



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia · PRETORIA

DEA Reference: 14/12/16/3/3/1/1888

Enquiries: Zesipho Makhosayafana

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Mr Neo Masemola
Eskom Holdings SOC Ltd
PO Box 1091
JOHANNESBURG
2000

Tel: 011 711 2824
Email: MasemoAN@eskom.co.za

PER E-MAIL / MAIL

Dear Mr Masemola

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), AS AMENDED (NEMA); GOVERNMENT NOTICES. R982, R983 AND R985, AS AMENDED: THE CONSTRUCTION OF RIVER CROSSINGS ALONG 132KV/88KV HIGH VOLTAGE (HV) FEEDER UNDERGROUND CABLES WITHIN CROYDON/ GERMISTON AREA IN THE CITY OF EKURHULENI, GAUTENG 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 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:

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: 20/07/2018

CC:	Mr K Govender	Envirolution Consulting (Pty) Ltd	Tel: 086-144-4499	Email: gesan@envirolution.co.za
	Mr E Moletsane	Gauteng Department of Agriculture and Rural Development	Tel: 011-240-3390	Email: Erick.Moletsane@gauteng.gov.za
	Ms L Kwakwa	City of Ekurhuleni	Tel: 011-999-3171	Email: Lillian.kwakwa@ekurhuleni.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

The construction of river crossings along 132kV/88kV High Voltage (HV) underground cable feeder within Croydon/Germiston area in the City of Ekurhuleni, Gauteng Province

City of Ekurhuleni

Authorisation register number:	<i>14/12/16/3/3/2/1888</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Eskom Holdings SOC Ltd</i>
Location of activity:	<i>Croydon, Bedfordview and Germiston On ERF 605 in Klopperpark and Driefontein 87, City of Ekurhuleni, Gauteng Province</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, 2014 the Department hereby authorises

—
ESKOM HOLDINGS SOC LTD

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

with the following contact details –

Eskom Holdings SOC Ltd

Mr Neo Masemola

P. O. Box 1091

JOHANNESBURG

2000

Telephone Number: (011) 711 2824

Cell phone Number: 073 412 0171

Email Address: MasemoAN@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing 983 and 985):

Listed activities	Activity/Project description
<p><u>Activity 12 of GNR R.983:</u></p> <p><i>"The development of -</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square meters or more where such development occurs;</i></p> <p><i>where such development occurs—</i></p> <p><i>a. Within a watercourse;</i></p>	<p>River crossings of more than 100 m² will be constructed within 32m of a watercourse along underground HV cabling system in Croydon/ Germiston.</p>
<p><u>Activity 19 of GNR R.983:</u></p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse"</i></p>	<p>The construction of river crossings will require infilling or removal of 10m³ or more of material into/from the watercourse for the placement of river crossings.</p>
<p><u>Activity 12 of GNR R.985:</u></p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of Indigenous vegetation is required for Maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>(c) In Gauteng:</p> <p><i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p>	<p>The project is proposed within endangered ecosystem listed in terms of section 52 of the NEMBA and within Critical Biodiversity Areas /Ecological Support Areas identified in the Gauteng Conservation Plan.</p>

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<p><i>ii. Within Critical Biodiversity Areas or Ecological Support Areas identified in the Gauteng Conservation Plan or bioregional plans"</i></p>	
<p>Activity 14 of GNR R.985: <i>"The development of-</i> <i>(ii) Infrastructure or structures with a physical footprint of 10 square metres or more.</i> <i>where such development occurs—</i> <i>a. Within a watercourse;</i> <i>(c) if no development setback exists within 32m of a watercourse measured from the edge of a watercourse.</i> (c) In Gauteng: <i>(iv) Sites identified as Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans; (v) Sites identified within threatened ecosystems listed in terms of the National Environmental Management Act: Biodiversity Act (Act No. 10 of 2004)"</i></p>	<p>River crossings of more than 100 m² will be constructed within 32m of a watercourse on sites identified as Critical Biodiversity Areas (CBAs), Ecological Support Areas (ESAs) and threatened ecosystems in terms of NEMBA</p>

as described in the Basic Assessment (BAR) dated May 2018 at the ERF 605 in Klopperpark and Driefontein 87, City of Ekurhuleni:

21 Digit SG Code:

T	O	I	R	0	3	7	3	0	0	0	0	0	6	0	5	0	0	0	0	0
T	O	I	R	0	0	0	0	0	0	0	0	0	0	8	7	0	0	1	3	2

Site alternative (preferred)		
Croydon, Bedfordview and Germiston On ERF 605 in Klopperpark and Driefontein 87, City of Ekurhuleni		
River Crossings Alternatives	Latitude	Longitude
River Crossing 1	Point a: 26° 9'46.020"S	28° 9'0.230"E
	Point b: 26° 9'45.186"S	28° 9'1.639"E

River Crossing 2	Point a: 26° 9'11.97"S	28°10'2.89"E
	Point b: 26° 9'11.317"S	28°10'3.645"E
River Crossing 3	Point a: 26° 8'52.34"S	28°10'35.62"E
	Point b: 26° 8'51.718"S	28°10'36.928"E
River Crossing 4	Point a: 26° 8'30.58"S	28°11'19.64"E
	Point b: 26° 8'29.930"S	28°11'20.668"E
River Crossing 5	Point a: 26° 8'39.03"S	28°11'33.59"E
	Point b: 26° 8'38.079"S	28°11'34.620"E
River Crossing 6	Point a: 26° 8'52.30"S	28°11'21.18"E
	Point b: 26° 8'52.30"S	28°11'21.18"E
River Crossing 7	Point b: 26° 8'52.30"S;	28°11'21.18"E
	Point b: 26°11'5.026"S	28°10'19.891"E
River Crossing 8	Point a: 26° 11'16.860"S	28°10'19.435"E
	Point b: 26° 11'17.828"S	28°10'19.808"E

the location indicated in the locality plan, attached as Annexure 2 of this authorisation.

- for the construction of river crossings along 132kV/88kV High Voltage (HV) underground cable feeder within Croydon/Germiston area in the City of Ekurhuleni, Gauteng Province, hereafter referred to as "the property".

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred alternative 1 (Horizontal Directional Drilling) for the construction of river crossings along 132kV/88kV High Voltage (HV) underground cable feeder, at Croydon/Germiston On ERF 605 in Klopperpark and Driefontein 87, City of Ekurhuleni, is hereby approved as cited at the table reflected in page 4 and 5 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 (5) 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. Construction must be completed within 10 years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

10. 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.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. provide the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. 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

13. 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

14. 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

15. 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.
16. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
17. 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.
18. 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.
19. 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

20. 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.
- 20.1. The ECO must be appointed before commencement of any authorised activities.
- 20.2. 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.

- 20.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 20.4. 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.
21. The ECO must be appointed for the duration of the project and thereafter for a six month rehabilitation period.

Recording and reporting to the Department

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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

28. 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

29. 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

30. 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

31. All the water to be used for the drilling activities must not be obtained from the watercourse being crossed. An alternative source of such water must be brought on site (e.g. Tank).

32. Drilling must take place outside the proposed 30 metres buffer zone as recommended by the wetland specialist.

33. Development must be done in a manner that does not further alter the natural watercourses (rivers and wetlands) and their catchments.

34. Adequate measures must be put in place to prevent polluted runoff water from entering the, wetland and soil, thus preventing surface and groundwater pollution; No chemicals, building materials hydrocarbons or soils must be stockpiled within the proposed 30m buffer zone.

35. The investigative work must be conducted prior to construction to determine optimal installation starting and end points to prevent damage to watercourse banks, and to determine the optimal installation depth.

36. All relevant legislation and requirement of other government departments (National, Provincial), in particular of Section 28 (duty of care) of NEMA, must be complied with.

37. In the event of a major incident (e.g. fire causing damage to property and environment, major spill or leak of contaminants), the relevant authorities should be notified as per the notification of emergencies/ incidents, as per the requirements of section 30 of NEMA.

38. Water Use License must be obtained from Department of Water and Sanitation prior to the commencement of construction activities.
39. A number of provincially protected plants occurring in the study area are listed in the Transvaal Nature Conservation Ordinance Act No. 12 of 1983. These plants are must not be removed, damaged, or destroyed without permit authorisation from Gauteng Department of Agriculture and Rural Development (GDARD).
40. The site after construction must be rehabilitated back to its original state as per the Rehabilitation & Monitoring Plan dated December 2017 and compiled by Limosella Consulting (Pty) Ltd , if not possible to a state that conforms to the principles of sustainable development.
41. Should any archaeological or cultural heritage resources, including human remains / graves, as defined and protected under the National Heritage Resources Act, 1999, be identified during the construction phase, construction activities within the vicinity of the findings must immediately cease and be reported to the relevant heritage resources authority and should human remains be found on site, the South African Police Service must also be notified.
42. 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).

General

43. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
 - 43.1. at the site of the authorised activity;
 - 43.2. to anyone on request; and
 - 43.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
- 43.4. 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: 20/07/2018



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 BAR dated May 2018;
- b) The comments received from Interested and affected parties as included in the BAR dated May 2018;
- c) Mitigation measures as proposed in the BAR dated May 2018 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the BAR; 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) Eskom identified that the current HV cable systems supplying a number of areas in Gauteng (e.g. Soweto Soccer Stadium, JSE, Gautrain etc.) have reached their end of life and therefore these need to be replaced before extensive interruptions in the region are experienced. As a result Eskom is proposing the replacement and strengthening strategy for these HV cable systems wherein river crossings of these cables in required.
- c) The BAR dated May 2018 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the BAR dated May 2018.
- d) The methodology used in assessing the potential impacts identified in the BAR dated May 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.

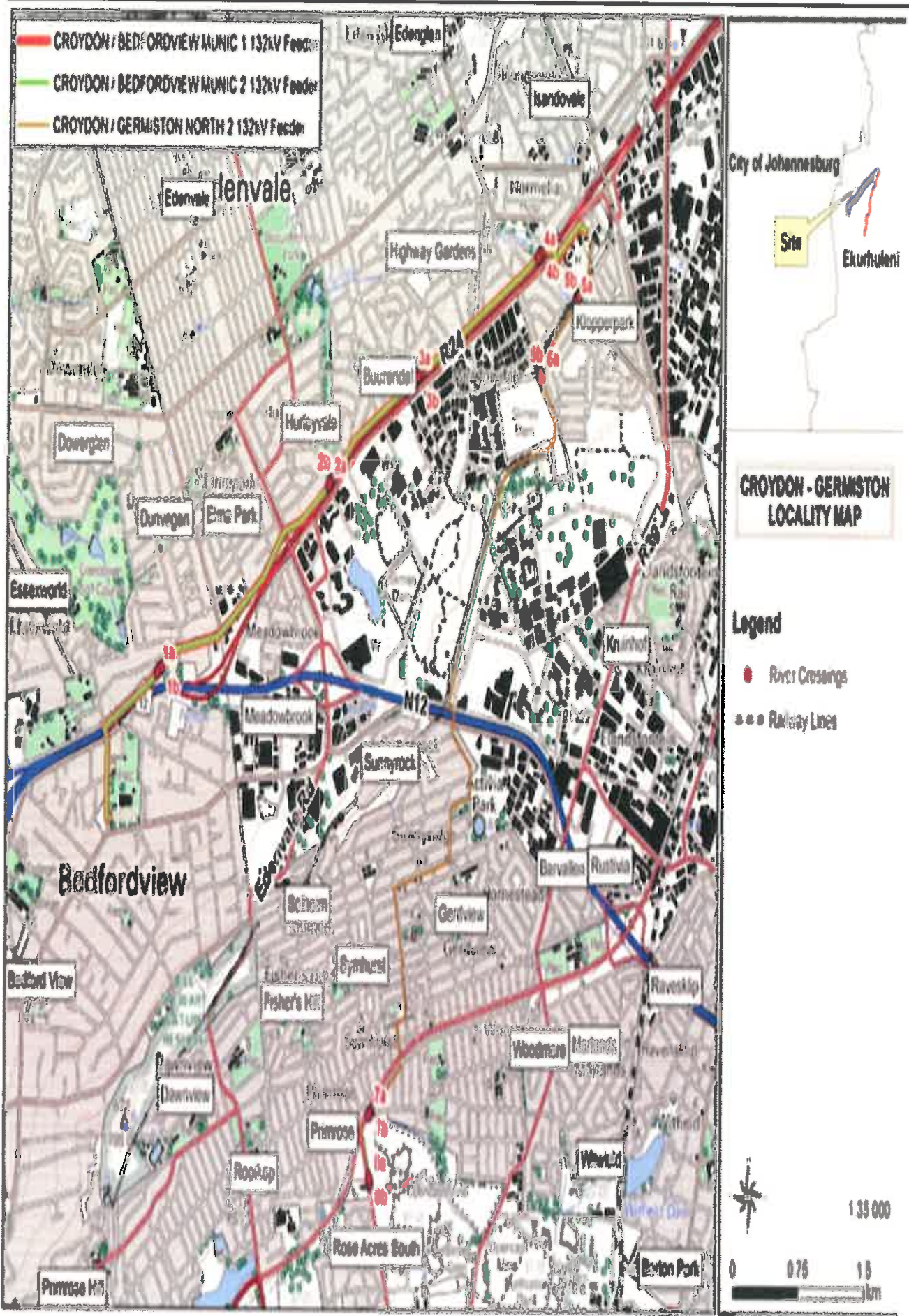
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3. Findings

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 May 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) According to the independent EAP, the information contained in the BAR dated May 2018 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.



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