 2022; the EMPr submitted together with the BAR; the correspondence from the City of Cape Town dated and received by the competent authority via electronic mail correspondence on 31 October 2022; and the revised Comments and Responses Report received by the competent authority on 16 November 2022, respectively.
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated 05 September 2022 and the revised Comments and Responses Report received on 16 November 2022.
- d) 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 which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process comprised of the following:

- E-mails were sent on 27 July 2022 to State Departments/organs of state to announce the availability of the draft BAR;
- Letters were posted to adjacent neighbours on 01 August 2022;
- An advertisement was placed in the "Tygerburger" newspaper on 03 August 2022;
- A notice was placed on site on 04 August 2022;
- An electronic copy of the draft BAR was placed on the EAPs website;
- The draft BAR was made available from 03 August 2022 until 02 September 2022;
- E-mails were sent on 08 November 2022 to announce the availability of the Comments and Responses report for information purposes; and
- E-mails were sent on 16 November 2022 to announce the availability of the revised Comments and Responses Report for information purposes.

Authorities consulted

The authorities consulted included the following:

- City of Cape Town;
- Department of Water and Sanitation;
- Western Cape Department of Agriculture;
- Department of Environmental Affairs and Development Planning ("DEA&DP") Directorate: Waste Management;
- DEA&DP Directorate: Pollution & Chemicals Management;
- CapeNature; and
- Heritage Western Cape.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

2. Alternatives

The following mast structures were investigated:

Lattice mast:

- A lattice mast will be out of place as there are no similar structures in the area; and
- A lattice mast will have a bigger visual impact than other structures and will have a negative influence on the sense of place of the area.

Tree mast (preferred alternative-herewith authorised):

- A tree mast will have a lower visual impact than other structures since there is an existing row of mature trees along Francis Albert Avenue, which will screen the proposed mast.

Preferred alternative – herewith authorised:

The preferred alternative entails the development of a 25m high tree mast and associated infrastructure on Farm No. 166, Durbanville. The proposed development will be enclosed with a 2.4m high palisade fence for security purposes. The proposed development footprint will be approximately 60m² in extent. Access will be obtained from Francis Albert Avenue.

“No-Go” Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed 25m high tree mast will not be developed. This alternative was not deemed as preferred, as it would not result in improved coverage and capacity in the area and the benefits to the holder and creation of jobs would not be realised. The “no-go” alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

There is an existing 15m high mast on Farm No. 166. However, the development of a 15m high mast does not constitute any listed activities as defined in terms of the EIA Regulations, 2014 (as amended). Although the site is located outside the urban area, the 15m high mast does not exceed the specified threshold height of 15m. Therefore, Activity 3 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) is not applicable to the existing telecommunications mast.

The site is zoned Agriculture and the Agricultural zoning (as per the City of Cape Town's Zoning Scheme), allows for a freestanding telecommunication base station as a consent use. The City of Cape Town: Spatial Planning and Environment Development Management, indicated that the proposed mast and associated infrastructure will have a low impact in terms of urban design principles.

There is a need for another telecommunications mast and co-location with the existing telecommunications mast is not sufficient for coverage in terms of the City of Cape Town: Telecommunication Mast Infrastructure Policy. The establishment of the proposed site was identified by the radio planners of ATC South Africa (Pty) Ltd., and the site is the best position to place the mast to reach the transmission coverage on the network. A Radio Plan Report (dated 03 October 2020) was provided by ATC, which indicated that the nearest telecommunications base station is a rooftop base station mounted on the Church Spire in Bergsig, to the southeast. The Bergsig site does not reach enough people with sufficient signal strength to provide data rates as specified by the South

African Broadband Policy. Not all sites containing telecommunication base stations are multi-operator, since they appear to be low profile rooftop sites which are not easily shared by other operators.

Furthermore, the terrain might not support radio propagation to any significant degree without considerably increasing the height of the antennas. The mast at Hibiscus Street performs better, however, it still falls approximately 500m short of the proposed development.

The site is a low profile installation and can therefore not be shared by other operators without all operators reducing the already low coverage area. The coverage area of the proposed development will expand the data footprint to subscribers that had weak or intermittent data coverage before. The proposed development will allow all network operators to expand their network to provide high speed data, improve the quality of their speech offering and improve their overall coverage by filling in the weak areas and providing homes and businesses with good in-building coverage and high speed data. Once the proposed infrastructure is activated, the reliability of the data service will be dramatically improved and reliable data coverage will be extended.

The proposed development is considered part of the essential services for the greater community as improved effective communication services will result in increased resource efficiency and advances in development. The proposed development will result in improved network connectivity, which will also provide support to other areas of development such as access to education, access to communication technology, security services, medical response, and other socio-economic development.

3.2 Biophysical impacts

The site is not located within a Critical Biodiversity or Ecological Support Area. There are no watercourses located on or adjacent to the site and indigenous vegetation will not be cleared. No significant impacts on biophysical elements are anticipated as a result of the development as the site is completely transformed.

3.3 Visual impacts:

The proposed tree mast will blend in with the surrounding area as there is a row of mature trees along Francis Albert Avenue, which will screen the mast. The potential visual impacts are expected to be of low to medium significance with the implementation of mitigation measures, which are included in the EMPr. The South African Civil Aviation Authority approved the proposed development of a 25m high tree mast on 13 November 2020.

3.4 Heritage impacts:

A Notice of Intent to Develop was submitted to Heritage Western Cape. Heritage Western Cape indicated in an e-mail dated 27 July 2022 that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

The existing row of mature trees along Francis Albert Avenue will not be removed or damaged since it is an important natural element in the larger cultural landscape. This recommended mitigation measure has been included as a condition of this Environmental Authorisation, to ensure that the existing trees are maintained.

3.5 Health impacts:

The Western Cape Department of Health indicated (in their correspondence dated 23 June 2015) that based on studies conducted by the World Health Organisation, there is no conclusive evidence of significant health impacts associated with the proposed development, and the EMF emissions from the proposed activity will meet the most recently published health standards of the World Health Organisation, the International Commission on Non-Ionising Radiation Protection (ICNIRP) (which have been adopted by the National Department of Health) and the Independent Communication Authority of South Africa. The health standards of structures associated with communication networks will further be reviewed periodically based on ongoing scientific research. Furthermore, the conditions stipulated in this Environmental Authorisation and the EMPr are anticipated to mitigate impacts that may occur in this regard.

3.6 Dust and noise impacts

Potential dust and noise are anticipated during the construction phase. However, no significant potential dust and noise are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Potential visual impacts; and
- Potential health impacts.

Positive impacts:

- Improved communication infrastructure for the surrounding community;
- The proposed development will provide network service providers to use the infrastructure for optimum network coverage; and
- Some employment opportunities will be created during the construction phase of the development.

National Environmental Management Act Principles

The National Environmental Management Act 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 proposed listed activity 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.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*

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