

REFERENCE NUMBER: 16/3/3/1/A5/87/2057/21
NEAS REFERENCE NUMBER: WCP/EIA/0000996/2021
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: 27 July 2022

The Director
CTC Operations (Pty) Ltd.
4 Pastoral Avenue
Durbanville Business Park
DURBANVILLE
7550

For Attention: Mr. L. Kruger

Tel: (021) 111 0466
Email: Lian@ctc-ops.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED 35M HIGH TELECOMMUNICATION MAST AND ASSOCIATED INFRASTRUCTURE ON PORTION 22 OF FARM ZOUTERIVIER NO. 22, PHILADELPHIA.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the Environmental Authorisation below.

Yours faithfully

**Zaahir
Toefy**

Digitally signed by
Zaahir Toefy
Date: 2022.07.27
09:38:05 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Mr. M. Theron (City of Cape Town: ERM)
(2) Mr. C. Geyser (EnviroAfrica CC)
(3) Mr. L. van Zyl (Landowner)

Email: Morne.Theron@capetown.gov.za
Email: Clinton@enviroafrica.co.za
Email: vanzyl@lantic.net

REFERENCE NUMBER: 16/3/3/1/A5/87/2057/21

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED 35M HIGH TELECOMMUNICATION MAST AND ASSOCIATED INFRASTRUCTURE ON PORTION 22 OF FARM ZOUTERIVIER NO. 22, PHILADELPHIA.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated 07 April 2022.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
CTC Operations (Pty) Ltd.
c/o Mr. L. Kruger
4 Pastorale Avenue
Durbanville Business Park
DURBANVILLE
7550

Tel: (021) 111 0466
Email: Lian@ctc-ops.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Activity / Project Description
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 3 Activity Description:</p> <p><i>The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower –</i></p> <p><i>a) Is to be placed on a site not previously used for this purpose, and</i></p> <p><i>b) Will exceed 15 meters in height –</i></p> <p><i>but excluding attachments to existing buildings and masts on rooftops.</i></p> <p><i>i. Western Cape –</i></p> <p><i>i. All areas outside urban areas.</i></p> <p><i>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</i></p> <p><i>iii. Areas zoned for use as public open space or equivalent zoning within urban areas.</i></p>	<p>The proposed development of a 35m high telecommunication lattice mast and associated infrastructure on Portion 22 of Farm Zouterivier No. 22, Philadelphia, which is located outside an urban area.</p>

The abovementioned is hereinafter referred to as “**the listed activity**”.

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the proposed development:

The authorised development entails the development of a 35m high telecommunication lattice mast and associated infrastructure on Portion 22 of the Farm Zouterivier No. 22, Philadelphia. Four equipment containers, microwave dishes, antennae and navigation lights and associated infrastructure will be developed.

The proposed development will be surrounded by a 2.4m high palisade fence for security purposes. Access to the site will be obtained from Rondeberg Road, Philadelphia, existing farm roads and electricity supply is available.

The development footprint will be approximately 90m² in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activity will take place on Portion 22 of the Farm Zouterivier No. 22, Philadelphia.

The 21-digit Surveyor General code is:

Portion 22 of Farm Zouterivier No. 22, Philadelphia	C0160000000002200022
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The central co-ordinate for the proposed development is:

Middle (Point)	33° 36' 22.90" South	18° 35' 34.49" East
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Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Enviro Africa CC.
% Mr. C. Geyser
P. O. Box 5367
HELDERBERG
7135

Cell: (083) 600 8882
Email: Clinton@enviroafrica.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above and in the BAR dated 07 April 2022 on the site as described in Section C above.
2. The holder must commence with the listed activity on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **five (5) years** from the date of commencement of the listed activity.
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.
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 of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activity.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 11 and 18.

Notification and administration of appeal

7. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties (“I&APs”) of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Section H;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section F below;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4. Provide the registered I&APs with:
 - 7.4.1. The name of the holder (entity) of this amended Environmental Authorisation;
 - 7.4.2. The name of the responsible person for this amended Environmental Authorisation;
 - 7.4.3. The postal address of the holder;
 - 7.4.4. The telephonic and fax details of the holder;
 - 7.4.5. The e-mail address, if any, of the holder; and
 - 7.4.6. The contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
8. The listed activity, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

9. The Environmental Management Programme (“EMPr”) (compiled by Enviro Africa CC and dated March 2022) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all relevant contract documentation for the applicable phases of implementation i.e. construction and operational phases.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer (“ECO”), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities thereafter it must be kept at the office of the holder, and must be made available to any authorised person on request.

13. 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.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activity and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of undertaking the environmental audit.
 - 14.2. A final Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development/construction activities.
 - 14.3. The holder must, within seven (7) days of the submission of the reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to any I&APs upon request.

Specific Conditions

15. Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay.

Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. Surface, storm or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
17. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate.
18. The site must be clearly demarcated prior to the commencement of the development activities. The development footprint of the proposed development must be limited to the demarcated area.
19. Health standards of structures associated with communication networks must be reviewed periodically based on ongoing scientific research.
 - 19.1. The holder will be required to decommission (including site rehabilitation) or upgrade any communication structure that does not meet the most recently published health standards on the World Health Organisation, the International Committee on Non-Ionising Radiation Protection (which have been adopted by the National Department of Health) and the Independent Communication Authority of South Africa.

- 19.2. Should the relevant health authority determine that the current limits of electromagnetic radiation pose a significant health risk, then decommissioning of the activity, as well as the rehabilitation of the site/property shall be required to the satisfaction of the competent authority.
20. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the 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.
4. 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. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

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 –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. 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&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and

- 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: DEADP.Appeals@westerncape.gov.za

4. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

**Zaahir
Toefy**

Digitally signed by
Zaahir Toefy
Date: 2022.07.27
09:38:38 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 27 JULY 2022

Copies to: (1) Mr. M. Theron (City of Cape Town: ERM)
(2) Mr. C. Geyser (EnviroAfrica CC)
(3) Mr. L. van Zyl (Landowner)

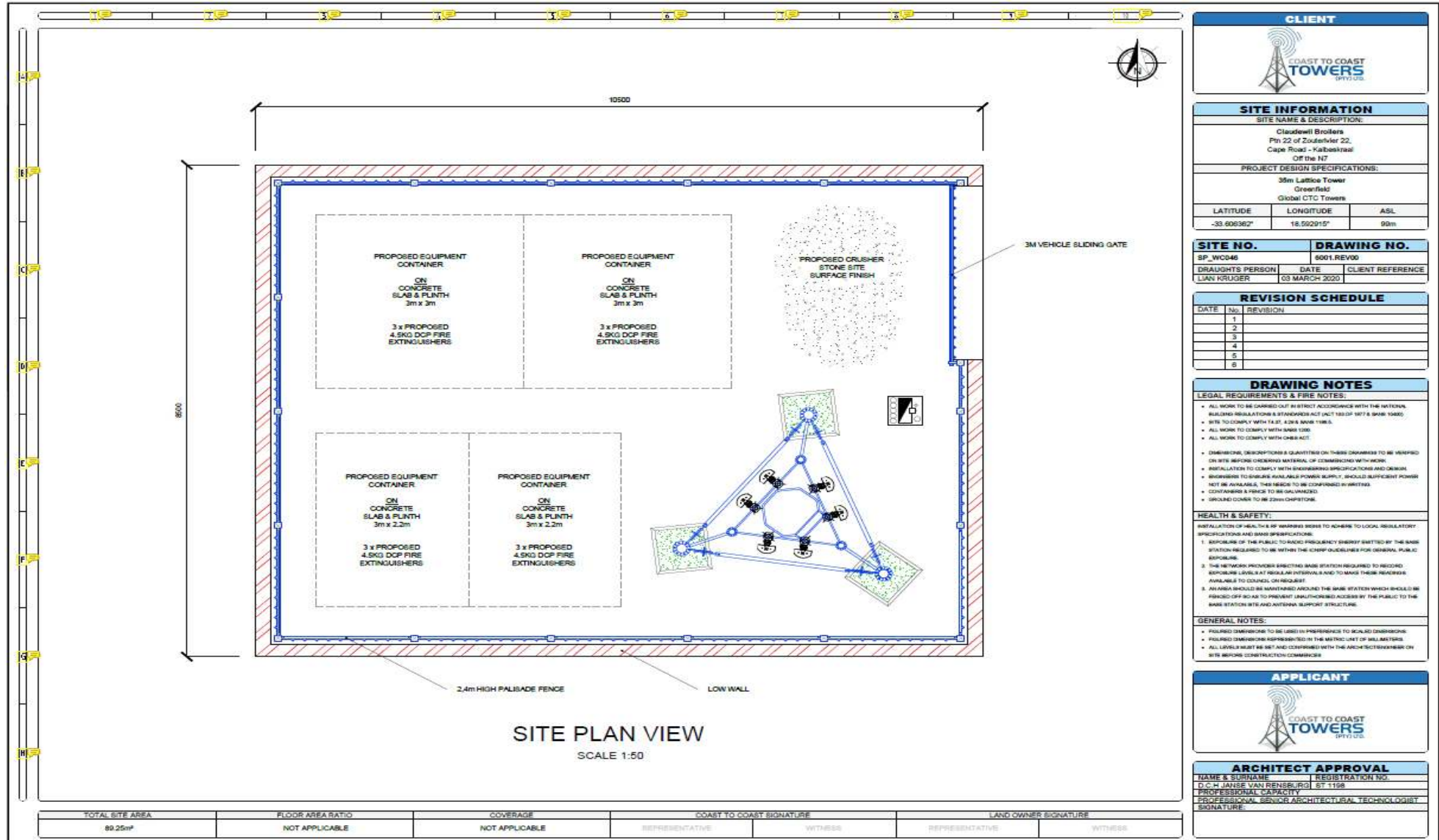
Email: Morne.Theron@capetown.gov.za
Email: Clinton@enviroafrica.co.za
Email: vanzyl@lantic.net

ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN

Site plan of the proposed 35m high telecommunication lattice mast on Portion 22 of Farm Zouterivier No. 22, Philadelphia.



CLIENT

SITE INFORMATION

SITE NAME & DESCRIPTION:
Claudewill Broilers
Pin 22 of Zouterivier 22,
Cape Road - Kabeskraal
OFF the N7

PROJECT DESIGN SPECIFICATIONS:
35m Lattice Tower
Greenfield
Global CTC Towers

LATITUDE	LONGITUDE	ASL
-33.806362°	18.592915°	99m

SITE NO. SP_WC046	DRAWING NO. 5001.REV00
DRAUGHTS PERSON LIAN KRUGER	DATE 03 MARCH 2020
CLIENT REFERENCE	

REVISION SCHEDULE

DATE	No.	REVISION
	1	
	2	
	3	
	4	
	5	
	6	

- DRAWING NOTES**
- LEGAL REQUIREMENTS & FIRE NOTES:**
- ALL WORK TO BE CARRIED OUT IN STRICT ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS & STANDARDS ACT (ACT 103 OF 1977 & WMS 10480)
 - SITE TO COMPLY WITH TA. ST. 4.2 & WMS 1186.8.
 - ALL WORK TO COMPLY WITH SABS 1200.
 - ALL WORK TO COMPLY WITH OHS ACT.
 - DIMENSIONS, SPECIFICATIONS & QUANTITIES ON THESE DRAWINGS TO BE VERIFIED ON SITE BEFORE ORDERING MATERIAL OR COMMENCING NETWORK.
 - INSTALLATION TO COMPLY WITH ENGINEERING SPECIFICATIONS AND DESIGN.
 - ENGINEER TO ENSURE AVAILABLE POWER SUPPLY, SHOULD SUFFICIENT POWER NOT BE AVAILABLE, THIS NEEDS TO BE CONFIRMED IN WRITING.
 - CONTAINERS & FENCE TO BE GALVANIZED.
 - GROUND COVER TO BE 25mm CHIPSTONE.
- HEALTH & SAFETY:**
- INSTALLATION OF HEALTH & SAFETY WARNING SIGNS TO ADHERE TO LOCAL REGULATORY SPECIFICATIONS AND SIGN SPECIFICATIONS.
- EXPOSURE OF THE PUBLIC TO RADIO FREQUENCY ENERGY EMITTED BY THE BASE STATION REQUIRED TO BE WITHIN THE ICNRP GUIDELINES FOR GENERAL PUBLIC EXPOSURE.
 - THE NETWORK PROVIDER ERRECTING BASE STATION REQUIRED TO RECORD EXPOSURE LEVELS AT REGULAR INTERVALS AND TO MAKE THESE READINGS AVAILABLE TO CONZEL ON REQUEST.
 - AN AREA SHOULD BE MAINTAINED AROUND THE BASE STATION WHICH SHOULD BE FENCED OFF SO AS TO PREVENT UNAUTHORIZED ACCESS BY THE PUBLIC TO THE BASE STATION SITE AND ANTENNA SUPPORT STRUCTURE.
- GENERAL NOTES:**
- FOUNDED DIMENSIONS TO BE USED IN PREFERENCE TO UNFOUNDED DIMENSIONS.
 - FOUNDED DIMENSIONS REPRESENTED BY THE METRIC UNIT OF MILLIMETERS.
 - ALL LEVELS MUST BE SET AND CORROBORATED WITH THE ARCHITECT'S OBSERVATION ON SITE BEFORE CONSTRUCTION COMMENCES.

APPLICANT

ARCHITECT APPROVAL

NAME & SURNAME D.C.H. JANSE VAN RENSBURG	REGISTRATION NO. ET 1156
PROFESSIONAL CAPACITY PROFESSIONAL SENIOR ARCHITECTURAL TECHNOLOGIST	
SIGNATURE	

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, inter alia, the following into consideration:

- a) The information contained in the Application Form dated October 2021 and received by the Competent Authority on 25 October 2021, the BAR dated and received by the Competent Authority on 07 April 2022 and the EMPr dated March 2022 submitted together with the BAR received by the Competent Authority on 07 April 2022;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses to these, included in the BAR dated 07 April 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted, the Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at the boundary of the proposed site where the listed activity is to be undertaken on 22 January 2021;
- the placing of a newspaper advertisement in the 'Die Burger' on 20 January 2021;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 26 January 2021;
- Making the pre-application draft BAR available to I&APs from 27 January 2021 to 25 February 2021;
- Making the draft BAR available to I&APs for public review from 16 November 2021 to 06 January 2022;
- Making the revised draft BAR on 05 March 2022 to 06 April 2022; and
- The PPP undertaken was in accordance with the approved Public Participation Plan dated and received by the Competent Authority on 27 May 2021.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

2. Alternatives

Site alternatives and design alternatives were identified and assessed with respect to the proposed development. An alternative site on the same property was investigated. However, due to its proximity to the existing chicken broiler facility on the property, the distance to powerlines and the potential impact on indigenous vegetation, the alternative site was not deemed the preferred site alternative.

In terms of design alternatives, the lattice mast design and the monopole mast design were investigated. The monopole mast design was not deemed the preferred design alternative since the design is unable to support multiple antennae and other equipment associated with the proposed development. The lattice mast design was therefore deemed the preferred design alternative.

The Preferred Alternative and the “No-Go” Alternative were therefore assessed as follows:

The Preferred Alternative - herewith authorised

The Preferred Alternative entails the development of a 35m high telecommunication lattice mast and associated infrastructure on Portion 22 of the Farm Zouterivier No. 22, Philadelphia. Four equipment containers, microwave dishes, antennae and navigation lights and associated infrastructure will be developed.

The proposed development will be surrounded by a 2.4m high palisade fence for security purposes. Access to the site will be obtained from Rondeberg Road, Philadelphia, existing farm roads and electricity supply is available.

The development footprint will be approximately 90m² in extent.

The Preferred Alternative takes cognisance of the City of Cape Town's Telecommunication Mast Infrastructure Policy (dated April 2015) in that the lattice mast design is preferred for rural areas. In addition, the site is disturbed, contains no indigenous vegetation and is suitably located in terms of proximity to other structures and infrastructure on the property.

“No-Go” Alternative

The “No-Go” alternative entails the “status quo”, i.e. not developing a 35m high telecommunication mast on Portion 22 of Farm Zouterivier No. 22, Philadelphia. Since the Preferred Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the application of the Section 2 NEMA principles and implementation of the mitigation hierarchy, the “No-Go” alternative was not preferred.

3. Impact Assessment and Mitigation measures

4.1. Activity Need and Desirability

Although the proposed site is zoned for agricultural purposes, the proposed development is identified as a consent use in terms of the applicable zoning and will require a consent use application in terms of the relevant planning policies applicable to the area. The proposed development is consistent with the City of Cape Town Telecommunication Mast Infrastructure Policy (dated April 2015) as the design of the proposed infrastructure (i.e. lattice mast) is in-keeping with the rural environment and is in-keeping with the Integrated Development Plan and Municipal Spatial Development Framework.

The proposed development of a telecommunication mast within the area is considered part of the essential services for the greater community as improved effective communication services will result in increased resource efficiency and advances in development. The promotion of business services may occur as a result of the improved telecommunication services / network availability, therefore a major contribution as a supporting tool to economic growth and social development. The improved network connectivity that is expected from the proposed development will also provide support to other areas of development such as access to education, access to communication technology, security services, medical response, and other socio-economic development.

4.2. Agricultural Impacts

According to the Screening Report (dated 19 May 2021), the proposed site is located within a medium sensitivity area from an agricultural perspective, which has been disputed to insignificant sensitivity by the EAP as it is deemed unsuitable for agricultural activities. The Western Cape Department of Agriculture has indicated (in their comment dated 25 April 2022) that they have no objection to the proposed development and has recommended mitigation measures related to dust management during clearance activities, which have been included in the EMPr.

3.3. Botanical Impacts

According to the Screening Report (dated 19 May 2021), the proposed site is deemed to be located within a low sensitivity area from a plant species perspective, which has been disputed by the EAP to be insignificant. This is based on the disturbed nature of the proposed site where no species of conservation concern have been observed. The proposed site is mapped to contain Atlantis Sand Fynbos vegetation, which is classified as a Critically Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection, 2011. However, since the proposed site has been previously disturbed, no indigenous vegetation will be cleared as a result of the proposed development. Further, CapeNature noted (in their comment dated 07 July 2021) that the proposed site does not occur within a Critical Biodiversity Area and have accepted the findings of the EAP. CapeNature therefore posed no objection to the proposed development.

3.4. Freshwater / Aquatic Impacts

According to the Screening Report (dated 19 May 2021), the proposed site is deemed to be located within a low sensitivity from an aquatic biodiversity perspective, which has been disputed by the EAP to be insignificant. This is based on the fact that no indigenous aquatic vegetation and watercourses are located within the proposed site. However, in accordance with the Department of Water and Sanitation (in their correspondence dated 21 June 2021), the non-operational artificial wetland on the property is located within 500m of the proposed site and forms part of the on-site stormwater management for attenuation purposes, which would trigger water use activities in terms of the National Water Act, 1998 (Act No. 36 of 1998). The requirements of the National Water Act, 1998 (Act No. 36 of 1998) will therefore be met.

The freshwater specialist has recommended that general pollution prevention measures with respect to water and soil conservation, which have been included in the EMPr.

3.5. Civil aviation Impacts

According to the Screening Report (dated 19 May 2021), the proposed site is deemed to be located within a high sensitivity area from a civil aviation perspective, which has been disputed by the EAP to be of medium sensitivity. This is based on the fact that a permit for the departure of height restrictions has been obtained and the proposed site is located within 8km of the nearest aviation facility / aerodrome (i.e. Aerosport Flight Training, Klipheuwel). In addition, an obstacle approval (dated 22 June 2021) has been obtained from the South African Civil Aviation Authority for the proposed development.

3.6. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape. Heritage Western Cape indicated (in their comment dated 21 May 2021) that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.7. Health Impacts

The Western Cape Department of Health indicated (in their correspondence dated 23 June 2015) that based on studies conducted by the World Health Organisation, there is no conclusive evidence of significant health impacts associated with the proposed development, and the EMF emissions from the proposed activity will meet the most recently published health standards of the World Health Organisation, the International Commission on Non-Ionising Radiation Protection (ICNIRP) (which have been adopted by the National Department of Health) and the Independent Communication Authority of South Africa. The health standards of structures associated with communication networks will further be reviewed periodically based on ongoing scientific research. Furthermore, the conditions stipulated in this Environmental Authorisation and the EMPr are anticipated to mitigate impacts that may occur in this regard.

3.8. Visual Impacts

Although the potential visual impacts associated with proposed development is expected to be of moderate / medium negative significance, the proposed development is in line with the City of Cape Town's Telecommunication Mast Infrastructure Policy (dated April 2015). In addition, existing powerline infrastructure is located on the property, which will further ensure that the proposed lattice mast will blend into the surrounding environment. The preferred design (i.e. lattice mast) is considered a more transparent design from a visual aspect and therefore has a lower visual impact on surrounding landscapes as it is deemed less visually intrusive in comparison to other designs such as the monopole design. Mitigation measures with respect to the potential visual impacts such as galvanising the mast to blend in with the skyline and the base station fencing to be painted green to blend in with the surrounding landscape have been included in the EMPr.

3.9. Dust Impacts

Potential dust impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

3.10. Services

Electricity supply is available. No other services are required.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential health impacts;
- Potential visual impacts; and
- Potential dust impacts during the construction phase.

Positive impacts include:

- Improved communication infrastructure for the surrounding community;
- The proposed development will provide network service providers to use the infrastructure for optimum network coverage;
- Some employment opportunities during construction phase of the proposed development; and
- Economic gain for the applicant.

National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), inter alia, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*

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