



## environmental affairs

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

**NEAS Reference:** DEA/EIA/0002256/2014

**DEA Reference:** 14/12/16/3/3/1/1114

**Enquiries:** Ms Bongeka Ngcoliso

**Telephone:** 012-399-8801 **E-mail:** BNgcoliso@environment.gov.za

Ms Oarabile Mabula  
Eskom Holdings SOC Limited  
43 Boom Street  
**RUSTENBURG**  
0300

Tel no: 014 456 1169  
Email: MabulaON@eskom.co.za

### **PER EMAIL / MAIL**

Dear Ms Mabula

### **ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 544 AND 546: PROPOSED ESKOM LETHABONG PROJECT WITHIN MADIBENG AND RUSTENBURG LOCAL MUNICIPALITIES IN THE NORTH WEST PROVINCE**

With reference to the above application, please be advised that the Department has decided to 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 post: Private Bag X447,  
Pretoria, 0001; or

By hand: Environment House  
473 Steve Biko Road,  
Arcadia  
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: Chief 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 Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-399 9356

Email: AppealsDirectorate@environment.gov.za

The authorised activities must not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you must not commence with the activity until such time that the appeal is finalised.

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

**Date:** 2/3/2015

CC	Ms S Nel	Landscape Dynamics	Tel: 012 460 6043	Email: info@landscapedynamics.co.za
	Mr S Mukhola	DEDECT	Tel: 014 597 3597	Email: rsello@nwpg.gov.za

**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"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
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 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

Proposed Eskom Lethabong Project in the North West Province

Bojanala District Municipality

<b>Authorisation register number:</b>	<i>14/12/16/3/3/1/1114</i>
<b>NEAS reference number:</b>	<i>DEA/EIA/0002256/2014</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>ESKOM HOLDINGS SOC LIMITED</i>
<b>Location of activity:</b>	<i>NORTH WEST PROVINCE: Within the Madibeng and Rustenburg Local Municipalities</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 activities 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 Oarabile Mabula  
Eskom Holdings SOC Limited  
43 Boom Street  
**RUSTENBURG**  
0300

Tel no: 014 456 1169  
Fax no: 086 269 8088  
Email: MabulaON@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1 and 3 (GN R. 544 & 546):

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><b>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or</b>  <b>(ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</b></p>	<p>An approximate 16km 88kV power line will be constructed outside an urban area.</p>
<p><u>GN R 544 Item 23:</u>                      The transformation of undeveloped, vacant or derelict land to –</p> <p><b>(i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or</b>  <b>(ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares;</b></p>	<p>The proposed Lethabong Substation will be constructed on land of approximately 200m x 200m (4 hectares).</p>
<p><u>GN R. 546 Item 4</u>                      The construction of a road wider than 4 metres with a reserve less than 13,5 metres;</p> <p><b>c) In North West:</b></p> <p>i. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;                      (bb) National Protected Area Expansion Strategy Focus areas;  <b>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</b>                      (dd) Sites or areas identified in terms of an International</p>	<p>Roads wider than 4m will be constructed from the substation to where the line runs adjacent to an existing gravel road (servitude of Magalies Water):</p> <p>The proposed Lethabong Substation as well as the power line route falls within an identified Terrestrial CBA2 as identified by SANBI.</p> <p>The substation is also in very close proximity to a Formal Protected</p>

<p>Convention;</p> <p><b>(ee) Critical biodiversity areas (Terrestrial Type 1 and 2 and Aquatic Type 1) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</b></p> <p>(ff) Core areas in biosphere reserves;</p> <p><b>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from a biosphere reserve.</b></p> <p>ii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p> <p>(cc) Natural heritage sites.</p>	<p>Area as identified by SANBI and the line runs directly adjacent to the Vaalkop Nature Reserve which is managed by the North West Parks &amp; Tourism Board.</p>
<p><u>GN R. 546 Item 12</u></p> <p>The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.</p> <p>(a) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p><b>(b) Within critical biodiversity areas identified in bioregional plans;</b></p> <p>(c) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas.</p>	<p>The proposed project falls within an identified Terrestrial CBA2 as identified by SANBI. Vegetation clearance is required for the substation and small areas will be cleared for the pylons.</p>
<p><u>GN R. 546 Item 13</u></p>	<p>The proposed Lethabong</p>

<p>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p>(1) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), in which case the activity is regarded to be excluded from this list.</p> <p>(2) The undertaking of a linear activity falling below the thresholds mentioned in Listing Notice 1 in terms of GN No. 544 of 2010.</p> <p><b>(e) In North West:</b></p> <p>i. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) <b>Sensitive areas as identified in an management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</b></p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) <b>Critical biodiversity areas (Type 1 only) and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</b></p> <p>(ff) <b>Core areas in biosphere reserves;</b></p> <p>(gg) <b>Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve.</b></p> <p>ii. In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p>	<p>Substation as well as power line route falls within an identified Terrestrial Critically Biodiversity Area 2 as identified by SANBI. The Substation is also in a very close proximity, and the line runs adjacent to a Formal Protected Area as identified by SANBI and the line runs directly adjacent to the Vaalkop Nature Reserve which is managed by the North West Parks and Tourism Board.</p> <p>Vegetation clearance is required for the substation and small areas will be cleared for the pylons, the cumulative effect thereof will be more than 1 hectare, but less than 5 hectares.</p>
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(bb) Areas designated for conservation use in Spatial Development frameworks adopted by the competent authority or zoned for a conservation purpose;  (cc) Natural heritage sites.	
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as described in the BAR dated November 2014 at:

Power line route Alternative 1	Latitude (S)	Longitude (E)
Starting point of the power line (Lethabong Substation)	25° 25' 37.18" S	27° 31' 16.53" E
Middle point of the power line	25° 21' 9.86" S	27° 31' 15.32" E
End point of the power line (Dam Switching Station)	25° 18' 14.65" S	27° 29' 56.57" E

- for the proposed Eskom Lethabong project within the Madibeng and Rustenburg Local Municipalities in the North West Province.

The construction of the proposed Lethabong 88kV / 22kV Substation consists of the following:

- 2 X 20 MVA transformers;
- 4 X 22kV feeder bays;
- 2 X 88kV feeder bays and
- An approximate 16km 88kV chickadee power line to be constructed from the Dam Switching Substation to the proposed Lethabong Substation.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred Alternative S1 for the Lethabong Substation and power line route Route Alternative 1, for the proposed Eskom Lethabong Project within Madibeng and Rustenburg Local Municipalities in the North West Province is hereby 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 12 (twelve) 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.
  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)
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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 hereby approved. This EMPr must be implemented and adhered to.

### **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 activities.

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. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you must not commence with the activity until such time that the appeal has been finalised.

### **Notification to authorities**

20. 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**

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

### **Site closure and decommissioning**

22. 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**

23. Anti-collision devices such as bird flight diverters and bird perches must be installed where power lines cross avifaunal corridors, as recommended by the avifaunal specialist. The input of an avifaunal specialist
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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.

24. No exotic plants must be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
25. 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.

### **General**

26. 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.
27. 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.
28. 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: 2/3/2015



**Mr Sabelo Malaza**

**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 final BAR dated November 2014;
- b) The comments received from the organs of state and interested and affected parties as included in the abovementioned documents;
- c) Mitigation measures as proposed in the final BAR dated November 2014 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the final BAR dated November 2014; and
- e) 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 need for the proposed project aim to supply Brits area with electricity and to supply the country's electrical network and reliability of electricity supply to meet the needs of present and future customers.
- c) The final BAR dated November 2014 identified all legislation and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the final BAR dated November 2014, the subsequent documents received and the specialist studies have been adequately indicated.
- e) 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 final BAR dated November 2014 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 final BAR dated November 2014 and a subsequent document received by this Department is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the final BAR 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 environmental authorisation is accordingly granted.