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REF: NWP/EIA/27/2018

Attention: Ms. Hildalene van der Westhuizen
Vodacom (Pty) Ltd
082 Vodacom Blvrd
Voda Valley
MIDRAND
1682

Tel: 082 277 4555
Cell: 082 561 8581
Fax: 082 271 6118
Email: hildalene.vanderwesthuizen@vodacom.co.za

Dear Madam

ENVIRONMENTAL AUTHORISATION FOR A DEVELOPMENT OF A 40 METRE HIGH LATTICE TELECOMMUNICATION MAST ON PORTION 10 OF THE FARM LEEUWENKLOOF 480 JQ, MADIBENG LOCAL MUNICIPALITY, NORTH WEST PROVINCE

Your application for Environmental Authorisation, in terms of Section 24(2)(a) of the National Environmental Management Act, 1998 as amended (Act No. 107 of 1998) in respect of -

Government Notice No. R324 of Environmental Impact Assessment Regulations of 04 December 2014, as amended:

1. *The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or the tower -*
 - a. *Is to be placed on a site not previously used for this purpose and*
 - b. *Will exceed 15 meters in height**but excluding attachments to existing buildings and masts on rooftops.*
 - h. *North West*
 - i. *Outside urban areas*
 - cc. *Ramsar sites; or areas identified in terms of an international convention**[Listed activity 3]*

This Department has evaluated the **Basic Assessment Report** received on 04 February 2019; for the development of a 40 metre high telecommunication mast at on Portion 10 of the farm Leeuwenkloof 480 JQ, Madibeng Local Municipality, North West Province; to verify whether this activity will have significant negative impact on the environment.

Enclosed please find the Environmental Authorisation and the conditions under which your application is authorised.

Formal appeals regarding the Environmental Authorisation can be directed to the Appeal Administrator for Department of Rural, Environment and Agricultural Development, North West Province. Such an appeal must be lodged in terms of the National Appeal Regulations of 8 December 2014

Yours Faithfully



Ms. Portia Krisjan
Director: Environmental Quality Management
Department of Rural, Environment and Agricultural Development

Date: 24/04/2019

Cc: **Mr. Anton von Well**
Tekplan Environmental
Tel: 015 291 4177
Cell No: 082 872 5258
Email: tecoplan@mweb.co.za



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A DEFINITIONS

“activity” means an activity identified in any notice published by the Minister or MEC in terms of Section 24D(1)(a) of the Act as a listed activity or specified activity.

“commence” means the start of any physical activity, including site preparation and any other activity on the site in furtherance of a listed activity or specified activity, but does not include any activity required for purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity.

“development” means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, including any associated post development monitoring, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint;

“expansion” means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased.

“independent”, in relation to an EAP, a specialist or the person responsible for the preparation of an environmental audit report, means-

- (a) that such EAP, specialist or person has no business, financial, personal or other interest in the activity or application in respect of which that EAP, specialist or person is appointed in terms of these Regulations; or
- (b) that there are no circumstances that may compromise the objectivity of that EAP, specialist or person in performing such work; excluding –
 - (i) normal remuneration for a specialist permanently employed by the EAP; or
 - (ii) fair remuneration for work performed in connection with that activity, application or environmental audit;

“public participation process” means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.

“registered interested and affected party”, in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

“the Department” means the Department of Rural, Environment and Agricultural Development.

“state Department” means any Department or administration in the national or provincial sphere of government exercising functions that involve the management of the environment.

“the Regulations” means the Environmental Impact Assessment Regulations, of 04 December 2014 as amended.



B. Environmental Authorisation

Authorisation register number: **NWP/EIA/27/2018**

Holder of Environmental Authorisation: **Vodacom (Pty) Ltd**

Location of activity: **Portion 10 of the farm Leeuwenkloof 480 JQ - Madibeng Local Municipality; North West Province.**

1. Decision

The Department is satisfied on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activity specified below:

2. Activity authorised

By virtue of the powers delegated by the MEC in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and the Environmental Impact Assessment Regulations of 04 December 2014 as amended, the Director: Environmental Quality Management of the Department of Rural, Environment and Agricultural Development authorises:-

Vodacom (Pty) Ltd
082 Vodacom Blvd
Voda Valley
MIDRAND
1682

Tel: 082 277 4555
Cell: 082 561 8581
Fax: 082 271 6118
Email: hildalene.vanderwesthuizen@vodacom.co.za

to undertake the following activity:

The development of a 40 metre high telecommunication mast at Zvezda Game Resort situated on Portion 10 of the farm Leeuwenkloof 480 JQ, Madibeng Local Municipality, North West Province. The site is situated within "Cradle of Humanind World Heritage site"

The development will include:

- 40 metre high lattice mast
- Container housing electronic equipment surrounded by steel palisade fence measuring 10 X 10 metres in extent.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.



Site Location:

Alternative Site	Latitude	Longitude
Portion 10 of the farm Leeuwenkloof 480 JQ - Madibeng Local Municipality.	25° 49' 21.7" S	27° 49' 19.6" E

The site is situated on Portion 10 of the farm Leeuwenkloof 480 JQ, Madibeng Local Municipality; hereafter referred to as "the property".

Directions to the property:

When driving on R512 from Hartebeespoort Dam, pass Pecanwood Estate on the left hand side and continue straight until Sangiro Chicken Abattoir; Turn Right onto the R3 road after passing Sangiro Entrance and drive approximately 4.6 kilometres to the site situated on the Right hand side of that road.

3. Conditions

3.1 Scope of Environmental Authorisation

- 3.1.1 The preferred **alternative S1 is approved.**
- 3.1.2 Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the Environmental Authorisation.
- 3.1.3 The holder of the Environmental Authorisation must be responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the Environmental Authorisation.
- 3.1.4 The activities authorised may only be carried out at the property as described in Point 2 under site location.
- 3.1.5 This Environmental Authorisation does not negate the holder of the Environmental Authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 3.1.6 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:
- National Heritage Resources Act, 1999; Act No. 25 of 1999.
 - National Forestry Act, Act 84 of 1998. Any trees species included on the list of protected tree species under the National Forestry Act; may not be removed or destroyed without prior permission from the Department of Agriculture Forestry & Fisheries as contemplated in Section 15(1) of the said Act.
 - National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended.
 - National Environmental Management: Biodiversity Act 10 of 2004
 - The Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)



- f) The Civil Aviation Act, Act 13 of 2009.
- g) All provisions of the Conservation of Agricultural Resources Act, Act 43 of 1983
- h) The municipal by-laws must be adhered to where applicable.

3.1.7 The holder of an Environmental Authorisation has the responsibility to apply for Environmental Authorisation amendment to the competent authority when any alienation, or deviation from project description / ownership.

4. Appeal of Environmental Authorisation

- 4.1 The holder of the Environmental Authorisation must notify every **registered** interested and affected party, in writing and **within 14 days**, of receiving an Environmental Authorisation from the Department.
- 4.2 The notification referred to in 4.1 must –
 - 4.2.1 Inform interested and affected parties of the decision, reason for decision and where the decision can be accessed.
 - 4.2.2 Advise the interested and affected party that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
 - 4.2.3 Specify the date on which the Environmental Authorisation was issued.
 - 4.2.4 Inform the registered interested and affected parties of the appeal procedure provided for in Chapter 2 of the National Appeal Regulations (see Annexure 2).
- 4.3 An appeal against the decision must be lodged in terms of Chapter 2 of the National Appeal Regulations with:

The Appeal Administrator: Ms. Carene Nieuwoudt
Department of Rural, Environment and Agricultural Development
 Private Bag X 2039
MMABATHO
 2735

Or hand delivery to:

Room E30, Agricentre Building
 Cnr. Dr. James Moroka & Stadium Road
MMABATHO

Tel No.: (018) 389 5986 / Fax No.: 086 581 7858
 Cell No.: 083 385 9486
 E-Mail: CNieuwoudt@nwpg.gov.za

- 4.4 Such Appeal must be lodged in writing by completing Appeal form obtainable from the Appeal Administrator.



- 4.5 An appeal made against this Environmental Authorisation will result in it being suspended; therefore the activity must not commence pending the lapse of 20 days after all Interested and Affected parties have been informed of this decision.
- 4.6 Should an appeal be lodged within 20 days after notification to all Interested and Affected parties of this decision, the activity may only commence once the decision by the MEC, as Appeal Authority, have been made.

5. Management of the activity

- 5.1 The Environmental Management Programme (EMPr), attached to the final Basic Assessment Report dated January 2019, for the proposed development is **hereby approved**.
- 5.2 The recommendations and mitigation measures outlined in the Final Basic Assessment Report (BAR), dated January 2019, compiled by Tekplan Environmental and received by the Department on 04 February 2019 must be adhered to.
- 5.3 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to Director: Environmental Quality Management for approval prior to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **30 days** of receiving the submission.
- 5.4 The provisions of the EMPr are an extension of the conditions of the Environmental Authorisation and therefore non-compliance with the EMPr would constitute non-compliance with the Environmental Authorisation.
- 5.5 The EMPr must form part of the contractor's tender documentation for all contractors working on the project and must be made available on the site.

6. Monitoring

- 6.1 **14 days** written notice must be given to the Departments' Environmental Compliance and Enforcement Section that the activity will commence at cnieuwoudt@nwpg.gov.za AND Inonkomo@nwpg.gov.za.
- 6.2 The holder of Environmental Authorisation has the responsibility to ensure that the mitigation/ rehabilitation measures and recommendations referred to in the Basic Assessment Report are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.3 The holder of Environmental Authorisation must ensure communications with key stakeholders in respect to monitoring of compliance with conditions of Environmental Authorisation and the EMPr and also liaise with Environmental Compliance and Enforcement Section.
- 6.4 It is the responsibility of the holder of this Environmental Authorisation to ensure that an ongoing management and monitoring of the impacts of the activities on the environment throughout the life cycle of the activities is put into practice.



7. Recording and reporting to the Department

- 7.1 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

8. Validity Period of Environmental Authorisation

- 8.1 This Environmental Authorisation is valid for a period of **5 years**, i.e., this activity must be concluded within 5 years from the date of issue of this Environmental Authorisation.
- 8.2 If the holder of the Environmental Authorisation anticipates that the conclusion of the activity would not occur within a **5 year period**, he/she must prior to the lapse of 5 years, apply for an amendment of the Environmental Authorisation and show good cause and give reasons why an extension of the Environmental Authorisation should be granted
- 8.3 Should this **Environmental Authorisation expire**, the said authorisation will be null and void and a new application for an Environmental Authorisation must be made in order for the activity to be undertaken

9. Site Closure and Decommissioning of the activity

- 9.1 Should the activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.
- 9.2 The disturbed areas must be rehabilitated to almost a natural state, and landscaping of the disturbed areas must make extensive use of locally appropriate indigenous vegetation.

10. Specific conditions

- 10.1 The applicant must adhere to the mitigation measures and recommendations contained in the Basic Assessment Report (BAR) dated January 2019 and received by the Department on 04 February 2019 compiled by Tekplan Environmental.
- 10.2 The site layout plan dated 2018/01 compiled by Developlan Town Planners must be complied with.
- 10.3 Day and night markings must be installed on the mast as per South African Civil Aviation Requirements dated 12 March 2018.
- 10.4 Any tree species included on the list of protected tree species under the National Forestry Act; may not be removed or destroyed without prior permission from the Department of Agriculture Forestry & Fisheries as contemplated in Section 15(1) of the National Forestry Act, Act 84 of 1998.
- 10.5 Archaeological remains, artificial features and structures older than **60 years** are protected. Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately and the Provincial Heritage Resources Authority must be informed about the finding.



- 10.6 Provision of the ablution facilities on site during construction phase must be established such that they do not cause water or other pollution and conform to the regulatory hygiene measures and Occupational Health and Safety legislation.
- 10.7 Waste material of any description must be entirely removed from the construction site and disposed-off at a licensed landfill facility as required in terms of the National Environmental Management: Waste Act, Act 59 of 2008, as amended. No waste is to be buried or burnt on site.
- 10.8 The developer or holder of the Environmental Authorisation must consider the design alternative of a tree mast should visual / aesthetic impact concerns be registered by live stock or game farmers on adjacent properties in the future; it was however noted that no objections were raised during the public participation process.
- 10.9 The holder of the Environmental Authorisation, Vodacom (Pty) Ltd, must be responsible for compliance with the provisions for duty of care and remediation of environmental damage in accordance with Section 28 of National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.
- 11. General**
- 11.1 A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken. The Environmental Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the Environmental Authorisation who works or undertakes work at the property.
- 11.2 The holder of the Environmental Authorisation must notify the Department, in writing and within **48 hours**, if any condition of this Environmental Authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Regulations.
- 11.3 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Environmental Authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of this Environmental Authorisation as set out in this document or any other subsequent document emanating from these conditions of this Environmental Authorisation.

Environmental Authorisation Approved By:



Ms. Portia Krisjan
Director: Environmental Quality Management
Department of Rural, Environment and Agricultural Development

Date: 24/04/2019



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, Vodacom (Pty) Ltd, applied for Environmental Authorisation to carry out the following activities:

The construction of a 40 meters high telecommunication mast on Portion 10 of the farm Leeuwenkloof 480 JQ - Madibeng Local Municipality, North West Province.

The applicant appointed **Tekplan Environmental** to undertake Basic Assessment process as required by Regulation 12 of the EIA Regulations, 2014 as amended.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Basic Assessment Report (BAR) compiled by **Tekplan Environmental** and received by the Department on 04 February 2019; including specialist reports:
 - Heritage Impact Assessment compiled by HCAC Heritage Consultants dated November 2018
 - Palaeontological Impact Assessment compiled by BM Geological Services dated November 2018
- b) 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) as amended.
- c) The findings of a site visit undertaken by the Department official Mr. Thato Loeto and the tenant of the Land owner Ms. Ms C. Venter on 15 August 2018.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) The Basic Assessment Report complied with the stipulations of Appendix 1 of the EIA Regulations of 2014 as amended.
- b) The expertise of the Environmental Assessment Practitioner in conducting the Environmental Impact Assessment process. The details provided indicate that the EAP meets the Requirements of Regulation 13 of EIA Regulations of 2014 as amended and is competent to carry out the Environmental Impact Assessment (EIA) process.
- c) The Environmental Management Programme presented in the BAR is in line with Appendix 4 of the EIA Regulations of 2014 and the mitigation measures contained therein are applicable to the impacts identified in the BAR.
- d) The development was advertised in the local newspaper, "*Noordwester*", dated 23 March 2018 as part of the public participation process



- e) The legal and procedural requirements have been complied with and the information contained in the document is to the satisfaction of this Department.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings –

- a) The mast will enhance the Vodacom network coverage in the area.
- b) According to the World Health Organisation the radio frequency around base stations do not constitute a health risk
- c) No objections were registered by members of the public during the public participation processes.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the activity will not conflict with the general objectives of Integrated Environmental Management laid down in Section 23 (2) (a-f) of Chapter 5 of National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and that any potentially detrimental environmental impacts resulting from the activity can be mitigated to acceptable levels. **The application is accordingly granted.**



ANNEXURE 2: ADMINISTRATION AND PROCESSING OF APPEALS

ADMINISTRATION AND PROCESSING OF APPEALS IN TERMS OF CHAPTER 2 OF THE NATIONAL APPEAL REGULATIONS, 2014 TO BE FOLLOWED BY THE APPLICANT, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Appeal submission

4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter **within 20 days** from:
 - (a) the date that the notification of the decision for an application for an environmental authorisation was sent to the registered interested and affected parties by the applicant; or
 - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be-
 - (a) submitted in writing in the form obtainable from the appeal administrator; and
 - (b) accompanied by-
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; anda statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

Appeal panel

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, **within 10 days from the date of receipt of an instruction from the appeal authority**,
- (2) The appeal panel contemplated in sub-regulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.



Recommendations and decisions on appeals

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in subregulation (3) must contain written reasons for the decision.

Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act, which are:
 - (i) by faxing a copy of the notice or other document to the person, if the person has a fax number;
 - (ii) by e-mailing a copy of the notice or other document to the person if the person has an e-mail address;
or
 - (iii) by posting a copy of the notice or other document to the person by ordinary mail, if the person has a postal address;
- (2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1) must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

