



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682

Reference: 12/12/20/857

Enquiries: Mr Lerato Mokoena

Telephone: (012) 310 3137 Fax: (012) 320 7539 E-mail: LMokoena@deat.gov.za

Ms Mamokete Mafumo
Eskom Holdings Limited
P O Box 1091
JOHANNESBURG
2000

Tel: (011) 800-2621
Fax: (011) 800-3917

PER FACSIMILE / MAIL

Dear Madam,

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: PROPOSED CONSTRUCTION OF THE 400KV POWER LINE BETWEEN TABOR AND WITKOP SUBSTATIONS, LIMPOPO PROVINCE

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within 7 (seven) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

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

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrové@deat.gov.za, at the Department.

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

By facsimile: (012) 310 3688;

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

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

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered I&AP's as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

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

You are strongly advised to refrain from the initiation of any construction activities prior to the conclusion of the appeals process. All construction activities initiated during the appeals process will be done solely at your own risk.

Yours faithfully



Ms. Nosipho Jezile
Acting Director – General
Department of Environmental Affairs and Tourism
Letter signed by: Ms. Lize McCourt
Designation: Chief Director: Environmental Impact Management
Date: 29/5/08

Cc:
Ms. Deshika Kathararo
Mr. Herman Grove

SEF (Pty) Ltd
DEAT

Fax: (012) 349-1229

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

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

NOTES:

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

- a) the Minister if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
- b) the MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority
- c) the delegated organ of state where relevant.

2. An appeal lodged with:-

- a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
- b) the MEC must be submitted to the provincial department responsible for environmental affairs
- c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state

3. An appeal must be:-

- a) on an official form obtainable or published by the relevant department
- b) accompanied by:
 - a statement setting out the grounds of appeal
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62
 - the prescribed appeal fee, if any.

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

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrové@deat.gov.za, at the Department.

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

By facsimile: 012 310 3688;

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

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

Environmental Authorisation

Authorisation register number: 12/12/20/857

Last amended:

Holder of authorisation: Eskom Holdings Limited

Location of activity: Makhado Local Municipality;
Molemole Local Municipality and
Polokwane Local Municipality

Decision

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

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006, the Department hereby authorises –

ESKOM Holdings Limited

With the following contact details –

Ms. Mamokete Mafumo
ESKOM Holdings Limited
P.O Box 1091
Johannesburg
2000

Fax : (011) 600 3917

to undertake the following activities –

R. 387 1(l): The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of electricity above ground with a capacity of 120 kilovolts or more.

R. 386 14: The construction of masts of any material or type of any height, including those used for telecommunication broadcasting and radio transmission.

R.386 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres.

For the construction of the 400 kV Transmission power line between Tabor and Witkop substations (Proposed Alternative) as described in the Environmental Impact Report dated September 2007.

The 110km power line will run in a southerly direction from Tabor substation which is located north of the Tropic of Capricorn and east of the N1 national route. The power line will eventually link with the Witkop substation which is located south of Polokwane.

The study area falls within the jurisdiction of Molemole Local Municipality; Makhado Local Municipality and Polokwane Local Municipality of the Limpopo Province, hereafter referred to as "the properties".

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

Conditions

Scope of authorisation

- 1.1 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.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.3 The activity authorised may only be carried out on the Proposed Alternative route, as shown on the site maps of the Environmental Impact Report, dated September 2007.
- 1.4 Any changes to, or deviations from, the project description set out on the Environmental Impact Report (EIR), dated September 2007, and authorised under this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 1.5 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.

- 1.6 This authorisation does not negate the holder of the authorisation responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 1.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (seven) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.8 Relevant legislation that must be complied with by the holder of this authorisation include but is not limited to:
 - All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - This authorisation is subject to compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
 - Provisions of the National Water Act, 1998 (Act 36 of 1998).

Appeal of authorisation

- 1.9 The notification referred to in 1.7 must –
 - 1.9.1 Specify the date on which the authorisation was issued;
 - 1.9.2 Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 1.9.3 Advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

Management of the activity

- 1.10 A Draft Environmental Management Plan ("EMP") submitted as part of the application for environmental authorisation is approved. The final site specific (Proposed Alternative) Environmental Management Plan ("EMP") for construction which fulfils the requirements of this authorisation must be compiled and submitted to the Department for approval before

the construction process commence. The EMP must comply with regulation 34 of the EIA regulations, 2006 and must include, but not limited to the following:

- A site specific plan for erosion and sedimentation control during construction, maintenance and operational phases of the project.
- A plan for rehabilitation of all areas to be disturbed during the construction phase of the project. Only indigenous plants may be utilised for rehabilitation.
- Management and rehabilitation of access roads to individual construction areas that will not become permanent roads upon completion of construction.
- A site specific plan for the installation of mitigation measures to reduce and prevent avifaunal interaction with the new power lines.
- A site specific plan for the protection of indigenous vegetation where construction activities will take place.
- The EMP must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually.

1.11 The applicant must appoint an Environmental Control Officer (ECO) that will have the responsibility of implementing the EMP.

- The ECO shall be appointed one month before the start of construction and the authorities must be notified of such an appointment for communication purposes.
- The ECO shall submit a bi-monthly environmental compliance report, in writing, to the Department and copy the Applicant with such report. This report shall include a description of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO. The report must reflect the reference number of the project on the cover page.
- The ECO shall maintain the following on site:
 - A site diary
 - Copies of all monthly reports submitted to the Department
 - A schedule of current site activities including the monitoring of such activities
 - A complaints register of all public complaints and the remedies applied to such complaints.

- The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is handed over to Eskom by the contractor for operation.

Commissioning of the activity

- 1.12 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 end.
- 1.13 The working area must be clearly demarcated and fenced off during the construction phase and all construction activities must be confined to this area.

Site Closure

- 1.14 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

- 1.15 All recommendations outlined in the specialists reports contained in the Final Environmental Impact Report produced by SEF (Pty) Ltd dated September 2007, (geotechnical investigation; soils and agricultural potential study; ecological assessment; avifaunal assessment; visual impact assessment; heritage impact assessment; social impact assessment; and air quality study) must be adhered to by the holder of this authorisation.
- 1.16 Should any heritage resources be exposed during the excavation for the purpose of construction, construction in the vicinity of the finding must be stopped. A registered heritage specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. The relevant heritage resource agency must be informed about the finding.
- 1.17 Avifaunal, ecological and heritage specialists should be present during the planning and pegging of the final route alignment to ensure that the positions of pylons and construction camps result in minimum impacts on birds and sensitive landscape features (wetlands, rivers and granite outcrops).

General Conditions

- 1.18 A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 1.19 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 1.20 The holder of the authorisation must notify the Department, in writing and within 24 (twenty four) hours, if conditions of this authorisation are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.21 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 1.22 All correspondence with regard to this project must be forwarded for the attention to The Director of Environmental Impact Evaluation within this Department.
- 1.23 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 authorization as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 29 May 2008


Ms. Mosipho Jezile

Acting Director-General

Department of Environmental Affairs and Tourism

Letter signed by: Ms. Lize McCourt

Designation: Chief Director: Environmental Impact Management

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited applied for authorisation to carry out the following activities –

R. 387 1(i); R386 14; and 15: the construction of the 400kV Transmission line between Tabor and Witkop substations (Proposed Alternative); the construction of a telecommunication mast; and the construction of a road that is wider than 4m as described on the Environmental Impact Report dated September 2007.

The study area falls within the jurisdiction of Molemole Local Municipality; Makhado Local Municipality and Polokwane Local Municipality of the Limpopo Province, hereafter referred to as "the properties"

The applicant appointed SEF Consultants to undertake an Environmental Impact Assessment process as required by 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 September 2007 and associated specialist reports.
- b) 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).
- c) Comments from the Interested and Affected Parties.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The applicant has met the requirements of the Environmental Impact Report (EIR) as per the EIA regulations, 2006.

- b) A detailed public participation process was undertaken and the consultant has satisfied the minimum requirements as prescribed in the EIA regulations, 2006 for public involvement.
- c) Comments received from the Interested and Affected Parties were adequately addressed.
- d) The proposed project route (Proposed Alternative) will have minimal impacts on the environment.

4. Findings

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

- a) The visual impact assessment report identified the Proposed Alternative route as the most preferred alternative due to it having a lower visual intrusion than the rest of alternatives assessed.
- b) The findings from the ecological study suggested that the Proposed Alternative would be the most suitable option from the ecological perspective, since it follows pre-existing power lines. However, the positions of pylons should be chosen carefully to minimise the impacts on sensitive landscape features (wetlands, rivers and granite outcrops)
- c) The Proposed Alternative route is situated adjacent to existing power lines for most of the route.
- d) The social impact study preferred the Proposed Alternative since it has the least possibility of disrupting the surrounding communities.
- e) The soils and agricultural potential specialist study indicated that there was a minimum difference between the alternative routes as none would cross high potential soils.
- f) From a heritage point of view it is anticipated that all three of the identified alternatives, will have an impact on heritage sites.
- g) The construction of this power line will enable Eskom to meet the current and future electricity demands.
- h) The procedure followed for the impact assessment has been adequate for the decision-making process.
- i) All legal and procedural requirements have been met.
- j) There has been sufficient consultation with I&AP's.
- k) Adequate assessment of the main identified issues and impacts have been done.
- l) The proposed development is compatible with the proposed site for the development.

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. Authorisation is accordingly granted.


29/5/05