



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Reference: 12/12/20/1296

Enquiries: Mogole Mphahlele

Telephone: 012-310-3004 Fax: 012-320-7539 E-mail: m1mpahlele@deat.gov.za

Mr. Hannes van Rensburg
Eskom Holdings Limited
P O Box 3499
POLOKWANE
0700

Fax: (015) 295 7550

PER FACSIMILE / MAIL

Dear Mr. Van Rensburg

ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED ESKOM SPENCER NDP 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 7 (seven) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to interested and affected parties.

A copy of the official appeal form can be obtained from:

Mr TH Zwane Senior Legal Administration Officer Tel: 012 310 3929 twane@deat.gov.za; or
Ms. MM Serite Legal Administration Officer Tel: 012 310 3788 mserite@deat.gov.za

at the Department.

Should any party, including you, wish to appeal any aspect of the decision, they / you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

By facsimile: 012-320-7561;

By post: Private Bag X447, Pretoria, 0001; or

By hand: 2nd Floor, Fedsure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

You (applicant) must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

The authorised activity / ies shall not commence within thirty (30) days of the date of signature of the authorisation. Further, please note that the minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Ms Lize McCourt
Chief Director: Environmental Impact Management
Department of Environmental Affairs

DATE: 16 March 2010

CC: Ms Ria Pretorius
Appeals Section

Urgeneg

Fax no.: 086 675 4026
Fax no.: 012-320-7561

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	4. The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
5. A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	5. An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

NOTES:

1. An appeal against a decision must be lodged with:-

- 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 Water and Environmental Affairs;
- 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:

See authorisation cover letter.




environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: 12/12/20/1296
Last amended:
Holder of authorisation: Eskom Holdings Limited
Location of activity: Molemole and Makhado Local
Municipalities, Limpopo
Province

 16/3/2010

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 –

Mr. Hannes van Rensburg
Eskom Holdings Limited
P O Box 3499
POLOKWANE
0700


Tel: (015) 346 7179

Fax: (015) 295 7550

to undertake the following activity (hereafter referred to as "the activity");

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1(m): *Any purpose in the one in ten year floodline of a river or stream, or within 32 metres from the bank of a river or stream where the floodline is unknown, excluding purposes associated with existing residential use, but including canals; channels; bridges; dams; and weirs.*

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- 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 1000 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 4 metres or that has a reserve wider than 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(b) *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 hectare.*

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- 1(l) *The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more.*
- 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 the proposed Eskom Spencer NDP Project within the jurisdiction of Molemole and Makhado Local Municipalities, hereafter referred to as "the property".

The specific components for the project application are the following:

- **Project 1**

- Construct approximately 36km of 132kV Kingbird power line between the existing Soekmeaar Substation and the proposed Singo Substation.
- Construct the proposed Singo 2X20 MVA 132/22kV Substation on a 100m x 100m site and a telecommunication tower.
- Construct approximately 25km of 132kV Kingbird power line between the proposed Singo Substation and the proposed Mashau Substation.
- Construct the proposed Mashau 2X20 MVA 132/22kV Substation on a 100m x 100m site and a telecommunication tower.
- Construct approximately 1km Kingbird Loop-in-loop-out power line from the proposed Mashau Substation to the existing Louis Trichardt – Venulu 132kV power line.

- **Project 2**

- Construct the proposed Mamaila 2X20 MVA 132/22kV Substation on a 100m x 100m site and a telecommunication tower.
- Construct approximately 4.5km of Kingbird Loop-in-loop-out power line from the proposed Mamaila Substation to the existing Spencer – Venulu 132kV power line.

- **Details of the above components are the following:**

- The 132kV power line will be constructed with steel monopoles, 18m – 23m long. Stays to support the pylons can be used around bends in the alignment of the line. In the straight alignment self supporting structures can be used.
- The existing (dirt) roads can also be used as construction roads with the implementation of storm water drainage and erosion prevention measures.
- The servitude width for the 132kV power line will be 31 metres. The separating distance from any other line is 21 metres.
- The separating distance from the Cahorra Bassa transmission line is recommended to be 40 metres.

- The loop-in-loop-out lines will run parallel and the servitude width for both will be 31 metres. The separating distance between the two lines is 21 metres.
- The construction of a telecommunication tower of 36 metres high.
- The construction of a site of 100X 100 metres for all three new substations.

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

Conditions

Scope of authorisation

- 1.1 The approved power line route and substations site for project 1 are:
- **Route Alternative 2 from Soekmeaar substation to the new Mashau substation Locality Alternative 2.** The loop-in-loop-out power lines will be constructed from the site for the Mashau substation (Locality Alternative 2) to the T-off from the existing Louis Trichardt – Venulu 132kV power line. The above described Route Alternative (2) is recommended as the proposed route to accommodate any future expansion of the informal residential areas close to the town Misevhayambwenda.
 - Mashau Locality Alternative 2, situated west of a drainage channel, in an agricultural field.
 - Singo Locality Alternative 2 situated just south of the dirt road to Geraldine and Mathajji.
 - Both routes will follow for the first section of the route an existing Eskom servitude where an existing power line (Cahorra Bassa) occur with resultant disturbance to the natural habitat.
- 1.2 The approved route and substation site for project 2 are:
- **Route Alternative 1 from the T-off from the existing Spencer – Venulu 132kV power line to the new Mamaila substation on Locality Alternative 1.** The loop-in-loop-out power lines will be constructed from the T-off to the site for the Mamaila substation (Locality Alternative 1).
 - Mamaila Locality Alternative 1 situated to the south of Locality Alternative 2 on the Sedibene Road.

- 1.3 The establishment of the power lines will require a 31m wide servitude. The boundary of the servitude must be clearly demarcated and no vegetation clearing is permitted beyond the boundary.
- 1.4 Bird Flight Diverters must be fitted on earth wire on sections of the route as indicated on the Sensitivity map in the Bird Impact Assessment.
- 1.5 In order to prevent the electrocution of birds, particularly vultures, on the poles, all poles must be fitted with a standard type Eskom approved "bird perch" at the top of the pole. This will provide ample safe perching space for any birds well clear of the dangerous hardware.
- 1.6 Wetlands and water bodies existing in close proximity to the sites of the proposal must be delineated by a qualified wetland ecologist and must be afforded an appropriate 20m ecological buffer from the edge of the temporary wet hydromorphic zone to ensure that the natural integrity of the wetland systems in the area are not negatively impacted upon.
- 1.7 No vegetation clearing should be permitted within a 50m buffer area around the rivers and within drainage lines. Additional measures should include:
 - Where reasonable, access roads should be located outside of a 50m buffer from the wetland and drainage areas.
 - Where reasonable, all towers should be outside of a 50m buffer from the water bodies and the lines should span the entire wetland and drainage areas.
- 1.8 Vegetation clearing should be rehabilitated to a state either equal or better than the present status of the vegetation. Additional measures should include:
 - Impacted upon areas will require re-vegetation to prevent soil erosion.
 - Areas with natural vegetation should be rehabilitated to meet or where possible improve upon the current ecosystem status.
- 1.9 *Boscia albitrunca* and *Sclerocarya birrea* identified on the power line route are protected tree species which must not be removed unless the necessary permission is granted by the Department of Agriculture, Forestry and Fisheries.
- 1.10 A plant rescue programme must be undertaken prior to the construction phase for plants that cannot be accommodated within the development footprint. This programme should include the identification and relocation of species to a suitable site.
- 1.11 The Limpopo Environmental Management Act, 2003 (Act No. 7 of 2003) must be taken into consideration with regards to protected plants as it is not only the National Forest Act 1998 (Act No 84 of 1998) which affords a protected status to plants.
- 1.12 No hunting or snaring by contractors or employees is permitted.

- 1.13 All topsoil must be removed from cleared or excavated areas for construction of the substation or lines and stored in designated areas. Stockpiles should not exceed 2m in height and must be protected from stormwater runoff.
- 1.14 Areas cleared or excavated are to be ripped, top-dressed with topsoil and re-vegetated with indigenous vegetation or vegetation matching local land-use where appropriate.
- 1.15 During construction soil retention mechanism and seeding should be undertaken to reduce soil erosion.
- 1.16 All necessary soil retention mechanism and runoff control must be implemented as per the EMP for the project
- 1.17 In areas of steep terrain, all necessary soil retention mechanisms must be put in place and soils exposed during construction activities re-vegetated as soon as possible.
- 1.18 Hazardous materials must be stored in regularly serviced containers enclosed in fully bunded areas that will have the ability to accommodate 110% of the combined container capacity. These bunded areas must be provided with a tap-off system through which the spillages and leakages that might occur will be removed without any spillage outside of the bunded areas.
- 1.19 In order to minimise visual intrusion as well as to facilitate easier access and maintenance, the proposed new structures must as far as possible be placed parallel to existing infrastructure or power line routes. Where possible, the power lines should be placed in such a manner to minimise sky lining and high visual impact settings.
- 1.20 All development footprints must be surveyed and pegged out prior to construction.
- 1.21 Unnecessary disturbance to habitats should be strictly controlled and the footprint of the impact must be kept to a minimum.
- 1.22 Water containing waste must not be discharged into the natural environment and measures to contain the waste water to safely dispose of it should be implemented by the applicant / contractor.
- 1.23 Waste disposal must take place in accordance with the National Environmental Management Waste Act, 2008 (Act 59 of 2008).
- 1.24 Surface and stormwater runoff generated on site should as far as possible be channelled into designed adequate drains and not contribute to drainage problems along the adjacent roads.
- 1.25 Temporary chemical toilets must be used during the construction phase and these must not cause pollution to any water resources as well as pose a health hazard. These toilets must be disposed at an authorised or licensed sewage disposal facility. A proof agreement

between the applicant and the sewage disposal facility must be submitted to the Department of Water Affairs at the following contact details:

Attention: M. Makhavhu
Department of Water Affairs
Limpopo Province Regional Province
Private Bag X 9506
POLOKWANE
0700
Fax: 015 295 3249

- 1.26 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.
- 1.27 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.
- 1.28 The activity authorised may only be carried out within the alignments and substation site indicated in 1.1 above.
- 1.29 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.
- 1.30 This activity must commence within a period of **three (3) 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.
- 1.31 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.
 - 1.31.1 Relevant legislation that must be complied with by the holder of this authorisation include:
 - The requirements of Chapter II, Section 38(1), (3) and (7) of the National Heritage Resources Act, 1999 (Act 25 of 1999), including the comments and

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recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.

- 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).
- Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Mining.
- All provisions of the National Road Traffic Act (Act 93 of 1996).
- All provisions of the National Water Act (Act 36 of 1998).
- All provisions of the National Environmental Management Waste Act (Act 59 of 2008).

Appeal of authorisation

- 1.32 The holder of the authorisation must notify every registered interested and affected party, in writing and within 10 (ten) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.33 The notification referred to in 1.32 must –
- 1.33.1 specify the date on which the authorisation was issued;
 - 1.33.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations;
 - 1.33.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 1.33.4 give the reasons for the decision.


Management of the activity

- 1.34 The Environmental Management Plan (EMP) dated August 2009 for the design and construction of the Eskom Spencer NDP Project is hereby approved and must be implemented and strictly enforced during all construction and operational activities. The EMP will be seen as a dynamic document. The EMP must be included in all contract documentation for the construction and operational phases of the development.

- 1.35 The recommendations and mitigation measures recorded in the EIR dated August 2009 must be adhered to and incorporated as part of the EMP where applicable.
- 1.36 Measures for the management of heritage resources if such are exposed during construction must be implemented. Should any heritage resources be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered heritage specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. The relevant heritage resource agency must be informed about the finding.
- 1.37 All correspondence with regard to this application must be forwarded for attention to The Director: Environmental Impact Evaluation within the department.

Monitoring

- 1.38 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP. The following is required:
 - 1.38.1 The ECO shall be appointed before commencement of any land clearing or construction activities.
 - 1.38.2 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 1.38.3 Environmental awareness / education on the EMP must be conducted by the ECO to the workers on the site.
 - 1.38.4 An appropriate Biodiversity Relocation Management Plan must be drawn up and should be implemented by the ECO with the assistance of a qualified vegetation specialist.
 - 1.38.5 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

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- 1.38.6 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.
- 1.38.7 An open dialogue with the local community neighbouring the site must be maintained and a Complaints and Comments register be opened on the site and managed by the ECO.
- 1.38.8 An independent Auditor must be appointed upon completion of the proposed project to conduct a consolidated audit that must be submitted to the Department for record purposes.

Recording and reporting to the Department

- 1.39 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 –
 - 1.39.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMP dated August 2009.
 - 1.39.2 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Commencement of the activity

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

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Notification to authorities

- 1.43 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.

Operation of the activity

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

Site closure and decommissioning

- 1.45 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.

General

- 1.46 A copy of this authorisation must be kept at the property where the activity (ies) will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 1.47 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.
- 1.48 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.
- 1.49 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: 16 March 2010



Ms Lize McCourt

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holding Limited applied for authorisation to carry out the following activity –

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- 1(m): *Any purpose in the one in ten year floodline of a river or stream, or within 32 metres from the bank of a river or stream where the floodline is unknown, excluding purposes associated with existing residential use, but including canals; channels; bridges; dams; and 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 1000 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 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.*

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16(b) *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 hectare.*

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1(l) *The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more.*

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.*

The applicant appointed Urgeneg 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 December 2008;
- b) The information contained in the EIR dated August 2009;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) Comments from the Interested and Affected Parties.

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.

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- 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, Urgeneg 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 alignment options were investigated to minimize the potential harm to the environment.
- e) Comments received from the Interested and Affected Parties (I&APs) were adequately addressed.
- f) The significant environmental impacts identified during the EIR phase were adequately addressed and mitigation measures for these impacts were proposed. The most significant impacts identified were:
 - o Risk of surface and water pollution impacts;
 - o Impact on natural habitat;
 - o Cultural heritage resources impacts;
 - o Solid waste impacts
 - o Risk of erosion; and
 - o Visual and aesthetic impacts.

4. Findings

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

- The EIR submitted is detailed and included the identification and assessment of all relevant significant impacts.

With regards to alternatives, the following have been assessed and approved:

- a) The approved power line route and substations site for project 1 are:
 - **Route Alternative 2 from Soekmekaar substation to the new Mashau substation Locality Alternative 2.** The loop-in-loop-out power lines will be constructed from the site for the Mashau substation (Locality Alternative 2) to the


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T-off from the existing Louis Trichardt – Venulu 132kV power line. The above described Route Alternative (2) is recommended as the proposed route to accommodate any future expansion of the informal residential areas close to the town Misedhayambwenda.

- Mashau Locality Alternative 2, situated west of a drainage channel, in an agricultural field.
- Singo Locality Alternative 2 situated just south of the dirt road to Geraldine and Mathatji.
- Both routes will follow for the first section of the route an existing Eskom servitude where an existing power line (Cahorra Bassa) occur with resultant disturbance to the natural habitat.


b) The approved route and substation site for project 2 are

- **Route Alternative 1 from the T-off from the existing Spencer – Venulu 132kV power line to the new Mamaila substation on Locality Alternative 1.** The loop-in-loop-cut power lines will be constructed from the T-off to the site for the Mamaila substation (Locality Alternative 1).
- Mamaila Locality Alternative 1 situated to the south of Locality Alternative 2 on the Sedibene Road.
- Sufficient assessment of the key identified issues and impacts have been completed. The most significant issues identified are linked to Visual and Aesthetics impacts on the surrounding area as well as private landownership.
- The procedure followed for impact assessment is adequate for the decision-making process.
- The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- All legal and procedural requirements have been met.
- The Department is confident that all reasonable actions were undertaken by the consultant to ensure that the key stakeholders were informed of the study and could place comments on record.
- The information contained in the EIR dated August 2009 is accurate and credible.

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- According to the load flow studies done by Eskom as well as the predicted load forecast for the area, it has become evident that the existing Spencer Distribution networks are exceeding its maximum power transfer capability.
- The proposed development is compatible with the envisaged sites for the development.
- All comments provided in response to the EIA report were addressed in appropriate detail.

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.

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