

NO.	DATE	AFFILIATION	REFERENCE NUMBER	COMMENTS	RESPONSE	RESPONDENT
Comments on Pre-Application Public Participation an NOI						
1.	2018-08-06	Rhett Smart CapeNature	SSD14/2/6/1/4/6/73_cell_Klipheuwel	<p>Background Information Document for the Proposed 25m High Telecommunications Mast on Erf 73, Klipheuwel, Cape Town</p> <ol style="list-style-type: none"> 1. CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity impacts and not to the overall desirability of the proposed development. 2. The property on which the development is classified as No Natural according to the Biodiversity Network for the City of Cape Town and the Western Cape Biodiversity Spatial Plan. The Google Earth imagery indicates that the site is a developed residential erf and is fully transformed. No Terrestrial specialist studies are considered necessary. There are no freshwater features mapped on the site or surrounding area, and therefore it is not considered necessary to conduct a freshwater specialist study. 	<ol style="list-style-type: none"> 1. Noted 2. Noted thank you 	

				<p>3. CapeNature will comment in more detail on the Draft Basic Assessment Report, however we are unlikely to object to this application.</p> <p>4. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>3. Noted thank you.</p> <p>4. Noted</p>	
2	2018-08-10	HWC Heidi Boise	HM/ CAPETOWN METROPOLITAN / DURBANVILLE/ MIKPUNT/ ERF 72	<p>1. Heritage Western Cape is in receipt of your application for the above matter received on 26 July 2018 and was discussed at our Heritage Officials Meeting (HOMS) on 06 August 2018.</p> <p>2. You are hereby notified that, since there is no reason to believe that the proposed 30m telecommunications mast will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.</p>	Thank you	EnviroAfrica
3	2018-08-28	DEADP Ayesha Hamdulay The Board of Directors Atlast Towers	16/3/3/6/7/1/A5/88/2134/18	Comment on the notice of intent to submit an application in the terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") regulations, 2014 (as amended): The proposed development of an approximately 25m high tree-type mast and associated infrastructure on Erf 73, Klipheuwel.		

				<ol style="list-style-type: none"> 1. The Notice of Intent Form with cover letter dated 12 July 2018, received by this Department on the same date, refers. 2. This Department notes that the development proposal entails the development of an approximately 25m high tree-type mast and associated infrastructure on Erf 73, Klipheuwel. 3. Listed Activities: After considering the information provided in the Notice of Intent, this Department notes that the proposed development constitutes a listed activity as defined in the terms of the EIA Regulations, 2014 (as mentioned), namely Item 3 of GN No. R. 983 (as mentioned). Item 3 of GN No. R.983 (as amended): The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower- <ol style="list-style-type: none"> (a) Is to be placed on a site not previously used for this purpose and (b) Will exceed 15 m in height – but excluding attachments to existing buildings and masts on rooftops. 	<ol style="list-style-type: none"> 1. Noted 2. Noted 3. Noted 	
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				<p>3.1 Western Cape</p> <p>(i) All areas outside urban areas:</p> <p>(ii) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas; or</p> <p>(iii) Areas zoned for use as public open space or equivalent zoning within urban areas.</p> <p>4. Process: A Basic Assessment Process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment Process. Failure to include any applicable listed activity may invalidate the application.</p> <p>You are referred to Appendix 1 of GN No. R.982 (as amended) for the requirements with respect to the 'Basic Assessment Process'. You are advised that when undertaking the Basic Assessment Process you must take into account this Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 (as amended) as well as any</p>	<p>4. Noted.</p>	
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				<p>other guidance provided by this Department. This Department's guidelines can be downloaded from the Department's website: www.westerncape.gov.za/eadp. In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:</p> <ul style="list-style-type: none"> • Guideline for Environmental Management Plans (June 2005) • Guideline on Exemption Applications (March 2013) • Guideline on Public Participation (March 2013) • Guideline on Alternatives (March 2013) • Guideline on Need and Desirability (March 2013) <p>5. Request for a Specific Fee Reference: This Department reminds you that the "Request for a specific fee reference number" form must be completed and submitted to this Department prior to submission of the formal application for the abovementioned proposed development. This Department advises that the Request for a Specific Fee Reference Number Form be submitted to this Department approximately 30 days before the intended date for the submission of the</p>	<p>5. Noted, fee reference number will be requested for submission of the Application and Post-Application BAR.</p>	
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				<p>Application Form for Environmental Authorisation. Upon receipt of the specific fee reference number, the reference number must be inserted into the Application Form for Environmental Authorisation and proof of payment of the applicable fee attached when the Application Form is submitted to this Department.</p> <p>6. Exemption: This Department notes that you do not intend to apply for Exemption in terms of the National Exemption Regulations, 2014 promulgated on 08 December 2014 from any of the requirements of the Public Participation Process as stipulated by Regulation 41 of the EIA Regulations, 2014 (as amended) any other provisions contained in the EIA Regulations, 2014 (as amended) the NEMA or any other notice issued under the NEMA. Please note that should you fail to meet a requirement of the EIA Regulations, 2014 (as amended) or the NEMA and if no exemption from that provision was applied for, your application for Environmental Authorisation may be refused by this Department.</p>	<p>6. Noted</p>	
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				<p>7. Alternatives: Be advised that in terms of the EIA Regulations, 2014 (as amended) and the NEMA, the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that this Department may grant authorisation for an alternative as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for a specified in Regulation 20 of GN No. R.982 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (i.e., the “No-Go” option) in addition to other alternatives identified.</p> <p>Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found,</p>	<p>7. Alternatives are discussed in Section E, F & G of the BAR</p> <p>Alternatives are discussed in Section E, F & G of the BAR</p>	
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				<p>no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is proof that the investigation was undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the “No-Go” option exist.</p> <p>8. Public Participation Process: A public participation process (“PPP”) that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken. You are advised that public participation may be undertaken prior to the submission of the application, although this is not mandatory. It is the Environmental Assessment Practitioner’s (“EAP”) discretion whether the requirements of Regulation 41 are met, during pre-application process or formal application process. You are reminded that a period of at least 30 days must be provided to all potential or registered Interested and Affected Parties to submit comment on the Basic Assessment Report (“BAR”) and</p>	<p>1. Noted. Please refer to Section C of the Pre-Application BAR (for comment September 2018) for an explanation of the initial public participation process followed. Please note that the Pre-App BAR for comment will be sent out to all registered I&APs and organs of state to provide their inputs for a commenting period of 30 days. Comment will be captured and attended to in the next round of public participation.</p>	
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				<p>Environmental Management Programme (“EMPr”)</p> <p>9. Should a PPP which includes the circulation of the pre-application BAR for comment be undertaken prior to submission of an Application Form for Environmental Authorisation to this Department, in terms of Regulation 40, the pre-application BAR may also be submitted to the Department for commenting purposes. Please ensure a minimum of two printed copies of the pre-application BAR is submitted to the Department for commenting purposes.</p> <p>In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014 (as amended), any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. Please note that the EAP is responsible for such consultation. Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments in terms of Section 24O (2) and (3) of NEMA in the BAR, where appropriate. It is noted that, amongst others, the following State Departments and Organs of State must be consulted during the EIA process as part of the PPP:</p> <ul style="list-style-type: none"> • CapeNature 	<p>9. Noted. This Pre-App BAR for comment will be sent out to all registered I&APs and organs of state to provide their inputs for a commenting period of 30 days. Comments will be captured and attended to in the next round of public participation.</p>	
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				<p>10. Environmental Management Programme: In accordance with section 24N of the NEMA and Regulation 19, this Department hereby requires the submission of an EMPr. The contents of such an EMPr must meet the requirements outlined in Section 24N of the NEMA (as amended) and Regulation 19 of the EIA Regulations, 2014 (as amended). The EMPr must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The EMPr must be submitted together with the BAR. This Department would like to advise that in compiling the EMPr, this Department's Guideline for Environmental Management Plans (June 2005), available on this Department's website must be taken into account as well as Appendix 4 of the EIA Regulations, 2014 (as amended).</p> <p>11. Need and Desirability: In terms of the EIA Regulations, 2014 (as amended) when considering an application, this Department must take into account a</p>	<p>10. Noted refer to Appendix H for the Draft EMPr</p> <p>11. Noted. Please see Appendix D of the BAR</p>	
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				<p>number of specific considerations including, inter alia, the need for and desirability of any development proposal. As such, the need for and desirability of the development proposal must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability.</p> <p>12. The Department awaits the submission of the Application Form and/or pre-application BAR prescribed by the EIA Regulations, 2014 (as amended). Please note that two printed copies and one electronic copy (saved on CD/DVD) of the Application Form for Environmental Authorisation and/or pre-application BAR must be submitted.</p> <p>13. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.</p> <p>14. No information provided, views expressed and/or comments made by officials during the pre-application consultation should</p>	<p>12. Noted.</p> <p>13. Noted</p> <p>14. Noted</p>	
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				<p>in any way be seen as an indication or confirmation:</p> <ul style="list-style-type: none"> • That additional information or documents will not be requested, or • Of the outcome of the application. <p>15. In addition to the above, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of Sustainable Development.</p> <p>16. It is prohibited in terms of Section 24F of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply in terms of the prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. A person convicted of an offence in the terms of the above is liable for a fine not exceeding R5 000 000 or to imprisonment for a period not</p>	<p>15. Noted</p> <p>16. Noted</p>	
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				<p>exceeding 10 years, or to both such fine and imprisonment.</p> <p>17. Kindly quote the abovementioned reference in any future correspondence regarding this letter.</p> <p>18. The Department reserves the right to revise or withdraw its comments and request further information from you based on any information received.</p>	<p>17. Noted</p> <p>18. Noted</p>	
4	2018-08-28	Ayesha Hamdulay The Board of Directors Atlas Towers	16/3/3/6/7/1/A5/88/2134/18	Acknowledgement of receipt of the notice of intent to submit an application in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended): The proposed development of an approximately 25m high tree-type mast and associated infrastructure on Erf 73, Klipheuwel.		