



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT  
REGION 1**

**REFERENCE NUMBER:** 16/3/3/6/7/1/A2/1/3213/18

**ENQUIRIES:** Mr. R. Chambeau

**DATE OF ISSUE:** 2018 -07- 2 3

Atlas Towers (Pty) Ltd.  
166 Main Road  
Omnipark Building, 1<sup>st</sup> floor  
**PAARL**  
7620

**For Attention: Mr. D. Loots**

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

Dear Sir

**ACKNOWLEDGEMENT OF THE NOTICE OF INTENT TO SUBMIT AN APPLICATION IN TERMS OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE PROPOSED INSTALLATION OF A 25M HIGH TELECOMMUNICATIONS MAST AND ASSOCIATED INFRASTRUCTURE ON ERF 43547, ATHLONE**

Your Notice of Intent ("NOI") dated 10 July 2018 and received by this Department on 12 July 2018, refers.

1. This letter serves as an acknowledgement of receipt of the aforementioned document by this Directorate.
2. Based on the information provided this Directorate notes the following:
  - 2.1 The proposed development will entail the installation of a 25m high monopole tree mast and associated infrastructure on Erf 43547, Athlone;
  - 2.2 The development footprint will be approximately 97.5m<sup>2</sup> in extent;
  - 2.3 The proposed development will take place inside an urban area, on a site zoned as Open Space 2: Public Open Space;
  - 2.4 The proposed site does not contain sensitive vegetation, nor is it situated within a CBA;
  - 2.5 An existing access road will be utilised to gain access to the proposed site, gained via 8<sup>th</sup> Avenue; and
  - 2.6 There are no watercourses within 100m of the proposed site.

### 3. Applicable listed activity

- 3.1 Based on the information provided by you, your proposed development **will trigger** the following listed activity in terms of the NEMA EIA Regulations, 2014, namely:

Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):

**Activity Number: 3**

Activity Description:

*The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower-*

- (a) is to be placed on a site not previously used for this purpose; and  
(b) will exceed 15 metres in height-*

*but excluding attachments to existing buildings and masts on rooftops.*

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- i. All areas outside urban areas;*
- 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*
- iii. Areas zoned for use as public open space or equivalent zoning within urban areas.*

- 3.2 A Basic Assessment process must be followed in order to apply for environmental authorisation. You are hereby advised that only those activities applied for will 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 EIA process.

### 4. Exemptions

The Directorate notes that you do not intend to apply for exemption from any provisions contained in the NEMA EIA Regulations, 2014 (as amended) or the NEMA. Please note that should you fail to meet a requirement of the NEMA 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.

### 5. Alternatives

Be advised that in terms of the NEMA 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 the 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 as specified in Regulation 20 of the NEMA EIA Regulations, 2014 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives. 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, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the "no-go" alternative, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred and the "no-go" alternatives exist must be provided to the Directorate.

## 6. Public Participation

- 6.1 You are advised that public participation may be undertaken prior to the submission of the application. However, public participation must comply with the requirements of Regulation 41(2) of the NEMA EIA Regulations, 2014 (as amended).
- 6.2 Please be advised that the requirements of the public participation process ("PPP") are specified in Regulation 41(2) of the NEMA EIA Regulations, 2014 (as amended).
- 6.3 The Basic Assessment Report must be made available to the Interested and Affected Parties ("I&APs"), including all the relevant State Departments that administer laws relating to a matter affecting the environment, for **comment for a period of 30 days**.
- 6.4 Please be advised that should the PPP, which includes the circulation of a Report for comment, be undertaken prior to the submission of an Application Form to the Department, in terms of Regulation 40, the Report may also be submitted to the Department for commenting purposes. Please ensure a minimum of one printed copy of the draft Report is submitted to the Department.
- 6.5 In terms of good environmental practice you are encouraged to engage with State Departments and other Organs of State in the pre-application phase 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 Basic Assessment Report available to State Departments as stipulated above.
- 6.6 You are reminded to obtain confirmation of sufficient, spare, unallocated capacity in terms of electricity, water and sewerage from the relevant authority in this regard.

## 7. Environmental Management Programme

In accordance with Section 24N of the NEMA and Regulation 19 of the NEMA EIA Regulations, 2014 (as amended), the Department hereby requires the submission of an Environmental Management Programme ("EMPr"). The contents of such an EMPr must meet the requirements outlined in Section 24N (2) & (3) of the NEMA (as amended) and Appendix 4 of the NEMA 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 Basic Assessment Report.

## 8. Need and Desirability

In terms of the NEMA EIA Regulations, 2014 (as amended), when considering an application, this Directorate must take into account a number of specific considerations including, *inter alia*, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the Basic Assessment Report. The Basic Assessment Report must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability.

## 9. General

- 9.1 In addition to the above requirements, 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.
- 9.2 You are reminded that the social context of the proposed development must always be considered. This includes the impact that the proposed development may have on the prevalence of HIV/AIDS, sexually transmitted infections (STI) and Tuberculosis (TB), as well as equity and gender related concerns.
- 9.3 You are hereby advised that the Basic Assessment Report must contain all the information outlined in Appendix 1 of the NEMA EIA Regulations, 2014 (as amended), and must also include

the information requested in this letter. Omission of any of the said information may result in the refusal of Environmental Authorisation.

9.4 This Department awaits the submission of the draft Basic Assessment Report.

Kindly quote the above-mentioned reference number in any future correspondence in respect of the pre-application.

Please note that the activity may not commence prior to obtaining an environmental authorisation.

The Department reserves the right to revise its comments and request further information based on any information received.

Yours faithfully

  
HEAD OF DEPARTMENT

Copies to: (1) Mr. E. Esquire (EnviroAfrica cc)  
(2) Mr. A. Greenwood (City of Cape Town: Environmental Resource Management)

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