



REFERENCE: 16/3/3/1/D2/19/0015/19

ENQUIRIES: Steve Kleinhans

DATE OF ISSUE: 2019 -12- 11

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Dear Sir

COMMENT ON THE REVISED DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF A 25 METRE HIGH TELECOMMUNICATIONS TREE MAST ON PORTION 112 OF THE FARM HANS MOES KRAAL No. 202, GEORGE

1. The abovementioned document dated November 2019, refers.
2. This Directorate has reviewed the information contained within the Revised Draft Basic Assessment Report ("RBAR") and provides the following comment:

2.1. Comment on Visual Impact Assessment

The findings of the updated Visual Impact Assessment ("VIA") have been noted. However, the updated VIA does not include a reasoned opinion whether the proposed activity should be approved or which alternative should be authorised. This must be addressed and included in the final BAR ("FBAR").

It must be ensured that the specialist reports contain all information specified in Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended) ("EIA Regulations, 2014").

2.2. Impact Assessment

This Department's previous comments with regard to the Impact Assessment, letter dated 26 August 2019, has not been adequately addressed in the RBAR and the report is considered to be incomplete for the following reasons:

- (a) The impact assessment included in Appendix J of the RBAR (referred to as "Appendix J2" in the RBAR) identifies certain "Aspect/Activity" which are associated with implementing the proposal. The nature and description of the identified "Aspect/Activity" and the list of the identified impacts for such aspect/activity, are not all clearly related to the impacts which may be expected to be directly linked to the activity, i.e. development of a telecommunication mast. The impact assessment is found to be inadequate.

Please be reminded that an impact and risk assessment process, inclusive of cumulative impacts, must focus on determining the geographical, physical, biological, social, economic, heritage, and cultural sensitivity of the sites and locations within sites and the risk of impact of the proposed activity and technology alternatives on these aspects to determine—

- (i) the nature, significance, consequence, extent, duration, and probability of the impacts occurring to; and
- (ii) the degree to which these impacts—
 - (aa) can be reversed;
 - (bb) may cause irreplaceable loss of resources; and
 - (cc) can be avoided, managed or mitigated.

Through a ranking of the site sensitivities and possible impacts the activity and technology alternatives will impose on the sites and location identified through the life of the activity to—

- (i) identify and motivate a preferred site, activity and technology alternative;
- (ii) identify suitable measures to avoid, manage or mitigate identified impacts; and
- (iii) identify residual risks that need to be managed and monitored.

- (b) Furthermore, the electronic copy of Appendix J2 of the RBAR does not contain the impact assessment tables. This is also the case for the electronic copy of the document on the *EnviroAfrica* webpage. It is unclear whether a hard copy of the RBAR was made available to all registered Interested and Affected Parties ("I&APs"). It is therefore reasonable to expect that registered I&APs did not have an opportunity to review the impact assessment. Please refer to comment below regarding "public participation".
- (c) Further to point (a) above, a comparative assessment of all the reasonable and feasible alternatives has not been included in Appendix J2 of the RBAR. The comparative assessment must be in tabular form with various alternative. Furthermore, only the design detail for Alternative 2a has been included in the RBAR. General design details for all reasonable and feasible must be included in the BAR.
- (d) It is noted that a demarcation permit in terms of the Conservation of Agricultural Resources Act, Act No. 43 of 1983 ("CARA"), has been obtained from the National Department of Agriculture, Forestry and Fisheries ("DAFF") in order to permit the alien invasive *Pinus sp* tree on the property. However, the permit stipulates that the spread of "*all reasonable steps must be taken to curtail the spreading or propagating material outside the demarcated area*". This mitigation measure effectively includes an "operational aspect" to the proposal since the regular alien clearing activities will need to be undertaken to comply with the permit; however, the EAP does not assess any operational impact in the RBAR. In addition to this, the visual impact of the various alternatives during the operational phase have not been assessed in the RBAR. The visual assessment must be informed by the Visual Impact Assessment, compiled by Ms. S.C. Lategan.

Further to this matter, if the proposed mitigation measure is to be considered, the applicant must provide proof of complying with other relevant legislation which governs the eradication of listed alien invasive plant species, namely the *Alien and Invasive Species Regulations* (GN No. R. 598 of 1 August 2014) promulgated under the National Environmental Management: Biodiversity Act, (Act No. 10 of 2004 as amended). As such a similar permit or exemption, should have been obtained from the relevant competent authority. This aspect must be addressed in the FBAR.

2.3. *Implementation programme*

As indicated in 2.2 above, the implementation of the Demarcation Permit issued by DAFF effectively includes an operational aspect for the proposal. In accordance with the provisions of the Environmental Impact Assessment Regulations, 2014, a period for which the environmental authorisation is required must be provided. This period must be informed by the operational aspects and the non-operational aspects of the proposed development. However, according to the implementation programme on pages 10 and 58 of the RBAR, the proposal does not include operational aspects. This must be clarified in the BAR.

2.4. *Environmental Management Programme*

In accordance with the Demarcation Permit, alien plant clearing has been included for the operational phase of the proposal. However, a programme and methodology for alien clearing and prevention of the spread of alien plants from the demarcated areas have not been included in the EMPr. The programme must specify the intervals for monitoring of and removal of new saplings. The methodology for the clearing of alien trees must also be included.

Furthermore, the contents of the Environmental Management Programme ("EMP") must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of GN No. R. 982 of 4 December 2014.

2.5. *Public Participation*

Please be reminded that all registered interested and affected parties (including organs of state and the competent authority) are entitled to comment, in writing, on all reports or plans submitted during the public participation process. Any public participation process must be conducted for a period of at least 30 days.

Should any information have been omitted from any of the documents, reports or plans during the public participation process, this may prejudice the outcome of the application.

Your EAP is advised to address this matter before proceeding with the application.

2.6. *Legislative requirements*

As stated in this Department previous letter of 26 August 2019, in terms of the Conservation of Agricultural Resources Act, Act No. 43 of 1983, ("CARA") and the Alien and Invasive Species Regulations (GN No. R. 598 of 1 August 2014) promulgated under the National Environmental Management: Biodiversity Act, Act No. 10 of 2004, (as amended), the landowner must take steps to control and eradicate listed invasive species and to prevent it from spreading.

A Demarcation Permit to retain the stand of *Pinus sp.* trees has been obtained from the DAFF and included in the RBAR and EMPr. This Directorate takes note of the permit and will consider the relevance thereof during the decision-making process.

3. The Department awaits the submission of the FBAR as prescribed by Regulation 19 of the EIA Regulations, GN No. R. 982 of 4 December 2014. In accordance with Regulation 19 of GN No. R. 982 of 4 December 2014, the Department hereby stipulates that the BAR must be submitted to this Department for decision within **140 days** from the date of receipt of the application by the Department.

However, if the scope of work must be expanded based on the outcome of the assessment done in accordance with these Regulations, which outcome could not have been anticipated prior to the undertaking of the assessment, the competent authority may, prior to the lapsing of the relevant prescribed timeframe, in writing, extend the relevant prescribed timeframe and agree with the applicant on the length of such extension. In such an event, the applicant/EAP must notify the Department to seek such an extension and obtain such extension prior to the timeframe lapsing.

If the FBAR is not submitted within the prescribed timeframe, the application will lapse in terms of Regulation 45 of Government Notice Regulation No. 982 of 4 December 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid again.

4. Please note that **one** printed copy as well as two electronic copies (saved on CD/DVD) of the FBAR must be submitted to the Department.
5. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
6. Please note that the proposed activities may not commence prior to an Environmental Authorisation being granted by the Department.
7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully



**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Ref.: 16/3/3/1/D2/19/0015/19

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