



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682
Reference: 12/12/20/866

Enquiries: Mr Wayne Hector

Telephone: (012) 310 3001 Fax: (012) 320 7539 E-mail: Whector@deat.gov.za

Ms Mmamoloko Seabe
P O Box 1091
JOHANNESBURG
2000

Tel: (011) 800-2345
Fax: (011) 800-3917

PER FACSIMILE / MAIL

Dear Madam,

ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF THE STEELPOORT INTEGRATION PROJECT, LIMPOPO 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 making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulate the appeals procedure. Attached please find a simplified table 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 PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or

Mr H Grovè, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.

Any party wishing to appeal any aspect of the decision 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) 310 7561;
By post: Private Bag X447, Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered I&AP's as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

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

The authorised activity/activities may not commence within thirty (30) days of the date of signature of the authorisation. Please further note that the Minister may, on receipt of appeals against the authorisations or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Ms Nosipho Ngcaba
Director – General
Department of Environmental Affairs and Tourism
Letter signed by: Ms Lize McCourt
Designation: Chief Director: Environmental Impact Management
Date: 10/2/09

Cc:
Ms J Thomas
Mr P Retief

Savannah
DEAT

Fax: 086 648 0547

**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 within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority within 30 days of lodging of the notice of intention to appeal
5. A person or organ of state whom receives notice of an appeal may submit a responding statement to the relevant Competent Authority within 30 days from the date the appeal submission was made available for inspection by the appellant	5. An Applicant whom receives notice of an appeal may submit a responding statement to the relevant Competent Authority 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 if the Minister is the Competent Authority
 - b) the MEC if the MEC is the Competent Authority
 - c) the delegated organ of state where relevant.

2. An appeal lodged with:-
 - a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
 - b) the MEC must be submitted to the provincial department responsible for environmental affairs
 - c) 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. The relevant Competent Authority may, in writing, on good cause extend the period within which a notice of intention to appeal, the period for submitting the appeal or the period for submitting a responding statement may be submitted.



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number:	<i>12/12/20/866</i>
Last amended:	
Holder of authorisation:	<i>ESKOM HOLDINGS LIMITED</i>
Location of activity:	Thaba Chweu Municipality and Greater Tubatse Municipality: Limpopo Province

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 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
P O Box 1091
JOHANNESBURG
2000

Tel: (011) 800-2345
Fax: (011) 800-3917

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

GN. No. 386

Activity Number

- 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 m 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
- 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 m³ but less than 1 000 m³ at any one location or site.
- 12 The transformation or removal of indigenous vegetation of 3 ha 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).
- 14 The construction of masts of any material of type and of any height, including those used for telecommunications broadcasting and radio transmission, but excluding:
- (a) masts of 15 m and lower exclusively used by
 - (i) radio amateurs; or
 - (ii) for lightening purposes
 - (b) flagpoles; and
 - (c) lightening conductor poles
- 15 The construction of a road that is wider than 4 m or that has a reserve wider than 6 m, excluding roads

that fall within the ambit of another listed activity or which are access roads of less than 30 m long.

- 16(a) The transformation of undeveloped, vacant or derelict land to 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 ha.

Activities GN R. 387

Activity number

- 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 kV or more.

for the construction of the following:

- The construction of a **new 400kV substation** on the property to be occupied by the PSS.
- The construction of **two 400kV transmission power lines** looping in to and out of the Duvha-Leseding 400kV transmission power line to the proposed new substation (a distance of approximately 40 km).
- The construction of a **400kV transmission power line** between the proposed new substation and the existing Merensky Substation, located near the town of Steelpoort (a distance of approximately 50 km).
- The establishment of an **additional feeder bay** within the existing footprint of the Merensky Substation to connect the new 400kV transmission power line.
- **Associated works** to integrate the proposed new substation into Eskom's electricity transmission grid (including the construction of service/access roads, the construction of a communication tower at the substation site, etc).

as described in the Environmental Impact Report (EIR) submitted to this Department in July 2008, which fall within the jurisdiction of the Thaba Chweu Municipality and Greater Tubatse Municipality: Limpopo Province, hereafter referred to as "the property". The granting of this environmental authorisation is subject to the conditions set out below.

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Conditions

Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.3 The activity authorised may only be carried out at the property indicated above.
- 1.4 Authorisation is granted for Western Corridor Alternative, following the proposed deviation along the 132 kv line up to the Merensky substation, as described in the EIR, dated July 2008.
- 1.5 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.
- 1.6 This activity must commence within a period of four (4) 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.

Appeal of authorisation

- 1.7 The holder of the authorisation must notify every registered interested and affected party (IAP), in writing within 10 (Ten) calendar days, of receiving notice of the Department's decision to authorise the activity.

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- 1.8 The notification referred to in 1.7 must –
- 1.8.1 specify the date on which the authorisation was issued;
 - 1.8.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 1.8.3 advise the interested and affected party that a copy of the authorisation will be furnished on request, and
 - 1.8.4 give the reasons for the decision.

Management of the activity

- 1.9 The Draft Environmental Management Plan (“DEMP”) Appendix O in the EIR, dated July 2008 is accepted by the Department.
- 1.10 The Final Environmental Management Plan (EMP) must be submitted to this Department for approval before the commencement of construction.
- 1.11 The EMP will be seen as a dynamic document. However, any changes to the EMP must be submitted to the authorities for approval before such changes could be effected.

Monitoring

- 1.12 The applicant must appoint a responsible person that will act as an Environmental Control Officer (ECO) that will have the responsibility of implementing the approved EMP.
- The ECO shall be appointed before the start of construction and the authorities must be notified of such an appointment for communication purposes.
 - The ECO shall submit a quarterly environmental compliance report, in writing, to The Director: Environmental Impact Evaluation and copy the Applicant with such report. This report shall include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. The report must reflect the DEAT reference number of the project on the cover page.



- The ECO shall maintain the following on site:
 - A site diary
 - Copies of all reports submitted to the Department
 - A complaints register of all public complaints and the remedies applied to such complaints
- The ECO shall remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to Eskom by the contractor for operation.

Recording and reporting to the Department

1.13 The holder of the authorisation must submit an environmental compliance audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must include –

1.13.1 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.

1.13.2 Records relating to compliance monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

1.13.3 Detail of the rehabilitation measures of the site that must be compiled by an Independent Environmental Auditor.

1.13.4 Detail of all incidents and mitigation measures implemented to address such incidents.

1.13.5 Any measure that require follow-up.

Commencement of the activity

1.14 The authorised activity / activities may not commence within thirty (30) days of the date of signature of the authorisation.



- 1.15 Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity / activities unless authorised by the minister in writing.

Notification to authorities

- 1.16 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 1.14.

Operation of the activity

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

Site closure and decommissioning

- 1.18 Should the use of the facilities installed as part of this authorisation 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

- 1.19 Waste collection bins must be supplied, and where such is not available then all solid waste collected must be disposed at a registered waste dump in accordance with the refuse collection and disposal requirements of the relevant municipality.

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- 1.20 Storage of waste on site is not allowed without the consent from the land owner or permit from Department of Water Affairs and Forestry (DWAF).
- 1.21 No fires are allowed on the construction site to avoid the risk of fire.
- 1.22 Applications for all other relevant and required permits required to be obtained by Eskom must be submitted to the relevant regulating authorities. This includes permits for the transporting of all components (abnormal loads) to site, disturbance to heritage sites, disturbance of protected vegetation, and disturbance to any riparian vegetation or wetlands.
- 1.23 The final routing of the power line (particularly in the northern portion of the study area) must take cognisance of the location of the Steelpoort River, and it must be ensured that the 1:50 year floodline is not encroached on. A layout plan, indicating the final routing of the power line must be submitted to this Department for approval.
- 1.24 A biodiversity specialist must assess the footprint of each component of the infrastructure (each tower) in order to determine whether any populations of sedentary threatened organisms and/or sensitive habitats will be affected by the infrastructure. Recommendations must be made regarding the placement of towers and other infrastructure away from these sensitive areas, where possible. Plants that can be rescued should be relocated prior to construction.
- 1.25 A heritage specialist must assess the footprint of each component of infrastructure (each tower) in order to determine whether any potentially significant heritage sites will be affected by the infrastructure. Recommendations must be made regarding the placement of towers and other infrastructure away from these sites, where possible. Those heritage resources that cannot be avoided and that are directly impacted by the development must be excavated/recorded (following the obtaining of an appropriate permit from SAHRA) and a management plan should be developed for future action. Those sites that are not impacted upon should be written into the site-specific EMP, and should be avoided or cared for in the future.

A handwritten signature in black ink, followed by the date '10/2/07' written vertically next to it.

- 1.26 Should any heritage remains be exposed, these must immediately be reported to the Limpopo Provincial department of Heritage (In terms of the National Heritage Resource Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Limpopo Heritage Department.
- 1.27 If any archaeological remains (including but not limited to fossil bones and fossils, coins, indigenous and / or colonial ceramics, any articles of value or antiquity, marine shells heaps, stone artefacts and bone remain, structures and other built features, rock art and rock engravings) are discovered during the construction they must immediately be reported to Limpopo Heritage Department and must not be disturbed further until the necessary approval has been obtained from Limpopo Heritage department.
- 1.28 During construction, sensitive habitats must be avoided by construction vehicles and equipment in order to reduce potential impacts.
- 1.29 Dust control measure must be put in place and be included in the EMP.
- 1.30 During and after the construction of infrastructure, an effective storm water management plan must be in place. This must include the rehabilitation of disturbed areas and protection of the top soil in order to reduce the possibility of soil erosion.
- 1.31 Bird Guards must be installed on all self supported towers according to the existing Eskom guidelines. This will prevent birds from perching in high risk areas on towers directly above live conductors.
- 1.32 Earth wires must be marked on high risk sections of the power line according to Eskom guidelines. The high risk areas include areas like river crossings, areas close to the proposed De Hoop Dam and arable lands.
- 1.33 An ornithologist must identify the exact power line spans required marking in order to minimise the risk of collision of birds with the earth wire.
- 1.34 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.
- 1.34.1 Relevant legislation that must be complied with by the holder of this authorisation include but is not limited to:



- Compliance with the requirements of Section 38 (1) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
 - Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
 - Compliance with the requirements of the National Water Act (Act 36 of 1998).
 - Relevant local authority bylaws and regulations.
- 1.35 Non compliance must be reported immediately to the Director: Environmental Impact Evaluation of the National Department of Environmental Affairs and Tourism.

General

- 1.36 A copy of this authorisation must be kept at the site office 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.
- 1.37 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.
- 1.38 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.

A handwritten signature in black ink, followed by the date '10/2/07' written vertically next to it.

- 1.39 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: 10 February 2009



Ms Nosipho Ngcaba

Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Lize McCourt

Designation: Chief Director: Environmental Impact Management

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited, applied for authorisation to carry out the following activities –

Activities GN R. 386

- Activity number:**
- 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 m 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

 - 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 m³ but less than 1 000 m³ at any one location or site.

 - 12 The transformation or removal of indigenous vegetation of 3 ha 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).

- 14 The construction of masts of any material of type and of any height, including those used for telecommunications broadcasting and radio transmission, but excluding:
- (a) masts of 15 m and lower exclusively used by
 - (i) radio amateurs; or
 - (ii) for lightening purposes
 - (b) flagpoles; and
 - (c) lightening conductor poles
- 15 The construction of a road that is wider than 4 m or that has a reserve wider than 6 m, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 m long.
- 16(a) The transformation of undeveloped, vacant or derelict land to 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 ha.

Activities GN R. 387

- Activity number** 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 kV or more.

for the construction of the following:

- The construction of a **new 400kV substation** on the property to be occupied by the PSS.
- The construction of **two 400kV transmission power lines** looping in to and out of the Duvha-Leseding 400kV transmission power line to the proposed new substation (a distance of approximately 40 km).

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- The construction of a **400kV transmission power line** between the proposed new substation and the existing Merensky Substation, located near the town of Steelpoort (a distance of approximately 50 km).
- The establishment of an **additional feeder bay** within the existing footprint of the Merensky Substation to connect the new 400kV transmission power line.
- **Associated works** to integrate the proposed new substation into Eskom's electricity transmission grid (including the construction of service/access roads, the construction of a communication tower at the substation site, etc).

as described in the Environmental Impact Report (EIR) submitted to this Department in July 2008,

The applicant appointed Savannah Environmental to undertake an EIA process and to compile an EIR as required by regulation R. 385.

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 submitted to the Department in July 2008;
- b) Recommendations and mitigation measures as it is described in the specialists reports;
- c) 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) The proposed project will provide additional electricity within the area experiencing a shortage of electricity. The area is known for intensive industries such as mining and primary metal processing. The Steelpoort and Burgersfort areas are supplied from the Merensky substation. Therefore, at a regional level,



the transmission power lines to Merensky substation will assist with the strengthening of the electrify network in the Steelpoort area.

- (b) The proposed project may severely or significantly impact negatively on the environment, but according to Section 2 (4) (a) (viii) of NEMA the following: *Sustainable development requires the consideration of all relevant factors including the following: that negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.* It is the considered view of the Department that in light of the proven need for the transmission lines and substation, the impacts cannot be avoided altogether. Mitigation measures for impacts as discussed in the specialist reports are included in this authorisation. Implementation of these mitigation measures will result in the anticipated impacts being significantly reduced. No fatal flaws were identified in the project.
- (c) Sufficient public participation process was conducted and the consultant has met the minimum requirements as prescribed in the EIA regulations, GN. No. 385 of 21 April 2006 for public involvement.

4. Findings

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

- The environmental issues were adequately addressed.
- The information contained in the EIR was relevant and credible in order to make a decision.
- The applicant has satisfied the minimum requirements as prescribed in the EIA regulations of 21 April 2006.

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.

