



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

Reference: 12/12/20/1616

Enquiries: Lerato Mokoena

Telephone: 012-310-3137 Fax: 012-320-7539 E-mail: lmokoena@environment.gov.za

**Ms Andrea van Gensen
Eskom Holdings Limited
P.O. Box 356
BLOEMFONTEIN
9300**

Fax no: 051 404 2972

PER FACSIMILE / MAIL

Dear Ms Van Gensen

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: PROPOSED CONSTRUCTION OF A 132kV POWER LINE BETWEEN THE KLIPKOP & UMTU SUBSTATIONS, NORTHERN CAPE 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 10 (ten) 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**

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 activity / ies 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: 28 September 2010

CC: Selma Nel
Appeals Administrator

Ivuzi Pty (Ltd)
DEA

Fax: 011 803 5745

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:-

- 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;
- 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;
- 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;
- the delegated organ of state where relevant.

2. An appeal lodged with:-

- the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
- the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
- the MEC must be submitted to the provincial department responsible for environmental affairs;
- the delegated organ of state, where relevant, must be submitted to the delegated organ of state.

3. An appeal must be:-

- on an official form obtainable or published by the relevant department;
- 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.

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Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: 12/12/20/1616

Last amended: First issue

Holder of authorisation: ESKOM HOLDINGS LIMITED

Location of activity: NORTHERN CAPE
PROVINCE: within the
Kgalagadi District Municipality

[Signature] 28/9/2010

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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 should be authorised to undertake the activity / ies 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 Andrea van Gensen
Eskom Holdings Limited
P.O. Box 356
BLOEMFONTEIN
9300

Tel: (051) 404 2040

Fax: (051) 404 2972

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

GN R387

Item 1(l): 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.

Item 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.

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Item 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)

as described in the Environmental Impact Assessment Report (EIAR) dated May 2010 :

Corridor 4 and 5 (Preferred)	Latitude	Longitude
Start Point	27°08'10.5" S	22°50'40.0"E
End Point	27°13'11.6" S	22°54'12.0"E

between the Klipkop and Umtu substation. The Klipkop substation is located on Portion 3 of the Farm Nchwaning 267 and the Umtu substation is located on the remaining Portion of Farm Olive Pan 282 in the Kgalagadi District Municipality within the Northern Cape Province, hereafter referred to as "the property".

Conditions

Scope of authorisation

1. The preferred route corridors, Corridor 4 and Corridor 5 as per the EIR dated May 2010 are approved.
2. 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.
3. 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.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this 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

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and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

6. 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.

7. 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.

7.1 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 36 of 1998).
- All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).

8. 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).

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Appeal of authorisation

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 10 (ten) calendar days, of receiving notice of the Department's decision to authorise the activity.
10. The notification referred must –
 - 10.1 specify the date on which the authorisation was issued;
 - 10.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations;
 - 10.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4 give the reasons for the decision.

Management of the activity

11. The Environmental Management Plan (EMP) for the construction submitted as part of Application for Environmental Authorisation is hereby approved.
12. The recommendations and mitigation measures recorded in the EIR dated May 2010 must be adhered to and incorporated as part of the EMP where applicable.
13. All correspondence with regard to this application must be forwarded for attention to The Director: Environmental Impact Evaluation within the Department.

Monitoring

14. 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.
15. The ECO shall be appointed before commencement of any land clearing or construction activities.
16. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
17. 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.

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18. 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

19. 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 –
- 19.1 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.
- 19.2 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.
20. All compliance monitoring and audit reports must be submitted to the Director: Compliance Monitoring.

Commencement of the activity

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

Notification to authorities

23. 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 21 above.

Operation of the activity

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

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25. The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if an operational EMP exists for the area, it must be amended to include the proposed activity as applied for authorisation.

Site closure and decommissioning

26. 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

27. Anti-collision devices such as bird flappers must be installed where the power lines crosses avifaunal corridors. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line once the exact positions of the towers have been surveyed and pegged.
28. A vegetation specialist should be present during the planning and pegging of the final route alignment to ensure that the positions of pylons result in minimum impacts on sensitive vegetation and protected trees.
29. Protected trees must not be cut or removed prior to a licence being obtained in line with the National Forests Act, 1998 (Act No. 84 of 1998) administered by the Department of Agriculture, Forestry, and Fisheries.
30. All areas to be disturbed during the construction phase of the project must be rehabilitated using only indigenous plants.
31. Indigenous vegetation which does not interfere with the safe operation of the power line must be left undisturbed.
32. Waste containers must be provided on the construction site as well as along the access routes to prevent littering.
33. No surface or ground water may be polluted due to any activity on the site.

General

34. 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.

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35. 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.
36. 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.
37. 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: 28 September 2010



Ms Lize McCourt

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited (Pty) Ltd applied for the following activities:

GN R387

Item 1(l): 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.

Item 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.

GN R 386

Item 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)

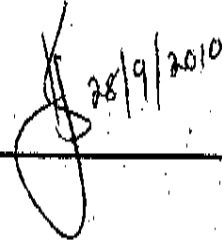
- construction of a 132kV power line between the Klipkop & Umtu substations within Klipkop substation located on Portion 3 of the Farm Nchwaning 267 and the Umtu substation located on the remaining Portion of Farm Olive Pan 282 Kgalagadi District as described on page 1 of the Environmental Impact Assessment Report dated May 2010.

The applicant appointed Ivuzi Environmental Consultants (Pty) Ltd to undertake an environmental assessment process in accordance with 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 information contained in the EIR dated May 2010;
- b) The comments received from the Directorate: Biodiversity and Conservation;
- c) Mitigation measures as proposed in the EIR dated May 2010 and the EMP;



- d) The information contained in the specialist studies contained within in the EIR dated May 2010 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).

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) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stems to provide the Assmang Black Rock Manganese mine with sufficient electricity, which the mine will require for their proposed expansion project in the near future.
- d) The EIR dated May 2010 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- e) The EIR dated May 2010 identified all legislation and guidelines that have been considered in the preparation of the EIR dated May 2010 and the legislation and guidelines that will be considered in the preparation of the Environmental Impact Assessment.
- f) The proposed methodology used in assessing the potential impacts identified in the EIR dated May 2010 and the proposed specialist studies have been adequately indicated.
- g) 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.

4. Findings


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

- The identification and assessment of impacts are detailed in the EIR dated May 2010 and sufficient assessment of the key identified issues and impacts have been completed.

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- 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 May 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.

 28/9/2010