



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 36 of the Environmental Impact Assessment Regulations, 2010

The proposed Amandla and Kwaggafontein Substations within the Elias Motsoaledi and the
Thembisile Hani Local Municipalities in Limpopo and Mpumalanga Provinces

Sekhukhune and Nkangala District Municipalities

Authorisation register number:	<i>14/12/16/3/3/1/1288</i>
NEAS reference number:	<i>DEA/EIA/0002596/2014</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Eskom Holdings SOC Limited</i>
Location of activity:	<i>LIMPOPO & MPUMALANGA PROVINCES: Within Elias Motsoaledi and Thembisile Hani Local Municipalities</i>

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.

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.

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, 2010 the Department hereby authorises –

ESKOM HOLDINGS SOC LIMITED

with the following contact details –

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to undertake the following activity (hereafter referred to as "the activity") indicated in terms of GNR 543, GN R544 of 18 June 2010:

Listed activities	Activity/Project description
<p><u>GN R544 Item 10 (i):</u> The construction of facilities or infrastructure for the transmission and distribution of electricity: (i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</p>	<p>The project entails the construction of a 132kV distribution line between Kwaggafontein Substation in Mpumalanga and Amandla Substation in Limpopo.</p>
<p><u>GN R544 Item 11 (xi):</u> The construction of (xi) 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.</p>	<p>The power lines would cross artificial wetlands and streams.</p>

as described in the amended Basic Assessment Report (BAR) dated February 2015 at:

Power line Route Alternative 1	Latitude	Longitude
Starting point of activity	28° 57' 10.95"	25° 18' 18.98"
Middle point of activity	29° 1' 3.904"	25° 14' 1.812"
End point of activity	29° 4' 32.03"	25° 11' 34.98"

- for the proposed 132kV distribution line between the existing Kwaggafontein Substation within Thembisile Hani Local Municipality of Nkangala District Municipality in Mpumalanga Province and the existing Amandla Substation within the Elias Motsoaledi Local Municipality of Sekhukhune District Municipality in Limpopo Province, hereafter referred to as "the property".

The proposed project consists of the following:

- The establishment of a 132kV feeder bay at Kwaggafontein Substation;
- The establishment of a 132kV feeder bay at Amandla Substation; and
- The building of an approximate 25km 132kv Kingbird line from Amandla Substation to Kwaggafontein Substation.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred Alternative 1 (S1) for the proposed 132kV distribution line between the existing Kwagqafontein Substation within Thembisile Hani Local Municipality of Nkangala District Municipality in Mpumalanga Province and the existing Amandla Substation within the Elias Motsoaledi Local Municipality of Sekhukhune District Municipality in Limpopo Province 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 activity 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 of this authorisation. 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. If the applicant anticipates that commencement of the activities would not occur within five (5) year period, he/she must apply and show good cause for an extension of the Environmental Authorisation three (3) months prior to its expiry date.
8. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
9. The holder of an environmental authorisation must 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 and right to appeal

10. 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.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

13. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.
14. The EMPr must be included in all contract documentation for all phases of the development.
15. The provisions of the approved EMPr is considered an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA
16. The applicant must appoint a suitably experienced independent 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 EMPr.

- 16.1. The ECO must be appointed before commencement of the authorised activity.
- 16.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 16.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 16.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

17. 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.
18. 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.
19. 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 EMPr.
20. 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.

Commencement of the activity

21. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
22. In terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

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, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

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

Site closure and decommissioning

25. 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

26. All areas disturbed during the construction phase must be rehabilitated and re-seeded with indigenous plants at the end of the construction phase.
27. Anti-collision devices must be installed where the power line crosses avifaunal corridors, as recommended on page 20 of the Bird Impact Assessment study dated December 2013 and revised on November 2014 compiled by Chris van Rooyen Consulting. 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.
28. A portion of land which falls within the 2km of the protected area within the study area (referred to as a restricted area), south of R573 and west of the provincial border (Portions 3, 10, 11, 12 and 13 of the farm Houtenbek 194 JR) must not be affected by the power line.
29. All structures must be placed at least 75m from all drainage lines and streams.
30. The applicant must obtain a Water Use Licence Authorisation (WULA) from the Department of Water and Sanitation (then the Department of Water Affairs) prior to the commencement of the project should

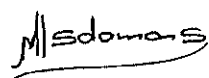
the wetland or water resource be impacted. A copy of the WULA must be submitted to the *Director: Integrated Environmental Authorisations* of this Department for record keeping.

31. The applicant must ensure that all waste control and the location of fuel storage areas, hazardous materials (oils, chemicals, and cement), waste storage areas, ablution and latrines and any other potentially polluting activities are in bunded areas and are 100m away from wetlands, river or stream.
32. 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

33. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMPr 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.
34. 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.
35. 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: 20/04/2015



Ms Millicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

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 final BAR dated February 2015;
- b) The comments received from the organs of state and interested and affected parties as included in the final BAR dated February 2015;
- c) Mitigation measures as proposed in the final BAR dated February 2015 and the EMPR;
- d) The information contained in the specialist studies contained within Appendix D of the final BAR; and
- e) 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 which is to strengthen the existing power supply between the Amandla Substation and Kwaggafontein Substation to accommodate the increased demand.
- c) The final BAR dated February 2015 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the final BAR dated February 2015 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the final BAR dated February 2015 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR 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 environmental authorisation is accordingly granted.