



**REFERENCE:** 16/3/3/6/1/F1/11/2168/18

**ENQUIRIES:** AYESHA HAMDULAY

**DATE OF ISSUE:** 2018 -10- 19

The Board of Directors  
Aurecon South Africa (Pty) Ltd  
P O Box 494  
**CAPE TOWN**  
8000

**Attention: Ms Angela Botha**

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Dear Madam

**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 30M HIGH LATTICE COMMUNICATION MAST AND ASSOCIATED INFRASTRUCTURE ON PORTION 28 OF THE FARM NO. 71, PIKETBERG**

1. Your correspondence with cover letter dated 10 May 2018, received by this Department on 11 May 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 your correspondence and is of the opinion that the proposed development of an approximately 30m high communication lattice mast and associated infrastructure on Portion 28 of the Farm No. 71, Piketberg 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 development proposal will be situated on a site zoned Agriculture and which is not regarded as part of the urban area of Piketberg.
5. An application for Environmental Authorisation for the abovementioned listed activity must be submitted to this Department and the Environmental Authorisation obtained prior to the development proposal being commenced with on the site. The relevant application forms are available on this Department's website: [www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp).
6. 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 R5 000 000 or imprisonment for not more than 10 years, or both such fine and such imprisonment.
7. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
8. This Department reserves the right to revise or withdraw its comments and request further information from you based on any new or revised information received.

Yours faithfully

  
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**HEAD OF COMPONENT**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**