



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/1503

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Mr Neo Masemola
Eskom SOC Holdings Ltd
P.O Box 8610
JOHANNESBURG
2000

Tel number: (011) 711 2824
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PER EMAIL / MAIL

Dear Mr Masemola

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.983 THE CONSTRUCTION OF THE ESKOM NTSHONA 132kV SUBSTATION AND TWO OVERHEAD 132kV POWER LINES WITHIN THE MOGALE CITY LOCAL MUNICIPALITY, KRUGERSDORP, GAUTENG PROVINCE

With reference to the above application, please be advised that the Department has decided to grant environmental 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), 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 provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. An appellant must submit an 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 for an application for an environmental authorisation was sent to the registered interested and affected parties by the applicant.

By post: Private Bag X447,
Pretoria,
0001; or

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

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel number: (012) 399 9356

Email address: Appealsdirector@environment.gov.za

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, an appeal under Section 43 of that Act 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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: (https://www.environment.gov.za/documents/forms#legal_authorisations).

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully



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

Date: 30/01/2016

CC	Mr Thabang Sekele	Envirolution consulting	Cell: 0861 44 44 99	Email: thabang@envirolution.co.za
	Mr Peter Tladi	Mogale City Local Municipality	Tel: (041) 508 5815	Email: peter.tladi@mogalecity.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

Construction of the Eskom Ntshona 132kV Substation and two overhead 132kV power lines

WEST RAND DISTRICT MUNICIPALITY

Authorisation register number:	<i>14/12/16/3/3/1/1503</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>ESKOM SOC HOLDINGS LTD</i>
Location of activity:	<i>GAUTENG PROVINCE: within Ward 26 on Portion 136 Farm Luipaardsvlei 246-IQ, Mogale City 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.

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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 authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA Regulations, 2014.

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 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises–

ESKOM SOC HOLDINGS LTD

with the following contact details –

Mr Neo Masemola
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JOHANNESBURG
2000

Tel number: (011) 711 2824
Email address: neo.masemola@eskom.co.za

-to undertake the following activity (hereafter referred to as "the activity") indicated in Listing Notices 1, GN R. 983.

Listed activities	Activity/Project description
<p><u>GN R. 983 Item 11:</u> The development of facilities or infrastructure for the transmission and distribution of electricity-</p> <p>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or more.</p>	Two 132kV power lines will be constructed (approximately 2.2km and 5.3km in length respectively) outside an urban area to connect from the proposed Ntshona Substation to the existing Westgate Substation. In addition, the new substation will be constructed and will have a footprint of 1.5 ha with a capacity of 132 kV to facilitate the grid connection.
<p><u>GN R. 983 12 (xii)</u> The development of-</p> <p>(xii) infrastructure or structure with a physical footprint of 100 square metres or more, Where such development occurs-</p> <p>(a) within a watercourse.</p>	Both the overhead power line routes will interact with a watercourse.
<p><u>GN R. 983 (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-</p> <p>(i) a watercourse,</p>	Underground cable installations will involve excavation and replacement of soil within the vicinity of the artificial (seepage) wetland.

-as described in the Basic Assessment Report (BAR) dated February 2016 at:

SG Code: Farm Luipaardsvlei- TOIQ00000000024600136.

Proposed Ntshona Substation Corners coordinates	Latitude	Longitude
	26° 07'44.82"S	27°44'58.73"E
	26° 07'44.84"S	27°45'02.35"E
	26° 07'49.38"S	27°44'58.79"E
	26° 07'49.43"S	27°45'02.35"E

Proposed Westgate-Ntshona power line alternative	Latitude (S)	Longitude (E)
Starting point	26° 07'.47"S	27°44' 58"E
Middle point	26°08'09"S	27°44'56"E
End point	26°07'46"S	27°44'56"E

Proposed Westgate Rand Centre power line alternative	Latitude (S)	Longitude (E)
Starting point	26° 07' 08.6"S	27° 45' 22.4"E
Middle point	26° 08' 00.6"S	27° 44' 33.1"E
End point	26° 08' 49.6"S	27° 45' 16.1"E

- for the proposed construction of the Eskom Ntshona 132kV Substation and two overhead 132kV power lines within the Mogale City Local Municipality, Krugersdorp, Gauteng Province, hereafter referred to as "the property".

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred 132kV substation and the two 132kV power lines (Westgate-Ntshona power line alternative and Westgate Rand Centre power line and Ntshona Substation) for the proposed project are approved.
2. Authorisation of the activity is subject to the conditions contained in this 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 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 authorisation in terms of the regulations.
6. This activity must commence within a period of five (5) years from the date of issue of this 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. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.

8. 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.

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 must not commence within twenty (20) days of the date of signature of the authorisation.
13. In terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

Management of the activity

14. The Environmental Management Programme (EMPr) that complies with GN R.982 of Appendix 4(1) was integrated as part of the BAR. The EMPr is approved and it must be implemented and adhered to.

Monitoring

15. 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.
 - 15.1. The ECO must be appointed before commencement of any authorised activities.
 - 15.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 15.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 15.4. 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

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.

21. 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

22. 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

23. 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

24. 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

25. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
26. 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 59 of 2008).
27. Should any other historical, cultural, paleontological resources and graves be discovered, which were not anticipated being found in the course of development of the proposed power lines and substation, all construction activities must be suspended and SAHRA must be contacted immediately, so that the find can be investigated and mitigation measures proposed.
28. Anti-collision devices such as bird flappers must be installed where the power line crosses avifaunal corridors and watercourses.

General

29. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 29.1. at the site of the authorised activity;
 - 29.2. to anyone on request; and
 - 29.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
30. 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: 30/05/2016



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

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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 February 2016.
- b) Mitigation measures as proposed in the BAR dated February 2016 and the EMPr dated February 2015 contained in Appendix G.
- c) 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 the specialist study conducted for this project and their recommended mitigation measures contained in Appendix D.
- b) The project is intended to increase reliability of electricity supply within the area and provide capacity for new users. The project will ensure that economic growth continues in the region.
- c) The BAR dated February 2016 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 February 2016.
- 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 February 2016 as well as 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 February 2016 is accurate and credible.
- e) EMPr measures for the construction, tower sites and rehabilitation phases of the development were proposed and included in the BAR dated February 2015 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 proposed activity 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 proposed activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.