



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/000892/2011

DEA Reference: 12/12/20/2623

Enquiries: Mahlatse Shubane

Telephone: 012-399-9417 E-mail: mshubane@environment.gov.za

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

Email: NeilPurdon@eskom.co.za

PER FACSIMILE / MAIL

Dear Mr Purdon

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/546: PROPOSED SECOND PONGOLA – CANDOVER 132KV POWER LINE, UPGRADES TO THE EXISTING PONGOLA SUBSTATION AND CANDOVER SWITCHING STATION, AND PROPOSED DEVELOPMENT OF THE GOLELA 132/22KV SUBSTATION AND ASSOCIATED 132KV LOOP-IN AND LOOP-OUT POWER LINES IN THE UPHONGOLO AND JOZINI LOCAL MUNICIPALITIES, 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 post: Private Bag X447,
Pretoria, 0001; or

By hand: Environment House
473 Steve Biko, Arcadia,
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.

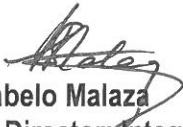
Appeals must be submitted in writing to:

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:

Email address: AppealsDirectorate@environment.gov.za
Telephone number: 012-399-9356/9355

The authorised activities must not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, an appeal under Section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you must not commence with the activity until such time that the appeal is finalised.

Yours sincerely



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 2/3/2015

CC:	Ms S. Laven	Consultancy (EAP)	Tel: 011-207-2060	Email: shandrele@zitholele.co.za
	Mr I.M. Mahlangu	Provincial Department:KZNA&EA	Tel: 033-355-9690	Email: Isaac.Mahlangu.gov.za
	Mr L.N. Mabaso	uPhongolo Local Municipality	Tel: 034-413-1223	Email: mmuphongolo.gov.za

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 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 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 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

Proposed second Pongola – Candover 132kV power line, upgrades to the existing Pongola Substation and Candover Switching Station, and proposed development of the Golela 132/22 kV Substation and associated 132kV loop-in and loop-out power lines in the Uphongolo and Jozini Local Municipalities, KwaZulu-Natal Province

Zululand District Municipality

Authorisation register number:	<i>12/12/20/2623</i>
NEAS reference number:	<i>DEA/EIA/0000892/2011</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>ESKOM HOLDINGS SOC LIMITED</i>
Location of activity:	<i>KWAZULU-NATAL PROVINCE: Within the Uphongolo and Jozini Local Municipalities</i>

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.

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 William Purdon
Eskom Holdings SOC Limited
P.O. Box 66

NEW GERMANY

3620

Tel: (031) 710 5483
E-mail: Neil.Purdon@eskom.co.za

to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notices 1 & 3 (GN R. 544& 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10:</u> <i>The construction of facilities or infrastructure for the transmission and distribution of electricity</i> <i>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</i></p>	<p>Construction of 132kV power line between the existing uPhongola substation and Candover switching station</p>
<p><u>GN R. 544 Item 11:</u> <i>The construction of:</i> <i>(xi) infrastructure or structures covering 50 square metres or more;</i> <i>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.</i></p>	<p>The proposed towers will be situated 32m of the watercourse and the towers will cover an area of 260.18m².</p>
<p><u>GN R. 544 Item 26:</u> <i>Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</i></p>	<p>The footprint of the proposed project falls within the boundaries of the Black Rhino Range Ecosystem (Reference Number: KZN 41) that is defined in the National List of Ecosystems as threatened and in need of protection. Furthermore in terms of section 53(2) of the NEMBA, threatening process in a listed ecosystem becomes a specified activity in terms of section 24(2) of NEMA. The Black Rhino home range Ecosystem is classified as a Criterion F Ecosystem which refers to priority areas which have been earmarked for meeting explicit biodiversity plan.</p>
<p><u>GN R. 546 Item 3 (a) (b) (a) (ii) (aa):</u> <i>The construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast:</i> <i>(a) is to be placed on a site not previously used for this purpose, and</i> <i>(b) will exceed 15 metres in height, but excluding attachments to existing buildings and masts on rooftops.</i> <i>(ii) outside urban areas</i></p>	<p>An Eskom Telecommunication Tower/Mast will be constructed at both the uPhongola Substation and the Candover Switching Station. The vertical height of the proposed telecommunication towers will exceed 30m high and it will next to Pongola dam and Nature Reserve and Somkhanda Game Reserve.</p>

Listed activities	Activity/Project description
<p>(a) Kwazulu-Natal Province</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies.</p>	
<p><u>GN R. 546 Item 13 (a) (c) (ii) (aa):</u></p> <p>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p>(1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.</p> <p>(2) the undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.</p>	<p>The two dominant vegetation units that are found within the proposed power line corridor alternatives include the Zululand Lowveld and Northern Zululand Sourveld. The dominant vegetation units that were identified in the study area (namely the Zululand Lowveld and Northern Zululand Sourveld) are representative of the vegetation indigenous to the area. The proposed development will occur near Pongola dam and Nature Reserve and Somkhanda Game Reserve. The clearance of vegetation will be more than 1 hectare for accommodating pylons and access tracks.</p>

as described in the Basic Assessment Report (BAR) dated 13 October 2015 at:

Preferred Route Alternative A1- for Pongola-Candover	Latitude	Longitude
Starting point of activity	27° 26' 53.437" S	31° 38' 20.980" E
Middle point of activity	27° 24' 44.040" S	31° 50' 30.528" E
End point of activity	27° 32' 57.097" S	31° 59' 14.825" E

Preferred Route Alternative A1- for Golela	Latitude	Longitude
Starting point of activity	27° 25' 13.64" S	31° 48' 38.04" E
Middle point of activity	27° 23' 46.58" S	31° 49' 02.36" E
End point of activity	27° 22' 09.57" S	31° 49' 18.58" E

Preferred Site Alternative A1- for Golela Substation	Latitude	Longitude
	27° 21' 53.10" S	31° 49' 25.64" E

- for the proposed second Pongola – Candover 132kV Power line, upgrades to the existing Pongola Substation and Candover Switching Station, and proposed development of the Golela 132/22kV Substation and associated 132kV Loop-in and Loop-Out power lines in the uPhongolo and Jozini Local Municipalities, KwaZulu-Natal Province, hereafter referred to as “the property”.

The infrastructure associated with this facility includes:

- a. Construction of a second 132kV power line within a 36m wide servitude from the existing Pongola Substation to the proposed Candover Switching Station. The estimated length of power line will be approximately 50 to 60km long;
- b. Modification of the existing Pongola Substation and Candover Switching Station to accommodate the second Pongola-Candover 132kV power line;
- c. Construction of a new 132/22kV substation on the secondary road to the Golela border post;
- d. Construction of two 132kV tee-off power lines from the Mkuze-Pongola 132kV power line in order to provide power to the proposed Golela Substation;
- e. Proposed new substation near Golela and two 132kV power lines from the existing 132kV Pongola Candover power line to the Golela Substation;
- f. Construction of 15m high communication tower within Pongola Substation and 30m high communication tower within Candover Switching Station; and
- g. Construction of 132/22kV Golela step down Substation and this substation will have a footprint of approximately 100m x 100m and this step down substation will have a perimeter fence of approximately 1.8m high.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred Routes A1 for both Pongola and Golela power lines and Site Alternative A1 for the Golela Substation are hereby 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,
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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.

Monitoring

13. The applicant must appoint a suitably experienced 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.
- 13.1. The ECO shall be appointed before commencement of any authorised activities.
- 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 13.3. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 13.4. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 13.5. 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

14. 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.
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15. 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.
16. 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.
17. 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

18. The authorised activity must not commence within twenty (20) days of the date of signature of the authorisation.
19. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you must not commence with the activity until such time that the appeal has been finalised.

Notification to authorities

20. 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

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

Site closure and decommissioning

22. 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

23. Anti-collision devices such as bird flappers must be installed where the power line crosses avifaunal corridors, between and within valleys as well as along the ridges.
24. The power lines must be fitted with bird's perches.
25. An appropriately qualified avifaunal specialist must guide the placement of towers within the approved corridor.
26. Heritage KwaZulu-Natal must be contacted if any heritage objects are identified during earthmoving activities and all development must cease.
27. No activities are allowed within 50m of the construction site and no structures older than sixty years must demolished or altered or extended without a permit from Heritage KwaZulu-Natal.
28. Adequate environmental awareness training of the workers must be done to ensure minimization of environmental impacts.
29. All disturbed areas must be rehabilitated with plants that are indigenous to the immediate surroundings.
30. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
31. Any solid waste must 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

32. 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.

33. 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.
34. 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: 2/3/2015


Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
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 amended BAR dated October 2014;
- b) The comments received from the organs of state and interested and affected parties as included in the amended BAR dated October 2014;
- c) Mitigation measures as proposed in the amended BAR dated October 2014 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the amended BAR;
- e) 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 findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project was well explained and the Department taken the need of the project into consideration.
- c) The amended BAR dated October 2014 identified all legislation and guidelines that have been considered in the preparation of the amended BAR dated October 2014.
- d) The methodology used in assessing the potential impacts identified in the amended BAR dated October 2014 and the specialist studies have been adequately indicated.
- e) 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 amended BAR dated October 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 amended BAR dated October 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.