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**DEA&DP Ref. No.: 16/3/3/1/E4/11/1017/19**

**NEAS Ref. No.: WCP/EIA/0000579/2019**

Date of issue: 2019-08-08

DFA&DP Case Officer: Bernadette Osborne

# **THE DEVELOPMENT OF A 25M HIGH TELECOMMUNICATION MAST AND ASSOCIATED INFRASTRUCTURE AT PERIGRINE FARMSTALL ON PORTION 19 OF FARM NO. 319, GRABOUW**

## **NEMA COMPLIANCE AUDIT REPORT: FINAL REPORT**

*In terms of Condition 14 of the EA and Regulations 34 of the NEMA EIA regulations 2014 (as amended),  
GN 326, 7 April 2017.*



**DATE: 17 AUGUST 2021**

**P.J.J. Botes (Pr.Sci.Nat: 400184/05)**

*Registered Professional Botanical, Environmental and Ecological Scientist*

## EXECUTIVE SUMMARY

### ENVIRONMENTAL AUTHORIZATION(S)

The original Environmental Authorization was granted in terms of the National Environmental Management Act, 1998 (Act. 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended). Environmental authorization was granted for the preferred alternative as described in the Final Basic Assessment Report (BAR), dated 7 May 2019.

- **DEA&DP Ref.**                      **No.: 16/3/3/1/E4/11/1017/19**
- **NEAS Ref. No.:**                **WCP/EIA/0000579/2019**
- **Date of issue:**                 **2019-08-08**
- **Commencement Date:**       **16 March 2020**
- **Completion date:**            **5 May 2020 (a construction period of just over 9 weeks, but with only 12 on-site working days – according to the implementation schedule, Appendix 3).**

**COMPLIANCE TO CONDITIONS OF THE EA:** Several non-compliances were noted in terms of the EA, almost all of which are related to the fact that the EAP was not consulted before construction commenced and the fact that no ECO had been appointed (Refer to Table 2, Chapter 3 of this document).

Non-compliances/potential non-compliances to the EA include:

- Condition 4: Compliance to the conditions of the EA was compromised in terms of the following.
- Condition 6: Notification of commencement was **not submitted to the DEA&DP**.
- Condition 9: Implementation of the EMP during construction cannot be verified.
- Condition 10: Could not be verified, but the holder claimed that it was implemented as part of their standard practice.
- Condition 11: An ECO was not appointed.
- Condition 12: According to the holder, copies of the EMP and EA was on site (standard practice), but it could not be verified.
- Condition 14: Environmental audits was not performed (although the Holder did commission EnviroAfrica to facilitate this compliance audit).

### COMPLIANCE WITH THE EMP

Compliance with the conditions of the EMP is discussed in Chapter 4. Since no ECO was appointed and construction was completed at the time when this audit was performed the physical audit could only evaluate the construction site in terms of the final product, the disturbance footprint and rehabilitation done. Compliance with the conditions of the EMP (Refer to Appendix 4) can thus only be judged in terms of the final product (the site conditions at the time of this audit).

Site conditions during construction might have differed. Since there were no ECO or ECO reports to give any indications of these conditions, non-conformities- and non-compliances during construction cannot be evaluated and definite shortcomings of the EMP will be difficult to evaluate (please refer underneath).

### POTENTIAL SHORTCOMINGS OF THE EMP

Since the EMP had been tried and tested on a number of similar projects no shortcomings with regards to the EMP itself is expected (and none was pointed out by the holder). No obvious or significant shortcomings were observed in the EMP. It is considered well written and generally easy to use.

### AMENDMENTS TO THE EMP

The audit did not reveal any aspect related to this project that requires amendment to the EMP.

### CLOSURE PLAN:

A closure plan or closure statement was not submitted for evaluation.

### **IN CONCLUSION**

Having previously been involved in several telecommunication mast construction projects as an ECO, the auditor took the following into account:

- The site itself was described as transformed with very low environmental significance.
- Construction of these telecommunication masts are a relative niche market for which only a handful of contractors normally tender. According to the holder, the contractor (CnD Telecom Group) used for this installation had done several similar projects for Atlas Towers over the years. As a result, the contractor is very well acquainted with the construction method as well as the environmental control measures normally implemented.
- According to the holder the construction team had previously underwent several environmental induction training sessions for similar projects.
- Construction is very similar in almost all cases with the only variant the construction of entrance roads to some sites. Often the entrance road may have a larger potential impact than the construction site itself (which was not applicable in this case).
- The final product (taken that it was constructed in an area with very low environmental sensitivity) would suggest that the contractor did a good job with waste and pollution management. The completed site is very neat and clean with no obvious signs of any remaining waste products or pollution. .
- Overall, no significant environmental impact seems to have resulted.

## COMPLIANCE WITH GN 982 (4 DECEMBER 2014)

REG	CONTENT OF ENVIRONMENTAL AUDIT REPORT	INCLUDED (YES / NO OR N/A)	REPORT REFERENCE
1.	An environmental audit report prepared in terms of the NEMA EIA Regulations (2014, as amended) must contain:		
(a)	(i) Details of the independent person who prepared the environmental audit report;	Yes	Page v & vi
	(ii) The expertise of independent person that compiled the environmental audit report;	Yes	Page v & vi
(b)	A declaration that the independent auditor is independent in a form as may be specified by the competent authority;	Yes	Page v & vi
(c)	An indication of the scope of, and the purpose for which, the environmental audit report was prepared;	Yes	Par. 1.2
(d)	A description of the methodology adopted in preparing the environmental audit report;	Yes	Par. 2
(e)	An indication of the ability of the EMPr, and where applicable, the closure plan to-		
	(i) sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity on an on-going basis;	Yes	Par. 4 & 5
	(ii) sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the closure of the facility; and	Yes	Par. 4 & 5
	(iii) ensure compliance with the provisions of environmental authorisation, EMPr, and where applicable, the closure plan;	Yes	Par. 3, 4 & 5
(f)	A description of any assumptions made, and any uncertainties or gaps in knowledge;	Yes	Par. 2.1
(g)	A description of any consultation process that was undertaken during the course of carrying out the environmental audit report;	Yes	Par. 2 & 2.1
(j)	A summary and copies of any comments that were received during any consultation process; and	N/a	
(k)	Any information requested by the competent authority;	N/a	

## INDEPENDENCE & CONDITIONS

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PB Consult is an independent entity with no interest in the activity other than fair remuneration for services rendered. Remunerations for services are not linked to approval by decision making authorities and PB Consult have no interest in secondary or downstream development because of these services. There are no circumstances that compromise the objectivity of this report. The findings, results, observations, and recommendations given in this report are based on the author's best scientific and professional knowledge and available information. PB Consult reserve the right to modify aspects of this report, including the recommendations if new information become available which may have a significant impact on the findings of this report.

## RELEVANT QUALIFICATIONS & EXPERIENCE OF THE AUTHOR

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Mr Peet Botes holds a BSc. (Hons.) degree in Plant Ecology from the University of Stellenbosch (Nature Conservation III & IV as extra subjects). Since qualifying with his degree, he had worked for more than 20 years in the environmental management field, first (1997) at the Overberg Test Range (a Division of Denel) managing the environmental department of OTR and being responsible for developing and implementing an ISO14001 environmental management system, ensuring environmental compliance, performing environmental risk assessments with regards to missile tests and planning the management of the 26 000 ha of natural veld, working closely with CapeNature (De Hoop Nature Reserve).

In 2005 he joined Enviroscientific, an independent environmental consultancy specializing in wastewater management, botanical, and biodiversity assessments, developing environmental management plans and strategies, environmental control work as well as doing environmental compliance audits and was also responsible for helping develop the biodiversity part of the Farming for the Future audit system implemented by Woolworths. During his time with Enviroscientific he performed more than 400 biodiversity and environmental legal compliance audits.

During 2010 he joined EnviroAfrica in order to move back to the biodiversity aspects of environmental management. Experience with EnviroAfrica includes NEMA EIA applications, environmental management plans for various industries, environmental compliance audits, environmental control work as well as more than 90 biodiversity & botanical specialist studies.

Towards the end of 2017, Mr Botes started his own small environmental consulting business focusing on biodiversity & botanical assessments, biodiversity management plans and environmental compliance audits.

Mr Botes is a registered Professional Botanical, Environmental and Ecological Scientists at SACNASP (South African Council for Natural Scientific Professions) as required in terms of Section 18(1)(a) of the Natural Scientific Professions Act, 2003, since 2005.

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## DECLARATION OF INDEPENDENCE

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### THE INDEPENDENT PERSON WHO COMPILED THE COMPLIANCE AUDIT REPORT

I Petrus, Jacobus, Johannes Botes, as the appointed independent specialist hereby declare that I:

- act/ed as the independent specialist in this application;
- regard the information contained in this report as it relates to my specialist input/study to be true and correct, and
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the NEMA, the Environmental Impact Assessment Regulations, 2014, as amended, and any specific environmental management Act;
- have and will not have no vested interest in the proposed activity proceeding;
- have disclosed, to the applicant, EAP and competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the NEMA, the Environmental Impact Assessment Regulations, 2014 and any specific environmental management Act;
- am fully aware of and meet the responsibilities in terms of NEMA, the Environmental Impact Assessment Regulations, 2014 (specifically in terms of regulation 13 of GN No. R. 326) and any specific environmental management Act, and that failure to comply with these requirements may constitute and result in disqualification;
- have ensured that information containing all relevant facts in respect of the specialist input/study was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments on the specialist input/study;
- have ensured that the comments of all interested and affected parties on the specialist input/study were considered, recorded and submitted to the competent authority in respect of the application;
- have ensured that the names of all interested and affected parties that participated in terms of the specialist input/study were recorded in the register of interested and affected parties who participated in the public participation process;
- have provided the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not; and
- am aware that a false declaration is an offence in terms of regulation 13 of GN No. R. 326.

**Note:** The terms of reference must be attached.



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Signature of the specialist:

PB Consult (Sole Proprietor)

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Name of company:

4 March 2021

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Date

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Appendix 3:	Implementation schedule
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## 1. INTRODUCTION

Atlas Towers recently constructed a 25m high telecommunications lattice mast with a 7.4m x 4.1m base station behind the Peregrine Farm Stall on Portion 19 of Farm 319, Grabouw RD, Western Cape. The base station and mast are enclosed by a palisade fence. The site itself was completely transformed, but one tree (*Celtis sinensis*, not indigenous) had to be removed from the site. The mast can be used by multiple service providers/ mobile network operators, decreasing the need for additional communications masts in the area. The new mast will increase the coverage of telecommunications services and provide a more reliable service. The data services provided are considered paramount for social and economic development.

### 1.1 Construction progress

Construction commenced: 16<sup>th</sup> of March 2020

Construction was completed: 5<sup>th</sup> of May 2020

Main Contractor: CnD Telecom Group (specialising in telecommunication mast installations)

Please refer to the Implementation schedule (Appendix 3).

### 1.2 Environmental audit

The purpose of this environmental audit is to ensure compliance with condition 17 of the Environmental Authorization (EA) for this project, which states that the holder must conduct environmental audits to determine compliance with the conditions of the EA and the EMP'r and submit Environmental Audit Reports to the Competent Authority. Audit reports must be undertaken quarterly for the duration of the construction phase and submitted to the competent authority once every 6 months during the construction phase. The final audit report must be submitted within 6 months after operations commenced. I&AP's must be notified of the submission of each of these reports and how they can access the report.

Construction lasted just over 9 weeks, this is the **first and also the final environmental audit report** for this project (which should have been submitted within 6 months after operations completed).

#### 1.2.1 Scope of the audit

The scope of the audit report is to review compliance to the conditions of the Environmental Authorization (EA) and the Environmental Management Plan (EMP) as well as any other permits, complaints, non-compliances, and the ECO reports during the first three month of construction.

The audit report aims to conforms to requirements of the NEMA EIA regulations 2014 (as amended), GN 326, 7 April 2017, Appendix 7, for Environmental Audit Reports. PB Consult was commissioned to undertake the compliance audit. The environmental audit report will be submitted to the DEA&DP for comments and all interested and affected parties will be notified of the submission of the report.

#### 1.2.2 Objectives of the audit

The objective of the environmental audit report (in terms of GN 326, 7 April 2017) is to:

- Report on:
  - a. The level of compliance with the conditions of the environmental authorization and the EMP'r, and where applicable, the closure plan; and
  - b. The extent to which the avoidance, management and mitigation measures provided for in the EMP'r, and where applicable the closure plan, achieve the objective and outcomes of the EMP'r, and closure plan.

- Identify and assess any new impacts and risks as a result of undertaking the activity.
- Evaluate the effectiveness of the EMP'r, and where applicable the closure plan.
- Identify shortcomings in the EMP'r, and where applicable the closure plan; and
- Identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMP'r, and where applicable, the closure plan.

### 1.3 Project description

The development entails the construction of a 25m high telecommunications lattice mast with a 17,4m x 7,1m base station, constructed on a flat surface area behind Peregrine Farm stall. The base station and mast will be enclosed with a 2.4m high palisade fence with an access gate.

Site coordinate for the proposed mast is 34°09'51.35S 19°02'03.68.19"E. The site is zoned agriculture. Electricity supply will be from the Eskom and no new roads will be constructed as an existing access road will be utilised to gain access to the proposed site.

Figure 1: Location of the mast (Yellow marker) in relation to Peregrine Farm Stall (taken from the NEMA Application)



### 1.4 Environmental sensitivity of the site

According to the EMP'r and personal observation, Erf 142504 can only be described as a built-up and entirely transformed in terms of environmental sensitivity. To the south, Peregrine (and the site) borders on agricultural land, but construction should not have any direct impact on agricultural activities (coupled with a very short construction period).

The biodiversity overlay map for the site shows that it will not impact on any Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs). The National Freshwater Ecosystems Priority Areas (NFEPA) Map show that the proposed site does not fall within any wetlands/ watercourses or river.

The Visual impact specialist findings concluded that the proposed 25m telecommunications lattice mast at the Peregrine Farm stall will have an overall low to moderate visual impact without mitigation. The most

significant impact is the direct on-site impact. However, this is also within acceptable levels given the high site activity levels. With mitigation, it is argued that the on-site impacts can be slightly reduced.

### 1.5 Project Status

The physical site visit for this audit report was performed on the 4<sup>th</sup> of March 2021. All the construction activities had been completed. Table 1 gives a short summary of chronological order of events regarding the commencement of construction and progress.

**Table 1: Chronological order of events in terms of the EA approval and commencement process**

DATE	DESCRIPTION OF EVENT	NOTES
2019/08/08	Environmental Authorization was granted in terms of the National Environmental Management Act, 1998 (Act. 107 of 1998) and the Environmental Impact Assessment Regulations 2014 (as amended). EA was granted for the preferred alternative. <ul style="list-style-type: none"> <li>DEA&amp;DP Ref. no.: 16/3/3/1/E4/11/1017/19</li> <li>Date of issue: 2019/08/08</li> </ul>	<b>GRANTED.</b>  Refer to Appendix 1 for a copy of the EA.
2019/08/12	Notification to I&AP's about the outcome of the EA (Granted)	Refer to Appendix 2
	Notice of intent to commence submitted to DEA&DP	<b>Notification of commencement was not submitted to DEA&amp;DP</b>
2020/03/16	Commencement with construction	Refer to Appendix 3
2020/05/05	Construction completion date	Refer to Appendix 3
2021/03/04	Site visit for this compliance audit report, commissioned by the holder and EnviroAfrica	This report

### 1.6 Abbreviations used

BAR	Basic Assessment Report
CBA	Critical biodiversity area
DEA&DP	Department of Environmental Affairs & Development Planning
EA	Environmental Authorization (Record of Decision)
EAP	Environmental assessment practitioner
ECO	Environmental Control Officer
EIA	Environmental impact assessment
EMP	Environmental Management Plan or Program
EMS	Environmental management system
ESA	Ecological support area
MSDS	Material Safety Data Sheet(s)
NEMA	National Environmental Management Act, 1998 (Act no. 107 of 1998)

## 2. METHODOLOGY ADOPTED FOR PREPARING THE AUDIT REPORT

Information on the background and technical aspects of the project was obtained from the Environmental Assessment Practitioner (EnviroAfrica) and the Holder (Atlas Towers). A site visit was conducted together with the EAP on the 4<sup>th</sup> of March 2021.

Further information was gained from evaluating relevant documentation such as:

- The Environmental authorization (Appendix 1);
- The Basic Assessment Report prepared by EnviroAfrica CC (dated May 2019);
- The EMP approved by DEA&DP (dated May 2019);
- The physical site visit;
- Other documentation relevant to the proposed development;

In this environmental audit, compliance with the conditions of the EA is discussed under Heading 3. Findings are discussed in the comments & recommendations column next to each Condition of the EA.

Compliance with the EMP is discussed under Heading 4, with findings discussed under each heading.

### 2.1 Assumptions & uncertainties

Since construction was completed at the time when the site visit was done the physical audit could only evaluate the construction site in terms of the final product, the disturbance footprint and rehabilitation done. The observations and conclusions therefore refer to the site conditions at the time of the site inspection.

Site conditions during construction might have differed significantly. Since there were no ECO or ECO reports to give any indications of these conditions, it will be difficult to evaluate potential non-conformities- and non-compliances during construction as well as shortcomings of the EMP.

On the other hand, construction of these telecommunication masts is a niche marked and the contractor team (CnD Telecom Group) had previously undergone environmental training for several similar construction projects. From previous experience on a number of these build sites; the contractor was usually (almost without exception) very well versed in the do's & don'ts especially with regards to environmental control. Construction is very similar in almost all cases with the only variant the construction of entrance roads to some sites. Often the entrance road may have a larger potential impact than the construction site itself (which was not applicable in this case).

The final product (taken that it was constructed in an area with very low environmental sensitivity) would suggest that the contractor did a good job with waste and pollution management. The completed site is very neat and clean with no obvious signs of any remaining waste products or pollution. Since the EMP had been trial and tested on a number of similar projects no shortcomings with regards to the EMP itself is expected (and none was pointed out by the holder).

### 3. COMPLIANCE WITH THE CONDITIONS OF THE VARIOUS ENVIRONMENTAL AUTHORIZATIONS

Table 2 gives a summary of the conditions applicable to this environmental authorization and discuss compliance on the hand of evidence obtained.

**Table 2: a short summary of the Conditions of the EA and notes on compliance with these conditions**

No.	SHORT DESCRIPTION OF EACH CONDITION	COMMENTS ON COMPLIANCE & RECOMMENDATION(S)
<b>Scope of authorization</b>		
1.	The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to Design Alternative 1 described in the Basic Assessment Report (BAR), dated 7 May 2019 on the site as described in Section C above (as described in the EA)	<b>Compliant</b> The physical site inspection confirmed that the activity was located in the correct place and that the correct design alternative was constructed as approved in the EA.
2.	The Environmental Authorisation is valid for a period of five years from the date of issue within which commencement must occur.	<b>Compliant</b> Date of issue: 8/08/2019 Construction commenced: 16 March 2020 (within the 5-year validity period)
3.	The development must be concluded within ten years from the date of commencement of the listed activity.	<b>Compliant.</b> Construction of the mast and base station had been completed. The base station can accommodate 4 equipment containers (of which one had been installed).
4.	The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/ her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.	<b>Potentially Compliant</b> Although this could not be verified, the holder confirmed that it is standard practice to have all statutory approvals on site, which includes: <ul style="list-style-type: none"> <li>Copies of the EA and EMP was on site.</li> </ul> In addition the contractor was the same used on numerous similar projects and had gone through various environmental induction training sessions in the past.
5.	Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms	<b>Compliant</b> No changes or deviations from the scope observed or reported.

No.	SHORT DESCRIPTION OF EACH CONDITION	COMMENTS ON COMPLIANCE & RECOMMENDATION(S)
	of the applicable legislation.	
<b>Notification and administration of appeal</b>		
6.	Seven calendar days' notice, in writing must be given to the Competent Authority before commencement of construction activities	<b>Non-Compliant</b> Notification of commencement was <b>not submitted to the DEA&amp;DP.</b>
7.	The holder must in writing, within 14 (fourteen) calendar days of the date of this decision notify all registered Interested and Affected Parties (I&APs) of the outcome of the application & their right to appeal.	<b>Compliant</b> Notifications to I&AP's was done. Please refer to Appendix 2 for proof of the notifications as received from EnviroAfrica.
8.	The listed activity, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation.	<b>Compliant</b> Date of issue: 8/08/2019 Construction commenced: 16 March 2020 (more than 20 days after the date of issue)
<b>Management of activity</b>		
9.	The draft Environmental Management Programme (EMPr) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.	<b>Potentially Compliant</b> Although this could not be verified, the holder confirmed that it is standard practice to have all statutory approvals on site, which includes: <ul style="list-style-type: none"> <li>Copies of the EA and EMP was on site.</li> </ul> In addition the contractor was the same used on numerous similar projects and had gone through various environmental induction training sessions in the past.
10.	The EMPr must be included in all contract documentation for all phases of implementation.	<b>Potentially compliant</b> Although this could not be verified, the holder confirmed that it is standard practice to include all statutory approvals in contract documentation. <ul style="list-style-type: none"> <li>The contractor was the same used on numerous similar projects (similar environmental control principles).</li> </ul>
<b>Monitoring</b>		
11.	The holder must appoint a suitably experienced environmental control officer (ECO), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the	<b>Non-compliant</b> <b>NO ECO was appointed.</b>



No.	SHORT DESCRIPTION OF EACH CONDITION	COMMENTS ON COMPLIANCE & RECOMMENDATION(S)
	provisions of the EMPr and the conditions contained herein.	
12.	A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.	<p><b>Potentially partially compliant</b></p> <p>Although this could not be verified, the holder confirmed that it is standard practice to have all statutory approvals on site e.g.:</p> <ul style="list-style-type: none"> <li>• Copies of the EA and EMP was on site.</li> <li>• The contractor was the same used on numerous similar projects and had gone through various environmental induction training sessions in the past.</li> <li>• However, no compliance monitoring had been done (construction period was very short).</li> </ul>
13.	The access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.	<p><b>Complaint (mostly likely)</b></p> <p>Although this could not be verified, the holder confirmed that no site visits were performed by any official to the best of his knowledge, but that access would have been granted.</p>
<b>Auditing</b>		
14.	<p>The holder must conduct environmental audits to determine compliance with the conditions of the EA and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.</p> <p>The holder must undertake quarterly environmental audits for the duration of the construction phase and submit such reports to the Competent Authority once every six months. The final Environmental Audit Report must be submitted to the Competent Authority within six months after operation commenced.</p> <p>The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&amp;APs of the submissions and make the report available to</p>	<p><b>Partially Compliant</b></p> <ul style="list-style-type: none"> <li>• An ECO was not appointed</li> <li>• However, an independent entity (PB Consult) was appointed to conduct a final audit report (this report).</li> <li>• PB Consult is an independent consultancy with no previous ties to the development.</li> <li>• The short construction period means that the project would have been completed before the first quarterly report had to be submitted to DEA&amp;DP.</li> <li>• The final compliance audit was not submitted within 6 months as no ECO was appointed. However, the holder did appoint EnviroAfrica to assist with the appointment of an independent entity to perform a compliance audit, once they realised that not appointing an ECO was in non-compliance to the EA.</li> </ul>

No.	SHORT DESCRIPTION OF EACH CONDITION	COMMENTS ON COMPLIANCE & RECOMMENDATION(S)
	anyone on request and on a publicly accessible website (if applicable).	
<b>Specific conditions</b>		
15.	Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.	<p>Most likely Compliant</p> <ul style="list-style-type: none"> <li>Although it could not be verified, the holder indicated that no heritage remains was uncovered during the excavations.</li> <li>The likelihood of uncovering heritage remains is considered very low.</li> </ul>
<b>General matters</b>		
1.	Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.	<p><b>Compliant</b></p> <p>Building approvals were obtained.</p>
2.	Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.	<p><b>Noted</b></p> <p>Non-compliances were recorded in this audit report (refer above), which mostly concerns:</p> <ul style="list-style-type: none"> <li>Notification of commencement.</li> <li>Appointment of an ECO</li> <li>Environmental Compliance monitoring during construction.</li> </ul>
3.	If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.	<p><b>Compliant</b></p> <p>The holder commenced with construction within the specified period.</p>
4.	The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.	<p><b>Compliant</b></p> <p>No amendments required.</p>



No.	SHORT DESCRIPTION OF EACH CONDITION	COMMENTS ON COMPLIANCE & RECOMMENDATION(S)
5.	<p>The manner and frequency for updating the EMPr is as follows:</p> <p>Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation applicable at the time.</p>	<p><b>Noted</b></p> <p>No updates to the EMP'r requested.</p>
<b>Appeals</b>		
1.	<p>Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).</p> <p>1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority:-</p> <p>1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and</p> <p>1.2 Submit a copy of the appeal to any registered I&amp;APs, an Organ of State with interest in the matter and the decision-maker i.e., the Competent Authority that issued the decision.</p>	<p><b>Noted</b></p> <p>No appeals were submitted to the knowledge of the EAP or the holder.</p>
2.	<p>An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&amp;APs-</p> <p>1. Submit an appeal in accordance with Regulation 4 of the National Appal Regulations 2014 (as amended) to the Appeal Administrator; and</p> <p>2. Submit a copy of the appeal to the holder of the decision, any registered I&amp;AP, any Organ of State with interest in the matter and the decision-maker i.e., the Competent Authority that issued the decision.</p>	<p><b>Noted - Refer above</b></p>
3.	<p>The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&amp;AP and the Organ of State must submit their responding statement, if any, to the appeal authority and the</p>	<p><b>Noted - Refer above</b></p>

No.	SHORT DESCRIPTION OF EACH CONDITION	COMMENTS ON COMPLIANCE & RECOMMENDATION(S)
	appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.	
4.	<p>The appeal and the responding statement must be submitted to the address listed below:</p> <p><b>By post:</b> Western Cape Ministry of Local Government, Environmental Affairs and Development Planning Private Bag X9186 CAPE TOWN 8000</p> <p><b>By facsimile:</b> 021-483-4174; or</p> <p><b>By hand:</b> Attention: Mr. Marius Venter (Tel: 021 483 3721), Room 809 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001</p> <p>Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.</p>	<b>Noted - Refer above</b>
5.	<p>A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at: Tel (021) 483 3721, E-mail: <a href="mailto:DEADP.Appeals@westerncape.gov.za">DEADP.Appeals@westerncape.gov.za</a> or URL; <a href="http://www.westerncape.gov.za/eadp">http://www.westerncape.gov.za/eadp</a></p>	<b>Noted - Refer above</b>

#### 4. COMPLIANCE WITH THE EMP

Since no ECO was appointed and construction was completed at the time when this audit was performed the physical audit could only evaluate the construction site in terms of the final product, the disturbance footprint and rehabilitation done. Compliance with the conditions of the EMP (Refer to Appendix 4) can thus only be judged in terms of the final product (the site conditions at the time of this audit).

Site conditions during construction might have differed. Since there were no ECO or ECO reports to give any indications of these conditions, non-conformities- and non-compliances during construction cannot be evaluated and definite shortcomings of the EMP will be difficult to evaluate.

On the other hand, as mentioned before, the construction of these telecommunication masts is a niche market and the contractor team used for this project had done numerous similar installations. From previous experience on a number of these build sites; the contractor was usually (almost without exception) very well versed in the do's & don'ts especially with regards to environmental control. Construction is very similar in almost all cases with the only variant the construction of entrance roads to some sites. Often the entrance road may have a larger potential impact than the construction site itself (which was not applicable in this case – Photo 1).

The final product (taken that it was constructed in an area with very low environmental sensitivity) would suggest that the contractor did a good job with footprint management, waste and pollution management (Photo 1 & 2). The completed site is very neat and clean with no obvious signs of any remaining waste products or pollution. Since the EMP had been tried and tested on a number of similar projects no shortcomings with regards to the EMP itself is expected (and none was pointed out by the holder).



**Photo 1:** Looking down from west to east over the Peregrine Telecommunication mast. Note the enclosed area and low environmental sensitivity.



**Photo 2:** Looking from east to west across the site. Again, the transformed nature of the site is quite evident.



**Photo 3:** Picture, showing the mast in the background behind the Peregrine buildings. The tower blending in relatively well with the rest of the terrain.

#### 4.1 Implementation of the EMP and documentation

Implementation of the approved EMP during construction could not be verified.

However, the applicant confirmed that a copy of the EMP (and EA) was on site, and that the specific contractor had worked with them on several previous occasions (similar projects) during which he received



environmental induction training. According to the holder the contractor is well versed in environmental control during construction.

#### **4.1.1 Compliance status**

From the status of the final product, it would suggest good control and housekeeping. No construction related non-conformities (e.g., enlarged footprint, waste items) were evident on the day of the site visit.

### **4.2 On-site start-up meeting**

In terms of Heading 5 of the approved EMP a mandatory on-site start-up meeting must be conducted at least 5 days before construction commence to discuss the specific site construction agreements (e.g., laydown areas, etc.) as well as all method statements that might be required, access roads, mandatory equipment, waste management etc.

#### **4.2.1 Compliance status**

**Non-compliant:** Since an ECO was not appointed the on-site start-up meeting was not performed.

### **4.3 Environmental declaration of understanding**

The purpose of the Environmental Declaration of Understanding agreement between the applicant/client, the engineer, the contractor, and the Environmental Consultant is:

- To enforce compliance by all parties with the EA and this Environmental Management Programme.
- To maintain proof of compliance with the site EA.
- Applicant to inform all relevant parties of the EA and EMPr (as per condition of the EA).
- To protect the environment of the site against environmental damage.
- To mitigate and rehabilitate any damage to the environment.
- Ensure that all contractors and sub-contractors are familiar with the EMPr and EA and sign the mandatory Declaration of Understanding indicating their undertaking to work within the framework of the environmental requirements.

This agreement outlines the obligations on the ECO to ensure compliance by all parties with the EMPr.

#### **4.3.1 Compliance status**

**Non-compliant:** Since an ECO was not appointed a declaration of understanding was not signed

### **4.4 Environmental awareness training**

According to Section 12 of the EMP all site construction personnel must attend an on-site Induction Environmental Education and Awareness training (E&AT) session together with any site-specific environmental training they may require carrying out their duties.

#### **4.4.1 Compliance status**

**Non-compliant:** Since an ECO was not appointed environmental training cannot be verified. However, the holder indicated that the construction team used for this project had undergone various environmental induction training session on previous (similar) projects.

#### 4.5 Appointment of an ECO and compliance monitoring

According to Section 13 and 16, an ECO must be appointed for the duration of the contract. It is his duties to ensure environmental compliance and record keeping during construction as well as submit auditing reports and completion statements.

##### 4.5.1 Compliance status

**Non-compliant:** Since an ECO was not appointed environmental control and auditing cannot be verified.

#### 4.6 Construction activities

The transformed status of the site and the fact that the construction site is contained meant that construction activities should have been easy to manage (which it probably was). On the day of the site visit for this audit the site was neat and tidy and no obvious non-compliance with the principles described under Section 17 of the EMP were observed. As mentioned before, the site was neat and tidy, and all indications are that good control and housekeeping was maintained throughout the construction site. However, actual compliance during the construction phase could not be verified.

##### 4.6.1 Compliance status

**Could not be verified:** Since no ECO was appointed, there are no ECO reports or any other compliance monitoring reports to evaluate in terms of compliance to the construction related guidelines given in the EMP.

### 5. EFFECTIVENESS OF THE EMP

The construction activities for which the EMPr had been developed were relatively strait forward and located on a site that was not environmentally sensitive (in fact it is described as transformed).

In general, the EMP seems to be well written and to the point, whilst still covering all significant aspects relating proposed construction activity.

- The project description (Chapter 1) is brief and to the point but gives an excellent overview of what the project entailed.
- The summary of environmental impacts from the EIA process described the environment, and the areas of concern. It also lists specialist recommendations that needs to be taken into account.
- Responsibilities, communication, record keeping, monitoring and reporting were set out in Chapter 2 – 14 and seems to cover all potential eventualities.
- Environmental awareness and risk training were discussed in Chapter 5 & 7.
- Management specifications applicable to the construction phase are discussed under Chapter 17 and emphasises mitigation measures during construction.
- Likewise, management specifications required during the operation phase is discussed under Chapter 18.

#### 5.1 Potential shortcomings of the EMP

No obvious or significant shortcomings were observed in the EMPr. It is considered well written and generally easy to use.

#### 5.2 Amendments to the EMP

The audit did not reveal any aspect related to this project that requires amendment to the EMPr.

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## 6. CONCLUSION

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### 6.1 Compliance with the EA

A number of non-compliances were noted in terms of the EA, almost all of which are related to the fact that the EAP was not consulted before construction commenced and the fact that no ECO had been appointed (Refer to Table 2, Chapter 3 of this document).

Non-compliances/potential non-compliances to the EA include:

- Condition 4: Compliance to the conditions of the EA was compromised.
- Condition 6: Notification of commencement was not submitted to the DEA&DP.
- Condition 9: Implementation of the EMP during construction cannot be verified.
- Condition 10: Could not be verified, but the holder did confirm that it was done (as part of their standard practice).
- Condition 11: An ECO was not appointed.
- Condition 12: According to the holder, copies of the EMP and EA was on site (standard practice), but it could not be verified.
- Condition 14: Environmental audits was not performed (although the Holder did commission EnviroAfrica to facilitate this compliance audit).

### 6.2 Compliance with the EMP

Since no ECO was on appointed and construction was completed at the time when this audit was performed the physical audit could only evaluate the construction site in terms of the final product, the disturbance footprint and rehabilitation done. Compliance with the conditions of the EMP (Refer to Appendix 4) can thus only be judged in terms of the final product (the site conditions at the time of this audit).

Site conditions during construction would have differed significantly. Since there were no ECO or ECO reports to give any indications of these conditions, non-conformities- and non-compliances during construction cannot be evaluated and definite shortcomings of the EMP will be difficult to evaluate.

However, overall, no significant environmental impact seems to have resulted.

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## 7. CLOSURE PLAN

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A closure plan or closure statement was not submitted for evaluation.

## Appendix 1: Environmental Authorization



## Appendix 2: Notifications to I&AP's

## Appendix 3: Implementation schedule

## Appendix 4: EMP