

Department of Environmental Affairs and Development Planning

Maboee Nthejane

Development Management Region 1

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EIA REFERENCE: 16/3/3/1/F1/11/2015/20
NEAS REFERENCE: WCP/EIA/0000743/2020
ENQUIRIES: Maboee Nthejane
DATE OF ISSUE: 14 December 2020

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED CONSTRUCTION OF AN APPROXIMATELY 30M HIGH LATTICE TELECOMMUNICATIONS MAST AND ASSOCIATED INFRASTRUCTURE ON PORTION 28 OF THE FARM NO. 71, EENDEKUIL, PIKETBERG

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 Alternative 1, 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 F below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Eagle Towers SA (Pty) Ltd. c/o Mr. Avril van der Rheede / Mr. Angelo Manzoni Suite No. 35 Private Bag X4 **DIE BOORD**

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Tel.: (021) 880 0914

Email: avril@eagletowerssa.com / jerome@eagletowerssa.com jerome <a href="mailto:j

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

B. LISTED ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
Listing Notice 3 of the EIA Regulations, 2014 (as amended) – Activity Number: 3	
Activity Description: "The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower— (a) is to be placed on a site not previously used for this purpose; and (b) will exceed 15 metres in height—	30m in height will be constructed outside
but excluding attachments to existing buildings and masts on rooftops. i. Western Cape 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".	

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

The holder is herein authorised to undertake the following alternative that includes the listed activity relating to the development.

The construction of a lattice telecommunication mast of approximately 30m in height.

The associated infrastructure will include the following:

- an equipment room to house the operator equipment;
- a cement plinth (on which the mast will be constructed); and
- an approximately 2.4m high palisade fence.

Access to the mast and associated infrastructure will be gained by means of an existing road that connects to the R 365 Regional Road.

The total development footprint will be approximately 64m².

C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Portion 28 of the Farm No. 71, Eendekuil, Piketberg. The Central Business District of Eendekuil is located approximately 675m south-west and the R365 road is located 290m north-west of the site.

The SG 21-digit code for the aforesaid property is: C0580000000007100028

The geographic co-ordinates for the site are the following:

(32° 40′ 53.59″ South, 18° 53′ 43.42″ East)

Refer to Annexure 1: Locality Map and Annexure 2 for the Site Plans.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

EnviroAfrica CC c/o Anthony Mader / Bernard de Witt P. O. Box 5367 **HELDERBERG** 7135

Tel.: (021) 851 1616

Email: Anthony@enviroafrica.co.za / Bernard@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 the preferred alternative, described in the BAR dated September 2020 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 **ten** (10) years, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity for the construction phase, must be concluded.
- 4. The activity that has been authorised must 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 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 Interested and Affected Parties 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 Interested and Affected Parties to the manner in which they may access the decision; and
- 6.4 provide the registered Interested and Affected Parties 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 Interested and Affected Parties 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 be commenced with within 20 (twenty) calendar days of the date on which the applicant notified the registered Interested and Affected Parties 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 must 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 written notice of seven calendar days 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 submitted EMPr, dated September 2020 is hereby approved and must be implemented.
- 11. An application for amendment of 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 these 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 performs work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must-

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencina:
- 14.2 ensure compliance with the EMPr and the conditions contained herein; and
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

- 15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid
 - ensure that compliance with the conditions of the Environmental Authorisation and the EMPr is audited:
 - submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report three (3) months after commencement of the construction phase and another audit report six (6) months after completion of the construction period; and
 - 15.3 thereafter, submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
- 16. The environmental audit report must be prepared by an independent person 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;
- 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 seven days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties 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.
- 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 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. Health standards of structures associated with communication networks must be reviewed periodically based on ongoing scientific research.
 - 21.1 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.
 - 21.2 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.

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. 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. An application for amendment of the Environmental Authorisation must be submitted 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 made 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 any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

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 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 Interested and Affected Parties, 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 Interested and Affected Parties -
 - 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 Interested and Affected Party, 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 Interested and Affected Party 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: Marius Venter

Western Cape Ministry of Local Government, Environmental Affairs and

Development Planning Private Bag X9186 CAPE TOWN

0008

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 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 the Appeal Authority at: Tel. (021) 483 3721, E-mail <u>DEADP.Appeals@westerncape.gov.za</u> or URL http://www.westerncape.gov.za/eadp.

H. DISCLAIMER

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

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 14 DECEMBER 2020

Copied to: (1) Mr. A Mader / Mr. B de Witt (EnviroAfrica CC)

(2) Ms. A Joubert (Bergriver Municipality)

 ${\it Email:} \ \underline{Anthony@enviroafrica.co.za} \ / \ \underline{Bernard@enviroafrica.co.za}$

Email: <u>JoubertA@Bergmun.org.za</u>

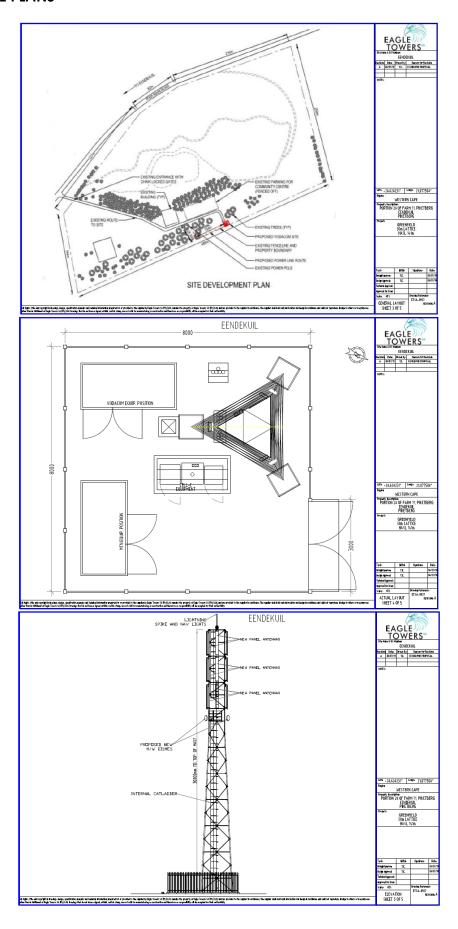
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLANS



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- The information contained in the Application Form sumitted23 March 2020 and the EMPr submitted together with the BAR dated September 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA: and
- d) The comments received from Interested and Affected Parties and the responses thereto, as included in the BAR dated September 2020

The public participation process included:

- identification of and engagement with Interested and Affected Parties;
- fixing two notices at the site where the listed activity is to be undertaken;
- giving notices to all relevant Interested and Affected Parties, the municipality, the ward councillor and the various organs of state as well as commenting authorities having jurisdiction in respect of any aspect of the listed activity;
- the placing of a newspaper advertisement in the "Swartland" on 19 November 2019;
- placing posters on the noticeboards at the Bergrivier Municipality and Agrimark in Eendekuil, and
- making the BAR and all relevant information available to Interested and Affected Parties and commenting authority for public review and comment.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the reports.

1. Alternatives

Site Alternative (Preferred)

Portion 28 of the Farm No. 71, Eendekuil, Piketberg is the only site alternative considered for the establishment of the approximately 30m high telecommunication mast and associated infrastructure.

This is the only site alternative considered, as the site is located in an area where cellular coverage is required in terms of cellular telecommunications infrastructure. In addition, the trees located adjacent to the site will serve as a screen by limiting the visual impact of the telecommunications mast and associated infrastructure on nearby visual receptors.

Design Alternative 1: Lattice Mast (Preferred and herewith authorised)

This alternative entails the construction of a lattice telecommunication mast of approximately 30m in height.

This alternative is preferred, as a result of following:

- a lattice mast is a viable option, as the lattice design is stronger and therefore able to hold more telecommunications equipment, thereby allowing more cellular telecommunications service providers to share masts instead of establishing more masts in the environment.
- a lattice mast is cheaper to construct than a monopole or tree design mast; and
- a lattice mast is less visually intrusive and more aesthetically pleasing.

Design Alternative 2: Tree Mast (Rejected)

This alternative entails the construction of a tree-like telecommunications mast of approximately 30m in height.

This alternative has been rejected as a result of the following:

- a tree-like mast cannot hold as much telecommunications equipment as a lattice mast; and
- a tree-like mast is be more costly to construct than a lattice mast.

Alternative 3: Monopole Mast (Rejected)

This alternative entails the construction of a monopole telecommunications mast of approximately 30m in height.

This alternative has been rejected as a result of the following:

- a monopole design will not be able to hold as much equipment as a lattice mast if future demand requires additional equipment;
- the monopole design is more costly to construct than a lattice type mast; and
- the monopole design will be more visually intrusive to onlookers travelling on the R365 Regional Road.

"No-Go" Alternative

The "no-go" alternative entails maintaining the "status quo", i.e. not constructing the lattice telecommunication mast and associated infrastructure.

This alternative was rejected, as this alternative means that it will not be possible to provide adequate telecommunication services in the area around the site, even though the an adequate cellular telecommunication service is nowadays essential for the business sector and for private/ social communication.

2. Impact Assessment and Mitigation measures

2.1 Activity need and desirability

The proposed mast will enable multiple service providers/ mobile network operators to attach and house their equipment (antennas) on the mast. This will reduce the need for additional telecommunications masts to be erected in the area.

Establishing the mast and associated infrastructure on the site will increase the coverage of cellular telecommunication services in the target area and provide a more reliable service for the benefit of business and for all other users of cellular telecommunication services in the area.

2.2 Regional/planning context

The site is zoned Agriculture and on 27 July 2018, the applicant was granted a consent use by the Berg River Municipality in order to establish the telecommunications mast and associated infrastructure on the site.

2.3 Biophysical Impacts

The site has been significantly transformed by previous human activities on the property and is covered by kikuyu grass and is surrounded by some tall trees. No rivers nor wetlands are located on or within 32m of the site. The authorized development is therefore unlikely to result in any significant biophysical impacts.

3.4 Visual / sense of place

The local area is characterised by wheat fields and other cultivated land and displays a typical rural landscape. The design and location of the mast will result in a medium-high visual impact in the local area. As a mitigation measure, the mast will be galvanized and the surrounding palisade fence will be painted green in order to blend in with the surrounding environment. These requirements are included in the approved EMPr. The mature trees located adjacent to the site will further act as a screen and mitigate the visual impact of the mast and associated infrastructure on onlookers in the vicinity.

3.5 Heritage

Having considered that the site is transformed, the mast and associated infrastructure are not likely to cause any significant heritage and cultural-historic impacts. On 27 November 2019, Heritage Western Cape confirmed in a letter that the proposed development is unlikely to significantly impact on heritage resources.

3.6 Socio-economic

The proposed mast will increase the coverage of cellular telecommunication services in the area around the site and make the service more reliable. In light of this, the local residents, businesses as well as visitors to the area will benefit from the construction of the mast and associated infrastructure.

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

Negative Impacts:

• The Department is satisfied that all the above negative impacts of significance will be addressed by the conditions contained in the environmental authorisation and the mitigation measures contained in the EMPr.

Positive impacts:

- The mast will result in positive impacts, such as the increase in coverage of telecommunications services, including providing a more reliable and wider coverage.
- The mast will also allow for multiple service providers to attach and house their equipment on the structure and thereby decreasing the need for additional telecommunication masts to be erected in the area.

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.

