



DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1

REFERENCE: 16/3/3/6/1/A5/11/2051/18
ENQUIRIES: THEO ENGEL / AYESHA HAMDULAY
DATE OF ISSUE: 2018 -06- 27

The Members
Warren Petterson Planning
P O Box 152
CENTURY CITY
7446

Attention: Mr Corné Breidenhann

Tel.: (021) 552 5255
Fax: (086) 537 9187

Dear Sir

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED DEVELOPMENT OF AN APPROXIMATELY 25M HIGH TREE-TYPE MAST AND ASSOCIATED INFRASTRUCTURE ON PORTION 47 OF THE FARM NO. 222, BRACKENFELL

1. Your correspondence with cover letter dated 5 March 2018, received by this Department on 19 March 2018, refers.
2. Your attention is drawn to the listed activities in terms of the EIA Regulations, 2014 as defined in Government Notice ("GN") No. R. 982, R. 983, R. 984 and R. 985 (as amended). All activities identified as listed activities in the EIA Regulations, 2014 (as amended) that had not been lawfully commenced with must not be undertaken without an Environmental Authorisation from the Competent Authority.
3. This Department has reviewed the correspondence and based on the information submitted, is of the opinion that the proposed development of an approximately 25m high tree-type mast and associated infrastructure on Portion 47 of the Farm No. 222, Brackenfell falls within the ambit of the following listed activity:

Item 3 of GN No. R.985 (as amended):

"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

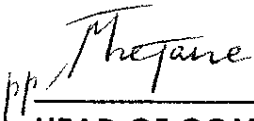
(b) will exceed 15 metres in height—
but excluding attachments to existing buildings and masts on rooftops.

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."

4. The above determination is based on the following:
 - 4.1. The proposed 25m high tree-type mast is situated outside of the urban area of Brackenfell on land zoned Agriculture. Item 3 of GN No. R.983 (as amended) is therefore applicable to the development proposal.
5. An application for Environmental Authorisation must be submitted to this Department and the Environmental Authorisation obtained from this Department prior to the development proposal being commenced with on site. The relevant application forms are available on this Department's website: www.westerncape.gov.za/eadp.
6. You are hereby informed that the onus is on the applicant (i.e. the plot owner/developer) to identify all the listed activities that will be applicable to the development proposal and to include and assess these in the application for Environmental Authorisation.
7. It is prohibited in terms of the NEMA to commence with a listed activity without a relevant Environmental Authorisation from the Competent Authority. Non-compliance in terms of the prohibition will be referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. The penalty for a person convicted of an offence in terms of the above is a fine not exceeding R10 000 000 or imprisonment for not more than 10 years, or both such fine and such imprisonment.
8. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
9. This Department reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Yours faithfully


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HEAD OF COMPONENT

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

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