



## **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: 14/12/16/3/3/1/1434**

**Enquiries: Ms Makhosi Yeni**

**Telephone: (012) 399 9400 E-mail: MYeni@environment.gov.za**

Mr David Budler  
Transnet SOC Limited  
P.O. Box 1048  
**JOHANNESBURG**  
2000

Telephone Number: (011) 308 4700  
Email Address: dave.budler@transnet.net

### **PER EMAIL / MAIL**

Dear Mr Budler

**ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) FOR THE PROPOSED DEVELOPMENT OF THE NEW TRANSNET 5MW 3kV DC TRACTION SUBSTATION WHEREIN ESKOM WILL PROVIDE 132kV AC SUPPLY WHICH WILL BE STEPPED DOWN TO 3kV DC IN BOSMANSKOP ON PORTIONS 3 AND 5 OF THE FARM BOSCHMANSKOP 154 IS WITHIN STEVE TSHWETE LOCAL MUNICIPALITY OF NKANGALA DISTRICT MUNICIPALITY IN MPUMALANGA PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant 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 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,  
Arcadia,  
Pretoria

*MS*

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: (012) 399 9356

Email: 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](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: 29/11/2012

CC:	Ms Masala Mahumela	Nsovo Environmental Consulting	(011) 312 5153	masala.mahumela@nsovo.co.za
	Mr Selby Hlatshwayo	Mpumalanga Department of Agriculture, Rural Development and Land Reform	(013) 759 4000	shlatshwayo@mpg.gov.za
	Mr J. Sikhosana	Mpumalanga DEDET	(013) 766 4219	sikhosanaj@mpg.gov.za
	Mr Mandla Mnguni	Steve Tshwete Local Municipality	(013) 249 7263	mmoffice@stlm.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

DEVELOPMENT OF A NEW TRANSNET 5MW 3kV DC TRACTION SUBSTATION, WHEREIN ESKOM  
WILL PROVIDE A 132kV AC SUPPLY WHICH WILL BE STEPPED DOWN TO 3kV DC IN BOSMANSKOP  
ON PORTION 3 AND 5 OF THE FARM BOSCHMANSKOP 154 IS IN MPUMALANGA

### Nkangala District Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/1/1434
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Transnet SOC LTD</i>
<b>Location of activity:</b>	<i>MPUMALANGA PROVINCE: Steve Tshwete 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 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

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### **TRANSNET SOC LTD**

with the following contact details –

Mr David Budler

P.O. Box 1048

**JOHANNESBURG**

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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 R.983 Activity 11 :</u></p> <p><i>The development of facilities or infrastructure for the transmission and distribution of electricity</i></p> <p><i>(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</i></p>	<p>Development of a new 5MW 3kV DC Traction Substation outside urban areas, wherein Eskom will provide 132kV AC supply which will be stepped down to 3kV DC.</p>
<p><u>GN R 983 Activity 12:</u></p> <p><i>" The development of-</i></p> <p><i>(x) buildings exceeding 100 square metres;</i></p> <p><i>(xii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs-</i></p> <p><i>(a) within a watercourse;</i></p>	<p>The proposed development is approximately 105 square metres and within an un-channelled valley bottom wetland.</p>
<p><u>GN R. 983 Activity 19:</u></p> <p><i>"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-</i></p> <p><i>(i) a watercourse;"</i></p>	<p>The proposed development will require laying of foundations, where infilling and excavation of soil from of a wetland will take place.</p>

as described in the Basic Assessment Report (BAR) dated September 2015 at:

Mpumalanga Province

**Farm name:** Farm Boschmanskop 154 IS, Portion 3 and 5

*M. S*

21 Digit SG code:

T	0	I	S	0	0	0	0	0	0	0	0	0	1	5	4	0	0	0	0	5
T	0	I	S	0	0	0	0	0	0	0	0	0	1	5	4	0	0	0	0	3
<b>Alternative S1 (Preferred Alternative)</b>											<b>Latitude (S)</b>					<b>Longitude (E)</b>				
											26°03'45.46" S					29°35'09.95" E				

- for the proposed development of a New Transnet Substation wherein Eskom will provide a 132kV AC supply, which will be stepped down to 3kV DC in Bosmanskop on Portions 3 and 5 of the Farm Boschmanskop 154 IS within Steve Tshwete Local Municipality of Nkangala District Municipality in Mpumalanga Province, hereafter referred to as "the property".

**The proposed development will entail construction of the following:**

- A new Transnet 5MW 3kV DC Traction Substation, wherein Eskom will provide 132kV AC which will be stepped down to 3kV DC. The additional capacity will strengthen the traction power supply to reduce thermal overloading.
- From the Eskom transmission line, a 132kV power line/ substation bay will run on Transnet property to a transformer where the step-down will take place. The aforementioned 132 kV infrastructure is the specific component of the proposed development requiring Environmental Authorisation. The proposed development footprint is approximately 5 600m<sup>2</sup>.

## Conditions of this Environmental Authorisation

**Scope of authorisation**

1. The preferred site Alternative 1, proposed development of a new Transnet 5MW 3kV DC Traction Substation, wherein Eskom will provide a 132kV AC supply which will be stepped down to 3kV DC in Bosmanskop on Portions 3 and 5 of the Farm Boschmanskop 154 IS within Steve Tshwete Local Municipality of Nkangala District Municipality in Mpumalanga Province, with the above coordinates is approved.
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. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

#### **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 shall not commence within twenty (20) days of the date of signature of the authorisation.
13. 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/ies 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 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 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.
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 be 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.
  - 20.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 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.

### **Recording and reporting to the Department**

21. 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.
22. 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.

23. 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.
24. 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.
25. 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.
26. 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**

27. 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**

28. 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**

29. 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

30. Mitigation measures included in the General Wetland Monitoring and Rehabilitation Plan dated August 2015 compiled by Limosella Consulting must be adhered to.
31. If any human remains (or any other concentrations of heritage material) are exposed during construction, all work must cease and be reported immediately to the Mpumalanga Provincial Heritage Resources Authority and SAHRA, so that a systematic and professional investigation is undertaken. Sufficient time must be allowed to investigate and to remove/collect such material. Recommendations must follow from the investigation.
32. 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).
33. All bare soil must be covered by planting of indigenous vegetation to prevent degradation and erosion.

### General

34. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 34.1. at the site of the authorised activity;
  - 34.2. to anyone on request; and
  - 34.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
35. 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: 29/11/2016

  
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 September 2015.
- b) Mitigation measures as proposed in the BAR dated September 2015 and the EMPr.
- c) The information contained in the specialist studies contained within Appendix D of the BAR.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998).
- e) Site inspections conducted on the 25th November 2015 and on the 04th of February 2016.
- f) Comments letter from the Department of Water and Sanitation dated 26 June 2015.
- g) The representations on the disqualification of EAP dated June 2016 which was received from NSOVO Environmental Consulting on 27 June 2016.
- h) The email dated 25 August 2016 on approved Water Use license.
- i) The response to the representations issued by DEA on the 06 October 2016.

### 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 findings by the wetland specialist pointed out that the PES score is low and emphasised the highly disturbed nature of the wetland.
- c) The mitigation measure included in the General Wetland Monitoring and Rehabilitation Plan compiled by Limosella Consulting dated August 2015.
- d) The water use license issued by the Department of Water and Sanitation dated 26 July 2016.
- e) The need for the proposed project aims to ensure that the coal export industry which operates from Mpumalanga to Richards Bay operates at maximum capacity in order to meet the international market demand for coal export.

- f) The BAR dated September 2015 identified all legislations and guidelines that have been considered in the preparation of the BAR.
- g) The methodology used in assessing the potential impacts identified in the BAR dated September 2015 and the specialist studies have been adequately indicated.
- h) 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 September 2015 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) EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the BAR. The EMPr 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.