



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko Road, Arcadia · PRETORIA

**DEA Reference:** 14/12/16/3/3/1/1915

**Enquiries:** Ms Bathandwa Ncube

**Telephone:** (012) 399 9368 **E-mail:** [BNcube@environment.gov.za](mailto:BNcube@environment.gov.za)

Ms Betty Ngobeni  
Eskom Holdings SOC Limited  
P.O. Box 223  
**WITBANK**  
1035

**Tel** : 013 693 4469

**Email** : [ngobenibt@eskom.co.za](mailto:ngobenibt@eskom.co.za)

### **PER E-MAIL / MAIL**

Dear Ms Ngobeni

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: GN R982/983/984/985, AS AMENDED: DEVIATION OF THE FIRHAM-PLATRAND 88KV POWERLINE, NEAR STANDERTON, MPUMALANGA 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 4(2) of the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties (I&APs), in writing and within 14 (fourteen) days of the date of the EA, of the Department's as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of GN R993 of 08 December 2014, which prescribes the appeal procedure to be followed. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

### **Appeals must be submitted in writing in the prescribed form to:**

Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)

By hand: Environment House

*M.S*

473 Steve Biko Road  
Arcadia  
Pretoria  
0083; or

By post: Private Bag X447  
Pretoria  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal 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 is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 19/10/2018

CC:	Royal HaskoningDHV	Sibongile Gumbi	Tel: 011 798 6449	Email: <a href="mailto:Sibongile.gumbi@rhdhv.com">Sibongile.gumbi@rhdhv.com</a>
	Mpumalanga DEDET	Selape Lenswana	Tel: 013 766 4004	Email: <a href="mailto:slenswana@mpg.gov.za">slenswana@mpg.gov.za</a>
	Lekwa Local Municipality	Herbert Shai	Tel: 017 712 9600	Email: <a href="mailto:jkubheka@lekwalm.gov.za">jkubheka@lekwalm.gov.za</a>

MS



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014 (as amended)

DEVIATION OF THE FIRHAM-PLATRAN 88KV POWERLINE, NEAR STANDERTON, WITHIN THE  
LEKWA LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

GERT SIBANDE DISTRICT MUNICIPALITY

<b>Authorisation register number:</b>	14/12/16/3/3/1/1915
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Eskom Holdings SOC Limited</i>
<b>Location of activity:</b>	<i>MPUMALANGA PROVINCE: Farm Vlakspruit No. 42HS and Farm Rietfontein No. 40HS</i>

This environmental 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 activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998, as amended and the EIA Regulations, 2014, as amended.

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), as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

### **ESKOM HOLDINGS SOC LIMITED**

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Ms Betty Ngobeni

Eskom Holdings SOC Limited

PO Box 223

**WITBANK**

1035

Tel no : 013 693 4469

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

to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1 and 3 (GN R. 983 and GN R.985) of the 2014 EIA Regulations (as amended by GN R.327 and GN R.324 of 07 April 2017):

<b>Listed activities</b>	<b>Activity/Project description</b>
<p><b><u>Item 11(i) of Listing Notice 1 (as amended):</u></b> The development of facilities or infrastructure for the transmission and distribution of electricity-</p> <p>(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 deviation of the 88kV powerline from the wetland and constructing it to the dry ground.</p>
<p><b><u>Item 19 of Listing Notice 1 (as amended):</u></b> The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse</p>	<p>The project entails the deviation of the 88kV powerline from the wetland and constructing it to the dry ground.</p>
<p><b><u>Item 31 of Listing Notice 1 (as amended):</u></b> The decommissioning of existing facilities, structures or infrastructure for –</p> <p>(i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014</p>	<p>The decommissioning of the existing 88kV powerline from the wetland.</p>
<p><b><u>Item 12 (f)(ii) of Listing Notice 3 (as amended):</u></b> The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p><b>f. Mpumalanga:</b> (ii) Within critical biodiversity areas identified in bioregional plans.</p>	<p>The project is located in the biological critical area which comprises Mesic Highveld Grassland and Soweto Highveld Grassland.</p>
<p><b><u>Item 14 (ii)(a)(f)(i)(ff) of Listing Notice 3 (as amended):</u></b> The development of—</p> <p>(ii) infrastructure or structures with a physical footprint of 10</p>	<p>The project is located in the biological critical area which comprises Mesic Highveld Grassland and Soweto</p>

Listed activities	Activity/Project description
square metres or more; where such development occurs— (a) Within a watercourse; <b>f. Mpumalanga:</b> (i) Outside urban areas: (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans	Highveld Grassland.

as described in the Basic Assessment Report (BAR) dated June 2018 at:

Farm Description	21 Digit Surveyor General Code
Farm Vlakspruit No. 42 HS	T0HS00000000004200000
Farm Rietfontein No. 40 HS	T0HS00000000004000000

Powerline Deviation: Alternative 1	Latitude	Longitude
Starting point of deviation	27° 07' 29.56" S	29° 25' 19.44" E
Bend point of deviation	27° 07' 30.95" S	29° 25' 42.41" E
End point of deviation	27° 07' 41.00" S	29° 26' 35.66" E

- for the deviation of pole 158 to pole 170 of the Firham-Platrand 88kV powerline, near Standerton, within the Lekwa Local Municipality in the Mpumalanga Province, hereafter referred to as "the property".

The powerline pole structures will be dismantled from the deviation points (pole 158 to pole 170) up to the dam area. The demolition of the powerline, particularly the poles within the wetland (pole 161 and 162) will entail the cutting of jumpers, removing the conductor from the old poles and leaving the poles in the dam. In dry season where the water level in the wetland will be low, the poles will be cut low to a foundation level and the foundation will not be exhumed.

The deviation entails:

- Development of a single circuit 88kV line deviation from pole 158 to pole 170
- The line will be built on the 132kV standard.
- Bird friendly structures (monopoles).

- Chickadee conductor for stringing.
- Decommissioning of the existing 88kV line after the new line has been commissioned.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The deviation of pole 158 to pole 170 of the Firham-Platrand 88kV powerline, near Standerton, within the Lekwa Local Municipality in the Mpumalanga Province is **approved** as per the geographic coordinates cited at the table reflected in page 4 above.
2. Authorisation of the activity is subject to the conditions contained in this environmental 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 properties as described above.
5. Any changes to, or deviations from, the project description set out in this environmental 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 environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of **five (05) years** from the date of issue of this environmental 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.
8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

### **Notification of authorisation and right to appeal**

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) 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 the National Appeal Regulations, 2014;
  - 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 of the competent authority for the decision.

### **Commencement of the activity**

11. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014 and no appeal has been lodged against the decision. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 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.

### **Management of the activity**

12. The Environmental Management Programme (EMPr) submitted as part of the Application for Environmental Authorisation is **not approved**. This EMPr must be amended and submitted to the Department for written approval prior to commencement of the activity. Once approved, the EMPr must be implemented and adhered to.
13. The amended EMPr must include the following:
  - 13.1. An amendment of the term “machinery” to “construction equipment”;
  - 13.2. Rehabilitation Management Plan;
  - 13.3. Emergency Preparedness and Response Plan;
  - 13.4. Invasive Alien Species Management Plan; and,
  - 13.5. Storm Water Management Plan.



### **Frequency and process of updating the Environmental Management Programme (EMPr)**

14. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
15. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
16. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982, as amended. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
17. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982, as amended. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
18. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982, as amended.

### **Monitoring**

19. The holder of the authorisation must appoint an 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 environmental authorisation are implemented and to ensure compliance with the provisions of the approved Environmental Management Programme.
  - 19.1. The Environmental Control Officer must be appointed before commencement of any authorised activities.

- 19.2. Once appointed, the name and contact details of the Environmental Control Officer must be submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
- 19.3. The Environmental Control Officer must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the Environmental Control Officer.
- 19.4. The Environmental Control Officer 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**

20. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
21. The holder of the environmental authorisation must, for the period during which the environmental authorisation and Environmental Management Programme remain valid, ensure that project compliance with the conditions of the environmental authorisation and the Environmental Management Programme are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
22. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the Environmental Management Programme, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982, as amended.
23. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
24. The environmental audit reports must be compiled in accordance with appendix 7 of the Environmental Impact Assessment Regulations, 2014, as amended and 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 approved Environmental Management Programme.

25. 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.

#### **Notification to authorities**

26. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. 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.

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

27. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

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

28. Should the activity ever cease or become redundant, the holder of the authorisation must 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**

29. The powerline deviation must be designed and planned to cater for bird perching and visibility for bird species, to avoid collision and electrocution.
30. The development footprint must be kept to a minimum and natural vegetation must be encouraged to return to disturbed areas.
31. Immediate rehabilitation/ re-vegetation using indigenous vegetation must be done upon completion of construction and decommissioning activities.
32. Potable water must not be used to mitigate dust nuisance.
33. The use of generators on site must include the use of drip trays.
34. 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 must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

**General**

35. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved Environmental Management Programme, must be made available for inspection and copying-
- 35.1. to anyone on request; and
- 35.2. where the holder of the environmental authorisation has a website, on such publicly accessible website.
36. 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 holder of the authorisation or his/her 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 holder of the authorisation 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: 19/10/2016



Mr Sabelo Malaza

**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 Basic Assessment Report dated June 2018;
- b) The comments received from interested and affected parties as included in the BAR dated June 2018;
- c) Mitigation measures as proposed in the Basic Assessment Report dated June 2018 and the Environmental Management Programme;
- d) The information contained in the specialist studies contained within Appendix D of the Basic Assessment Report; 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) as amended.

### **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 and desirability of the proposed deviation for maintenance of the existing powerline.
- c) The Basic Assessment Report dated June 2018 identified all legislation and guidelines that have been considered in the preparation of the Basic Assessment Report.
- d) The methodology used in assessing the potential impacts identified in the Basic Assessment Report dated June 2018 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 Environmental Impact Assessment Regulations, 2014, as amended, for public involvement.

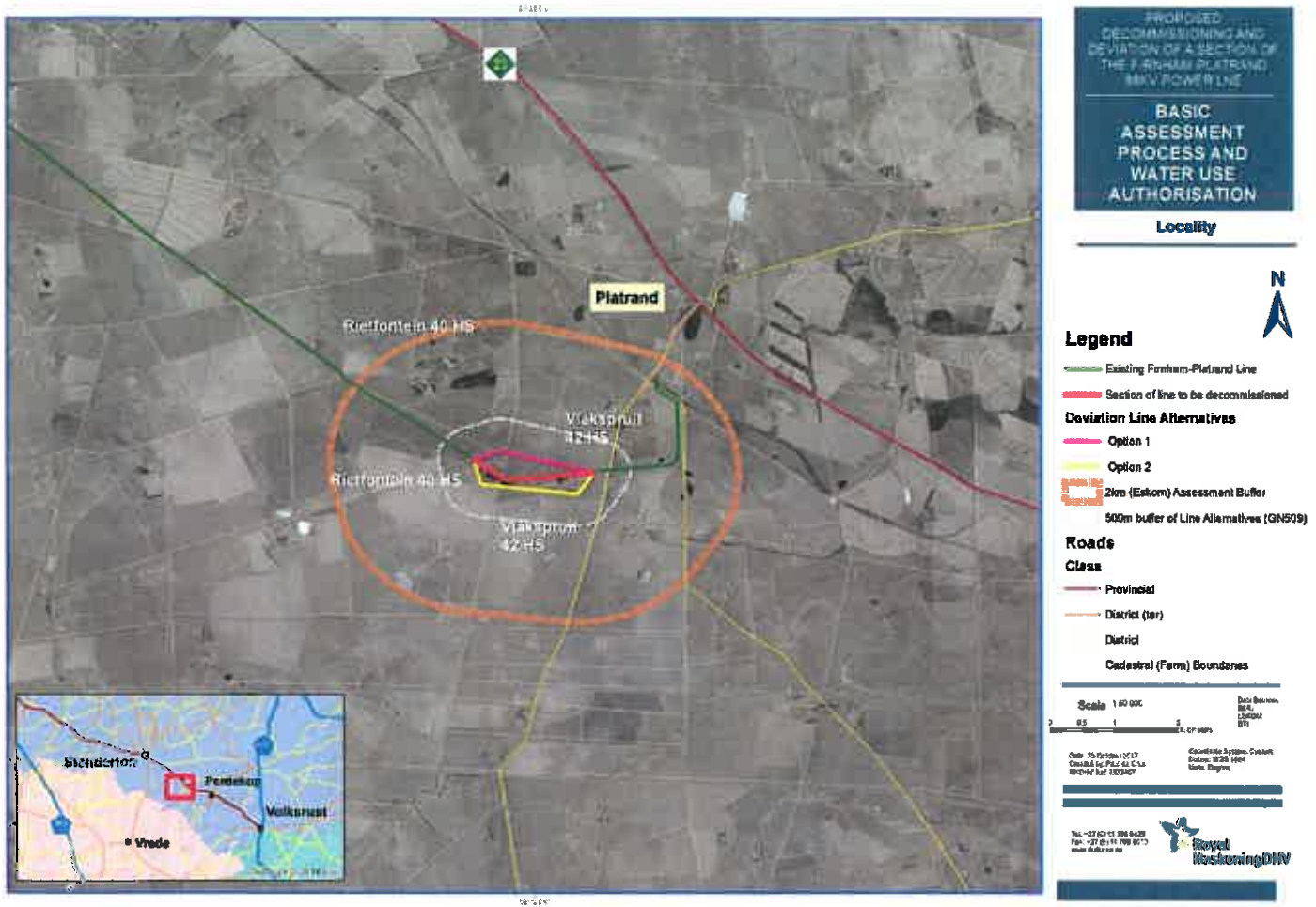
### 3. Findings

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 Basic Assessment Report dated June 2018 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) The information contained in the Basic Assessment Report dated June 2018 is accurate and credible.
- e) Environmental Management Programme measures for the pre-construction, construction, decommissioning and rehabilitation phases of the deviation were proposed and included in the Basic Assessment Report and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities 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 authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

## Annexure 2: Locality Plan



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