



# mineral resources

Department:  
Mineral Resources  
REPUBLIC OF SOUTH AFRICA

DMR 10

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Reference: KZN30/5/1/1/2/00078BP Enquiries: Mr. K.G Moodley

## ENVIRONMENTAL AUTHORISATION

Reference number: KZN 30/5/1/1/2/00078BP  
Last amended: First issue  
Holder of authorisation: Eskom Holdings SOC Limited  
Location of activity: Kilbarchen Colliery

## DECISION

### ACRONYMS:

**NEMA:** The National Environmental Management Act, 1998 (Act 107 of 1998, as amended),  
**DEPARTMENT:** Department of Mineral Resources.  
**EA:** Environmental Authorisation.  
**IEA** Integrated Environmental Authorisation.  
**EMPr:** Environmental Management Programme  
**BAR:** Basic Assessment Report  
**S&EIR:** Scoping and Environmental Impact Report  
**I&AP:** Interested and Affected Parties  
**ECO:** Environmental Control Officer  
**SAHRA:** South African Heritage Resources Agency  
**EIA REGULATIONS:** EIA Regulations, 2014  
**MPRDA:** Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended  
**NEMWA:** National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended  
**EIA:** Environmental Impact Assessment.

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this EA, that the applicant be authorised to undertake the **NEMA EIA** listed activity (ies) specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure "1"** of this EA.

**ACTIVITY APPLIED FOR:**

By virtue of the powers conferred on it by the Minister of Environmental Affairs in terms of the provisions of NEMA, the Department hereby grants an EA to Eskom Holdings SOC Limited with the following contact details –

Mr N Govender  
Megawatt Park  
Maxwell drive  
Sunninghill  
2146

**Tel no:** (011) 800 4834

**Email:** govendna@eskom

,to undertake the following activity listed in the NEMA EIA Regulations.

**NEMA: LISTED ACTIVITIES: Listed in the EIA Regulations as:-**

Activity 30 'Any process or activity identified in terms of Section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)'





Detailed spatial locality of the activity is as follows:

Co-ordinate List (WGS 1984 Lo 29)								
Point	X	Y	Point	X	Y	Point	X	Y
K1	93396.51961	-3081762.861	T21	96340.62947	-3080379.629	T70	96062.71068	-3080941.668
K2	93446.69313	-3081765.41	T22	96325.71623	-3080416.252	T71	96060.32623	-3080897.072
K3	93641.80375	-3081874.428	T23	96308.89832	-3080452.038	T72	96071.68106	-3080874.131
K4	93719.72248	-3081945.012	T24	96290.24542	-3080486.902	T73	96036.18953	-3080829.948
K5	93787.47298	-3081949.716	T25	96269.78789	-3080520.743	T74	95963.99213	-3080883.251
K6	93887.51672	-3081984.763	T26	96247.58567	-3080553.461	T75	95956.24612	-3080934.394
K7	94283.43973	-3081804.407	T27	96129.05858	-3080727.002	T76	95744.50417	-3080973.911
K8	94366.35794	-3081696.14	T28	96121.80672	-3080736.975	T77	95733.03343	-3080951.875
K9	94441.64064	-3081663.744	T29	96115.10365	-3080747.318	T78	95682.33545	-3080955.419
K10	94571.92529	-3081718.195	T30	96108.96927	-3080758.009	T79	95647.36014	-3080984.048
K11	94522.14059	-3081757.85	T31	96103.41369	-3080769.014	T80	95621.66574	-3081062.48
K12	94539.64825	-3081782.835	T32	96098.46671	-3080780.302	T81	95611.13148	-3081065.268
K13	94579.22563	-3081789.884	T33	96094.12862	-3080791.839	T82	95563.56052	-3081022.287
K14	94602.95499	-3081937.444	T34	96090.41928	-3080803.602	T83	95283.66725	-3080625.358
K15	94693.16081	-3082020.798	T35	96087.35884	-3080815.536	T84	95246.2333	-3080603.417
K16	94718.1621	-3082151.633	T36	96084.93754	-3080827.631	T85	95280.35426	-3080569.439
K17	94760.50575	-3082148.347	T37	96083.17551	-3080839.831	T86	95318.71576	-3080526.239
K18	94750.78296	-3081990.416	T38	96082.06316	-3080852.102	T87	95348.40527	-3080487.039
K19	94754.8111	-3081974.222	T39	96081.63023	-3080864.424	T88	95427.80025	-3080358.124
K20	94765.5778	-3082147.627	T40	96081.84751	-3080876.75	T89	95445.20865	-3080289.656
K21	94783.06969	-3082317.604	T41	96082.73496	-3080889.048	T90	95428.04926	-3080138.112
K22	94786.11035	-3082479.965	T42	96084.29294	-3080901.275	T91	95391.68543	-3080084.027
K23	94835.48153	-3083324.378	T43	96121.43099	-3081285.883	T92	95325.53606	-3080031.159
K24	94816.33227	-3083323.481	T44	96124.25939	-3081304.349	T93	95294.92551	-3080010.835
K25	94815.29595	-3083323.432	T45	96128.1731	-3081322.612	T94	95261.12035	-3079995.784
K26	94951.83059	-3085594.779	T46	96133.14301	-3081340.617	T95	95225.84342	-3079984.943
K27	93476.19792	-3084908.171	T47	96164.81448	-3081456.047	T96	95189.56642	-3079978.473
K28	93123.80942	-3083242.649	T48	96104.51085	-3081495.766	T97	95152.92474	-3079977.021
K29	93725.28273	-3083271.01	T49	96064.43744	-3081530.005	T98	95116.47261	-3079981.533
T1	94644.74032	-3080136.532	T50	96057.14609	-3081543.768	T99	95093.10619	-3079987.179
T2	94789.92125	-3080053.681	T51	95758.51609	-3081433.657	T100	95055.54887	-3080000.683
T3	95495.55295	-3079764.918	T52	95790.52096	-3081383.172	T101	95022.9915	-3080017.384
T4	95544.14558	-3079885.023	T53	95806.91537	-3081209.094	T102	94992.71407	-3080038.614
T5	95815.36407	-3079825.014	T54	95803.65804	-3081165.134	T103	94965.44463	-3080063.26
T6	95734.92319	-3079666.962	T55	95809.20531	-3081158.85	T104	94941.89009	-3080091.636
T7	96230.36281	-3079464.213	T56	95863.76831	-3081156.068	T105	94919.88963	-3080126.642
T8	96230.37258	-3079464.225	T57	95851.42205	-3081166.211	T106	94892.29019	-3080156.971
T9	96362.46531	-3079913.341	T58	95853.94951	-3081174.234	T107	94873.37039	-3080177.359
T10	96371.9039	-3079951.742	T59	95863.34155	-3081206.139	T108	94791.6862	-3080156.558
T11	96379.31907	-3079990.581	T60	95875.4377	-3081226.274	T109	94776.69789	-3080281.249
T12	96384.69201	-3080029.748	T61	95897.89409	-3081232.016	T110	94731.76733	-3080309.181
T13	96388.00373	-3080069.154	T62	95906.11321	-3081250.313	T111	94741.49662	-3080331.213
T14	96389.25524	-3080108.676	T63	95943.86818	-3081250.036	T112	94750.06896	-3080361.316
T15	96388.44735	-3080148.214	T64	95943.49877	-3081245.689	T113	94687.99374	-3080408.299
T16	96385.56134	-3080187.648	T65	95964.50469	-3081244.26	T114	94728.02822	-3080769.938
T17	96380.61774	-3080226.877	T66	95968.04765	-3081175.261	T115	94767.98019	-3080767.325
T18	96373.63706	-3080265.801	T67	96045.57238	-3081155.55	T116	94786.53075	-3081075.264
T19	96364.6203	-3080304.299	T68	96076.85538	-3081115.555	T117	94699.27671	-3081043.092
T20	96353.61744	-3080342.282	T69	96082.53863	-3081108.297			

The granting of this EA is subject to the conditions set out in **Annexure 2** (Site Specific Conditions and Departmental standard conditions). The Environmental Management Programme (EMPr) submitted as part of the application for an EA is hereby approved and must be adhered to throughout the life cycle of the operation.

Only listed activities that are expressly specified in this EA and the associated EMPr that forms part of this EA may be conducted, and any additional or new activities not specified herein must be applied for by the holder and authorised by the competent authority in the form of an amendment to the aforesaid EA and EMPr before the commencement of such activities. This condition is also applicable in the case of an amendment, addition, substitution, correction, and removal or updating of any detail in the EA and EMPr.

## ANNEXURE 1: REASONS FOR THE DECISION

### 1. Background

Eskom Holdings Limited submitted an application for an EA for activities listed in the NEMA EIA Regulations as:

Activity 19:

19. The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—
- (i) a watercourse;
  - (ii) the seashore; or
  - (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater—
- but excluding where such infilling, depositing, dredging, excavation, removal or moving—
- (a) will occur behind a development setback;
  - (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or
  - (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.

Activity 30

30. Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

The EA is granted for Activity 30 as Activity 19 is not triggered.

**The maintenance of historic rehabilitation measures completed on the discard dump, open Pit area 1C and 2 and on the East and West landfill sites does not relate to this listed activity.**

The applicant appointed Digby Wells and Associates (South Africa) (Pty) Ltd to undertake the Basic Assessment process as required by Regulation 19 of the EIA Regulations

## **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 Basic Assessment received by the Department on 10<sup>th</sup> April 2017.
- b) The objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;
- c) Public Participation Process (PPP) attached as Appendix E of the BAR.
- d) The rehabilitation plan submitted as Appendix B
- e) The Phytoremediation report lodged as Appendix D
- f) The Heritage basic assessment and notice of intent to develop lodged as Appendix F

## **3. Key factors considered in making the decision**

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

- a) A sufficient (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations for public involvement;
- b) The proposed mitigation measures outlined in the BAR and EMP<sub>r</sub> compiled by Claire Dendy of Digby Wells and Associates (South Africa) (Pty) Ltd

#### 4. Findings

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

- a) The potential impacts on the proposed site were clearly investigated and mitigation measures outlined.
- b) Public Participation Process complied with Chapter 6 of the EIA Regulations R982. The PPP included, *inter-alia*, the following:
  - A newspaper advertisement was placed in the local newspaper 'Newcastle Advertiser' on 14<sup>th</sup> October 2017.
  - Notices were placed at the project site.
  - The BID, BAR, and EMP was made available for comment as per the legislation and I & AP"s were informed accordingly of their availability.
  - A BID was circulated to all key stakeholders and the registered interested and affected parties including organs of state.
  - A comments and responses report was developed and forms part of the BAR.
  - A stakeholder database in compliance with Regulation 42 was developed.
- c). Eskom have complied with the objectives and requirements of the applicable and relevant legislation, policies and guidelines and the EIA Regulations of 2014;