



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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

Reference: 12/12/20/1488

Enquiries: Tebogo kekane

Telephone: (012) 310 3328 Fax: (012) 320 7539 E-mail: tkekane@deat.gov.za

Ms Deidre Herbst  
PO Box 1091  
JOHANNESBURG  
2000

Fax no: 011 800 5140

**PER FACSIMILE / MAIL**

Dear Ms Herbst

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION: CONSTRUCTION OF KUSILE RAILWAY ROUTE FROM KUSILE POWER STATION TO THE EXISTING PRETORIA-WITBANK RAILWAY LINE**

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 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 7 (seven) 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 submission 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 Thamsanqa Zwane Senior Legal Administration Officer (Appeals) Tel: 012 310 3929  
[TZwane@deat.gov.za](mailto:TZwane@deat.gov.za); or  
Ms Molebatsi Serite Legal Administration Officer (Appeals) Tel: 012 310 3788  
[MSerite@deat.gov.za](mailto:MSerite@deat.gov.za), at the Department.

Should any party, including you, wish to appeal any aspect of the decision, they / 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: 012-320-7561;

By post: Private Bag X447, Pretoria, 0001; or

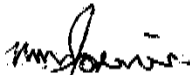
By hand: 2nd Floor, Fedsure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

You (applicant) 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.

Please include the Department in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

The authorised activity / ies shall not commence within thirty (30) 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. Wynand Fourie**

**Chief Director (Acting): Environmental Impact Management**

**Department of Environmental Affairs**

**Date: 23/04/2010**

CC: Zitholele Consulting (Pty) Ltd Fax: 086 676 9950

**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**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
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 Water and Environmental Affairs;
- 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:**

See authorisation cover letter.



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

**Authorisation register number:** 12/12/20/1488

**Last amended:**

**Holder of authorisation:**

**Location of activity:**

*Eskom Holdings (Pty) Ltd  
Linear activity from Kusile Power  
station to the existing Pretoria  
Witbank railway line: Kungwini  
Local Municipality and Delmas  
Local Municipality.*

## 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 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 (Pty) Ltd  
with the following contact details –

Ms Deidre Herbst  
Eskom Holdings (Pty) Ltd  
PO Box 1091  
**JOHANNESBURG**  
2000

Tel: 011 800 3501

Fax: 011 800 5140

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

### **GN R 387, 2006**

*1 (e): The construction of facilities or infrastructure, including associated structures or infrastructure for any process or activity which requires a permit or license in terms of legislation governing the generation or release of emissions, pollution, effluent or waste and which is not identified in Government Notice No. R, 386 of 2006.*

A

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.

1(s): rail transportation, excluding railway lines and sidings in industrial areas and underground railway lines in mines, but including - (i) railway lines; (ii) stations; or (iii) shunting yards.

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

#### **GN R 386, 2006**

1(l): The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts.

(m): The construction of facilities or infrastructure, including associated structures or infrastructure for any purpose in the one in ten year floodline of 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.

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.

7: The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.

12: The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No.10 of 2004).

13: The abstraction of groundwater at a volume where any general authorisation issued in terms of the National Water Act, 1998 (Act No. 36 of 1998) will be exceeded.

14: The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding - (a) masts of 15 metres and lower exclusively used (i) by radio amateurs; or (ii) for lighting purposes (b) flag poles; and (c) lightning conductor poles.

15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

16: The transformation of undeveloped, vacant or derelict land to - (a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.

17: Phased activities where anyone phases of the activity may be below a threshold specified in this Schedule but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.

for the construction of Kusile railway line and the associated activities from Kusile Power Station to the existing Pretoria-Witbank railway line, which fall within the jurisdiction of Kungwini Local Municipality in Gauteng Province and Delmas Local Municipality in Mpumalanga Province, hereafter referred to as "the property".

Associated with the activity is the following:

- Construction of Kusile railway line on a 35m wide servitude of approximately 12.2km long from Kusile Power Station to the existing Pretoria-Witbank railway line within 500m corridor alternative 3 as described on page 36 of the final Environmental Impact Assessment Report (EIR).
- Construction of 31m width access road parallel to the railway line and fencing of both the railway line and access road within the 500m corridor alternative 3.
- Construction of a 20m mast for signaling directions of the train within the 500m corridor route alternative 3.
- The offloading yard of approximately 3km in length, designed for 50 wagons trains hauled by six locomotive within the footprint of Kusile Power Station;
- Construction of 2 new 88/132kv power lines (36m servitude for each) adjacent to the railway-line, these power lines shall feed off of the existing 88kv power lines to the two new substations. The existing 88kv shall be stepped up should the 132kv be constructed. Alternative A-(b) and Alternative B-(a) are approved as described on page 41 of the EIR.
- Construction of two new substations( 65m X 30m each) to electrify the railway, one near Kusile Power Station and one half way between the Kusile Power Station and the existing Pretoria-Witbank railway line within the 500m corridor route alternative 3; and
- Construction of road over rail bridges, rail over road bridges and rail over stream bridges.

The granting of this Environmental Authorisation is subject to the conditions set out below.

## Conditions

### Scope of authorisation

- 1.1 The activity authorised may only be carried out on route alternative 3 from Kusile Power Station to the existing Pretoria-Witbank railway line under the Jurisdiction of Kungwini Local Municipality and Delmas Local Municipality.

- 1.2 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.
- 1.3 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the Environmental Authorisation (EA) and are binding on the holder of the authorisation.
- 1.4 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.
- 1.5 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.

Relevant legislation that must be complied with by the holder of this authorisation includes but not limited to:

- The requirements of Chapter II, Section 38(1), (3) and (7) of the National Heritage Resources Act, 1999 (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 Applicable provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- All Applicable provisions of the National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004).
- All applicable provisions of the National Road Traffic Act (Act 93 of 1996).
- All applicable provisions of the National Water Act (Act 36 of 1998).
- All applicable provisions of the National Environmental Management Waste Act (Act 59 of 2008).
- All applicable provision of the National Environmental Management Air Quality Act no.39 of 2004.
- All applicable provisions of National heritage Resources Act no. 25 of 1999.



- 1.6 This activity must commence within a period of three (3) 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.

#### **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 7 of the Regulations;
  - 1.8.3 Advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 1.8.4 Give the reasons for the decision.

#### **Management of the activity**

- 1.9 Final Environmental Management Plan (EMP) must be submitted to this Department for approval prior to commencement and must include but not limited to the following aspects:
- Criteria for construction camp and material storage site selection and measures for management of sites and related activities such as ablution and housing facilities, waste and water management at such areas.
  - Measures for protection/avoidance of heritage resources identified on site. Should any artefacts be exposed during excavations, construction must cease upon the discovery of such findings. Under no circumstances shall artefacts be destroyed or removed from site unless approved by South African Heritage Resources Agency.
  - Measures for management and minimisation of waste and disposal of all waste at the appropriate waste disposal facility including waste at the construction camp. Under no

circumstances shall any type of waste be disposed in water bodies; all waste shall be appropriately handled and disposed of at the relevant disposal facility.

- Measure for management of noise during the implementation and operational phases to ensure that noise standards are met.
- Measures to ensure protection of wetlands including buffer zones, measures for construction of bridges over water crossings and measures to avoid impacts on the good quality groundwater on site.
- Measures for management of traffic during construction at the N4, R101, D2236 and accommodation plan for the existing gravel roads to ensure safety of road user at all times.
- Installation of bird diverters on the earth wire between towers where lines are in close proximity to water bodies.
- Measures for removal of sensitive vegetation/protection of no-go areas.
- Measures for the control of erosion where areas are cleared for access and construction.
- Adequate storm water management measures.
- Measures to ensure containment and rehabilitation of all hazardous material spill.

1.9.1 The EMP must cover the whole project including the associated activities as stipulated under item 1.2 of this EA.

1.9.2 The EMP must clearly distinguish issues with regard to planning, construction, operation and decommissioning phases.

1.9.3 EMP must include environmental targets and actions needed to achieve those targets as well as the EMP objectives.

1.9.4 The EMP must include the monitoring programme stipulating environmental parameters to be monitored, monitoring method, monitoring frequency, reporting procedure and responsible persons.

- 1.9.5 The EMP must be amendable and once approved it shall be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
- 1.9.6 Changes to the EMP, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes could be effected.
- 1.9.7 The Department reserves the right to amend the EMP should any impacts that were not anticipated or covered in the EIR be discovered.
- 1.9.8 The provisions of the approved EMP including recommendations and mitigation measures in the EIR and specialist' studies shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.
- 1.10 The recommendations and mitigation measures of the EIR and specialist's studies must be incorporated as part of the EMP.
- 1.11 All construction activities including vehicle movements, construction camps, maintenance activities and access roads must be undertaken within the approved 500m corridor of the approved route alternative 3. Therefore the boundaries must be clearly indicated to the contractors.
- 1.12 All alien invasive plants occurring on site must be addressed in accordance with Conservation of Agricultural Resources Act no. 43 of 1983. Hunting, trapping, poisoning, snaring of animals or cutting/collection of firewood is strictly prohibited.
- 1.13 No water use activities as per the National Water Act no.36 of 1998 shall be undertaken unless approved by the Department of Water Affairs (DWA).
- 1.14 Where applicable, the Applicant must ensure that appropriate and suitable technologies, which are environmentally friendly, are implemented in the design of all activities authorised.
- 1.15 The applicant shall ensure that fencing of the railway and the access road is adequate and protection measures are taken to minimize the potential risk of theft.
- 1.16 Application for amendment of this EA in terms of Regulation 40 of GN R 385, 2006 must be forwarded for attention to The Director: Environmental Impact Evaluation within the Department.

## Monitoring

- 1.17 Emergency incidents must be addressed and reported in accordance with Section 28 and 30 of the National Environmental Management Act no.106 of 1998 as amended.
- 1.18 The existing Environmental Monitoring Committee (EMC) for Kusile Power Station project must include this project in complying with condition 3.2.11 of the EA issued for Kusile Power Station on 05 June 2007.
- 1.19 The applicant must appoint an independent suitably experienced Environmental Control Officer (ECO) for the construction phase of the development who 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.
- 1.19.1 The ECO shall be appointed before commencement of any land clearing or construction activities.
- 1.19.2 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 1.19.3 The ECO shall submit environmental audit report on quarterly basis, in writing, to the Director of Environmental Impact Evaluation Directorate of this Department.
- 1.19.4 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage is completed and the site is ready for operation.
- 1.19.5 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

- 1.20 Records relating to monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
- 1.21 This Department reserves the right to monitor and audit the Development through its life cycle to ensure that it compliance with conditions of this Environmental Authorisation.

- 1.22 All compliance and monitoring correspondences must be forwarded for attention of the Director: Compliance Monitoring Directorate within the Department.

#### **Commencement of the activity**

- 1.23 The authorised activity (ies) shall not commence within thirty (30) days of the date of signature of the authorisation.
- 1.24 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you shall not commence with the activity / ies unless authorised by the Minister in writing.

#### **Notification to authorities**

- 1.25 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**

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

#### **Site closure and decommissioning**

- 1.27 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.
- 1.28 No exotic plant species shall be used for rehabilitation purposes except for indigenous plants.

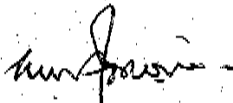
#### **General**

- 1.29 A copy of this authorisation must be kept at the property where the activity (ies) 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.

- 1.30 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.
- 1.31 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.
- 1.32 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: 23/04/2018



Mr Wynand Fourie

**CHIEF DIRECTOR (Acting): ENVIRONMENTAL IMPACT MANAGEMENT**

Department of Environmental Affairs

## Annexure 1: Reasons for Decision

### 1. Background

The applicant, Eskom Holdings (Pty) Ltd applied for authorisation to carry out the following activities –

#### **GN R 387, 2006**

1 (e): *The construction of facilities or infrastructure, including associated structures or infrastructure for any process or activity which requires a permit or license in terms of legislation governing the generation or release of emissions, pollution, effluent or waste and which is not identified in Government Notice No. R, 386 of 2006.*

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.*

1(s): *rail transportation, excluding railway lines and sidings in industrial areas and underground railway lines in mines, but including - (i) railway lines; (ii) stations; or (iii) shunting yards.*

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

#### **GN R 386, 2006**

1(l): *The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts.*

(m): *The construction of facilities or infrastructure, including associated structures or infrastructure for any purpose in the one in ten year floodline of 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.*

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.*

7: *The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.*

12: *The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No.10 of 2004).*

*R*

13: The abstraction of groundwater at a volume where any general authorisation issued in terms of the National Water Act, 1998 (Act No. 36 of 1998) will be exceeded.

14: The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding - (a) masts of 15 metres and lower exclusively used (i) by radio amateurs; or (ii) for lighting purposes (b) flag poles; and (c) lightning conductor poles.

15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

16: The transformation of undeveloped, vacant or derelict land to - (a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.

17: Phased activities where anyone phases of the activity may be below a threshold specified in this Schedule but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.

The applicant appointed Zitholele Consulting (Pty) Ltd to undertake an Environmental Impact Assessment process as required by regulation R. 385, 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 final EIR dated January 2010;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) Comments from the internal Directorates;
- d) Comments from South African Heritage Resources Agency, the Department of Water Affairs and Gauteng Department of Agriculture and Rural Development;;
- e) Information contained in the specialist studies conducted as part of the EIR;
- f) Public participation process conducted; and
- g) Comments of the interested and affected people.




### 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) The applicant has met the requirements of the scoping and EIA as per the EIA Regulations, 2006.
- b) 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.
- c) As part of the EIA process, Zitholele Consulting (Pty) Ltd, being the principal consultancy, identified potential environmental impacts associated with the proposed construction and operation and proposed feasible mitigation measures to mitigate the identified impacts.
- d) Alternative technologies and routes were investigated to minimize the potential harm to the environment.
- e) Comments received from the Interested and Affected Parties (I&APs) were adequately addressed.
- f) The significant environmental impacts identified during the EIA process were adequately addressed and mitigation measures for these impacts were proposed. The most significant impacts identified were:
  - Impacts of railway, access roads and bridges on wetlands;
  - Noise, visual, security and safety impacts;
  - Traffic impacts mainly on the N4, R101, D2236 and the existing gravel roads.
  - Avifaunal impacts due to power lines;
  - Aquatic impacts of the Wilge River; and
  - Heritage resources identified on site.

### 4. Findings

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

- The identification and assessment of impacts are detailed in the final EIR dated January 2010.
- 

- 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 avoid and minimise the identified impacts.
- All legal and procedural requirements have been met.
- The information contained in the Final EIR dated January 2010 is accurate and credible.

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 authorised.

