



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

The construction of the 20MVA 132/88kV Matsheketshehi substation and a 132kV loop-in and loop-out lines, KwaZulu-Natal province.

Amajuba District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/1068</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Eskom Holding SOC Limited</i>
Location of activity:	<i>KWAZULU NATAL PROVINCE: Newcastle Local Municipality</i>

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.

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, 2010 the Department hereby authorises –

ESKOM HOLDING SOC LIMITED

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

with the following contact details –

Mr Tshililo Nekhalale

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to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1 (GN R. 544):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10:</u> The construction of facilities or infrastructure for the transmission and distribution of electricity - (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts;</p>	<p>The proposed construction of about 500m of 132kV Wolf loop-in and loop-out lines from Parklands/Vlaklaagte 132kV powerline to connect to the proposed 100mx100m Matsheketshehi substation.</p>
<p><u>GN R. 544 Item 11:</u> "The construction of- (xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line"</p>	<p>The perimeter of the proposed substation is located 300m away from the edge of the delineation line of a highly transformed wetland.</p>
<p><u>GN. R 544 Activity 23</u> "The transformation of undeveloped, vacant or derelict land to- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares"</p>	<p>Potential disturbance to land to accommodate the substation exact footprint will be less than a hectare. The proposed substation will not occupy the total 1ha applied for. Application for a site of 1ha is to accommodate future expansions</p>

as described in the amended Basic Assessment Report (BAR) dated July 2016 at:

Loop-in and loop-out (preferred alternative 1)	Latitude	Longitude
Start	27°45'21.05"S	30° 7'51.92"E
Middle	27°45'24.00"S	30° 7'49.14"E
End	27°45'28.13"S	30° 7'45.70"E
Substation Alternative (preferred alternative 1)	27°45'23.67"S	30° 7'39.62"E

- for the construction of the 20MVA 132/88kV Matshekesheni substation and a 132KV loop-in and loop-out lines, KwaZulu-Natal Province., hereafter referred to as "the site".

The project involves the following:

- The construction of the 20MVA 132kV/88kV substation with an access road, new control room and yard fence in the form of steel palisade.
- The substation will occupy a space of about 100mx100m.
- The construction of a 500m of 88kV wolf line from Parklands Vlaklaagte 132kV powerline to the proposed Matshekesheni substation.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred Alternative 1 (substation) and preferred Alternative 1 (loop-in and loop-out powerline 500m) preferred layout Alternative 1 are located in Osizweni outside Newcastle Local Municipality within the Amajuba District Municipality, KwaZulu-Natal Province is hereby approved, as per the abovementioned geographic coordinates.
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 along the approved site 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 are 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 authorised 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.
7. The holder of an environmental authorisation must apply for an amendment of 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.
8. 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.

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 12 (twelve) 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 environmental authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the environmental 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 the newspaper(s) contemplated and used in terms of regulation 54(2) (c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is not approved. The Environmental Management Programme (EMPr) submitted as part of the Application for EA must be amended and submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the final BAR and Ecological and Heritage Specialist Reports dated August 2014 must be incorporated as part of the EMPr. Once approved, the EMPr must be implemented and adhered to.

Monitoring

13. 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.

- 13.1. The ECO must be appointed before commencement of any authorised activities.
- 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 13.4. 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

14. 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.
15. The holder of the authorisation must 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 within 30 days of completion of rehabilitation activities.
16. 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 approved EMPr.
17. 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.

Commencement of the activity

18. The authorised activity must not commence within twenty (20) days of the date of signature of the environmental authorisation.

Notification to authorities

19. 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. This notification period should coincide with the notice of intent to appeal period.

Operation of the activity

20. 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

21. 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

22. Should any incidences of collision with the Tee-lines be reported, suitable line marking devices must be installed as a remedial measure immediately.
23. To minimise the loss of Listed species and species of Special Concern, a 'walk-through' of the final substation site must be conducted prior to the construction phase. Such a 'walkthrough' must aim to identify sensitive areas or where species require permits for their removal or translocation;
24. In all cases, trimming of vegetation is the preferred method where removal is preventable. Any clearing required must be undertaken in accordance with Best Practice and must be done under the supervision of a Contractor.
25. Contracted bush clearing staff must be briefed and educated regarding indigenous vegetation and must trim or remove only those which interfere with the installation of the substation and powerline.
26. The extent of the construction sites must be demarcated on site layout plans and no construction personnel or vehicles must leave the demarcated area except those authorised to do so.
27. Those areas surrounding the construction site that are not part of the demarcated development area must be considered as "no-go" areas for employees and machinery in order to reduce unnecessary habitat loss and disturbance, especially in proximity to wetlands.
28. Checks must be carried out at regular intervals to identify areas where erosion is occurring. Appropriate remedial action, including the rehabilitation of the eroded areas must be undertaken;
29. Educational programmes for the contractor's staff must be implemented to ensure that project workers are alerted to the possibility of herpetofauna and other animals being found during construction. The construction team must be briefed about the management of the species.
30. The construction workers must undergo training to ensure that the species are not killed or persecuted when found.

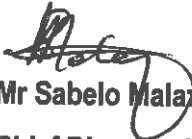
31. Open trenches pose a threat to smaller animals should they fall in and, therefore, a sloping section of the trench wall must be made available for the escape of any trapped animals. If encountered, they must be removed and placed into suitable habitat away from the construction area.
32. No plants must be collected, nor animals intentionally killed or destroyed and poaching and hunting must not be permitted on the site.
33. No open fires must be allowed on site under any circumstance. The Contractor must have fire-fighting equipment available on all vehicles working on site, especially during the winter months.
34. An on-going monitoring programme must be implemented to enforce the continual eradication of alien and invasive species during and post-construction.
35. During construction, sensitive habitats must be avoided by construction vehicles and equipment, wherever possible, in order to reduce potential impacts.
36. The operating of heavy vehicles and machinery in proximity to wetlands can cause bogging down and rutting of the veld and must be avoided as far as possible.
37. Amafa must be contacted if any heritage objects are identified during earthmoving activities and all development should cease until further notice.
38. No structures older than sixty years or parts thereof must be allowed to be demolished altered or extended without a permit from Amafa.
39. No activities must be allowed within 50m of a site, which contains rock art.
40. 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, 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).
41. Before construction commences the holder of the authorisation must ensure that construction workers are educated with regards to the prevention of littering, veld fires and dumping of waste material.

General

42. The holder of the authorisation, including all project managers, contractors and sub-contractors, must be made aware of their responsibility for compliance with the provisions for Duty of Care and remediation of environmental damage as contained in Section 28 of NEMA.
43. A copy of this environmental authorisation and the approved EMPr must be kept onsite where the activity will be undertaken. The environmental authorisation and approved EMPr 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 undertakes work at the property or on the authorised site.

44. National government, provincial government, local authorities or committees appointed in terms of the conditions of this environmental authorisation or any other public authority must not be held responsible for any damages or losses suffered by the holder of the authorisation 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 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: 28/08/2015



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 amended BAR dated July 2016;
- b) The comments received from the interested and affected parties as included in the amended BAR dated July 2016;
- c) Mitigation measures as proposed in the amended BAR dated July 2016 and the EMPr;
- d) 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 construction of a new Matsheketshehi 132/88kV 20MVA substation and turn-in lines will be able to de-load the substations at Vlaklaagte and Blaauwbosch and therefore be able to meet local power demands. The proposed substation will be linked to the existing Vlaklaagte/Utrecht 132kV powerline.
- b) The amended BAR dated July 2016 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the BAR dated July 2016.
- c) The methodology used in assessing the potential impacts identified in the amended BAR dated July 2016 has been adequately indicated.
- d) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 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 is detailed in the BAR dated July 2016 and sufficient assessment of the key identified issues and impacts has 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) According to the independent Environmental Assessment Practitioner, the information contained in the amended BAR dated July 2016 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the amended BAR and will be implemented to manage the identified environmental impacts during the construction process.

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 negative environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.