



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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|---------------------------------------|---|
| Authorisation register number: | <i>12/12/20/1187</i> |
| Last amended: | <i>First issue</i> |
| Holder of authorisation: | <i>ESKOM HOLDINGS LIMITED</i> |
| Location of activity: | <i>LIMPOPO PROVINCE: Lephalale to Polokwane</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.

Jr 11/12/2010

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities 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. M. Seabe
Eskom Holding Ltd
PO Box 1091
JOHANNESBURG
2000

Tel No: (011) 800-2345

Fax No: (011) 800-3917

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

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GN R.386:

Activity 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 metres 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*

Activity 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 1 000 cubic metres at any one location or site.*

Activity 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).*

Activity 14: *The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding:*

- a) *masts of 15 metres and lower exclusively used*
 - (i) *by radio amateurs; or*
 - (ii) *for lighting purposes*
- b) *flag poles and lightning conductor poles*

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

Activity 16 (a): *The transformation of undeveloped, vacant or derelict land to establish infill development covering an area of 5 hectares or more, but less than 20 hectares*

GN R.387:

Activities 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 more than 120 kilovolts or more.*


as described in the Environmental Impact Assessment Report (EIR) dated June 2010.

The proposed development is for the construction of two 400kV transmission lines from Medupi Power Station to the proposed Mokopane Substation and its associated infrastructure. The study area is within several Municipal jurisdictions including Lephalale, Polokwane Municipalities in the Limpopo Province hereafter referred to as "the property".

Conditions

Scope of authorisation

1. The following is hereby approved:
 - 1.1 Option 4 for the substation site;
 - 1.2 Corridor 8 (with deviations) for the Medupi-Mokopane section; and
 - 1.3 Corridor 5 for the Mokopane-Witkop section.
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


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and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

7. 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.
8. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
9. 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.
10. 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.
- All provisions of the Hazardous Substances Act (Act 15 of 1973).
- 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.

11. 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

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

Management of the activity

14. The Environmental Management Plan (EMP) for the construction submitted as part of the Application for EA is hereby approved. This EMP must be implemented and adhered to.
15. The EMP must be kept updated to ensure that it include all the information specified in regulation 34 of the EIA Regulations, 2006 and the conditions of this Authorisation at all times, as well as new elements that may be included during the construction process by the Environmental Control Officer (ECO). However, any changes to the construction EMP must be submitted to this Department for acceptance before such changes could be effected.

Monitoring

16. The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
17. The ECO shall be appointed before commencement of any authorised activity/ies.

18. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
19. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
20. In addition, the ECO shall maintain the following on site:
 - 21.1 A site diary;
 - 21.2 Copies of all reports submitted to the Department;
 - 21.3 A schedule of current site activities including the monitoring of such activities; and
 - 21.4 A complaints register of all public complaints and the remedies applied to such complaints.
21. 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.
22. 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

23. 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.
24. The ECO must submit every month an environmental compliance report, in writing, to the Department during the construction phase. This report must provide a record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
25. The ECO must submit a post construction environmental audit report within one month upon completion of construction and rehabilitation activities, in writing, to the Department.
26. 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

27. The authorised activities shall not commence within thirty (30) days of the date of signature of the authorisation.

28. 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

29. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

Operation of the activity

30. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
31. 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

32. 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

33. Biodiversity, Avifaunal and Heritage specialists must be commissioned to perform a final walkthrough survey of the route once the final route alignment and tower positions have been identified. This includes deviations along Corridor 8. The specialists must cover buffer identification, no-go areas and make final recommendations to further minimise potential negative impacts. The EMP must be amended to include any recommendations made by the specialists.

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. Anti-collision devices such as bird flappers must be installed where power lines cross 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.
36. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
37. Copies of permits in respect of 36 above required must be submitted to the Department for record keeping.
38. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
39. Liaison with land owners/farm managers is to be done prior to construction in order to provide sufficient time for them to plan agricultural activities. If possible, construction should be scheduled to take place within the post-harvest, pre planting season, when fields are lying fallow.
40. The applicant is required to inform the relevant department and this Department should the removal of protected species, medicinal plants and "data deficient" plant species be required.
41. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
42. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
43. The construction site must be clearly demarcated and clear signage must be erected during the construction phase.
44. No open fires are allowed on the site to avoid the risk of fire.
45. An ongoing program for the removal of alien vegetation must be developed and implemented.
46. Concrete mixing on site during construction must be conducted on plastic sheeting in order to avoid permanent soil contamination and to facilitate cleanup of the site.
47. The removal of sensitive indigenous vegetation must be limited and translocated fauna must be located where possible, on already disturbed land.
48. To mitigate noise impacts during construction, the following mitigation measures must be implemented:

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- 48.1 Working hours must be restricted between 08:00 am to 17:00 pm on Mondays to Fridays;
- 48.2 No construction activities will be allowed at night; and
- 48.3 All noise and sounds generated during all phases of the proposed development must comply with the relevant SANS codes and standards.
49. The use of generators on site must include the use of drip trays.
50. The following mitigation measures must be implemented with regard to the temporary storage of fuel on site:
- 50.1 Fuel storage tanks must be bunded to prevent spills and soil contamination.
- 50.2 Tanks used for fuel storage must be designed and installed in accordance with the relevant Oil Industry standards and SANS codes. The tank must be constructed to conform to the requirements of the Atmospheric Pollution Prevention Act (Act No. 45 of 1965);
- 50.3 In the event of a spill, the area affected must be cleaned up and rehabilitated. All material generated during the clean-up operation must be disposed of at a suitable licenced landfill site, with chain of custody documentation supplied as proof of the end recipient; and
- 50.4 The area surrounding the tank must be kept clean of flammable material and the required warning signs must be erected and be visible during the construction phase.
51. All work areas must be supplied with proper sanitation facilities.
52. Rehabilitation measures for all areas disturbed during the construction phase of the project, excluding those areas where permanent structures are erected, must be implemented.
53. All nuisance factors caused during construction and as captured in the complaints register, must be properly addressed and measures for mitigation implemented.
54. 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

55. A copy of this authorisation must be kept at the property where the activities 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.
56. 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.
57. 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.
58. 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: 1 December 2020


Ms Lize McCourt

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.386:

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- (vi) canals;
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- (viii) bridges;
- (ix) dams; and
- (x) weirs

Activity 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 1 000 cubic metres at any one location or site.*

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for the proposed construction of two 400kV transmission power lines from the Medupi Power Station to the proposed Mokopane Substation and its associated infrastructure as described in the Environmental Impact Assessment Report (EIR) dated June 2010. The project falls within several municipal jurisdictions including the Lephalale and Polokwane Municipalities in the Limpopo Province.

The applicant, Eskom appointed an independent environmental consultant, Savannah Environmental, 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 June 2010;
- b) Additional information received on 22 October 2010;
- c) The comments received from organs of state and interested and affected parties as included in the EIR dated June 2010;
- d) Mitigation measures as proposed in the EIR dated June 2010 and the EMP;
- e) The information contained in the specialist studies contained within the EIR dated June 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

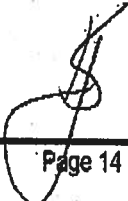
All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- 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 motivation for the project as described in the EIR dated June 2010.
- d) The EIR dated June 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 June 2010 identified all legislation and guidelines that have been considered in the preparation of the EIR dated June 2010.
- f) The methodology used in assessing the potential impacts identified in the EIR dated June 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

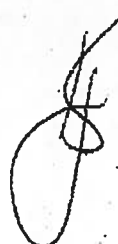
After consideration of the information and factors listed above, the Department made the following findings -

- According to the EIR dated June 2010, there are negative impacts of high significance before the implementation of mitigation measures; the identified impacts can be successfully mitigated.
- The negative impacts resulting from the project are, with mitigation, considered to have a low or medium significance rating. Considering the need and desirability of the proposed project, it is the opinion of the EAP that the benefits of the proposed project will outweigh the negative effects.

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- The identification and assessment of impacts are detailed in the EIR dated June 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 June 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.

 1/12/2010