



Lêer verw/ 15/3/10-15/Farm_1277

Navrae/Enquiries:
Mr HL Olivier

29 November 2024

Warren Patterson Planning
PO Box 152
Century City
7446

By Registered Mail

Sir/Madam

PROPOSED CONSENT USE FARM 1277, MALMESBURY REGISTRATION DIVISION

Your application dated September 2023 and received in this office on 9th of October 2023 on behalf of De Grendel Landgoed (PTY) Ltd, has reference.

By virtue of the authority delegated to the Senior Manager: Development Management in terms of Council Decision No. 4.1 dated 28 March 2019, as determined by Section 79(1) of the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020), the application for consent use, is hereby approved in terms of Section 70 of the By-Law, subject to the conditions that:

1. TOWN PLANNING AND BUILDING CONTROL

- (a) The consent use authorises the establishment of a transmission tower and equipment containers inside an 80m² compound enclosed by a 2,4 m high palisade fence, as presented in the application;
- (b) The maximum height of the mast be restricted to 21 m, measured from the natural ground level to the highest point;
- (c) The tower be equipped with a lightning spike and navigation lights, in terms of the SANS 10400, to the satisfaction of the Senior Manager: Development Management;
- (d) Fire safety equipment and extinguishers be provided on-site as presented in the application and to the satisfaction of the Swartland Chief Fire Safety Officer;
- (e) Building plans be submitted to the Senior Manager: Development Management for consideration and approval;
- (f) Application for the construction and affixing of advertising signs for the service providers be made to the Senior Manager: Development Management for consideration and approval;
- (g) Should it be proven in future that transmission towers do in fact cause negative health effects, according to official, legal findings of peer reviewed, independent testing, and the transmission tower does not adhere to the health and safety requirements, the applicant/developer will be held accountable to ensure compliance and where not possible, the decommissioning and removal of the tower and related infrastructure;

2. GENERAL

- (a) The comments from the Department of Water and Sanitation with reference 16/2/7/G21D/A/8, dated 29 November 2023, be implemented;
- (b) The conditions contained in the environmental authorisation issued by the Department of Environmental Affairs and Development Planning dated 1 October 2024 with reference 16/3/3/1/f5/16/2012/24 be complied with.

- (c) If the transmission tower is decommissioned the operator/owner must remove all site infrastructure and the site must be rehabilitated, within one month, to its former state or to a condition that is in line with the land use and character of the area at the time, as required by Council;
- (d) The approval does not exempt the owner/developer from compliance with all legislation applicable to the approved land use;
- (e) The approval is valid for a period of 5 years, in terms of section 76(2) of the By-Law, from the date of decision. Should an appeal be lodged, the 5 year validity period starts from the date of outcome of the decision for or against the appeal. All conditions of approval be implemented before the new land use comes into operation and failing to do so will cause the approval to lapse. Should all conditions of approval be met within the 5 year period, the land use becomes permanent and the approval period will no longer be applicable.

Yours faithfully


MUNICIPAL MANAGER
via Department Development Services

HLO/ds

Copies : *Building Control*
 Department Financial Services
 Truter de Kock on behalf of De Grendel Landgoed 9 PTY Ltd, PO Box 28, Malmesbury,
 7299
 truter@cornergate.com
 dloots@wpplanning.co.za



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE REGION

Private Bag X 16, Sanlamhof, 7532 / 52 Voortrekker Road, Bellville 7530
Tel #: (021) 941 6000 Fax #: (021) 941 6077

Enquiries	:Z. Magodla
Tel No	:(021) 941 6124
Email	: magodlaz@dws.gov.za
Reference	:16/27/G21D/A/8

Attention: Adriano Rodrigues

Warren Petterson Planning
P. O Box 152
CENTURY CITY
7446

Dear Sir/Madam

PROPOSED CONSENT USE ON FARM DE GREDEL NO. 1277, DIVISION MALMESBURY- WESTERN CAPE

Reference is made to the above-mentioned application dated 27 October 2023 with Reference Number:15/3/10-15/Erf_1277.

This Department has perused the above-mentioned application for the proposed consent use for installation of a transmission tower in terms of Section 25(2)(o) of the Swartland Municipality Land Use Planning By-Law (2020); and has the following comments:

1. Please note that if the proposed consent use will affect the allocation of a water use as registered by this Department, the Licensee must contact the Department for the amendment of such licence. The Licensee must provide full details of all changes with respect to the water use allocation to the Responsible Authority within 60 days of said change taking place.
2. Any activity within the 1:100-year flood line or within the riparian habitat or within a 500m radius from the boundary of a wetland requires an authorisation in terms of Section 21 (c) "impeding or diverting the flow of water in a watercourse and (i) altering the bed, banks, course or characteristics of a watercourse" of the National Water Act, 1998 (Act No. 36 of 1998) (NWA) and must be authorised before any commencement of such an activity.
3. No surface, ground or storm water may be polluted as a result of the proposed activities on the site. In the event that pollution does occur, this Department must be informed immediately.
4. The person who owns, controls, occupies or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources.



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water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

5. Note that no abstraction, pumping or storage of both surface and groundwater may occur without prior authorisation from the Department, unless it is Schedule 1 or Existing Lawful use as described in the NWA.
6. All the requirements of the NWA regarding water use, water resource management and pollution management must be adhered to at all times.
7. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received.
8. The comments issued shall not be construed as exempting the applicant from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.
9. On condition that all of the above is adhered to, this Department does not have an objection on the proposed consent use.

Please do not hesitate to contact the above office should there be any queries.

Sincerely,

PROVINCIAL HEAD:

Signed by:

Designation:

Date:

WESTERN CAPE

Nelisa Ndobeni

Control Environmental Officer

29 November 2023

Cc: The Municipal Manager
Swartland Municipality
Private Bag X52
MALMESBURY
7299



NATIONAL DEVELOPMENT PLAN
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**Western Cape
Government**

Department of Environmental Affairs and Development Planning
Natasha Bieding
Directorate: Development Management
Natasha.Bieding@westerncape.gov.za | Tel: 021 483 5833/2877

EIA REFERENCE: 16/3/3/1/F5/16/2012/24
NEAS REFERENCE: WCP/EIA/0001418/2024
DATE OF ISSUE: 01 OCTOBER 2024

The Manager
HTSA Towers
P. O. Box 16762
ATLASVILLE
1465

For Attention: Mr. Stephan De Beer

Tel.: (011) 979 7061
E-mail: SdeBeer@helios Towers.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED INSTALLATION OF AN APPROXIMATELY 25M HIGH TREE-TYPE TELECOMMUNICATIONS MAST, BASE STATION AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF THE FARM NO. 1277, MALMESBURY

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 EIA Regulations, 2014 (as amended), you are instructed to ensure, within fourteen (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.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2024.10.01 10:42:12
+02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to:

(1) Ms. Monique Uys (Ace Environmental Solutions)

E-mail: monique@ace-env.co.za /
Eap@ace-env.co.za

(2) Mr. A. Zaayman (Swartland Municipality)

E-mail: swartlandmun@swartland.org.za

www.westerncape.gov.za

Department of Environmental Affairs and Development Planning



EIA REFERENCE: 16/3/3/1/F5/16/2012/24
NEAS REFERENCE: WCP/EIA/0001418/2024

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED INSTALLATION OF AN APPROXIMATELY 25M HIGH TREE-TYPE TELECOMMUNICATIONS MAST, BASE STATION AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF THE FARM NO. 1277, MALMESBURY

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 NEMA and the 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 Activity and Layout Alternative, described in the final Basic Assessment Report ("BAR"), dated 7 March 2024.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

HTSA Towers
C/O Mr. Stephan De Beer
P. O. Box 16762
ATLASVILLE
1465

Tel.: (011) 979 7061
E-mail: SdeBeer@helios Towers.com

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

B. LISTED ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 3 Activity Description: "The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower—</p> <p>(a) is to be placed on a site not previously used for this purpose; and (b) will exceed 15 metres in height—</p> <p>but excluding attachments to existing buildings and masts on rooftops.</p> <p>i. Western Cape</p> <p>i. All areas outside urban areas; ii. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas; or iii. Areas zoned for use as public open space or equivalent zoning within urban areas."</p>	<p>The proposed activity entails the construction of an approximately 25m high tree-type mast, base station and associated infrastructure on a site located outside the urban area.</p>

The abovementioned list is hereinafter referred to as "**the Listed Activity**".

The holder is herein authorised to undertake the following alternative that includes the Listed Activity relating to the construction of an approximately 25m high tree-type telecommunications mast, base station and association infrastructure on the Remainder of the Farm No. 1277, Malmesbury.

The facility will be fenced, including an access gate with an approximately 2.4m high Clearvufence.

Existing services including electricity and access will be used.

The total footprint will amount to approximately 80m².

C. SITE DESCRIPTION AND LOCATION

The Listed Activity will be undertaken on the Remainder of the Farm No. 1277, Malmesbury.

The SG 21-digit is given below:

Remainder of the Farm No. 1277, Malmesbury	C04600000000127700000
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The co-ordinates are given below:

Remainder of the Farm No.	Latitude (S)	Longitude (E)
1277, Malmesbury	33° 25' 54.4" South	18° 43' 21.2" East

Refer to **Annexure 1: Locality Map** and **Annexure 2: Site layout Maps**
The above property is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Ace Environmental Solutions
C/O Ms. Monique Uys
Private Bag X32
HIGHVELD PARK
0169

Tel.: (012) 663 5200
E-mail: Eap@ace-env.co.za /
monique@ace-env.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.
2. The holder must commence with, and conclude, the Listed Activity within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority.

This Environmental Authorisation is granted for –

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised Listed Activity.
 - (b) A period of ten (10) years, from the date the holder commenced with the authorised Listed Activities, during which period the authorised Listed Activity must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
 4. Any changes to, or deviations from the scope of the alternative described in section B above must be approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, 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

5. A written notice of seven (7) calendar days must be given to the Competent Authority before commencement of the development activity.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 13.

Notification of Environmental Authorisation and Administration of Appeal

6. The holder must in writing, within fourteen (14) calendar days of the date of this decision—
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the decision reached on the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. 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 G below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. provide the registered I&APs with the:
 - 6.4.1. name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2. name of the responsible person for this Environmental Authorisation;
 - 6.4.3. postal address of the holder;
 - 6.4.4. telephonic and fax details of the holder;
 - 6.4.5. e-mail address, if any, of the holder; and
 - 6.4.6. 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 Appeals Regulations, 2014 (as amended).

Commencement

7. The Listed Activity, including site preparation, must not be commenced with within twenty (20) calendar days from the date the applicant notifies the registered I&APs of this decision.
8. 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.

Management of Activities

9. The Environmental Management Programme ("EMPr") (Referenced: ZAWC2011 Malmesbury Telecommunications Mast and compiled by Ace Environmental Solutions), submitted together with the final BAR, is hereby approved and must be implemented.
10. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
11. The Environmental Authorisation and EMPr must be included in all contract documentation for all phases of implementation.
12. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

13. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must -

- 13.1. be appointed prior to commencement of any construction activities commencing;
 - 13.2. ensure compliance with the EMPr and the conditions contained herein;
 - 13.3. keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
 - 13.4. remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed; and
 - 13.5. provide the competent authority with copies of the ECO reports within 30 days of the project being finalised.
14. 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.
 15. 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

16. 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).
 - 16.1. The holder must submit an environmental audit report –
 - 16.1.1. four (3) months after commencement of the construction phase to the relevant competent authority.
 - 16.1.2. six (6) months after completion of the construction phase to the relevant competent authority; and
 - 16.1.3. every five (5) years while the Environmental Authorisation remains valid.
 - 16.2. The holder must, within seven (7) days of the submission of the Environmental Audit Reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to any I&APs upon request and, where the holder has such a facility, place on a publicly accessible website.
17. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management.

Specific Conditions

18. Should any heritage remains be exposed during excavations or any other actions on the site, this must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed

during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; 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.

19. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
20. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste that cannot be recycled, re-use shall be disposed of at a licensed waste disposal facility.
21. Surface 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.
22. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
23. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.
24. Health standards of structures associated with communication networks must be reviewed periodically based on ongoing scientific research.
 - 24.1. 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.
 - 24.2. 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.

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 any Condition of this Environmental Authorisation or EMPr may render the holder liable for 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. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.

4. An application for amendment of the Environmental Authorisation must be submitted 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.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be, as follows:
 - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (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 twenty (20) 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 twenty (20) 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 twenty (20) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: 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 Marius Venter (Tel.: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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 at the address listed above and/or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. 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: 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 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 greatly appreciated.

Yours faithfully

Zaahir Toefy
Digitally signed by Zaahir Toefy
Date: 2024.10.01 10:42:44
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MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 01 OCTOBER 2024

Copied to:

(1) Ms. Monique Uys (Ace Environmental Solutions)

E-mail: monique@ace-env.co.za /

Eap@ace-env.co.za

(2) Mr. A. Zaayman (Swartland Municipality)

E-mail: swartlandmun@swartland.org.za

FOR OFFICIAL USE ONLY:

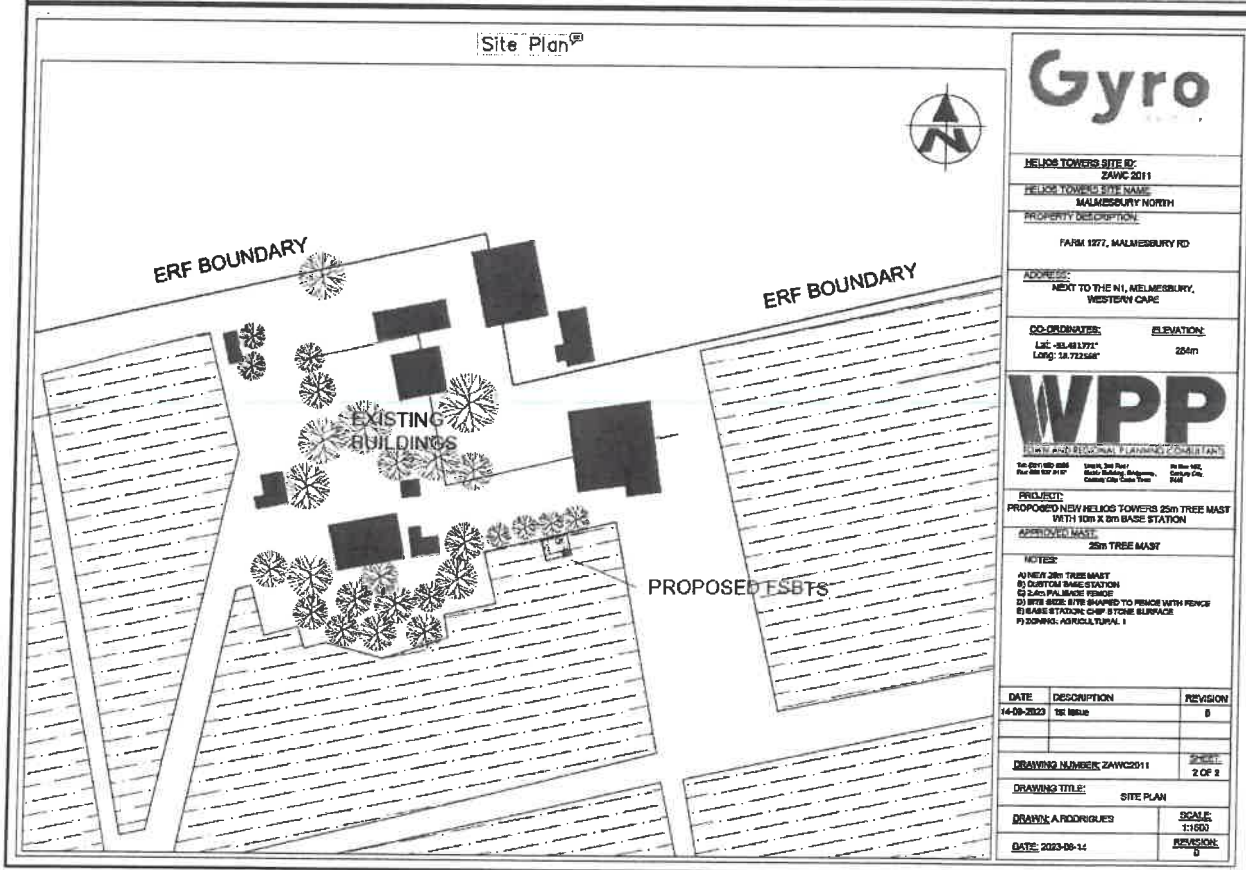
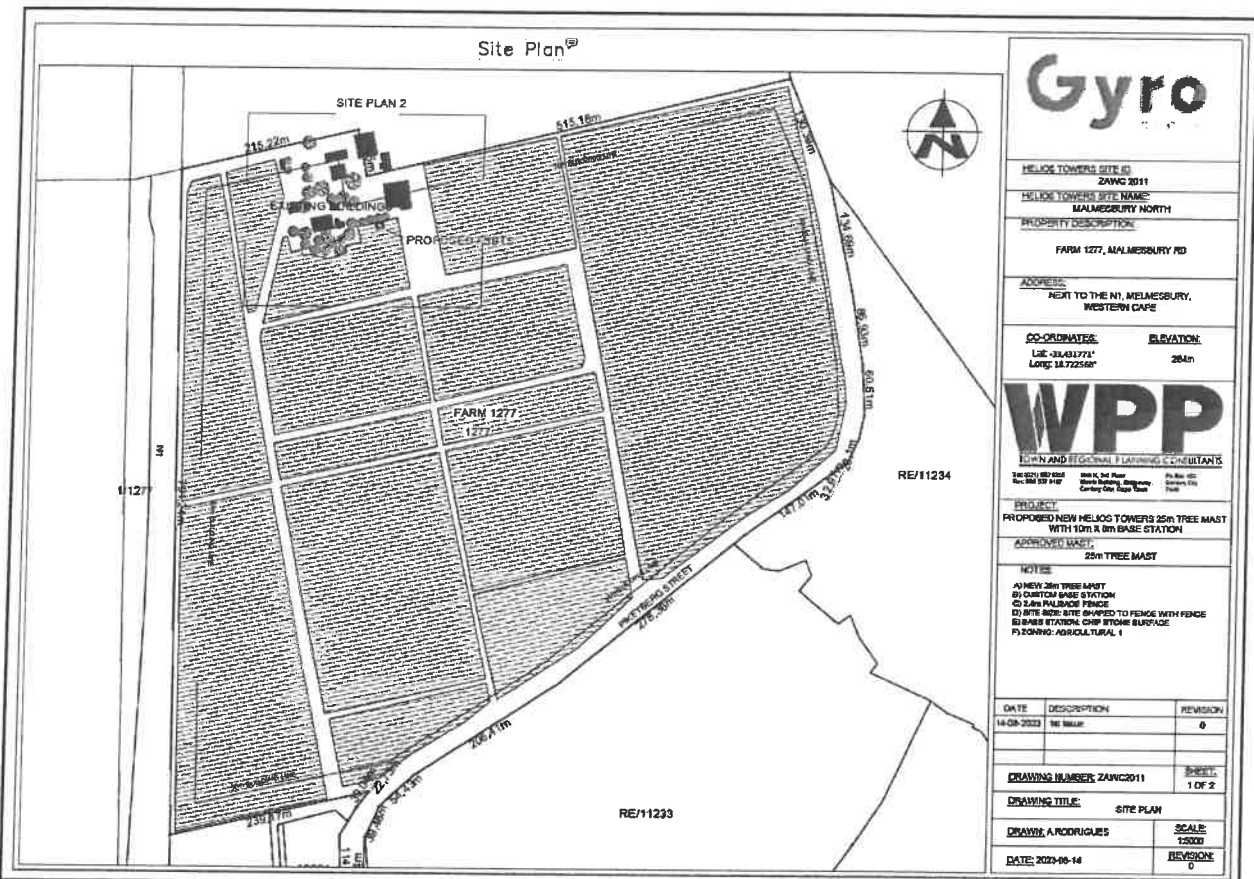
EIA REFERENCE: 16/3/3/1/F5/16/2012/24

NEAS REFERENCE: WCP/EIA/0001418/2024

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE LAYOUT



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form (dated 7 March 2024), the final BAR (dated 7 March 2024), the EMPr submitted together with the final BAR and the additional information received on 27 August 2024 and 5 September 2024, respectively;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the final BAR;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visit was 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 that were considered to be the most significant for the decision, is set out below.

1. Public Participation

The Public Participation Process ("PPP") included:

- Identification and engagement with I&APs;
- Written notifications were sent on 30 April 2024 to all relevant I&APs and commenting authorities;
- An advert was placed in the 'Swartland Gazette' Newspaper on 7 May 2024;
- Notices were placed on the proposed site on 25 April 2024;
- The circulation of the draft BAR for comment to all registered I&APs and relevant stakeholders, i.e., from 11 May 2024 to 11 June 2024.

This Directorate is satisfied that the PPP that was followed met the minimum legal requirements. All the comments raised, and responses thereto were included in the comments and responses report.

Specific management and mitigation measures have been considered in this Environmental Authorisation and the EMPr to adequately address any significant concerns raised.

2. Alternatives

Preferred Site Alternative (Herewith Authorised with the Preferred Activity Alternative)

The Preferred Site Alternative entails the proposed Activity to be undertaken on the Remainder of the Farm No. 1277, Malmesbury.

This is the only and Preferred Site Alternative due it is locality of not being situated close to the existing households and businesses, but still being able to provide efficient and effective telecommunication connections to the area of Malmesbury. The site additionally has the existing supporting infrastructure such as electricity.

Preferred Activity and Layout Alternative (Herewith Authorised)

The Preferred Activity and Layout Alternative entails the construction of an approximately 25m high tree-type telecommunications mast, base station and association infrastructure. The facility will be fenced, including an access gate with an approximately 2.4m high Clearvu fence.

Existing services including electricity and access will be used.

The total footprint will amount to approximately 80m².

This is the only and Preferred Activity and Layout Alternative based on the following reasons:

- The activity will not have any significant negative ecological/terrestrial biophysical impacts;
- The activity will not have any significant negative aquatic related impacts;
- The activity will not have any significant negative impacts on any heritage resources;
- The specific layout was selected based on the connectivity technicalities that are associated with the proposal; and
- The activity will provide efficient and effective telecommunication connections to the area of Malmesbury.

Preferred Technology Alternative

The preferred technology alternative entails the use of technologies utilised in telecommunication industry such as non-ionised electromagnetic fields with specific power density.

This is only and preferred technology alternative, as the technologies used will be designed and manufactured according to the prescribed guidelines regarding the telecommunication industry.

'No-go' Alternative

The 'No-Go' Alternative entails maintaining the *status quo*, i.e., no installation of the telecommunications mast, base station and association infrastructure. The 'No-Go' Alternative was rejected, as it would not result in improved coverage and capacity in the area.

3. Impact Assessment and Mitigation Measures

3.1 Need and Desirability

The telecommunications mast, base station and associated infrastructure are required to provide an improved strength of signal and network transmission coverage for both communication and internet purposes, which is needed in the area of Malmesbury. The telecommunications mast, base station and associated infrastructure will be ideally located on a site that is not in close proximity to existing households and businesses, but still be able to provide efficient and effective telecommunication connections.

3.2 Regional and Local Planning

The site is zoned Agriculture. The necessary planning applications must be submitted to the Competent Authority(s) (where applicable) in order to permit the development.

Given the nature of the proposal, the proposed development is not expected to be in conflict with the applicable forward planning policies.

3.3 Biohysical Impacts

No significant impacts on biophysical impacts are anticipated, as a result of the development as the site is largely transformed. The site additionally is not located in any mapped biophysically sensitive areas.

3.4 Aquatic Impacts

No significant impacts on aquatic impacts are anticipated, as a result of the development, given the nature of the proposal and the fact that no identified water resources are located within close proximity to the site.

3.5 Heritage Impacts

As per the information contained final BAR, the proposed development area does not contain any sensitive heritage resources. Heritage Western Cape indicated in its

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correspondence (dated 9 April 2024), 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.

3.6 Visual Impacts

Low-medium significant visual impacts are expected, which will largely be experienced by road users travelling on the N7 National Road. The telecommunications mast, base station and associated infrastructure, for this purpose, will be located close to the inner portions of the site in order to reduce its visibility.

The South African Civil Aviation Authority approved the proposed development of an approximately 25m high tree-type telecommunications mast and associated infrastructure on 13 October 2023.

3.7 Health Impacts

The Western Cape Government: 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 help mitigate impacts that may occur in this regard.

3.8 Dust and Noise Impacts

Potential dust and noise are anticipated during the construction phase. However, no significant potential dust and noise are anticipated, as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

3.9 Socio-economic Aspects

The development will create temporary employment opportunities during the construction phase to semi- and unskilled workers. After the construction phase has ended, the local area in Malmesbury will benefit from an improved strength of signal and network transmission coverage for both communication and internet purposes.

The proposed closure activity will result in both negative and positive impacts.

Negative Impacts include:

- Potential noise, dust and noise impacts.
- Minimal clearance activities.

Positive Impacts include:

- An improved overall network connectivity in the area.
- Some employment opportunities will be created during the construction phase of the development.

4. National Environmental Management Act, 1998 (Act No. 107 of 1998) 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.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPs, the Competent Authority is satisfied that the authorised Listed Activity will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the Listed Activities can be mitigated to acceptable levels.

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