



## environmental affairs

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA  
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

**NEAS Reference:** DEAT/EA/1927/2008

**DEA Reference:** 12/12/20/887

**Enquiries:** Takalani Maswime

**Telephone:** 012-310-3780 **Fax:** 012-320-7539 **E-mail:** [TMaswime@environment.gov.za](mailto:TMaswime@environment.gov.za)

Mr Sebenzile Vilakazi  
Eskom Holdings SOC Limited  
P.O. Box 1091  
**JOHANNESBURG**  
2000

Tel no: (011) 800 4902  
Fax no: (011) 800 3917  
E-mail: [VilakazS@eskom.co.za](mailto:VilakazS@eskom.co.za)

### **PER FACSIMILE / MAIL**

Dear Mr Vilakazi

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.385, 386 & 387: CONSTRUCTION OF 6 X 765KV TRANSMISSION POWER LINES BETWEEN THE DELTA AND EPSILON SUB-STATIONS, LIMPOPO AND NORTH WEST PROVINCES**

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.

Activities applied for as listed in GN R.386, items (12) and (16) and GN R.387, item (2) are no longer listed in terms of the new Regulations, 2010, and are thus not authorised.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) 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 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;

By post: Private Bag X447,  
Pretoria, 0001; or  
By hand: 2nd Floor, Fedsure Building, North Tower,  
Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,  
Pretoria.

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.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

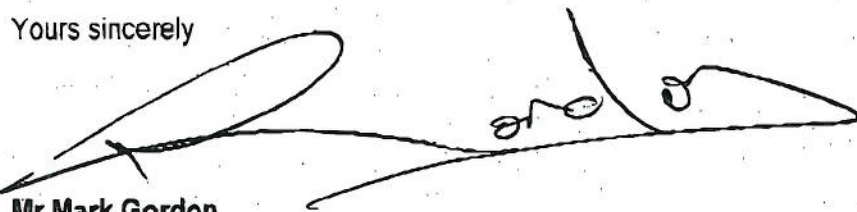
**Appeals must be submitted in writing to:**

Mr T Zwane, Senior Legal Administration Officer (Appeals), of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929  
Email: [twane@environment.gov.za](mailto:twane@environment.gov.za)

The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



**Mr Mark Gordon**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**  
**Date: 16 November 2012**

CC:	Mr Tsêpo Lepono	PBA International	Fax: (011) 726 3134
	Mr Moses Mahlangu	Margen Industrial Services	Fax: (013) 656 2233
	Ms T Malungani	LEDET	Fax: (015) 295 5015
	Mr Steve Mukhola	DACERD	Fax: (018) 389 5006
	Mr T Zwane	Appeals Authority (DEA)	Fax: (012)3207561
	Mr S Malaza	Compliance Monitoring (DEA)	Fax: (012)-320-5744



**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) 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 (EA)**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**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;
  
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;
  
3. **An appeal must be:-**
  - a) submitted in writing;
  - b) accompanied by:
    - a statement setting out the grounds of appeal;
    - supporting documentation which is referred to in the appeal; and
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

In terms of regulation 37 of the Environmental Impact Assessment Regulations, 2006

Construction of 6 X 765kV Transmission Power Lines between the Delta and Epsilon Sub-stations, Limpopo and North-West Provinces

Waterberg, Bojanala Platinum, Central and Southern District Municipalities

<b>Authorisation register number:</b>	12/12/20/887
<b>NEAS reference number:</b>	DEAT/EIA/1927/2008
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	ESKOM HOLDINGS SOC LIMITED
<b>Location of activity:</b>	LIMPOPO AND NORTH-WEST PROVINCES: Within the Moses Kotane, Kgethlengrivier, Ditsobotla, Ventersdorp, Potchefstroom and City of Matlosana Local Municipalities

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.



## 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 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 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

### **ESKOM HOLDINGS SOC LIMITED**

with the following contact details –

Mr Sebenzile Vilakazi  
Eskom Holdings SOC Limited  
P.O. Box 1091  
**JOHANNESBURG**  
2000

Tel: (011) 800 4902  
Fax: (011) 800 3917  
E-mail: [VilakazS@eskom.co.za](mailto:VilakazS@eskom.co.za)

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

Listed activities	Activity/Project description
<u>GN R. 386 Item 12:</u>	<i>The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act no. 10 of 2004)</i>
<u>GN R. 387 Item 1(l):</u>	<i>The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more.</i>
<u>GN R. 387 Item 1 (m):</u>	<i>The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line or a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including –</i> (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.
<u>GN R. 387 Item 15:</u>	<i>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.</i>

- for the construction of 6 X 765kV transmission power lines for approximately 360 km from the Delta Sub-station near Lephalale within the Limpopo Province to the proposed Epsilon Sub-station near Potchefstroom within the North West Province, with one of the 765kV power lines replaced by a 400kV power line and diverted to terminate at a new Mogwase Sub-station near Sun City, as described in the Final Environmental Impact Report (FEIR) dated October 2009 and the Addendums to the FEIR, within the jurisdiction of the Moses Kotane, Kgethlengrivier, Ditsobotla, Ventersdorp, Potchefstroom and City of Matlosana Local Municipalities in the Limpopo and North West Provinces, hereafter referred to as "the property".



Routes for the power lines will be on the basis of the two corridor option of three power lines utilising Corridor C\_B3 and Corridor D, which are the preferred corridors. Corridor C\_B3 and Corridor D will terminate near the proposed Epsilon Sub-station in Potchefstroom at the farms Leeuwfontein 350 IP and Syferfontein 351 IP, respectively. The two lines will join at farm Kroomdraai and run on one corridor along the existing 400kV Hermes-Pluto power lines in the southerly direction to Site A (Epsilon Sub-station).

The technical specifications for the transmission lines include the following:

- Servitude width of 240 m (80 X 3) for each corridor.
- 3 x 765kV (AC) power lines (Delta-Epsilon) + 2 x 600kV (or 800kV) HVDC lines (Delta-Epsilon) + 1 x 400kV line (Delta-Mogwase).
- The line consists of 50 m high cross-rope suspension or Guyed-V towers with bend towers, or self supporting towers will be used on bends greater than 3 degrees and at locations on difficult terrain.
- A buffer of 500 m on either side of the 240 m servitude will be required to enable site specific deviation to take place.

The granting of this environmental authorisation is subject to the conditions set out below.

## Conditions

### Scope of authorisation

1. Authorisation is granted for Corridor C-B3 and Corridor D (as amended and described in Section 17 of the FEIR, Appendix 1-9 and 1-10 of Volume I of the FEIR and as indicated in Maps 1 – 6 in Appendix IV – 14 of Volume IV of the FEIR and in the Addendums to the FEIR dated November 2011) as preferred corridor alternatives; power line alternative 3 X 765kV (AC) power lines and 2 X 600kV (or 800kV) HVDC lines (to Epsilon Sub-station) and 1 x 400kV (AC) power line (terminating at Mogwase Sub-station) as the preferred power line alternatives; and two separate corridors of three lines each as the preferred power line combination.
2. The termination point for Corridor C-B3 will be at the Farm Leeuwfontein 350 IP and Corridor D will terminate at the Farm Syferfontein 351 IP, which are on the northern border of Epsilon study area (Site A on Farm Eleazer 277 IP) and run on one corridor along the existing 400kV Hermes-Pluto power lines in the southerly direction to Site A (Epsilon Sub-station preferred site).

3. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
4. 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 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.
5. The activities which are authorised may only be carried out at the property indicated above and as indicated in the FEIR, dated October 2009 and all addendums to the FEIR.
6. Any changes to, or deviations from, the project description set 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 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 authorisation in terms of the regulations.
7. These activities must commence within a period of five (5) years from the date of issue. If commencement of the activities 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 authorisation constitutes commencement of all authorised activities.
9. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

#### **Notification of authorisation**

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) 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 Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;



- 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 for the decision.

### **Management of the activity**

12. The Draft Environmental Management Plan (EMP) submitted as part of the application for environmental authorisation 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 EIR dated October 2009 must be incorporated as part of the EMP. Once approved, the EMP must be implemented and adhered to.
13. The amended EMP must also include the following:
  - 13.1 All mitigation measures recommended in the Addendums to the FEIR must be included in the final EMP and should be implemented by the applicant and contractors.
  - 13.2 The requirements and conditions of this authorisation.
  - 13.3 A plant rescue and protection plan which allows for the maximum transplant of conservation important species from areas to be transformed. This plan must be compiled by a vegetation specialist familiar with the site in consultation with the ECO and be implemented prior to commencement of the construction phase.
  - 13.4 An open space management plan to be implemented during the construction and operation of the facility.
  - 13.5 A re-vegetation and habitat rehabilitation plan to be implemented during the construction and operation of the facility including timeframes for restoration which must indicate rehabilitation within the shortest possible time after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
  - 13.6 An alien invasive management plan to be implemented during construction and operation of the facility. The plan must include mitigation measures to reduce the invasion of alien species and ensure that the continuous monitoring and removal of alien species is undertaken.
  - 13.7 A storm water management plan to be implemented during the construction and operation of the facility. The plan must ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion. The plan must include the construction of appropriate 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.

- 13.8 An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of oil and other toxic liquids from entering the soil or storm water systems.
- 13.9 Measures to protect hydrological features such as streams, rivers, pans, wetlands, dams and their catchments, and other environmental sensitive areas from construction impacts including the direct or indirect spillage of pollutants.
14. The approved EMP must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
15. Changes to the EMP, which are environmentally defensible, shall be submitted to this Department for acceptance before such changes may be effected or implemented.
16. The Department reserves the right to request amendments to the EMP should any impacts that were not anticipated or covered in the EIR be discovered.
17. The provisions of the approved EMP including the mitigation measures identified in the EIR and specialist' studies shall be an extension of the conditions of this EA and therefore noncompliance with them shall constitute noncompliance with the EA.
18. The holder of this authorisation must appoint qualified vegetation, avifauna and heritage specialists to ground-truth every infrastructure footprint and their recommendation must be included in the EMP to be submitted to the department for approval.

### **Monitoring**

19. The holder of this authorisation must appoint an **independent** Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
20. The ECO must be appointed before commencement of any authorised activity.
21. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring of the Department*.
22. 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.



23. The ECO must:

- 23.1 Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 23.2 Keep and maintain a detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
- 23.3 Keep and maintain a daily site diary.
- 23.4 Keep copies of all reports submitted to the Department.
- 23.5 Keep and maintain a schedule of current site activities including the monitoring of such activities.
- 23.6 Obtain and keep record of all documentation, permits, licences and authorisations such as waste disposal certificates, hazardous waste landfill site licences etc. required by this facility.
- 23.7 Compile a monthly monitoring report.

**Recording and reporting to the Department**

- 24. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
- 25. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.

**Commencement of the activity**

- 26. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
- 27. 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.

28. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.
29. The holder of this authorisation must obtain a Water Use Licence Authorisation (WULA) from the Department of Water Affairs (DWA) prior to the commencement of the project should the holder impact on any wetland or water resource. A copy of the license must be submitted together with notice for commencement to the *Director: Environmental Impact Evaluation* at the Department for record purposes.
30. The holder of this authorisation must obtain the appropriate permits from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. A copy/ies of the permit/s must be submitted together with notice for commencement to the *Director: Integrated Environmental Authorisations* at the Department for record purposes

#### **Notification to authorities**

31. 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 Notice of Intent to Appeal period, within which construction may not commence.

#### **Operation of the activity**

32. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
33. The holder of this authorisation must compile an operational EMP for the operational phase of the activity or alternatively, if the holder has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.



### **Site closure and decommissioning**

34. 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.

### **Specific conditions**

#### Corridor CB 3

35. All re-alignments and deviations of the transmission lines indicated on pages 152-160 in the FEIR dated October 2009 and the subsequent Addendums to the EIR are accepted.
36. The route alignment of the transmission power lines at Millvale Private Retreat must be along the eastern boundary (i.e. Deviation 2) as indicated on page 5 of the Addendum to the FEIR for the review of the corridor alignment at Millvale Private Retreat, Koster.
37. The corridor route must be re-aligned to run along farm boundaries at the Farms Bulhoek 389 JP, Dwarspruit 393 JP and Amorville 399JP.

#### Corridor D

38. All re-alignments and deviations of the transmission lines indicated on pages 160-174 in the FEIR dated October 2009 and the subsequent Addendums to the FEIR are accepted.
39. The alignment of the power lines must avoid the high ground to the south west of the Pilanesberg International Airport thereby not entering nor penetrating the protection surfaces as depicted in the Map in the Addendum to EIR for the review of Civil Aviation Authority (CAA) alignment near Pilanesberg International Airport.
40. The route alignment of the power lines at the African Explosives Limited (AEL) must run along the western boundary of AEL property and the R510 as depicted on Figure 4 in the Addendum to EIR dated November 2011.
41. The routing of transmission lines at the Pilanesberg International Airport must be routed south-west of the high ground in order to avoid the protection surface.

42. The buffer area must be increased to accommodate requests from affected landowners and to allow some latitude in the placing of the power lines as depicted on Maps in Volume IV of the FEIR dated October 2009.
43. The power lines must avoid the "No Go" heritage areas on Boekenhoutfontein and Selonskraal (Molokwane). Avoidance of these areas must ensure that these heritage resources are not physically or visually impacted by the power lines.
44. The eastern route alignment set out in 9(v) on page 47 and as depicted on a Map in Appendix 6 of the Addendum to EIR for the Review of Corridor Alignment at Roodewal Road, Derby, dated June 2010 is approved.
45. Eskom must complete the determination of the final alignment of transmission lines at the Rainbow Chickens property at Roodewal 332 IQ, Portions 8, 15 and 17, through further consultation with Rainbow Chickens. Once the final alignment has been determined, it must be submitted to the Department for approval.
46. Eskom in consultation with the Rainbow Chickens must develop tightly quarantine and movement access/control measures to avoid any bio-security risks due to human activities during the construction and operation phases. The Quarantine Management Plan must be included in the Final EMP.

#### Land acquisition and Resettlement

47. This development is authorised on condition that Eskom acquires the necessary servitude for both corridors of the transmission lines. Eskom must negotiate with all affected landowners within the preferred corridors prior to commencing with construction. Proof of negotiation with affected landowners must be made available on request to the DEA.
48. Any route adjustment outside the corridor necessitated by local circumstances must be reported to the DEA in writing. Construction of the transmission lines shall only commence once such route re-alignments have been accepted by the DEA.
49. Power lines must be re-aligned to avoid dwellings and other structures. However, where relocation is unavoidable, the applicant must ensure that relocation is properly explained to the affected communities. The applicant must appoint a social specialist to conduct spot checks to assess whether a fair process is being followed and that the affected property owner/tenant is fully informed of the process.
50. The applicant must compile a detailed and structured Resettlement Action Plan (RAP) prior to the start of construction based on Eskom's Policy, but also in line with World's Best Practice, such as



the International Finance Corporation's Safeguard Policies. The RAP must be developed, implemented, and people resettled, before construction start in the vicinity of their original homesteads. The final RAP must be submitted for record keeping purposes to the Department prior to construction.

#### Hazardous Waste

51. Hazardous and flammable substances must be stored and used in compliance to the applicable regulations and safety instructions. Hazardous substances must not be stored where there could be accidental leakage into water resources (rivers, streams, wetlands, etc.).
52. Eskom must ensure that all waste control and the location of fuel storage areas, hazardous materials (oils, chemicals, and cement), waste storage areas, ablution and latrines and any other potentially polluting activities are 100 m away from wetlands, river or stream to avoid any pollution.
53. Eskom must ensure that an effective monitoring system is put in place to detect any leakage or spillage of all hazardous substances.

#### Fauna and Flora

54. During the detailed design phase of the project once the pylon positions have been identified, a detailed walk-through of all the final corridor must be undertaken by the biodiversity, avifauna, fire risk, heritage, agriculture and social impacts specialists so that they can advise as to the best locations for the pylons in terms of their field of expertise.
55. A Search and Rescue (S&R) operation of all the Red Data as well as rare endangered plants must be undertaken on the exact spots selected on which the pylons will be erected by a suitably qualified botanist. All plants present must be surveyed and collected for documentation for the South National Biodiversity Institute (SANBI) and those which are rare and threatened species shall be moved to nurseries for re-establishment after construction and/or relocated to protected areas.
56. Vegetation clearing must be restricted strictly to the servitude. No vehicle or pedestrian traffic shall be allowed outside of the 240 m (80 x 3) servitude.
57. Removal of indigenous protected trees must be carried out with a permit from the Department of Agriculture, Forestry and Fisheries (DAFF) before their removal.

58. All protected trees must be identified and marked by the ECO/Ecologist during a final walk-through prior to commencing with construction. The ECO shall keep record of a list of all identified protected trees.
59. All sections of power line running through natural grassland, where the core of the national breeding population of *Yellow-throated Sandgrouse* is resident must be marked with suitable Bird Flight Diverters on the earth-wire.
60. All sections of power line passing over or adjacent to pans, dams and wetlands must be clearly marked on the earth wires with a suitable marking device (this to avoid bird collisions with the conductors and earthwire).
61. Eskom must ensure that all disturbed areas are re-vegetated using either specified indigenous seed mix where appropriate and/or vegetation removed from other stable sites within the site.
62. If any rare, endangered or protected faunal species are encountered during construction, the ECO must be contacted and the species must be relocated.

#### **Other Conditions**

63. Eskom must ensure that all alignment of power lines along the farms must not affect the safety of helicopter take-off and the landing.
64. Construction workers must not use any streams and rivers for ablution and washing clothing and utensils during the construction phase.
65. Existing access roads must be used to access routes and limit vehicle movements within the servitude to existing tracks to avoid further impacting on the study area.
66. Construction of new/temporary bridges as part of access roads across non-perennial streams and larger rivers is prohibited.
67. Eskom must ensure that no construction camps, dumping or stockpiling of construction material is allowed in the stream and associated riparian area.
68. The transmission lines must be placed to avoid Site 1 and 2 of Archaeological Impact Assessment Phase I Report dated December 2008 and all the heritage sites designated as "No GO" areas. If stone walls cannot be avoided, these sites must be subjected to Phase II investigations by an archaeologist accredited with the Association for Southern African Professional Archaeologists (ASAPA).



69. The monument that is associated with the Battle of Kleinfontein must be avoided. If the monument, which can also be conserved beneath the power line, has to be moved, it must be shifted to a location where it is accessible to the public, tourists and other interested individuals or groups as it holds educational, emotional and other values.
70. No temporary site camps shall be allowed outside the footprint of the development area as the establishment of such structures may trigger a listed activity as defined in the NEMA Regulations, Government Notice R.544, R.545 and R.546 of 2010.
71. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of Section 20 (b) of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008).
72. At the time of the requirement of the HVDC power lines for this project, a separate Environmental Impact Assessment (EIA) must be undertaken to investigate and assess the health and safety aspects, including the HVDC field effects, to ensure that all safety considerations have been met with.

#### General

73. A copy of this authorisation 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.
74. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at 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.

75. 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: 16 November 2012**

A handwritten signature in black ink, appearing to read 'Mark Gordon', with a large, sweeping underline that extends to the right.

**Mr Mark Gordon**

**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 FEIR, dated October 2009 and Addendums to the FEIR;
- b) The comments received from interested and affected parties and included in the EIR dated October 2009;
- c) Mitigation measures as proposed in the FEIR dated October 2009 and the EMP;
- d) The information contained in the specialist studies contained in the EIR dated October 2009; 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, identified issues and the recommended mitigation measures which were deemed to be acceptable.
- b) The need for the proposed development is in order to transmit the power received from the Mmamabula and Medupi power stations to load centres in the Rustenburg/Brits area, Gauteng and further south in Epsilon Sub-station.
- c) The major benefit of the project is to ensure that there is sufficient transmission of electricity to sustain the country's economic growth.
- d) The methodology used in assessing the potential impacts identified in the EIR dated October 2009 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, 2006 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 EIR dated October 2009 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.

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