



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

NEAS Reference: DEA/EIA/0001015/2012

DEA Reference: 14/12/16/3/31/479

Enquiries: Mr Reggy Nkosi

Telephone: 012 310 3036 Fax: 012-320-7539 E-mail: Rnkosi@environment.gov.za

Ms Emmy Molepo
Eskom Holdings SOC Limited
P.O. Box 3499
POLOKWANE
0700

Fax no: 086-536-5960

PER FACSIMILE / MAIL

Dear Ms Molepo

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543 AND 544: PROPOSED CONSTRUCTION OF THE LETABA NETWORK DEVELOPMENT PLAN 2, GREATER TZANEEN LOCAL MUNICIPALITY, LIMPOPO PROVINCE

With reference to the above application, please be advised that the Department has decided to accept the BAR dated August 2012 and grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

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

By facsimile: 012 320 7561;
By post: Private Bag X447,
Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Building, North Tower,
Cnr. Lillian Ngoyi (Van der Walt) and Pretorius Streets,
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

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

Appeals must be submitted in writing to:

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

Tel: 012-310-3929

Email: AppealsDirectorate@environment.gov.za

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

Yours sincerely



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 09 April 2013

CC:	Ms Nonhlanhla Ncube	Nzumbululo Heritage Solutions	Tel: 015-291-3661	Fax: 015-291-3669
	Mr R Mthombeni	DEDET	Tel: 015-290-7057	Fax: 015-295-5015
	Ms Patience Mboweni	Greater Tzaneen Local Municipality	Tel: 015-962-7589	Fax: 015-962-4169
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7661
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

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

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

**CONSTRUCTION OF THE LETABA NETWORK DEVELOPMENT PLAN 2,
GREATER TZANEEN LOCAL MUNICIPALITY.**

Authorisation register number:	<i>14/12/16/3/3/1/479</i>
NEAS reference number:	<i>DEA/EIA/0001015/2012</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>ESKOM HOLDINGS SOC LIMITED</i>
Location of activity:	<i>LIMPOPO PROVINCE: Within the Greater Tzaneen Local Municipality</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

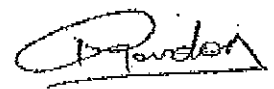
By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

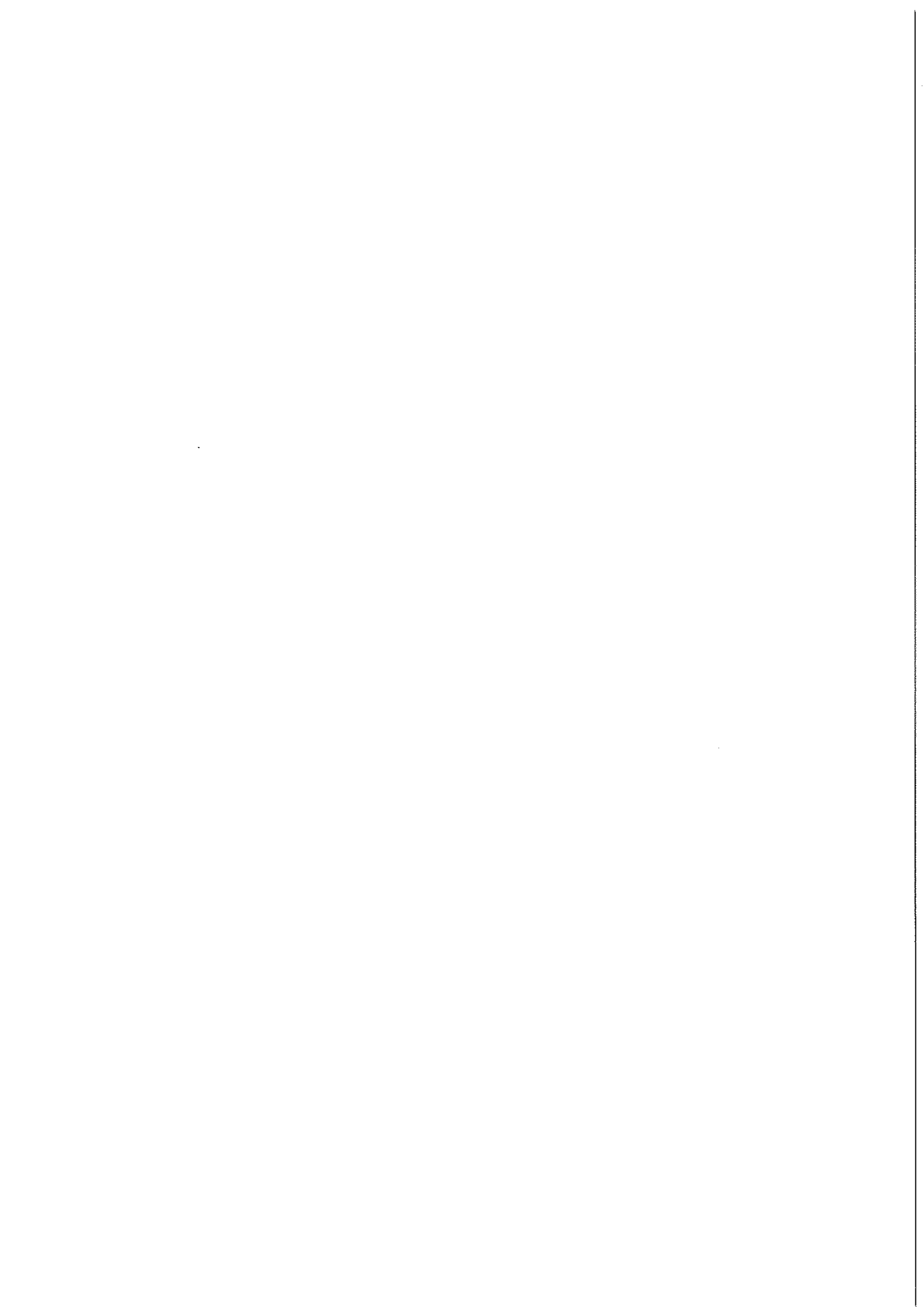
ESKOM HOLDINGS SOC LIMITED

with the following contact details –

Ms Emmy Molepo
Eskom Holdings SOC Limited (Limpopo Operating Unit)
P.O. Box 3499
POLOKWANE
0700

Tel: 015 299 0592
Fax: 086 660 3848
Cell: 082 860 0919
E-mail: MolepoME@eskom.co.za





to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 544):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10:</u> The construction of facilities or infrastructure for the transmission and distribution of electricity --</p> <p>(i) Outside urban areas or industrial complexes with a capacity of more than 33 kilovolts but less than 275 kilovolts.</p>	For the construction of various powerlines as described below
<p><u>GN R. 544 Item 22:</u> The construction of a road, outside urban areas,</p> <p>(i) with a reserve wider than 13,5 meters or, (ii) where no reserve exists where the road is wider than 8 metres, or (iii) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.</p>	Construction of access roads

as described in the Basic Assessment Report (BAR) dated August 2012 at:

Sasekani Substation:

Alternative S1	Latitude	Longitude
Substation site	S23° 54.52.1'	E030° 15.48.8'

Loop-in-loop-out from Letsitele-Lenyenye line to Sasekani Substation

Alternative S1 (Alt Option 1)	Latitude	Longitude
Starting point of activity	S23° 54.18.3'	E030° 14.38.6'
Middle point of activity	S23° 54.22.4'	E030° 14.47.9'
End point of activity	S23° 54'52.1'	E030° 15.48.4'

Letaba-Makhutswi

Alternative S1 (Alt Option 1)	Latitude	Longitude
Starting point of activity	23° 52.870'	E030° 16.988'
Middle point of activity	24° 0.445'	E030° 22.350'
End point of activity	24° 06.411'	E030° 25.496'

- for the construction of the following powerlines Greater Tzaneen Local Municipality of the Limpopo Province, hereafter referred to as "the property".

The infrastructure associated with the development includes:

- Construction a 2x20MVA 66/11kV and 1x20MVA 66/22kV Sasekani Substation;
- Construction of the loop in loop out line from existing 8.5km, 66kV Letsitele-Lenyenye line by constructing 2x4.5km 66kV Chickadee powerline to the proposed Sasekani Substation;
- Construction of the new 31km 132kV Kingbird line between proposed Letaba Substation and Makhutswi Substation.
- upgrading of the access roads
- Re-construction the 2.7km 66kV Chickadee powerline between Dan village and Letsitele metering points.
- Re-construction of the Nkowankowa-Risenga 5km 66kV Chickadee powerline.
- Re-construction of the 2km 66kV Chickadee powerline between Dan village and Nkowankowa.

The 3 powerlines to be reconstructed will not be moved from their existing positions.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred alternatives for the construction of a 2 x 20MVA 66/11kV and 1 x 20MVA 66/22kV Sasekane Substation and the associated loop-in loop-out powerlines from the existing 8.5km 66kV Letsitele-Lenyenye line by constructing 2 x 4.5km, 66kV Chickadee powerline to the proposed Sasekani Substation, the construction of a new 31km 132kV Kingbird powerline between Letaba Substation and Makhutswi Substation. This project will also involve the re-construction of a new 2.7km 66kV Chickadee powerline between Dan village and Letsitele metering points, re-construction of the Nkowankowa-Risenga 5km 66kV Chickadee powerline and the re-construction of 2km 66kV Chickadee powerline between Dan village and Nkowankowa and the upgrading of associated roads is 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 is 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 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 of this authorisation. 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within twelve (12) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
 10. The notification referred to 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 Environmental Impact Assessment Regulations, 2010;
 - 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 of the competent authority for the decision.
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11. The holder of the authorisation must publish a notice –

- 11.1. informing interested and affected parties of the decision;
- 11.2. informing interested and affected parties where the decision can be accessed; and
- 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

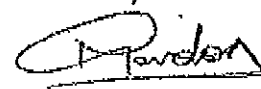
12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is not approved. This EMPr must be revised and resubmitted for approval. The revised EMPr must:

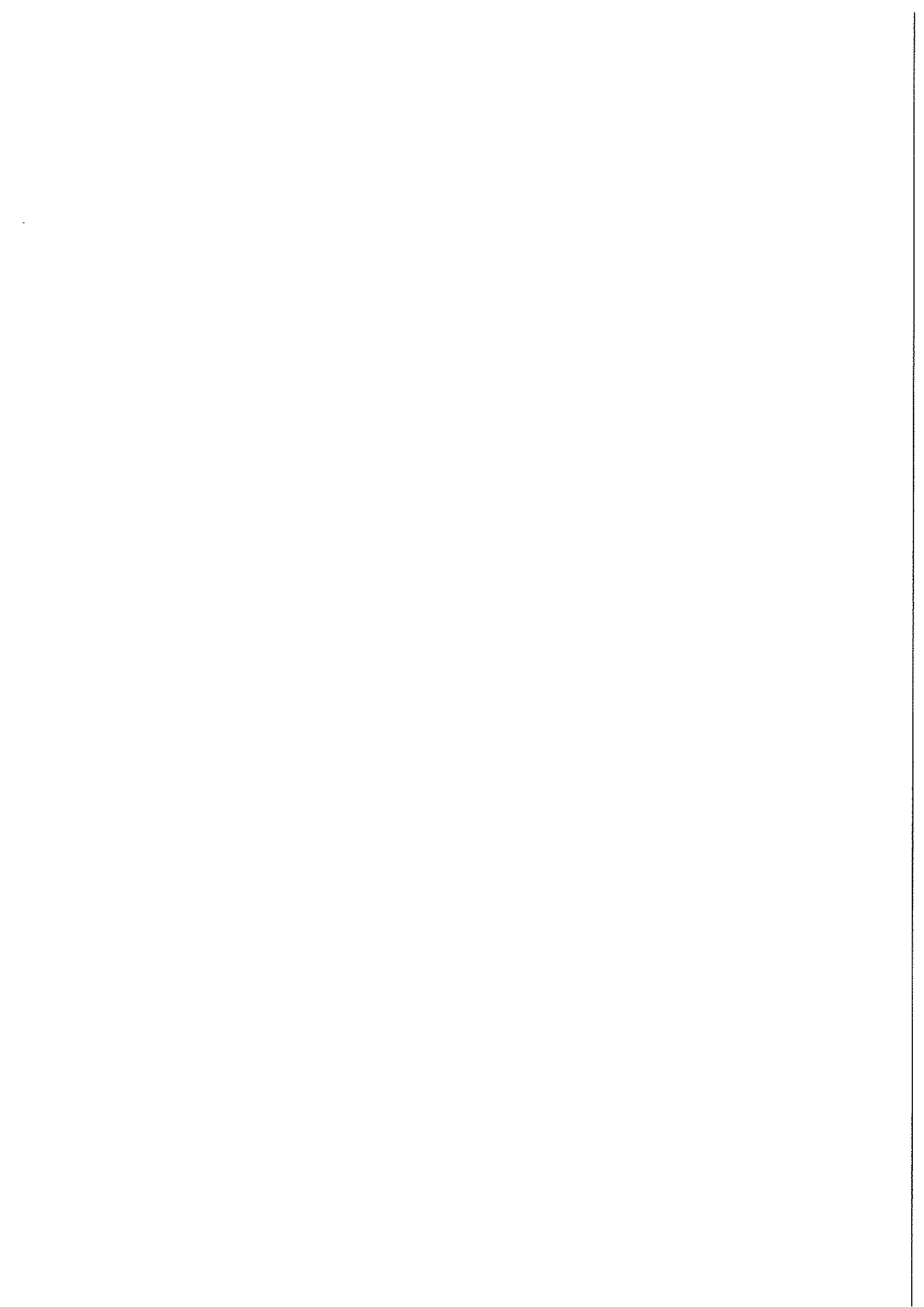
- 12.1. Include recommendations of the specialist walk through;
- 12.2. Identify specific sites for the location of the camp sites;
- 12.3. Confirm the location of access roads;
- 12.4. Be inclusive of the lines to be reconstructed; and
- 12.5. A rehabilitation plan for all disturbed areas.

Monitoring

13. 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 EMPr.

- 13.1. The ECO must be appointed before commencement of any authorised activity.
- 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 13.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.





Recording and reporting to the Department

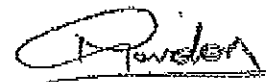
14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. 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 EMPr.
17. 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.

Commencement of the activity

18. The authorised activity must not commence within twenty (20) days of the date of signature of the authorisation.
19. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
20. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

21. 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, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.



Operation of the activity

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

Site closure and decommissioning

23. Should the activity ever cease or become redundant, the applicant must 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

24. The spans that cross major drainage lines and skirt dams should be marked with Bird Flight Diverters on the earth wire of the line, five metres apart, alternating black and white.
25. The poles should be fitted with bird perches on top of the poles to draw birds, particularly vultures, away from the potentially risky insulators.
26. The alignment of the proposed powerlines should avoid large riparian trees (in particular the Matumi – *Breonadia salicina*, *Ficus* species and Jackalberries – *Diospyros mespiliformis*), and a crossing point should be chosen that does not affect these tree specimens.
27. Mitigation measures as recommended under Section 5.6 Pages 35-36 of the Surface Water Report done by SSI Engineers and Environmental Consultants must be adhered to.
28. Section 5.6.5 of the Surface Water Report compiled by SSI Engineers and Environmental Consultants titled "Line Segment Realignment Recommendations" has recommendations relating to line placement. This recommendation must be adhered to.
29. All existing access roads to be used must not be left in worse conditions than they are.
30. Working areas must be marked and be easily identifiable. They must be cordoned off if needs be. No disturbance is allowed outside the demarcated working areas.
31. An Ecologist "walk down" inspection must be carried out once the final servitude corridor is known. During the process, all protected trees must be marked (GPS coordinates) and permits for cutting and trimming must be obtained from the relevant nature conservation authority, before any clearing of vegetation can take place.
32. The ecologist must assist in tower positioning, being aware of condition 27, identification of areas that needs protection, identification of construction camps and laydown sites.
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33. No repair or maintenance of trucks and machinery must occur on site (working areas), except in dedicated areas, identified so for that purposes or in the camp sites.
34. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
35. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.
36. Working on roads must be done with method statement that includes traffic management discussed with local traffic authorities.
37. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
38. Protected trees observed along the route may not be removed or cut without a permit from the Provincial Department of Agriculture Forestry and Fisheries.
39. Copies of all permits required for the proposed development must be submitted to the Department for record keeping.
40. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
41. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan agricultural activities. If possible, construction should be scheduled to take place within the post-harvest, pre planting season, when fields are lying fallow.
42. The applicant is required to inform the provincial Department of Agriculture, Forestry and Fisheries and this Department should the removal of protected species, medicinal plants and "data deficient" plant species is required.
43. 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.
44. All construction sites must be rehabilitated to their natural state immediately after completion of all construction activities.
45. 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.
46. 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 must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

General

47. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The authorisation and approved EMPr 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.
48. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
49. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority must 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: 09 APRIL 2013



Mr Mark Gordon

**Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs**

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated August 2012;
- b) Mitigation measures as proposed in the BAR dated August 2012 and the EMPr;
- c) The information contained in the specialist studies contained within Appendix D of the BAR; and
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The proposed powerline development is a power strengthening project, as the area often experiences power outages.
- c) The current land use is both commercial and subsistence agricultural activities and residential.
- d) The area has been heavily transformed. There are areas with still good intact vegetation units. Several protected trees were observed by the specialist along the routes.
- e) The graveyard will not be affected by this project. No graves are expected to be relocated as per the specialist report. Individual graves accidentally encountered along the line will be protected and avoided.
- f) The BAR dated August 2012 identified all legislation and guidelines that have been considered in the preparation of the BAR dated August 2012.
- g) The methodology used in assessing the potential impacts identified in the BAR dated August 2012 and the specialist studies have been adequately indicated.



- h) The recommendations made by the Surface water studies regarding the placement of tower as recommended in condition 27. It is also noted that the recommendations might be inclusive or have been repeated in Letaba NDP project 1.
- i) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the BAR dated August 2012 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated August 2012 and the observations made during the site visit conducted by Reggy Nkosi is considered as adequate enough to make an informed decision.
- e) The EMPr will be resubmitted pending the walk by the specialist to make final recommendations. The EMPr will then be considered and approved.

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..

