



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

EIA REFERENCE NUMBER: 16/3/3/1/A2/37/3004/18
ENQUIRIES: Mr. R. Chambeau

DATE OF ISSUE: 2018 -05- 10.

Atlas Tower Pty (Ltd)
166 Main Road
Omnipark Building
1st Floor
Paarl
7620

Attention: Mr. H. Strümpher

Tel: (021) 870 1368
Fax: (086) 537 9187

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF A 21M CLEAN MAST TELECOMMUNICATION BASE STATION AND ASSOCIATED INFRASTRUCTURE ERF 562, SCHAAPKRAAL.

The final Basic Assessment Report dated 02 May 2018 and received by this Department on 08 May 2018, refers.

1. This letter serves as an acknowledgement of receipt, by this Directorate, of the final Basic Assessment Report dated 02 May 2018.
2. This Directorate will consider the final Basic Assessment Report in accordance with the prescribed timeframes and advise you accordingly.
3. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
4. Please note that the activity may not commence prior to obtaining an environmental authorisation from this Department.

The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully

HEAD OF DEPARTMENT

Copies to: (1) Mr. R. de Klerk (Warren Petterson Planning)
(2) Mr. R. Samaai (City of Cape Town)
(3) Mr. I. Grimmacher (Cape Salads Prop Pty Ltd.)

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**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/1/A2/37/3004/18
NEAS REFERENCE: WCP/EIA/0000365/2018
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 2018-08-15

Atlas Tower Pty (Ltd)
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7620

Attention: Mr. H. Strümpher

Tel: (021) 870 1368
Fax: (086) 537 9187

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): PROPOSED 21M CLEAN MAST TELECOMMUNICATION BASE STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 562, SCHAAPKRAAL.

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 decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR, DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copies to: (1) Mr. R. de klerk (WPP)
(2) Mr. R. Samaai (City of Cape Town: Environmental Resource Management)

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REFERENCE: 16/3/3/1/A2/37/3004/18

NEAS REFERENCE: WCP/EIA/0000365/2018

ENQUIRIES: Mr. R. Chambeau

DATE OF ISSUE: 2018 -08- 15

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): PROPOSED 21M CLEAN MAST TELECOMMUNICATION BASE STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 562, SCHAAPKRAAL.

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 (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, described in the BAR, dated 02 May 2018.

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

Atlas Tower Pty (Ltd)
166 Main Road
Omnipark Building
1st Floor
PAARL
7620

Tel: (021) 870 1368

Fax: (086) 537 9187

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 NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 03 Activity Description:</p> <p>The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower-</p> <p>(a) is to be placed on a site not previously used for this purpose; and</p> <p>(b) will exceed 15 metres in height-</p> <p>But excluding attachments to existing buildings and masts on rooftops.</p> <p>(f) In 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 activity entails the development of a 21m high clean mast telecommunication base station and associated infrastructure on Erf 562, Schaapkraal.</p>

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 proposed development:

The proposed activity entails the development of a 21m high clean mast telecommunication base station and associated infrastructure on Erf 562, Schaapkraal.

The proposed site has not previously been used for this purpose and is located outside an urban area. Associated antennas will be attached to the mast and three equipment containers will be placed 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 64m². The power supply for the proposed development will be obtained via an existing power source located on the proposed site. Access to the site will be obtained via an existing access road.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Erf 562, Schaapkraal.

The SG digit code is:

Erf 562, Schaapkraal	C01600500000056200000
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The co-ordinates for the proposed development is:

Property boundary:

Point	Latitude (S)	Longitude (E)
Erf 562, Schaapkraal	34° 03' 27.35" South	18° 31' 56.99" East

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

Environmental Assessment Practitioner:

Warren Petterson Planning
Town and Regional Planning Consultants
P.O. Box 152
CENTURY CITY
7446

Tel: (021) 552 5255

Fax: (021) 551 4020

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 02 May 2018 on the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within 5 (five) 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. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development 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 Appeal Regulations, 2014 (as amended) detailed in Section G 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 National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. 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 i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The 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 the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities whereafter it must be kept at the office of the applicant, and must be made available to anyone on request.

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 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within 6 (six) months of the commencement of the listed activity and submit Environmental Audit Reports to the Competent Authority 1 (one) month after the completion of the listed activity.
 - 14.2. The holder must, within 7 (seven) days of the submission of the report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

Specific Conditions

16. 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.
 - 16.1. 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.
 - 16.2. 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. Health standards of structures associated with communication networks must be reviewed periodically based on ongoing scientific research.
 - 17.1 The applicant/proponent 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.
 - 17.2 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.

18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

19. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
20. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
21. 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.
22. 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.

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

Amendments to the EMPr, other than those required by this Environmental Authorisation, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) 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).

24. 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 –
 - 24.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 24.2. 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. -
25. 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–
 - 25.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 25.2. 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.
26. 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.

27. 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 Jaap de Villiers (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 Jaap.DeVilliers@westerncape.gov.za.

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

H. DISCLAIMER

The Western Cape Government, the holder, 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: 15/08/2018

Copies to: (1) Mr. R. de klerk (WPP)
(2) Mr. R. Samaai (City of Cape Town: Environmental Resource Management)

Fax: (021) 551 4020
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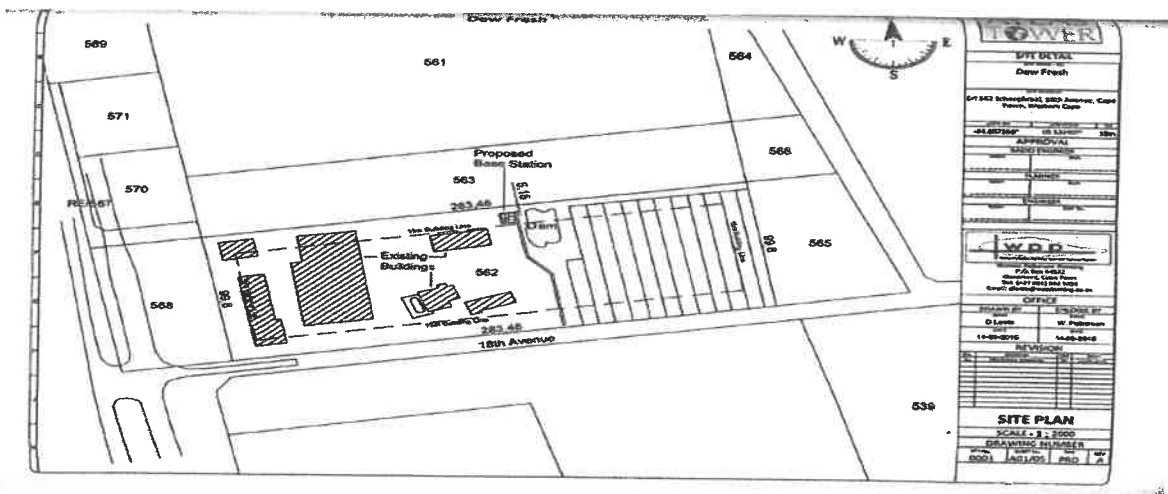
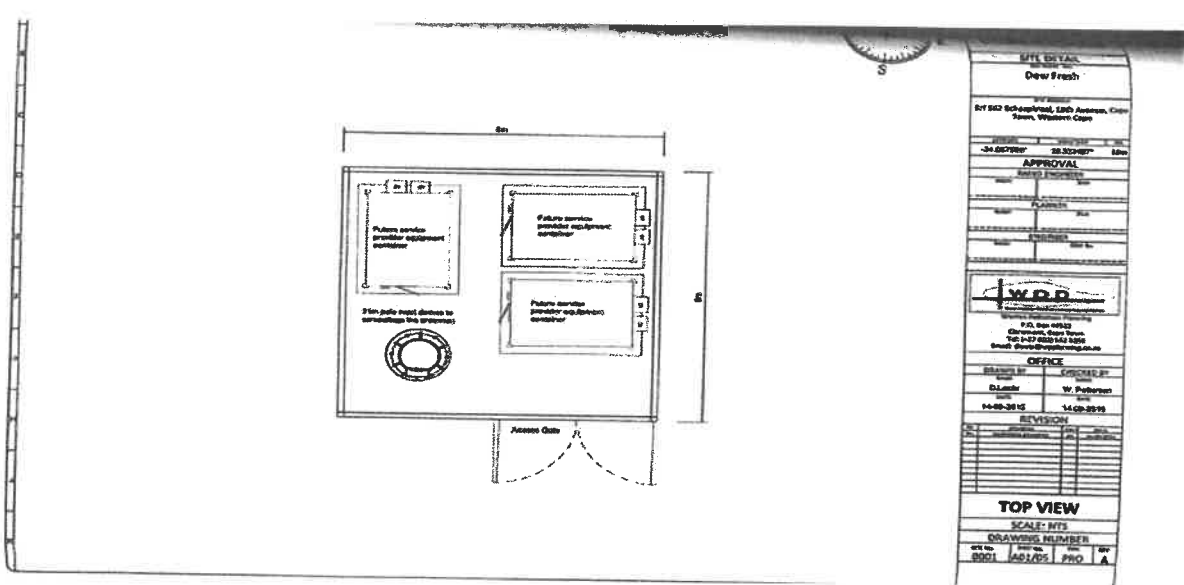
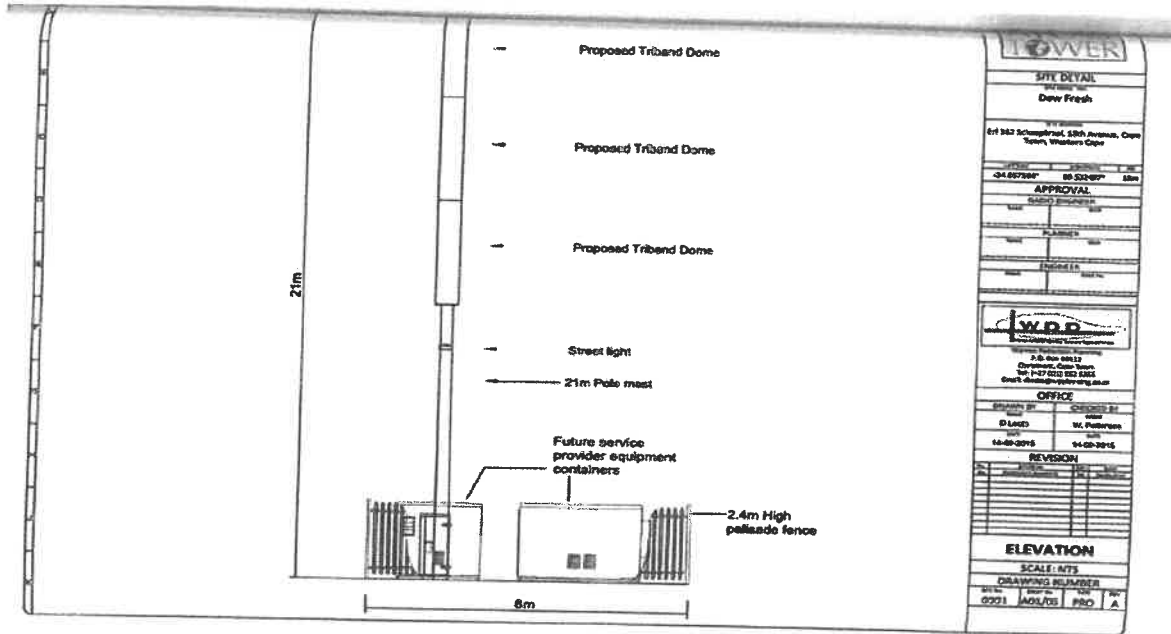
ANNEXURE 1: LOCALITY MAP

Locality map of the proposed development.



ANNEXURE 2: SITE PLAN

Site plans of the proposed development.



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 dated 20 November 2017, the BAR dated 02 May 2018 and received by the Competent Authority on 08 May 2018, the EMPr submitted together with the BAR on 08 May 2018;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives and Need and Desirability (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 BAR dated 02 May 2018;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) 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 included:

- identification of and engagement with I&APs;
- fixing a notice board on the property entrance where the listed activity is to be undertaken on 27 February 2018;
- 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 28 February 2018; and
- the placing of a newspaper advertisement in the '*Southern Mail Classified*' on 28 February 2018.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments its raised and responses thereto were included in the comments and response report.

Specific management and mitigation measures have been considered in this environmental authorisation and in the EMPr to adequately address significant concerns raised.

2. Alternatives

Preferred Alternative

This alternative is found on the southern boundary of Erf 562, Schaapkraal. This alternative is preferred (herewith authorised) as the site is located on a disturbed area, with no additional biophysical disturbance while the visual impact is considered medium-low.

Design and Height Alternatives

Two design and height alternatives were considered as part of the Environmental Impact Assessment process. These alternatives entail the development of a 21m high clean mast (preferred

option) and a 25m high lattice mast. The 21m high clean mast is herewith authorised as the clean mast is less visually intrusive than the lattice mast design. The compound of the proposed base station will be fenced by a 2.4m palisade fence which will further mitigate the visual impact of the base station on ground level.

"No-Go" Alternative

The "No-Go" alternative would result in maintaining the "status quo". However, since the proposed development will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The proposed site is located outside an urban area on a property zoned as Agriculture. The mast will be located on a portion of the site, which is not used for agricultural purposes. The proposed mast will provide improved telecommunication coverage and wireless internet service to the community in Schaapkraal. The mast will reduce network constraints and poor coverage in the area experienced by residents, businesses and commuters who are dependent on coverage for their daily operations. There are currently no existing base stations in the vicinity of the proposed site.

3.2. Visual Impacts

Potential visual impacts are anticipated during the operational phase of the proposed development. The potential visual impacts will be mitigated to a large extent due to it being a clean mast design. The mast will be designed to blend in with the surrounding landscape.

3.3. Biophysical

No significant biophysical impacts are associated with the proposed development. The proposed site contains no indigenous vegetation. There is an off-channel dam on the proposed site, however, the development falls below the 100m² threshold and therefore does not trigger a listed activity related to this.

3.4. Noise Impacts

Noise related impacts are anticipated during the development phase of the proposed development. Potential noise related impacts will be mitigated through the implementation of the measures included in the EMPr.

3.5. Health issues

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 electromagnetic field (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 will be adequate to mitigate impacts that may occur in this regard.

3.6. The development will result in both negative and positive impacts.

Negative Impacts include:

- The visual intrusiveness of the mast.

Positive impacts include:

- The proposed base station will have a positive impact on the socio-economics in the area;
- Will create some employment opportunities during development;
- Residents, businesses and commuters will have a more secure connection to emergency services and armed response which will have a beneficial social impact; and
- Improved telecommunication coverage.

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.

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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