



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE NUMBER: 16/3/3/1/A4/17/3060/17

ENQUIRIES: Mr. M. Lamour

DATE OF ISSUE: 2018 -05- 3 0

The Director
Atlas Towers (Pty) Ltd.
5 Herbert Penny Road, Penhill Estate
EERSTE RIVER
7100

Attention: Mr. R. Roos

Tel: (021) 902 0208
Email: rikus@bjb.co.za

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 DEVELOPMENT OF A 25 M HIGH TELECOMMUNICATION MAST AND ASSOCIATED INFRASTRUCTURE ON PORTION 2 OF FARM MEERLUST NO. 1081, EERSTE RIVER.

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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAHIR JOFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Mr. E. Esquire (Enviro Africa)
(2) Ms. A. van Wyk (City of Cape Town)

Fax: (086) 512 0154
Fax: (021) 850 4004



REFERENCE: 16/3/3/1/A4/17/3060/17
NEAS REFERENCE: WCP/EIA/0000331/2017
ENQUIRIES: Mr. M. Lamour
DATE OF ISSUE: 2018 -05- 30

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 DEVELOPMENT OF A 25 M HIGH TELECOMMUNICATION MAST AND ASSOCIATED INFRASTRUCTURE ON PORTION 2 OF FARM MEERLUST NO. 1081, EERSTE RIVER.

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 activities specified in section B below with respect to the Preferred Alternative, described in the BAR, dated February 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

The Director
Atlas Towers (Pty) Ltd.
c/o Mr. R. Roos
5 Herbert Penny Road, Penhill Estate
EERSTE RIVER
7100

Tel: (021) 902 0208
Email: rikus@bjb.co.za

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	Activity/Project Description
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 3 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>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 entails the development of a 25 m telecommunication mast and associated infrastructure outside an urban area.</p>

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

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

The proposed development entails the development of a 25m high monopole mast and associated infrastructure on Portion 2 of Farm Meerlust No. 1081, Eerste River, which is located outside an urban area.

Access will be gained from an existing access road.

Power supply for the proposed development will be obtained via an existing substation situated approximately 850m from the site.

The development footprint will be approximately 180m².

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Portion 2 of Farm Meerlust No. 1081, Eerste River, located off Station Road, Eerste River at the following co-ordinates:

	Latitude (S)	Longitude (E)
Mast	34° 00' 17.7" South	18° 44' 37.4" East

The SG 21-digit code is:

C0670000000108100002

Refer to Annexure 1 for the Locality Map and Annexure 2 for the Site plan (hereinafter referred to as "the site").

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

EnviroAfrica
c/o Mr. E. Esquire
P.O. Box 5367
HELDERBERG
7135

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 the Preferred Alternative described in the BAR dated February 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 **5 (five) years** from the date of issue of this Environmental Authorisation.
3. The development must be completed 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 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 the commencement of any construction activities or land clearing 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 office 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 an Environmental Audit Report 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).

14.2. 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.

14.3. 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

15. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.

16. 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 landfill licensed in terms of the applicable legislation.

17. 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.

17.1. 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.

17.2. 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.

18. Dust suppression measures must be used to mitigate dust during construction activities. No potable water must be used to mitigate dust nuisance and alternative dust suppression methods must be implemented.

19. All noise and sounds generated due to the proposed development must comply with the relevant SANS codes and standards.

20. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.

21. Health standards of structures associated with communication networks must be reviewed periodically based on ongoing scientific research.

21.1. The applicant 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.
 - 21.3. All safety standards set forth by the International Committee on Non-Ionising Radiation Protection ("ICNIRP") must be adhered to.
22. Within six months of the telecommunications structure ceasing to be functional for the purpose for which it is now authorised, it must be removed at the expense of the applicant, and the site, including all associated infrastructure, must be rehabilitated to the satisfaction of this Directorate.

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 (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.

5. 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).

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 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.

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 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: 30/05/2018

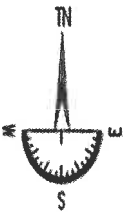
Copies to: (1) Mr. E. Esquire (Enviro Africa)
(2) Ms. A. van Wyk (City of Cape Town)

Fax: (086) 512 0154
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



PROPOSED ROUTE

NEW PROPOSED CELLULAR COMMUNICATIONS
BASE STATION LOCATION

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 06 November 2017, the BAR received by this Department on 12 February 2018 and the EMPr submitted together with the BAR on 12 February 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 revised BAR dated February 2018;
- e) The consent provided by the landowner (dated 08 December 2017);
- f) The balancing of negative and positive impacts and proposed mitigation measures; and
- g) No field 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 at the site where the listed activity is to be undertaken on 10 November 2017;
- 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 councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 06 November 2017;
- the placing of a newspaper advertisement in the 'Tygerburger' on 08 November 2017;
- making the pre-application draft BAR available to I&AP's from 30 August 2017 to 02 October 2017; and
- making the post-application draft BAR available to I&AP's for public review from 10 November 2017 to 11 December 2017.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Three design alternatives were considered by the applicant.

Alternative 1, entailed the development of a tree mast. This alternative was not considered preferred as the design would not be able to accommodate as much equipment for potential multiple service providers as a monopole mast.

Alternative 2 entailed the development of a lattice mast. This alternative was not considered preferred as although it would be able to accommodate all the required equipment for potential future service providers, it would have a higher visual impact compared to other design alternatives.

The Preferred Alternative (Herewith authorised)

The proposed development entails the development of a 25m high monopole mast and associated infrastructure on Portion 2 of Farm Meerlust No. 1081, Eerste River, which is located outside an urban area.

Access will be gained from an existing access road.

Power supply for the proposed development will be obtained via an existing substation situated approximately 850m from the site.

This alternative is considered the preferred alternative as it is able to accommodate all the required equipment for potential multiple service providers and will not result in significant negative visual impacts.

"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 site is located outside an urban area and is adjacent to an existing quarry (approximately 300m to the west of the site). The site has been identified as the ideal location for the proposed development as it will provide improved network coverage, communication services and wireless internet service in the area.

3.2. Visual Impact

The proposed development may result in visual impacts on the surrounding environment. However, the proposed mast will be located adjacent to an existing quarry, which will reduce the potential visual impact. In addition, the mast will be designed to blend in with the surrounding environment and will be located adjacent to existing tall trees.

The visual impacts associated with the proposed development are therefore regarded as being of medium negative significance prior to mitigation and low negative post mitigation.

3.3. Health Impacts

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.

3.4. Potential Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC indicated in their correspondence dated 19 December 2017, since there is no reason to believe that the proposed establishment of a 25 m telecommunication base station on Portion 2 of Farm Meerlust 1081, Eerste River, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

Potential heritage impacts are therefore regarded as being negligible.

3.5. Socio-Economic Impacts

Temporary employment opportunities will be afforded to the local community (as far as possible). The socio-economic impacts are therefore regarded as being of low positive significance.

3.6. Dust and noise Impacts

Potential dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the conditions of this environmental authorisation and the EMPr. As such, the dust and noise impacts are regarded as being of medium to low negative significance prior to mitigation and low negative post mitigation.

The development will result in both negative and positive impacts.

Negative impacts include:

- Potential visual impacts; and
- Dust and noise impacts.

Positive impacts include:

- Improved network coverage in the surrounding area;
- Improved wireless access to the internet in the surrounding area;
- Communication services; and
- Some employment opportunities.

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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