



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 399 9372

NEAS Reference: DEA/EIA/0002708/2015

DEA Reference: 14/12/16/3/3/1/1356

Enquiries: Ms Mathodi Mogorosi

Telephone: 012-399-9388 **E-mail:** MMogorosi@environment.gov.za

Ms Andrea van Gensen
Eskom Holdings SOC Limited
P.O. Box 606
KIMBERLEY
8301

Tel no: 053-830-5775
Email: vgenseal@eskom.co.za

PER FACSIMILE / MAIL

Dear Ms van Gensen

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/546: CONSTRUCTION OF A 20KM 132kV OVERHEAD POWER LINE FROM THE OLIEN SUBSTATION TO THE KARATS SUBSTATION WITHIN THE KGATELOPELE LOCAL MUNICIPALITY, NORTHERN 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:

Tel: (012) 399 9356

Email: AppealsDirectorate@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the environmental 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



Ms Millicent Solomons

Acting Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 02/06/2015.

CC:	Mr Tashriq Naicker	GIBB (Pty) Ltd	Tel: 012-348-5880	Email: tnaicker@gibb.co.za
	Ms Leona Pienaar	DEANC (NC)	Tel: 053-807-7462	Email: leonapienaar@ntpg.gov.za
	Ms Ntombi Mashego	Kgatelopele Local Municipality	Tel: 053-384-8600	Email: techman@kgatelopele.gov.za

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 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 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: <ul style="list-style-type: none"> 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, <ul style="list-style-type: none"> 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

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

**CONSTRUCTION OF A 20KM 132kV OVERHEAD POWER LINE FROM THE OLIEU SUBSTATION
TO THE KARATS SUBSTATION WITHIN THE
KGATELOPELE LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE**

ZF Mgqawu District Municipality

Authorisation register number:	14/12/16/3/3/1/1356
NEAS reference number:	DEA/EIA/0002708/2015
Last amended:	First issue
Holder of authorisation:	ESKOM HOLDINGS SOC LIMITED
Location of activity:	NORTHERN CAPE PROVINCE: Within Kgatelopele Local Municipality

This environmental 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.

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, 2010 the Department hereby authorises –

ESKOM HOLDINGS SOC LIMITED

with the following contact details –

Ms A. van Gensen
Eskom Holdings SOC Limited
P.O. Box 606
KIMBERLEY
8301

Tel: (053) 830 5775

Fax: (086) 539 5177

Cell: (082) 482 7579

E-mail: vgenseal@eskom.co.za

(hereafter referred to as "the holder of the authorisation")

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 & Listing Notice 3 (GN R. 544 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10:</u> 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;</p>	<p>The 20km distribution line connecting the existing Olien Substation to the existing Karats Substation will be 132kV in capacity and lies outside an urban area.</p>
<p><u>GN R. 544 Item 11:</u> 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.</p>	<p>Several watercourses may be crossed along the power line route, and as such pylons may be constructed within 32 metres of the watercourse.</p>
<p><u>GN R. 544 Item 18:</u> The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from: (i) a watercourse but excluding where such infilling, depositing, dredging, excavation, removal or moving; (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or (b) occurs behind the development setback line.</p>	<p>Several watercourses may be crossed along the power line route, and as such pylons may be constructed within the watercourse.</p>
<p><u>GN R. 546 Item 14:</u> The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for: (1) purposes of agriculture or afforestation inside areas identified in spatial</p>	<p>Vegetation will be cleared to allow for the erection of the pylons. Bush clearing of approximately 8m wide will be required for the</p>

Listed activities	Activity/Project description
<p><i>instruments adopted by the competent authority for agriculture or afforestation purposes;</i></p> <p><i>(2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;</i></p> <p><i>(3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</i></p> <p><i>(a) In Northern Cape:</i></p> <p><i>i. All areas outside urban areas.</i></p>	132kV power line.

as described in the final Basic Assessment Report (BAR) dated March 2015 at:

Alternative S1	Latitude	Longitude
Starting point of activity	28°22'32.20"S	23°26'55.07"E
Middle point of activity	28°20'22.96"S	23°32'31.00"E
End point of activity	28°19'58.96"S	23°37'22.93"E

- for the construction of a 20km 132kV power line from the existing Olien Substation to the existing Karats Substation, within the Kgatelopele Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

The authorised activity will consist of the following components:

- A 20km 132kV overhead single circuit distribution power line from the existing Olien Substation to the existing Karats Substation; and
- A new 132kV feeder bay at the existing Karats Substation.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred Route Alternative S1 situated along the above co-ordinates is approved.
2. Authorisation of the activity is subject to the conditions contained in this environmental 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 environmental 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 environmental authorisation in terms of the regulations.
6. This activity must commence within a period of five (05) years from the date of issue of this environmental 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 environmental authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
9. 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 of authorisation and right to appeal

10. The holder of the environmental 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.
11. The notification referred to must –
 - 11.1. specify the date on which the environmental authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 11.3. advise the interested and affected party that a copy of the environmental authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.
12. The holder of the environmental authorisation must publish a notice –
 - 12.1. informing interested and affected parties of the decision;
 - 12.2. informing interested and affected parties where the decision can be accessed; and
 - 12.3. 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

13. The Environmental Management Programme (EMPr) submitted as part of the Basic Assessment process is not approved and must be amended and submitted to the Department for written approval prior to commencement of the activity. The EMPr must be made available for comment to registered Interested and Affected Parties, and the holder of the authorisation must consider such comments. Once approved, the EMPr must be implemented and adhered to. The approved EMPr must be included in all contract documentation for all phases of the development. The EMPr must be amended to include:
 - 13.1. The requirements and conditions of this environmental authorisation.
 - 13.2. All recommendations and mitigation measures recorded in the BAR and the specialist reports as included in the final BAR dated March 2015.
 - 13.3. A final development layout map (with micro-siting of the power line route and pylon structures) and all mitigation measures as dictated by the final development layout map.
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14. The final development layout map to be included in the EMPr must indicate the following:
- 14.1. The final delineation of the centreline of the power line within the approved corridor;
 - 14.2. The specific position of the pylon structures and foundation footprints;
 - 14.3. All existing infrastructure on the site, especially roads;
 - 14.4. All sensitive features e.g. wetlands, pans and drainage channels that will be affected by the power line; and
 - 14.5. All "no-go" and buffer areas.

Monitoring

15. The holder of the authorisation must appoint an 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 environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
- 15.1. The ECO must be appointed before commencement of any authorised activities.
 - 15.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 15.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 15.4. 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.
 - 15.5. 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

16. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
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 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 approved EMP.
19. 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.

Commencement of the activity

20. The authorised activity must not commence within twenty (20) days of the date of signature of the environmental authorisation.

Notification to authorities

21. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. 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

22. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

23. Should the activity ever cease or become redundant, the holder of the authorisation 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

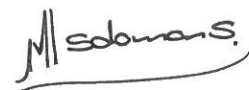
24. No activities, which require a Water Use Authorisation, will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
25. A wetland specialist or ecologist must be commissioned to perform a final walk through of the alignment to identify all sensitive features including wetlands, drainage lines and all other watercourses that may be affected by the construction of the power line. This must inform the determination of the final delineation of the centreline within the assessed corridor as well as optimal pylon positions as well as the final development layout plan that is to be submitted to the Department for approval as per Condition 14 above.
26. Anti-collision devices such as bird flappers must be installed where the power line may cross avifaunal corridors, as recommended by the avifaunal specialist. 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.
27. Liaison with land owners/farm managers must be done prior to construction in order to provide sufficient time for them to plan agricultural activities.
28. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected or endangered plant or animal species.
29. 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.
30. Immediate rehabilitation of all disturbed areas must be undertaken once construction is complete.
31. No exotic plants may be used for rehabilitation purposes. Only indigenous plants occurring within a ten (10) kilometre radius of the development site must be utilised.
32. Construction must include 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.
33. 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.
34. Any solid waste, which will not be recycled, must 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). No waste material may be left on site after construction.
35. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and

charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, the South African Heritage Resources Agency (SAHRA) must be alerted immediately, and a professional archaeologist or palaeontologist, must be contacted as soon as possible to inspect the findings.

General

36. A copy of this environmental authorisation and the approved EMPr must be kept at the property where the activity will be undertaken. The environmental 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 undertakes work at the property.
37. National government, provincial government, local authorities or committees appointed in terms of the conditions of this environmental authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her 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 holder of the authorisation 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: 02/06/2015



Ms Milicent Solomons

Acting 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 BAR dated March 2015;
- b) The comments received from interested and affected parties, as included in the final BAR dated March 2015;
- c) Mitigation measures as proposed in the final BAR dated March 2015 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the final BAR; and
- e) 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).

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 project stems from the requirement to strengthen the existing electricity supply in the area and provide the area with adequate and reliable power supply to meet current and future demands.
- c) The final BAR dated March 2015 identified all legislation and guidelines that have been considered in the preparation of the final BAR dated March 2015.
- d) The methodology used in assessing the potential impacts identified in the final BAR dated March 2015 and the specialist studies has 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, 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 is detailed in the final BAR dated March 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) According to the independent Environmental Assessment Practitioner, the information contained in the final BAR dated March 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 final 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 authorised 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 authorised activity can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.