



**Western Cape
Government**
Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 1)

REFERENCE: 16/3/3/6/7/1/E3/14/1447/18
ENQUIRIES: Bernadette Osborne
DATE: 2019 -03- 11

The Board of Directors
Atlas Towers (Pty) Ltd
Cecilia Square
100 Cecilia Square
PAARL
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Attention: Mr C Wessels

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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 MAST ON FARM NO. 161, SWELLENDAM ROAD, BUFFELJAGSRIVIER.

1. The pre-application Draft BAR and letter dated 8 February 2019, as received by this Department on the same day and the meeting dated 6 March 2019 between this Department and the Swellendam Municipality, refer.
2. This letter serves as acknowledgement of receipt and provisional 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 Farm No. 161, Swellendam Road, Buffeljagsrivier.
 - The proposed telecommunication base station will have a development footprint of approximately 100m² and will be surrounded by a 2.4m high palisade fence.
 - Historically the site contained *Cape Lowland Alluvial* vegetation which is classified as critically endangered, but the site is transformed with no indigenous vegetation remaining on the site.
 - A non-perennial river is present on the site but the proposed development will not be located within 32m of the watercourse.
 - The site is zoned for agricultural use and is located outside the urban area of Buffeljagsrivier.

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4. This Department's comments are as follows:
 - 4.1 During a meeting with officials from the Swellendam Municipality it was highlighted that the location of the proposed mast was amended based on their comment on the consent use application. This does not correspond with the Site Development Plans included in the Draft BAR. Please clarify whether the revised development proposal as accepted by Swellendam Municipality is no longer preferred.
 - 4.2 A site development plan must be included in the BAR which indicates the distance between the proposal and the watercourse as proof that the proposal is not located within 32m of the watercourse present on the site.
 - 4.3 Since power will be supplied by Eskom, written confirmation that they have sufficient capacity for the proposal must be included in the BAR.
 - 4.4 Since the site is zoned for agricultural use, comment from the Department of Agriculture must be included in the BAR.
 - 4.5 Proof of notification to the the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the proposed development must be included in the BAR.
 - 4.6 It was noted that proof of an advertisement in the newspaper was not included in the BAR. Please be advised that a cut-out of the advert in the newspaper must be included in the BAR.
 - 4.7 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 the BAR.
 - 4.8 A Site Development Plan of the proposal must be included in the Environmental Management Programme ("EMPr") as required by Regulations 1(c) of Appendix 4 of the NEMA EIA Regulations, 2014.
 - 4.9 Omission of any required information in terms of Appendices 1 and 4 of EIA Regulations 2014, with regards to the final submission of the 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



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

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