



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko Road, Arcadia, · PRETORIA  
Tel (+ 27 12) 399 9372

**DEA Reference: 14/12/16/3/3/1/1881**

**Enquiries: Ms Thabile Sangweni**

**Telephone: (012) 399 9409 E-mail: TSangweni@environment.gov.za**

Mr T Chauke  
Eskom Holdings SOC Ltd  
PO Box 223  
**EMALAHLENI**  
1035

Telephone Number: (013) 693 2714  
Email Address: ChaukeTA@eskom.co.za

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

Dear Mr Chauke

#### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983 FOR THE DEVIATION OF THE GROOTPAN-KLIPSPRUIT AND COLOGNE-WILGE 132KV POWERLINES WITHIN THE EMALAHLENI LOCAL MUNICIPALITY IN THE MPUMALANGA PROVINCE**

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

In terms of Regulation 4(2) of the National Environmental Management Act: the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, 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 the 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. 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:**

The 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  
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](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 Vusi Skosana**  
**Acting Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
Date: 21/06/2018

cc: R Pretorius	Setala Environmental	Email: <a href="mailto:ria@setalaenvironmental.co.za">ria@setalaenvironmental.co.za</a>
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014

The deviation of the Grootpan-Klipspruit and Cologne-Wilge 132kV powerlines within the  
Emalahleni Local Municipality In the Mpumalanga Province

Nkangala District Municipality

<b>Authorisation register number:</b>	<b>14/12/16/3/3/1/1881</b>
<b>Last amended:</b>	<b><i>First issue</i></b>
<b>Holder of authorisation:</b>	<b><i>Eskom Holdings SOC Ltd</i></b>
<b>Location of activity:</b>	<b><i>Portion 11 of Farm Smaldeel 1, Division IS; Emalahleni Local Municipality Nkangala District Municipality</i></b>

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 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 the Department hereby authorises –

### **ESKOM HOLDINGS SOC LTD**

(hereafter referred to as the holder of the authorisation)

with the following contact details –

Mr T Chauke  
Eskom Holdings SOC Ltd  
PO Box 223  
**EMALAHLENI**  
1035

Telephone number: (013) 693 2714  
Cell phone number: 076 012 0114  
Email address: ChaukeTA@eskom.co.za

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

<b>Activity number</b>	<b>Activity description</b>
<p><u>GN R. 983 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 275kV."</i></p>	<p>The new section of 2.112km Grootpan-Klipspruit and Cologne-Wilge 132kV powerlines will be constructed on a mining area outside an urban area.</p>
<p><u>GN R. 983 Activity 31:</u>  <i>"The decommissioning of existing facilities, structures or infrastructure for-</i>  <i>(i) Any development and related operation activity or activities listed in this Notice."</i></p>	<p>The existing Grootpan-Klipspruit and Cologne-Wilge 132kV powerlines will have to be demolished for a section of 1.982km in length</p>

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

<b>SG Codes</b>	Portion 11 of Farm Smaldeel 1, Registration Division IS: T01S0000000000100011
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- for the deviation of the Grootpan-Klipspruit and Cologne-Wilge 132kV powerlines within the Emalahleni Local Municipality in the Mpumalanga Province, hereafter referred to as "the property".

The deviation of the Grootpan-Klipspruit and Cologne-Wilge 132kV powerlines will comprise the following:

- Deviate the Cologne-Wilge 132kV line by building 2.112km of Kingbird line from the coordinate B11 (-26°02'59.22", 28°59'55.87") to coordinate B1 (-26°02'58.82", 28°59'56.61") to coordinate B2 (-26°02'56.4", 29°00'03.67") to coordinate B6 (-26°02'08.62", 29°00'15.74") to coordinate B7 (-26°01'56.79", 29°00'13.32"). (170m to 190m from existing line);
- Deviate the Grootpan-Klipspruit 132kV line by building 2.112km of Kingbird line from the coordinate B11 (-26°02'59.22", 28°59'55.87") to coordinate B1 (-26°02'58.82", 28°59'56.61") to coordinate B2 (-26°02'56.4", 29°00'03.67") to coordinate B6 (-26°02'08.62", 29°00'15.74") to coordinate B7 (-26°01'56.79", 29°00'13.32"). (170m to 190m from existing line);
- Dismantle 1.982km of the Cologne-Wilge 132kV Bear line from the coordinate B11 (-26°02'59.22", 28°59'55.87") to the coordinate B042 (-26°01'58.88", 29°00'12.00"); and,

- Dismantle 1.982km Grootpan-Klipspruit 132kV Bear line from the coordinate B11 (-26°02'59.22", 28°59'55.87") to the coordinate B042 (-26°01'58.88", 29°00'12.00").

Technical details of the proposed facility:

<b>Component</b>	<b>Description/ Dimensions</b>
Location of the site	Approximately 3.5km west of Ogies, Mpumalanga Province
Length	Approximately 2km
SG Codes	Portion 11 of Farm Smaldeel 1, Registration Division IS: T0IS00000000000100011
Export capacity	132kV
Width and length of required servitude	2.112km 132kV powerline, 76 032m <sup>2</sup> servitude and 500m corridor
Powerline Route Alternative	Alternative 1

## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The deviation of the Grootpan-Klipspruit and Cologne-Wilge 132kV powerlines within the Emalaheni Local Municipality in the Mpumalanga Province as described above is hereby approved.
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.
11. The holder of the authorisation must publish a notice –
  - 11.1. informing interested and affected parties of the decision;
  - 11.2. informing interested and affected parties where the decision can be accessed; and
  - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

#### **Commencement of the activity**

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. 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**

13. The final layout plan prepared by Eskom Distribution is approved.
14. The Environmental Management Programme (EMPr) compiled by Setala Environmental that was integrated as part of the BAR dated March 2018, is approved.
15. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
16. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

### **Frequency and process of updating the EMPr**

17. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 24 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.
18. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
19. 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.
20. 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.
21. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.



## **Monitoring**

22. 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.
- 22.1. The ECO must be appointed before commencement of any authorised activities.
- 22.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 22.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 22.4. 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**

23. 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.
24. 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.
25. 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.
26. The holder of the authorisation must, in addition, 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 a final environmental audit report within 30 days of completion of rehabilitation activities.
27. 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.

28. 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 the development.

#### **Notification to authorities**

29. 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**

30. 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**

31. 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**

32. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of any indigenous protected and endangered plant and animal species if required.
33. No temporary accommodation or temporary storage facilities must be placed within 100m of the any watercourse, including drainage lines and farm dams.
34. Ablution facilities must be placed outside of the 1:100 year floodline of a watercourse.
35. No temporary laydown areas or facilities must be placed in the northern extreme of the study area near the open grasslands in the area.
36. Should a nest be found during the construction phase, work in that particular spot must be halted and a bird specialist consulted. Any nesting sites found should be cordoned off with tape and signs and declared a 'no-go' zone. If the nest is within the actual servitude it might be able to be relocated, depending on the species and the advice from the bird specialist.

37. The powerline must be fitted with the necessary bird flappers as per Eskom guidelines.
38. No exotic plants may be used for rehabilitation purposes. Only indigenous plants occurring within a ten (10) kilometre radius of the development site must be utilised.
39. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
40. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
41. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.
42. Any solid waste, which will not be recycled, 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). No waste material may be left on site after construction.
43. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, the South African Heritage Resources Agency (SAHRA) must be alerted immediately, and a professional archaeologist or palaeontologist, must be contacted to inspect the findings.

## **General**

44. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 44.1. at the site of the authorised activity;
  - 44.2. to anyone on request; and
  - 44.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
45. 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: 21/06/2018



Mr Vusi Skosana

**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 listed activities as applied for in the application form received on 02 February 2018.
- b) The information contained in the BAR dated March 2018.
- c) The comments received from the Department of Agriculture, Forestry and Fisheries, Eskom Transmission, the office of the Regional Land Claims Commissioner: Mpumalanga Province, SAHRA and interested and affected parties as included in the BAR dated March 2018.
- d) Mitigation measures as proposed in the BAR and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the BAR dated March 2018 and as appears below:

Title	Prepared by	Date
Avifaunal Impact Assessment	Setala Environmental	January 2018
Biodiversity Assessment	Setala Environmental	January 2018
Heritage Impact Assessment	Prof AC Van Vollenhoven	December 2017
Paleontological Impact Assessment	Prof Marion Bamford	January 2018
Stability Assessment	Jones & Wagener Engineering and Environmental Consultants	August 2016

### 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 deviation of the powerlines is required in order to extend the Bankfontein pit to ensure that mining activities at the Bankfontein pit can continue.

- c) The BAR dated March 2018 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 BAR dated March 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 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 March 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 BAR dated March 2018 is deemed to be accurate and credible.
- e) 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 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.



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia· PRETORIA  
Tel(+ 27 12 ) 399 9372

Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: labader@environment.gov.za

Mr. Vusi Skosana  
Director: Strategic co-ordination planning and support

Dear Mr. V Skosana

### **APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 18 JUNE 2018 UNTIL 29 JUNE 2018 (2 WEEKS).**

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 18 June 2018 until 29 June 2018 whilst Mr. Sabelo Malaza is on Annual Leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

  
Mr Ishaam Abader

DDG : LACE

Date: 14/06/2018

#### **ACKNOWLEDGEMENT**

I ACCEPT / ~~DO NOT ACCEPT~~ appointment  
as Acting Chief Director: integrated  
environmental authorisations

Signed: 

Date: 14/06/2018