



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/6/7/1/E4/11/1222/18
ENQUIRIES: Bernadette Osborne
DATE: 2018 -11- 02

The Board of Directors
Atlas Towers (Pty) Ltd
PO Box 44512
CLAREMONT
7708

Attention: Mr Cornelis Wessels

Tel: (021) 870 1302 / 1368
E-mail: cwessels@Atlattowers.com

Dear Sir

COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT ("BAR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED DEVELOPMENT OF A 30M HIGH TELECOMMUNICATION MAST ON PORTION 7 OF FARM JAGERSVLAKTE NO. 292, GRABOUW.

1. The pre-application Draft BAR and letter dated 5 October 2018 and this Department's acknowledgement thereof issued on 11 October 2018, refer.
2. This letter serves as comment on the aforementioned document by this Department.
3. According to the information submitted to this Department, the following is noted:
 - The proposal entails the development of a 30m high lattice mast on portion 7 of Farm Jagersvlakte No. 292, Grabouw.
 - The proposal will have a development footprint of approximately 100m².
 - The site is mapped to contain critically endangered *Kogelberg Sandstone Fynbos* vegetation, but based on the information no indigenous vegetation is present on the site.
 - The Klipdrift River flows along the north-eastern boundary of the site but the development will be located more than 32m thereof.
 - According to the National Freshwater Ecosystems Priority Areas Map, the site falls within a channelled valley bottom wetland, but based on the information, the area has been transformed by agricultural activities.
 - The site is zoned for agricultural use, is vacant and undeveloped and is located outside the urban area of Grabouw.

4. This Department's comments are as follows:
 - 4.1 It is indicated a Freshwater and Botanical Specialist were not appointed since the site does not contain indigenous vegetation and the wetland has been completely transformed. These findings must be confirmed by CapeNature.
 - 4.2 However, if the site is deemed to fall within a wetland, Activity 12 of Listing Notice 1 will be triggered by the proposed development. If applicable, this activity must be considered, assessed and addressed.
 - 4.3 It was noted that the information in the Heritage Screener dated 5 June 2018 refers to the proposed development of a 25m high mast. This must be rectified in the BAR.
 - 4.4 Pages 45 and 54 of the Draft BAR refers to the proposed development of a 25m high mast in Klipheuwel, page 62 refers to a 25m high mast in Worcester and page 72 refers to the proposed development of a 25m high tree mast. This must be corrected in the BAR.
 - 4.5 Since the site is zoned for agricultural use, comment from the Department of Agriculture must be included in the BAR.
 - 4.6 Comment from Department of Water and Sanitation is required with regards to the potential water uses in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA"), if any. Please be advised that in terms of the Standard Operating Procedure between this Department and the DWS, which came into effect on 1 July 2017, the Environmental Assessment Practitioner must submit a written water use application request to the DWS to determine whether or not a General Authorisation or WULA in terms of the NWA is required. In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and 163A of the NWA) the processes for a WULA and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014, as well as the 2017 WULA Regulations.
 - 4.7 It is indicated that the power will be sourced from Eskom. Please provide written confirmation that they have sufficient capacity to accommodate the proposed development.
 - 4.8 The Public Participation Process must comply with the requirements of Regulation 41 of the EIA Regulations 2014, and proof of compliance with all the steps undertaken must be included in BAR.
 - 4.9 Omission of any required information in terms of Appendices 1 and 4 of the EIA Regulations 2014 with regards to the final submission of the Final BAR and EMPr, respectively to the Department, may result in the application for Environmental Authorisation being refused.
 - 4.10 Be advised that an original signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to

implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.

- 4.11 In addition to the above, please ensure that original signed and dated Environmental Assessment Practitioner ("EAP") declaration is also submitted with the final BAR for decision-making.
5. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
6. Please note that it is an offence in terms of Section 49A(1)(a) 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 with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
7. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



ME

HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms Inge Erasmus (EnviroAfrica cc)
(2) mariannege@twk.gov.za (Theewaterskloof Municipality)

Fax: (086) 512 0154