



**environmental affairs**

Department  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

**Authorisation register number:** 12/12/20/1157; 12/12/20/1158;  
12/12/20/1159; 12/12/20/1160; and  
12/12/20/1161

**Last amended:**

**Holder of authorisation:** Eskom Holdings Limited

**Location of activity:** Mpumalanga and KwaZulu-Natal  
Provinces

*DCM  
23/09/2009*

## 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 Limited

with the following contact details –

Ms Annah Mosima  
Eskom Holdings Limited  
P.O Box 1091  
JOHANNESBURG  
2000

Fax: (086) 662 7951

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

GN R 386:

- 1(m) *The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line 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-*



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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Reference: 12/12/20/1157, 12/12/20/1158, 12/12/20/1159,  
12/12/20/1160 and 12/12/20/1161  
Enquiries: Mr. Takalani Maswime  
Tel: 012 310 3624 Fax: 012 320 7539 E-mail: TMaswime@deat.gov.za

Ms Annah Mosima  
Eskom Holdings Limited  
P.O Box 1091  
JOHANNESBURG  
2000

Fax: (086) 662 7951

**PER FACSIMILE / MAIL**

Dear Ms Mosima

**ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF MAJUBA-  
VENUS 765KV TRANSMISSION POWER LINE (Ref: 12/12/20/1157), TURN-IN AT THE MAJUBA  
SUBSTATION (Ref: 12/12/20/1161), EXTENSION OF THE MAJUBA SUBSTATION (Ref:  
12/12/20/1160),TURN-IN AT THE VENUS SUBSTATION (Ref: 12/12/20/1158), AND EXTENSION  
OF THE VENUS SUBSTATION (Ref: 12/12/20/1159),MPUMALANGA AND KWAZULU NATAL  
PROVINCES**

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 (IAPs), in writing and within ten (10) 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 IAPs.

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.

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 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 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 of Water and Environmental Affairs must be submitted to the Department of 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.

By facsimile: (012) 320 7561;  
By post: Private Bag X447, Pretoria, 0001; or  
By hand: 2<sup>nd</sup> Floor, Fedsure Forum Building, North Tower, cnr. Pretorius and van der Walt Streets, Pretoria.

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered IAPs as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of IAPs, notified through your notification letter of the decision, for record purposes.

The authorised activity/activities may not commence within thirty (30) days of the date of signature of the authorisation. Please further note that the Minister may, on receipt of appeals against the authorisations or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



**Mr Dumisane Mthembu**  
**Chief Director: Environmental Impact Management (Acting)**  
**Department of Environmental Affairs**

Date: 23/09/2009

CC: Mr Johan van der Walt  
Mr PKM Retief

ACER (Africa) Environmental Management Consultants  
DEA

Fax: (035) 340 2232

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

- 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).
- 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 lightning purposes
  - b) flag poles; and
  - c) lightning conductor poles.
- 15 The construction of a road that is wider than 4 meters or that has a reserve wider than 6 meters, excluding roads that fall within the ambit of another listed activity or which are access roads less than 30 meters long.
- 20 The transportation of an area zoned for use as public open space or for a conservation purpose to another use.

GN R387:

- 1(c) The construction of facilities or infrastructure, including associated structures or infrastructure, for the above ground storage of dangerous goods, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 1000 m<sup>3</sup> at any one location or site, including the storage of one or more dangerous goods, in a tank farm.

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

for the construction of a 765kV Transmission Line from the Majuba Sub-station near Amersfoort to the Venus Sub-station near Estcourt, and associated turn-ins and substation extensions as described in the Environmental Impact Assessment Report (EIR), dated April 2009, and involves the following activities:

- 1 X 765kV transmission line from the Majuba Substation to the Venus Substation.
- Extension of the Majuba and Venus Substations. The extension of the substations will take place within the existing perimeters of the substation and no additional land should be required.
- Turn-ins at both the substations. A 'turn-in' is a section of line from one transmission line tower linking the main line to the substation. It may require additional towers between the transmission line and the substation, depending on the length of the turn-in.
- Construction and maintenance of roads.
- Temporary storage of hazardous substances and this comprise fuels, oils and lubricants that will be stored and dispensed at construction camps.

which falls within the jurisdiction of the *Mpumalanga and KwaZulu-Natal Provinces*, hereafter referred to as "the property".

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

## Conditions

### 1 Scope of authorisation

- 1.1 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.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's

- behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
- 1.3 The activities which are authorised may only be carried out at the property indicated above and as indicated on page 15 of the EIR, dated April 2009.
- 1.4 Any changes to, or deviations from, the project description set 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 These activities must commence within a period of five (5) years from the date of issue. If commencement of the activities 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.
- 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 but is not limited to:
- 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. 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.
  - All provisions of the KwaZulu-Natal Heritage Act, 1997 (Act No. 10 of 1997).
  - All provisions of the National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004).
  - All provisions of the National Environment Management Act, 1998 (Act No. 107 of 2008).



- All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
- All provisions of the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965).
- All provisions of the National Roads Traffic Act, 2006 (Act No. 93 of 2006).
- All provisions of the Hazardous substances Act, 1973 (Act 15 No. of 1973).
- All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- Relevant local authority bylaws and regulations.
- Should fill material be required for any purpose, the burrow pits must comply with the provisions of the Mineral and Petroleum Resource Development Act, 2002 (Act No. 28 of 2002) administered by the Department of Mineral Resources. No excavation for infill materials may be done in identified sensitive areas, watercourse and 1:100 year flood lines.

## **2 Appeal of authorisation**

- 2.1 The holder of the authorisation must notify every registered interested and affected party, in writing and within ten (10) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 2.2 The notification-referred to in 2.1 must –
- 2.2.1 specify the date on which the authorisation was issued;
  - 2.2.2 Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
  - 2.2.3 advise the interested and affected party that a copy of the authorisation will reasons for the decision will be furnished on request.

## **3 Management of the activity**

- 3.1 A draft Environmental Management Plan ("EMP") submitted as part of the application for environmental authorization is hereby accepted. The final EMP must be submitted for approval to the Department prior construction. The EMP will be seen as dynamic document. However, any

changes to the EMP must be submitted to the authorities for approval before such changes could be effected.

- 3.2 The EMP must be included in all contract documentation for the construction phase of the development.
- 3.3 The recommendations and mitigation measures recorded in the EIR dated April 2009 must be adhered to and incorporated as part of the EMP where applicable.
- 3.4 The provisions of the EMP are extension of the conditions of the EA and therefore non-compliance with the EMP would constitute non-compliance with the EIA.
- 3.5 All correspondence with regard to this application must be forwarded for attention to The Director: Environmental Impact Evaluation within the department.

#### **4 Monitoring**

- 4.1 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 EMP.
- 4.2 The ECO shall be appointed before commencement of any land clearing or construction activities.
- 4.3 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 4.4 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.
- 4.5 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.
- 4.6 An independent ECO must be appointed upon completion of the proposed project to conduct a consolidated audit that must be submitted to the Department for record purposes.

#### **5 Recording and reporting to the Department**

- 5.1 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 –

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- 5.1.1 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.
- 5.1.2 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.

## **6 Commencement of the activity**

- 6.1 The construction of the authorised activities may not commence within thirty (30) days of date of signature of this authorisation.
- 6.2 Should you be notified by the minister of a suspension of the authorisation pending any appeals decision on the authorised activities, you may not commence with the activities unless authorised by the minister in writing.
- 6.3 Thirty (30) 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

## **7 Operation of the activity**

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

## **8 Site closure and decommissioning**

- 8.1 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.

## **9 Specific conditions**

- 9.1 Authorisation is granted for the preferred alternative, the Central Alignment Alternative with the recommendation to microposition the towers within the servitude in order to avoid sensitive areas, as indicated on page 32 - 33 of the EIR, dated April 2009.

- 9.2 The applicant must compile a detailed and structured Resettlement Action Plan (RAP) prior to the advent of construction based on Eskom's Policy, but also in line with World's Best Practice, such as the International Finance Corporation's Safeguard Policies. The RAP must be developed, implemented, and people resettled, before construction start in the vicinity of their original homesteads.
- 9.3 The final RAP must be submitted for record keeping purposes to the Department prior construction. Resettlement of schools must be included in the RAP.
- 9.4 All sections of the proposed power line passing over, or in close proximity of grasslands, rivers, wetlands, and dams must be fitted with bird flappers in order to deter large birds from colliding with any powerline. Additional areas of high sensitivity along the preferred alignment must be identified by a qualified specialist for the fitment of anti-collision devices according to Eskom Transmission Guidelines.
- 9.5 The applicant must ensure that the footprint of the construction activity must be kept to minimum; especially uncontrolled off-road driving must be curtailed.
- 9.6 The applicant must ensure that unnecessary disturbance to habitats must be strictly controlled and interference with indigenous plant and animal species, particularly rare, protected and threatened species and their habitats are prohibited.
- 9.7 The applicant must ensure that infrastructure and storage facilities such as the construction camp must be located on existing transformed areas such as cultivated land, where these areas are not within 350m of the temporal zones of any wetlands, whether drainage line or hillsides.
- 9.8 The applicant must ensure that all roads and tracks must avoid wetlands, especially the permanent wet zones should be avoided at all cost. If not possible these areas must be crossed in consultation with a wetland specialist and a civil engineer to determine a method which would have the least impact on the groundwater movement and runoff and infiltration.
- 9.9 A Search and Rescue (S&R) operation of all the Red Data as well as rare endangered plants must be undertaken on the exact spots selected on which the pylons will be erected by a suitable qualified botanist. All plants present must be survey and collected for documentation at South National Biodiversity Institute (SANBI) and particular species, especially those which are rare and threatened species are moved to nurseries for re-establishment after construction and/or relocated to protected areas.
- 9.10 The applicant must ensure that all disturbed areas are re-vegetated using either specified indigenous seed mix where appropriate and/or vegetation removed from other stable sites within the site.

- 9.11 Removal of indigenous protected trees must be avoided, or a permit from Department of Water Affairs (DWA) must be obtained for their removal.
- 9.12 Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. Furthermore no chemicals must be stored nor any vehicle maintenance must occur within 350 m of the temporal zone of wetlands, whether a drainage line with or without an extensive floodplain or hillside wetlands.
- 9.13 The applicant must ensure that an effective monitoring system is put in place to detect any leakage or spillage of all hazardous substances.
- 9.14 The applicant must ensure that all recommendations and mitigation measures in the Heritage Assessment Report dated December 2008 and the conditions stipulated by the South African Heritage Resource Authority (SAHRA) are implemented.
- 9.15 Areas close to homesteads or cultivated fields must be handled with sensitivity and caution as these areas may possess unmarked graves.
- 9.16 If any heritage resource of significance is exposed during construction, the Amafa KwaZulu-Natal Heritage and SAHRA as well as Knight Piésold Consulting must be notified immediately.
- 9.17 The applicant must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the NEMA Regulations, Government Notice 386 and 387 of 2006.
- 9.18 A detailed Heritage Management Plan must be compiled and included in the Final EMP, after the line walk downs have been completed and site specific impacts mitigated.
- 9.19 The applicant must train safety representatives, managers and workers in workplace safety. The construction process must be compliant with all safety and health measures as prescribed by the relevant act as mentioned in section 1.6.
- 9.20 An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008).
- 9.21 Changes in the proposal resulting in significant environmental impacts are only permissible if approved in writing by the Department.
- 9.22 All recommendations and mitigation measures detailed in the EIR dated April 2009 and the specialist reports contained within Appendix 5 forms part of this environmental authorisation and must be implemented as part of the EMP.

**10 General**

- 10.1 A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 10.2 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.
- 10.3 The holder of the authorisation must notify the Department, in writing and within 24 (twenty four) 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.
- 10.4 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.
- 10.5 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: 23/09/2009



**Mr Dumisane Mthembu**

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

**Department of Environmental Affairs**

## Annexure 1: Reasons for Decision

### 1. Background

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

GN R 386:

- 1(m) *The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line 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.*
- 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).*
- 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 lightning purposes*
  - b) *flag poles; and*
  - c) *lightning conductor poles.*

- 15 *The construction of a road that is wider than 4 meters or that has a reserve wider than 6 meters, excluding roads that fall within the ambit of another listed activity or which are access roads less than 30 meters long.*
  
- 20 *The transportation of an area zoned for use as public open space or for a conservation purpose to another use.*

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- 1(c) *The construction of facilities or infrastructure, including associated structures or infrastructure, for the above ground storage of dangerous goods, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 1000 m<sup>3</sup> at any one location or site, including the storage of one or more dangerous goods, in a tank farm.*
  
- 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.*
  
- 2 *Any development activity, including associated structures or infrastructure, where the total area is, or is intended to be, 20 hectares or more.*

for the construction of a 765kV Transmission Line from the Majuba Sub-station near Amersfoort to the Venus Sub-station near Estcourt, and associated turn-ins and substation extensions which falls within the jurisdiction of the Mpumalanga and KwaZulu-Natal Provinces as described in the Environmental Impact Assessment Report (EIR), dated April 2009.

The applicant appointed ACER (Africa) Environmental Management Consultants to undertake a Scoping and Environmental Impact Assessment Reports process as required by regulation 27 of the EIA Regulations, 2006.



## 2. Information considered in making the decision

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

- a) The information contained in the EIR, dated April 2009.
- b) The comments from the Directorate: Biodiversity and Conservation; organs of state and other stakeholders.
- c) Mitigation measures as proposed in the EIR dated April 2009 and the EMP;
- d) The information contained in the specialist studies contained within Appendix 5; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

## 3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The need for the proposed development is directly related to the growing demand of electricity supply in the KwaZulu-Natal (KZN) midlands and southern KZN areas that requires strengthening.
- b) The major benefit of the project is the stabilisation of the local and regional supply through increased capacity and improved distribution, therefore allowing Eskom to continue meeting the increasing demands of customers and improve service quality and reliability.
- c) Ten specialist studies were commissioned as part of the EIA process and it was found that the impact of this development was acceptable.
- d) Three alignment alternatives and three associated linking corridor alternatives for the establishment of the Majuba-Venus 765kV Transmission Line were considered in the EIR. The Central Alignment Alternative has been considered to be the preferred Alignment Alternative which would result in the lower impact on the environment.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2006 for public involvement.
- f) Eskom, as an applicant has the ability and capacity to implement the conditions of the authorisation and requirements, management and mitigation stipulated in the EIR dated April 2009 and EMP.

- g) As part of the EIA process, ACER (Africa) Environmental Management Consultants identified potential environmental impacts associated with the proposed activities and further proposed feasible mitigation measures to mitigate the identified possible impacts.

#### 4. Findings

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

- The issues raised by registered Interested and Affected Parties were adequately addressed.
- The identification and assessment of both the benefits and potential negative impacts are detailed in the EIR dated April 2009.
- The procedure followed for impact assessment is adequate for the decision-making process.
- The proposed mitigation of impacts identified and assessed; adequately curtail the identified impacts.
- The information contained in the EIR dated April 2009 is accurate and credible.
- EMP measures were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.
- All legal and procedural requirements have been met.
- The applicant is capable of implementing the conditions of the authorisation and the requirement of the EMP.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.