



**REFERENCE:** 16/3/3/6/7/2/E3/10/1279/19

**ENQUIRIES:** Bernadette Osborne

**DATE OF ISSUE:**

2019 -09- 06

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Dear Sir

**NOTICE OF INTENT ("NoI") TO SUBMIT AN APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS FOR THE PROPOSED 30M HIGH MAST ON THE REMAINDER OF FARM NO. 365, LUIPAARDSBERG, SWELLENDAM.**

1. Your document and letter dated 5 August 2019, as received by the Department on 8 August 2019, refer.
2. Following review of the information submitted to this Department, the following is noted:
  - The proposal entails the 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 121m<sup>2</sup>.
  - The site is located between two existing buildings with lattice masts. The existing lattice masts are not able to accommodate any additional infrastructure.
  - Indigenous vegetation is present on the site.
  - The site is located approximately 15m north of a wetland.
  - Existing access and power is available for the proposed mast.

Screening Report

3. Your attention is drawn to Government Notice No. 960 of 5 July 2019: Notice of the Requirement to Submit a Report Generated by the National Web Based Environmental Screening Tool in terms of Section 24(5)(h) of the NEMA and Regulation 16(1)(b)(v) of the EIA Regulations, 2014.

4. Please note that the submission of a report generated from the National Web Based Environmental Screening Tool will be compulsory as of 04 October 2019 when submitting an application for environmental authorisation in terms of Regulations 19 and 21 of the NEMA EIA Regulations, 2014. Until such time the use of the tool to generate the report will be voluntary.

### Process

5. Having considered the information contained in the Nol, the Department concurs that the proposed development constitutes a listed activity as defined in terms of the NEMA EIA Regulations, 2014. However, please note that the proposed development is located within 32m of a watercourse and will therefore also trigger Activity 12 of Listing Notice 1, which must also be assessed and addressed as part of the application.
6. In light of the activities identified, you are herewith advised that a Basic Assessment process must be followed in order to apply for Environmental Authorisation. Only the activities applied for shall be considered for environmental authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.
7. The Department reminds you that the "Request for a specific fee reference number" form must be completed and submitted to the Department prior to submission of the formal application for the abovementioned proposed development. Upon receipt of the specific fee reference number, it must be inserted into the Application Form and proof of payment of the applicable fee attached when the Application Form is submitted to the Department.
8. You are advised that when undertaking the Basic Assessment process, you must take into account all applicable guidelines, including the guidelines developed by the Department. These can be downloaded from the Department's website, (<http://eadp-westerncape.kznshf.gov.za/your-resource-library/policies-guidelines>). In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:
  - Circular EADP 0028/2014: One Environmental Management System.
  - Guideline for the Review of Specialist Input in the EIA process (June 2005).
  - Guideline for Environmental Management Plans (June 2005).
  - Guideline on Alternatives (March 2013).
  - Guideline on Need and Desirability (March 2013).
  - Other (as applicable).
9. Please ensure that the Basic Assessment Report ("BAR") and Environmental Management Programme ("EMPr") contain all the information requirements outlined in the EIA Regulations, 2014.

### Public Participation

10. A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 must be undertaken. You are advised that public participation may be undertaken prior to the submission of the application, although this is not mandatory. It is the Environmental Assessment Practitioner's discretion at what stage the requirements of Regulation 41 are met, whether during the proposed application (pre-application) process or formal application process. You are reminded that a period of at least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the BAR.

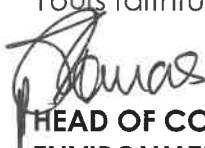
11. Should a public participation process, which includes the circulation of the pre-application BAR for comment, be undertaken prior to submission of an Application Form to the Department, in terms of Regulation 40, the pre-application BAR may also be submitted to the Department for commenting purposes. Please ensure a minimum of two printed copies of the pre-application BAR is submitted to the Department for commenting purposes.
12. In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014, any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. Please note that the Environmental Assessment Practitioner ("EAP") is responsible for such consultation. Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments in terms of Section 24O (2) and (3) of NEMA in the BAR, where appropriate.
13. The Department awaits the submission of the Application Form and/or pre-application BAR prescribed by the EIA Regulations, 2014. Please note that one printed copy and one electronic copy (saved on CD/DVD) of the Application Form must be submitted.
14. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
15. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.

No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested
- of the outcome of the application

16. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any new or revised information received.

Yours faithfully



**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

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