



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 310 3911 Fax (+ 27 12) 322 2682

Reference: 12/12/20/984

Enquiries: Mr Mogole Mphahlele

Telephone: (012) 310 3004 Fax: (012) 320 7539 E-mail: MLMphahlele@environment.gov.za

Mr. Henry Nawa
Eskom Holdings Limited
P O Box 1091
JOHANNESBURG
2000

Fax no: 011 800 3917

PER FACSIMILE / MAIL

Dear Mr. Nawa

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: PROPOSED CONSTRUCTION OF A NEW ZX400KV POWER LINE FROM THE ETNA SUBSTATION TO THE NEW PROPOSED QUATTRO SUBSTATION, SOWETO, GAUTENG PROVINCE

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties (IAPs), in writing and within ten (10) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the Environmental Impact Assessment (EIA) Regulations, 2010.

Your attention is drawn to Chapter 7 of the EIA Regulations, 2010, which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to IAPs.

A copy of the official appeal form can be obtained from Mr TH Zwane, Senior Legal Administrator (Appeals), Tel: 012.310.3929, TZwane@environment.gov.za at the Department.

Should any party, including the applicant, wish to appeal any aspect of the decision, they or the applicant must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 20 days after the date of the decision, by means of one of the following methods:

By facsimile: 012 320-7561

or

By post: Department of Environmental Affairs

BP

Private Bag X447
Pretoria
0001

or

By hand: Fedsure Forum Building,
2nd Floor North Tower
Corner Van der Walt and Pretorius Streets
Pretoria

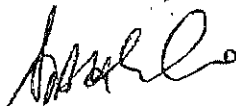
If the appellant is a person other than the applicant, the appellant must within ten (10) days of lodging the notice of intention to appeal, provide a copy of the notice to the applicant and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant is the appellant, the applicant must also provide a copy of the notice of intention to appeal, within ten (10) days of having lodged such notice, to each person and organ of state which was a registered interested and affected party. The applicant must furthermore provide all the above-mentioned registered interested and affected parties with a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister or MEC, and indicate where and for what period the appeal submission will be available for inspection by such person or organ of state.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of IAPs, notified through your notification letter of the decision, for record purposes.

The authorised activity or activities shall not commence within thirty (30) days of the date of signature of the authorisation. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Yours sincerely



Ms. Sibusisiwe Hlela

ACTING CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

Department of Environmental Affairs

Date: 10 March 2011

CC:

Ms Khuliso Nemaali
Ms. R. Bhana
Appeals Administrators

Naledzi Environmental Consultants
Johannesburg Metro Municipality

011 798 6010
011 339 4528
012 320 7561

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation (EA) from the relevant Competent Authority (CA).	1. Receive notice of Environmental Authorisation (EA) from Applicant/Consultant.
2. Within 20 days after the date of the decision, notify the relevant Appeal Authority (AA) of the intention to appeal.	2. Within 20 days of date of the decision, notify the relevant Appeal Authority (AA) of the intention to appeal.
3. The Applicant must within 10 days of having submitted the notice of intention to appeal, as indicated in 2 above, provide to each person and organ of state who was a registered IAP- 3.1. a copy of the notice of intention to appeal; and 3.2. a notice indicating that the appeal submission will be made available on the day of lodging it with the AA and where and for what period the appeal submission will be available for inspection by such registered IAP.	3. Appellant must within 10 days of having submitted the notice of intention to appeal, as indicated in 2 above, provide the applicant with- 3.1. a copy of the notice of intention to appeal; and 3.2. a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
4. The appeal must be submitted to the AA within 30 days after the lapsing of the 20 days period which is allowed for the submission of the notice of intention to appeal.	4. The appeal must be submitted to the AA within 30 days after the lapsing of the 20 days period which is allowed for the submission of the notice of intention to appeal.
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant AA or designated organ of state within 30 days from the date that the appeal submission was lodged with the AA.	5. An applicant that receives notice of an appeal may submit a responding statement to the relevant AA or designated organ of state within 30 days from the date the appeal submission was lodged with the AA.

NOTES:

1. **An appeal against a decision must be lodged with-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/her capacity as the delegated Competent Authority;
 - c) the MEC if the decision was issued by the Head of Department (or another official) acting in his/her capacity as the delegated Competent Authority; or
 - d) the delegated organ of state where relevant.
2. **An appeal lodged with-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
 - c) the MEC must be submitted to the provincial department responsible for environmental affairs; or
 - d) the delegated organ of state, where relevant, must be submitted to the delegated organ of state.
3. **An appeal must be-**
 - a) in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority;
 - a statement that the appellant has complied with regulation 60 (2) or (3) has been complied with together with copies of the notices referred to in regulation 60; and
 - the prescribed appeal fee, if any.
4. **Official appeal form**
 - a) An appeal can be submitted on an official appeal form.
 - b) A copy of this form can be obtained from the Appeals Administrator as indicated in the cover letter above.

SRP



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: 12/12/20/984

Last amended: First issue

Holder of authorisation: ESKOM HOLDINGS LIMITED

Location of activity: GAUTENG PROVINCE: CITY
OF JOHANNESBURG
METROPOLITAN
MUNICIPALITY

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 be authorised to undertake the activities specified below.

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, 2006, the Department hereby authorises –

ESKOM HOLDINGS LIMITED

With the following contact details –

Mr. Henry Nawa
Eskom Holdings Ltd
P O Box 1091
JOHANNESBURG
2000

Tel: 011 800 2774

Fax: 011 800 3917

to undertake the following activities (hereafter referred to as "the activity")

GN R. 387 activity:

- 1(i) The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission and distribution of electricity above ground with a capacity of 120 kilovolts or more;

GN R. 386 activities:

- 1(m) The construction of facilities or infrastructure, including associated structures or infrastructure for – any purpose in the one in ten year flood line of a river or stream, or within 32 meters from the bank of a river or stream where the flood line is unknown, excluding purposes associated with residential use, but including –
- (i) canals
 - (ii) channels
 - (iii) bridges
 - (iv) dams; and
 - (v) weirs.
- 7: The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum, gas, or paraffin, in containers with a combined capacity of more than 30 cubic meters but less than 1000 cubic metres at any one location or site.
- 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

The amended Environmental Impact Assessment Report (EIR) dated August 2010 on page iii, describes the construction of a proposed electricity development to comprise of the following components:

- New Orlando substation (to be known as Quattro) built at 400kV but operated at 275kV;
- Two transmission lines from Etna to Orlando (Quattro) substation;
- 2 x 275kV feeder bays at Etna substation;
- Distribution 132kV yard comprising of 3 x 400/132kV transformers and 12 x 132kV bays;
- 1 x radio microwave tower;
- Distribution 88kV indoor substation comprising of 4 x 275/88kV transformers and 22 x 88kV line bays;
- An 88/11kV yard equipped with 3 x 88/11kV transformers; and
- Re-alignment of existing 88kV lines into the proposed Quattro substation.

The proposed double circuit 400kV transmission power lines leading from the proposed Etna Substation to the new proposed Quattro Substation will be the property of Eskom - therefore it will be constructed

and maintained by Eskom and the electricity supply will be the responsibility of City Power. The proposed development is located within the jurisdiction of the City of Johannesburg Metropolitan Municipality, Gauteng Province.

The granting of this Environmental Authorisation is subject to the conditions set out below.

Conditions

Scope of authorisation

1. Site alternative B at the coordinates 27° 55' 50, 13" E and 26° 16' 27, 19" S, as described on page 9 and 11 of the amended EIR dated August 2010 is approved for the proposed Quattro Substation. The site footprint for the proposed Quattro substation is 500m x 500m.
2. Route alternative 1 is the preferred route for the proposed power line. The width of the servitude approved for the power line is 55 metres from centre on either side of the line. (Therefore 110m is required for both transmission power lines).
3. An ecologist must be appointed to do a final walk through before construction in order to identify and relocate any possible plant species of conservation importance.
4. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species. At all times the principles of search and rescue of species must be explored prior to destruction.
5. An ornithologist must identify the exact power line spans requiring marking in order to minimise the risk of collision of birds with the earth wire.
6. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the Environmental Authorisation and are binding on the holder of the authorisation.
7. The holder of the authorisation shall be responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the Applicant'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.
8. The activity authorised may only be carried out at the property indicated above.
9. 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 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.

10. This activity must commence within a period of three (3) years from the date of issue. 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.
11. Relevant legislation that must be complied with by the holder of this authorisation includes:
 - Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped. A registered heritage specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. The relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
 - All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - All provisions of the National Water Act, 1998 (Act 36 of 1998).
 - All provisions of the National Forests Act, 1984 (Act No. 122 of 1984).
 - All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - All provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
12. All outdoor advertising i.e. signage boards associated with this proposed activity must be below the thresholds stipulated in the EIA Regulations as it was not applied for as an activity for authorisation during the Environmental Authorisation process. Should the holder of the Environmental Authorisation wish to exceed these thresholds he/she must submit an application for authorisation to this Department. Further, all outdoor advertising associated with this proposed activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC).
13. All construction activities and/or earthworks must be carried out within the limits of the authorised site.

14. All mitigation measures as detailed within the Draft EMP must be implemented, monitored and audited.
15. The Draft EMP should form part of the contract with the Contractors appointed to construct and maintain the proposed power lines.

Appeal of Authorisation

16. The holder of the authorisation must notify every registered Interested and Affected Party (I&AP), in writing and within ten (10) calendar days, of receiving notice of the Department's decision to authorise the activity.
17. The notification referred to in 16 must –
 - 17.1. specify the date on which the authorisation was issued;
 - 17.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations;
 - 17.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 17.4. give the reasons for the decision.

Management of the activity

18. The Environmental Management Plan (EMP) submitted as part of the EIR dated August 2010 must be implemented and strictly enforced during all construction activities. The EMP will be seen as a dynamic document. The EMP must be included in all contract documentation for the construction phase of the development.
19. The recommendations and mitigation measures recorded in the Final EIR dated August 2010 must be adhered to and incorporated as part of the EMP where applicable.
20. Measures for the management of heritage resources if such are exposed during construction must be implemented. Should any heritage resources be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered heritage specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. The relevant heritage resource agency must be informed about the finding.
21. All correspondence with regard to this application must be forwarded for attention to The Director, Environmental Impact Evaluation within the department.

Monitoring

22. The Applicant must appoint an Environmental Control Officer (ECO) for the duration of the construction and rehabilitation phases of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
23. The ECO must be appointed before commencement of any land clearing or construction activities.
24. The ECO must, in addition to the requirements of the EMP, monitor project compliance with conditions of this environmental authorisation, environmental legislation and the recommendations for mitigation contained in the EIR.
 - 24.1. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO and compliance monitoring.
 - 24.2. Records relating to monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development within five (5) days upon request.
 - 24.3. The ECO must remain employed until all rehabilitation measures, as required by the EMP are completed and the site is ready for operation.
 - 24.4. The cost of the ECO shall be borne by the applicant.
 - 24.5. The ECO must in addition to the requirements contained in the EMP also maintain the following on site:
 - A non-conformance register; and
 - A public complaints register.

Recording and reporting to the Department

25. The ECO must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. This audit must:
 - 25.1. 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 EMP.
 - 25.2. 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.



26. The results of these audits must be submitted in writing to the Department within 10 (ten) days after completion of the audits. Should the reports indicate that there are significant detrimental impacts; the Department reserve the right to review its decision as indicated in the letter of authorisation.

Commencement of the activity

27. The construction of the authorised activity may not commence within thirty (30) days of date of signature of this authorisation.
28. Should you be notified by the Minister of a suspension of the authorisation pending any appeals decision on the authorised activities, you may not commence with the activities unless authorised by the Minister in writing.

Notification to authorities

29. Fourteen (14) days written notice must be given to the Department that the activity will commence. 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. This notification period may coincide with the period contemplated in 3027 above.

Operation of the activity

30. Fourteen (14) days written notice must be given to the Department that the activity's operational phase will commence.

Site closure and decommissioning

31. Should the activity ever cease or become redundant, the applicant shall 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.

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General

32. A copy of this authorisation, the Final EIR and EMP dated August 2010 must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
33. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
34. The holder of the authorisation must notify the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. 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 regulations.
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 applicant or his 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 applicant 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: 10 March 2011



Ms. Sibisiwe Hlela

ACTING CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Background

The applicant,

Eskom Holdings Limited applied for authorisation to carry out the following activities:

GN R. 387 activity:

- 1(l) The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission and distribution of electricity above ground with a capacity of 120 kilovolts or more;

GN R. 386 activities:

- 1(m) The construction of facilities or infrastructure, including associated structures or infrastructure for – any purpose in the one in ten year flood line of a river or stream, or within 32 meters from the bank of a river or stream where the flood line is unknown, excluding purposes associated with residential use, but including –
- (i) canals
 - (ii) channels
 - (iii) bridges
 - (iv) dams; and
 - (v) weirs.

- 7: The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum, gas, or paraffin, in containers with a combined capacity of more than 30 cubic meters but less than 1000 cubic metres at any one location or site.

- 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

The applicant appointed Naledzi Environmental Consultants to compile an Environmental Impact Assessment Report (EIR) as required by regulation 22 of the EIA Regulations, 2006.



2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) 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), as amended.
- b) All issues raised by the Interested and Affected Parties.
- c) The findings of the Specialist Studies as included as in the final EIR Report of August 2010.

3. 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 studies have shown a steady 3% per annum average load growth for the area fed from Prospect and Fordsburg substations, the main bulk supply substations to the Johannesburg and Soweto area. This is due to industrialisation, commercialisation, urban growth and electrification. It is a sign of good economic growth in this area. The load forecasters predict that this load growth will continue – which will result in the need for additional power by the year 2008. In addition the upgrading and new Orlando Quattro substation will improve the supply to the area.
- b) The preferred site for substation is best suited for the following reasons:
 - i. Substation site B is regarded as the most preferred alternative for the substation site. Its location in the industrial area with less visual impacts and degraded vegetation is considered to cause least impacts on the landscape character due to reduced sensitivity of the landscape.
 - ii. Substation site B has a combination of low and high potential soils but the site already demarcated for industrial purpose. The presence of many industrial activities in the area is a limitation for agricultural development.
 - iii. From an ecological sensitivity perspective, site alternative B for substation site will have the least coincidence with sensitive ecological features.
 - iv. From a town planning perspective according to the Specialist Town Planning input site B encounters the least possible encumbrances. Site A is affected by the Pimville Extension 2

- township development, site C can impede the plans for the Motsoaledi re-development and site D falls in a high priority area as far as the development of the Bara / Orlando projects are concerned.
- v. The Heritage Impact Assessment Report recommends all sites because there is no archaeological or place of historical significance.
 - vi. The Social Impact Assessment recommends site B as the preferred site.
 - vii. The Vegetation Impact Assessment considered the proposed alternatives and concludes that site B will have the least coincidence with sensitive biological features.
 - viii. The wetland identification study recommends construction at site B to avoid stream encroachment.
 - ix. The avifaunal study states that due to the general degradation and disturbance in the area three (A, B, and C) of the four substation sites have been rated as equal in impacts. Site B is not preferred by the as it occurs very close to some dams and there was non-sensitive bird life in this area during site visit. However site B must be used due to suitability from various perspective outlined above.
- c) Route alternative 1 for the proposed double circuit transmission mostly follows an existing dismantled City Power servitude.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- The Final EIR dated August 2010 includes the identification, assessment and mitigation of impacts;
- The procedure followed for the impact assessment has been adequate for the decision-making process;
- All legal and procedural requirements have been met;
- There has been sufficient consultation with Interested and Affected Parties;
- The information contained in the final EIR dated August 2010 is accurate and credible;
- Adequate assessment of the main identified issues and impacts have been done;
- The proposed development is compatible with the proposed site for the development; and
- The EMP provided for all identified environmental impacts and includes mitigation measures for the identified impacts and issues.

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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, as amended, and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

