

**Department of Environment and Nature Conservation**

90 Long Street

Kimberley

8300

07 August 2018

To The Registry

**RE: APPLICABILITY OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED DEVELOPMENT OF A TWENTY FIVE METER (25M) LATTICE MAST ON ERF 12827, KIMBERLEY, NORTHERN CAPE PROVINCE**

Highwave Consultants (PTY) Ltd. on behalf of Blue Sky Towers (PTY) Ltd. (The Applicant) appointed Enviroworks, an Independent Environmental Assessment Practitioner (EAP), to undertake the Legal Query in order to determine whether a Basic Assessment Process is required for the proposed development of a twenty five meter (25m) high Lattice Mast on Erf 12827, Kimberley, Northern Cape Province.

### **1. Project Description**

The proposed development entails the development of a twenty five meter (25m) lattice telecommunications mast and associated infrastructure, in the southern section of Erf 12827. Attached to the mast will be six (6) triband antennae along with four (4) transmission dishes. Four (4) concrete plinths will be constructed, two of which measure approximately two meters ( $\pm 2m$ ) by one meter ( $\pm 1m$ ) and the other two approximately three meters ( $\pm 3m$ ) by three meters ( $\pm 3m$ ). Four (4) telecommunications equipment containers will be installed on the concrete plinths at ground level. The development includes a mounted floodlight. The proposed development will be placed within a compound approximately ten meters ( $\pm 10m$ ) long and approximately eight meters ( $\pm 8m$ ) wide. The compound will be surrounded by a two point four meter (2.4m) high palisade fence.

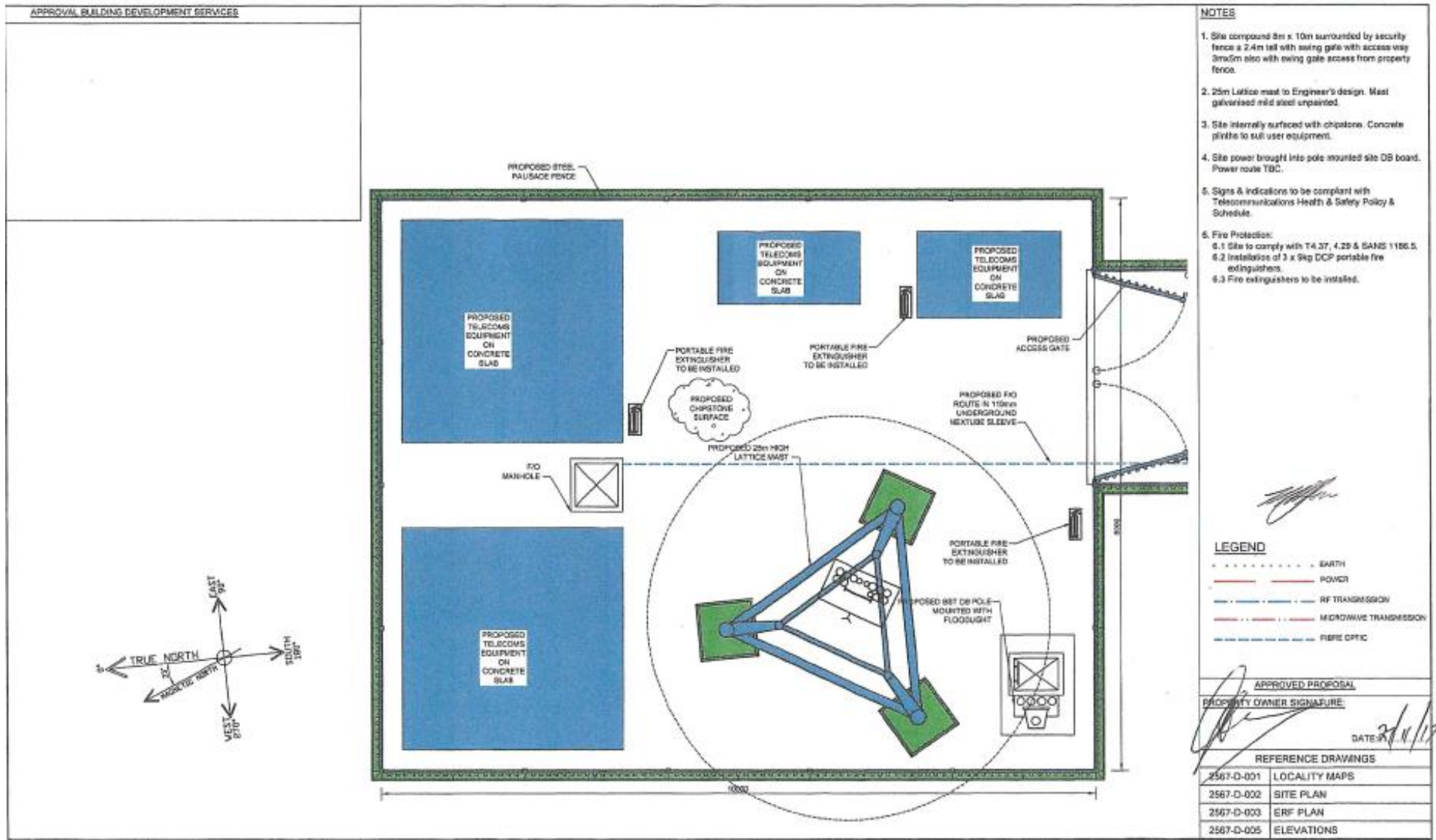


Figure 1: Layout of the Proposed Development.

## 2. Project Location

The proposed development will be situated at the following co-ordinates:

- 28° 42' 43.78" S
- 24° 46' 46.77" E

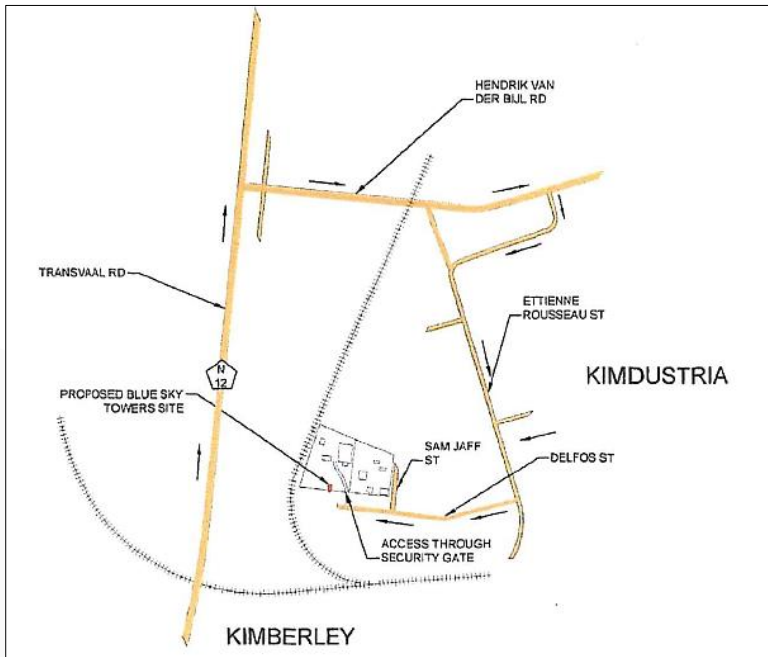


Figure 2: Locality of the Proposed Development.

As per the 2017 – 2022 Integrated Development Plan of the Sol Plaatje Municipality the proposed development will be situated within the Urban Edge of Kimberley.

## 3. Possible Triggered Activity

### Government Notice Regulation No. 324 of 07 April 2017 (Listing Notice 3 relating to a Basic Assessment Process).

**Activity 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.

#### **g. Northern Cape**

iii. Inside urban areas:

- (aa) Areas zoned for use as public open space; or
- (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.

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#### 4. Ecological Status of Erf 12827 and Surroundings:

According to the IDP for Sol Plaatje Municipality, the proposed development is located on land not classified as a 'Sensitive Area' within the Kimberley area. Ecological status was further accessed by overlaying the Sol Plaatje Municipality with Provincial bioregional plans and as per these plans the proposed development is located on land classified as 'Other Natural'.

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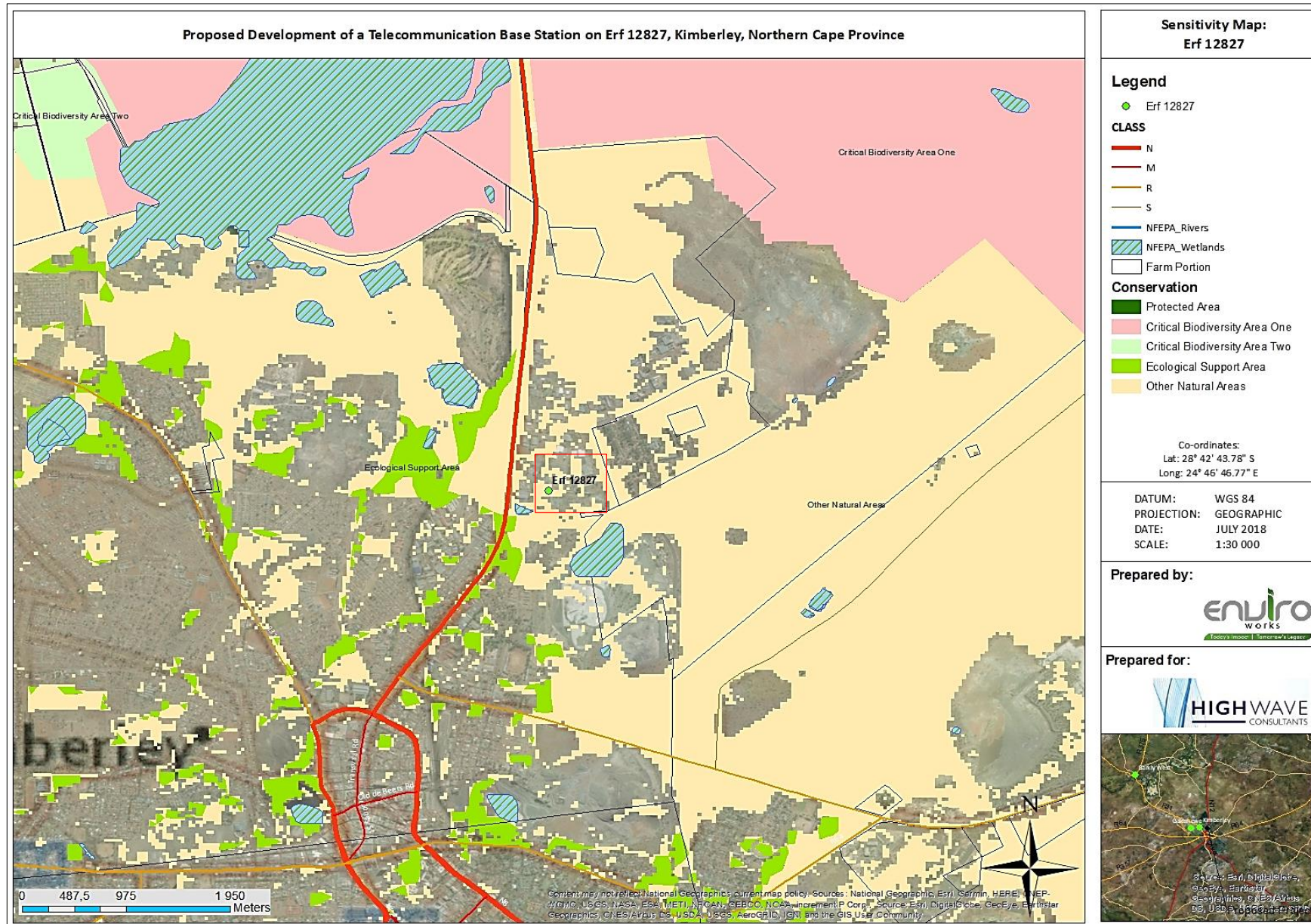


Figure 3: Sensitivity Map of the Study Area.

## 5. Legal Query

The Town Planning section of the Sol Plaatje Municipality will not approve the building plans prior to confirmation from the DENC that no Environmental Impact Assessment is needed. Enviroworks therefore wish to enquire whether a Basic Assessment needs to be conducted in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and Government Notice Regulations No. 327 and 324?

We look forward to your response and thank you for the effort, it is highly appreciated.

### Kind Regards

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