



**DEPARTMENT: ENVIRONMENTAL AFFAIRS AND TOURISM  
REPUBLIC OF SOUTH AFRICA**

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**Ref: 12/12/20/690/4**

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**Enquiries: Ndivhuwo Netshilaphala**

Mr. J Geeringh  
Eskom Transmission  
P.O Box 1091  
**JOHANNESBURG**  
2000

Dear Mr Geeringh

**REQUEST FOR EXEMPTION IN TERMS OF SECTION 28A OF THE ENVIRONMENT CONSERVATION ACT,  
1989: PROPOSED CONSTRUCTION OF A 30M LATTICE MICROWAVE RADIO MAST AT MAHAMBA NEAR  
ZWAZILAND BORDER.**

I refer to your request regarding the above-mentioned matter.

The department has evaluated your application pertinent to the above-mentioned proposal.

Your organization is hereby exempted from the fulfillment of items 3.1 (a) (appointment of independent consultant) and 3.1 (f) (public participation) of Government Notice No. R 1183 of 5 September 1997 in respect of the activity mentioned above.

By virtue of the power delegated to me in terms of section 33 (1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), I hereby in terms of section 28A of the said Act, exempt Eskom from further compliance with the requirements of Regulation 1183 for the construction of:

**Construction of a 30m-lattice microwave radio mast at Mahamba near Zwaziland border**

The proposed development entails the following:

- The erection of a 36m-lattice tower and a container, 3m x 3m on the site.
- A 12m x 12m area will be fenced off with a 2.4m high palisade fence.

Your application is exempted from further compliance with the regulations subject to the following conditions:



**1. STANDARD CONDITIONS**

- 1.1 This exemption is granted only in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 1.2 This exemption refers only to the activity as specified and described above. Any other activity listed under section 21 of the Environment Conservation Act, 1989 (No. 73 of 1989) which is not specified above, is not covered by this exemption, and must therefore comply with the requirements of the Act, Government Notice R. 1183 and its amendments.
- 1.3 The conditions of this exemption must be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of this activity and the applicant must take such measures necessary to bind such persons to these conditions. The applicant must carry out regular environmental audits to establish compliance with the conditions of this exemption.
- 1.4 The applicant must notify this department, in writing, within 24 hours thereof if any condition of the exemption is not complied with.
- 1.5 A copy of the exemption shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this exemption.
- 1.6 Records relating to the compliance and non-compliance with the conditions of the exemption must be kept in good order. Such records shall be made available to this department within seven days of receipt of a written request by the department for such records.
- 1.7 Changes in the project resulting in significant environmental impacts are only permissible if approved in writing by this department.
- 1.8 This department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the department, the addition, change or amendment is environmentally justified.
- 1.9 This department must be notified, within 30 days thereof, of any change of ownership and /or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
- 1.10 This department must be notified of any change of address of the applicant.
- 1.11 If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4).
- 1.12 Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as well as any other appropriate legal mechanisms.
- 1.13 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 1.14 Any complaint from the public during the construction of the facilities must be attended to as soon as



possible to the satisfaction of the parties concerned. A complaint register must be kept up to date and shall be produced upon request.

**2. PROJECT SPECIFIC CONDITION:**

- 2.1 Eskom must appoint or designate an environmental control officer, whose duty will be to ensure that the conditions stipulated in this exemption are implemented. The name of such an environmental control officer shall be made available to the authorities for communication purposes.
- 2.3 Eskom has to obtain a written letter of consent from the landlord to erect the proposed lattice tower.
- 2.4 Vegetation removal should be limited to the minimum necessary for the construction of the project. All disturbed areas in the site should be rehabilitated and the area where development has taken place should be fenced off with a fence of at least 2.4m high to prevent unauthorized entrance to the site.
- 2.5 The proposed development is authorized on condition that it adheres to the site layout diagram, attached as part of the motivation submitted to this department.
- 2.6 An integrated waste management approach that is based on best practices that incorporates reduction, recycling, re-use and disposal must be used. Any solid waste must be disposed of at a landfill, licensed in terms of section 20 of the Environmental Conservation Act, 1989 (Act No. 73 of 1989).
- 2.7 Should any archaeological artifact be exposed during excavation of trenches, the construction in the vicinity of the finding must be stopped. Under no circumstances shall any artifact be destroyed. Such an archaeological site must be marked, fenced and avoided by the proposed excavations. The South African Heritage Resource Agency must be contacted to this effect.

**3. KEY FACTORS FOR THE DECISION**

- 3.1 There is a clearly defined need and desirability for the proposed development and is likely to have substantial benefits to the Mahamba residents.
- 3.2 The erection of Mahamba microwave radio mast will meet the communication needs of the Eskom Distribution Division and Eskom Holdings in general.
- 3.3 There is an urgent need for the proposed radio links to avoid accidents Eskom employees operate electrical equipments in the remote Giyani and Tzaneen areas (Limpopo Province) and Mahamba (Mpumalanga Province), without contact with their control centers.
- 3.4 Should the conditions of approval stipulated in this authorization be implemented, no significant negative environmental impacts are anticipated.

Yours sincerely

  
**ACTING DIRECTOR - GENERAL**

**DATE:** 12/04/2005

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