



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/2/999

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Mr Archibold Mogokonyane
Eskom Holdings SOC Limited
P. O. Box 1091
JOHANNESBURG
2000

Tel: (011) 800 3778
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PER EMAIL / MAIL

Dear Mr Mogokonyane

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/984/985: PROPOSED RELOCATION OF THREE ESKOM 400kV POWER LINES THAT TRAVERSE KHWEZELA COLLIERY, 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 (the Regulations) as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application. As well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

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:

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za;

M.S

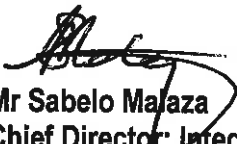
By hand: Environment House
473 Steve Biko Road,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X447,
Pretoria,
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, 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 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: 06/12/2019

CC:	Beth Candy	SRK Consulting Pty Ltd	Tel: 011 441 1111	Email: bcandy@srk.co.za
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MS



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

PROPOSED RELOCATION OF THREE ESKOM 400KV POWER LINES THAT TRAVERSE ANGLO
OPERATIONS (PTY) LTD (AOL) KHWEZELA COLLIERY IN MPUMALANGA.

Nkangala District Municipality

Authorisation register number:	<i>14/12/16/3/3/2/999</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Eskom Holdings SOC Limited</i>
Location of activity:	<i>MPUMALANGA PROVINCE: Within Ward 9 and 19 of the eMalahleni 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.

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, 2014 as amendment.

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 LIMITED

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

with the following contact details –

Mr Archibold Mogokonyane
Eskom Holdings SOC Limited
P. O. Box 1091
JOHANNESBURG
2000

Tel: (011) 800 3778

Cell: (082) 466 6022

E-mail: MogokoA@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 2 and 3 (GN R. 983, 984 and 985), as amended:

Listed activities	Activity/Project description
<p><u>GN R. 983 Item 12:</u> The development of— xii. infrastructure or structures with a physical footprint of 100 square metres or more where such development occurs— (a) within a watercourse;</p>	<p>A number of watercourses are located along the proposed realigned power line route. At the watercourse crossing the construction of foundations for the development of the three (3) 400kV power lines will be required within the watercourses.</p>
<p><u>GN R. 983 Item 14:</u> The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.</p>	<p>Storage of diesel and oil during the construction phase of the project for machinery and construction vehicles. There will be no storage of diesel and oil once the power line has been constructed.</p>
<p><u>GN R. 983 Item 19</u> The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from- (i) a watercourse;</p>	<p>The proposed development will entail infilling and depositing of material in a watercourse</p>
<p><u>GN R. 983 Item 24</u> The development of- (i) a road for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) a road with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; but excluding-</p>	<p>The proposed project will require the construction of access roads</p>

<p><i>(a) roads which are identified and included in activity 27 in Listing Notice 2 of 2014; or</i></p> <p><i>(b) roads where the entire road falls within an urban area.</i></p>	
<p><u><i>GN R. 983 Item 28</i></u></p> <p><i>Institutional developments wherever such land was used for agriculture, game farming, equestrian purposes or afforestation after 1 April 1998, outside an urban area where the total land is bigger than 1 ha</i></p>	<p>The construction of the power lines will require the use of some land that is currently being used for agriculture.</p>
<p><u><i>GN R. 983 Item 31</i></u></p> <p><i>The decommissioning of existing facilities, structures or infrastructure for—</i></p> <p><i>(i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i></p> <p><i>(iii) any development and related operation activity or activities and expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014</i></p>	<p>Decommissioning of the existing power lines once the proposed realigned power line has been constructed and commissioned. Detail associated with the decommissioning of the existing power lines will be confirmed once the contractor has been appointed by Eskom to undertake the decommissioning of the existing power lines.</p>
<p><u><i>GN R. 983 Item 56</i></u></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre-</i></p> <p><i>(i) where the existing reserve is wider than 13,5 meters; or</i></p> <p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres;</i></p> <p><i>excluding where widening or lengthening occur inside urban areas.</i></p>	<p>Existing access roads will need to be expanded to accommodate construction vehicles</p>
<p><u><i>GN R. 984 Item 9</i></u></p> <p><i>The development of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.</i></p>	<p>The proposed loop in loop out power lines will have a capacity of 400kV.</p>

<p><u>GN R. 984 Item 4</u> The development of a road wider than 4 metres with a reserve less than 13,5 metres. (a) In Free State, Limpopo, Mpumalanga and Northern Cape provinces: (ii) Outside urban areas, (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority</p>	<p>The construction of roads will impact on wetlands</p>
<p><u>GN R. 984 Item 10</u> The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres. f. Mpumalanga i. Outside urban areas: (ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined;</p>	<p>Storage of diesel and oil during the construction phase of the project for machinery and construction vehicles. There will be no storage of diesel and oil once the power line has been constructed.</p>

as described in the Environmental impact Assessment Report dated August 2017 at:

Preferred location alternative 1	Latitude	Longitude
Start point of activity	25° 58' 30.83" S	29° 10' 7.45" E
Middle point of activity	25° 56' 10.96" S	29° 13' 24.85" E
End point of activity	25° 54' 43.73" S	29° 8' 33.26" E

- for the proposed relocation of three Eskom 400kV power lines and associated infrastructure that traverse AOL Khwezel Colliery in Mpumalanga within Ward 9 and 19 of the eMalahleni Local Municipality in the Mpumalanga Province, hereafter referred to as "the property".

The proposed development entails rerouting the three 400kV power lines that traverse AOL Khwezela Colliery (formerly known as Landau Colliery Mining Right area). The following towers will be relocated:

- Duvha – Apollo 400kV line: tower 42 to tower 51
- Duvha – Kusile 400kV line: tower 42 to tower 51
- Duvha – Vulcan No 2: tower 42 to tower 51

The proposed route will pass the old rehabilitated AOL Landau 3 Mineral Residue Deposit (MRD) and as a result, the discard material from the MRD will be reclaimed. It is proposed to transport the reclaimed material from the MRD to AOL existing Khwezela Bokgoni (previously known as Kleinkopje) and Khwezela Navigation (previously known as Landau Navigation) plants.

Conditions of this Environmental Authorisation

Scope of authorisation

1. Location Alternative 1 for the proposed relocation of three Eskom 400kV power lines and associated infrastructure that traverse Khwezela Colliery in Mpumalanga within Ward 9 and 19 of the eMalahleni Local Municipality in the Mpumalanga Province is approved as per the geographic coordinates cited at the table reflected on page 3 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 must 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 must 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 will 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 EA is hereby approved. This EMPr must be implemented and strictly adhered to.

Frequency and process of updating the EMPr

13. 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.
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. A Wetland Specialist must be appointed to perform a final walkthrough of the site to identify sensitive area and "no go" areas, and assist in identifying the areas that require protection.
29. Pylons 119 and 73 must be relocated as they are currently located at Crossing 8 within wetland habitat of good condition. The Wetland Specialist must assist in the relocation of these pylons.
30. The construction camps must be located outside delineated wetland areas and a minimum distance of 100m from delineated wetland areas. They must be located on previously disturbed areas.
31. A permit must be obtained from the relevant nature conservation agency 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. Copies of the permit/s must be included in the final EMPr to be submitted to this Department for approval before commencement of construction activities.
32. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
33. 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

34. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
- 34.1. at the site of the authorised activity;
 - 34.2. to anyone on request; and
 - 34.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
35. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the 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: 06/12/2017



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 EIAR dated August 2017;
- b) The comments received from interested and affected parties as included in the EIAR dated August 2017;
- c) Mitigation measures as proposed in the EIAR dated August 2017 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the EIAR; 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).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project was well explained and the Department considered the need of the project.
- c) The EIAR dated August 2017 identified all legislation and guidelines that have been considered in the preparation of the EIAR dated August 2017.
- d) The methodology used in assessing the potential impacts identified in the EIAR dated August 2017 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 EIAR dated August 2017 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 August 2017 is 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.