



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 399 9372

DEA Reference: 12/12/20/975

Enquiries: Mr Yonela Mngqibisa

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Mr Josiah Zungu
Eskom Holdings Limited
P O Box 1567
NELSPRUIT
1200

Fax Number: (013) 755 9660
Tel Number: (013) 755 9655
Email: ZunguJ@eskom.co.za

PER FACSIMILE / MAIL

Dear Mr Zungu

APPLICATION FOR EXTENSION OF VALIDITY OF ENVIRONMENTAL AUTHORISATION: PROPOSED CONSTRUCTION OF A NEW 132kV SUB-TRANSMISSION POWER LINE BETWEEN THE EXISTING KIEPERSOL AND NWARELE SUBSTATIONS, MPUMALANGA PROVINCE

The environmental authorisation (EA) (Reference No: 12/12/20/975) issued by the Department on 09 September 2010 and your application for extension of the validity period of the EA dated 19 August 2015 which was received by the Department on 19 August 2015 refer.

Please be advised that the Department has decided to grant an extension of the validity period of your authorisation for an additional three (3) years.

The extension is subject to the following conditions:

- i. The activity must commence within a period of three (3) years from the date of expiry of the EA issued on 09 September 2010 (i.e. 09 September 2018). 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.
- ii. The correspondence is only for the extension of the validity period as stated herein above and all conditions set out in the original Environmental Authorisation dated 09 September 2010 remain unchanged and must be adhered to.

Kindly quote the abovementioned reference number in any future correspondence in respect of the application and this letter must be read in conjunction with the EA dated 09 September 2010.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department's decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.

MS

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed.

An appellant must submit an 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 applicant by the competent authority.

By post: Private Bag X447,
Pretoria, 0001; or

By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria

Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356
Email: Appealsdirectorate@environment.gov.za

Please note that 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 is finalised.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: (https://www.environment.gov.za/documents/forms#legal_authorisations). Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date 2/09/2015



Environmental Authorisation

Authorisation register number: 12/12/20/975

Last amended: First Issue

Holder of authorisation: Eskom Holdings Limited

Location of activity: MPUMALANGA PROVINCE,
From Klepersol substation to
the Nwarele substation,
Mbombela and Bushbuckridge
Local Municipalities

9/9/2010

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 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;
- c) 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;
- d) 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 Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
- c) the MEC must be submitted to the provincial department responsible for environmental affairs;
- d) 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.

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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 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 –

Mr Josiah Zungu
Eskom Holdings Limited
P.O. Box 1587
NELSPRUIT
1200

Tel: (013) 755 9655
Fax: (013) 755 9660

to undertake the following activities-

GN R386 :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 meters 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;*

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- iv) dams; and
- v) weirs".

- GN R386: 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".
- GN R387: 1(i) "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".
- GN R387: 10 "Any process or activity identified in terms of section 53(1) the National Environmental Management; Biodiversity Act (Act No. 10 of 2004)".

for the proposed construction of a 132kV overhead sub-transmission power line between the Klepersol substation in Hazyview and the Nwarele substation in Dwarsoop as described on page 8 of the amended Environmental Impact Assessment Report (EIR) dated May 2010, which fall within the jurisdiction of the Mbombela and Bushbuckridge Local Municipalities of the Mpumalanga Province, hereafter referred to as "the property".

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

Conditions

Scope of authorisation

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation must be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activity authorised may only be carried out between the two existing Klepersol and Nwarele substations in Mpumalanga Province as shown in the Locality Map on

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Appendix B-2 of the amended Environmental Impact Report dated May 2010 and submitted to the Department on 31 May 2010.

4. 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.
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 activities to be undertaken.
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. Relevant legislation that must be complied with by the holder of this authorisation includes 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.
 - Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - Hazardous substance Act (Act 15 of 1973).
 - The protected Areas, Act 2003 (Act 57 of 2003).
 - National Environmental Management: Air Quality, Act 2004 (Act 39 of 2004)

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Appeal of authorisation

7. The holder of the authorisation must notify every registered interested and affected party, in writing and within seven (7) calendar days, of receiving notice of the Department's decision to authorise the activities.
8. The notification referred to in 7 must –
 - 8.1 specify the date on which the authorisation was issued;
 - 8.2 inform the interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 8.3 advise the interested and affected parties that a copy of the authorisation and reasons for the decision will be furnished on request.

Management of the activity

9. The Environmental Management Plan (EMP) that was included in the amended EIR dated May 2010 is approved by this Department. The EMP must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually.
10. The applicant will have the responsibility of implementing the approved EMP.
11. The provisions of the EMP are extension of the conditions of the environmental authorisation (EA) and therefore non-compliance with the EMP would constitute non-compliance with the EA.
12. The construction EMP must be seen as a dynamic document. However, any changes to the EMP, which is environmentally defensible, must be submitted to DEA for acceptance before such changes could be effected.

Monitoring

13. The applicant must appoint an Internal Environmental Control Officer (ECO) that will have the responsibility of implementing the approved EMP.
 - The ECO must be appointed before the start of the construction and the authorities must be notified of such an appointment for communication purposes.

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- The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is handed over to Eskom by the contractor for operation.

Recording and reporting to the Department

14. 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 –
- 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.
 - This report must include:
 - Details of the rehabilitation measures which must be complied with by an ECO.
 - Details of all incidents and mitigation measures implemented to address such incidents.
 - All measures which require follow-up.

Commencement

15. The construction of the authorised activities may not commence within thirty (30) days of date of signature of this authorisation.
16. 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.
17. 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.

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Site closure and decommissioning

18. Should the use of the facility 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

19. Authorisation is granted for the preferred alternative route, Route C1, as indicated on page 28 of the amended EIR, dated May 2010.
20. All requirements of the Department of Water Affairs including the relevant application in terms of the National Water Act (Act. No 36 of 1998) must be complied with.
21. A permit must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of protected tree species.
22. The earth wire of those sections of line that cross rivers, wetlands, dams, cultivated fields and fallow lands must be marked with a suitable marking device.
23. The line must be fitted with the standard Eskom "Bird Perch" on the top of all poles in order to provide a safe perching space.
24. All construction and maintenance activities must be carried out according to generally accepted environmental best practices. Existing roads must be used as far as possible for access during construction.
25. Drainage systems (surface and sub-surface) must not be interfered with or damaged in any way. The road reserve must be left clean and all waste products be removed.
26. The poles must avoid sensitive areas such as wetland and riparian areas as much as possible. If they have an impact on watercourses then the developer must apply for water use authorisation from the Department of Water affairs.
27. Important species (fauna as well as flora) that will be threatened by the development must be relocated to safer habitats by a specialist.
28. Proper erosion control measures and water pollution control must be in place and monitored carefully by the Environmental Control Officer.
29. Maintenance of the lines and servitudes must be done in such a manner to conserve vegetation and create as little disturbance as possible, especially at river crossings in pristine natural areas and habitats.

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30. The operational phase must be monitored by Eskom environmental official to ensure that adequate mitigation measures are in place and to take reactive measures in places where impacts pose to be problematic.
31. The applicant must train safety representatives, managers and workers in workplace safety. All applicable safety standards and regulations, including for subcontractors must be enforced.
32. 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.
33. The potential fire hazards must be managed by ensuring that no fire are permitted on site and that the constructors must be aware of the consequences of starting fire on site to avoid damage to the neighbouring farms.
34. Chemical ablution facilities must be available for the use of construction staff at all times during the construction period. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste site.
35. An integrated waste management approach that is based on waste minimisation must be used and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at waste disposal facility permitted in terms of Section 20(b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008).
36. Changes in the proposal resulting in significant environmental impacts are only permissible if approved in writing by the Department.


General

37. 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.
38. 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 applicant knows the new details.

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39. 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. 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.
40. 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: 9 September 2010


Ms Lize McCourt

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

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Annexure 1: Reasons for Decision

1. Background

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

GN R386 Item :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 meters 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".*

GN R386 Item: 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".*

GN R387 Item: 1(i) *"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".*

GN R387 Item: 10 *"Any process or activity identified in terms of section 53(1) the National Environmental Management: Biodiversity Act (Act No. 10 of 2004)".*

for the proposed construction of a 132kV overhead-sub-transmission power line between the Kiepersol Substation in Hazyview and the Nwarele Substation in Dwaarsloop, which

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fall within the jurisdiction of the Mbombela and Bushbuckridge Local Municipalities of the Mpumalanga Province, as described in the amended EIR dated May 2010.

The applicant appointed Wandima Environmental Services to undertake the Scoping phase and the Environmental Impact Assessment process as required by regulation R. 385.

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 amended EIR dated May 2010;
- b) The comments received the Directorate: Biodiversity and Conservation and various interested and affected parties (I&APs) as included in the amended EIR dated May 2010;
- c) Mitigation measures as proposed in the amended EIR dated May 2010 and the EMP;
- d) The information contained in the specialist studies contained within Appendix F-J; 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 significance are set out below:

- a) The need for the proposed development is directly related for the provision of a high quality supply of electricity to meet the ever increasing needs of its users and to support annual load growth is clearly understood.
- b) Five (5) specialist studies were commissioned as part of the EIA process and it was found that the impact of this development was acceptable.

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- c) A sufficient public participation process was undertaken and the consultant has satisfied the minimum requirements as prescribed in the EIA regulations, 2006 for public involvement.
- d) Eskom, as an applicant has the ability and capacity to implement the conditions of the authorisation and requirements, management and mitigation stipulated in the amended EIR dated May-2010 and EMP.
- e) As part of the EIA process, Wandima Environmental Services being the principal consultancy, identified potential environmental impacts associated with the proposed construction works and proposed feasible mitigation measures to mitigate the identified impacts.

4. Findings

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

- The EIR includes the identification and assessment of impacts.
- The information contained in the EIR was relevant and credible for decision making.
- The applicant has satisfied the minimum requirements as prescribed in the EIA regulations of 21 April 2006.
- All legal and procedural requirements have been met.
- There has been sufficient consultation with I&AP's.
- The proposed development is compatible with the proposed site for the development.
- The procedure followed for the impact assessment seems to be adequate for the decision-making process based on the size of the project and affected area. The assessing officer is of the opinion that the assessment is adequate and comprehensive enough and that possible impacts have been assessed correctly.

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 authorisation for the activity is accordingly granted.

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