



**REFERENCE:** 16/3/3/1/E2/15/1065/19  
**NEAS REFERENCE:** WCP/EIA/0000674/2019  
**ENQUIRIES:** Ms. Saa-rah Adams  
**DATE OF ISSUE:** 2020 -02- 2 0

The Board of Directors  
Atlas Towers SA (Pty) Ltd  
Cecilia Square  
100 Cecilia Street  
**PAARL**  
7620

**Attention: Mr. Cornelis Wessels**

Tel: (021) 870 1302 / 1368  
E-mail: cwessels@atlastowers.com

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE DEVELOPMENT OF A 30M HIGH TELECOMMUNICATION MAST ON PORTION 14 OF THE FARM HEMEL EN AARDE NO. 587, HERMANUS**

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

**MR ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 20/02/2020

CC: (1) E. Esquire (EnviroAfrica cc)  
(2) P. Aplon (Overstrand Municipality)

Fax: (086) 512 0154  
E-mail: paplon@overstrand.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 DEVELOPMENT OF A 30M HIGH TELECOMMUNICATION MAST ON PORTION 14 OF THE FARM HEMEL EN AARDE NO. 587, HERMANUS

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 Design Alternative 1 described in the Basic Assessment Report ("BAR"), dated October 2019.

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 Towers SA (Pty) Ltd  
% Cornelis Wessels  
Cecilia Square  
100 Cecilia Street  
**PAARL**  
7620

Tel: (021) 870 1302 / 1368  
E-mail: cwessels@atlastowers.com

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

**B. ACTIVITY AUTHORISED**

Listed Activity	Project Description
<p><b>Listing Notice 3 – Activity Number: 3</b>  <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>  <b>(b) will exceed 15 metres in height-</b></p> <p><i>but excluding attachments to existing buildings and masts on rooftops.</i></p> <p><b>i. Western Cape</b></p> <ul style="list-style-type: none"> <li><b>i. All areas outside urban areas;</b></li> <li>ii. <i>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></li> <li>iii. <i>Areas zoned for use as public open space or equivalent zoning within urban areas.</i></li> </ul>	<p>A 30m high telecommunication mast will be constructed on the subject property, which is located outside the urban area.</p>

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

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

The development entails the construction of a 30m high tree mast with associated infrastructure, including antennas and three equipment containers. The development footprint will be approximately 64m<sup>2</sup> and will be enclosed with a 2.4m high steel palisade fence with an access gate. Existing access will be used.

**C. SITE DESCRIPTION AND LOCATION**

The site where the authorised listed activity will be undertaken is located on Portion 14 of Farm Hemel and Aarde No. 587, Hermanus, and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	34° 21' 4.60" South	19° 17' 10.09" East

The SG digit code is: C0130000000058700014

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  
% Emile Esquire  
PO Box 5367  
**HELDERBERG**  
7620

Tel: (021) 851 1616  
Fax: (086) 512 0154

#### **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 Design Alternative 1 described in the Basic Assessment Report ("BAR"), dated October 2019 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 activity.

- 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. The ECO must conduct compliance monitoring as described in the EMPr (accepted as per Condition 9 of this Environmental Authorisation) and compile the associated compliance monitoring reports, accordingly.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

## Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an **independent person** and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit at the completion of the construction phase of the development and submit the Environmental Audit Report to the Competent Authority within three months after operation commenced.

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

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 the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse, 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  
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 [DEADP.Appeals@westerncape.gov.za](mailto: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](mailto: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. ZAHIR TOEFY

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 20/02/2020

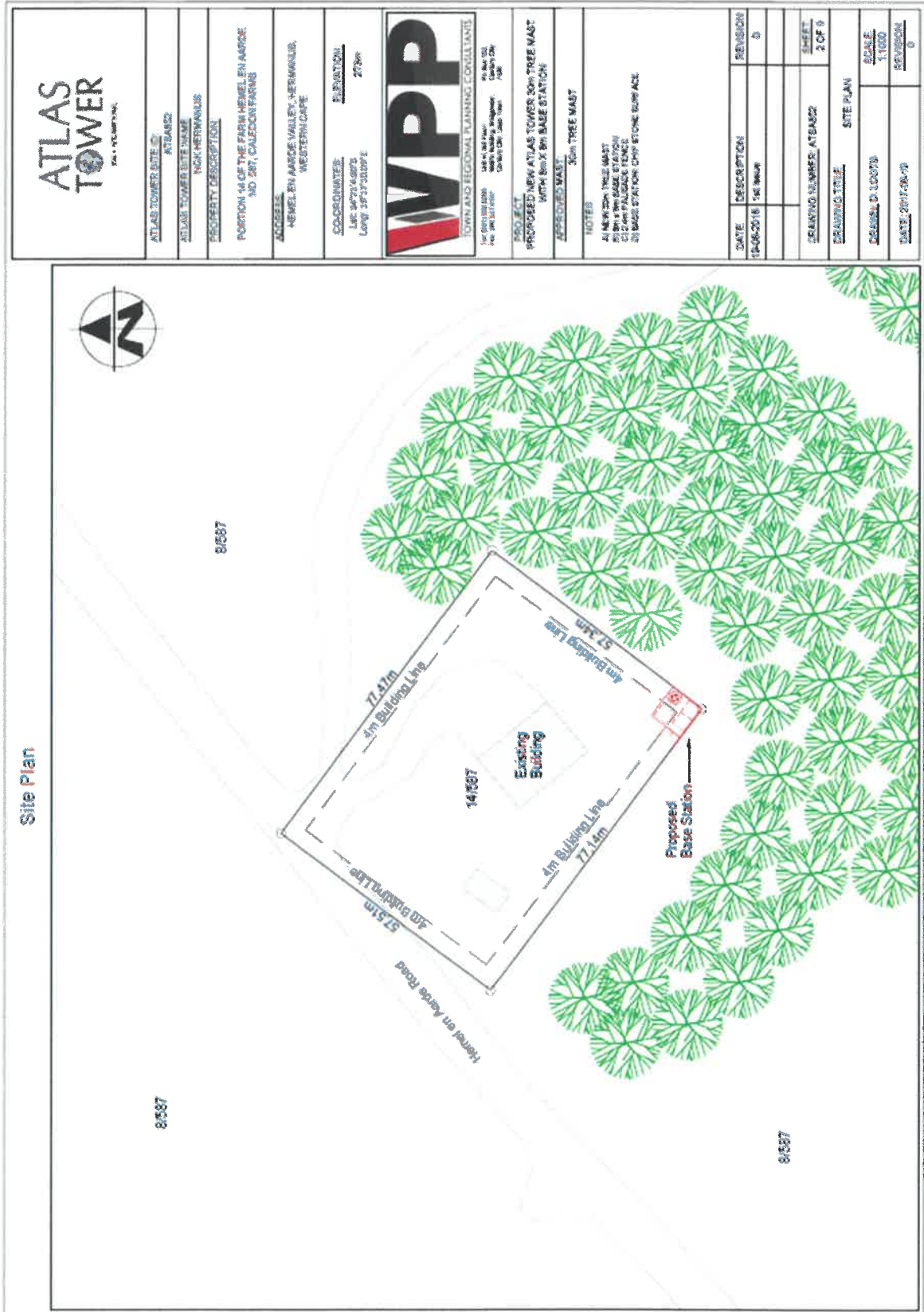
CC: (1) E. Esquire (EnviroAfrica cc)  
(2) P. Aplon (Overstrand Municipality)

Fax: (086) 512 0154  
E-mail: paplon@overstrand.gov.za



# ANNEXURE 1: LOCALITY MAP



**ANNEXURE 2: SITE PLAN**



Site Plan

	
ATLAS TOWER SITE ID:	ATLAS22
ATLAS TOWER SITE NAME:	HICK WERNANUS
PROPERTY DESCRIPTION:	PORTION 14 OF THE FARM MEMEL EN ARDRE NO. 287, CALEDONFARMS
ZONING:	MEMEL EN ARDRE VALLEY, WERNANUS, WESTERN CAPE
COORDINATES:	ELEVATION: 273m Loc: 34724875 Long: 33730076
	
TOWN AND REGIONAL PLANNING CONSULTANTS 1st Floor, 1001 12th St 14th St, Cape Town 8001, South Africa Tel: +27 (0) 21 462 1200 Fax: +27 (0) 21 462 1201 Email: info@mpp.co.za Website: www.mpp.co.za	
PROJECT:	PROPOSED NEW ATLAS TOWER 30m TREE MAST WITH 30m X 30m BASE STATION
APPROVED MAST:	30m TREE MAST
NOTES:	1) NEW 30m TREE MAST 2) 30m X 30m BASE STATION 3) BASE STATION ON STONE SURFACE
DATE:	16-05-2018
DESCRIPTION:	1st Review
REVISION:	3
DRAWING NUMBER:	ATLAS22
SHEET:	2 OF 9
DRAWING TITLE:	SITE PLAN
DESIGNER:	D. LOOTH
SCALE:	1:1000
DATE:	2018-08-19
REVISION:	0

## **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 and the final BAR dated October 2019, and the EMPr submitted together with the final BAR;
- 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 dated October 2019; 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 included:

- identification of and engagement with I&APs;
- a notice board was placed at the site where the listed activity is to be undertaken;
- the placing of a newspaper advertisement in the '*Hermanus Times*' on 11 July 2019;
- 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 3 April 2019, 11 July 2019, 3 September 2019, 4 September 2019 and 5 September 2019;
- making the pre-application draft BAR available to I&APs for public review from 11 July 2019; and
- making the draft BAR available to I&APs for public review from 3 September 2019.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all 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:

### **Design Alternative 1 (Preferred and herewith authorised)**

The development entails the construction of a 30m high tree mast with associated infrastructure, including antennas and three equipment containers. The development footprint will be approximately 64m<sup>2</sup> and will be enclosed with a 2.4m high steel palisade fence with an access gate.

This alternative is preferred as the tree mast will be able to hold the necessary amount of equipment, allowing for equipment from various service providers. The tree mast will have a lower visual impact due to its location amongst tall bluegum trees, immediately south, west and east of the site, which will act as a visual screening, thereby mitigating the associated visual impacts.

### **Design Alternative 2**

This alternative entails the development of a 30m high lattice mast. This alternative is not preferred:

- due to its higher visual impact on the surrounding area compared to the tree mast; and
- it will not be able to hold the necessary amount of equipment should future demand require additional equipment.

### **Design Alternative 3**

This alternative entails the development of a 30m high monopole mast. This alternative is not preferred:

- since it will not be able to hold as much equipment as the tree mast; and
- it will have a higher visual impact.

### **No-go Option**

This alternative is the option of not constructing the mast and associated infrastructure. This alternative is 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 that will provide an improved, more reliable network coverage and communication service infrastructure to the community in the surrounding area.

### **3.2 Biophysical Impacts**

The proposed site is located in an area that historically contained Elim Ferricrete Fynbos, which is an ecosystem categorised as *critically endangered* in terms of Section 52 of the National Environmental Management: Biodiversity Act, 2004. However, the proposed site has no natural vegetation cover (only kikuyu grass) and is completely transformed from its natural condition due to past agricultural activities. The site for the construction of the tree mast is not located within a Critical Biodiversity Area/ Ecological Support Area and no watercourses are located on or within 32m of the site. The development is therefore not expected to have any significant biophysical impacts.

### 3.3 Visual Impacts

The Visual Impact Assessment compiled by Ms. Sarien Lategan, dated 28 May 2019, supports the tree mast design as it will have an overall moderate to low visual impact, due to the topography and landscape. The development is thus within acceptable levels of change and does not detract from the visual value of the area.

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 low negative impact on the visual character of the area but it will be mitigated to an acceptable level due to the design and location.

#### Positive impacts:

- The development will provide additional network 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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