

NO.	DATE	AFFILIATION	REFERENCE NUMBER	COMMENTS	RESPONSE	RESPONDENT
<b>Comments on Pre-Application BAR</b>						
1	2018-11-05	DEADP Natasha Bieding	16/3/3/6/7/1A3/57/2136/18	<b>Appendix F1.5</b> Acknowledgment of receipt of the Pre-App BAR October 2018	Noted	EnviroAfrica
2	2018-11-30	DEADP Natasha Bieding	16/3/3/6/7/1A3/57/2136/18	<b>Appendix F1.6</b> <b>Comments in Pre-App BAR October 2018</b>  1. The abovementioned document and correspondence dated 24 October 2018 from Inge Erasmus of EnviroAfrica, as received by this Department on the 25 October 2018, refer.  2. Having considered the information contained in the aforementioned report, this Department in accordance with Reg 7 (5) of the EIA Regs, as defined in GNR 982 of 2014 (as amended), hereby provided the following comments with regards the proposed project:  2.1 In tera of Section 2(h)(iii) o Appendix 2 of GN R982 of 4 December 2014 (as amended), you must include all comments received from I&APs (which include commenting authorities and private individuals/ organisations) during the Public Participation, as well as the response to those comments in the future reports which will be submitted to this Department.	1. Noted  2.  2.1 Noted all comment received is captured in the Comments and Response report (this report) and original comments are included as Appendix F1.1 – F1.7	

				<p>2.2 Please be reminded that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that the applicable listed activities are assessed as part of the EIA process.</p> <p>2.3 Please be reminded to include all proof of the PP which was conducted in terms of the Regulation 41 of GNR 982 of 2014 (as amended). This must include inter alia: proof of having fixed a notice board at the site where the activity will take place, giving notice to I&amp;APs and placing an advertisement in the local newspaper.</p> <p>2.4 The pre-Application BAR seems to have only assessed the visual impacts which may result during the construction phase of the development. You are therefore requested to also assess the visual impacts of the proposed development that may result during the operational, i.e. the mast will be visible from prominent viewpoints and receptors, and the measures that will be implemented to avoid or</p>	<p>2.2 Noted</p> <p>2.3 Noted. Please refer to proof of posters <b>Appendix F3</b> and proof of notification letters were sent out <b>Appendix F4</b>. Proof of an advert in the local newspaper as <b>Appendix F6</b>. Proof that the Pre-App BAR October 2018 was sent out to all I&amp;APs for comment is included as <b>Appendix F7</b></p> <p>2.4 Please note that the visual impact of the proposed mast was assessed on the BAR on page 45. Please note that after considering comments from the CoCT it was decided that the proposed tree mast will be reduced to 25m to better fit into the surrounding agricultural</p>	
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				<p>if not possible mitigate the visual impacts.</p> <p>2.5 The correspondence dated 20 August 2018 from HWC makes reference to a 25m high mast, whereas a 30m high mast is proposed in the pre-application BAR. Please ensure HWC is informed of this oversight and be provided with another opportunity to provide comment on the proposed construction of an approx. 30m mast.</p> <p>2.6 Please be reminded of Regulation 3(8) of GNR 982 of 4 Dec 2014 (as amended), which states that “Any PPP must be conducted for a period of at least 30 days”.</p>	<p>environment. A 25m Yellow wood tree mast is proposed which will it into the environment surrounded by tall Bluegum trees. It is proposed that the mast be situated at the back of the property and it is very unlikely the mast will be highly visible from the road, east of the site.</p> <p>2.5 Noted. Thank you for your comments. After consideration of all comments received it has been decided that the height of the proposed tree mast be reduced from 30m to 25m. The 25m tree mast would have a lower visual impact on the environment</p> <p>2.6 Noted. All PPP was given more than 30days for comment on the pre-App BAR October 2018 (24 October to 26 November).</p>	
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				<p>2.7 Please be reminded to include the original signed declaration forms in the final report.</p> <p>2.8 Page 4 and 5 of the EMPr makes reference to a 25m lattice mast proposed on Portion 19 of Farm 319, Grabouw. You are requested to delete this reference and rectify this error, as developing a 25m mast in Grabouw is not applicable to the proposed development.</p> <p>2.9 Your attention is drawn to Appendix 4 of GNR 982 of 4 Dec 2014 (as amended), for the requirements which respect to the "Content of Environmental Management Programme" Please ensure that these requirements are met.</p> <p>2.10 Your attention is drawn to Appendix 1 of GNR 982 of 4 Dec 2014 (as amended), for the requirements which respect to the "Content of BAR" Please ensure that these requirements are met.</p> <p>3. Please note that it is prohibited in terms of the National Environmental Management Act, 1998 (Act No. 107 of 198) for a person to commence with a listed activity unless the competent authority has granted an</p>	<p>2.7 Noted. Original signed declarations will be included in the Final BAR</p> <p>2.8 Noted and corrected.</p> <p>2.9 Noted</p> <p>2.10 Noted.</p> <p>3. Noted and agreed.</p>	
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				<p>environmental authorisation for the undertaking of the activity. Failure to comply in terms of this 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 terms of the above is liable for a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or both such fine and imprisonment.</p> <p>4. Kindly quote the above mentioned reference number in any future correspondence in respect of this pre-application case.</p>	4. Noted	
3	2018-11-23	CoCT Municipality Transport and Urban Development Authority Lauren King		<p><b>Appendix F1.7</b> Reference is made to the Pre-App BAR for the proposed development of a 30m high telecommunication tree mast on the abovementioned property. This application has been assessed in terms of the National Environmental Management Act. No 107 of 1998.</p> <p>The EMD: Environmental and Heritage Management (E&amp;HM) Branch Circulated the Pre-Application BAR to the following departments/ branches for comment: <u>Informal Settlements, Water &amp; Waste Services Directorate:</u> Catchment and Stormwater Management Branch: Solid waste Management Department.</p>	Noted.	

				<p><u>Directorate of the Mayor:</u> Enterprise and investment Department. <u>Transport and Urban Development Authority (TDA):</u> Asses Management and Maintenance Branch: Urban Planning and Mechanisms Branch; Development Management Branch</p> <p>Comments were received from the following departments/branches:</p> <ol style="list-style-type: none"> <li>1. <b>EMD: Environmental Heritage Management Branch – Heritage section – Elize Mendelsohn</b></li> <li>1.1 Contrary to the assumption made in the Pre-App BA this branch is of the opinion that the proposed construction of a 30m freestanding telecommunications tower, within a mostly vacant rural landscape, will trigger the following activities identified in section 38 of the HWRA Act 25 of 1999:             <ul style="list-style-type: none"> <li>• Section 38(1) (c ) any development or other activity will change the character of the site (i) exceeding 5000m2 in extent.</li> </ul> </li> <li>1.2 The proposed location, as indicated, is away from any buildings and structures that might mitigate the impact and will be visible against the mountain backdrop. However, despite the applicant’s contention that a NID would not be applicable, such an application has been made</li> </ol>	<ol style="list-style-type: none"> <li>1.1 Thank you very much for your comment. This was corrected in the BAR.</li> <li>1.2 Noted. Thank you for your comment. After consideration it has been decided that the height of the proposed telecommunication tree mast will be reduced from 30m to 25m.</li> </ol>	
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				<p>to HWC. HWC responded, in their final comment dated 20 Aug 2018, that since there is no reason to believe that the construction of the 25m telecommunication mast would impact on any heritage recourses, no further studies under Section 38 were required.</p> <p>However, since the application is for a 30m high tree mast, the application will have to apply for an amendment to the RoD (not a new application) to the revised height before the Heritage Section of the Environmental and Heritage Brand will be able to support the application. Alternatively, the applicant can amend the application to include a reduction in the height of the mast to 25m instead of 30m.</p> <p><b>2. EMD: Environmental and Heritage Management Branch – Environmental Section – Lauren King</b></p> <p>2.1 This branch has reviewed the Pre-App BAR and is satisfied that all the environmental concerned have been addressed.</p> <p>2.2 It should be noted that the proposed mast will be located in a</p>	<p>2.</p> <p>2.1 Thank you.</p> <p>2.2 Noted and agreed.</p>	
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				<p>rural area with a relatively flat topography and very low density.</p> <p>2.3 No high buildings and/ or structures are located in close proximity to the proposed mast, which will also be very closely situated to the approximately 100m wide Sir Lowry’s Pass River Corridor. While this Branch is not opposed to the development of a telecommunication tree mast on the abovementioned property, the preferred alternative (30m high tree mast) is not deemed desirable in its current form. This Branch is of the opinion that a reduction on the height of the mast to 25m instead of 30m will be better suited for the site, in order to mitigate the visual impact of the mast, albeit a tree mast, on the cultural landscape.</p> <p>2.4 Notwithstanding the above, having received the EMPr, the following corrections are required:</p> <p>2.4.1 Page 4: The title in bold on the top of this page refer to a 25m height and incorrect site details. This must be corrected.</p> <p>2.4.2 Page: Site location: the first paragraph under this section refers to an incorrect mast</p>	<p>2.3 Thank you very much for your comment.</p> <p>After consideration it has been decided that the height of the proposed tree mast will be reduced from 30m to 25m. Site plans have been adjusted <b>(Appendix B)</b></p> <p>2.4.1 – 2.4.5 Thank you very much for identifying these discrepancies. Please note that they have been corrected.</p>	
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				<p>height and design as well as site location and must be corrected.</p> <p>2.4.3 Page 4: Site location: The last paragraph on this page speaks to a different site. This must be corrected.</p> <p>2.4.4 Page 5: figure 1 at the top of the page is of Peregrine farmstall along the N2 and not Erf 5094, Broadlands Strand. This must be corrected.</p> <p>2.4.5 Page 12, Section 13.1: the last bullet point is not relevant and should be removed.</p> <p><b>3. Conclusion</b> Having reviewed the application and circulated it to the relevant departments/ branched for comment. The EMD cannot for the above proposal desirable at this stage, due to the above concerns and requirements. It is recommended that the above concerns and requirements be addressed in the FBAR.</p>	<p>3 Please note that this department will have another chance to give their comment on the Post-Application BAR Dec 2018 for comment to review revised information.</p>	
<b>Comments on Pre-Application Public Participation an NOI</b>						
1	2018-07-02	CoCT Municipality Transport and Urban Development Authority Lauren King		Appendix F1.1 Request to be included in all future PPP. Request a Hard Copy and CD.	Noted and added to the I&AP list. A hard copy end CD of the Pre-App BAR (this report) will be sent to your offices.	EnviroAfrica
2	2018-08-10	HWC Heidi Boise	HM/ CAPETOWN METROPOLITAN / DURBANVILLE/ MIKPUNT/ ERF 72	Appendix E1 1. Heritage Western Cape is in receipt of your application for the above	Thank you. It is noted that there is a mistake in this response form Heritage. The proposed	EnviroAfrica

				<p>matter received on 14 August 2018 and was discussed at our Heritage Officials Meeting (HOMS) on 14 August 2018.</p> <p>You are hereby notified that, since there is no reason to believe that the proposed 25m 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>	<p>mast is 30m and not 25m as stated in the comments. This should still not impact heritage resources as the physical footprint did not change.</p>	
3	2018-08-06	Rhett Smart CapeNature	SSD14/2/6/1/4/3/5094_cell_Strand	<p>Appendix F1.2 Background Information Document for the Proposed 30m High Telecommunications Mast on Remainder Erf 5094, Broadlands, Strand</p> <ol style="list-style-type: none"> <li>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.</li> <li>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</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted</li> <li>2. Noted</li> </ol>	EnviroAfrica

				<p>Terrestrial specialist studies are considered necessary.</p> <p>3. No wetlands have been mapped for the site, however the Sir Lowry's Pass River is located along the north west boundary of the site. The site is however in close proximity to the Sir Lowry's Pass River. The background information document does not provide the exact proposed location, however provided that the facility is located on an existing built footprint, no freshwater specialist studies are considered necessary either. The Sir Lowry's Pass River flood alleviation upgrade should also be taken into account. 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. Please note that the mast is proposed within the existing built footprint within the property, behind existing walls of the property.</p> <p>4. Noted</p>	
3	2018-08-24	DEADP Natasha Bieding	16/3/3/6/7/1/A3/57/2136/18	<p><b>Appendix F1.3</b></p> <p><b>Acknowledgement of receipt of the NOI</b></p> <p>1. Your document and letter dated 10 July 2018, as received by the Department on the same day refer.</p>	Noted	

				<ol style="list-style-type: none"> <li>2. This letter serves as acknowledgment of receipt of the aforementioned document.</li> <li>3. This Department will consider the information in accordance with the prescribed timeframes and advise you accordingly.</li> <li>4. Kindly quote the abovementioned reference number in any future correspondence in respect of the development proposal.</li> <li>5. Please note that it is prohibited in terms of the National Environmental Management Act, 1998 (Act No. 107 of 198) 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 this 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 terms of the above is liable for a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or both such fine and imprisonment.</li> </ol>		
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				6. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.		
4	2018-08-24	DEADP Natasha Bieding	16/3/3/6/7/1/A3/57/2136/18	<p><b>Appendix F1.4 Comment on the NOI</b></p> <ol style="list-style-type: none"> <li>1. The Notice of Intent dated 10 July 2018 and the correspondence dated 12 July 2018 from Inge Erasmus of EnviroAfrica as received by the Department on the same date refer.</li> <li>2. On 4 December 2014 the Minister of NEMA, 1998 (Act 107 of 1998) viz. the EIA Amendment Regs, 204 GN No. R. 983, R. 983, R.985 in Government Gazette No. 38282 of 4 Dec 2014. These regulations came into effect on 8 December 2014. All activities defined as listed activities in the EIA Regs 2014 (as amended) that had not lawfully been commenced with on 8 December 2014, must not be undertaken without an EA from the EA.'</li> <li>3. You are hereby advised that only those activities applied for will be considered for authorisation. The onus is on the application to ensure that all the applicable listed activities are applied for and assessed as part of the EIA process. Failure to include any applicable</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted</li> <li>2. Noted</li> <li>3. Noted</li> </ol>	EnviroAfrica

				<p>listed activity may result in the refusal of our application.</p> <p>4. This Directorate noted that you do not intend to apply in terms of the National Exception Regs, 2014 (as amended), for exemption from any provisions contained in the NEMA requirement of the Regs or the NEMA and if no exception form that provision was applied for, your application may be refused.</p> <p>5. 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.</p> <p>6. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with</p>	<p>4. Noted</p> <p>5. Alternatives are discussed in Section E, F &amp; G of the BAR</p> <p>6. No-go option is discussed in Section E of the BAR</p>	
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				<p>the proposed activity (i.e., the “No-Go” option) in addition to other alternatives identified. Every EIA process must therefore 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, 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 is this instance is proof that the investigation was undertaken and motives indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist.</p> <p>7. In terms of good environmental practice you are encouraged to engage with State Department and other Organs of State in the pre-application phase or early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the reports available to State Departments as stipulated above.</p>	<p>7. Please note that the Pre-App BAR for comment (this report) will be sent out to all registered I&amp;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>You are hereby requested to add the City of Cape Town to your list of State Department to be notified.</p> <p>8. The person conducting the PPP must fulfil the requirements outlined in Chapter 6 of the EIA Regulations, 2014 (as amended) and must take into account any applicable Guidelines published in terms of Section 24J of the NEMA , this Department’s Circular EADP 0028/2014 on the “One Environmental Management System” and the EIA Regulations 2014 (as amended), as well as any other guidance provided by the Department.</p> <p>9. 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</p>	<p>8. Please refer to Appendices F for the initial Public Participation Process conducted.</p> <p>9. Please refer to Appendix H for the Draft EMPr.</p>	
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				<p>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.</p> <p>10. You are referred to Appendix 1 of GN No. R.982 (as amended) for the requirements with respect to the 'Basic Assessment Process'.</p> <p>11. Please ensure that all specialist report (if applicable) contain all information set out in Appendix 6 of of GN No. R982 of 4 December 2014 (as amended).</p> <p>12. In terms of the EIA Regulations, 2014 (as amended) when considering an application, this Department must take into account a 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>13. In addition to the above, you must clearly show how the proposed</p>	<p>10. Noted.</p> <p>11. Applicable specialist studies are included as Appendix G.</p> <p>12. Noted. See Section D of the report.</p> <p>13. Noted.</p>	
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