



Western Cape
Government

Department of Environmental Affairs and Development Planning

Ntanganedzeni Mabasa

Directorate: Development Management, Region 1

Ntanganedzeni.Mabasa@westerncape.gov.za | Tel: 021 483 2803

REFERENCE: 16/3/3/1/B1/14/1080/23
NEAS REFERENCE: WCP/EIA/0001343/2023
DATE OF ISSUE: 09 MAY 2024

The Board of Directors
SBA Towers South Africa (Pty) Ltd
100 Cecilia Street
PAARL
7646

Attention: Mr Pierre du Plessis

Tel: (021) 870 1368
Email: PDuPlessis@sbasite.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED CONSTRUCTION OF A 35M HIGH LATTICE MAST AND ASSOCIATED INFRASTRUCTURE ON FARM RIETVALLEI NO. 323, ROBERTSON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation ("EA") 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 environmental authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to 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 summarized in the attached environmental authorisation.

Yours faithfully

Zaahir Toefy

Digitally signed by Zaahir
Toefy
Date: 2024.05.09 09:17:35
+02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Gemo Liabara (Ace Environmental Solutions)
(2) Monique Uys (Ace Environmental Solutions)
(3) Tracy Brunings (Langeberg Municipality)

Email: goitseonetshosa@gmail.com
Email: Eap@ace-env.co.za
Email: tbrunings@langeberg.gov.za



REFERENCE: 16/3/3/1/B1/14/1080/23
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED CONSTRUCTION OF A 35M HIGH LATTICE MAST AND ASSOCIATED INFRASTRUCTURE ON FARM RIETVALLEI NO. 323, ROBERTSON.

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, 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"), received on 25 January 2024.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

SBA Towers South Africa (Pty) Ltd
c/o Mr. Pierre du Plessis
100 Cecilia Street
PAARL
7646

Tel: (021) 870 1368
Email: PDuPlessis@sbsite.com

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

B. LIST OF ACTIVITY AUTHORISED

Listed Activity	Project Description
Listing Notice 3 – Activity Number: 3 The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower- (a) is to be placed on a site not previously used for this purpose; and (b) will exceed 15 metres in height- but excluding attachments to existing buildings and masts on rooftops. i. Western Cape: 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.	The proposed development of a 35m high telecommunication mast, located outside the urban area of Robertson.

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 as it relates to the development:

The proposed development of a 35m high lattice mast and associated infrastructure on Farm Rietvallei No. 323, Robertson. Three equipment shelters will be located next to the mast and development footprint will be enclosed with a 2.4m high palisade fence. Existing access roads and power supply will be used.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activity will be undertaken is on Farm Rietvallei No. 323, Robertson, with the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates:	33° 48' 31.72" South	19° 58' 32.72" East

The SG digit code is: C06500000000032300000

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Ace Environmental Solutions
c/o Monique Uys / Gemo Liabara
Private Bag X32
HIGHVELD PARK
0169

Tel: (012) 663 5200

Email: Eap@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 the Basic Assessment Report ("BAR"), received on 25 January 2024 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activity within the stipulated validity period which this Environmental Authorisation is granted, 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 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 activity, 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/her behalf, including an 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 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

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 5.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 10

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of 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 Appeals Regulations, 2014 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:
 - 6.4.1 the 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,
 - 6.4.6 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 2014 National Appeals Regulations.
7. The listed activity, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. 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 activity

8. The Environmental Management Programme ("EMPr") submitted with the final Basic Assessment Report is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.

11. The ECO must conduct a bi-weekly site visits, and report on compliance with the EMPr to this Department and the relevant authorities, in writing, on a monthly basis during the construction phase.
12. A copy of the Environmental Authorisation, EMPr, audit reports, and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
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, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner and Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority Report within two months after the development is completed.

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&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

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 Resources Authority of the Western Cape, Heritage Western Cape. 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 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.

16. A qualified archaeologist and/or palaeontologist 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.

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 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.
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. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 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 EIA Regulations 2014 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 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 3721)
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 to 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 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 appreciated.

Yours faithfully

Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2024.05.09 09:18:17
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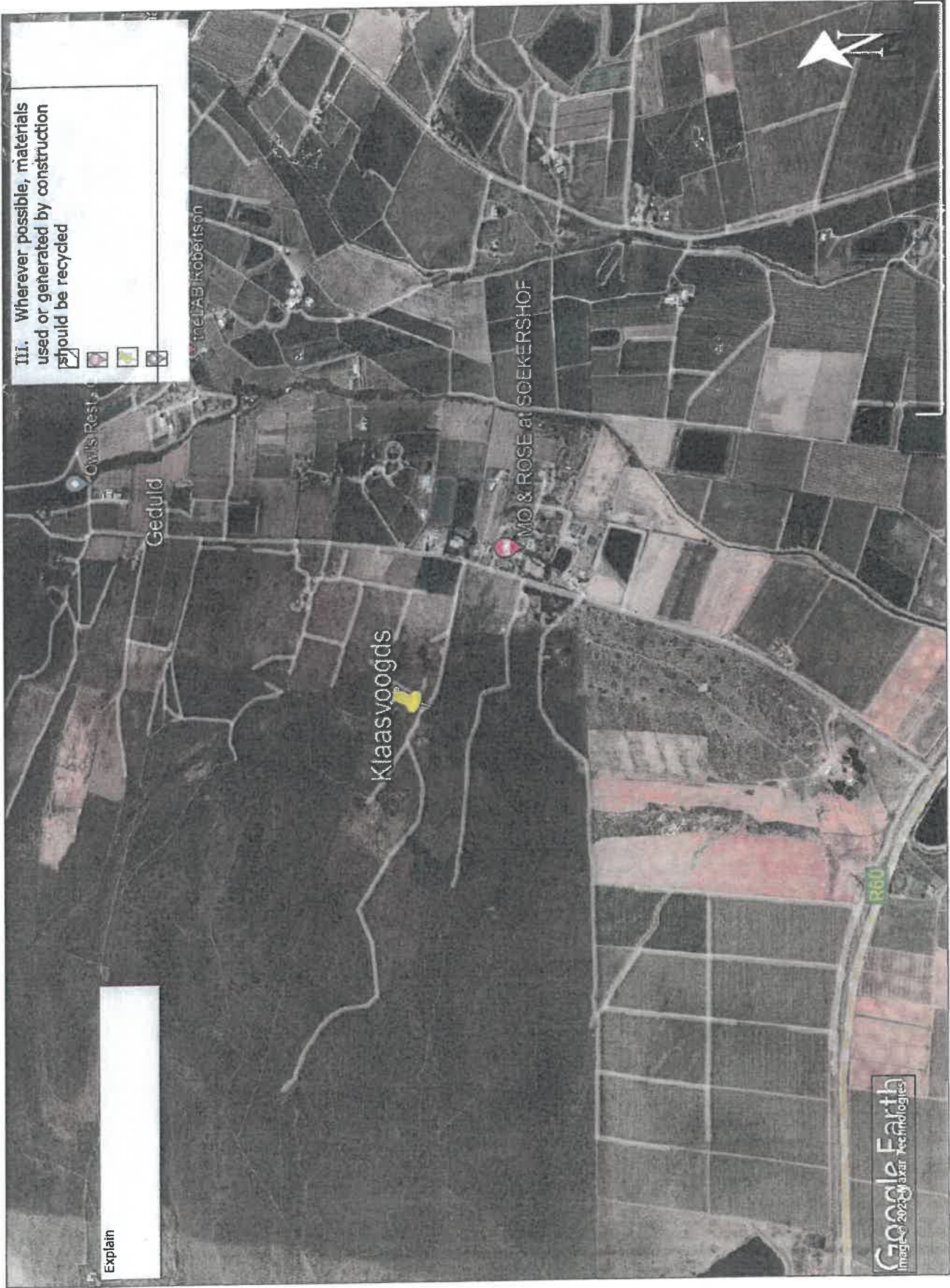
MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 09 MAY 2024

Cc: (1) Gemo Liabara (Ace Environmental Solutions)
(2) Monique Uys (Ace Environmental Solutions)
(3) Tracy Brunings (Langeberg Municipality)

Email: goitseonetshosa@gmail.com
Email: Eap@ace-env.co.za
Email: tbrunings@langeberg.gov.za

ANNEXURE 1: LOCALITY MAP



The proposed development will not produce any waste during its operational phase. Moreover, during the construction phase the following

Since the Western Cape is a water scarce area explain what measures will be

The proposed development is a water scarce area explain what measures will be

Other Aspects
SBA
Impacts should be

Proposed 8m x 8m Base Telecommunications Transmission Station with 35m High Lattice Mast

Klaarvoogds ATSA1534

Project Description:

Site Name & Site ID:

SITE LOCALITY
N.T.S.

AERIAL CADASTRAL

GOOGLE EARTH

CADASTRAL

GG-DIAGRAM

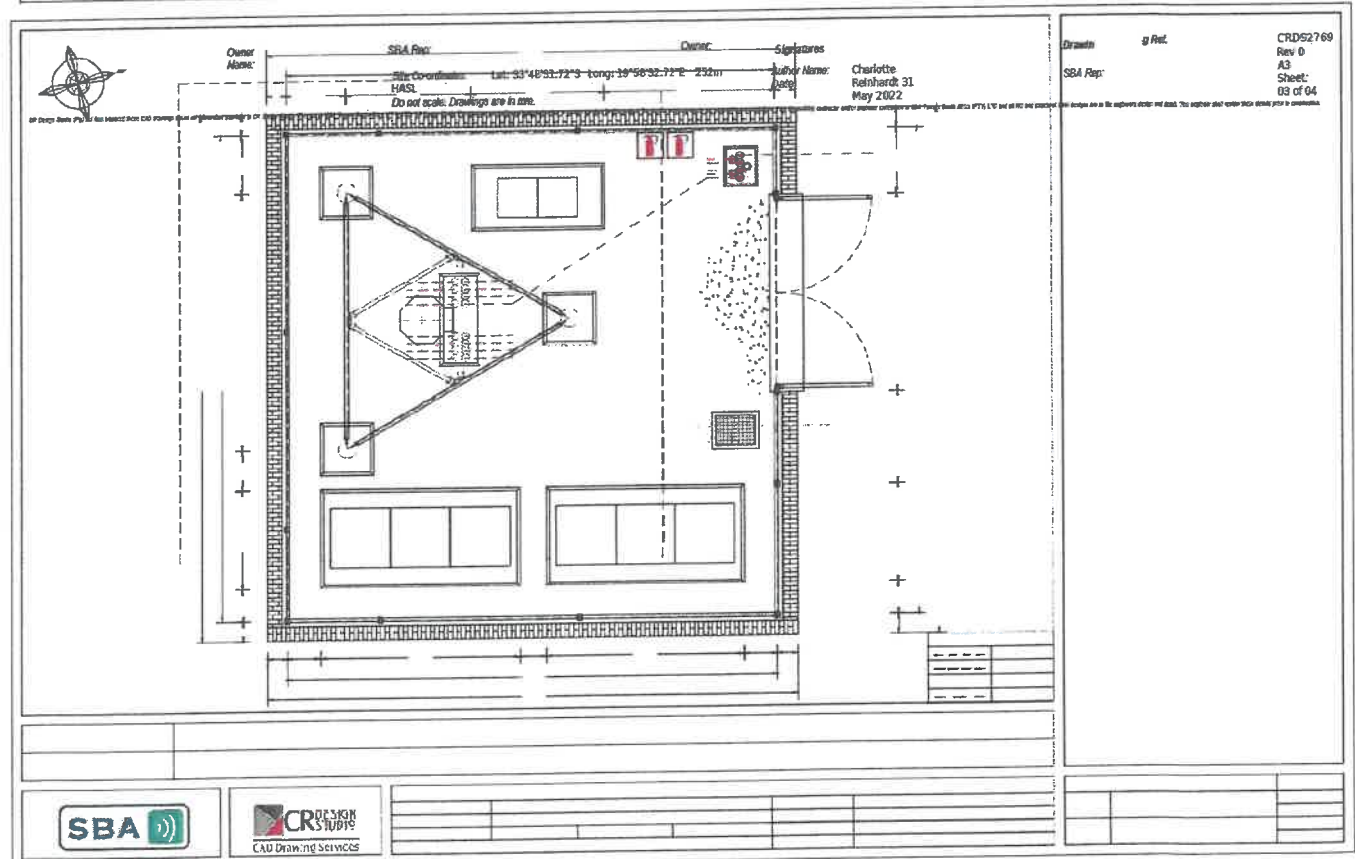
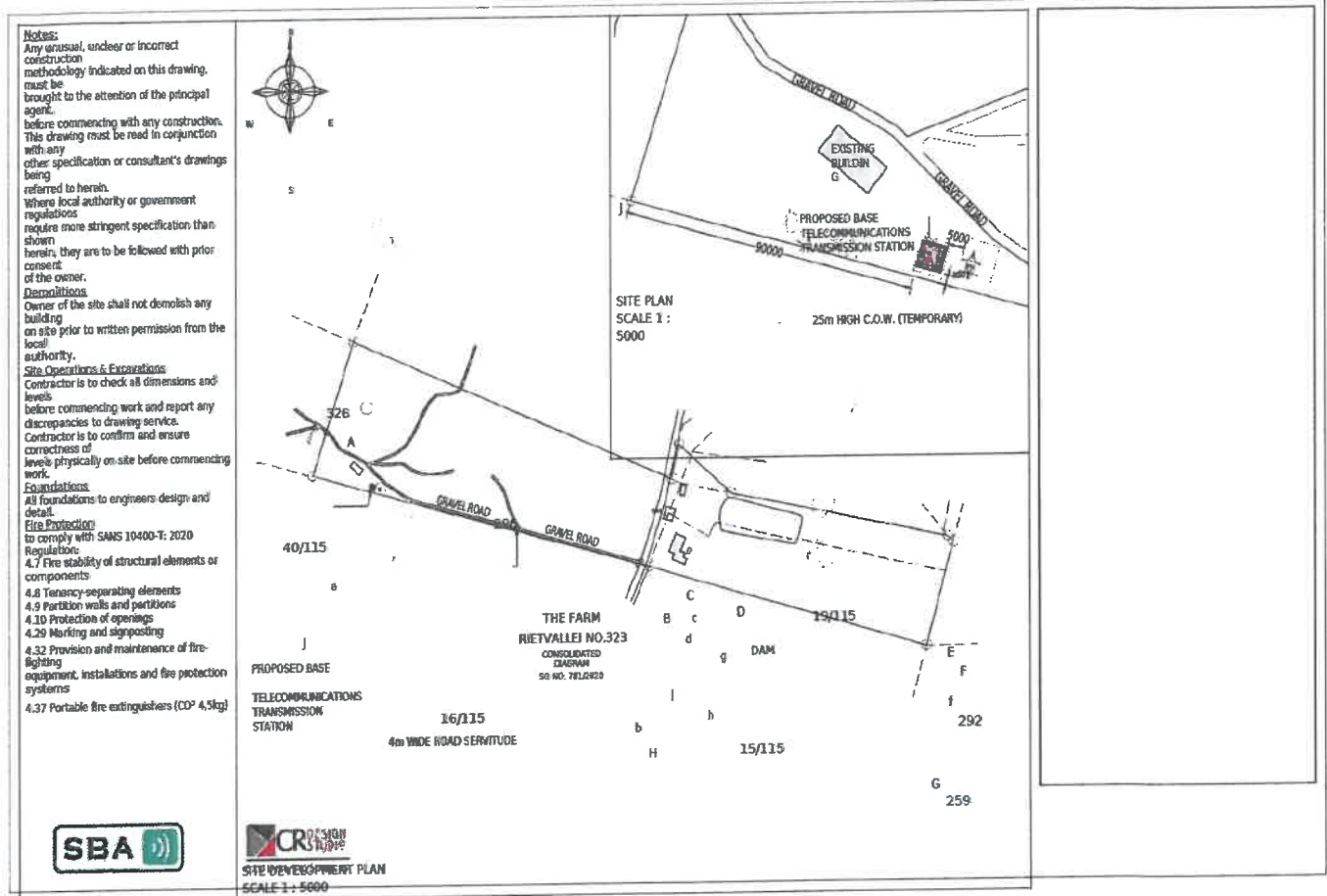
Other Aspects
SBA
Impacts should be

The proposed development is a water scarce area explain what measures will be

Since the Western Cape is a water scarce area explain what measures will be

The proposed development will not produce any waste during its operational phase. Moreover, during the construction phase the following

ANNEXURE 2: SITE PLAN



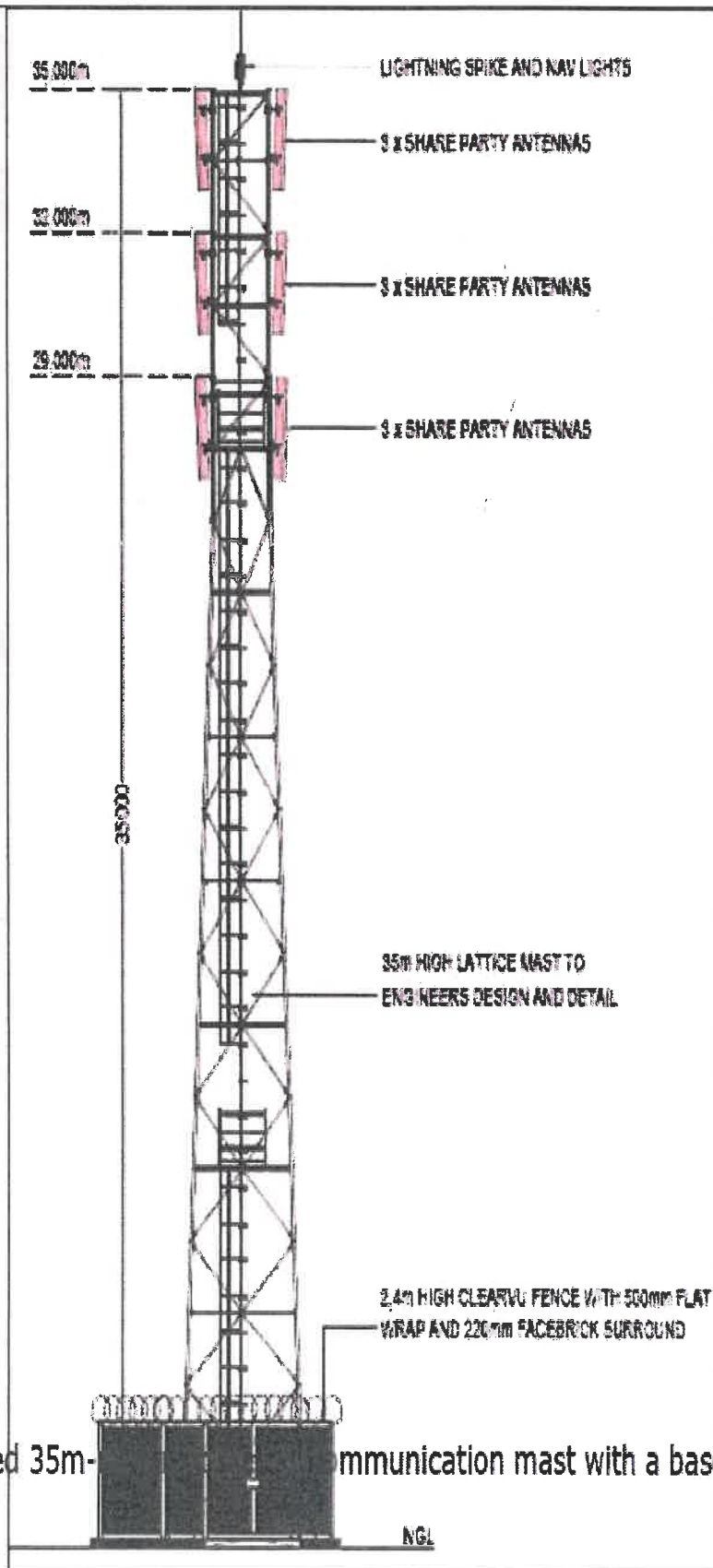


Figure 1-1: Proposed 35m-communication mast with a base station.

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 received on 11 October 2023, the EMPr submitted together with the Final Basic Assessment Report, received on 25 January 2024.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (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 I&APs and responses to these, included in the revised Final Basic Assessment Report received on 25 January 2024;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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 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 of and engagement with I&APs;
- placing notice boards at the site where the listed activity is to be undertaken;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity between 4 October 2023 and 15 November 2023;
- placing an advertisement in the Standard newspaper on 2 November 2023;
- circulating the in-process draft Basic Assessment Report from 4 October 2023 and 15 November 2023.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

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

2. Alternatives

Preferred Design Alternative: Lattice Mast (Preferred alternative herewith authorised):

The proposal entails the development of a 35m high lattice mast and associated infrastructure on Farm Rietvallei No. 323, Robertson. Three equipment shelters will be located next to the mast and the

development footprint will be enclosed with a 2.4m high palisade fence. Existing access roads and power supply will be used.

The proposed site was identified as the best position to place the mast to reach the optimal network transmission coverage within the Robertson area based on the demand in the area. There is an existing access road that leads to the site entrance and power supply is readily available, therefore, no additional supporting infrastructure will be required. A lattice mast design was considered the preferred alternative since it will have a lower visual impact due to the design of the mast and the distance between the mast and the main road (approximately 400m into the property from the access road) will further limit the potential visual impact.

No-go Option

This alternative entails not constructing the mast and associated infrastructure. It was not preferred since it will not address the need for a more efficient telecommunication service to the greater community.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The mast is considered as part of the essential services for the greater community. It will provide an improved, more reliable network coverage and communication service infrastructure to the community in the surrounding area, which is currently lacking. The preferred site and mast design is the best practicable environmental option and were selected based on the limited associated biophysical and visual impacts.

3.2 Biophysical Impacts

No sensitive environmental features were identified on the site. It is not located within a Critical Biodiversity Area and no watercourses are present on or within 32m of the site. The development is therefore not expected to have any significant biophysical impacts. The development footprint will be limited to the disturbed areas and the surrounding intact indigenous vegetation will not be impacted by the proposed development.

The development will result in both negative and positive impacts.

Negative Impacts:

The development will have a negative visual impact on certain individuals residing around the proposed property. The impacts will however be mitigated to a satisfactory level with the implementation of the preferred design and adherence to the EMP. The potential construction and operational phase impacts will therefore be mitigated to an acceptable level.

Positive impacts:

- The proposed development will improve the overall telecommunication service infrastructure and network connectivity for the community and the surrounding area.
- The proposal will have socio-economic benefits and will create temporary employment opportunities during the construction phase.

4. 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.

5. 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.

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