

environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedeure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2882

Reference: 12/12/20/915

Enquiries: Ms Lené Grobbelaar

Telephone: (012) 310-3087 Fax: (012) 320-7539 E-mail: LGrobbelaar@deat.gov.za

Mmamoloko Seabe
Eskom Holdings Limited
P. O. Box 1091
JOHANNESBURG
2000

Fax no: (011) 800-3917

PER FACSIMILE / MAIL

Dear Madam

**GRANTING OF CONDITIONAL AUTHORISATION FOR PROJECT REFERENCE 12/12/20/915:
PROPOSED CONSTRUCTION OF A 400 KV POWERLINE FROM HENDRINA SUBSTATION TO
PRAIRIE SUBSTATION AND A 400 KV POWERLINE FROM PRAIRIE SUBSTATION TO
MARATHON SUBSTATION, MPUMALANGA 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 (IAPs), in writing and within seven (7) 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 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 IAPs.

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

Should you wish to appeal any aspect of the decision, 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:

- Visual impacts.
- The procedure followed for the impact assessment seems to be adequate for the decision-making process. The Department is of the opinion that the assessment is adequate and comprehensive enough and that possible impacts have been assessed correctly.
- All legal and procedural requirements have been met.
- There has been sufficient consultation with I&APs.
- Project specific environmental management measures were proposed and included in the EIR, and will be implemented to manage the identified environmental impacts during the construction and operation 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 authorisation for the activity is accordingly granted.

 28/8/08

- The proposed 400kV transmission lines will run parallel to existing transmission lines between the existing Hendrina and Prairie substations (a distance of approximately 85km) and between Prairie and Marathon substations (a distance of approximately 100km).
- Eskom has to supply power reliably to meet the increasing needs of end-users. Therefore the expansion and establishment of its infrastructure for transmissions lines and substations take place on an ongoing basis.
- It is anticipated that the following sectors will enhance economic growth in the Highveld North and Lowveld regions in this instance, which will result in an electrical demand load growth:
 - The mining industry, particularly around Machadodorp;
 - Residential expansion, particularly in the Nelspruit area; and
 - Other economic spheres.
- The resultant surge in electricity use predicted for the next five years makes it imperative for Eskom Transmission to take urgent action in order to ensure that sufficient supply reaches the end-users. There is a definite need to overcome potential voltage collapse and unstable transformation problems on the existing transmission network.
- The transmission lines are located in the Mpumalanga Province. The substation at Hendrina is located near the Arnot Power Station whilst the substation at Prairie is located at the Assmang Plant south of Machadodorp along the road to Carolina. The Marathon SS is located near Nelspruit along the road to Sable.
- The EIR submitted is detailed and included the identification and assessment of all relevant significant impacts.
- The significant environmental impacts identified during the EIR phase were adequately addressed and mitigation measures for these impacts were proposed. The most significant issues identified were:
 - Terrestrial ecology;
 - Forestry;
 - Agriculture;
 - Mining land use in the area;
 - Property value;
 - Tourism; and

Handwritten signature and date: 08/8/08

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 applicant has met the requirements of the EIR as per the EIA Regulations, 2006.
- b) A detailed public participation process was undertaken and the consultant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.
- c) As part of the EIA process, Strategic Environmental Focus, being the principal consultancy, identified potential environmental impacts associated with the proposed construction and operation and proposed feasible mitigation measures to mitigate the identified impacts.
- d) Alternative sites and corridors were investigated to minimize the potential harm to the environment.
- e) Comments received from the interested and Affected Parties (I&APs) were adequately addressed.

4. Findings

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

- The proposed project will have significant negative impacts 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, the impacts cannot be avoided altogether. The negative impacts associated with the proposed powerlines have been minimised by recommending HP 1 and PM 1 which are the least environmentally sensitive of all the routes proposed.

 28/8/08

15: The construction of a road that is wider than four (4) metres or that has a reserve wider than six (6) metres excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

16: The transformation of undeveloped, vacant or derelict land to establish infill development covering an area of 5 hectares or more, but less than 20 hectares.

GN R387:

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 120kv or more.

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.

for the construction of a 400kV powerline from Hendrina Substation to Prairie Substation and a 400kV powerline from Prairie Substation to Marathon Substation as described in the Environmental Impact Report (EIR) dated February 2008

The applicant appointed Strategic Environmental Focus to undertake an Environmental Impact Assessment process 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 Scoping Report and Plan of Study for EIR dated November 2007;
- b) The information contained in the EIR dated February 2008;
- c) Comments from the Interested and Affected Parties.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;

J. 28/8/08

Annexure 1: Reasons for Decision

1. Background

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

GN R386:

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.*

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.

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).

14: The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding: -


- (a) masts of 15 metres and lower exclusively used*
 - (i) by radio amateurs; or*
 - (ii) for lighting purposes;*
- (b) flag poles; and*
- (c) lightning conductor poles.*

JH 28/8/08

General

- 1.31 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.
- 1.32 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 applicant knows the new details.
- 1.33 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.
- 1.34 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 August 2008



Ms Nosipho Ngcaba

Director-General

Department of Environmental Affairs and Tourism

Letter signed by: Ms. Lize McCourt

Designation: Chief Director: Environmental Impact Management

Recording and reporting to the Department

- 1.25 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 –
- 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.

Commencement

- 1.26 The authorised activity / activities may not commence within thirty (30) days of the date of signature of the authorisation.
- 1.27 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

- 1.28 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 1.26.
- 1.29 Fourteen (14) days written notice must be given to the Department that the operational phase of the activity will commence.

Site closure and decommissioning

- 1.30 Should the use of the facility 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.

 28/8/08

- All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- All provisions of the National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004).
- All provisions of the Nature Conservation Ordinance (Act 19 of 1974).
- All provisions of the Hazardous Substances Act (Act 15 of 1973).
- All provisions of the National Water Act (Act 36 of 1998).

Appeal of authorisation

- 1.21 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.
- 1.22 The notification referred to in 1.17 must –
- 1.22.1 specify the date on which the authorisation was issued;
 - 1.22.2 inform the interested and affected party of the appeal procedure provided for in Chapter 8 of the regulations; and
 - 1.22.3 advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

Management of the activity

- 1.23 The Draft Environmental Management Plan (EMP) submitted as part of the application for environmental authorization is approved. All mitigation measures proposed must be adhered to.

Monitoring

- 1.24 The applicant will have the responsibility of implementing the revised EMP once it is approved by this Department.

[Handwritten signature]
28/8/08

- f) the specialist reports must inform the nature and positioning of the power-lines to ensure that no sensitive environmental features are impacted upon.
- g) mitigation measures for affected sensitive areas, inclusive of bird mitigation measures, are applied equally to existing lines, especially in areas or sections where the proposed powerlines run adjacent and/or in proximity to existing powerlines, in order to minimize cumulative adverse impacts.
- 1.15 Authorisation of the activity is subject to the conditions contained in this authorisation, and are binding on the holder of the authorisation.
- 1.16 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.
- 1.17 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.
- 1.18 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.
- 1.19 All recommendations and mitigation measures in the EIR dated February 2008 and the must be implemented.
- 1.20 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.
- 1.20.1 Relevant legislation that must be complied with by the holder of this authorisation include:
- Compliance with the requirements of Section 38(1), (3) 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.

- 1.7 No movement of heavy construction vehicles is allowed in the seepage zones and the wetlands.
- 1.8 Lines must be strung by helicopter along the edge of the escarpment in the vicinity of the Farm Rietspruit 473. No further lengthening of the existing access road may take place.
- 1.9 A dolomite stability investigation must be completed for the preferred route to ensure that appropriate foundation and water precautionary measures can be recommended.
- 1.10 A full Phase 1 Archaeological Survey of the preferred corridor must take place in accordance with the requirements of Section 38(3) of the national Heritage Resources Act (Act 25 of 1999).
- 1.11 If any heritage resources of significance are exposed during the construction, the South African Heritage Resources Agency (SAHRA) must be notified. An archaeologist accredited with the Association for Southern African Professional Archaeologist (ASAPA) must be notified in order to determine the appropriate mitigation measures for the discovered finds.
- 1.12 An archaeologist must take part in the walkdown of the line to ensure that no pylons are placed in heritage sites.
- 1.13 Waste disposal must take place in accordance with Section 20 of the Environmental Conservation Act, 1989 (Act 73 of 1989)
- 1.14 The applicant must ensure that the following with regards to the proposed powerline takes place:
 - a) the spans between the towers must be increased to the maximum necessary to meet technical and safety requirements, in order to limit the impact on sensitive vegetation areas.
 - b) sections of the powerline crossing or traversing adjacent to any dams and open water courses are marked with bird flappers on the earth wires.
 - c) all sections of the power line crossing rivers, as well as drainage lines and other bird sensitive areas are marked with bird flappers on the earth wires.
 - d) apart from the river and drainage line crossings, but where the powerline runs parallel to riverine, riparian and wetland areas, powerline design should be in accordance to the requirement of the National Water Act 1998.
 - e) the presence of red data floral species and other sensitive vegetation are identified and/or verified by a suitably qualified specialist. The areas occupied by these red data and other sensitive vegetation must be avoided at all times.

A handwritten signature in black ink, followed by the date '2016/18' written vertically.

for the construction of a 400kV powerline from Hendrina Substation to Prairie Substation and a 400kV powerline from Prairie Substation to Marathon Substation as described in the Environmental Impact Report (EIR) dated February 2008

which fall within the jurisdiction of *Mbombela Local Municipality* in the *Mpumalanga Province*, hereafter referred to as "the property".

The proposed project will include the following:

- 1 x 400kV line of approximately 85km with a servitude of 55m in the HP 1 route corridor between Hendrina and Prairie substations; and
- 1 x 400kV line of approximately 100km with a servitude of 55m in the PM 1 route corridor between Prairie and Marathon substations.

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

Conditions

Scope of authorisation

- 1.1 The approved route for the proposed 400kV powerline is:
 - 1.1.1 1 x 400kV line of approximately 85km with a servitude of 55m in the HP 1 route corridor between Hendrina and Prairie substations; and
 - 1.1.2 1 x 400kV line of approximately 100km with a servitude of 55m in the PM 1 route corridor between Prairie and Marathon substations.
- 1.2 Self-supporting towers must be used in areas where cultivated fields or orchards are crossed in order to minimise the footprint of the pylons.
- 1.3 Cross-rope suspension towers must be used in all other areas except agricultural areas.
- 1.4 The new transmission lines must be placed as close as possible to the existing transmission lines.
- 1.5 A final walkthrough of the approved corridor must take place prior to construction as to inform the specific placement of the pylons.
- 1.6 Sensitive seepage zones, wetlands and rocky outcrops must be avoided for pylon placement. This must be identified by an ecologist during the walkdown assessment.

[Handwritten signature]
08/18/08

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

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).

14: The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding: -

- (a) masts of 15 metres and lower exclusively used
 - (i) by radio amateurs; or
 - (ii) for lighting purposes;
- (b) flag poles; and
- (c) lightning conductor poles.

15: The construction of a road that is wider than four (4) metres or that has a reserve wider than six (6) metres excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

16: The transformation of undeveloped, vacant or derelict land to establish infill development covering an area of 5 hectares or more, but less than 20 hectares.

GN R387:

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 120kv or more.

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.

J 28/8/08

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)(NEMA) 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) 800-4427

Fax: (011) 800-3917

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

GN R386:

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;

 26/8/08

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2008 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 if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
- b) 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
- 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. A copy of the official appeal form can be obtained from:

Mr PKM Relief, Appeals Administrator, Tel: 012 310 3705, prelif@deat.gov.za; or
 Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.
 Should you wish to appeal any aspect of the decision, 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: 012 310 3686; 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.

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 IAPs 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 IAPs, 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 authorizations 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: 28/8/2008

CC: Mr Andrew Woghren

Strategic Environmental Focus

Fax: (012) 349-1229