

Appendix 2: Previous RODs



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

NEAS Reference: DEAT/EIA/2644/2008

DEA Reference: 12/12/20/1340

Enquiries: Mr Lerato Mokoena

Telephone: 012-310-3137 Fax: 012-320-7539 E-mail: lmokoena@environment.gov.za

Ms Mmamoloko Seabe
Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2001

Fax no: (011) 800-3917

PER FACSIMILE / MAIL

Dear Ms Seabe

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 386 & 387: THE PROPOSED CONSTRUCTION OF THE ROCKDALE B TO WOLWEKRAAL 400KV POWER LINE AND ASSOCIATED SECONDARY INFRASTRUCTURE, MPUMALANGA AND LIMPOPO PROVINCES

With reference to the above application, please be advised that the Department has decided to accept the EIR and 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 facsimile: 012 320 7561;
- By post: Private Bag X447,
Pretoria, 0001; or
- By hand: 2nd Floor, Fedsure Building, North Tower,
cnr. Van der Walt and Pretorius Streets,



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

400kv Power line from the Rockdale B Substation to the Wolwekraal Substation

Authorisation register number:	12/12/20/1340
NEAS reference number:	DEAT/EIA/2644/2008
Last amended:	<i>First issue</i>
Holder of authorisation:	ESKOM HOLDINGS LIMITED
Location of activity:	MPUMALANGA AND LIMPOPO PROVINCES: <i>Within the Greater Marble Hall Local Municipality, Elias Motsoaledi Local Municipality and Steve Tshwete 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.

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

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

NOTES:

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

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: Environmental Impact Evaluation*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

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

Tel: 012-310-3929

Email: twane@environment.gov.za

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

Yours sincerely



Mr Ishaam Abader
Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs

Date: 28/07/2011

CC:	Ms Sonja Van Eden	NEMAI Consulting	Tel: 015-297-7980	Fax: 011 781-1731
	Mr M. Tshuketana	LDEDET	Tel: 015-295-5528	Fax: 015-295-5015
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

- The Social Impact Assessment found that Impacts on health and social well-being; quality of the living environment; economic material well-being; culture; family and community; institutional, legal, political and equity impacts; and gender relations would be least significant at corridor Alternative 1.
- The Economic assessment using a macro econometric model to determine the impacts of the project on the provincial economies of Mpumalanga and Limpopo and capturing the sectoral inter-relationships between the various components of the provincial economies concluded that Alternative 1 would be preferred.
- Public concerns, for example, on issues such as: eco tourism; game farming; division of land/farms; loss property value; pivot centred irrigation systems; visual impact; cumulative impact of power lines; rehabilitation from previous power lines; loss of fauna, flora and wetlands and electric magnetic fields (EMF).
- The identification and assessment of impacts are detailed in the EIR dated October 2010 and sufficient assessment of the key identified issues and impacts have been completed.
- 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 information contained in the EIR dated October 2010 is accurate and credible.
- EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR 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 application is accordingly granted.



- e) The EIR dated October 2010 identified all legislation and guidelines that have been considered in the preparation of the EIR dated October 2010.
- f) The methodology used in assessing the potential impacts identified in the EIR dated October 2010 and the specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

4. Findings

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

- Floral assessment found that the western route alternative 1 was chosen as the preferred alternative mainly because the power line would affect the least ecologically sensitive habitat. No Red Data Listed floral species were observed during the field survey, however, the occurrence of Red Data Listed floral species is not discounted.
- The faunal assessment found that Alternative 1 (western corridor) is regarded as the route alternative that would pose the least threat to the overall conservation of the vegetation type, habitat type features and therefore, faunal community structures within the region.
- The Avifaunal assessment found that the western route alternative 1 was the preferred option due to the fact that it incorporated the least amount of ecologically sensitive habitat. It also required the least amount of mitigation measure implementation. This is largely due to it crossing only limited important migratory routes, thereby reducing the overall impacts emanating from collisions.
- The Heritage impact assessment found Alternative 1 would have the least impact on known sites. It is also the route in which the least unknown sites are expected to occur.
- Visual impact assessment found corridor Alternative 1 as the most preferred alternative. Its location parallel to existing lines and along agricultural land as well as informal settlements is considered to cause the least impact on the landscape character due to the reduced sensitivity of the landscape along the roads and servitudes.
- The Soil, Land Use and Land Capability Assessment found that the two routes traverse areas with a wide range of land uses with very limited irrigated agriculture land uses. Impacts are expected to be low upon the condition that pylons are placed outside of areas with irrigation infrastructural developments. There was no preferred alternative as both will have similar impacts, if mitigated.

- for the proposed construction of a 400kv power line between the Rockdale B Substation and the proposed Wolwekraal Substation within the Greater Marble Hall Local Municipality, Elias Motsoaledi Local Municipality and Steve Tshwete Local Municipality in the Mpumalanga and Limpopo Provinces, as described in the Environmental Impact Report dated October 2010.

The applicant appointed NEMAI Consulting to undertake an environmental assessment process in accordance with the EIA Regulations, 2006.

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 EIR dated October 2010;
- b) The comments received from the Directorate: Biodiversity and Conservation, organs of state and interested and affected parties as included in the EIR dated October 2010;
- c) Mitigation measures as proposed in the EIR dated October 2010 and the EMP;
- d) The information contained in the specialist studies contained within the EIR dated October 2010.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

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) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need and desirability for the proposed 400kv power line between the proposed Rockdale B Substation and the proposed Wolwekraal Substation.
- d) The EIR dated October 2010 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited applied for the following activities:

GN R. 386

Item 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.

GN R. 386:

Item 1 (m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 m from the back of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.

Item 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.

Item 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).

Item 20: The transformation of an area zoned for use as a public open space or for a conservation purpose to another use;

44. 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: 28 July 2011



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs

36. Indigenous vegetation which does not interfere with the safe operation of the power line must be left undisturbed.
37. Protected trees must not be cut or removed prior to a licence being obtained in line with the National Forests Act, 1998 (Act No. 84 of 1998) administered by the Department of Agriculture, Forestry, and Fisheries.
38. The EMP must include the final route map indicating all sensitive features or aspects which were avoided and those that could not be avoided. (Game farms, centre pivots, wetlands, rivers, ridges, heritage resources, visual intrusion, vegetation including protected trees, communities etc.)
39. Liaison with communities and land owners is to be done prior to construction in order to provide sufficient time for them to plan livelihood activities.
40. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008).

General

41. 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.
42. 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.
43. 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.



27. The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

Site closure and decommissioning

28. 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

29. Anti-collision devices such as bird flappers must be installed where the power lines 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.
30. A floral and faunal specialist should be present during the planning and pegging of the final route alignment to ensure that the positions of pylons result in minimum impacts on sensitive vegetation, protected trees and habitats.
31. An agricultural specialist must form part of the walk through in the final route determination in order to identify critical centre pivot irrigation systems which need to be avoided by the power line.
32. The wetlands, including, rivers, riparian zones and river banks must be designated as sensitive areas and must be demarcated as such. No construction activities (including placing of pylons, temporary ablation, fuel storage, storing of equipment, waste disposal, construction camps, vegetation clearing, excavations, access roads, soil stockpiling and material storage) must take place in such sensitive area.
33. A wetland specialist should be present during the pegging of the final route alignment to ensure that no pylons are placed within wetlands and river banks.
34. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
35. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.

19. 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.

Recording and reporting to the Department

20. 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.
21. The holder of the authorisation must submit an environmental audit report upon completion of the construction and rehabilitation activities.
22. 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 EMP.

Commencement of the activity

23. The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation.
24. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Notification to authorities

25. 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. This notification period may coincide with the period contemplated in 23 above.

Operation of the activity

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

Notification of authorisation

11. 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.
12. The notification referred to must –
 - 12.1 specify the date on which the authorisation was issued;
 - 12.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 12.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 12.4 give the reasons for the decision.

Management of the activity

13. The Environmental Management Plan (EMP) submitted as part of Application for EA must be amended and submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the EIR dated September 2010 must be incorporated as part of the EMP. Once approved, the EMP must be implemented and adhered to.

Monitoring

14. 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 EMP.
15. The ECO shall be appointed before commencement of any authorised activity/ies.
16. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
17. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
18. 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.

- 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. 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.
 9. Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:
 - Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts 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 and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
 - Relevant provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - Relevant provisions of the National Water Act, 1998 (Act 36 of 1998).
 - Relevant provisions of the National Forests Act, 1998 (Act No. 84 of 1998).
 - Relevant provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - Relevant provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
 - 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 Minerals and Energy.
 10. The holder of an environmental authorisation has the responsibility to notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

25° 38' 28.58278"S	29° 27' 34.40716"E
25° 37' 27.09790"S	29° 27' 25.13923"E
25° 32' 39.95060"S	29° 29' 10.79224"E
25° 30' 26.83620"S	29° 28' 54.53561"E
25° 28' 43.58533"S	29° 27' 36.97404"E
25° 28' 11.63892"S	29° 27' 27.43762"E
25° 27' 09.17601"S	29° 27' 49.78656"E
25° 26' 33.55956"S	29° 28' 10.40815"E
25° 25' 43.78379"S	29° 28' 27.96487"E
25° 24' 57.83423"S	29° 28' 47.89441"E
25° 24' 17.40295"S	29° 28' 39.68423"E
25° 23' 35.89435"S	29° 28' 02.52932"E

The construction of a 400kv power line between the Rockdale B Substation and the proposed Wolwekraal Substation within the Greater Marble Hall Local Municipality, Elias Motsoaledi Local Municipality and Steve Tshwete Local Municipality in the Mpumalanga and Limpopo Provinces, hereafter referred to as "the property".

Conditions

Scope of authorisation

1. The preferred route corridor Alternative 1 (western corridor) and the final amendment corridor as shown on page 40 of the EIR are 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 shall be 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. If commencement of the activity does not occur within that period, the authorisation lapses and a

GN R. 387

Item 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.

GN R. 386:

Item 1 (m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32m from the back of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.

Item 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.

Item 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).

Item 20: The transformation of an area zoned for use as a public open space or for a conservation purpose to another use.

as described in the Environmental Impact Report (EIR) dated October 2010 at:

Bend Coordinates Corridor Alternative 1	
Latitude	Longitude
-25° 52' 19.31049"S	29° 24' 00.81334"E
25° 51' 32.09000"S	29° 23' 08.24983"E
25° 49' 12.75009"S	29° 23' 14.52629"E
25° 48' 52.97998"S	29° 23' 04.17744"E
25° 46' 49.74065"S	29° 22' 33.95471"E
25° 43' 02.09715"S	29° 26' 41.50581"E
25° 42' 25.46825"S	29° 27' 36.06905"E
25° 40' 59.95220"S	29° 27' 42.76933"E
25° 39' 11.06099"S	29° 27' 32.27532"E

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/ies 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 –

Ms Mmamoloko Seabe
Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2001

Tel: (011) 800-2345
Fax: (011) 800-3917
Cell: (082) 801-3911
E-mail: SeabeJM@eskom.co.za

to undertake the following activities (hereafter referred to as "the activities"):





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

NEAS Reference: DEAT/EIA/2644/2008

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Enquiries: Mr Lerato Mokoena

Telephone: 012-310-3137 Fax: 012-320-7539 E-mail: lmokoena@environment.gov.za

Ms Mmamoloko Seabe
Eskom Holdings Limited
PO Box 1091
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Dear Ms Seabe

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 386 & 387: THE PROPOSED CONSTRUCTION OF THE ROCKDALE B TO WOLWEKRAAL 400KV POWER LINE AND ASSOCIATED SECONDARY INFRASTRUCTURE, MPUMALANGA AND LIMPOPO PROVINCES

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- By facsimile: 012 320 7561;
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Pretoria, 0001; or
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cnr. Van der Walt and Pretorius Streets,

Pretoria.

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

Appeals must be submitted in writing to:

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

Tel: 012-310-3929

Email: twane@environment.gov.za

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

Yours sincerely



Mr Ishaam Abader

**Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs**

Date: 28/07/2011

CC:	Ms Sonja Van Eden	NEMAI Consulting	Tel: 015-297-7980	Fax: 011 781-1731
	Mr M. Tshuketana	LDEDET	Tel: 015-295-5528	Fax: 015-295-5015
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

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

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

NOTES:

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



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

400kv Power line from the Rockdale B Substation to the Wolwekraal Substation

Authorisation register number:	12/12/20/1340
NEAS reference number:	DEAT/EIA/2644/2008
Last amended:	<i>First issue</i>
Holder of authorisation:	ESKOM HOLDINGS LIMITED
Location of activity:	MPUMALANGA AND LIMPOPO PROVINCES: <i>Within the Greater Marble Hall Local Municipality, Elias Motsoaledi Local Municipality and Steve Tshwete Local Municipality</i>

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

Decision

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

Ms Mmamoloko Seabe
Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2001

Tel: (011) 800-2345
Fax: (011) 800-3917
Cell: (082) 801-3911
E-mail: SeabeJM@eskom.co.za

to undertake the following activities (hereafter referred to as "the activities"):

GN R. 387

Item 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.

GN R. 386:

Item 1 (m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32m from the back of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.

Item 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.

Item 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).

Item 20: The transformation of an area zoned for use as a public open space or for a conservation purpose to another use.

as described in the Environmental Impact Report (EIR) dated October 2010 at:

Bend Coordinates Corridor Alternative 1	
Latitude	Longitude
-25° 52' 19.31049"S	29° 24' 00.81334"E
25° 51' 32.09000"S	29° 23' 08.24983"E
25° 49' 12.75009"S	29° 23' 14.52629"E
25° 48' 52.97998"S	29° 23' 04.17744"E
25° 46' 49.74065"S	29° 22' 33.95471"E
25° 43' 02.09715"S	29° 26' 41.50581"E
25° 42' 25.46825"S	29° 27' 36.06905"E
25° 40' 59.95220"S	29° 27' 42.76933"E
25° 39' 11.06099"S	29° 27' 32.27532"E

25° 38' 28.58278"S	29° 27' 34.40716"E
25° 37' 27.09790"S	29° 27' 25.13923"E
25° 32' 39.95060"S	29° 29' 10.79224"E
25° 30' 26.83620"S	29° 28' 54.53561"E
25° 28' 43.58533"S	29° 27' 36.97404"E
25° 28' 11.63892"S	29° 27' 27.43762"E
25° 27' 09.17601"S	29° 27' 49.78656"E
25° 26' 33.55956"S	29° 28' 10.40815"E
25° 25' 43.78379"S	29° 28' 27.96487"E
25° 24' 57.83423"S	29° 28' 47.89441"E
25° 24' 17.40295"S	29° 28' 39.68423"E
25° 23' 35.89435"S	29° 28' 02.52932"E

The construction of a 400kv power line between the Rockdale B Substation and the proposed Wolwekraal Substation within the Greater Marble Hall Local Municipality, Elias Motsoaledi Local Municipality and Steve Tshwete Local Municipality in the Mpumalanga and Limpopo Provinces, hereafter referred to as "the property".

Conditions

Scope of authorisation

1. The preferred route corridor Alternative 1 (western corridor) and the final amendment corridor as shown on page 40 of the EIR are 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 shall be 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. 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. 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.
 9. Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:
 - Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts 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 and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
 - Relevant provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - Relevant provisions of the National Water Act, 1998 (Act 36 of 1998).
 - Relevant provisions of the National Forests Act, 1998 (Act No. 84 of 1998).
 - Relevant provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - Relevant provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
 - 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 Minerals and Energy.
 10. The holder of an environmental authorisation has the responsibility to 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

11. 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.
12. The notification referred to must –
 - 12.1 specify the date on which the authorisation was issued;
 - 12.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 12.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 12.4 give the reasons for the decision.

Management of the activity

13. The Environmental Management Plan (EMP) submitted as part of Application for EA must be amended and submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the EIR dated September 2010 must be incorporated as part of the EMP. Once approved, the EMP must be implemented and adhered to.

Monitoring

14. 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 EMP.
15. The ECO shall be appointed before commencement of any authorised activity/ies.
16. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
17. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
18. 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.

19. 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.

Recording and reporting to the Department

20. 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.
21. The holder of the authorisation must submit an environmental audit report upon completion of the construction and rehabilitation activities.
22. 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 EMP.

Commencement of the activity

23. The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation.
24. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Notification to authorities

25. 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. This notification period may coincide with the period contemplated in 23 above.

Operation of the activity

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

27. The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

Site closure and decommissioning

28. 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

29. Anti-collision devices such as bird flappers must be installed where the power lines 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.
30. A floral and faunal specialist should be present during the planning and pegging of the final route alignment to ensure that the positions of pylons result in minimum impacts on sensitive vegetation, protected trees and habitats.
31. An agricultural specialist must form part of the walk through in the final route determination in order to identify critical centre pivot irrigation systems which need to be avoided by the power line.
32. The wetlands, including, rivers, riparian zones and river banks must be designated as sensitive areas and must be demarcated as such. No construction activities (including placing of pylons, temporary ablation, fuel storage, storing of equipment, waste disposal, construction camps, vegetation clearing, excavations, access roads, soil stockpiling and material storage) must take place in such sensitive area.
33. A wetland specialist should be present during the pegging of the final route alignment to ensure that no pylons are placed within wetlands and river banks.
34. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
35. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.

36. Indigenous vegetation which does not interfere with the safe operation of the power line must be left undisturbed.
37. Protected trees must not be cut or removed prior to a licence being obtained in line with the National Forests Act, 1998 (Act No. 84 of 1998) administered by the Department of Agriculture, Forestry, and Fisheries.
38. The EMP must include the final route map indicating all sensitive features or aspects which were avoided and those that could not be avoided. (Game farms, centre pivots, wetlands, rivers, ridges, heritage resources, visual intrusion, vegetation including protected trees, communities etc.)
39. Liaison with communities and land owners is to be done prior to construction in order to provide sufficient time for them to plan livelihood activities.
40. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008).

General

41. 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.
42. 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.
43. 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.



44. 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: 28 July 2011



Mr Ishaam Abader

Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited applied for the following activities:

GN R. 386

Item 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.

GN R. 386:

Item 1 (m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 m from the back of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.

Item 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.

Item 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).

Item 20: The transformation of an area zoned for use as a public open space or for a conservation purpose to another use;



- for the proposed construction of a 400kv power line between the Rockdale B Substation and the proposed Wolwekraal Substation within the Greater Marble Hall Local Municipality, Elias Motsoaledi Local Municipality and Steve Tshwete Local Municipality in the Mpumalanga and Limpopo Provinces, as described in the Environmental Impact Report dated October 2010.

The applicant appointed NEMAI Consulting to undertake an environmental assessment process in accordance with the EIA Regulations, 2006.

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 EIR dated October 2010;
- b) The comments received from the Directorate: Biodiversity and Conservation, organs of state and interested and affected parties as included in the EIR dated October 2010;
- c) Mitigation measures as proposed in the EIR dated October 2010 and the EMP;
- d) The information contained in the specialist studies contained within the EIR dated October 2010.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

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) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need and desirability for the proposed 400kv power line between the proposed Rockdale B Substation and the proposed Wolwekraal Substation.
- d) The EIR dated October 2010 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.

- e) The EIR dated October 2010 identified all legislation and guidelines that have been considered in the preparation of the EIR dated October 2010.
- f) The methodology used in assessing the potential impacts identified in the EIR dated October 2010 and the specialist studies have been adequately indicated.
- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

4. Findings

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

- Floral assessment found that the western route alternative 1 was chosen as the preferred alternative mainly because the power line would affect the least ecologically sensitive habitat. No Red Data Listed floral species were observed during the field survey, however, the occurrence of Red Data Listed floral species is not discounted.
- The faunal assessment found that Alternative 1 (western corridor) is regarded as the route alternative that would pose the least threat to the overall conservation of the vegetation type, habitat type features and therefore, faunal community structures within the region.
- The Avifaunal assessment found that the western route alternative 1 was the preferred option due to the fact that it incorporated the least amount of ecologically sensitive habitat. It also required the least amount of mitigation measure implementation. This is largely due to it crossing only limited important migratory routes, thereby reducing the overall impacts emanating from collisions.
- The Heritage impact assessment found Alternative 1 would have the least impact on known sites. It is also the route in which the least unknown sites are expected to occur.
- Visual impact assessment found corridor Alternative 1 as the most preferred alternative. Its location parallel to existing lines and along agricultural land as well as informal settlements is considered to cause the least impact on the landscape character due to the reduced sensitivity of the landscape along the roads and servitudes.
- The Soil, Land Use and Land Capability Assessment found that the two routes traverse areas with a wide range of land uses with very limited irrigated agriculture land uses. Impacts are expected to be low upon the condition that pylons are placed outside of areas with irrigation infrastructural developments. There was no preferred alternative as both will have similar impacts, if mitigated.

- The Social Impact Assessment found that Impacts on health and social well-being; quality of the living environment; economic material well-being; culture; family and community; institutional, legal, political and equity impacts; and gender relations would be least significant at corridor Alternative 1.
- The Economic assessment using a macro econometric model to determine the impacts of the project on the provincial economies of Mpumalanga and Limpopo and capturing the sectoral inter-relationships between the various components of the provincial economies concluded that Alternative 1 would be preferred.
- Public concerns, for example, on issues such as: eco tourism; game farming; division of land/farms; loss property value; pivot centred irrigation systems; visual impact; cumulative impact of power lines; rehabilitation from previous power lines; loss of fauna, flora and wetlands and electric magnetic fields (EMF).
- The identification and assessment of impacts are detailed in the EIR dated October 2010 and sufficient assessment of the key identified issues and impacts have been completed.
- 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 information contained in the EIR dated October 2010 is accurate and credible.
- EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR 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 application is accordingly granted.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

NEAS Reference: DEAT/EIA/2642/2008

DEA Reference: 12/12/20/1339

Enquiries: Lerato Mokoena

Telephone: 012-310-3137 Fax: 012-320-7539 E-mail: lmokoena@environment.gov.za

Ms Mmamoloko Seabe
Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2001

Fax no: (011) 800-3917

PER FACSIMILE / MAIL

Dear Ms Mmamoloko Seabe

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 386/387: THE PROPOSED CONSTRUCTION OF THE ROCKDALE B SUBSTATION AND ASSOCIATED SECONDARY INFRASTRUCTURE, MPUMALANGA PROVINCE

With reference to the abovementioned application, please be advised that the Department has decided to accept the EIR dated May 2010 and 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 (IAPs), in writing and within ten (10) 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 making of appeals that are provided for in the Environmental Impact Assessment (EIA) Regulations, 2010.

Your attention is drawn to Chapter 7 of the EIA Regulations, 2010, 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 IAPs.

A copy of the official appeal form can be obtained from Mr TH Zwane, Senior Legal Administrator (Appeals), Tel: 012 310 3929, TZwane@environment.gov.za at the Department.

Should any party, including the applicant, wish to appeal any aspect of the decision, they or the applicant must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 20 days after the date of the decision, by means of one of the following methods:

By facsimile: 012 320-7561

or

By post: Department of Environmental Affairs
Private Bag X447
Pretoria
0001

or

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

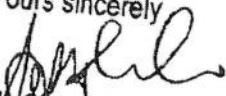
If the appellant is a person other than the applicant, the appellant must within ten (10) days of lodging the notice of intention to appeal, provide a copy of the notice to the applicant and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

If the applicant is the appellant, the applicant must also provide a copy of the notice of intention to appeal, within ten (10) days of having lodged such notice, to each person and organ of state which was a registered interested and affected party. The applicant must furthermore provide all the above-mentioned registered interested and affected parties with a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister or MEC, and indicate where and for what period the appeal submission will be available for inspection by such person or organ of state.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of IAPs, notified through your notification letter of the decision, for record purposes.

The authorised activity or activities shall not commence within thirty (30) days of the date of signature of the authorisation. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Yours sincerely



Ms Sibusisiwe Hlela

ACTING CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

Department of Environmental Affairs

Date: 19 May 2011

CC: Ms Sonja Van Eden
Mr Thami Zwane

NEMAI Consulting (EAP)
Appeals Authority (DEA)

Fax: 011 781-1731

A

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 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

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive notice of Environmental Authorisation (EA) from the relevant Competent Authority (CA).	1. Receive notice of Environmental Authorisation (EA) from Applicant/Consultant.
2. Within 20 days after the date of the decision, notify the relevant Appeal Authority of the intention to appeal.	2. Within 20 days of date of the decision, notify the relevant Appeal Authority of the intention to appeal.
3. The Applicant must within 10 days of having submitted the notice of intention to appeal, as indicated in 2 above, provide to each persons and organ of state who was a registered IAP- 3.1 a copy of the notice of intention to appeal; and 3.2 a notice indicating that the appeal submission will be made available on the day of lodging it with the Appeal Authority and where and for what period the appeal submission will be available for inspection by such registered IAP.	3. Appellant must within 10 days of having submitted the notice of intention to appeal, as indicated in 2 above, provide the applicant with- 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 the applicant.
4. The appeal must be submitted to the Appeal Authority within 30 days after the lapsing of the 20 days period which is allowed for the submission of the notice of intention to appeal.	4. The appeal must be submitted to the Appeal Authority within 30 days after the lapsing of the 20 days period which is allowed for the submission 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 Appeal Authority or designated organ of state within 30 days from the date that the appeal submission was lodged with the Appeal Authority.	5. An applicant that receives notice of an appeal may submit a responding statement to the relevant Appeal Authority or designated organ of state within 30 days from the date the appeal submission was lodged with the Appeal Authority.

NOTES:

1. **An appeal against a decision must be lodged with-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director-General of the Department of Environmental Affairs (or another official) acting in his/her capacity as the delegated Competent Authority;
 - c) 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; or
 - d) the delegated organ of state where relevant.
2. **An appeal lodged with-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
 - c) the MEC must be submitted to the provincial department responsible for environmental affairs; or
 - d) 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 Appeal Authority;
 - 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 Appeal Authority;
 - a statement that the appellant has complied with regulation 60 (2) or (3) has been complied with together with copies of the notices referred to in regulation 60; and
 - the prescribed appeal fee, if any.

4. **A copy of the official appeal form can be obtained from:**
Mr TH Zwane, Senior Legal Administrator (Appeals): Tel: 012 310 3929, TZwane@environment.gov.za



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number:	12/12/20/1339
NEAS reference number:	DEAT/EIA/2642/2008
Last amended:	First issue
Holder of authorisation:	ESKOM HOLDINGS LIMITED
Location of activity:	MPUMALANGA PROVINCE: Within Steve Tshwete Local Municipality, Portion 14 of the Farm Rietfontein 314 JS

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.

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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/ies 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 –

Ms Mmamoloko Seabe
Eskom Holdings Limited
PO Box 1091
JOHANNESBURG
2001

Tel: (011) 800-2345
Fax: (011) 800-3917
Cell: (082) 801-3911
E-mail: SeabeJM@eskom.co.za

to undertake the following activities (hereafter referred to as "the activities"):

GN R. 387

Item 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.

GN R. 386:

Item 1 (m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32m from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.

Item 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.

as described in the Environmental Impact Report (EIR) dated August 2010 at:

Alternative	Latitude	Longitude
Site 2 (Portion 14 of the Farm Rietfontein 314 JS)	25.872000S	29.400000E

- for the construction of the Rockdale B Substation with associated secondary infrastructure and two 400kv loop-in power lines into the Arnot-Vulcan power line, within the Steve Tshwete Local Municipality, Mpumalanga Province, hereafter referred to as "the property".

Conditions

Scope of authorisation

1. The preferred Alternative Site 2 is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.

3. The holder of the authorisation shall be 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. 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. 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.
9. Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:
 - Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts 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 and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
 - All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - All provisions of the National Water Act, 1998 (Act 36 of 1998).

- All provisions of the National Forests Act, 1998 (Act No. 84 of 1998).
 - All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - All provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
 - 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 Minerals and Energy.
10. The holder of an environmental authorisation has the responsibility to 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

11. The holder of the authorisation must notify every registered interested and affected party, in writing and within 10 (ten) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
12. The notification referred to must –
- 12.1 specify the date on which the authorisation was issued;
 - 12.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 12.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 12.4 give the reasons for the decision.

Management of the activity

13. The Environmental Management Plan (EMP) submitted as part of Application for EA must be amended and submitted to the Department for written approval prior to commencement of the activity. The recommendations and mitigation measures recorded in the EIR dated May 2010 must be incorporated as part of the EMP. Once approved, the EMP must be implemented and adhered to.

Monitoring

14. 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 EMP.
15. The ECO shall be appointed before commencement of any authorised activity/ies.
16. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
17. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
18. 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.
19. 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.

Recording and reporting to the Department

20. 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.
21. The holder of the authorisation must submit an environmental audit report upon completion of the construction and rehabilitation activities.
22. 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 EMP.
23. All compliance monitoring and audit reports must be submitted to the Director: Compliance Monitoring.

Commencement of the activity

24. The authorised activity/ies shall not commence within thirty (30) days of the date of signature of the authorisation.

25. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.

Notification to authorities

26. 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. This notification period may coincide with the period contemplated in 24 above.

Operation of the activity

27. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
28. The applicant must compile an operational EMP for the operational phase of the activity or alternatively, if the applicant has an existing operational environmental management system, it must be amended to include the operation of the authorised activity.

Site closure and decommissioning

29. 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

30. Anti-collision devices such as bird flappers must be installed where the power lines 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.

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31. A floral and faunal specialist should be present during the planning and pegging of the final route alignment to ensure that the positions of pylons result in minimum impacts on sensitive vegetation, protected trees and habitats.
32. An agricultural specialist must form part of the walk through in the final route determination in order to identify critical centre pivot irrigation systems which need to be avoided by the power line.
33. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
34. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
35. Indigenous vegetation which does not interfere with the safe operation of the power line must be left undisturbed.
36. Protected trees must not be cut or removed prior to a licence being obtained in line with the National Forests Act, 1998 (Act No. 84 of 1998) administered by the Department of Agriculture, Forestry, and Fisheries.
37. Liaison with communities and land owners is to be done prior to construction in order to provide sufficient time for them to plan livelihood activities.
38. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008).

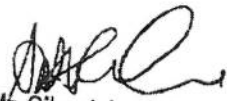
General

39. 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.
40. 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.

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41. 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.
42. 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: 19 May 2011



Ms Sibusisiwe Hlela

ACTING CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited applied for the following activities:

GN R. 387

Item 1(f): 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.

GN R. 386:

Item 1 (m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 m from the back of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including (i) canals; (ii) channels; (iii) bridges; (iv) dams; and (v) weirs.

Item 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.

- for the proposed construction of the Rockdale B Substation with associated secondary infrastructure and two 400kv loop-in power lines into the Amot-Vulcan power line, within the Steve Tshwete Local Municipality, Mpumalanga Province, as described in the Environmental Impact Report dated May 2010.

The applicant appointed NEMAI Consulting to undertake an environmental assessment process in accordance with the EIA Regulations, 2006.

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 EIR dated May 2010;
- b) The comments received from the Directorate: Biodiversity and Conservation, organs of state and interested and affected parties as included in the EIR dated May 2010;
- c) Mitigation measures as proposed in the EIR dated May 2010 and the EMP;
- d) The information contained in the specialist studies contained within the EIR dated May 2010.
- e) Additional information dated November 2010;
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

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) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The need and desirability for the proposed Rockdale B Substation and the 400kv loop-in power line into Arnot-Vulcan power line.
- d) The EIR dated May 2010 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- e) The EIR dated May 2010 identified all legislation and guidelines that have been considered in the preparation of the EIR dated May 2010.
- f) The methodology used in assessing the potential impacts identified in the EIR dated May 2010 and the specialist studies have been adequately indicated.



- g) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2006 for public involvement.

4. Findings

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

- The floral assessment found that Site Alternative 2 was preferred mainly because a large area of the study area had been transformed by agriculture, mining and infrastructure development. No Red Data Listed floral species were observed during the field survey. Three Orange listed plant species could potentially be located at Site 1 and Site 3. Sites 1 & 3 are also affected by a wetland.
- The faunal assessment found that Site Alternative 2 would have the least ecological impacts.
- The avifaunal assessment found that Site Alternative 2 would have the least avifaunal impacts.
- The heritage impact assessment found that all three alternatives would have similar impacts on heritage resources, with no preferred alternative.
- The visual impact assessment found Alternative Site 2 as the most preferred alternative. Its location parallel to existing lines and along agricultural land as well as informal settlements is considered to cause the least impact on the landscape character due to the reduced sensitivity of the landscape along the roads and servitudes.
- The Soil, Land Use and Land Capability Assessment found that Alternative Site 2 to be the preferred alternative.
- The geotechnical assessment found that Alternative Site 2 would be the most technically suitable for the construction of a platform for the substation, with no risk of a shallow water table and saturated surface conditions.
- The economic assessment found that all three site alternatives will have similar impacts, hence no site was preferred.
- Public concerns, for example, on issues such as: eco tourism; game farming; division of land/farms; loss property value; pivot centred irrigation systems; visual impact; cumulative impact of power lines; rehabilitation from previous power lines; loss of fauna, flora and wetlands and electric magnetic fields (EMF).

- The identification and assessment of impacts are detailed in the EIR dated May 2010 and sufficient assessment of the key identified issues and impacts have been completed.
- 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 information contained in the EIR dated May 2010 is accurate and credible.
- EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIR 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 application is accordingly granted.