



# environment & tourism

Department  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 - Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2882

Reference: 12/12/20/1022

Enquiries: Ms P Mashego

Telephone: (012) 310 3249 Fax: (012) 320 7539 E-mail: PMashego@deat.gov.za

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

Fax no: (031) 710 5146

Dear Sir

## ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF MANDINI MANGETHE 88KV LINE ESTABLISHMENT AND, MANGETHE 20MVA 88/11 SUBSTATION ESTABLISHMENT, KWAZULU NATAL PROVINCE

With reference to the abovementioned application, pleased be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within seven (7) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to interested and affected parties.

A copy of the official appeal form can be obtained from:  
Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, [pretief@deat.gov.za](mailto:pretief@deat.gov.za) ; or  
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [hgrove@deat.gov.za](mailto:hgrove@deat.gov.za), at the Department.

Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

By facsimile: (012) 310 3688

Mihasho wa zwa Vukupo ne Vhwendelamashango - LiTiko le Tealmondzawo netaKuVakasha - Isebe lemiCimbi yokuetngongileyo noKhenketho  
Nozawuto ya Tinkhaka & Mbango - Department: Omgawinsake en Tourism - Lefapha le Tikoloho le Bohahlaudi - Lefapha la Bojanala  
Kgoro ya Tikoloho le Bosti - UmNyango wazeBhuduluko nokuVakasha - Umnyango Wezemvelo NokuVakasha

By post: Private Bag X447, Pretoria, 0001; or  
By hand: 2<sup>nd</sup> Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Should the applicant decide to appeal, the applicant must serve a copy of its 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.

You are strongly advised to refrain from the initiation of any construction activities prior to the conclusion of the appeals process. All construction activities initiated during the appeals process will be done solely at your risk.

Yours faithfully



**Ms Nosipho Jezile**  
**Acting Director – General**  
**Department of Environmental Affairs and Tourism**  
**Letter signed by: Ms Lize McCourt**  
**Designation: Chief-Director: Environmental Impact Management**  
**Date: 23/4/08**

CC: Ms U Hurburun  
Mr PKM Retief

EnAq Consulting cc  
DEAT

Fax : (031) 262 2279

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R 385 OF 2006 TO BE FOLLOWED BY  
THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF  
NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

**NOTES:**

1. **An appeal against a decision must be lodged with:-**
  - a) the Minister if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
  - b) the MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority
  - c) the delegated organ of state where relevant.
2. **An appeal lodged with:-**
  - a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
  - b) the MEC must be submitted to the provincial department responsible for environmental affairs
  - c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state
3. **An appeal must be:-**
  - a) on an official form obtainable or published by the relevant department
  - b) accompanied by:
    - a statement setting out the grounds of appeal
    - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62
    - the prescribed appeal fee, if any.
4. **A copy of the official appeal form can be obtained from:**  
 Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, [pretief@deat.gov.za](mailto:pretief@deat.gov.za) ; or  
 Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [hgrove@deat.gov.za](mailto:hgrove@deat.gov.za), at the Department.  
 Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:  
 By facsimile: 012 310 3688;  
 By post: Private Bag X447, Pretoria, 0001; or  
 By hand: 2<sup>nd</sup> Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

## Environmental Authorisation

**Authorisation register number:** 12/12/20/1022  
**Last amended:**  
**Holder of authorisation:** Eskom Holdings Limited  
**Location of activity:** Mandini Region North Coast  
Kwazulu Natal Province

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions activity 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

with the following contact details –

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

Tel: (031) 710 5223

Fax: (031) 710 5146

to undertake the following activity/ activities (hereafter referred to as "the activity")

- GN. No. 386**
- (1) *"The construction of facilities or infrastructure, including associated structures or infrastructure for*
  - (II) *the transmission and distribution of electricity of above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts".*

*23/6/08*

for the construction of the proposed Mandini Mangethe 88/11 kV substation & 88kV power line as described in the Basic Assessment Report (BAR).

At 29° 6' 53"S and 31° 31' 22"E, in Mandini Mangethe, which fall within the jurisdiction of Mandeni Local Municipality of the Kwazulu Natal Province, hereafter referred to as "the property".

The granting of this environmental authorisation is subject to the conditions set out below.

## Conditions

### Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.3 The activity authorised may only be carried out at the property indicated above. *request amend*
- 1.4 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.
- 1.5 This activity must commence within a period of two (2) 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.

S/S  
the line  
activity  
works to  
1.3  
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*[Signature]*  
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1.6 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.

1.6.1 Relevant legislation that must be complied with by the holder of this authorisation include:

*Heritage study done?*

- Compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
- All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- All provisions of the National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004).
- The Applicant must comply with the National Water Act, 1998 (Act 36 of 1998).
- The Applicant must comply with the National Forests Act, 1998 (Act No.84 of 1998)

**Appeal of authorisation**

1.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.

1.8 The notification referred to in 1.7 must –

- 1.8.1 specify the date on which the authorisation was issued;
- 1.8.2 inform the interested and affected party of the appeal procedure provided for in Chapter 8 of the regulations; and
- 1.8.3 advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

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## Management of the activity

- 1.9 An Environmental Management Plan ("EMP") for construction which fulfills the requirements of this authorisation must be compiled and submitted to the Department for approval before the construction process commence. The EMP must be compliant to regulation 34 of the regulations and include-
- 1.9.1 Measures for waste avoidance, minimisation and disposal of waste at an appropriate facility.
  - 1.9.2 Siting, demarcation and management of material storage areas used by the contractor.
  - 1.9.3 Measures for storm water management since construction might take place during the rainy season.
  - 1.9.4 All work areas must be supplied with proper sanitation facilities.
  - 1.9.5 Measures for the rehabilitation of all areas disturbed during the construction phase of the project excluding those areas where permanent structures are erected.
  - 1.9.6 Measures for the management of heritage resources if such are exposed during construction. Should any heritage resources be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped. 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. The relevant heritage resource agency must be informed about the finding.
  - 1.9.7 Special measures must be taken to ensure as little disruption of users of the road due to construction activities as possible. Road users must be kept informed of the progress of construction and expected completion dates by means of information sign boards placed strategically along the section of affected road.
  - 1.9.8 All the mitigation measures as proposed in the BAR must be implemented as part of the EMP.
- 1.10 Once accepted by DEAT, the construction EMP will be seen as a dynamic document. However, any changes to the EMP must be submitted to the authorities for acceptance before such changes could be affected.



## Monitoring

- 1.11 The applicant must appoint an Environmental Control Officer (ECO) that will have the responsibility of implementing the approved EMP.
- The ECO must be appointed before the start of the construction and the authorities must be notified of such an appointment for communication purposes.
  - The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is handed over to Eskom by the contractor for operation.

## Recording and reporting to the Department

- 1.12 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. 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.
- The applicant must submit an Audit Report to this Directorate within 6 months after completion of the activity. Therefore the report must include:
  - Detail of the rehabilitation measures of the site that must be compiled by an Independent Environmental Auditor. → *request A* *→ samogwano. for EAP or account as ECO??*
  - Detail of all incidents and mitigation measures implemented to address such incidents.
  - Any measure that require follow-up.

## Commissioning of the activity

- 1.13 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.

### Operation of the activity

- 1.14 Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence. <sup>Can</sup> - ECO can do this?

### Site closure and decommissioning

- 1.15 Should the use of the facility 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.
- 1.16 Decommissioning of the facility is subject to a separate Environmental Impact Assessment and environmental authorisation at the appropriate time.

### Specific conditions

- 1.17 Changes in the proposal resulting in significant environmental impacts are only permissible if approved in writing by the Department.
- 1.18 An integrated waste management approach must be used 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 waste disposal facility permitted in terms of Section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 1.19 Refuse must be disposed of into scavenger and waterproof bins
- 1.20 Chemical ablution facilities must be available for the use of construction staff at all times during the construction period. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste site.
- 1.21 Construction work must be confined to the construction site(s) as demarcated and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 1.22 Hazardous and flammable substances must be stored and used in compliance with the applicable regulations and safety instructions.

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- 1.23 The applicant must train safety representatives, managers and workers in workplace safety. All applicable physical safety standards and regulations including for subcontractors must be enforced.
- 1.24 Drainage and storm water management on the site must be carefully planned and properly implemented to ensure sound protection of the sub-station site against the effects of erosion and potential flooding during construction and unpredictable storm events.
- 1.25 Erosion of the surrounding area where the sub-station will be constructed must be prevented or minimised at all cost.
- 1.26 The applicant must minimise habitat destruction and disturbance during all construction, maintenance and decommissioning activities. Vegetation must only be removed as required for construction and operation for the line.
- 1.27 Construction work must be confined to the construction site(s) and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 1.28 All construction camps, sites and equipment storage areas must be established on existing built-up/developed areas. It is strictly forbidden for construction camps/sites and equipment storage areas to be allowed or established on or in areas of high ecological and archaeological sensitivity.
- 1.29 No surface or ground water may be polluted due to any activity on the property/site. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
- 1.30 The construction site must be demarcated before the construction phase commences and disturbance to the surrounding area must be avoided, through the following measures:
- 1.30.1 Access to the site must be obtained by making use of the existing roads. Vehicles must be restricted to the clearly demarcated access route.
- 1.30.2 All activities (storage and off-loading of material, construction and installation) must be restricted to the demarcated area to minimise any potential disturbance to the surrounding area.
- 1.30.3 Only construction and maintenance personnel must have access to the site.

*power line over private property  
must limit personnel who have access to site*

*23/6/08*

*request D*

*request D*

- 1.30.4 No fires must be permitted on the site.
- 1.30.5 No concrete or cement mixing must take place on the soil or grass surfaces. Cement mixers must be placed in suitable trays to prevent spillage onto the soil surface. If possible, the use of ready-mix concrete should be considered.
- 1.31 Amafa Heritage Resources must be contacted if any graves are identified during earthmoving activities and all development must cease until further notice.
- 1.32 No structures older than sixty years are allowed to be demolished, altered or destructed without a permit from Amafa Heritage resources.
- 1.33 No activities are allowed within 50 metres of a site which contain Rock Art.
- 1.34 The power line must be fitted with bird flappers and RP3 raptor protectors must be fitted to the conductors / insulators, according to the Eskom standards. Should towers be used, they must be fitted with PVC Bird Guards according to the Eskom standard, particularly the Delta structure towers.
- 1.35 Stringing operations must be done without the removal of Indigenous vegetation between the pylons.
- 1.36 The servitude area of the power line corridor must act as a wildlife corridor and must be managed for conservation, with emphasis being placed on the removal of alien vegetation.
- 1.37 All contractors working on site must be informed with regard the contents of the EMP.

**General**

- 1.38 A copy of this authorisation must be kept at the property where the activity 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.
- 1.39 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 applicant knows the new details.

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- c) A detailed public participation process was undertaken and the consultant has satisfied the minimum requirements as prescribed in the EIA regulations, 2006 for public involvement.
- d) As part of the EIA process, EnAq Consultants, being the principal consultancy, identified potential environmental impacts associated with the proposed construction works and proposed feasible mitigation measures to mitigate the identified impacts.

#### 4. Findings

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

- All legal and procedural requirements have been met.
- There has been sufficient consultation with I&AP's apart from the landowner.
- Comments were received from the provincial authority or local authority.
- The proposed development is compatible with the proposed site for the development.

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 authorisation for the activity is accordingly granted.

  
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### 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 significance, are set out below.

a) The applicant Eskom Holdings Limited proposes

- The construction of proposed of a 50mx70 substation in the district of Mangeltho and additional 88/11 kV sub-transmission double circuit power line and transmission towers.
- The project will increase capacity in this area and allow for increased electrification of households in the area.
- The strengthening of capacity in this area through the substation and additional line will ensure a more reliable supply of power.
- The area has a large potential for growth and development and consequently strengthened capacity will result in a smoother path to economic development.

b) There are three alternatives in the area which were assessed by Eskom Holdings Limited as part of an internal feasibility assessment to determine which routes were feasible in a technical and social context.

Alternative 1 which is also the preferred alternative was chosen because of the following:

- The power line will tee off from Mr. Pierre Roberts farm. This is a commercial farm used for cultivating sugar cane. There are various road pathways on this site and is the best position for the tee off as it falls directly across the R102 and the dirt road along which the line will follow.
- The position offers the greatest path available.
- The other farm is owned by Mr. Clive Alexander is also used for the cultivation of sugarcane with a road network. The position argues a deviation from the dirt road and is consequently less straight for the line going the R102.
- The other alternative site is owned by Mr. Peter Johnston and is used for sugar cane cultivation. There are roads on this farm. The position is the least favourable from a technical point of view as the line will require more strain and a greater deviation along the R102.

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## Annexure 1: Reasons for Decision

### 1. Background

The applicant, Eskom Holdings Limited, applied for authorisation to carry out the following activities –

- GN. No. 386**
- (1) "The construction of facilities or infrastructure, including associated structures or infrastructure for
  - (l) the transmission and distribution of electricity of above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts".

for the construction of the proposed Mandini Mangethe 88/11 substation and 88kV power lines as described in the Basic Assessment Report (BAR).

The applicant appointed EnAq Consultants to undertake a BAR process and to compile a Basic Assessment Report (BAR) as required by regulation R. 385.

### 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 BAR.
- b) Comments from DWAF, Kwazulu Natal Amafa <sup>✓</sup> Heritage Resources, Wildlife Environmental society of South Africa, and Ezemvelo KwaZulu Natal Wildlife.
- c) 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);

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- 1.40 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.
- 1.41 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: 23 June 2008



Ms Nosipho Jezile

Acting Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Ms Lize McCourt

Designation: Chief Director: Environmental Impact Management