

- 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. Should there be a requirement to extend the validity period of the EA, an application for extension of the validity of the EA, must be lodged at least six (6) months prior to the expiration date.
 7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
 8. 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

9. 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.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment (EIA) Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons for the decision.

Management of the activity

11. The Environmental Management Plan (EMP) for the construction submitted as part of the application for environmental authorisation is hereby approved. This EMP must be implemented and adhered to.

Environmental Control Officer (ECO) and duties

12. The holder of the authorisation must appoint an Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO 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.
13. The ECO must be appointed before commencement of any authorised activities.
 - 13.1. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
 - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
 - 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
14. The ECO must:
 - 14.1. Keep and maintain a detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
 - 14.2. Keep and maintain a daily site diary.
 - 14.3. Keep copies of all reports submitted to the Department.
 - 14.4. Keep and maintain a schedule of current site activities including the monitoring of such activities.
 - 14.5. Obtain and keep record of all documentation, permits, licences and authorisations such as waste disposal certificates, hazardous waste landfill site licences etc. required by this facility.

- 14.6. Compile bi-monthly monitoring reports.

Recording and reporting to the Department

15. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
16. 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.

Environmental audit report

17. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
18. The environmental audit report must:
- 18.1. Be compiled by an independent environmental auditor;
 - 18.2. Indicate the date of the audit, the name of the auditor and the outcome of the audit;
 - 18.3. Evaluate compliance with the requirements of the approved EMP and this environmental authorisation;
 - 18.4. Include measures to be implemented to attend to any non-compliances or degradation noted;
 - 18.5. Include copies of any approvals granted by other authorities relevant to the development for the reporting period;
 - 18.6. Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring these issues are appropriately addressed; and
 - 18.7. Include a copy of this authorisation and the approved EMP.
 - 18.8. Include all documentation such as waste disposal certificates, hazardous waste landfill site licences etc. pertaining to this authorisation.
 - 18.9. Include evidence of adherence to the conditions of this authorisation and the EMP where relevant such as training records and attendance records.

Commencement of the activity

19. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
20. 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.
21. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

22. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period, within which construction may not commence.

Operation of the activity

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

25. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

26. The upgrade of the Philippi Sub-station must not extend beyond the boundaries of the existing site.
27. The maximum operational height under the tower conductors must be limited to 5.5m.
28. Resettlement of dwellings must be avoided at all cost. Where resettlement is deemed the only option, a detailed Resettlement Action Plan (RAP) must be developed in consultation with all the relevant stakeholders and the final document must be submitted to the relevant local and provincial planning departments for approval before construction commence. This Department must be kept informed in this regard and a copy of the approval must be submitted for record-keeping.
29. Once the RAP is approved, the existing EMP must be amended to include the requirements in terms of the RAP. The amended EMP must also be submitted to this Department for approval thereof.
30. Written proof any agreements and/or arrangements made following the above discussions and/or negotiations signed by all parties involved, must be submitted to this Department for record keeping. Submissions must be made for the attention of the Director: Integrated Environmental Authorisations.
31. The final position of the construction camp must be communicated to this Department 30 days before the construction commence.
32. No activities are allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
33. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.
34. Anti-collision devices such as bird flappers must be installed where powerlines 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.
35. A permit must be obtained from the relevant nature conservation agency should there be any removal or destruction of indigenous protected and endangered plant and animal species.
36. Copies of permits required and obtained in respect of any relevant legislation must be submitted to the Department for record keeping.
37. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.

38. Vegetation clearing must be kept to the approved servitude.
39. Construction must include appropriate design measures that allow movement of storm water along drainage lines so as not to impede natural surface and subsurface flows.
40. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008). Copies of all waste disposal certificate must be kept on site.

General

41. 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.
42. The holder of the authorisation must notify both the Director: Integrated Environmental Authorisations and Director: Compliance Monitoring at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
43. 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: 29 October 2012



Mark Gordon

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the final EIR dated October 2011;
- b) The comments received from the Western Cape Department of Environmental Affairs and Development Planning dated 23 February 2012;
- c) Mitigation measures as proposed in the final EIR dated October 2011 and the EMP;
- d) The information contained in the specialist studies contained within Appendix I of the final EIR dated October 2011;
- e) Findings of the site visit conducted on 23 December 2011; and
- f) The objectives and requirements of relevant environmental legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

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

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) Due to high density development surrounding the existing substations in the study area, the introduction of new feeder lines was not deemed feasible due to the risk of potential technical problems. Eskom then proposed the construction of a second 400kV injection to feed into the City of Cape Town (CoCT) supply area at a new substation located in or surrounding Mitchell's Plain.
- c) The final EIR dated October 2011 identified all relevant environmental legislation and guidelines that have been considered in its preparation.
- d) The methodology used in assessing the potential impacts identified in the final EIR dated October 2011 and the specialist studies have been adequately indicated.
- e) 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.

3. Conclusions

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

- a) According to the Western Cape Department of Environmental Affairs and Development Planning, the final EIR dated October 2011 meet the legal requirements in terms of EIA Regulations 2006.
- b) The specialist studies indicated medium to low impacts on Alignment PM-1 alignment.
- c) The preferred route alignment PM-1 ensures that the specific sensitive areas are avoided and where they can't be avoided, potential mitigation measures exist.
- d) The Social Assessment concluded that none of the negative social impacts identified along the preferred alignment are sufficiently significant to preclude the development from a socio-economic perspective as the number of individual dwellings that are affected have been significantly reduced.
- e) The identification and assessment of impacts are detailed in the final EIR dated October 2011 and sufficient assessment of the key identified issues and impacts have been completed.
- f) The procedure followed for impact assessment is adequate for the decision-making process.
- g) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- h) All environmental legal and procedural requirements have been met.
- i) According to the independent EAP, the information contained in the EIR dated October 2011 is accurate and credible.
- j) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the final EIR dated October 2011 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.