



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

Reference: 12/12/20/1178

Enquiries: Percy Ngidi

Telephone: 012-310-3182 Fax: 012-320-7539 E-mail: pngidi@environment.gov.za

Ms Mmamoloko Seabe
Eskom Holdings Pty Ltd
P.O. Box 1091
JOHANNESBURG
2001

Fax no: (011) 798-6010

PER FACSIMILE/ MAIL

Dear Ms Seabe

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: PROPOSED CONSTRUCTION OF A 400/132 KV SUBSTATION AND LOOP-IN LINES IN VRYBURG, NORTH WEST 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, in writing and within 7 (seven) 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 submission of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations 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 interested and affected parties.

A copy of the official appeal form can be obtained from:

Mr T Zwane
Senior Appeals Administrator
Tel: 012 310 3929
tzwane@environment.gov.za; or

Ms M Serite
Appeals Administrator
Tel: 012 310 3788
mserite@environment.gov.za

at the Department.

Should any party, including you, wish to appeal any aspect of the decision, they / you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, 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. Van der Walt and Pretorius Streets, Pretoria.

You (applicant) 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, Environmental Impact Evaluation) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

The authorised activities shall not commence within thirty (30) 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 faithfully



Ms Lize McCourt
CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT
Department of Environmental Affairs

Date: 24 August 2010

CC: Frank Benedek
Mr. F. Caywood
Mr. T Zwane

Bohlweki SSI Consulting
Bophirima District Municipality
Appeals Administrators

(011) 798-6010
(053) 927-2497
(012) 310-3929

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 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 from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 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 all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 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 relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging 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 Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

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;
- 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;
- d) the delegated organ of state, where relevant, must be submitted to the delegated organ of state.

3. An appeal must be:-

- a) on an official form obtainable or published by the relevant department;
- 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 62 (2) or (3) together with copies of the notices referred to in regulation 62;
 - the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from:

See authorisation cover letter.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: 12/12/20/1178

Last amended: First issue

Holder of authorisation: ESKOM HOLDINGS LIMITED

Location of activity: Bophirima District Municipality,
NORTH WEST PROVINCE

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24/8/2010

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.

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 –

Ms. Mmamoloko Seabe
Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2001

Tel: (011) 800-2706

Fax: (011) 798-6010

to undertake the following activities (hereafter referred to as “the activities”):

GN R.386:

Activity 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 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) canals;*
- (ii) channels;*
- (iii) bridges;*
- (iv) dams; and*
- (v) weirs*

Activity 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 metres but less than 1 000 cubic metres at any one location or site.

Activity 12: 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).

Activity 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.

Activity 16: The transformation of undeveloped, vacant or derelict land to –

- (a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or*
- (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.*

GN R.387

Activities 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 more than 120 kilovolts or more.

24/8/2010


Activities 2: Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more

as described in the Environmental Impact Assessment Report (EIR) dated March 2010.

The proposed Vryburg substation is located approximately 22km south-east of Vryburg along the N18 main road from Vryburg to Jan Kempdorp. The study area is within the Bophirima District Municipality, North West Province hereafter referred to as "the property".

Conditions

Scope of authorisation

1. The site Option C for the proposed Vryburg Substation and the preferred corridor for the loop-in lines as indicated on Fig 3.2 in the EIR dated March 2010 is approved.
2. The proposed Corinth Substation is approved with a footprint of 500m x500m.
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 authorised may only be carried out at the property as described above.
6. 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 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. This activity must commence within a period of five (5) 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. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. 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.
 9. Relevant legislation that must be complied with by the holder of this authorisation includes, inter alia:
 - 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 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 and 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 No. 36 of 1998).
 - All provisions of the Environment Conservation Act (Act No. 73 of 1989).
 - All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - All provisions of the Hazardous Substances Act (Act 15 of 1973).
 - Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Minerals.
 10. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
 11. Construction must include 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.
 12. 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 Environment Management Waste Act, 2008 (Act No. 59 of 2008).

Appeal of authorisation

13. The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (seven) calendar days, of receiving notice of the Department's decision to authorise the activity.
14. The notification referred must –
 - 14.1 specify the date on which the authorisation was issued;
 - 14.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations;
 - 14.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 14.4 give the reasons for the decision.

Management of the activity

15. The Environmental Management Plan (EMP) for the construction and operation of the proposed development submitted as part of the Application for EA is hereby accepted.
16. The recommendations and mitigation measures recorded in the EIR dated March 2010 must be adhered to and incorporated as part of the EMP where applicable.
17. All correspondence with regard to this application must be forwarded for attention to: The Director: Environmental Impact Evaluation within the Department.

Monitoring

18. The applicant must appoint a suitably experienced 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 authorisation are implemented and to ensure compliance with the provisions of the EMP.
19. The ECO shall be appointed before commencement of any land clearing or construction activities.

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24/8/2010

20. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
21. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
22. 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.

Recording and reporting to the Department

23. The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must –
 - 23.1 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.
 - 23.2 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.
24. All compliance monitoring and audit reports must be submitted to the Director: Compliance Monitoring.

Commencement of the activity

25. The authorised activities shall not commence within thirty (30) days of the date of signature of the authorisation.
26. Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you shall not commence with the activities unless authorised by the minister in writing.

Notification to authorities

27. 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 26 above.

Operation of the activity

28. Fourteen (14) days written notice must be given to the Department that the activities operational phase will commence.

Site closure and decommissioning

29. 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

30. Faunal species must not be trapped, killed or hunted during the construction phase.
31. The cutting down of large trees is prohibited.
32. The construction site must be clearly demarcated and clear signage must be erected during the construction phase.
33. Dust emitted during the construction phase must be suppressed through regular water spraying of the surfaces.
34. Ablution facilities must be available for the construction workers during the construction phase. These facilities must be removed when the proposed project is completed.
35. No fires are allowed on the site to avoid the risk of fire.

General

36. A copy of this authorisation must be kept at the property where the activity (ies) 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.
37. 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.

38. 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.
39. 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: 24 August 2010


Ms Lize McCourt

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

Department of Environmental Affairs

- According to the EIR dated March 2010, there are no known heritage resources in the study area.
- The greatest potential risk of the distribution lines is the likelihood of alien plant invasions associated with increased disturbance, particularly along the servitude. Other than the local damage to the vegetation associated with the erection of poles and the stringing of power lines, the direct impacts of the proposed overhead lines is likely to be minimal.
- The proposed overhead power lines will have limited impact on the terrestrial ecology of the area. Mitigation of impacts for specific species will best be done during the pre-construction phase by avoiding Blue Swallows habitats and placing structures away from sensitive areas such as wetlands and rivers.
- The construction of access roads and construction for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream are not assessed hence exclusions indicated in Conditions 32 and 33 above.
- The loss of grassland habitat and the disturbance to birds resulting from the electrical infrastructure is regarded as minor.
- The identification and assessment of impacts are detailed in the EIR dated March 2010 and sufficient assessment of the key identified issues and impacts have been completed.
- The procedure followed for impact assessment is adequate for the decision-making process.
- The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- All legal and procedural requirements have been met.
- The information contained in the EIR dated March 2010 is accurate and credible.
- EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR and will be implemented to manage the identified environmental impacts during the construction process.

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.

A handwritten signature in black ink, followed by the date '24/8/2010' written in a similar style.