



## **environmental affairs**

Department  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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**NEAS Reference:** DEAT/EIA/4622/2009

**DEA Reference:** 12/12/20/1439

**Enquiries:** Sindiswa Dlomo

**Telephone:** 012-395-1856 **Fax:** 012-320-7539 **E-mail:** [Sdlomo@environment.gov.za](mailto:Sdlomo@environment.gov.za)

Ms. Mmamoloko J Seabe  
Eskom Transmission SOC Limited  
P.O. Box 1091  
**JOHANNESBURG**  
2001

Fax no: (011) 800-3917

### **PER FACSIMILE / MAIL**

Dear Ms Seabe

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 386/387: PROPOSED DEVELOPMENT OF THE NEPTUNE-POSEIDON 400KV POWER LINE, WITHIN THE BUFFALO CITY, NGUSHWA, NKONKOBE, NXUBA AND BLUE CRANE LOCAL MUNICIPALITIES IN THE EASTERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

- By facsimile: 012 320 7561;
- By post: Private Bag X447,  
Pretoria, 0001; or
- By hand: 2nd Floor, Fedsure Building, North Tower,



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

In terms of regulation 37 of the Environmental Impact Assessment Regulations, 2006

Proposed development of the Neptune-Poseidon 400kv Power line, within the Buffalo City, Nggushwa, Nkonkobe, Nxuba and Blue Crane Route Local Municipalities

Amatole and Cacadu District Municipalities

Authorisation register number:	12/12/20/1439
NEAS reference number:	DEAT/EIA/4622/2009
Last amended:	First issue
Holder of authorisation:	Eskom Holdings SOC Limited
Location of activity:	EASTERN CAPE PROVINCE: Buffalo City, Ngushwa, Nkonkobe, Nxuba and Blue Crane Local Municipalities

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.

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## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

### **ESKOM HOLDINGS SOC LIMITED**

with the following contact details –

Ms. Mmamoloko J Seabe  
Eskom Transmission SOC Limited  
P.O. Box 1091  
**JOHANNESBURG**  
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Tel: (011) 800-2345

Fax: (011) 800-3917

Cell: (082) 801-3911

E-mail: [seabejm@eskom.co.za](mailto:seabejm@eskom.co.za)

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

Listed activities
<p><u>GN R. 387 Item 1(c):</u> the above 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 location or site, including the storage of one or more dangerous goods, in a tank farm</p>
<p><u>GN R. 387 Item 1(l):</u> 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.</p>
<p><u>GN R. 387 Item 2:</u> any development activity, including associated structure and infrastructure, where the total area is, or intended to be, 20 hectares or more</p>
<p><u>GN R. 387 Item 1(m):</u> 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 - (iii) bridges;</p>
<p><u>GN R. 386 Item 12:</u> 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 Biodiversity Management: Biodiversity Act, 2004 (Act. 10 of 2004)</p>
<p><u>GN R. 386 Item 4:</u> 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</p>
<p><u>GN R. 386 Item 7</u> 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 and less than 1000 cubic metres at any one location or site.</p>
<p><u>GN R. 386 Item 14:</u> 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</p>

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<b>Listed activities</b>
ii. for lighting purposes; b) flag poles; and lightning conductor poles.
<u>GN R. 386 Item 15:</u> 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 ambits of another listed activity or which are access roads of less than 30 metres long.
<u>GN R. 386 Item 20:</u> the transformation of an area zoned for use as public open space for a conservation purpose to another

In order to comply with Regulation 76 (3) (**Pending applications and Appeals (NEMA)**) the applicant, InnoWind (Pty) Ltd in terms of the Section 24 (2) of NEMA provided a comparison which include the above activities as now listed in terms of the GN R. 543, R. 544, R. 545 and R. 546 of 18 June 2010, which are as follows:

Listed activities	Activity/Project description
GN R. 544 Item : 11	The construction of (i) bridges; (ii) bulk storm water outlet structures; (iii) slipways exceeding 50 square metre in size (iv) Infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.
GN R. 544 Item : 13	The construction of facilities or infrastructure for the storage, or for the storage and handling, of dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres.
GN R. 544 Item : 18	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 from (i) a watercourse; (ii) the sea; (iii) the seashore; (iv) 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

Listed activities	Activity/Project description
	where such infilling, depositing, dredging, excavation, removal or moving; (i) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or (ii) occurs behind the development setback line.
GN R. 544 Item : 22	The construction of a road, outside urban areas, (i) With a reserve wider than 13.5 meters or (ii) Where no reserve exists where the road is wider than 8 metres, or for which an environmental authorisation was obtained for the route determination in terms of activity 5, in government Notice 387 of 2006 or activity 18 in Notice 545 of 2010
GN R. 544 Item :24	The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the of the coming into effect of this Schedule such land was open space, conservation or had an equivalent zoning.
GN R. 544 Item :38	The expansion of facilities for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase.
GN R. 544 Item :39	The expansion of (i) canals; (ii) channels; (iii) bridges; (iv) weirs; (v) bulk storm water outlet structures; (vi) marinas; within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion
GN R. 544 Item :42	The expansion of facilities for the storage, or storage and handling, of a dangerous good, where the capacity of such storage facility will be expanded by 80 cubic metres or more.
GN R. 544 Item :47	The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre - (i) where the existing reserve is wider than 13,5 meters; or (ii) where no reserve exists, where the existing road is wider than 8 metres – excluding widening or lengthening occurring inside urban areas.
GN R. 545 Item :3	The construction of facilities or infrastructure for the storage, or storage and handling

Listed activities	Activity/Project description
	of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.
GN R. 545 Item :8	The construction of facilities, or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.
GN R. 546 Item :3	The construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast: (a) is to be placed on a site not previously used for this purpose, and (b) will exceed 15 metres in height, but excluding attachments to existing buildings and masts on rooftops.
GN R. 546 Item :4	The construction of a road wider than 4 metres with a reserve less than 13,5 metres.
GN R. 546 Item :10	The construction of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.
GN R. 546 Item :14	The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.
GN R. 546 Item :19	The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.

as described in the Environmental Impact Assessment Report (EIR) dated February 2012 at:

Alternative S1	Latitude	Longitude
Starting point of activity	32° 44'38.231958" S	27° 55'33.142517" E
Middle point of activity	32° 51'34.916428" S	27° 00'19.493774" E
End point of activity	32° 54'05.020325" S	27° 51'23.988517" E

- for the construction of the Neptune-Poseidon 400kv Power Line Proposed development of the Neptune-Poseidon 400kv Power line, within the Buffalo City, Ngushwa, Nkonkobe, Nxuba and Blue Crane Local Municipalities in the Eastern Cape Province, hereafter referred to as "the property".

The main project components include the following:

- installation of a new 400kv transmission line (including concrete foundations, towers, conductors and anchors) between the existing Neptune (near East London) and Poseidon (near Cookhouse) substation;

- Building of Turn in lines of approximately 5km each; and
- Upgrading of existing substations (including new 400kv feeder bays and yard extensions)

## Conditions

### Scope of authorisation

1. The preferred route (Main Route) Power line (Approximately 191km – 1km wide corridor) which runs in an east to west direction from the existing Neptune substation (North-West of East London) to the Poseidon substation ( $\pm 11$ km east of Cookhouse), in the Eastern Cape. The proposed alignment is situated within the existing vacant Eskom servitude between the aforementioned substations. Two turn in lines approximately 5km each, which pass between Ndevana and Ilitha, connect the proposed line to Pembroke substation. From approximately King William's Town the line will run between R63 road (to the north) and the existing Pembroke-Poseidon 200kv line (to the south) is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
6. This activity must commence within a period of five (5) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.



8. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

#### **Notification of authorisation**

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
- 10.1. specify the date on which the authorisation was issued;
  - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons for the decision.

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

11. The Environmental Management Plan (EMP) submitted as part of application for environmental authorisation must be amended and submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the EIR dated February 2012 must be incorporated as part of the EMP. Once approved, the EMP must be implemented and adhered to. The Final EMP must include the following:
- 11.1. The results of the final walk to be done by the specialist
  - 11.2. Final route layout and tower positions as guided by the specialist.
  - 11.3. Mitigation measures per tower, per river crossing and per sensitive areas as identified by the specialist. The specialists must also recommend buffer zones for all sensitive areas.
  - 11.4. Location of construction camps and laydown areas.
  - 11.5. Location of all access roads to be used during construction activities;
  - 11.6. Sites, areas or places marked for vegetation clearing;
  - 11.7. All road to be constructed and or upgraded before or during construction activities; and
  - 11.8. Take into consideration conditions of this Environmental Authorization.

### **Monitoring**

12. 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.
13. The ECO shall be appointed before commencement of any authorised activity.
14. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
15. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
16. 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.
17. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

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

18. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
19. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
20. 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.

### **Commencement of the activity**

21. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
22. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any

provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

#### **Notification to authorities**

23. 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. This notification period may coincide with the period contemplated in 21 above.

#### **Operation of the activity**

24. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
25. The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

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

26. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

#### **Specific conditions**

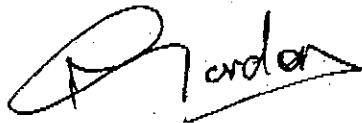
27. The compact cross-rope or cross rope suspension tower must be used as they are most visually permeable and create an extremely low degree of visual obstruction.
28. Access points to construction site, especially in areas where landowners will be affected must be communicated with the affected landowners and an agreement must be reached with them in terms of access roads.
29. No tower pole or stay must be erected within 60metres, measured from the national road reserve boundary.

30. A vertical clearance of not less than 6.5 metres, measured from the crown of the national road to the lowest wire shall be observed.
31. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
32. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.
33. Anti-collision devices such as bird flappers must be installed where powerlines crosses avifaunal corridors. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
34. An ecologist and bird specialist must be appointed to perform a final walkthrough of the alignment to identify sensitive plant species, and assist in identifying the areas that require protection. The walk through survey must also identify nesting activities within the area of various RDL species.
35. A permit must be obtained from the entire relevant provincial nature conservation agency(s) for the removal or destruction of indigenous protected and endangered plant and animal species.
36. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
37. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan agricultural activities. If possible, construction should be scheduled to take place within the post-harvest, pre planting season, when fields are lying fallow.
38. No artefacts must be moved, destroyed or interfered with by anyone on the site. Known sites must be clearly marked and fenced off in order that they can be avoided during construction activities.
39. Vegetation clearing must be kept to an absolute minimum, and must be within the footprints of the servitude, laydown area, construction camp or roads to be used. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
40. All sensitive areas adjacent to working areas must be protected by a visible marking, either by marking the working area or the sensitive area and the sensitive area must be demarcated as no-go area.
41. 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 Environment Management Waste Act, 2008 (Act 59 of 2008).

General

42. 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.
43. The holder of the authorisation must notify both the Director: Integrated Environmental Authorisations and the Director: Compliance Monitoring at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
44. 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: 11 July 2012



**Mr Mark Gordon**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
Date:

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

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

- a) The information contained in the EIR dated February 2012;
- b) The comments received from the Directorate: Protected Areas Planning and Development, Eastern Cape Parks and Tourism, Department of Water Affairs and SANRAL and interested and affected parties as included in the EIR dated February 2012;
- c) Mitigation measures as proposed in the EIR dated February 2012 and the EMP;
- d) The information contained in the specialist studies contained within Appendix F1 of the EIR;
- e) Findings of the site visit conducted on the 13 June 2012; and
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

### 2. Key factors considered in making the decision

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

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the fact that the Greater Eastern London Strengthening Scheme holds national implications and Greater Eastern London Strengthening Scheme will reinforce the network to cater for network reliability and maintain a good quality supply to distribution customers.
- c) The Main Route (Preferred Route) follows an existing vacant servitude
- d) Controlled activities (e.g. agriculture) will be allowed within the servitude.
- e) The EIR dated February 2012 identified all legislation and guidelines that have been considered in the preparation of the EIR dated February 2012.
- f) The methodology used in assessing the potential impacts identified in the EIR dated February 2012 and the specialist studies have been adequately indicated.

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- g) 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.

### 3. Findings

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

- a) The majority of impacts on the natural environment associated with the proposed Transmission lines on the Main Route are considered to be of low significance.
- b) Eskom owns a registered unused servitude between Neptune and Poseidon substations, which serves as the Main Route for the proposed 400kv power line. The registration of the servitude took place from the 1970s to the 1990s and makes provision for a single transmission line
- c) The Social Assessment concluded that none of the negative social impacts identified along route corridor S1 are sufficiently significant to preclude this alignment from a socio-economic perspective.
- d) After mitigation, the overall significance of the visual impact of route corridor S1 is regarded as low.
- e) The identification and assessment of impacts are detailed in the EIR dated February 2012 and sufficient assessment of the key identified issues and impacts have been completed.
- f) The procedure followed for impact assessment is adequate for the decision-making process.
- g) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- h) All legal and procedural requirements have been met.
- i) The information contained in the EIR dated February 2012 is accurate and credible.
- j) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

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

cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,  
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

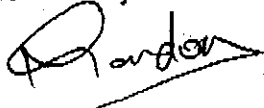
Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: [tzwane@environment.gov.za](mailto:tzwane@environment.gov.za)

The authorised activity/ies shall not commence within twenty (20) 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 sincerely



**Mr Mark Gordon**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 11 July 2012

CC:	Mr D Henning	Nemai Consulting (EAP)	Tel: 011-781-1730	Fax: 011-781-1731
	Mr G. Pienaar	Eastern Cape Provincial Department	Tel: 040-609-7151	Fax: xxx-xxx-xxxx
	Mr T. Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744



**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs (DEA))	1. Receive EA from Applicant/Consultant
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**NOTES:**

1. **An appeal 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 Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and 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;
2. **An appeal lodged with:-**
  - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
  - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
  - a) submitted in writing;
  - b) accompanied by:
    - a statement setting out the grounds of appeal;
    - supporting documentation which is referred to in the appeal; and
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.