



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: 14/12/16/3/3/1/1904

Enquiries: Ms Mathodi Mogorosi

Telephone: 012-399-9388 **E-mail:** mmogorosi@environment.gov.za

Ms Lerato Mathibela
Eskom Holdings SOC Limited
PO Box 223
WITBANK
1035

Tel: (013) 693 3860
Email: MathibAL@eskom.co.za

PER MAIL / E-MAIL

Dear Ms Mathibela

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), AS AMENDED (NEMA); GOVERNMENT NOTICES. R982 AND R983, AS AMENDED: EXPANSION OF THE ESKOM ELOFF SUBSTATION AND THE DEVIATION OF THE TWO ASSOCIATED DELMAS 44KV AND SUNDRA 44KV DISTRIBUTION POWERLINES NEAR ELOFF, WITHIN THE VICTOR KHANYE LOCAL MUNICIPALITY, MPUMALANGA 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

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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: 09/09/2018

CC:	Ms J Hex	Jones & Wagener (Pty) Ltd Engineering & Environmental Consultants	Tel: 011-519-0200	Email: Jacqui@jaws.co.za
	Ms N.S. Masoka	Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs	Tel: 013-947-2551	Email: nsylvia706@gmail.com
	Mr. V Buda	Victor Khanye Local Municipality	Tel: 013-665-6000	Email: info@victorkhanyelm.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

Expansion of the Eskom Eloff Substation and the deviation of the two associated Delmas 44kv and Sundra 44kv distribution powerlines near Eloff, within the Victor Khanye Local Municipality, Mpumalanga Province

Nkangala District Municipality

Authorisation register number:	14/12/16/3/3/1/1904
Last amended:	<i>First issue</i>
Holder of authorisation:	ESKOM HOLDINGS SOC LIMITED
Location of activity:	MPUMALANGA PROVINCE: <i>Within Ward 8 of Victor Khanye 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.

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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 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 LIMITED

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

with the following contact details –

Ms Lerato Mathibela

Eskom Holdings SOC Limited

PO Box 223

WITBANK

1035

Tel: (013) 693 3860

Cell: (076) 339 0613

E-mail: MathibAL@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983):

Listed activities	Activity/Project description
<p><u>GN R983 Item 11:</u> <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>An additional 33m x 40m yard will be constructed adjacent to the existing Eskom Eloff Substation. The substation will include a 44kV feeder bay and a communication tower. In addition, the existing Delmas 44kV distribution powerline and the Sundra 44kV distribution powerline will be deviated to join the new feeder bay. The total length of the deviation is approximately 200m long. This infrastructure will be located outside urban areas, and will have a capacity of more than 33kV.</p>
<p><u>GN R983 Item 27:</u> <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation;</i></p>	<p>The development will require the clearance of vegetation for the expansion of the substation and the deviation of the powerlines within a corridor of 250m x 200m (totalling 5ha).</p>
<p><u>GN R983 Item 31:</u> <i>The decommissioning of existing facilities, structures or infrastructure for—</i> <i>(i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i> <i>(ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i> <i>(v) any activity regardless the time the activity was</i></p>	<p>Four monopoles on the existing Delmas 44kV and Sundra 44kV powerlines will be dismantled, to enable the deviation of these powerlines.</p>

Listed activities	Activity/Project description
<p><i>commenced with, where such activity:</i></p> <p><i>(a) is similarly listed to an activity in (i) or (ii) above; and</i></p> <p><i>(b) is still in operation or development is still in progress;</i></p>	

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

Farm Name: Rietkol 237IR

Portion Numbers: Portion 70 of the Farm Rietkol 237IR

Portion 1 of the Farm Rietkol 237IR

Portion 87 of the Farm Rietkol 237IR

21 Digit SG code:

T	0	I	R	0	0	0	0	0	0	0	0	0	2	3	7	0	0	0	0	1
T	0	I	R	0	0	0	0	0	0	0	0	0	2	3	7	0	0	0	7	0
T	0	I	R	0	0	0	0	0	0	0	0	0	2	3	7	0	0	0	8	7

Deviated Powerlines (bend points defined as per Annexure 2: Locality Plan)	Latitude	Longitude
NS1 (Starting point of activity)	26°10'28.13001"S	28°35'36.65219"E
NS2	26°10'27.65816"S	28°35'36.45113"E
NM1 (Middle point of activity)	26°10'27.81400"S	28°35'37.37090"E
NM2	26°10'27.13549"S	28°35'37.63992"E
NE1 (End point of activity)	26°10'28.34570"S	28°35'41.78218"E
NE2	26°10'27.75135"S	28°35'42.01673
Additional Substation Yard (bend points defined as per Annexure 2: Locality Plan)	Latitude	Longitude
E1	26°10'27.29"S	28°35'34.82"E
E2	26°10'26.86"S	28°35'35.99"E
E3	26°10'28.57"S	28°35'36.84"E
E4	26°10'29.02"S	28°35'35.69"E

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

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for the expansion of the Eskom Eloff Substation and the deviation and dismantling of the two associated Delmas 44kV and Sundra 44kV distribution powerlines within Ward 8 of the Victor Khanye Local Municipality in the Mpumalanga Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- an additional 33m x 40m yard (adjacent to the existing Eskom Eloff Substation);
- curbing around the yard;
- 44kV feeder bay;
- an earth mat;
- a communication tower;
- fencing and a sliding gate for the new extension; and
- the deviation of the existing Delmas 44kV distribution powerline and the Sundra 44kV distribution powerline, by dismantling four monopoles on the existing connection to the Eloff Substation, and replacing the dismantled lines with two 44kV powerlines, approximately 200m long, connecting to the new feeder bay to the east of the substation expansion area.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The site alternative 1 for the expansion of the Eskom Eloff Substation and the deviation and dismantling of the two associated Delmas 44kV and Sundra 44kV distribution powerlines as part of the Eskom Refurbishment Plan within Ward 8 of the Victor Khanye Local Municipality in the Mpumalanga Province is approved as per the geographic coordinates cited at the table reflected in page 4 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 (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 5 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 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 BAR dated May 2018 must be incorporated as part of the EMPr. Once approved, the EMPr must be implemented and adhered to. The approved EMPr must be included in all contract documentation for all phases of the development. The EMPr must be amended to include:
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- 13.1. The requirements and conditions of this environmental authorisation; and
- 13.2. All recommendations and mitigation measures recorded in the BAR and the specialist reports as included in the final BAR dated May 2018

Frequency and process of updating the EMPr

14. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 22 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.
15. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
16. 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.
17. 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.
18. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. 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

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 EMPr.

- 19.1. The ECO must be appointed before commencement of any authorised activities.
- 19.2. 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.
- 19.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 19.4. 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

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 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.
22. Quarterly environmental audit reports must be submitted to the Department, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
23. 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.
24. 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.
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. An ecologist must be appointed to perform a final walkthrough of the alignment, prior to site clearing, to identify sensitive plant species suitable for search and rescue, and to assist in identifying the areas that require protection.
30. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping. Copies of the permit/s must be included in the final EMPr to be submitted to this Department for approval before commencement of construction activities.
31. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
32. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the Specialist Studies / BAR dated May 2018 must be implemented to reduce the risk of erosion and the invasion of alien species.
33. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
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34. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
35. No effluent must be discharged into any storm water drain or furrow, whether by commission or by omission.
36. 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. Waste, which is not authorised for disposal on site as part of the approved development, must be dealt with according to relevant legislation or the Department's policies and practices.
37. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, the South African Heritage Resources Agency (SAHRA) must be alerted immediately, and a professional archaeologist or palaeontologist (depending on the finds), must be contacted as soon as possible to inspect the findings.
38. If fossils are uncovered during construction, then construction must cease within the immediate vicinity, a buffer of 30m must be established, and a palaeontologist called in to inspect the finds. The palaeontologist must obtain a section 35(4) permit in terms of NHRA and Chapter IV NHRA Regulations, before any fossils are collected.
39. The holder of environmental authorisation must prevent the occurrence of nuisance conditions or health hazards.

General

40. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 40.1. at the site of the authorised activity;
 - 40.2. to anyone on request; and
 - 40.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
 41. 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
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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: 09/09/2018



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 the South African Heritage Resources Agency and 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 C 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) The need for the project was sufficiently motivated. The Eloff Substation is an old substation with outdated infrastructure. In order to continue its function within the distribution grid in the Eloff area, it will be expanded as part of Eskom's Refurbishment Plan. The Eskom Refurbishment Plan has been put in place to ensure that Eskom infrastructure is sustainable, environmentally compliant, reliable and available in the long term as a result of upgraded performance. The primary objective of the project is to provide a stable electricity supply to the Eloff and Sundra regions within Mpumalanga Province. The provision of a stable electricity supply with spare capacity will encourage future development in the area and will potentially improve the economic situation through job creation.
- c) The BAR dated May 2018 identified all 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.

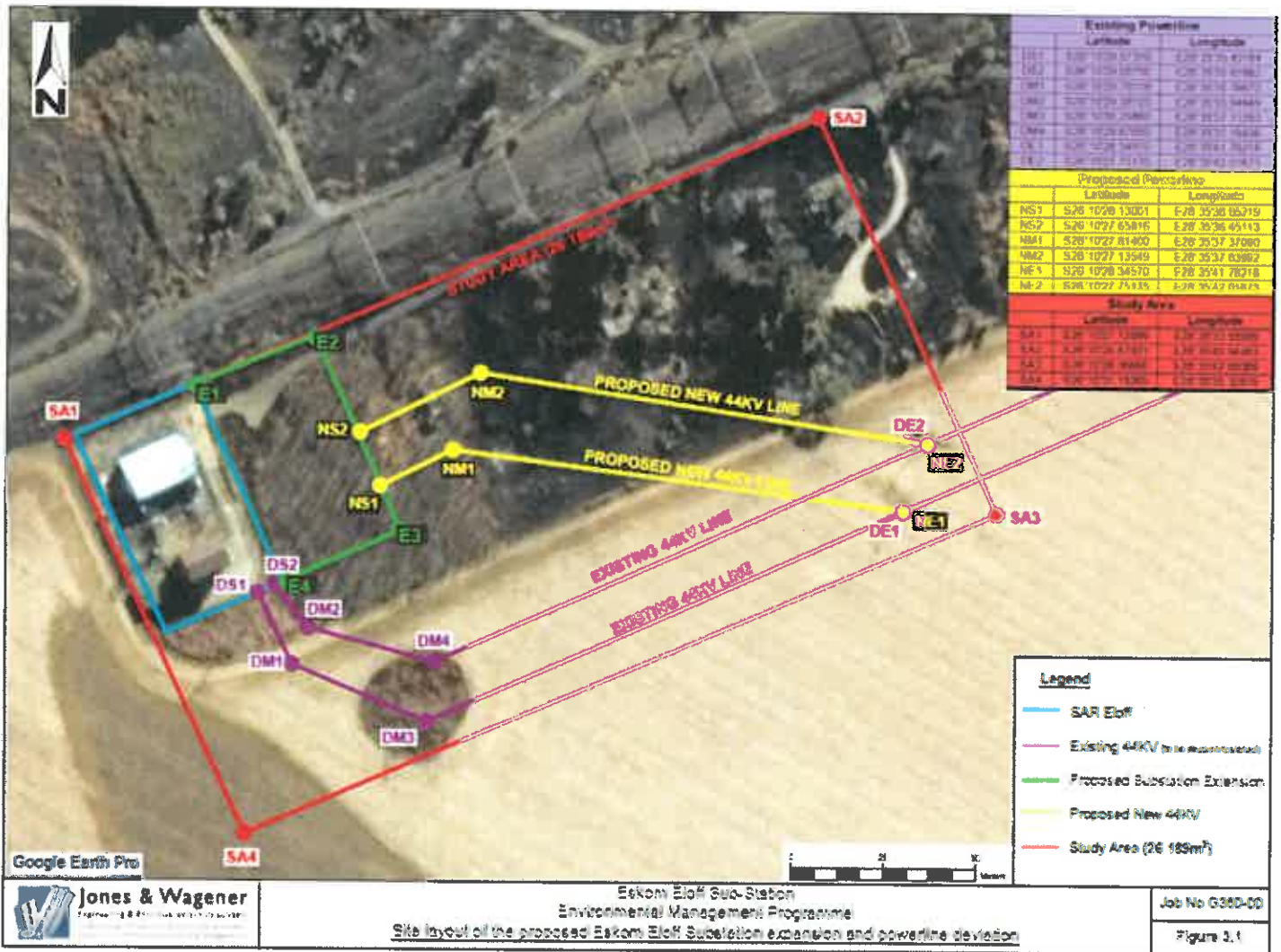
3. Findings

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.

Annexure 2: Locality Plan



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