



REFERENCE: 16/3/3/6/7/1/A3/57/2136/18

ENQUIRIES: Natasha Bieding

DATE: 30/11/2018

The Board of Directors
Atlas Towers (Pty) Ltd
P O Box 44512
CLAREMONT
7735

Attention: Dirko Loots

Tel.: (021) 552 5255
Fax: (086) 537 9187

Dear Sir

COMMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF AN APPROXIMATELY 30M HIGH CAMOUFLAGED TREE MAST AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 5094, BROADLANDS, STRAND

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 Regulation 7 (5) of the Environmental Impact Assessment ("EIA") Regulations, as defined in Government Notice ("GN") No. R. 982 of 2014 (as amended), hereby provides the following comments with regard to the proposed project:
 - 2.1. In terms of Section 2(h)(iii) of Appendix 2 of GN No. R. 982 of 4 December 2014 (as amended), you must include all comments received from Interested and Affected Parties (which includes the commenting authorities and private individuals/organisations) during the Public Participation Process, as well as the responses to those comments in the future reports which will be submitted to this Department.
 - 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.
 - 2.3. Please be reminded to include all proof of the Public Participation which was conducted in terms of the Regulation 41 of GN No. R. 982 of 2014 (as amended). This must include, *inter alia*: proof of having fixing a notice board at the site where the activity will take place, giving written notice to Interested and Affected Parties and placing an advertisement in the local newspaper.

- 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 phase. This may include, *inter alia*, confirmation of whether the proposed development, *i.e.* the mast will be visible from prominent viewpoints and receptors, and the measures that will be implemented to avoid or if not possible mitigate the visual impacts.
 - 2.5. The correspondence dated 20 August 2018 from Heritage Western Cape makes reference to 25m high mast, whereas a 30m high mast is proposed in the pre-application BAR. Please ensure that Heritage Western Cape is informed of this oversight and be provided with another opportunity to provide comment on the proposed construction of an approximately 30m mast.
 - 2.6. Please be reminded of Regulation 3 (8) of GN No. R. 982 of 4 December 2014 (as amended), which states that:

"Any public participation process must be conducted for a period of at least 30 days".
 - 2.7. Please be reminded to include the original signed declaration forms in the final report.
 - 2.8. Page 4 and 5 of the Environmental Management Programme makes reference to a 25m lattice mast proposed on Portion 19 of the Farm 319, Grabouw. You are requested to delete this reference/rectify this error, as developing a 25m mast in Grabouw is not applicable to the proposed development.
 - 2.9. Your attention is drawn to Appendix 4 of GN No. R. 982 of 4 December 2014 (as amended), for the requirements with respect to the '*Content of Environmental Management Programme*'. Please ensure that these requirements are met.
 - 2.10. Your attention is drawn to Appendix 1 of GN No. R. 982 of 4 December 2014 (as amended), for the requirements with respect to the '*Content of basic assessment reports*'. Please ensure that these requirements are met.
3. Please note that the activity must not be commenced with prior to an environmental authorisation being granted by this Department. It is prohibited in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 to both such fine and imprisonment.
 4. Kindly quote the abovementioned reference number in any future correspondence in respect of this pre-application case.

5. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours faithfully

Handwritten signature in black ink, appearing to read 'M. Mtshane'.

HEAD OF DEPARTMENT

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to: (1) Inge Erasmus (EnviroAfrica)
(2) Azanne van Wyk (City of Cape Town)

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