



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0001402/2012

DEA Reference: 14/12/16/3/3/1/680

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Ms Blondie Moukangwe
Eskom Holdings SOC Limited
P.O. Box 242
KLERKSDORP
2570

Tel: 018 464 6691
Fax: 086 662 3952
E-mail: moukanmb@eskom.co.za

PER FACSIMILE / MAIL

Dear Ms Moukangwe

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543, 544 AND 546: MOOKODI INTEGRATION PHASE 2: PROPOSED CONSTRUCTION OF THE MOOKODI-GANYESA 132kV POWER LINE, NEW PROPOSED GANYESA SUBSTATION, AND HAVELOCK LILO, 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 X 447,
Pretoria, 0001; or

By hand: Environment House
437 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: 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 shall 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: 2/2/2015

CC:	Ms R Thomas	SiVEST (Pty) Ltd.	Tel: 011-798-0600	Email: rebeccat@sivest.co.za
	Mr S Mukhola	North West DEDECT	Tel: 018-389-5959	Email: smukhola@nwpg.gov.za
	Ms I Botha	Naledi Local Municipality	Tel: 053-928-2217	Email: inabotha@naledi.gov.za
	Mr M Mofokeng	Kagisano/Molopo Local Municipality	Tel: 053-994-9418	Email: mofokengm@taunglm.co.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 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

Mookodi Integration Phase 2: Construction of the Mookodi-Ganyesa 132kV power line, new proposed Ganyesa Substation, and Havelock LILO, North West Province

Dr Ruth Segomotsi Mompati District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/680</i>
NEAS reference number:	<i>DEA/EIA/0001402/2012</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 Naledi Local Municipality and Kagisano/Molopo Local Municipality</i>

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

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the 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 Blondie Moukangwe
Eskom Holdings SOC Limited
P.O. Box 242
KLERKSDORP
2570

Tel: 018 464 6691
Fax: 086 662 3952
E-mail: moukanmb@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 – (i) Outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts</p>	<p>Eskom is proposing to develop a 132 kV power line, which is located outside an urban area.</p>
<p><u>GN R.544 Item 11 :</u> The construction of: (xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>The proposed corridor alternatives traverse several watercourses. The construction will occur within 32 meters of the watercourse.</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 from (i) a watercourse; 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>The proposed corridor alternatives traverse several watercourses. Depending on the alignment of the power line within the authorised corridor, construction will occur within these watercourses. It is possible that construction activities will result in the removal or moving of material from these watercourses.</p>
<p><u>GN R.544 Item 24 :</u> The transformation of land bigger than 1000 square metres in size, to residential, retail , commercial, industrial or institutional use, where, at the time of the coming into effect of this schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning.</p>	<p>The cumulative area of the land that will be transformed, due to the proposed tower structures will be greater than 1000 square metres in size- some of which may be zoned open space, conservation or have an equivalent zoning.</p>
<p><u>GN R.546 Item 4 :</u></p>	<p>Access roads will be required. One route</p>

Listed activities	Activity/Project description
<p>The construction of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>(ii) Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</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 a biosphere reserve.</p>	<p>alternative passes through the Leon Taljaard Nature Reserve and all three route alternatives pass within 5kms of this protected area. All three route alternatives pass through critical biodiversity 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>(b) Within critical biodiversity areas identified in bioregional plans.</p>	<p>Vegetation would need to be cleared for the proposed substation. All three route alternatives pass through critical biodiversity areas.</p>
<p><u>GN R.546 Item 16:</u></p> <p>The construction of:</p> <p>(iv) infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p> <p>(a) In North West:</p> <p>(ii) Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional</p>	<p>The proposed corridor alternatives traverse several watercourses. Depending on the alignment of the power line within the authorised corridor, construction will occur within 32 meters of these watercourses. One route alternative passes through the Leon Taljaard Nature Reserve and all three route alternatives pass within 5kms of this protected area. All three route alternatives pass through critical biodiversity areas.</p>

Listed activities	Activity/Project description
plans. (hh) 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.	

as described in the Basic Assessment Report (BAR) dated 06 November 2014 at:

Substation Alternative 2 (Preferred)	Latitude	Longitude
Centerpoint of activity	26° 29. 673'	24° 14. 454'

Power line Route Alternative 1 (Preferred)	Latitude	Longitude
Starting point of activity	27° 0. 591'	24° 44. 546'
Middle point of activity	26° 48. 815'	24° 20. 030'
End point of activity (TM2)	26° 27. 547'	24° 16. 597'

- for the construction of a 132kV power line from the existing Mookodi Substation to the proposed Ganyesa Substation, and Havelock LILO, within the Naledi Local Municipality and Kagisano/ Molopo Local Municipality, in the Dr. Ruth Segomotsi Mompati District Municipality, North West Province, hereafter referred to as “the property”.

Infrastructure associated with the proposed development will include:

- Construction of a 132kV/22kV Substation (referred to as Ganyesa Substation).
- Construction of a 132kV power line from the Mookodi MTS to the new proposed Ganyesa Substation.
- Construction of a 132kV LILO power line between the new proposed Mookodi-Ganyesa 132kV power line and Havelock Substation.
- Construction of an access track along the power line servitude.
- Construction of associated infrastructure which includes the following:
 - Upgrades to existing access roads, as required; and
 - Upgrades to Mookodi Substation, as required (e.g. transformers of busbar extensions)

The power line will consist of a series of towers located approximately 200m apart. It is proposed that the steel monopole tower type; i.e. Eskom, D-DT 7649, that is bird-friendly, would be used for the proposed power line in combination with other towers, for instance the guyed steel lattice tower types at bend points and where greater distances need to be spanned. The steel monopole tower type is between 18 and 25m in height and each tower will have a footprint of between 0.8m² and 1.2m² (without stays).

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred route corridor Alternative 1 for the construction of a 132kV power line from the existing Mookodi Substation to the proposed Ganyesa Substation (Preferred Alternative 2), and Havelock LILO, within the Naledi Local Municipality and Kagisano/ Molopo Local Municipality, in the Dr. Ruth Segomotsi Mompati District Municipality, North West Province, with the above-mentioned co-ordinates as indicated in the final BAR dated 06 November 2014 is hereby authorised.
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. If the applicant anticipates that commencement of the activities would not occur within five (5) year period, he/she must apply and show good cause for an extension of the Environmental Authorisation six (6) months prior to its expiry date.
8. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
9. 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

10. 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.
11. The notification referred to must –
 - 11.1. specify the date on which the authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.
12. The holder of the authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. 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

13. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.
14. The EMPr must be included in all contract documentation for all phases of the development.
15. The provisions of the approved EMPr is considered an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.

Monitoring

16. The applicant must appoint a suitably experienced independent 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.
 - 16.1. The ECO must be appointed before commencement of any authorised activity/ies.
 - 16.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 16.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 16.4. 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

17. 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.
 18. 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.
 19. 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.
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20. 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

21. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.

22. In terms of section 43 (7) of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), 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

23. 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

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

Site closure and decommissioning

25. 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

26. An ecological specialist, avifaunal specialist, agricultural specialist and surface water specialist must be commissioned to perform a final walkthrough of the site once the final route alignment

and tower positions have been identified. Recommendations must be made regarding the placement of towers and other infrastructure and must cover buffer identification, sensitive sites identification, no-go areas identification, fine scale mapping and site specific mitigation measures within the approved corridor. These specialist reports must be submitted to the Department for approval prior to construction. A layout plan indicating the final routing of the power line must also be submitted.

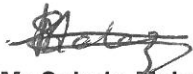
27. A heritage specialist must assess the footprint of each component of the infrastructure in order to determine whether any potentially significant heritage sites will be affected by the infrastructure. Recommendations must be made regarding the placement of towers and other infrastructure away from these sensitive areas, where possible. A Paleontological Impact Assessment must be compiled and submitted to the South African Heritage Resources Agency for approval prior to construction activities.
28. Anti-collision devices such as bird flappers must be installed where power line crosses avifaunal corridors. 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.
29. Construction areas must be clearly demarcated and only approved areas must be used for storage and cement mixing.
30. Any cement or concrete mixing must be done on an impervious surface to prevent soil contamination
31. 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.
32. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

General

33. 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.
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34. 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.
35. 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: 2/2/2015



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 06 November 2014;
- b) The comments received from organs of state and interested and affected parties as included in the final BAR dated 06 November 2014;
- c) Mitigation measures as proposed in the BAR dated 06 November 2014 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the final BAR;
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 purpose for this proposed power line project is to improve the electricity supply in North West Province.
- c) The methodology used in assessing the potential impacts identified in the final BAR dated 06 November 2014 and the specialist studies have been adequately indicated.
- d) 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 06 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) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the 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.