



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko Road, Arcadia· PRETORIA  
Tel (+ 27 12) 399 9372

**DEA Reference:** 14/12/16/3/3/2/977/AM1

**Enquiries:** Ms Dakalo Netshiombo

**Telephone:** (012) 399 8877 **E-mail:** DNetshiombo@environment.gov.za

Ms Martina Phiri  
Eskom Holdings SOC Limited  
P. O. Box 1091  
**JOHANNESBURG**  
2000

Tel no: 011 800 3550

Email: [PhiriM@eskom.co.za](mailto:PhiriM@eskom.co.za)

### **PER EMAIL / MAIL**

Dear Ms Phiri

### **AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 31 JULY 2017 FOR THE PROPOSED KUDU POWER STATION-ORANJEMOND 1<sup>ST</sup> AND 2<sup>ND</sup> 400kV POWER LINES, NORTHERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 13 July 2017 and your application for amendment to the EA received on 13 September 2017 refer.

The applicant applied to amend the specific conditions to the EA for the abovementioned project. The amendment entails the removal and re-wording of the following conditions:

- Condition 27: Vegetation clearing must be kept to the development footprint to ensure least disturbance to sensitive areas;
- Condition 28: Activities must be restricted away from any rocky hills and outcrops as well as wooden riparian along the Orange River;
- Condition 31: The proposed power lines alignments must be routed along the existing informal access roads, livestock pathways as well as degraded and transformed habitats or vegetation units.

Based on a review of the application for amendment as indicated above and the supporting documentation to amend the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended; has decided **not to amend the following condition** to the EA dated 13 July 2017. The reason for the decision is provided below:

- Condition 27 as mentioned above, was included in the EA based on the fact that the applicant applied for activities: "GN R 983 Item 27, GN R 985 Items 4, 12 and 14 which talks to the activities within a Critical Biodiversity Area and the clearance of indigenous vegetation", hence the Department has approved a 3km corridor as per the project description. The Department still requires that vegetation clearance be kept within the approved corridor.

In addition, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations 2014, as amended; has decided **to remove Conditions 28 and 31** from the EA dated 13 July 2017. The reasons for the decision are provided below:

- It is confirmed by the Ecological Specialist Study dated July 2016, that the area that will be destroyed by the proposed development (Figure 4: Ecological Report referring to units 1a and 2) is degraded due to current and past human actions and has low ecological sensitivity. The report further point out that the proposed extension of a substation will destruct the natural rocky vegetation (area of approximately 1.4ha in extent) on the southern edge of the rocky ridge. However, the proposed development is supported as it will not fragment the rocky area by dividing it into two sections.
- The Ecological Specialist also confirmed that the pylons will be constructed on the already degraded small rocky hill, which is regarded as having a low conservation value (as per Figure 14, Ecological Impact Report dated July 2016).
- Taking into consideration the location of the substation and its extension; which is in the least sensitive area and a corridor (3km for the power lines alignments) which has been applied for and approved based on the assessment of the significant environment impacts, the Department submits that the proposed power line alignment will follow the existing power line (Figure 1: Ecological Impact Study). Therefore; the above Condition 31 is hereby removed.

#### **Amendment to extend the validity period of the EA**

The activity must commence within a period of ten (10) years from the date of the EA issued on 13 July 2017 (i.e. the EA lapses on 13 July 2027). 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.

The applicant requested the inclusion of the condition regarding the validity period of the EA as it was not specified in the EA issued on 13 July 2017.

This letter must be read in conjunction with the EA dated 31 July 2017.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)

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

By hand: Environment House  
473 Steve Biko,  
Arcadia, Pretoria,  
0083

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



**Ms Millicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Date: 17/11/2017.**

cc:	S Nel	Landscape Dynamics Environmental Consultants	Tel: (012) 460 6043	Email: info@landscapedynamics.co.za
	AT. Makaudi	Northern Cape DENC	Tel: (053) 807 7300	Email: tmakaudi@ncpg.gov.za
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Mrs. Milicent Solomons  
Director: Strategic Infrastructure Development

Dear Mrs. Solomons

### **APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 16 NOVEMBER 2017 UNTIL 17 NOVEMBER 2017**

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 16 November 2017 until 17 November 2017 while Mr. Sabelo Malaza is on Annual Leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely,

  
Mr. Ishaam Abader

DDG: LACE

Date:

15/11/2017

#### **ACKNOWLEDGEMENT**

I ACCEPT / ~~DO NOT ACCEPT~~ appointment  
as Acting Chief Director: integrated  
environmental authorisations

Signed: M. Sdomang

Date: 16/11/2017.