



REFERENCE: 16/3/3/6/1/E3/1180/19

ENQUIRIES: BERNADETTE OSBORNE

DATE: 2019 -07-09

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Dear Sir

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED APPLICATION FOR A CELLULAR COMMUNICATION BASE STATION, REMAINDER OF FARM NO. 365, LUIPAARDSBERG, SWELLENDAM.

1. The abovementioned document and letter dated 13 May 2019, as received by the Department on 14 May 2019 and the telephonic conversation dated 9 July 2019, refer.
2. On 7 April 2017 the Minister of Environmental Affairs promulgated amendments to the regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment ("EIA") Regulations, 2014 and Listing Notices 1, 2 and 3 published in Government Gazette No. 40772.
3. Based on the information provided it is this Department's understanding that the proposal entails the following:
 - The proposed development of a 30m high mast on the Remainder of Farm No. 365, Luipaardsberg, Swellendam.
 - The proposed mast will have a development footprint of approximately 121m².
 - The site is located between two existing buildings with lattice masts. The existing lattice masts are not able to accommodate any additional infrastructure.
 - According to the available mapping resources, indigenous vegetation is present on the site, namely *North Sonderend Sandstone Fynbos* vegetation, which classified as least threatened.
 - According to the available mapping resources, a wetland is located in close proximity to the site.
 - Existing access and power is available for the proposed mast.

- The site is zoned for agricultural use and is located outside the urban area of Swellendam.

4. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3. Please be advised that the proposal may trigger the following listed activities in terms of the NEMA EIA Regulations, 2014:

Activity 12 of Listing Notice 1

The development of—

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or
- (ii) infrastructure or structures with a physical footprint of 100 square metres or more;**

where such development occurs—

- (a) within a watercourse;
- (b) in front of a development setback; or
- (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —**

excluding—

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area;
- (ee) where such development occurs within existing roads, road reserves or railway lines; or
- (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.

- **Activity 3 of Listing Notice 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.

5. The above is based on the following:

- The proposed development is located in close proximity to a wetland.
- The proposed mast exceeds 15m in height.
- The site is located outside an urban area.
- The site has not been previously used for this purpose.

6. If applicable, written authorisation will be required from the competent authority prior to the undertaking of the said activities. You are hereby advised that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are included in the application.
7. The Application Form, as well as other relevant forms and guidelines, are available from this Department's website: <http://eadp-westerncape.kznsshf.gov.za/>.
8. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

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

Yours faithfully



**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**