



environment & tourism

Department
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Federe Building, 115 Pretoria Street, Bloemfontein, 9602. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682

Reference: 12/12/201239

Enquiries: Mr Lesiba Ngqasheng
Telephone: (012) 310 3667 Fax: (012) 320 7539 E-mail: pngoasheng@deat.gov.za

Ms Mmemoloko Seabi
Eskom Holdings Limited
P O Box 1061
JOHANNESBURG
2000

Fax: (011) 800 3917

PER FACSIMILE / MAIL

Dear Ms Seabi

GRANTING OF CONDITIONAL AUTHORISATION FOR PROJECT REFERENCE 12/12/201239: THE PROPOSED UPGRADING OF THE PAULPUTS SUBSTATION, NORTHERN CAPE 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 (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 submission of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations 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 PKM Relief, Appeals Administrator, Tel: 012 310 3705, prelieff@deat.gov.za ; or

Mr H Grove, Appeals Administrator, Tel: 012 310 3070, hgrove@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) 320 7561;

Muhetho wa zesi Vhupho na Vhuvendelelanashango • LIThlo le Tesimondzawo nethu Veturusho • Isobu lem/Cembi yokuziNgqongileyo nokhanketho
Ndzawulo ya Tshelulo & Nibango • Department: Omgwinqweso an Tourism • Iefapha le Tshelulo le Bohanketho • Iefapha le Baganala
Kgoro ya Tshelulo le Bohanketho • Umhlanga wezeshululo nokuVeturusho • Umhlanga Wazemwelo NokuVeturusho

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By post: Private Bag X447, Pretoria, 0001; or
 By hand: 2nd Floor, Fedure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

You must also serve a copy of the notice of intention to appeal on all registered IAPs 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 IAPs, notified through your notification letter of the decision, for record purposes.

The authorised activity / activities may not commence within thirty (30) days of the date of signature of the authorisation. Please further note that the Minister may, on receipt of appeals against the authorisation or conditions thereof, suspend the authorisation pending the outcome of the appeals.

Yours sincerely



Ms Lizette McCourt
 Chief Director: Environmental Impact Management
 Department of Environmental Affairs and Tourism

Date: 6 July 2009

CC: Mr Calvin Mawolela
 Mr Herman Grove

Enkanyini Projects
 DEAT

Fax: 086 503 1670

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 Water and Environmental Affairs;
- 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:
See authorisation cover letter.**



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Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number:	12/12/20/1239
Last amended:	N/A
Holder of authorisation:	ESKOM HOLDINGS LIMITED
Location of activity:	PORTION 4 OF FARM SCHUITKLIP 92, KALGARIB LOCAL MUNICIPALITY

JL 6/7/04

Department of Environmental Affairs and Tourism

Environmental Authorisation: 12/12/20/1239

Definitions

- BAR Basic Assessment Report
- BID Background Information Document
- DEAT Department of Environmental Affairs and Tourism
- DWAF Department of Water Affairs and Forestry
- EAP Environmental Assessment Practitioner
- ECA Environment Conservation Act, 1989
- EIA Environmental Impact Assessment
- EMP Environmental Management Plan
- I&AP Interested and Affected Parties
- NEMA National Environmental Management Act, 1998
- PPP Public Participation Process
- ROD Record of Decision
- EA Environmental Authorisation

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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 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 Seabi
P O Box 1091
JOHANNESBURG
2000

FAX: (011) 600 2345

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

No. R 387 of 2006 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 120kV or more.

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Department of Environmental Affairs and Tourism Environmental Authorisation: 12/12/20/1239

No. R. 386 of 2006 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 30m³ but less than 1000m³ at any one location or site.

No. R. 386 of 2006 14 The construction of masts of any material or type of any height, including those used for communications broadcasting and radio transmission, but excluding masts of 15m and lower exclusively used by radio amateurs or for lightning purposes, flagpoles and lightning conductor poles.

No. R. 386 of 2006 15 The construction of a road that is wider than 4m or that has a reserve wider than 6m excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30m long.

at Portion 4 of Farm Schuitklip 92, which fall within the jurisdiction of Kalgariib Local Municipality, hereafter referred to as "the property". The upgrading of Paulputs Substation will take place within the existing substation as described in Section 1 of the Environmental Impact Report dated April 2009.

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

Conditions

1 Scope of authorisation

1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions 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.

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- 1.3 The activities authorised may only be carried out at Portion 4 of Farm Schuifklip 92, which fall within the jurisdiction of Kalgarib Local Municipality within the existing Paulputs Substation.
- 1.4 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.
- 1.5 These activities must commence within a period of 4 (four) years from the date of issue. If commencement of the activities 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's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 1.7 Compliance with the requirements of Section 38 of the National Heritage Resources Act, Act 25 of 1999, including any comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.

2 Appeal of authorisation

- 2.1 The holder of the authorisation must notify every registered interested and affected party, in writing and within ten (10) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 2.2 The notification referred to in 2.1 must --
- 2.2.1 specify the date on which the authorisation was issued;
- 2.2.2 inform the interested and affected party of the appeal procedure provided for in Chapter 8 of the regulations; and
- 2.2.3 advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

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3 Management of the activity

- 3.1 The Environmental Management Plan ("EMP") submitted as part of the application for environmental authorisation is approved and must be implemented.
- 3.2 The provisions of the EMP are extension of the conditions of the environmental authorisation (EA) and therefore non-compliance with the EMP would constitute non-compliance with the EA.
- 3.3 The EMP must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually.

4 Monitoring

- 4.1 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.
- 4.2 The ECO shall maintain the following on site:
- o A site diary;
 - o A schedule of current site activities including the monitoring of such activities;
 - o A complaints register of all public complaints and the remedies applied to such complaints.
- 4.3 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.
- 4.4 This department reserves the right to monitor and audit the development throughout its full life cycle to ensure that it complies with the conditions stipulated in the environmental authorisation as well as mitigation measures contained in the final Environmental Impact Report dated April 2009 and the construction and operational EMPs.

5 Recording and reporting to the Department

- 5.1 The holder of the authorisation must submit two environmental audit reports to the Department, one focusing on construction activities and the other to be submitted during the operational phase of the project. The environmental audit reports must be compiled by the ECO and must contain the following:

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- 5.1.1 status of the environmental compliance on site during inspection;
- 5.1.2 encountered non-compliance activities;
- 5.1.3 recommendations for ensuring environmental compliance;

6 Commencement

- 6.1 The construction of the authorised activities may not commence within thirty (30) days of date of signature of this authorisation.
- 6.2 Should you be notified by the minister of a suspension of the authorisation pending any appeals decision on the authorised activities, you may not commence with the activities unless authorised by the minister in writing.
- 6.3 Thirty (30) 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.

7 Commissioning of the activity

7.1 (a) Commencement

- (i) The authorised activity / activities may not commence within thirty (30) days of the date of signature of the authorisation.
- (ii) Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity / activities unless authorised by the minister in writing.

(b) Notification of authorities

- (i) 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 7.1 (a) (i).
- (ii) Fourteen (14) days written notice must be given to the Department that the operational phase of the activity will commence.

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8 Construction and Operation of the activity**8.1 The applicant must ensure the following:**

- 8.1.1 The hydraulic fluids are stored in concrete lined surfaces with bund walls and must be designed in such a manner that any spillages can be contained and reclaimed without any impact on the surrounding environment. The repair of construction vehicles must be done on a paved surface to avoid leaking oils seeping into the ground.
- 8.1.2 All waste generated during construction and operation of the facility is removed and disposed of at a waste disposal facility permitted in terms of the Waste Act, 2008 (Act No. 59 of 2008).
- 8.1.3 If disturbed areas are left to rehabilitate naturally, they must be frequently monitored and interventions put in place immediately should it become necessary. Special attention must be given to the potential for erosion and the associated environmental degradation. Monitoring is also especially important with respect to alien vegetation control and management.
- 8.1.4 Hazardous and flammable substances must be stored and used in compliance with applicable regulations and safety instructions.
- 8.1.5 The removal of protected vegetation and medicinal plants during construction must be done in consultation with the provincial environmental authorities, and the appropriate post-construction rehabilitation measures must be implemented in cooperation with the provincial environmental authorities.
- 8.1.6 Heritage resources specialist must undertake a site inspection of the proposed substation and any new access roads to ensure that no heritage resources are compromised during construction.
- 8.1.7 The applicant must ensure that all construction vehicles do not move outside the footprint of the proposed development. Maintain a safe distance from sensitive birds habitats and breeding areas.
- 8.1.8 The applicant must prevent any unauthorised entry into the Paulputs Substation during construction and operational phase of the development.
- 8.1.9 No open and uncontrolled fires must be made on construction site or within the Paulputs Substation.



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9 Site closure and decommissioning

9.1 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.

10 General

10.1 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.

10.2 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.

10.3 The holder of the authorisation must notify the Department, in writing and within 24 (TWENTY FOUR) hours, if condition of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within 48 hours if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

10.4 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.

Date of environmental authorisation: 16 July 2009



Ms. Rize McCourt
Chief Director: Environmental Impact Management
Department of Environmental Affairs and Tourism

Annexure 1: Reasons for Decision

1. Background

The applicant, **ESKOM HOLDINGS LIMITED** applied for authorisation to carry on the following activities -

No. R. 387 of 2006 1 (l) The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission and distribution of above ground electricity of the capacity of 120kV or more.

No. R. 386 of 2006 7 The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of 1 000m³ or more at any location or site including the storage of one or more dangerous goods, in a tank farm.

No. R. 386 of 2006 14 The construction of masts of any material or type of any height, including those used for communications broadcasting and radio transmission, but excluding masts of 15m and lower exclusively used by radio amateurs or for lightning purposes, flagpoles and lightning conductor poles.

No. R. 386 of 2006 15 The construction of a road that is wider than 4m or that has a reserve wider than 6m excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30m long.

at Portion 4 of Farm Schultklip 92, which fall within the jurisdiction of Kagarib Local Municipality, hereafter referred to as "the property". The upgrading of Paulputs Substation will take place within the existing substation as described in Section 1 of the Environmental Impact Report dated April 2009.

The applicant appointed Enkanyini Projects to undertake an Environmental Impact Assessment process and to compile an Environmental Impact Report as required by regulation R. 385 of 2006.

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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 Scoping Report dated October 2008;
- b) The information contained in the Environmental Impact Report dated April 2009;
- c) The National Environmental Management Act, 1998 (Act 107 of 1998);
- d) Constitution of the Republic of South Africa (Act 108 of 1996), in particular Chapter 2 and Section 24 (b) of the Bill of Rights;
- e) Relevant information contained in the Departmental information base including -
 - Integrated Environmental Management Guideline Series.
- 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) and

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) During the construction phase some habitat destruction and alteration of the site would inevitably take place. This happens with the construction of access roads, the clearing of the site and the levelling of the substation yard.
- b) The proposed site for the expansion of the existing Paulputs Substation lies in an area that is dominated by mild to hot summers and mild to cold winters. The Northern Cape semi-arid region climate has little rainfall varying from 150 to 350mm per year, which occurs late autumn. Erosion may take place when vegetation is removed and the topsoil is exposed. The erosion may occur during rainfall season and strong winds. Similarly, the trampling of vegetation by the continual movement of vehicles and people may also lead to removal of vegetation and exposure of the topsoil. Fortunately, due to the low rainfall in the area, the chances of erosion by rainfall are greatly minimized.

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4. Findings

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

The upgrading of the Paulputs Substation will undoubtedly modify the site. However, at a landscape level, the area to be affected by the construction of a substation is relatively insignificant as it is already disturbed by the vehicle movements during maintenance activities. The proposed area earmarked for the upgrade of the substation has over the years been transformed through overgrazing by domestic animals. This has resulted in the reduction of the number and variety of species originally inhabiting the area, on account of the loss of habitat and decline in food availability.

The tree species occurring in the area that are protected in terms of the National Forest Act of 1998 (Act 84 of 1998) are *Acacia erioloba*, *Acacia haematoxylon*, and *Boscia albitrunca* (non of which are recorded in the proposed substation site). No Red Data plant species were recorded in the study area during the survey.

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.

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