



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEAT/EIA/4614/2009

DEA Reference: 12/12/20/1272

Enquiries: Ms Tebogo Mapinga

Telephone: 012-395-1805 Fax: 012-320-7539 E-mail: TMapinga@environment.gov.za

Ms Mamokete Mafumo
Eskom Holdings Limited (Transmission)
PO Box 1091
JOHANNESBURG
2000

Fax no: 011 800 3917

PER FACSIMILE / MAIL

Dear Ms Mafumo

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 387: FOR THE PROPOSED CONSTRUCTION OF 400/132KV MULTICIRCUIT TRANSMISSION LINE FROM ARIADNE SUBSTATION TO THE ORIBI SUBSTATION AND THE CONTINUATION OF A SINGLE CIRCUIT 400KV LINE TO THE EROS SUBSTATION, KWA-ZULU NATAL 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 addition to the activities applied for as detailed in the attached EA, these activities as listed in GN R. 386 12, 14 and 15 are no longer listed in terms of the new Regulations, 2010 and are thus not authorised.

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

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

- By facsimile: 012 320 7561;
- By post: Private Bag X447,
Pretoria, 0001; or
- By hand: 2nd Floor, Fedsure Building, North Tower,
cnr. Van der Walt and Pretorius Streets,
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the 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, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Environmental Impact Evaluation*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

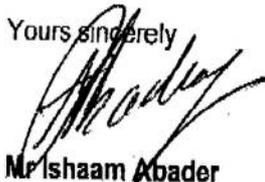
Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: twane@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection

Department of Environmental Affairs

Date: 12/08/2011

CC: Mr Percy Langa
Mr Jeremy Randall

ACER (Africa) Environmental Management Consultant
KZN DAEARD

Fax: 035 340 2232
Fax: 039 682 3325

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA])	1. Receive EA from Applicant/Consultant
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA, with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to appeal may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number:	12/12/20/1272
NEAS reference number:	DEAT/EIA/4614/2009
Last amended:	First issue
Holder of authorisation:	ESKOM HOLDINGS LIMITED (TRANSMISSION)
Location of activity:	KWA-ZULU NATAL PROVINCE: Within Ugu, Sisonke & uMgungundlovu District Municipalities

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

ESKOM HOLDINGS LIMITED (TRANSMISSION)

with the following contact details –

Ms Mamokete Mafumo
Eskom Holdings Limited (Transmission)
PO Box 1091
JOHANNESBURG
2000

Tel: (011) 800 2621
Fax: (011) 800 3917
E-mail: mamokete.mafumo@eskom.co.za

to undertake the following activities (hereafter referred to as "the activities"):

GN R. 386:

Item 1(m): *The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line or a river or stream, or within 32 metres from*

the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including

- (i) canals;*
- (ii) channels;*
- (iii) bridges;*
- (iv) dams, and*
- (v) weirs.*

Item 4: The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.

Item 20: The transformation of an area zoned for use as public open space or for a conservation purpose to another use.

GN R. 387

Item 1 (c): The construction of facilities or infrastructure, including associated structures or infrastructure, for the above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of 1000 cubic metres or more at any one location or site including the storage of one or more dangerous goods, in a tank farm.

Item 1 (l): The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above-ground electricity with a capacity of 120 kilovolts or more.

Item 2: Any development activity, including associated structures and infrastructure, where the total area of the development area is or is intended to be, 20 hectares or more.

as described in the Environmental Impact Assessment Report (EIAR) dated January 2011 at area between the Ariadne Substation (Pietermaritzburg), the Oribi Substation (Port Shepstone) and the Eros Substation (Harding) within the Ugu, Sisonke and the uMgungundlovu District Municipalities in the KwaZulu-Natal Province, hereafter referred to as "the property".

Conditions

Scope of authorisation

1. The preferred corridor alternative E3 (Ariadne Substation and joints A-B-C-D-E-F-G) and the western corridor alternative (joints G-H-Q-U-X and Eros Substation) is approved, as per the map (Figure 4) in the EIAR dated January 2011.
2. 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. The holder of the authorisation shall be responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. The recommendations and mitigation measures recorded in the EIAR dated January 2011 must be adhered to.
6. 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.
7. This activity must commence within a period of five (5) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
9. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
10. Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:
 - Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be

called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.

- Relevant provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - Relevant provisions of the National Water Act, 1998 (Act 36 of 1998).
 - Relevant provisions of the National Forests Act, 1998 (Act No. 84 of 1998).
 - Relevant provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - Relevant provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
 - Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Mineral Resources.
11. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation

12. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
13. The notification referred to must –
- 13.1 specify the date on which the authorisation was issued;
 - 13.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 13.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 13.4 give the reasons for the decision.

Management of the activity

14. The draft Environmental Management Plan (EMP) for the construction submitted as part of the Application for EA is hereby approved. This EMP must be implemented and adhered to.
15. The draft EMP dated January 2011 is a dynamic document that can be adapted during the construction period to address changes to the construction process. However, any changes to the EMP must be submitted to the authorities for acceptance before such changes could be effected.
16. The recommendations and mitigation measures recorded in the EIAR dated January 2011 must be incorporated as part of the EMP. Once approved, the EMP must be implemented and adhered to.
17. A site specific Construction EMP for the power line, which will concentrate on tower positioning as guided by the walk down with the avifaunal specialist, floral specialist and Heritage specialist must be prepared and submitted to the department for approval.
18. A site specific Construction EMP for the substation must be submitted to the department for approval.

Monitoring

19. The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
20. The ECO must be appointed before commencement of any authorised activities.
21. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
22. The ECO must keep a daily record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
23. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
24. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Recording and reporting to the Department

25. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
26. The holder of the authorisation must submit an environmental audit report upon completion of the construction and rehabilitation activities.
27. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMP.
28. All compliance monitoring and audit reports must be submitted to the *Director: Compliance Monitoring*.

Commencement of the activity

29. The authorised activities shall not commence within thirty (20) days of the date of signature of the authorisation.
30. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Notification to authorities

31. Fourteen (14) days written notice must be given to the Department that the activity 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. This notification period may coincide with the period contemplated in 29 above.

Operation of the activity

32. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

33. The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

Site closure and decommissioning

34. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

35. A qualified Avi-faunal specialist must be appointment to conduct a walkthrough of the authorised route and advise on final positioning of towers which will be documented in a final layout plan. The final layout plan must be submitted to the department with the final construction EMP.
36. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
37. Forest patches and other sensitive areas must be avoided, unless permitted by the Avifaunal and Botanist.
38. Habitat destruction from construction works, vehicles, machinery, or any other construction requirements should not occur in natural habitat areas that are situated outside the permitted construction areas.
39. Adequate buffering must be in place to limit disturbance to habitats for red listed and endangered frog species. The faunal specialist recommended 80m, these habitats must be mapped and submitted to the department for approval.
40. Faunal species encountered during construction and which are at risk of being harmed must be removed (ECO's responsibility) from the immediate site and relocated to an adjacent, suitable area.
41. Suitable designed barriers or covers must be used when excavated pits remain open to avoid fauna from falling into the excavated pits. These areas must also be barricaded.
42. Identification of natural habitats that would be identified as no-go areas should be conducted that aims to define habitat areas of particular importance. This must be done in conjunction with all the

- specialists that would be doing the walk-through of the line. This must be submitted to the department for approval.
43. Prior to the construction of towers, input must be obtained from a flora specialist on the final location of the towers within the 2km wide corridor, avoiding sensitive areas of vegetation.
 44. Placement of towers in wetlands will be considered a fatal flaw in the tower site selection process and alternative sites should be considered.
 45. Where construction occurs close to any sensitive areas of natural vegetation or any rare/ threatened or protected species, these must be suitably and visibly demarcated and cordoned off prior to and the during construction phase.
 46. The construction footprint should be kept to a minimum and no work must take place occur outside of the negotiated servitude.
 47. A Vegetation Management Plan including a Plant Rescue Plan, Alien Plant and Bush Encroachment Control Programme must be put in place prior to construction where protected or rare/threatened species will be impacted by construction and operation activities. These documents must be submitted to the department for approval prior to the commencement of construction activities.
 48. Where construction/operation may impact on plant designated as specially protected under the Natal Nature Conservation Ordinance (No. 15 of 1974) an application must be submitted to Ezemvelo KwaZulu-Natal Wildlife (EKZNW) to clear or translocate these plants as part of the plant rescue operation. Copies of permit must be submitted to the Department for record keeping.
 49. Where construction may impact on natural forests or individual trees protected in terms of the National Forests Act, 1998, an applicant must be submitted to the National Department of Agriculture, Forestry and Fisheries (DAFF). Copies of permit must be submitted to the Department for record keeping.
 50. Where construction/operation may impact on plants listed as threatened or protected species under the National Environmental Management Act: Biodiversity Act, 2004 (10 of 2004), an application must be submitted to the National Department of Environmental Affairs (DEA) or the Provincial Department of Agriculture, Environmental Affairs and Rural Development (DAEARD) to translocate these plants as part of the plant rescue operation. Copies of permit must be submitted to the Department for record keeping.
 51. Clearance of indigenous forest/thicket across ravines and gullies is not permitted, as these areas will very rarely interfere with minimum conductor clearance requirements.
 52. Where new tracks are required to access tower sites, input from a Flora Specialist is to be obtained, and sensitive areas of vegetation and wetlands are to be avoided. Where possible, the building of new tracks with a grader is to be avoided where not necessary, and a new vehicle tracks is to be created by simply driving over the grass cover without removing grass cover/topsoil.

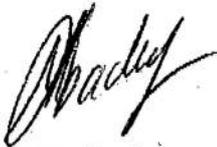
53. Where new gravel access roads need to be constructed, adequate drainage and soil erosion controls must be installed and maintained. As far as possible, access roads must follow the contour on steep slopes, rather than being aligned directly down steep slopes.
54. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
55. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
56. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan agricultural activities. If possible, construction should be scheduled to take place within the post-harvest, pre planting season, when fields are lying fallow.
57. Negotiations with land owners/farm managers must be established and proof of the outcome of the negotiations must be submitted to this Department before the commencement of construction activities.
58. A Heritage Practitioner must be appointed to conduct a walk-through and provide monitoring requirements of the approved power line servitude and all other activities prior to the start of any construction activities.
59. Eskom must consult with the KwaZulu-Natal Department of Transport (KZN DOT), in order of addressing the traversing of the transmission lines along or over roads.
60. All airfields and airstrips within the corridor must be avoided or the power line must be realigned to within a safe distance, so as not interfere with the light aircraft communication systems and takeoff and landing distance requirements. These must be mapped and submitted to the department for record purposes.
61. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008).

General

62. 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.

63. 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.
64. The holder of the authorisation must notify the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. 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.
65. 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.

Date of environmental authorisation: 12 August 2011



Mr Ishaam Abader

DEPUTY DIRECTOR-GENERAL: ENVIRONMENTAL QUALITY & PROTECTION
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited applied for the following activities:

GN R. 386:

Item 1(m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line or a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including

- (i) canals;*
- (ii) channels;*
- (iii) bridges;*
- (iv) dams, and*
- (v) weirs.*

Item 4: The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.

Item 20: The transformation of an area zoned for use as public open space or for a conservation purpose to another use.

GN R. 387

Item 1 (c): The construction of facilities or infrastructure, including associated structures or infrastructure, for the above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of 1000 cubic metres or more at any one location or site including the storage of one or more dangerous goods, in a tank farm.

Item 1 (l): The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above-ground electricity with a capacity of 120 kilovolts or more.

Item 2: Any development activity, including associated structures and infrastructure, where the total area of the development area is or is intended to be, 20 hectares or more.

- for the proposed construction of the Ariadne-Eros 400kV/ 132kV multi-circuit transmission power line from the Ariadne substation to the Eros substation and the expansion and upgrade of the Eros substation which fall within the jurisdiction of Ugu, Simonke and uMgungundlovu District Municipalities in the KwaZulu-Natal Province as described on page 11 and 14 of the Environmental Impact Assessment Report dated January 2011.

The applicant appointed Acer Africa Environmental Management Consultants (Pty) Ltd to undertake an environmental assessment process in accordance with the EIA Regulations, 2006.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the EIAR dated January 2011;
- b) The comments received from the KZN Department of Agriculture, Environmental Affairs and Rural Development, organs of state and interested and affected parties as included in the EIAR dated January 2011;
- c) Mitigation measures as proposed in the EIAR dated January 2011 and the draft EMP;
- d) The information contained in the specialist studies contained within Appendix 6 of the EIAR.
- e) 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).

3. 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 which, in the Department's view, were of the most significance is set out below.

- a) Findings of the site visit conducted from 20 September 2010 to 21 September 2010.
- b) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- c) The findings of all the Specialist studies conducted and their recommended mitigation measures.
- d) The need for the proposed project stems from the need meet growing demand and to improve service quality and reliability.
- e) The EIAR dated January 2011 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- f) The EIAR dated January 2011 identified all legislation and guidelines that have been considered in the preparation of the EIAR dated January 2011 and the legislation and guidelines that will be considered in the preparation of the Environmental Impact Assessment.
- g) The methodology used in assessing the potential impacts identified in the EIAR dated January 2011 and the specialist studies have been adequately indicated.
- h) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

4. Findings

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

- The majority of impacts on the natural environment associated with the proposed Transmission line and the Eros Substation are considered to be of low significance.
- The identification and assessment of impacts are detailed in the EIAR dated January 2011 and sufficient assessment of the key identified issues and impacts have been completed.
- The procedure followed for impact assessment is adequate for the decision-making process.
- The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- All legal and procedural requirements have been met.
- The information contained in the EIAR dated January 2011 is accurate and credible.

- EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAR and will be implemented to manage the identified environmental impacts during the construction process.

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 down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

