



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/1908

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Lerato Mathibela
Eskom Holdings SOC Ltd
Eskom Park
P O Box 223
WITBANK
1035

Telephone Number: (013) 693 3860
Email Address: mathibal@eskom.co.za

PER E-MAIL/ MAIL

Dear Sir/Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982 AND 983 FOR THE PROPOSED CONSTRUCTION OF TWO 132kV CHICKADEE LINES AND THE ZONNEBLOEM SWITCHING STATION IN MPUMALANGA PROVINCE

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

In terms of Regulation 4(2) of the National Environmental Management Act (NEMA): 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 within 14 (fourteen) days of the date of this EA, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed.

MS

Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

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;

By hand: Environment House
473 Steve Biko Street
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the NEMA, 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 any activity authorised in the EA 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 or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



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

Date: 10/09/2018

cc:	T Botha	Savannah Environmental (Pty) Ltd	Tel: (011) 656 3237	Email: thalita@savannahsa.com
	P Ntuli	Mpumalanga: Department Agriculture, Rural development , Land and Environmental Affairs	Tel: (013) 766 6067/8	Email: pnnutuli@mpg.gov.za
	B Khenisa	Steve Tshwete Local Municipality	Tel: (013) 249 7000	Email: council@stl.gov.za





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

The proposed construction of two 132kV chickadee lines and Zonnebloem switching station in
Mpumalanga Province

Nkangala District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/1908</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Eskom Holdings SOC Ltd</i>
Location of activity:	<i>Mpumalanga Province: Portion 4 of Gembokfontein 411, Remaining Extent of Patattafontein 412 and Remaining Extent of Zevenfontein 415, Steve Tshwete Local Municipality</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.

M.S

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 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 No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 as amended the Department hereby authorises –

ESKOM HOLDINGS SOC LTD.

with the following contact details –

Lerato Mathibela

Eskom Park

P O Box 223

WITBANK

1035

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Email Address: mathibal@eskom.co.za

to undertake the following activity (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983):

Listed activities	Activity/Project description
<p><u>GN R327 Activity 11:</u> <i>The development of facilities or infrastructure for the transmission and distribution of electricity-</i> <i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts;</i></p>	<p>The construction of two 132kV loop-in-loop-out power lines, from the existing 132kV Mafube/Pan Traction power line to the proposed new Zonnebloem switching station. The switching station and power line to be constructed will be situated outside of the urban edge</p>
<p><u>GN R327 Activity 24:</u> <i>The development of a road</i> <i>(ii) with a reserve wider than 13,5m or where no reserve exists where the road is wider than 8 metres</i></p>	<p>The access road required to be established for the project will be 8m in width</p>
<p><u>GN R327: Activity 27:</u> <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation</i></p>	<p>The construction of the Zonnebloem switching station, LILO power lines (including 32m servitude for each) and associated infrastructure may require the clearance of 1ha of indigenous vegetation. However, the likelihood of this is low due to the degraded condition of most of the site</p>
<p><u>GN R327: Activity 28</u> <i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes, or afforestation on or after 01 April 1998 and where such development:</i> <i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p>	<p>The development footprint of the project will exceed 1ha and is proposed within the larger project site which is currently being utilised for agricultural purposes.</p>

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

Farm / Erf	SG Code
Remaining Extent of Patattafontein 412	T0JS00000000041200000
Remaining Extent of Zevenfontein 415,	T0JS00000000041500000
Portion 4 of Gemsbokfontein 411,	T0JS00000000041100004

Access road: Alternative A	Latitude(S)	Longitude(E)
Starting point	25° 45' 6.521"S	29° 41' 55.652"E
250m	25° 45' 6.478"S	29° 42' 4.669"E
500m	25° 45' 9.852"S	29° 42' 9.979"E
750m	25° 45' 17.990"S	29° 42' 10.073"E
End point	25° 45' 25.825"S	29° 42' 10.166"E
Short access road to switching station		
Starting point	25° 45' 9.807"S	29° 42' 8.743"E
End point	25° 45' 9.801"S	29° 42' 9.977"E
Power line 1(left)	Latitude(S)	Longitude(E)
Starting point	25° 45' 12.486"S	29° 42' 6.974"E
Midpoint	25° 45' 20.648"S	29° 42' 7.426"E
Endpoint	25° 45' 27.927"S	29° 42' 7.830"E
Power line 2 (right)	Latitude(S)	Longitude(E)
Starting point	25° 45' 12.452"S	29° 42' 7.726"E
Midpoint	25° 45' 20.618"S	29° 42' 8.179"E
Endpoint	25° 45' 27.891"S	29° 42' 8.582"E
Switching station	Latitude(S)	Longitude(E)
1	25° 45' 7.622"S	29° 42' 5.166"E
2	25° 45' 7.606"S	29° 42' 8.755"E
3	25° 45' 12.479"S	29° 42' 8.784"E
4	25° 45' 12.495"S	29° 42' 5.196"E
Project Site	Latitude(S)	Longitude(E)
Northern-most extent	25° 42' 46.236"S	29° 44' 7.620"E
Eastern-most extent	25° 44' 57.214"S	29° 44' 44.087"E

Southern-most extent	25° 46'32.323"S	29°44' 15.260"E
Western-most extent	25° 45' 13.656"S	29°40' 46.444"E
Centre	25° 45' 5.994"S	29°42' 23.926"E
Study area	Latitude(S)	Longitude(E)
1	25° 44' 58.120"S	29° 41 '52.988"S
2	25° 44' 58.040"S	29° 42 '23.821"S
3	25° 45' 29.677"S	29° 42 '24.237"S
4	25° 45' 30.031"S	29° 41 '55.923"S
5	25° 45' 27.066"S	29° 41 '55.207"S
6	25° 45' 26.636"S	29° 41 '53.134"S

- for the proposed construction of two 132kV chickadee lines and Zonnebloem switching station in Mpumalanga Province, hereafter referred to as 'the property'

Property description, location and infrastructure and what the project entails:

Eskom Holdings SOC Ltd, applied for the proposed construction of two 132kV chickadee lines and Zonnebloem switching station in Mpumalanga Province. The study area of 84ha is situated within the project site of 2456ha in extent.

The proposed project involves the following:

- Construction and operation of the new 40MVA Zonnebloem 132/22kV switching station and ancillaries (including communication tower, metering station, laydown area ,access road ,control building and associated infrastructure);
- Two 500m 132kV LILO Chickadee power lines from the existing 132KV Mafube/Pan traction power line to the newly proposed Zonnebloem switching station. Each power line will have a 32m wide servitude and a separation distance of 15m will be applied between the power lines.
- Access road will be up to 8m wide and approximately 990m in length

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred alternatives for the proposed construction of two 132kV chickadee lines to the newly proposed Zonnebloem switching station in Mpumalanga Province is approved as per the geographic coordinates indicated 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 property 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 (EA) is hereby approved.

Frequency and process of updating the EMPr

13. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 22 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.
14. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.

15. 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. 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.
16. 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. 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.
17. 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.

Monitoring

18. 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 EMPr.
 - 18.1. The ECO must be appointed before commencement of any authorised activities.
 - 18.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
 - 18.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 18.4. 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

19. 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.
20. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the Director: Compliance Monitoring of the Department at Directorcompliance@environment.gov.za.
21. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
22. 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.
23. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 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 EMPr.
24. 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

25. 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

26. 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

27. 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

28. No exotic plants must be used for rehabilitation purposes, only indigenous plants of the area must be utilised.
29. Vegetation clearing must be limited to the required footprint for actual construction works and operational activities.
30. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
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 and Sanitation.
32. A permit must be obtained from the relevant Department for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping.
33. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work must be stopped immediately and the relevant heritage resource agency must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
34. 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 EMPr, must be made available for inspection and copying-
- 35.1. at the site of the authorised activity;

- 35.2. to anyone on request; and
- 35.3. 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: 10/09/2015



Mr Sabelo Malaza

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 BAR dated June 2018.
- b) Mitigation measures as proposed in the BAR dated June 2018 and the EMPr.
- c) The information contained in the specialist studies contained within Appendix E of the BAR; and
- d) The objectives and requirements of relevant legislations, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.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 the specialist studies conducted and its recommended mitigation measures.
- b) The proposed project intends to accommodate the expansion of the Zonnebloem coal mine situated approximately 6km of the study area.
- c) The BAR dated June 2018 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the BAR 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 EIA 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 BAR 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) EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and it was included in the BAR. The mitigation measures 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

