

For attention: Mr. M. Reddy

The South African Heritage Resource Agency

111 Harrington Street

Cape Town

8000

05 March 2014

Dear Mr. M Reddy

PROPOSED INSTALLATION OF OPTIC FIBRE CABLE IN THE VICINITY OF CARLTONVILLE, VANDERBIJLPARK AND SASOLBURG, GAUTENG AND FREE STATE PROVINCES

LEGAL QUERY

This letter serves two purposes:

1. This letter notifies your Department of the proposed optic fibre cable installations, as described below; and
2. This letter is also a request for your Department to respond on this legal query to give your feedback with regards to our approach, and whether or not these two optic fibre cable routes require any environmental authorisation, permit, licence or comment from your Department, as discussed below.

1. Background to the Projects

Neotel proposes to install optic fibre cables along provincial road reserves in the vicinity of Carltonville (**Appendices B1 and 2**) and Parys-Sasolburg-Vanderbijlpark (**Appendices C1, 2 and 3**). The applicant has already applied for the relevant way leaves from all role players, i.e. Municipalities, roads authorities etc. and therefore can proceed with construction if there are no need for authorisation or comment from your Department.

In most areas, the optic fibre cable will be installed via overhead lines, mounted on wooden poles, either 7 metres or 9 metres high. The following will furthermore apply:

- The 7m poles will be planted at a depth of 1.2 m and a hole will be opened for this purpose with the dimensions of 0.35m x 0.35m (= 0.1225m² or 0.147 m³);
- The 9m poles will be planted at a depth of 1.5m and a hole will be opened for this purpose with the dimensions of 0.45m x 0.45m (= 0.2025m² or 0.3038 m³);

- Poles will be planted at intervals of 73 metres;
- The Vaal River crossing will be undertaken by routing the optic fibre cable through existing bridge ducts, thus not disturbing the river or its riparian area;
- Trenching will occur within most of the Urban Areas; and
- Horizontal Directional Drilling (HDD) may occur where there are sensitive natural features that need to be avoided, for example river or wetland crossings.

2. Relevant Environmental Legislation

Enviroworks has identified, based on the information provided to us by the client and during site visits undertaken on 18 and 19 February 2014, that the following Environmental Legislation and hence Environmental Processes may be applicable to the proposed projects:

Legislation and Process Name	Permit Type	Competent Authority
<ul style="list-style-type: none"> • National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), the EIA Regulations of 2010, and GN R 544 (Listing Notice 1) • Basic Assessment (BA) Process 	Environmental Authorisation	The Free State Department of Economic Development, Tourism and Environmental Affairs (DETEA) and Gauteng Department of Agriculture and Rural Development (GDARD)
<ul style="list-style-type: none"> • National Water Act, 1998 (Act No. 36 of 1998) (NWA) • Water Use Licence Application (WULA) 	Water Use License	Department of Water Affairs
<ul style="list-style-type: none"> • National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) • Notification in terms of Section 38 	Comment	South African Heritage Resources Agency (SAHRA)

3. Description of Environmental Management Processes

The following Listed Activities, in terms of the NEMA and the EIA Regulations of 2010, **may** be triggered by the proposed optic fibre routes.

Table 1: Activities listed under the NEMA EIA Regulations Listing Notice 1 of 2010 (Government Notice No. 544) - requires a Basic Assessment process.

Government Notice No. 544 (LN 1): Activities triggered	Project Activity/ Component
<p>Activity 11: The construction of: (xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>The watercourse running through Carltonville underneath Onyx Drive is approximately 32m wide (Photos 1a & b).</p> <p>The optic fibre cable will be installed overhead at the watercourse underneath Onyx Drive, thus disturbing less than 50m² so as not to trigger Activity 11 (xi).</p>

Table 2: Activities listed under the NEMA EIA Regulations Listing Notice 2 of 2010 (Government Notice No. 545) - requires a full Scoping and EIA process.

Government Notice No. 545 (LN 2): Activity triggered	Project Activity/ Component
None	

Table 3: Activities listed under the NEMA EIA Regulations Listing Notice 3 of 2010 (Government Notice No. 546) - requires a Basic Assessment process.

Government Notice No. 546 (LN 3): Activities triggered	Proposed project activity/component
None	

Table 4: Activities listed under Section 38 of the NHRA, 1999.

Section 38: Activities triggered	Project Activity/ Component
<p>38. (1) Subject to the provisions of subsections (7), (8) and (9), any person who intends to undertake a development categorised as—</p> <p>(a) the construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300m in length;</p> <p>must at the very earliest stages of initiating such a development, notify the responsible heritage resources authority and furnish it with details regarding the location, nature and extent of the proposed development.</p>	<p>The optic fibre cables are linear activities with a length greater than 300m and therefore the South African Heritage Resources Agency (SAHRA) will be notified of these developments.</p>

3.1 Water Act

In terms of the National Water Act, 1998, any water use that is made in terms of Section 21 of the Act, requires authorisation from the Department of Water Affairs (DWA). The optic fibre cable will be in close proximity to four water courses:

1. The watercourse (at Onyx Road) in Carltonville (**Photos 1a & b**); and
2. Three watercourses were identified south west of Sasolburg on the farm road that links the N1 with the R57 road (see **Photo 2**).

We therefore request the Department of Water Affairs' opinion on whether the installation of the overhead optic fibre cables in close proximity to these watercourses will require an application for a Water Use Licence or a General Authorisation, as it is our opinion that planting poles in close proximity to a watercourse, within an already disturbed road reserve, do not warrant a Water Use Licence.

4. Findings of the Site Visits of the Carltonville Route and the Parys-Sasolburg-Vanderbijlpark Route

This section indicates possible trigger areas with photographs as identified during the site assessment. Refer to **Appendix A** for additional photographs of the proposed development area.

4.1 Findings of the Carltonville Route

There is only one watercourse bridge crossing in Carltonville. The watercourse running through Carltonville underneath Onyx Drive is approximately 32m wide. Trenching will be undertaken in the road reserve, up to 32m from the watercourse, with the optic fibre cable crossing the water course overhead, thus remaining 32metres from either side of the watercourse.

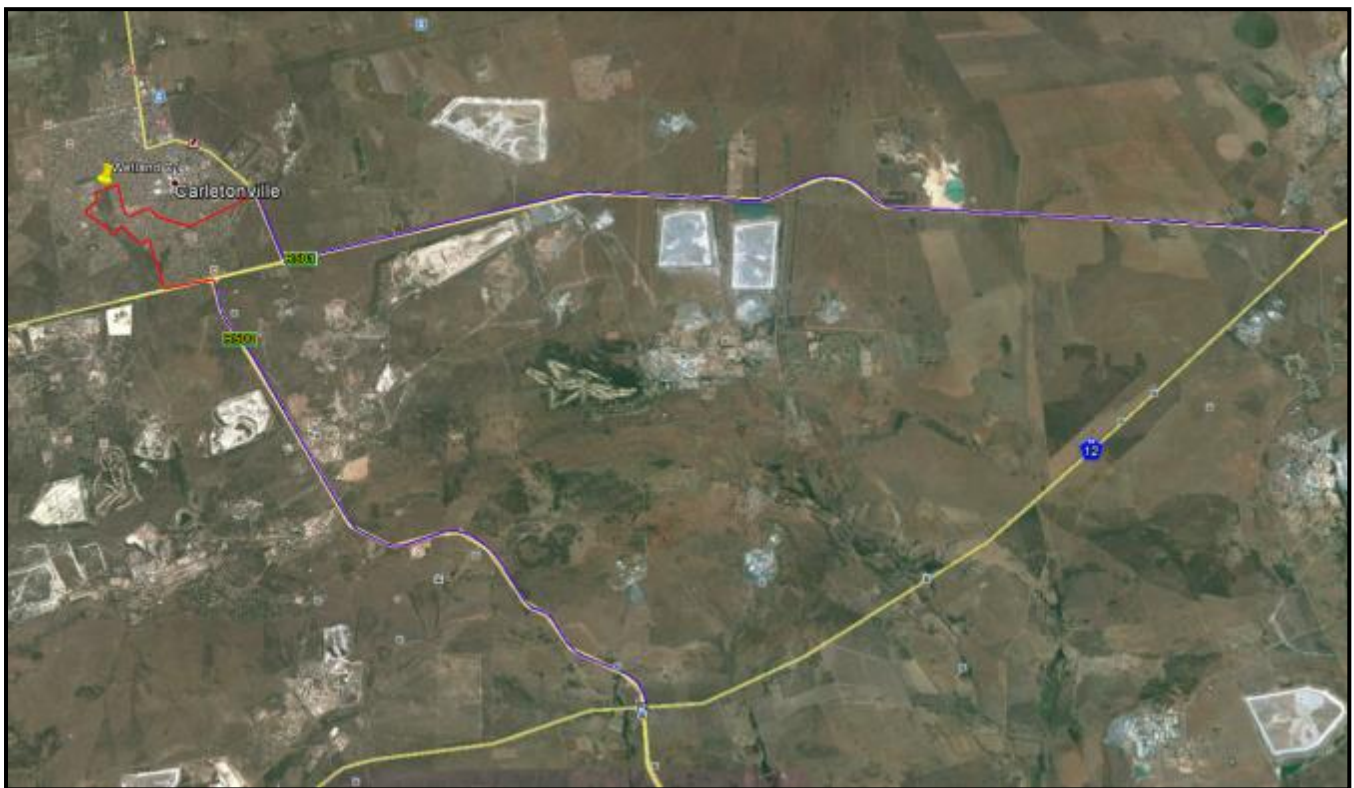


Figure 1: Overview map of the Carltonville optical fibre route



Photo 1a: Watercourse V1 in Onyx Drive, Carltonville, Gauteng
Coordinates: Longitude = 27.3847139, Latitude = -26.3589832999



Photo 1b: Watercourse V1 in Onyx Drive, Carltonville, Gauteng (source: Google Street View)

4.2 Findings of the Parys- Sasolburg-Vanderbijlpark Route

Three watercourses, indicated by the three place marks named S1, S2 and S3, were identified south west of Sasolburg on the farm road that links the N1 with the R57 road. The purple line in **Figure 2** indicates where the optic fibre cable will be installed overhead, and the red line indicates where trenching will take place (trenching will only take place within urban areas).

Although the poles will be planted in close proximity to the wetlands, this will occur within the road reserve and thus will not disturb these wetlands. As mentioned in the Background to the Project section of this letter, the poles will disturb footprints of either 0.147 m³ or 0.3038 m³ with a 73m span between two poles, thus minimising any potential impact these activities may have on the environment.



Figure 2: Overview map of Parys-Sasolburg-Vanderbijlpark route



Photo 2: Watercourse S1 on the farm road, south west of Sasolburg.

Coordinates: Longitude = 27.7425417, Latitude = -26. -26.884544



Photo 3: Seasonal wetland S2 on the farm road, south west of Sasolburg.

Coordinates: Longitude = 27.7425417, Latitude = -26.884544



Photo 4: Seasonal wetland S3 on the farm road, south west of Sasolburg.

Coordinates: Longitude = 27.689419, Latitude = -26.889125

5. Conclusion

It is our opinion that based on the terrain assessment, the proposed two optic fibre routes do not trigger any Listed Activities in terms of the NEMA EIA Regulations, 2010 and therefore do not need Environmental Authorisation before commencement of construction. We are also of the opinion that a Water Use Licence will not be needed for the projects.

The main reasons for this is because the majority of the routes will be installed by way of overhead lines with poles planted at 73 metre intervals. These poles can be planted outside the 32 metre buffer areas on both sides of any watercourses, therefore not triggering the EIA Regulations of 2010 Listed Activities.

A Construction Phase Environmental Management Programme (EMPr) will be compiled for each of the projects and must be available upon commencement of construction activities.

We also propose that an Environmental Control Officer (ECO) be appointed to oversee the construction of the optic fibre cable routes, submit ECO checklists, attend site meetings (if necessary) and complete a compliance audit at the end of the construction contract.

We therefore request that you kindly confirm if you agree with the above statements and that your Department is in agreement with the commencement of construction activities without needing an Environmental Authorisation or Water Use Licence.

Kind Regards

Pieter de Villiers

Enviroworks

CC: Gauteng Department: Agriculture and Rural Development

Department of Water Affairs

Department of Economic Development, Tourism and Environmental Affairs –

Free State

Appendix A

Photographs of Carltonville route

	
1. Road reserve east of Carltonville.	2. Road reserve east of Carltonville.
	
3. Road reserve at the R501, Moroka Bypass intersection.	4. Road reserve on the R500, south east of Carltonville.
	
5. Sidewalk in Reinecke Street, Carltonville where trenching will take place.	6. Open field where trenching will take place adjacent to Onyx Drive

Photographs of Sasolburg route

	
<p>7. Bridge across the Vaal river, south of Vanderbijlpark where a bridge attachment will be done.</p>	<p>8. Road reserve on the intersection of R57 and R59, where poles will be planted.</p>
	
<p>9. Sidewalk where trenching will take place in Bergius Road, Sasolburg.</p>	<p>10. Poles will be planted along a dirt road in Zamdela, Sasolburg area.</p>
	
<p>11. Poles will be planted along a secondary road that links the R57 and N1.</p>	<p>12. Grassland where poles will be planted.</p>