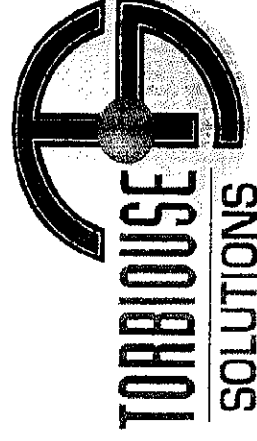


Our Reference:
T9467 / 17/2/3/GS-67

Your Reference:

24 January 2013

South African Heritage Resources Agency
P O Box 4637
Cape Town
8000



Reg. No. 2001/080535/23

PO Box 32017, Totiusdal, 0134

Attention: Mr P Hine

414 Rustic Road
Silvertondale, 0184
Pretoria

Facsimile: (021) 462 4509

Tel: (012) 804 1504/ 6
Fax: (012) 804 7072
e-mail: admin@torbiousesolutions.co.za

Dear Sir / Madam,

Re: Record of Decision on Project 17/2/3/GS-67, MTN (Pty) Ltd telecommunication base station: T9467 Syferfontein and the right and process to appeal.

1. Notification of Record of Decision (ROD) issued.

Please be advised that the Mpumalanga Department of Economic Development, Environment and Tourism (MDEDET) has decided to grant authorisation for the abovementioned project. Find attached hereto the Record of Decision (ROD) issued by the MDEDET in respect of the mentioned MTN telecommunication base station.

2. Right to Appeal the decision

In terms of the National Environmental Management Act, Act 107 of 1998 you have the right to appeal against the decision taken by MDEDET in terms of Section 43 of the Act. Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you wish to appeal you must lodge a notice of intent to appeal with the MEC within 20 days of the date of this letter.

Appeals in respect of this decision must be directed to:

The MEC,
Department of Economic Development, Environment and Tourism,
Mpumalanga Provincial Government.

within 50 (thirty) days from the date of this decision i.e. 11 December 2012.

Appeals can be submitted utilising one of the following methods:

From: IPS

To: 0214624509

24/01/2013 15:07

#042 P.002/011

- By facsimile: (013) 766 8445
- By post: Private Bag x11215, Nelspruit, 1200
- By hand: Building 4, Government Boulevard, Riverside park Ext 2, Nelspruit 1200

A copy of all representations submitted to MIDEDET must also be sent to the Environmental Assessment Practitioner:

Torbious Solutions cc
P.O. Box 32014
Totiusdal
0134

Fax Number: (012) 804 7072
E-mail: admin@torbiousolutions.co.za

Please include project reference number **17/2/3/GS-67** in all correspondence to all parties.

Do not hesitate to contact us if additional information or clarification is required.

Yours faithfully,



WA VAN'T FOORT
For: Torbious Solutions cc

MPUMALANGA PROVINCIAL GOVERNMENT

Province of Mpumalanga
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Province of Mpumalanga
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Department of Economic Development, Environment and Tourism

Department of Economic Development, Environment and Tourism
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Enquiries : Ms Eulewa Shabalala
 Telephone : (017) 811-4300/3551
 Reference : 17/03 95-37

Ms. Desire Strydom
 MTN (Pty) Ltd
 Building 1 Commerce Square
 39 Rivonia Road
 Sandton
 0046

Fax : (011) 911 5460
 Email : RUXVO.D@mln.gov.za

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF A 30M HIGH TELECOMMUNICATION LATTICE MAST UNPAINTED (GALVANISED) AND A 31M² BASE STATION WITH EQUIPMENT CONTAINERS FOR MTN ON PORTION 20 REMAINING EXTENT OF THE FARM TWEEDRAAI 139 IS, GOVAN MBEKI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.



Your attention is drawn to Chapter 7 of the Regulations, which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC, within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (013) 7668 445
By post: Private Bag x 11215
Nelspruit

By hand: Building 4, Government Boulevard,
Riverside Park Extension 2
Nelspruit
1200

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours Sincerely

MRS. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 17.12.12

cc: EAP -Witbank van't Foort, Toddbowse Solutions cc
Fax: (085) 800 0441
Email: admin@shiruplan.co.za



MPUMALANGA PROVINCIAL GOVERNMENT

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Environmental Authorisation

Authorisation register number : 17/2/3/GS - 67

Holder of Authorisation : MTN (Pty) Ltd

Location of activity : On portion 20 remaining extent of the farm Tweedraai 139 IS, within the jurisdiction of Govan Mbeki Local Municipality-Mourmalanga Province



1. Decision

The Department is satisfied on the basis of the information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity as specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1

2. Activity authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2010, the Department hereby authorises:

MTN (Pty) Ltd
Building 1 Commerce Square
39 Rivonia Road
Sandton
0046

Contact person: Ms. Desire Strydom

Fax no: (011) 511 5430

Email: strydo_d@mtn.co.za

To undertake the following activities (hereafter referred to as 'the activity'):
The construction of a 30m high telecommunication lattice mast unpainted galvanised and a 81m² base station with equipment containers for MTN on portion 20 remaining extent of the farm Tweedraai 139 IS, Govan Mbeki Local Municipality, Mpumalanga Province. The site coordinates are: 26° 28.098'S and 29° 12.420'E. Listing Notice 3 Item 3 as identified in terms of Chapter 5 of the National Environmental Management Act, 1998 and Government Notice R 545 of 18 June 2010.

3. Conditions of authorisation**Scope of Authorisation**

3.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.

3.2 The holder of the authorisation must ensure compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.

3.3 The activity which is authorised may only be carried out at the property indicated above.

3.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In

assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

- 3.5 A copy of this authorisation must be made available on site at all times and all relevant staff, contractors and sub-contractors must be made familiar with the contents of this authorisation.
- 3.6 These activities must commence within a period of two (2) years from the date of issue. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activities to be undertaken.
- 3.7 The Department may change or amend any of the conditions in this authorisation if, in the opinion of the Department is environmentally justified.
- 3.8 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.
- 3.9 This authorisation does not negate the holder of the authorisation, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.
- 3.10 The holder of this authorisation is responsible for compliance with the provisions for Duty of Care and Remediation of Environmental Damage contained in Section 28 of the National Environmental Management Act, 1988 (Act 107 of 1996).

Appeal of authorisation

- 3.11 The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 days, of receiving notice of the Department's decision to authorise the activities.

The notification referred to above must:

- a) Specify the date on which the authorisation was issued;
- b) Inform the interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
- c) Advise the interested and affected parties that a copy of the authorisation and reasons for the decision will be furnished on request.

Management and monitoring of the activities

- 3.12 The Environmental Management Programme (EMP) submitted as part of the application for environmental authorisation is hereby approved and must be implemented and adhered to during the construction and operation of the activity.
- 3.13 The holder of the authorization must submit a post-construction environmental audit report to the Department within 30 (thirty) days after completion of construction activities. The audit report must be compiled by an independent auditor.

3.14 The Department retains the right to monitor and/ or inspect the proposed project during both construction and operational phases.

Commissioning and operation of the activities.

3.15 Fourteen (14) days written notice must be given to the Department that the activities will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

3.16 The conditions stipulated in this environmental authorisation, mitigation measures and recommendations contained in an Environmental Management Programme are legally binding components of any contract and are therefore legally enforceable.

3.17 Appropriate measures must be taken to prevent and manage soil erosion during and after construction.

3.18 The construction camp must be established on an area that has previously been disturbed

3.19 Sanitation facilities, such as chemical toilets, must be provided within the construction camp

3.20 All waste generated during the construction of the mast and the support container must be stored, handled and disposed of at a registered landfill site

3.21 It is the responsibility of the holder of the authorisation to rectify any source of pollution from their undertaking and to take appropriate measures to prevent any pollution of surface as well as ground water.

3.22 Applicable notification signs must be erected warning the public of the dangers around the construction site.

3.23 Any complaints received from the public during the construction and operational phases of the activity must be attended to as soon as possible and addressed to the satisfaction of all concerned

3.24 All safety standards set by the International Commission on Non-Ionising Radiation Protection (ICNIRP) must be adhered to

Site closure and Decommissioning

3.25 In case of decommissioning, a detailed Rehabilitation Plan must be submitted to this Department for approval at least six (6) months prior to the decommissioning phase

General

3.26 A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property



- 3.27 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address, and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.28 The holder of the authorisation must notify the Department, in writing and within 24 (twenty four) hours, if conditions of this authorisation are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.29 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 3.30 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

ENVIRONMENTAL AUTHORISATION APPROVED BY:

MR. S.S. MALULEKA

CHIEF DIRECTOR: ENVIRONMENTAL SERVICES

DATE: 01.01.12



ANNEXURE1: REASONS FOR THE DECISION

1. Background

The applicant MTN (Pty) Ltd applied for Environmental Authorisation for the following:

To undertake the following activities (hereafter referred to as 'the activity'): The construction of a 30m high telecommunication lattice mast unpainted galvanised and a 81m² base station with equipment containers for MTN on portion 20 remaining extent of the farm Tweedraal 139 IS, Govan Mbeki Local Municipality, Mpumalanga Province. The site coordinates are: 26°25.089'S and 29°12.420'E. Listing Notice 3 item 3 as identified in terms of Chapter 5 of the National Environmental Management Act, 1998 and Government Notice R 546 of 18 June 2010.

2. The applicant appointed the following Environmental Assessment Practitioner to undertake the Environmental Assessment process:

Consultant Name: Torbouse Solutions cc

Address: P.O Box 32017
Tollustdal
0134

Contact Person: Mr. Wilbert van't Foot
Telephone: (012) 804 7504
Fax: (086) 650 0441
Email: admin@trifraplan.co.za

3. Information considered in making a decision.

In reaching its decision, the Department took the following into consideration

- The information contained in the final Basic Assessment Report
- The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
- The outcome of the public participation process as included in the Basic Assessment report;

4. Key factors considered in making the decision.

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues that, in the Department's views, were of the most significance is set out below:

- Need and Desirability of the project
- Alternatives considered;
- The physical environment to be affected
- Public Participation



5. Findings

After consideration of the information and factors listed above, the Department made the following findings:

- a) The proposed lattice mast will increase and improve MTN coverage footprint thus alleviating the network coverage problem which is experienced by the community around the area
- b) No alternatives were considered because other possible sites on the same property would have the same environmental impacts as the proposed site.
- c) Interested and affected parties were given a chance to comment. No objections were received.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid as down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated for to acceptable levels. Authorisation is accordingly granted.