



environmental affairs

Department
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEAT/EIA/0000581/2011

DEA Reference: 12/12/20/2041

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Ms Mmamoloko Seabe
Eskom Holdings SOC Limited
P O Box 1091
JOHANNESBURG
0001

Fax no: 011-800-3917

PER FACSIMILE / MAIL

Dear Ms Mmamoloko

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, (ACT NO 107 OF 1998): GN R.543, 544, 545 AND 546 OF 18 JUNE 2010: PROPOSED CONSTRUCTION OF THE AGGENEIS-ORANJEMOND 400 KILOVOLTS LINE AND SUBSTATION UPGRADE WITHIN RICHTERSVELD, NAMA-KHOI AND KHAI-MA LOCAL MUNICIPALITIES, NORTHERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to accept the final Environmental Impact Assessment Report (EIR) and 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 facsimile: 012 320 7561;
By post: Private Bag X447,
Pretoria, 0001; or

By hand: 2nd Floor, Fedsure Building, North Tower,
Cnr. Van der Walt and Pretorius Streets,
Pretoria.

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.

Please include the Department (*Attention: Director: Environmental Impact Evaluation*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

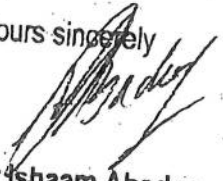
Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: tzwane@environment.gov.za

The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Ishaam Abader
Deputy Director-General: Environmental Quality and Protection
Department of Environmental Affairs

Date: 10/05/2012

CC:	Mr. Ramushoana	Shumani SHE Specialists	Tel: 015-291-0956	Fax: 015-291-0953
	Mr T. Malungani	LEDET	Tel: 015-290-7000	Fax: 015-295-5015
	Mr J. Nhlapo	Lephalale Local Municipality	Tel: 014-762-1432	Fax: 014-763-5662
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

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: <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:

- An appeal against a decision must be lodged with:-**
 - the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
- An appeal lodged with:-**
 - the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
- An appeal must be:-**
 - submitted in writing;
 - 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 THE AGGENEIS-ORANJEMOND 400 KILOVOLTS LINE AND SUBSTATION
UPGRADE WITHIN RICHTERSVELD, NAMA-KHOI AND KHAI-MA LOCAL MUNICIPALITIES IN
NORTHERN CAPE PROVINCE**

Siyanda and Namakwa District Municipality

Authorisation register number:	12/12/20/2041
NEAS reference number:	DEA/NEAS/0000142/2011
Last amended:	First issue
Holder of authorisation:	Eskom Holdings SOC Limited
Location of activity:	Richtersveld, Nama-Khoi and Khai-Ma Local Municipalities in the NORTHERN CAPE PROVINCE: Within SIYANDA AND NAMAKWA District 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 activity 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 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

ESKOM HOLDINGS SOC LIMITED

with the following contact details –

Ms Mmamoloko Seabe

Eskom Holdings SOC Limited

P. O. Box 1091

JOHANNESBURG

0001

Tel: (011) 800 2345

Fax: (011) 800 3917

Cell: (082) 801 3911

E-mail: mmamoloko.seabe@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 and 3 (GN R.544, 545 & 546):

Listed activities	Activity/Project description
GN R. 544 Item:13	The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous goods, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres
GN R. 544 Item:38	The expansion of facilities for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase
GN R.545 Item:8	The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.
GN R.546 Item:4	<p>The construction of a road wider than 4 meters with a reserve less than 13, 5 meters.</p> <p>(a) In Eastern Cape, Free State, Kwa-Zulu Natal, Limpopo and the Northern Cape provinces:</p> <p>(i) In an estuary;</p> <p>(ii) Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) Sensitive area as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ff) Core areas in biosphere reserves;</p> <p>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve.</p>

as described in the Environmental Impact Report (EIR) dated November 2011 at:

Preferred Route Alternative	Latitude	Longitude
Starting Point of the activity	29° 18'3.88"S	18°49'27.83"E
Middle Point of the activity	29° 12'13.35"S	17° 36'12.82"E
End Point of the activity	28° 31'40.64"S	16° 35'15.32"E

- for the construction of the Aggeneis-Oranjemond 400kV line and sub-station upgrade within Richtersveld, Nama-Khoi and Khai-Ma Local Municipalities in the Northern Cape Province, hereafter referred to as "the property".

The proposed project will consist of the following components:

- a. a 400kV transmission power line (± 240 km); which will connect the Aggeneis and Oranjemond Sub-stations;
- b. the upgrade of the Aggeneis and Oranjemond Sub-stations:
 - Aggeneis will consist of 4 x 400kV and 2 x 200kV feeder bays; and
 - Oranjemond will consist of 1 x 220kV feeder bays.
- c. the power line will have a 55 m servitude;
- d. storage and handling of dangerous goods of approximately 180 m³ capacity; and
- e. an access road of 4 m wide.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The power line route with the abovementioned co-ordinates, i.e. Corridor 3 as indicated in the EIR dated November 2011 is hereby 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 on page 4.
 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. Should there be a requirement to extend the validity period of the EA, an application for extension of the validity of the EA, must be lodged at least six months prior to the expiration date.
 7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
 8. 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.

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.

Environmental Control Officer (ECO) and duties

13. The applicant must appoint an Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO 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.
14. The ECO must be appointed before commencement of any authorised activity.
 - 14.1. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 14.2. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 14.3. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
15. The ECO must:
 - 15.1. Keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
 - 15.2. Keep and maintain a detailed incident (including spillage of bitumen, fuels, chemicals, or any other material) and complaint register on site indicating how these issues were addressed, what rehabilitation measures were taken and what preventative measures were implemented to avoid re-occurrence of incidents/complaints.
 - 15.3. Keep and maintain a daily site diary.
 - 15.4. Keep copies of all reports submitted to the Department.

- 15.5. Keep and maintain a schedule of current site activities including the monitoring of such activities.
- 15.6. Obtain and keep record of all documentation, permits, licences and authorisations such as waste disposal certificates, hazardous waste landfill site licences etc. required by this facility.
- 15.7. Compile a monthly monitoring report.

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 authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
17. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.

Environmental audit report

18. 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.
19. 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

20. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
21. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.



22. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

23. 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, within which construction may not commence.

Operation of the activity

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

Site closure and decommissioning

25. Should the activity ever cease or become redundant, the applicant shall 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

26. Faunal species must not be trapped, killed or hunted during the construction and operational phases.
27. Construction vehicle movement must be limited to the existing access routes.
28. Pylons must be fitted with spike-deterrents above the conductors in order to prevent birds from roosting and defecating on the conductors.
29. A final walk through of the power line must be undertaken by the Avifaunal Specialist in order to identify high collision risk sections along the power line and these sections must be marked with suitable bird flight diverters.

30. Power line structures must have a buffer zone of up to 50 m from any watercourse or drainage line.
31. The holder of the authorisation must obtain a way leave from the Department of Public Works, Transport and Roads prior to construction commencement.
32. Construction activities must be limited to the power line servitude.
33. Concrete mixing on site during construction (if mixed on the ground) must be conducted on plastic sheeting in order to avoid permanent soil contamination and to facilitate clean-up of the site.
34. The following mitigation measures to minimise the generation of dust as a result of construction must be implemented:
 - a. Shade netting screens must be used to prevent offsite movement of dust; and
 - b. All vehicles transporting material that may be blown by wind must be covered with tarpaulin.
35. The removal of sensitive indigenous vegetation must be limited to the approved servitude.
36. All noise and sounds generated during all phases of the proposed development must comply with the relevant SANS codes and standards pertaining to noise.
37. The use of generators on site must include the use of drip trays.
38. Topsoil must be stockpiled separately to the one side of the trench.
39. The site manager must ensure that drinking water is available on site for all workers.
40. The applicant is required to inform the Northern Cape Department of Environmental Affairs and Nature Conservation and this Department should the removal of protected species, medicinal plants and "data deficient" plant species be required.

General

41. 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.
42. The holder of the authorisation must notify 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.

43. 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: _____

Mr Ishaam Abader



10/05/2012

Deputy Director-General: Environmental Quality and Protection
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 EIR dated November 2011;
- b) The comments received from the organs of state and interested and affected parties as included in the EIR dated November 2011;
- c) Mitigation measures as proposed in the EIR dated November 2011 and the EMP; and
- d) The objectives and requirements of relevant environmental 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 findings 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 project was well explained and the Department taken the need of the project into consideration.
- c) The EIR dated November 2011 identified all legislation and guidelines that have been considered in the preparation of the EIR dated November 2011.
- d) The methodology used in assessing the potential impacts identified in the EIR dated November 2011.
- 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. Conclusions

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 EIR dated November 2011 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) All environmental legal and procedural requirements have been met.
- e) According to the independent EAP, the information contained in the EIR dated November 2011 is accurate and credible.
- f) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAR 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 application is accordingly granted.