

REFERENCE: 16/3/3/1/B1/7/1019/20
NEAS REFERENCE: WCP/EIA/0000796/2020
ENQUIRIES: Ntanganedzeni Mabasa
DATE OF ISSUE: 08 December 2020

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 35M HIGH TELECOMMUNICATION MAST ON PORTION 1 OF FARM UITKOMST NO. 343, LAASTEDRIF BOERDERY, CERES

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 the Preferred Design Alternative described in the Basic Assessment Report ("BAR"), dated September 2020.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors
Eagle Towers SA (Pty) Ltd
c/o Avril van der Rheede
Private Bag X4
Suite No. 35
DIE BOORD
7613

Tel.: (021) 880 0914
 Email: avril@eagletowerssa.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
<p>Listing Notice 3 – Activity Number: 3 <i>The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower-</i></p> <p style="padding-left: 40px;">(a) <i>is to be placed on a site not previously used for this purpose; and</i></p> <p style="padding-left: 40px;">(b) <i>will exceed 15 metres in height-</i></p> <p><i>but excluding attachments to existing buildings and masts on rooftops.</i></p> <p>i. Western Cape:</p> <ul style="list-style-type: none"> I. All areas outside urban areas; 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. 	<p>The proposed development of a 35m high telecommunication mast, located outside the urban area of Ceres.</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 development:

The proposal entails the development of a 35m high lattice telecommunication mast with associated infrastructure, including 12 antennas and three equipment containers on Portion 1 of Farm Uitkomst No. 343, Ceres. The development footprint will be approximately 68.5m² and will be enclosed with a 2.4m high palisade fence. Existing access roads and power supply will be used.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activity will be undertaken is on Portion 1 of Farm Uitkomst No. 343, Ceres and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	33° 17' 37.86" South	19° 39' 1.89" East

The SG digit code is: C01900000000034300001

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

EnviroAfrica CC
c/o Anthony Mader
PO Box 5367
HELDERBERG
7135

Tel: (021) 851 1616

Email: anthony@enviroafrica.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 Preferred Design Alternative described in the Basic Assessment Report ("BAR"), dated September 2020 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 activities, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person 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 that conforms to the above-mentioned legislative requirements 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.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

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

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

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

By facsimile: (021) 483 4174; or

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

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

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 08 DECEMBER 2020

CC: (1) Anthony Mader (EnviroAfrica CC)

(2) David Nasson (Witzenberg Municipality)

Email: anthony@enviroafrica.co.za

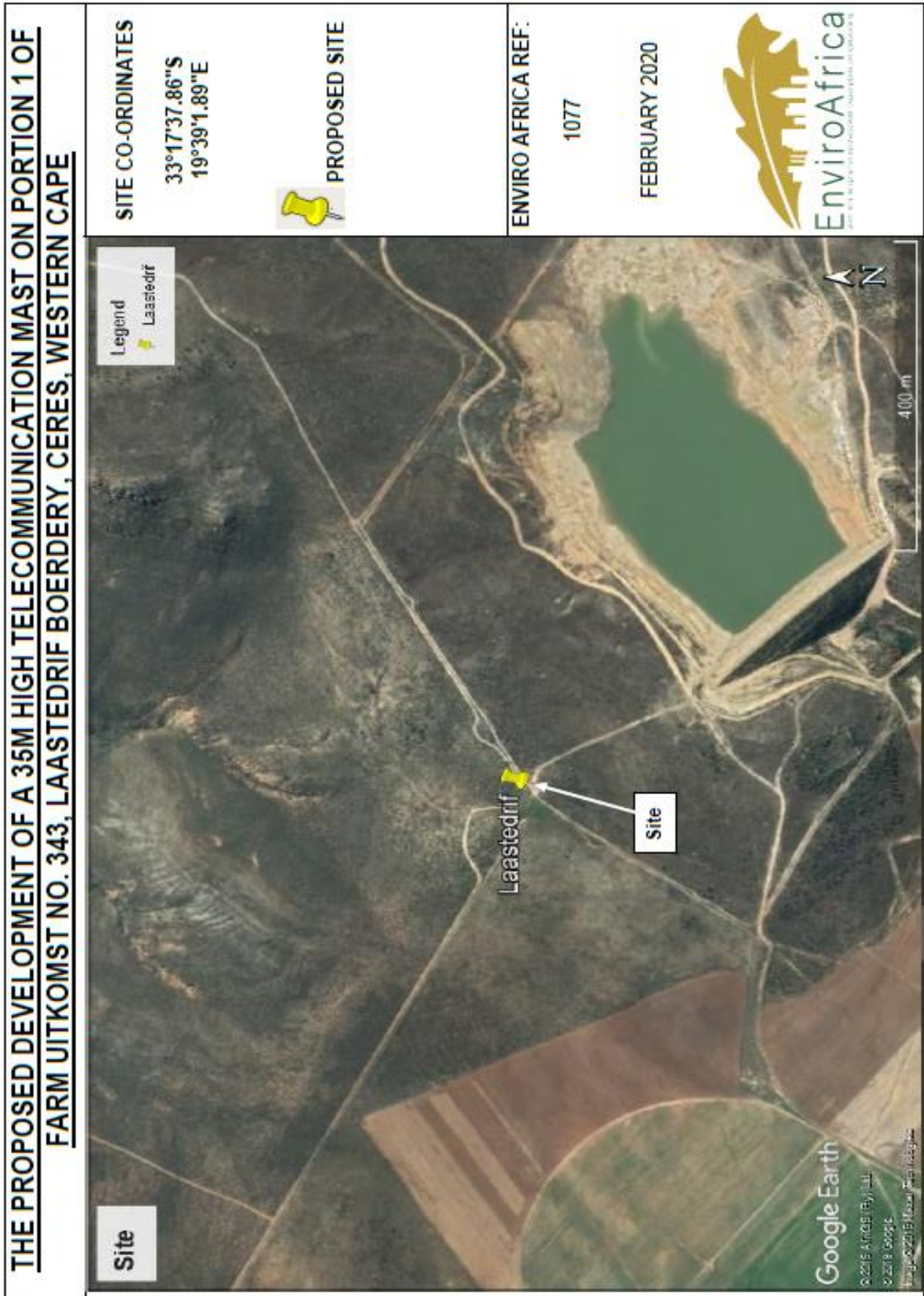
Email: david@witzenberg.gov.za

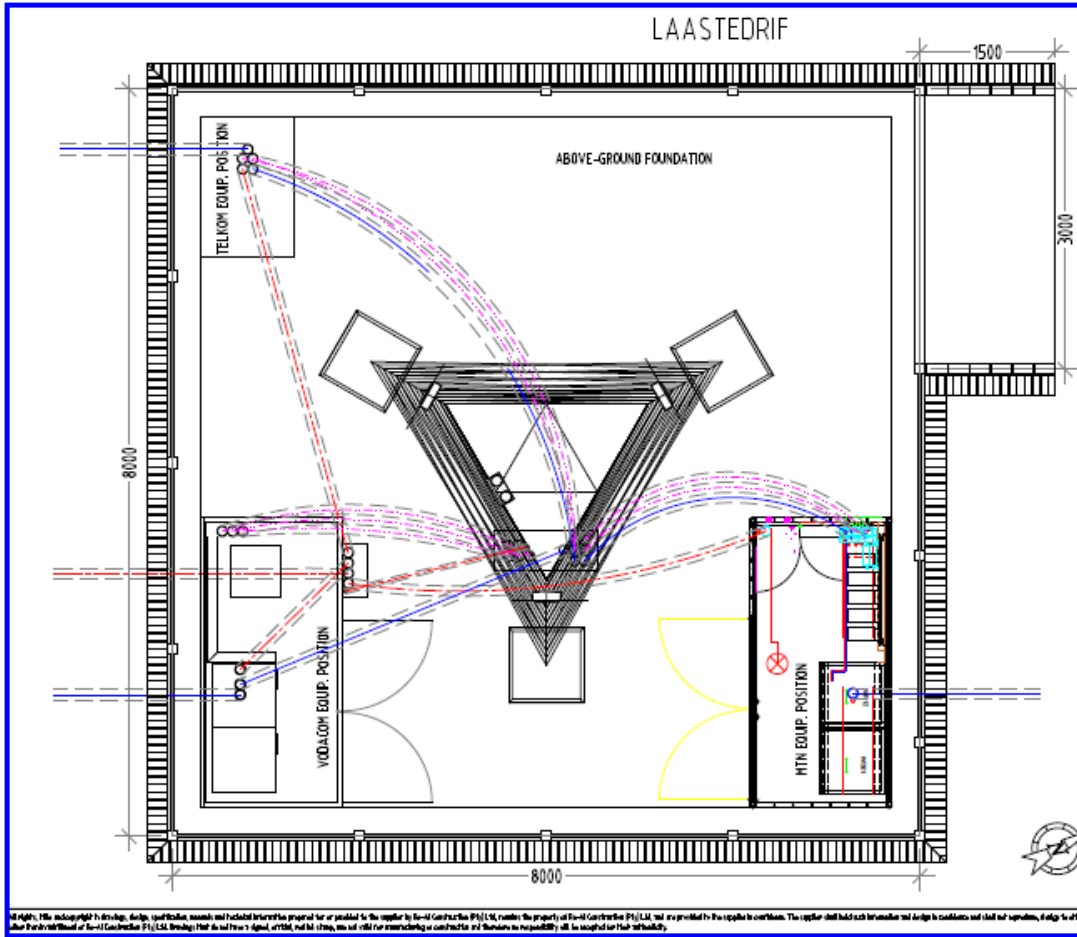
ANNEXURE 1: LOCALITY MAP

PROPOSED DEVELOPMENT OF A 35M HIGH TELECOMMUNICATION MAST ON PORTION 1 OF FARM UITKOMST NO. 343, LAASTEDRIF BOERDERY, CERES, WESTERN CAPE



ANNEXURE 2: SITE PLAN





EAGLE TOWERS

Site Name & ID Number
LAASTEDRIF

Building	Order	Drawn By	Issued For Building
A	20/04/19	TZ	BOARD PENDING

NOTE:

Order -33.29844.5° Long 19.650526°

Region WESTERN CAPE

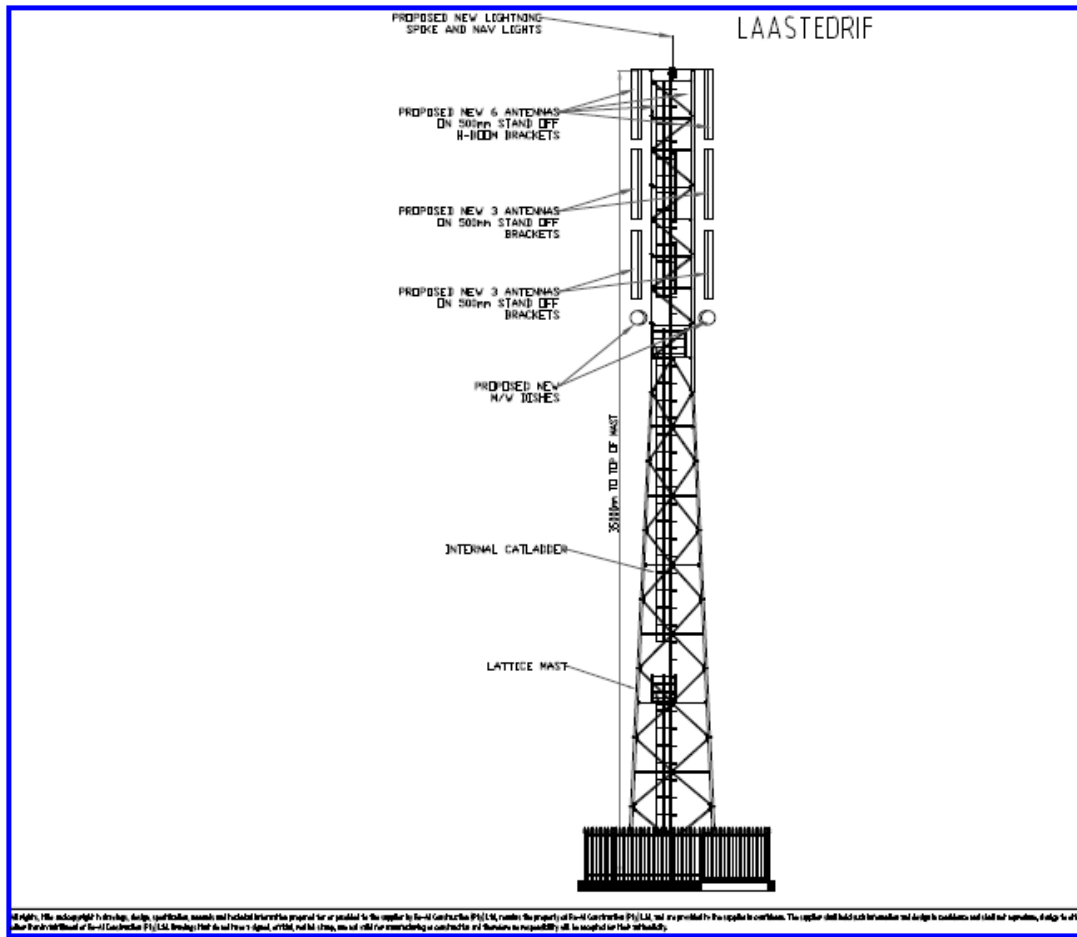
Property Description
UTIKOMST Number 343 Portion 0
LAASTEDRIF ROEBERDY (RES)

Project
GREENFIELD
35m LATTICE
HASL 1223m

Task	Issue	Signature	Date
Engineering	TE		26/06/19
Design Approval	TE		26/06/19
Statistical Approval			
Approval for Issue			
Issue: NTS	Drawing Reference		
	ETSA-1953 revision A		

ACTUAL LAYOUT SHEET 3 OF 4

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EAGLE TOWERS

Site Name & ID Number
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ELEVATION SHEET 4 OF 4

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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 12 February 2020, and the EMPr submitted together with the final Basic Assessment Report dated September 2020 and received on 17 September 2020;
- 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 and;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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

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

1. Public Participation

The Public Participation Process ("PPP") included:

- identification of and engagement with I&APs;
- 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 12 February 2020;
- notice boards were placed at the site where the listed activity is to be undertaken on 13 February 2020;
- the placing of a newspaper advertisement in the 'Witzenberg Herald' on 14 February 2020;
- Circulating the pre-application draft BAR to I&APs for public review from 23 February 2020 and the in-process draft BAR from 16 July 2020.

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 Design alternatives were considered:

Preferred Design Alternative: Lattice Mast (Preferred alternative herewith authorised):

The proposal entails the development of a 35m high lattice telecommunication mast with associated infrastructure, including 12 antennas and three equipment containers on Portion 1 of Farm Uitkomst No. 343, Ceres. The development footprint will be approximately 68.5m² and will be enclosed with a 2.4m high palisade fence. Existing access roads and power supply will be used. A lattice mast was considered the preferred alternative for the following reasons:

- It is able to hold the necessary equipment, while also allowing for equipment from multiple service providers.
- The lattice mast is less expensive to construct compared to a monopole or pine tree mast.
- It will have a lower visual impact due to the design of the mast and the distance between the mast and the main road.

Design Alternative 2: Tree Mast

A tree mast was also considered as a design alternative but was not preferred for the following reasons:

- It cannot hold as much equipment as a lattice mast, should future demand require additional equipment.
- A tree mast will be more expensive to construct compared to a lattice type mast.
- It will not blend in with the surrounding area due to a lack of tall trees in proximity to the site.

Design Alternative 3: Monopole Mast

A monopole mast was also considered as a viable option by the applicant. However, the mast will not be able to hold as much equipment compared to the lattice mast (preferred alternative), is costlier to construct and will have a higher visual impact due to the solid nature of a monopole mast.

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 greater community.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The mast is considered as part of the essential services for the greater community. It will provide an improved, more reliable network coverage and communication service infrastructure to the community in the surrounding area.

3.2 Biophysical Impacts

The site is mapped to contain Matjiesfontein Shale Renosterveld vegetation, which is classified as Least Threatened. The site has however been transformed and disturbed by past development activities and contains limited indigenous vegetation. It is not located within a Critical Biodiversity Area and no watercourses are present on or 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 intact indigenous vegetation will not be impacted by the proposed development.

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 additional service coverage to the community in the surrounding area.
- The mast will allow for multiple service providers to attach and house their equipment on the mast, 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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