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Contents

No.		Gazette No.	Page No.
	GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS		
Forestry, Fisheries and the Environment, Department of / Bosbou, Visserye en die Omgewingsake, Departement van			
4586	National Environmental Management Act (107/1998): Consultation on the intention to adopt a standard for the development and expansion of electricity transmission	50417	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 4586 **28 March 2024**

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)

CONSULTATION ON THE INTENTION TO ADOPT A STANDARD FOR THE DEVELOPMENT AND EXPANSION OF ELECTRICITY TRANSMISSION AND DISTRIBUTION POWER LINE INFRASTRUCTURE AND TO EXCLUDE THIS INFRASTRUCTURE FROM THE REQUIREMENT TO OBTAIN AN ENVIRONMENTAL AUTHORISATION; AS WELL AS TO REPEAL THE STANDARD FOR THE DEVELOPMENT AND EXPANSION OF POWER LINES AND SUBSTATIONS WITHIN IDENTIFIED GEOGRAPHICAL AREAS AND THE EXCLUSION BASED ON THIS STANDARD, PUBLISHED UNDER GOVERNMENT NOTICE NO. 2313 IN GOVERNMENT *GAZETTE* NO. 47095 OF 27 JULY 2022

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, consult on my intention to adopt the *Standard for the Development and Expansion of Electricity Transmission and Distribution Power Line Infrastructure, 2024* in terms of section 24(10) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and to exclude, in terms of section 24(2)(d) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), activities identified in terms of section 24(2)(a) and (b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) for the development and expansion of electricity transmission and distribution power line infrastructure, including any associated activity or infrastructure, from the requirement to obtain environmental authorisation, based on compliance with the Standard.

The Standard will be applicable to the activities identified in the Schedule and in areas verified to be of low or medium environmental sensitivity, or under certain circumstances and provided the relevant requirements have been complied with, in areas of high or very high environmental sensitivity as identified on the national web based environmental screening tool. The screening tool has been developed based on information gathered through two strategic environmental assessments related to overhead transmission and distribution infrastructure, as well as three strategic environmental assessments that were undertaken for renewable energy generation technology, with a fourth in progress and a further strategic environmental assessment undertaken for gas infrastructure. The experience gained and information generated from these strategic environmental assessments, as well as the collation of information generated by other national departments and state-owned entities has allowed for the development of the national web based environmental screening tool. This screening tool provides guidance on environmental sensitivities of a specific geographical location or site related to various identified environmental themes. Environmental sensitivities are rated as "very high", "high", "medium" or "low".

The intention is that the existing Standard for the Development and Expansion of Power Lines and Substations within Identified Geographical Areas Revision 2 (June 2022), and the exclusion that is based

on such Standard, published under Government Notice No. 2313 in Government *Gazette* No. 47095 of 27 July 2022 will be repealed and replaced by the Standard for the Development and Expansion of Electricity Transmission and Distribution Power Line Infrastructure, 2024 once gazetted for implementation and with effect of the publication of this Standard and its associated exclusions in the Government *Gazette,* for implementation.

Members of the public are invited to submit written comments or input, within 30 days from the date of the publication of this Notice in the Government *Gazette*, to any of the following addresses:

By post to: Department of Forestry, Fisheries and the Environment
The Director-General
Attention: Dr Dee Fischer
Private Bag X447
PRETORIA
0001

By hand at: Reception, Environment House, 473 Steve Biko Road, Arcadia, Pretoria.
By e-mail: dfischer@dffe.gov.za

Any inquiries in connection with the Notice can be directed to Dr Dee Fischer by phone at 012 399 8843 or by mail at dfischer@dffe.gov.za.

Comments or input received after the closing date may not be considered.

A hard copy of any document associated with this Notice may be requested from Ms M Masondo at tel: 012 399 9277, email: mmasondo@dffe.gov.za or collected at Environment House, 473 Steve Biko Road, Arcadia, Pretoria. The documents can be downloaded from the Department's website at https://www.dffe.gov.za/projectprogrammes/environmental_management_instruments and the Government Notice can be downloaded from the Department's website at https://www.dffe.gov.za/legislation/gazetted_notices.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received and responses thereto are collated into a comments and response report which will be made available to the public as part of the consultation process. If a commenting party has any objection to his or her name, or the name of the represented company/ organisation, being made publicly available in the comments and responses report, such objection should be highlighted in bold as part of the comments submitted in response to this Government Notice.

BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

1. **Definitions**

In this Schedule, unless the context indicates otherwise, a word defined in the National Environmental Management Act, 1998 (Act No. 107 of 1998) or the Environmental Impact Assessment Regulations, 2014, as amended has the same meaning, and—

"competent authority" means the organ of state that would have been designated by section 24C of the Act to consider an application for environmental authorisation in respect of a listed or specified activity;

"EIA Regulations" means the Environmental Impact Assessment Regulations, 2014, published under Government Notice No. R. 982 in Government *Gazette* No. 38282 of 4 December 2014, as amended from time to time;

"Listing Notice 1" means the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, published under Government Notice No. R. 983 in Government *Gazette* No. 38282 of 4 December 2014, as amended from time to time;

"Listing Notice 2" means the Environmental Impact Assessment Regulations Listing Notice 2 of 2014 published under Government Notice No. R. 984 in Government *Gazette* No. 38282 of 4 December 2014 as amended from time to time;

"Listing Notice 3" means Environmental Impact Assessment Regulations Listing Notice 3 of 2014 published under Government Notice No. R. 985 in Government *Gazette* No. 38282 of 4 December 2014, as amended from time to time;

"screening tool" means the National Web Based Environmental Screening Tool which is accessible at https://screening.environment.gov.za; and

"the 2022 Standard" means the Standard for the Development and Expansion of Power Lines and Substations within Identified Geographical Areas Revision 2 (June 2022) published under Government Notice No. 2313 in Government *Gazette* No. 47095 of 27 July 2022;

"the Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998); and

"the National Appeals Regulations" means the National Appeals Regulations, 2014, published under Government Notice No. R. 993 in Government *Gazette* No. 38303 of 8 December 2014, as amended from time to time.

2. The Department of Forestry, Fisheries and the Environment has developed the *Standard for the Development and Expansion of Electricity Transmission and Distribution Power Line Infrastructure, 2024* based on two strategic environmental assessment processes undertaken for the development of Electricity Grid Infrastructure in South Africa, the experience gained through the review of applications for environmental authorisation to develop or expand electricity transmission and distribution, and substation, infrastructure, the implementation of the generic environmental management programmes relevant to applications for environmental authorisation for substation and

overhead electricity transmission and distribution infrastructure, as well as the experience gained in implementing the 2022 Standard.

3. The Standard is proposed to be adopted in terms of section 24(10) of the Act for the purpose of excluding the activities contemplated in paragraphs 5.1 and 5.2 of this Schedule from the requirement to obtain environmental authorisation prior to commencement.

4. Based on compliance with the provisions of the Standard, and the registration requirements contained in Chapter 1 and 2 of the Standard, the activities as described in paragraphs 5.1 and 5.2 of this Schedule, are proposed to be excluded from the requirement to obtain environmental authorisation in terms of section 24(2)(d) of the Act.

5. This exclusion from the requirement to obtain environmental authorisation applies to the development and expansion of the following activities—

5.1 Listing Notice 1:
5.1.1. Activity 11;
5.1.2. Activity 47; or

5.2 Listing Notice 2:
5.2.1. Activity 9;

and any activity identified in Listing Notice 1, 2 or 3 necessary for the realisation of such infrastructure in areas identified by the screening tool as being of medium or low environmental sensitivity and confirmed to be such for identified environmental themes, or where the site sensitivity verification identifies that a very high or high environmental sensitivity rating as identified on the screening tool is in fact medium or low for the identified environmental themes, as well as in areas of very high or high environmental sensitivity under certain conditions identified in paragraphs 1.4(d) and (e) of the Standard.

6. The Standard and exclusion do not apply where the site sensitivity verification for a specific theme identifies that the low or medium sensitivity rating of the screening tool is in fact high or very high; unless the conditions in paragraphs 1.4(d) and (e) of the Standard are being complied with.

7. Where the Standard and exclusion does not apply, an application for environmental authorisation must be submitted in accordance with the prescribed requirements.

8. Failure to comply with the requirements of the Standard constitutes an offence in terms of section 49A(1)(d) of the Act.

9. The provisions of the National Appeals Regulations are applicable to an appeal against any decision taken in terms of this Notice or the Standard.

10. An application for environmental authorisation submitted for the activities contained in paragraph 5 of this Government Notice, which is pending on the date of coming into effect of the Standard and exclusion contemplated in this Notice, must be finalised in accordance with the procedures of the EIA Regulations, Government Notice No. 113 in Government *Gazette* No. 41445 of 16 February, 2018, as amended, Government Notice No. 1637 in Government *Gazette* No. 45690 of 24 December 2021,

or Government Notice No. 145 in Government *Gazette* No. 44191 of 26 February 2021, read with the EIA Regulations, or may be withdrawn.

11. An environmental authorisation issued prior to the coming into effect of the Standard and this Notice or as a result of a pending application contemplated in paragraph 10 being finalised, remains valid as if the Standard and exclusion are not in effect.

12. A request for registration submitted in terms of the 2022 Standard must, despite the repeal of such Standard, be dispensed with in terms of the provisions of such Standard, as if such Standard has not been repealed.

13. Any actions undertaken in terms of the 2022 Standard and the exclusion that is based on such Standard must, once repealed, be regarded as having been undertaken in terms of the provisions of the *Standard for the Development and Expansion of Electricity Transmission and Distribution Power Line Infrastructure, 2024.*

14. Any registration issued in terms of the 2022 Standard must be regarded as a registration in terms of the *Standard for the Development and Expansion of Electricity Transmission and Distribution Power Line Infrastructure, 2024.*

15. The 2022 Standard will be repealed and replaced by the Standard for the Development and Expansion of Electricity Transmission and Distribution Power Line Infrastructure, 2024 from the date of publication of this Standard and its associated exclusions in the Government *Gazette* for implementation.

16. The Standard for the Development and Expansion of Electricity Transmission and Distribution Power Line Infrastructure, (2024), can be accessed at https://egis.environment.gov.za/egi, https://gasnetwork.csir.co.za/ or at https://www.dffe.gov.za/projectprogrammes/environmental_management_instruments.

17. The *Strategic Environmental Assessment for Electricity Grid Infrastructure in South Africa (2016)* and the *Strategic Environmental Assessment for the Expansion of Electricity Grid Infrastructure Corridors in South Africa (2019)* can be accessed at https://egi.csir.co.za/ or https://egis.environment.gov.za/egi or https//:gasnetwork.csir.co.za/.

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