



Today's Impact | Tomorrow's Legacy

26 March 2013

**NOTICE OF APPLICATION FOR RECTIFICATION IN TERMS OF SECTION 24G AND 24F OF THE NATIONAL ENVIRONMENTAL MANAGEMENT AMENDMENT ACT (ACT NO. 107 OF 1998). UNLAWFUL CONTINUATION OF LISTED ACTIVITIES WITHIN A WATERCOURSE OR WITHIN 32 METRES OF A WATERCOURSE ALONG THE ROAD RESERVES OF THE TSHWANE AND EKURHULENI METROPOLITAN MUNICIPALITIES**

**Dear Stakeholder**

Enviroworks has been appointed by MTN (Pty) Ltd to undertake an application for rectification in terms of sections 24G and 24F of the National Environmental Management Amendment Act (No.107 of 1998). This in response to the unlawful continuation of listed activities prior to receipt of Environmental Authorization, within a watercourse or within 32 metres of a watercourse along the road reserves of Tshwane and Ekurhuleni Metropolitan Municipalities.

The Gauteng Department of Agriculture and Rural Development (GDARD) is the competent authority has issued a non-compliance notice with the project reference number: S24G/03/10-11/0194.

A section 24(G) and 24(F) process is being implemented for:

- ❖ *The installation of MTN fibre optic cable on municipal and provincial road reserves (R101 & M57) between Pretoria and Midrand as well as Pretoria and Kempton Park, Gauteng Province.*

In terms of the Environmental Impact Assessment Regulations Government Notices R544 and R546 of 18 June 2010, the following activities were contravened without an Environmental Authorization:

❖ **Notice R544 of June 2010 –**

- Activity 11: The construction of: (xi) infrastructure or structures covering 50 square meters or more where such construction occurs within a watercourse or within 32 meters of such a watercourse, measured from the edge of a watercourse;
- Activity 18: The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from (i) a watercourse;

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- Activity 13: The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation;
- Activity 16: The construction of infrastructure covering 10 square meters or more Where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of the watercourse.

### **General**

The optic fibre cable lines have been installed and run from Kempton Park to Moreletta Park along the R101, and from Midrand to Pretoria along the M57. The date of unlawful commencement was in August 2009. An Environmental Impact Assessment was undertaken by The MSA Group in 2009, however the activity was commenced prior to issuing of Environmental Authorization. As a result, specialist studies were conducted at this time and information from this initial assessment shall be incorporated into this application process.

Other Public Participation undertaken has been the publication of an advertisement in Die Beeld newspaper on the 18<sup>th</sup> March 2013, as well as the placement of site notices. An exemption from conducting public participation with adjacent landowners has been granted by GDARD.

As required by GDARD a public participation process of 30 days is being conducted which provides stakeholders and the public with the opportunity to comment on the application and to provide comments. Following this period an Environmental Assessment Report shall be compiled include a description of the contravention, extent of the work done to date, describe the affected environment and consider several other points typical of an Environmental Impact Assessment.

### **Queries regarding this matter must be referred to:**

The contact consultant, Enviroworks, Suite 338, Private Bag X15, Somerset West, 7129, or contact Mark Day at (084) 738 1130 (Mobile), or (021) 853 0682 (Tel), (086) 601 7507 (Fax), mark@enviroworks.co.za.

Parties wishing to formally object to and/or comment on the proposed rectification and environmental authorization are requested to forward their objections and comments (with reasons) to Enviroworks no later than 30 days after receipt of this letter (24<sup>th</sup> April 2013).

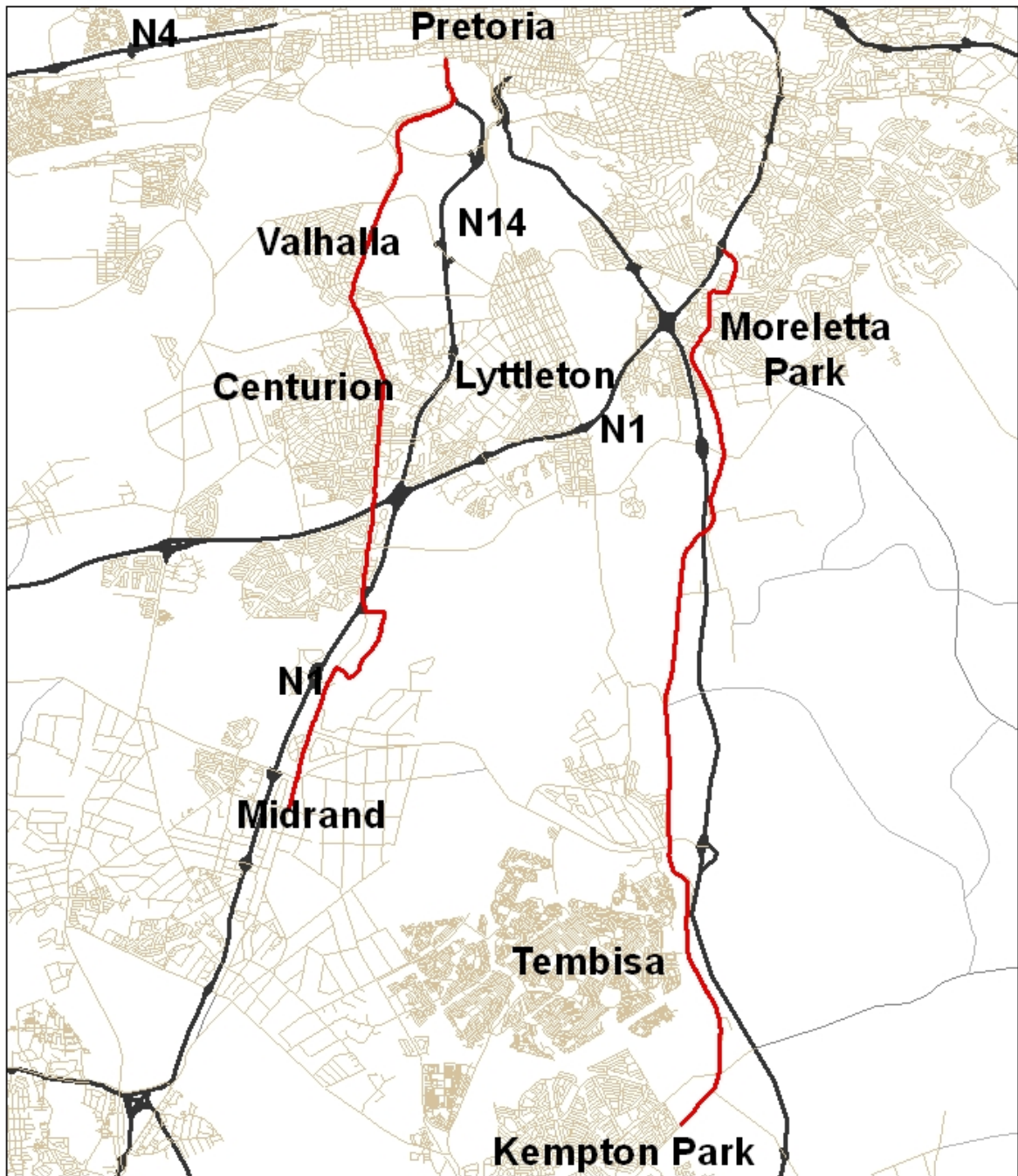
Kind Regards

Mark Day



Enviroworks

**FIGURE 1**



Locality Map of the Optic Fibre Cable Routes on the R101 (left) and M57 (right) as produced by The MSA Group in 2009