



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0001705/2013

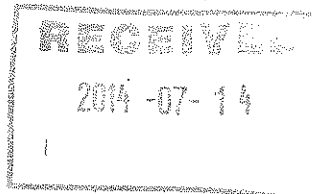
DEA Reference: 14/12/16/3/3/1/843

Enquiries: Ms Ndivhudza Sebei

Telephone: 012-395-1774 Fax: 012-320-7539 E-mail: Nsebei@environment.gov.za

Mr Neil Purdon
Eskom Holdings SOC Limited
P O Box 66
NEW GERMANY
3620

14/7
SN - 1



Tel no: 031 710 5223

Fax no: 031 710 5146

PER FACSIMILE / MAIL

Dear Mr Purdon

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543 AND 544: PROPOSED CONSTRUCTION OF OF THE NEW 132/11KV MIDLANDS SUBSTATION AND ASSOCIATED INFRASTRUCTURE, WITHIN UMNGENI LOCAL MUNICIPALITY, KWAZULU NATAL PROVINCE

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

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: 0123207561;
- By post: Private Bag X447,
Pretoria, 0001; or
- By hand: 2nd Floor, Fedsure Building, North Tower,
Cnr. Lilian Ngoyi (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: Integrated Environmental Authorisations*) 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 Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

Email: AppealsDirectorate@environment.gov.za

The authorised activity 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 faithfully



Mr Ishaam Abader

**Deputy Director-General: Legal, Authorisations, Compliance and Enforcement
Department of Environmental Affairs**

Date: 10/07/2014

CC:	Mr C Cockerill	Kerry Seppings Environmental Management Specialist CC	Tel no: (031) 769 1578	Fax no: (086) 535 5281
	Mr R Kalicharan	KZN DAEA	Tel no: 033 347 1020	Fax no: 033 347 1826
	Mr M Hatting	uMngeni Local Municipality	Tel no: 033 239 9261	Fax no: 033 330 2965

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 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

In terms of Regulation 36 of the Environmental Impact Assessment Regulations, 2010

Construction of the new 132/11kV Midlands Substation and associated 132kV feeder lines

uMgungundlovu District Municipality

Authorisation register number:	14/12/16/3/3/1/843
NEAS reference number:	DEA/EIA/0001705/2013
Last amended:	First issue
Holder of authorisation:	ESKOM HOLDINGS SOC LIMITED
Location of activity:	KWAZULU NATAL PROVINCE: Within the Umngeni Local Municipality

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 activity/ies specified below.

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 EIA regulations.

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 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

ESKOM HOLDINGS SOC LIMITED

with the following contact details –

Mr Neil W Purdon

Eskom Holdings SOC Limited

P.O. Box 66

NEW GERMANY

3620

Tel: 031 710 5223

Fax: 031 710 5146

Cell: 082 862 6555

E-mail: PurdonNW@eskom.co.za



to undertake the following activity/ies (hereafter referred to as "the activity") indicated in terms of GNR543, GN R544 of 18 June 2010:

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10 (i):</u> The construction of facilities or infrastructure for the transmission and distribution of electricity : (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</p>	<p>Eskom proposes to construct the new Midlands 132/11kV substation and associated feeder lines.</p>
<p><u>GN R. 544 Item 24:</u> The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, recreational, industrial or institutional use; where, at the time of the coming into the effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning.</p>	<p>The new 132/11kV Midlands Substation will be constructed on an area of land that is currently zoned as 'Private Open Space', and the Substation will be more than 1000 square metres in size.</p>

as described in the Basic Assessment Report (BAR) dated May 2014 at:

Substation Alternative 1 (Preferred)	Latitude	Longitude
	29° 28' 58.83"S	30° 11' 43.13 "E

- for the construction of the new 132/11kV Midlands Substation and associated 132kV feeder lines, within Umngeni Local Municipality in the KwaZulu Natal Province, hereafter referred to as "the property".

The proposed project entails following:

- The construction of the Midlands 132/11kV Substation with a footprint of 3740m²;
- The construction off 2 x horizontal towers to facilitate the landing of the power lines from Gowerie-Pentrich 132kV onto the substation busbars and to maintain the road crossing clearances, i.e.
- The construct approximately 2 X 0.1km 132kV power lines from Gowerie-Pentrich 132kV line 3 to the Midlands 132/11kV Substation



Conditions of this Environmental Authorisation

Scope of authorisation

1. The construction of the new 132/11kV Midlands Substation (Alternative 1, as indicated in the GPS coordinates above) and associated 132kV feeder lines, within Umngeni Local Municipality in the KwaZulu Natal Province as stated in the BAR dated May 2014 are approved.
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 is 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. 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.
6. This activity must commence within a period of five (5) years from the date of issue of this authorisation. 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must 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 and right to appeal

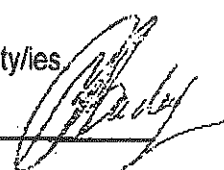
9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1 specify the date on which the authorisation was issued;
 - 10.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 10.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4 give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
 - 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.
13. The EMPr must be included in all contract documentation for all phases of the development.

Monitoring

14. 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 EMPr.
 - 14.1. The ECO must be appointed before commencement of any authorised activity/ies.



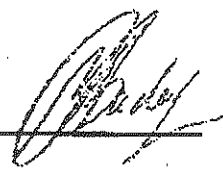
- 14.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 14.3. The ECO must meet with the contractors to discuss the conditions of the EA and the contents of the EMPr prior to any site clearing occurring.
- 14.4. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 14.5. 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.

Recording and reporting to the Department

15. 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.
16. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
17. 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 EMPr.
18. 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.

Commencement of the activity

19. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
20. 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.



21. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

22. 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, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

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

Site closure and decommissioning

24. 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

25. All construction activities and/or earthworks must be carried out within the limits of the authorised site.
26. Generation of dust must be minimised and dust control measures must be implemented.
27. Eskom must ensure that all waste control and the location of fuel storage areas, hazardous materials (oils, chemicals, and cement), waste storage areas, ablution and latrines and any other potentially polluting activities are in bunded areas and are 100m away from wetlands, river or stream to avoid any pollution.
28. Should any historical, cultural, paleontological resources, and graves be found, all construction activities must be suspended and an archaeologist be contacted immediately. The discovered graves must be cordoned off.
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29. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
30. 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 59 of 2008).

General

31. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMPr 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.
32. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at 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.
33. 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: 10 JULY 2014



Mr Ishaam Abader

Deputy Director- General: Legal Authorisations, Compliance & Enforcement
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. 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 BAR dated May 2014;
- b) The comments received from the organs of state and interested and affected parties as included in the BAR dated May 2014;
- c) Mitigation measures as proposed in the BAR dated May 2014 and the EMPr; and
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. 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) The need for the proposed project to support the growing demand for electricity in the greater Howick area.
- b) The BAR dated May 2014 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- c) The methodology used in assessing the potential impacts identified in the BAR dated May 2014 and the specialist studies have been adequately indicated.
- d) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.



3. Findings

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

- a) The identification and assessment of impacts are detailed in the BAR dated May 2014 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated May 2014 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR 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 environmental authorisation is accordingly granted.

