



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 399 9372

NEAS Reference: DEA/EIA/0002437/2014

DEA Reference: 14/12/16/3/3/1/1206

Enquiries: Ms Bongeka Ngcoliso

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

Ms Noxolo Gagela
Eskom Holdings SOC Limited
P O Box 242
KLERKSDORP
2570

Tel no: 074 190 7902
Email: amy.harington@eskom.co.za

PER EMAIL / MAIL

Dear Ms Gagela

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 544 AND 546: THE PROPOSED 88/22KV KOPELA AND PHAHAMENG SUBSTATIONS AND ASSOCIATED 132KV POWER LINES LINKING TO THE DELAREYVILLE, KOPELA AND PHAHAMENG SUBSTATION 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 may 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 M Hinsch	SRK Consultants	Tel: 082 808 9938	Email: hinm@srk.co.za
	Mr Steven Mukhola	DEDECT North West Province	Tel: 018 389 5959	Email:smukhola@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 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 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 appeal 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 88/22kV Kopela and Phahameng Substations and associated 132kV power lines linking to the Delareyville, Kopela and Phahameng Substations in the North West Province

Ngaka Modiri Molema District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/1206</i>
NEAS reference number:	<i>DEA/EIA/0002437/2014</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>ESKOM HOLDINGS SOC LIMITED</i>
Location of activity:	<i>NORTH WEST PROVINCE: Within the Ratlou and Tswaing 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 Noxolo Gagela

Eskom Holdings SOC Limited

PO Box 242

KLERKSDORP

2570

Tel no: 074 190 7902

Fax no: 086 566 6309

Email: amy.harington@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>(i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.</p>	<p>The construction of two 132kV power lines connecting the proposed substations to the existing Delareyville substation.</p>
<p><u>GN R. 544 Item 18:</u> The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</p> <p>(i) a watercourse; (ii) the sea; (iii) the seashore; (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high water mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing , dredging, excavation, removal or moving; (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or (b) occurs behind the development setback line</p>	<p>During the construction of the power line and placement of the pylons it will be necessary to excavate some material from a watercourse.</p>
<p><u>GN R 544 Item 47:</u> The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre –</p> <p>(i) where the existing reserve is wider than 13,5 meters;</p>	<p>A new access road is to be constructed with the length of more than 1 km.</p>

<p>or</p> <p>(ii) Where no reserve exists, where the existing road is wider than 8 metres excluding widening or lengthening occurring inside urban areas.</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) Within critical biodiversity areas identified in bioregional plans;</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 erven in urban areas.</p>	<p>The clearance of vegetation for the construction of the proposed pylons and substations as well as the removal of large trees in the proposed servitude may exceed 300m². Due to proposed servitude falling within a Type 1 Critical Biodiversity Areas, it is anticipated that 75% or more of the vegetation might be indigenous.</p>
<p><u>GN R. 546 Item 13</u></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,</p> <p>(e) In North West:</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) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p>	<p>The clearance of vegetation for the construction of the proposed pylons and substations as well as the removal of large trees in the proposed servitude may exceed 1 ha. Due to proposed servitude falling within a Type 1 CBA, it is anticipated that 75% or more of the vegetation might be indigenous.</p>

<p>(ee) 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;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(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 the core areas of a biosphere reserve.</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>GN R. 546 Item 14:</p> <p>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation</p> <p>a) In Eastern Cape, Free State, KwaZulu- Natal, Gauteng, Limpopo, Mpumalanga, Northern Cape, Northwest and Western Cape:</p> <p>i. All areas outside urban areas.</p>	<p>The clearance of vegetation and the removal of large trees in the proposed servitude may exceed 5ha. Due to proposed servitude falling within a Type 1 CBA, it is anticipated that 75% or more of the vegetation might be indigenous.</p>

as described in the BAR dated December 2014 at:

Substations	Latitude (S)	Longitude (E)
Phahameng Substation	26° 22' 34.9" S	25° 10' 15.2" E
Kopela Substation (Preferred alternative)	26° 26' 27.5" S	25° 29' 37.5" E
Power line route S1 (Alternative 1 from Delareyville to preferred Kopela Substation) from point:	Latitude (S)	Longitude (E)
A	26° 31' 18.2" S	25° 21' 34.4" E
B	26° 29' 54.6" S	25° 18' 35.7" E
C	26° 28' 52.4" S	25° 19' 04.2" E
D	26° 26' 11.1" S	25° 19' 42.1" E

E	26° 26' 09.5" S	25° 20' 28.7" E
F	26° 27' 10.1" S	25° 23' 49.7" E
G(Kopela Substation)	26° 26' 27.5" S	25° 29' 37.5" E
Power line route from Delareyville to Phahameng Substation from point:	Latitude (S)	Longitude (E)
A	26° 31' 18.2" S	25° 21' 34.4" E
B	26° 29' 54.6" S	25° 18' 35.7" E
C	26° 28' 52.4" S	25° 19' 04.2" E
D	26° 26' 11.1" S	25° 19' 42.1" E
H	26° 26' 18.0" S	25° 18' 19.4" E
I	26° 26' 42.1" S	25° 14' 51.7" E
J	26° 26' 55.9" S	25° 14' 27.3" E
K	26° 27' 19.1" S	25° 13' 39.2" E
L	26° 24' 15.4" S	25° 12' 23.4" E
M	26° 22' 41.8" S	25° 11' 30.1" E
N (Phahameng Substation)	26° 22' 34.9" S	25° 10' 15.2" E

-for proposed 88/22kV Kopela and Phahameng Substations and associated 132kV power lines linking to the Delareyville, Kopela and Phahameng Substations in the North West Province.

The construction of the proposed project consists of the following:

- The Kopela 132/22kV Substation;
- A 37km 132kV power line from Kopela Substation to connection point of the Delareyville power line ;
- The Phahameng 132/22kV Substation;
- A 55km 132kV power line from Phahameng Substation to connection point of the Delareyville power line and
- Power line from connection point of Phahameng and Kopela power lines to Delareyville Substation

Conditions of this Environmental Authorisation

Scope of authorisation

1. The Preferred Alternative power line routes for the proposed 88/22kV Kopela and Phahameng Substations and associated 132kV power lines linking to the Delareyville, Kopela and Phahameng Substations in the North West Province are 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) 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 shall 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 may 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. Ecological specialist must be appointed to conduct a walk down of the alignment for the exact route to be undertaken to ensure that there are no red data listed or protected species within the route.
24. 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 and the input of an avifaunal specialist 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.
25. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
26. 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

27. 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.
28. 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.
29. 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 December 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 December 2014 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the final BAR dated December 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 minimize the voltage and performance demands and also allow for future connections and development in the area.
- c) The final BAR dated December 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 December 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 December 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 December 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.