



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: 14/12/16/3/3/1/1375

Enquiries: Ms Lesego Rabothata

Telephone: 012-399 9383 **E-mail:** lrabothata@environment.gov.za

Ms Andrea van Gensen
Eskom Holdings SOC Ltd
PO Box 606
KIMBERLEY
8301

Tel: (053) 830 5775
Cell: 082 482 7579
Email: vgenseal@eskom.co.za

PER EMAIL

Dear Ms Van Gensen

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544: ELECTRIFYING OF TRANSNET INFRASTRUCTURE: NEW WITLOOP AND VLERMUISLAAGTE SUBSTATIONS AND ASSOCIATED LOOP-IN AND LOOP-OUT 132kV POWER LINES, HOTAZEL, NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant 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 Road,
Arcadia,
Pretoria,

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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 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: 8/12/2015

CC:	G.J Hoon	Eko Environmental	Email:gys@ekogroup.co.za	Tel: 051 444 4700
	Brian Fischer	Northern Cape-DENC	N/A	Tel: 053 807 7430
	Tshepo Bloom	Joe Morolong Local Municipality	N/A	Tel: 053 773 9300
	Clement Itumeleng	Gamagara Local Municipality	N/A	Tel: 053 723 2261

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: 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

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

Electrification of Transnet infrastructure New Witloop and Vlermuistlaagte Substations and associated loop-in and loop-out 132kV power lines, Hotazel, Northern Cape

John Taolo Gaetsewe District Municipality

Authorisation register number:	14/12/16/3/3/1/1375
NEAS reference number:	DEA/EIA/00020195/2013
Last amended:	First issue
Holder of authorisation:	ESKOM HOLDINGS SOC LTD
Location of activity:	NORTHERN CAPE PROVINCE: Within the Joe Morolong and Gamagara Local Municipalities

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.

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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 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 LTD

with the following contact details –

Ms Andrea van Gensen
Eskom Holdings SOC Ltd
P.O Box 606

KIMBERLEY

8301

Tel: (053) 830 5775
Cell: 082 482 7579
E-mail: vgenseal@eskom.co.za

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

Listed activities	Activity/Project description
<u>GN R. 544 Item 10:</u> The construction of facilities and infrastructure for the transmission and distribution of electricity- Outside urban areas or industrial complexes with a capacity of more than 33kV but less than 275 kilovolts	The establishment of two (2) loop-in and loop-out power lines of 132kV associated with substations.
<u>GN R. 546 Item 13:</u> The clearance of an area of 1 ha or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.	The clearance of an area of 1 ha or more of vegetation where 75% or more is indigenous vegetation for the construction of facilities and infrastructure for the transmission and distribution of 132kV outside urban areas or industrial complexes.
<u>GN R.546 Item 14:</u> The clearance of an area of 5 ha or more of vegetation where 75% or more of vegetative cover constitutes indigenous vegetation.	The clearance of an area of 5 ha or more of vegetation outside an urban area where 75% or more is indigenous vegetation for the construction of facilities and infrastructure for the transmission and distribution of 132kV outside urban areas or industrial complexes.

as described in the amended Basic Assessment Report (BAR) dated October 2015 at:

Alternative Route Witloop S1	Latitude (S)	Longitude (E)
Starting point of activity	27°17'53.48"	22°58'49.33"
Middle point of activity	27°18'2.56"	22°58'46.27"
End point of activity	27°18'11.74"	22°58'42.96"
Alternative Route Vlermuistlaagte S1	Latitude (S)	Longitude (E)
Starting point of activity	27°29'17.25"	22°56'50.92"
Middle point of activity	27°29'24.01"	22°57'7.65"
End point of activity	27°29'28.71"	22°57'18.32"

Substation Alternatives	Latitude (S)	Longitude (E)
Preferred Witloop Substation Alternative 1	27°17'53.20"	22°58'50.42"
Preferred Vlermuislaagte Substation Alternative 1	27°29'28.71"	22°57'18.32"

- for the proposed electrification of Transnet infrastructure: new Witloop and Vlermuislaagte Substations and associated loop-in and loop-out 132kV power lines, Hotazel, Northern Cape Province.

The total size of the activity is as follows

- Witloop Substation: 1 850m²
- Witloop Proposed Line: 18 230m²
- Vlermuislaagte Substation: 1 850 m²
- Vlermuislaagte Line: 26 700 m²

The infrastructure associated with this facility includes:

- Construction of a 1km single circuit single Wolf Mono structure loop-in from the Hotazel Traction line towards proposed the Witloop Traction Substation.
- Construction of a 1km single circuit single Wolf Mono structure loop-out from the Mamatwane Traction line towards proposed the Witloop Traction Substation.
- Construction of the new Witloop Traction Substation.
- Construction of a 1km single circuit single the Wolf Mono structure loop in from Wincanton Traction line towards proposed the Vlermuislaagte Traction Substation.
- Construction of a 1km single circuit single Wolf Mono structure loop out line from proposed the Vlermuislaagte Traction towards the Mamatwane Traction line.
- Construction of the new Vlermuislaagte Traction Substation.
- A width of 31m will be registered as a servitude under each of the power lines.
- Monopoles will be erected +/- 250m apart.
- Vegetation will be cleared 8m either side of the centre line. Total area of clearance of the vegetation will be a maximum of 5.08 ha.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred Site Alternative 1 for Witloop and Vlermuislaagte and Route Alternative S1 located at the above-mentioned co-ordinates is 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 must 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 apply for an amendment of 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.

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.

Monitoring

13. The applicant must appoint a suitably experienced 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 activity/ies.

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- 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 must not commence with the activity until such time that the appeal has been finalised.

Notification to authorities

19. 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

20. 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

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. After construction both power line routes and especially at the pylon construction sites must be rehabilitated. This includes removal of all construction material. Excavated rock must not be left in heaps and must be removed.
23. Establishment of weeds must be monitored and eradicated if present.
24. No littering must be allowed and all litter must be removed from site.
25. Receptacles must be placed on site for the collection of general waste during construction and maintenance. These receptacles must be emptied on a regular basis and waste be disposed of at an authorised landfill site in Hotazel.
26. SAHRA must be notified should traces of paleontological heritage be found during construction.
27. Permits must be obtained for the removal of any endangered plant species (i.e. *Vachelia haematoxylon* (Grey Camel Thorn), *Vachelia erioloba* (Camel Thorn) and *Aloe grandidentata*).
28. A minimum distance of 32 meters must be kept from the Witteegte ephemeral stream. The stream must be considered a no-go area.
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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 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: 8/12/2015


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 amended BAR dated October 2015;
- b) The comments received from organs of state as included in the amended BAR dated October 2015;
- c) Mitigation measures as proposed in the amended BAR dated October 2015 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the amended BAR; and
- e) 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 project will increase the electricity supply throughout South Africa. Transnet will upgrade its infrastructure for the distribution of electricity as more manganese will be exported.
- c) The amended BAR dated October 2015 identified all legislation and guidelines that have been considered in the preparation of the amended BAR dated October 2015.
- d) The methodology used in assessing the potential impacts identified in the amended BAR dated October 2015 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, 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 amended BAR dated October 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 amended BAR dated October 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 amended 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.