



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: 14/12/16/3/3/1/1890

Enquiries: Ms Zamalanga Langa

Telephone: 012-399-9389 E-mail: Zlanga@environment.gov.za

Ms Lutendo Moabi
Eskom Holdings SOC Limited
203 Smit Street
Braamfontein
JOHANNESBURG
2001

Tel no: 011 711 2527

E-mail: MoabiLM@eskom.co.za

PER E-MAIL / MAIL

Dear Ms Moabi

APPLICATION FOR ENVIRONMENTAL AUTHORISATION (EA) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), 1998: GN R. 982/983: THE CONSTRUCTION OF QUEENS 88/11KV SUBSTATION AND THE LOOP-IN-LOOP 132KV POWER LINE FROM QUEENS SUBSTATION TO THE EXISTING GOLFOVIEW-TEDDERFIELD 132KV POWER LINE AND THE EXTENSION OF RWB-ZWARTKOPIES 88KV SUBSTATION AND THE CONSTRUCTION OF 2.6KM 132KV LINE TO THE EXISTING EYESTONE TEDDERFIELD LINE WITHIN JURISDICTION OF MIDVAAL LOCAL MUNICIPALITY IN 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: 29/08/2018

CC:	Jannetta	Midvaal Local Municipality	Tel: 016 360 7682	Email: jannetta@midvaal.gov.za
	Mr Sipho Zulu	Senkosi Environmental	Tel: 072 145 2514	Email: sipho@senkosi.com



environmental affairs

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REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014 (as amended)

The construction of Queens 88/11kV substation and the loop-in-loop 132kV power line from the existing Golfview-Tedderfield 32kV power line and the extension of RWB-Zwartkops 88kV substation and the construction of 2.6km 132kV line to the existing Eyestone Tedderfield line within jurisdiction of Midvaal Local Municipality in Gauteng Province

Sedibeng District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/1890</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>ESKOM HOLDINGS SOC LIMITED</i>
Location of activity:	<i>GAUTENG PROVINCE: within Ward 12 and Ward 07 in Midvaal 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 Environmental Impact Assessment 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, as amended, the Department hereby authorises –

ESKOM HOLDINGS SOC LIMITED

(hereafter referred to as the holder of the authorisation)

with the following contact details –

Ms Lutendo Moabi

Eskom Holdings SOC Limited

204 Smit Street

Braamfontein

JOHANNESBURG

2001

Tel no: (011) 711 2527
Fax: 086 668 6182
E-mail: MoabiLM@eskom.co.za
Cell: 072 278 2465

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 3(as amended):

Listed activities	Activity/Project description
<p><u>GN R. 983: Activity 11</u></p> <p><i>The development of facilities or infrastructure for the transmission and distribution of electricity-</i> <i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts;</i></p>	<p>The proposed project entails the construction of 132kV loop-in Loop-out power lines. It triggers the listed activity as the capacity exceeds 33kV and is less than 275kV.</p>
<p><u>GN R. 983: Activity 19</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 proposed 2.6km servitude will traverse through wetlands and the proposed 132KV loop in and loop-out power lines will cross river systems.</p>
<p><u>GN R. 983: Activity 27</u></p> <p><i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for</i> <i>i. the undertaking of a linear activity; or</i></p>	<p>The construction of the Queens substation will involve clearing of at least 30 000m² (3 ha)</p>

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

Farm Name:

- Portion 128 of farm Zwartkpies 143-IR
- Portion 128 of farm Kromvlei 142-IR
- Portion 77 of farm Hartsenbergfontein332-IQ

21 Digit SG code:

T	0	1	Q	0	0	0	0	0	0	0	0	0	1	4	2	0	0	0	0	0
T	0	1	Q	0	0	0	0	0	0	0	0	8	1	4	3	0	0	0	0	0
T	0	1	Q	0	0	0	0	0	0	0	0	3	3	2	0	0	0	7	7	0

Expansion of the existing Zwartkopies substation and the 2.6 km distribution power line:	Latitude	Longitude
Zwartkopies substation extension	26° 20' 50.182"S	28° 3' 46.633"E
2.6 km 132kV Power line	Latitude	Longitude
Start	26° 21' 45.362"S	28° 2' 44.965"E
Middle	26° 21' 17.664"S	28° 3' 49.259"E
End	26° 20' 51.071"S	28° 3' 46.772"E

Construction Queens 88/11kv substation and Loop In Loop-out lines	Latitude	Longitude
Queens substation- Alternative B (preferred)	26° 22' 59.236"S	27° 58' 16.271"E
Loop In Loop out lines (Route alternative A-preferred)	Latitude	Longitude
Start	26° 23' 2.200"S	27° 58' 16.000"E
Middle	26° 23' 3.506"E	27° 58' 23.447"E
End	26° 23' 4.600"E	27° 58' 27.900"E

The construction of Queen 88/11kV Substation and the Loop-In Loop-Out 132kV Power line from the existing Golfview-Tedderfield 132kV and the extension of existing of RWB- Zwartkopies 88kV substation and construction of the 2.6 km 132kV servitude to the existing Eyestone Tedderfield line within jurisdiction of Midvaal Local Municipality in Gauteng Province, hereafter referred to as "the property".

The infrastructure associated with the proposed project includes:

- Expansion of the of the western side of the existing RWB Zwartkopies 88kV Substation with an approximate area of 55 x 30 m², with a new distribution power line of 2.6km long with 22m servitude. The proposed route of the servitude will follow the existing loop-out 2 x 88KV lines from the Zwartkopies substation to existing Eyestone Tedderfield line; and
- Construction of 200m x 150m new Queens 88/11kv substation and Construction of 132kV loop-in and loop out distribution power line from Golfview – Tedderfield 132kV power line:

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred substation alternative B (Queens) and Preferred Route alternative A (loop-in loop-out lines) for the construction of Queen 88/11kV Substation and the Loop-In Loop-Out 132kV Power line from the existing Golfview-Tedderfield 132kV and the extension of existing of RWB- Zwartkopies 88kV substation and construction of the 2.6 km 132kV servitude to the existing Eyestone Tedderfield line within jurisdiction of Midvaal Local Municipality in Gauteng Province is approved as per the geographic coordinates and 21 Digit SG codes cited at the table above of the Environmental Authorisation.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.

6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Construction must be completed within Six (06) 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. give the reasons of the competent authority for the decision.

Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014 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 may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

13. The Environmental Management Programme (EMPr) submitted as part of the Application for Environmental Authorisation is hereby approved. This Environmental Management Programme must be implemented and strictly adhered to.

Frequency and process of updating the Environmental Management Programme

14. The Environmental Management Programme 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 Environmental Management Programme.
15. The updated Environmental Management Programme must contain recommendations to rectify the shortcomings identified in the environmental audit report.
16. The updated Environmental Management Programme must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982, as amended. The updated Environmental Management Programme must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated Environmental Management Programme to the Department for approval.
17. In assessing whether to grant approval of an Environmental Management Programme which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982, as amended. Prior to approving an amended Environmental Management Programme, the Department may request such amendments to the Environmental Management Programme as it deems appropriate to ensure that the Environmental Management Programme sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
18. The holder of the authorisation may apply for an amendment of an Environmental Management Programme, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the Environmental Management Programme at least 60 days prior to submitting such amendments to the Environmental Management Programme 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, as amended.

Monitoring

19. 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 Environmental Management Programme.
- 19.1. The Environmental Control Officer must be appointed before commencement of any authorised activities.
- 19.2. Once appointed, the name and contact details of the Environmental Control Officer must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
- 19.3. The Environmental Control Officer must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the Environmental Control Officer.
- 19.4. The Environmental Control Officer 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

20. 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.
21. The holder of the environmental authorisation must, for the period during which the environmental authorisation and Environmental Management Programme remain valid, ensure that project compliance with the conditions of the environmental authorisation and the Environmental Management Programme are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
22. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the Environmental Management Programme, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982, as amended.

23. 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.
24. The environmental audit reports must be compiled in accordance with appendix 7 of the Environmental Impact Assessment Regulations, 2014, as amended 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 Environmental Management Programme.
25. 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

26. 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

27. 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

28. 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

29. If any evidence of archaeological sites or remains, fossils or other categories of heritage resources are found during the proposed development SAHRA Archaeology, Palaeontology and Meteorites (APM) must be alerted.
30. Should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during execution of the activities, all work must be stopped immediately and SAHRA must be notified.
31. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors, as recommended by the Ecological specialist. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
32. A botanist must be appointed to perform a final walkthrough of the alignment to identify sensitive plant species, and assist in identifying the areas that require protection.
33. No activities, which require a water use authorisation, must be allowed to encroach into a water resource(s) without a water use authorisation being in place from the Department of Water and Sanitation.
34. 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).
35. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
36. Construction areas must be clearly demarcated and only approved areas must be used for storage and cement mixing. Any cement or concrete mixing must be done on an impervious surface to prevent soil contamination.

General

37. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved Environmental Management Programme, must be made available for inspection and copying-
 - 37.1. at the site of the authorised activity;
 - 37.2. to anyone on request; and

37.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.

38. 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: 29/08/2018


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 Basic Assessment Report dated May 2018;
- b) The comments received from Midvaal Local Municipality, Rand Water and interested and affected parties as included in the Basic Assessment Report dated May 2018;
- c) Mitigation measures as proposed in the Basic Assessment Report dated May 2018 and the Environmental Management Programme;
- d) The information contained in the specialist studies contained within Appendix D of the Basic Assessment Report; 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 Basic Assessment Report dated May 2018 identified all legislation and guidelines that have been considered in the preparation of the Basic Assessment Report dated May 2018.
- d) The methodology used in assessing the potential impacts identified in the Basic Assessment Report 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 Environmental Impact Assessment Regulations, 2014, as amended 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 Basic Assessment Report 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) The information contained in the Basic Assessment Report dated May 2018 is accurate and credible.
- e) Environmental Management Programme measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the Basic Assessment Report 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.