



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

NEAS Reference: DEA/EIA/0000133/2015

DEA Reference: 14/12/16/3/3/1/1480

Enquiries: Yonela Mngqibisa

Telephone: 012-395-9377 **E-mail:** Ymngqibisa@environment.gov.za

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

Tel: 021 980 3112
E-mail: Wyngaajo@eskom.co.za

PER E-MAIL / MAIL

Dear Mrs Wyngaardt

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R.983: PROPOSED CONSTRUCTION OF A NEW 2X 2.5 MVA SUBSTATION AND AN APPROXIMATELY 120M 66kV POWERLINE TO CONNECT FROM THE METERING POINT TO THE NEW SUBSTATION AND AN APPROXIMATELY 55M 33kV POWERLINE TO CONNECT TO THE EXISTING 33kV LINE, RIETFONTEIN BORDER, 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 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 provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. An appellant must submit an 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.

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. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

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.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website:

(https://www.environment.gov.za/documents/forms#legal_authorisations).

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully



Mr Sibusiso Mthembu

Acting Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 12/05/2016

CC:	Mr J Willelse	Mier Local Municipality	Tel: 054 531 0019	Email: mie.mml@gmail.com
	Mr M Mathews	Northern Cape Department of Environment and Nature Conservation	Tel: 054 332 2885	Email: mmathewsdemc@gmail.com



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014

Construction of a new 2 x 2.5 MVA substation and an approximately 120m, 66kV power line to connect from the metering point to the new substation and an approximately 55m, 33kV power line to connect to the existing 33kV line, Rietfontein Border, Mier Local Municipality in the Northern Cape Province

ZF Mgqawu District Municipality

Authorisation register number:	14/12/16/3/3/1/1480
Last amended:	Second issue
Holder of authorisation:	ESKOM HOLDINGS SOC LIMITED
Location of activity:	NORTHERN CAPE PROVINCE: Within Ward 3 of Mier 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 environmental 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, 2014 the Department hereby authorises –

ESKOM HOLDINGS SOC LIMITED

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

with the following contact details –

Mrs Justine Wyngaardt
Eskom Holdings SOC Limited
P.O Box 222

BRACKENFELL

7561

Tel: (021) 980 3112)

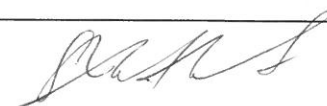
Cell: (082) 938 3479

E-mail: Wyngaajo@eskom.co.za



to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1 (GN R. 983):

Listed activities	Activity/Project description
<p><u>GN R. 983 Item 11:</u> The development 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>A substation as well as short sections of 66kV and 33kV power lines will be constructed outside of an urban area.</p>
<p><u>GN R. 983 Item 12:</u> The development of- (xii) infrastructure or structure with a physical footprint of 100 square metres or more; Where such development occurs- c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;-</p>	<p>A substation will be constructed within 32m from a watercourse (drainage line).</p>
<p><u>GN R.983 Item 19:</u> The infilling or deposition 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) Watercourse;</p>	<p>Foundations will be excavated for the substation and this will occur within 32m of a drainage line.</p>
<p><u>GN R.983 Item 24:</u> The development of- (ii) a road with a reserve wider than 13.5 metres, or where no reserve exists where the road is wider than 8 metres;</p>	<p>An access road will be constructed. The road will be 5m wide and 8m or wider at the turning points.</p>



as described in the Basic Assessment Report (BAR) dated 19 January 2016 at:

Province: Northern Cape

Farm Name: Mier 585

21 Digit SG code:

C	0	2	8	0	0	0	0	0	0	0	0	0	5	8	5	0	0	0	0	0
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

Power line corridor	Latitude	Longitude
Starting point of activity	26°45'24.84"	20°00'04.77"
Middle point of activity	26°45'26.10"	20°00'02.20"
End point of activity	26°45'25.46"	22°00'0.40"
Approximate centre of the substation site	Latitude	Longitude
Preferred site	26° 45' 25.27"	20° 00' 00.70"

- for the construction of a new 2 x 2.5 MVA substation and an approximately 120m, 66kV power line to connect from the metering point to the new substation and an approximately 55m, 33kV power line to connect to the existing 33kV line, Rietfontein Border, Mier Local Municipality in the Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- Construction of a 2 x 2.5 MVA substation;
- An approximate 120m, 66kV power line will connect from the metering point to the new substation;
- Construction of a 55m, 33kV power line to connect from the substation to the existing 33kV power line. The new power line will be ± 175 m in length;
- The upgrade of the 33kV metering point to a 66kV metering point to supply the 33kV feeder distribution line; and
- Construction of a new access road of 5m wide and 8m wider at turning point.



Conditions of this Environmental Authorisation

Scope of authorisation

1. The construction of a new 2 x 2.5 MVA substation and an approximately 120m, 66kV power line to connect from the metering point to the new substation and an approximately 55m, 33kV power line to connect to the existing 33kV power line, Rietfontein Border, Mier Local Municipality, Northern Cape with the abovementioned coordinates 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. 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.
7. 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.
8. Construction must be completed within five (5) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.



Notification of authorisation and right to appeal

10. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) 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 authorisation was issued;
 - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 11.4. give the reasons of the competent authority for the decision.
12. The holder of the 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 terms of the National Appeal Regulations, 2014.

Commencement of the activity

13. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
14. 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/ies until such time that the appeal has been finalised.

Management of the activity

15. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is approved, the EMPr must be implemented and adhered to.



Frequency and process of updating the EMPr

16. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
17. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
18. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
19. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
20. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

21. 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.
 - 21.1. The ECO must be appointed before commencement of any authorised activities.
 - 21.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 21.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.



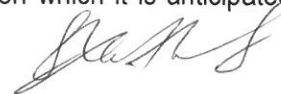
- 21.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

22. 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.
23. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
24. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
25. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
26. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and 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 EMPr.
27. 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.

Notification to authorities

28. 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.




Operation of the activity

29. 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

30. 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.

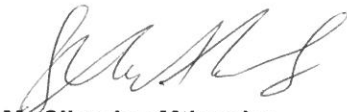
Specific conditions

31. Vegetation clearing must be kept to the development footprint. Mitigation measures must be implemented to reduce the risk of erosion.
32. Vegetation must be removed in a manner that allows the roots of bushes and shrubs to remain in the ground as far as possible so that there is a chance of re-growth.
33. All construction material, equipment and any other foreign objects brought into the area by contractors and staff must be removed immediately after construction.
34. All cleared indigenous vegetation must be used to make mulch and applied in subsequent rehabilitation efforts. Rehabilitation of soil around pylons must take place as soon as possible after construction. All areas disturbed during the construction phase must be rehabilitated and re-seeded with indigenous plants at the end of the construction phase.
35. The applicant must obtain a Water Use Licence Authorisation (WULA) from the Department of Water and Sanitation (DWS) prior to the commencement of the project should the applicant impact on any wetland or water resource. A copy of the WULA must be submitted to the Director: Strategic Infrastructure Development of this Department for record keeping.
36. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriately. 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).
37. Anti-collision devices such as bird flappers must be installed where power lines cross avifaunal corridors, though the avifaunal study was not conducted by the Ecological specialist.
38. Should any cultural or heritage artefacts or features be discovered the project must cease and reported to South African Heritage Resource Agency (SAHRA)
- 

General

39. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
- 39.1. at the site of the authorised activity;
 - 39.2. to anyone on request; and
 - 39.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
40. 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 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: 12/05/2016



Mr Sibusiso Mthembu

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 January 2016 and received by the Department on 21 January 2016;
- b) The comments received from Northern Cape Department of Water and Sanitation, Landscape Dynamics and interested and affected parties as included in the Final BAR dated January 2016;
- c) Mitigation measures as proposed in the BAR dated January 2016 and the EMP; and
- d) 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 Basic Assessment conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from Eskom's need to meet the current demand and make provisions for future demand by increasing the capacity of the distribution line which extends from the Namibian Border to Rietfontein.
- c) The Final BAR dated January 2016 identified all legislation and guidelines that have been considered in the preparation of the Final BAR.
- d) The methodology used in assessing the potential impacts were identified in the Final BAR dated January 2016 and 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, 2014 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 January 2016 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 Final BAR dated January 2016 is accurate and credible.
- e) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the BAR. The EMPr 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 activities 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 activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia· PRETORIA
Tel(+ 27 12) 399 9372

Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: iabader@environment.gov.za

Mr Sibusiso Mthembu
Director: Integrated Environmental Authorisations

Dear Mr Mthembu

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 09 MAY 2016 UNTIL 16 MAY 2016

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 09 May 2016 until 16 May 2016 while Mr. Sabelo Malaza will be attending the International Association for Impact Assessment (IAIA) conference abroad.

All the correspondence and other documents that are usually signed by the Chief Director: integrated environmental authorisations 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:

5/5/2016

ACKNOWLEDGEMENT

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

Signed: 

Date: 05/05/2016