environmental affairs
Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0001345/2012
DEA Reference: 14/12/16/3/3/1/1290
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Mr Justine Wyngaardt
Eskom Holdings SOC Limited
P.O Box 222
BRACKENFELL
7561

Telephone number: (021) 980 3822
E-mail address: dondivn@eskom.co.za

PER EMAIL / MAIL

Dear Mr Wyngaardt

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543 AND 544: FOR THE CONSTRUCTION OF A DOUBLE CIRCUIT 132kV POWERLINE AND DENOVA 132/11kV SUBSTATION WITHIN THE STELLENBOSCH LOCAL MUNICIPALITY IN THE WESTERN CAPE PROVINCE

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

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

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

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

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Appeals must be submitted in writing to:

Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Telephone number: 012-399-9356/9355
Email address: AppealsDirectorate@environment.gov.za

The authorised activities must not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, an appeal under Section 43 of that Act 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.

Yours sincerely

Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date: 2/07/2015

CC:	Ms S Masson	SRK Consulting (Pty) Ltd	Email: smasson@srk.co.za	Tel: 021 659 3060
	Mr S van der Merwe	Stellenbosch Local Municipality	Email: Schalk.vandermerwe@stellenbosch.gov.za	Tel: 021 808 8679
	Mr H Fortuin	DEA:DP	Email: Henri.Fortuin@westerncape.gov.za	Tel: (021) 483 4091

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: • a notice indicating where and for what period the appeal submission will be available for inspection.	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. An appeal must be:-

a) submitted in writing;

b) accompanied by:

- a statement setting out the grounds of appeal;
- supporting documentation which is referred to in the appeal; and
- a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.

environmental affairs
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Environmental Authorisation

In terms of Regulation 36 of the Environmental Impact Assessment Regulations, 2010

Construction of a Double Circuit 132kV power line and Denova 132/11kV Substation within the Stellenbosch Local Municipality in the Western Cape Province

Cape Winelands District Municipality

Authorisation register number:	*14/12/16/3/3/1/1290*
NEAS reference number:	*DEA/EIA/0002626/2014*
Last amended:	*First issue*
Holder of authorisation:	*Eskom Holdings SOC Limited*
Location of activity:	*Western Cape Province: Within the Stellenbosch Local Municipality.*

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.

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.

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 EIA Regulations, 2010.

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 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

ESKOM HOLDINGS SOC LIMITED

With the following contact details –

Mr Justine Wyngaardt
Eskom Holdings SOC Limited
P.O Box 222
BRACKENFELL
7561

Telephone number: (021) 980 3112
E-mail address: wyngaajo@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1 and 2 (GN R. 544 and 546):

Listed activities	**Activity/Project description**
GN R. 544 Item 10: The construction of facilities or infrastructure for the transmission and distribution of electricity- (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.	The proposal is for a substation and 132kV line for transmission and distribution of electricity in a rural area.
GN R. 544 Item 11: (xi) The construction of: (xi) infrastructure or structures covering 50 square metres or more, Where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.	The proposed 132kV power line will cross the Bottelary River and construction within 32m watercourses.
GN R. 544 Item 18: (i) The infilling or depositing of any material of more than 5 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic meters from, (i) a watercourse.	The proposed 132kV power line will cross the Bottelary River and construction within 32m watercourses will be required.
GN R. 544 Item 23: (ii) The transformation of undeveloped, vacant or derelict land to: (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares.	The footprint of the substation and pylons will transform more than 1ha of vacant land.

Listed activities	Activity/Project description
GN R. 546 Item 4: The construction of a road wider than 4m with a reserve less than 13.5m, **(d) in Western Cape**: (ii) All areas outside urban areas.	It is possible that new access road will required for both substation and power line.
GN R. 546 Item 12(a) The clearance of an area of 300 square meters or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation: (a). Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004.	The site is located within the original extent of Swartland Shale Renosterveld and Cape Flats Sand Fynbos which is are listed as Critically Endangered.

As described in the Basic Assessment Report dated April 2015 at:

Preferred site substation	**Latitude (S)**	**Longitude (E)**
centre co-ordinate for substation	33°50'17.15"S	18°46'5.22"E
Preferred power line alternative A	**Latitude (S)**	**Longitude (E)**
Starting point of activity	33°50'15.17"S	18°47'3.06"E
Middle point of the activity	33°50'08.12"S	18°46'37.70"E
End point of the activity	33°50'15.93"S	18°46'10.07"E

- for the proposed construction of a Double Circuit 132kV power line and Denova 132/11kV Substation within the Stellenbosch Local Municipality in the Western Cape Province, hereafter referred to as "the property".

Conditions of this Environmental Authorisation

Scope of authorisation

1. The proposed substation location and power line Alternative A for the abovementioned project are approved.
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 is 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 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 of this authorisation. 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must 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 and right to appeal

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 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 of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
    11.1. informing interested and affected parties of the decision;
    11.2. informing interested and affected parties where the decision can be accessed; and
    11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to. All mitigation measures as proposed in the EMPr must be implemented.

Monitoring

13. 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 EMPr.
    13.1. The ECO must be appointed before commencement of any authorised activities.
    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.
    13.4. 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.

13.5. 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

14. 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.
15. 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.
16. 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 EMPr.

Commencement of the activity

17. The authorised activity must not commence within twenty (20) days of the date of signature of the authorisation.
18. In terms of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, 1998 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 has been finalised.

Notification to authorities

19. 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.

Operation of the activity

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

Site closure and decommissioning

21. Should the activity ever cease or become redundant, the applicant must 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

22. No activities will be allowed to encroach into a water resource without a Water Use Licence being (WUL) in place from the Department of Water and Sanitation.
23. Should any historical, cultural, paleontological resources and graves be found in the course of development of the proposed power line, all construction activities must be suspended and SAHRA must be contacted immediately so that the find can be investigated and mitigation measures proposed.
24. The applicant must ensure that rehabilitation and re-vegetation of disturbed areas occurs during or immediately after construction is complete. Only appropriate indigenous vegetation may be used for rehabilitation and re-vegetation within the disturbed areas.
25. The applicant must ensure that 32m buffer zone is demarcated and only essential activities done in an ecologically responsible way be allowed in order to prevent additional disturbance.
26. The applicant must ensure that, a smaller 10m buffer zone is demarcated to the artificial depressions and development activities within the buffer zone should not be allowed in order to prevent impacts from edge effects.
27. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal.
28. Any solid waste must 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).

General

29. A copy of this authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The authorisation and approved EMPr 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.
30. The holder of the authorisation must notify both the *Director: Strategic Infrastructure Developments* and the *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.
31. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority must 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: 2/07/2015

Mr Sabelo Malaza
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 BAR dated April2015.
b) Mitigation measures as proposed in the BAR dated April 2015 and the EMPr contained within Appendix G of the BAR.
c) The information contained in the Freshwater ecological assessment, Vegetation and avifauna study contained within Appendix D of the BAR dated April 2015.
d) The objectives and requirements of relevant 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 issues 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) The need for the proposed construction of a Double Circuit 132kV power lines and Denova 132/11kV Substation within the Stellenbosch Local Municipality in the Western Cape Province.
c) The BAR dated April 2015 identified all legislation and guidelines that have been considered in the preparation of the BAR dated April 2015.
d) The finding of the site visit conducted on 7 May 2015.
e) The methodology used in assessing the potential impacts identified in the BAR dated April 2015 and the specialist's studies have been adequately indicated.
f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

3. Findings

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

a) The identification and assessment of impacts are detailed in the BAR dated April 2015 and sufficient assessment of the key identified issues and impacts have been completed.
b) The procedure followed for impact assessment is adequate for the decision-making process.
c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
d) The information contained in the BAR dated April 2015 is accurate and credible.
e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR 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 environmental authorisation is accordingly granted.