



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/2/927
Enquiries: Ms Makhosi Yeni
Telephone: (012) 399 9400 **E-mail:** MYeni@environment.gov.za

Ms Martina Phiri
Eskom Holdings SOC Limited
P.O. Box 1091
JOHANNESBURG
2000

Tel no: 011 800 3550
Email: PhiriM@eskom.co.za

PER EMAIL / MAIL

Dear Ms Phiri

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GNR. 982,983,984 & 985 FOR THE PROPOSED DEVELOPMENT OF THE ESKOM AGULHAS 400/132kV 2X500 MVA TRANSMISSION SUBSTATION AND LOOP-IN LOOP-OUT LINES WITHIN THE SWELLEDAM LOCAL MUNICIPALITY IN WESTERN 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 fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

Should any person wish to lodge an appeal against this decision, he/she must submit the 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; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za;

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

By post: Private Bag X447,
Pretoria,
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal 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.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 18/05/2019

cc:	Munyadziwa Rikhotso	NSOVO Environmental Consulting	Tel: 011 0413689	Email: admin@nsovo.co.za
	Mareliez Oosthuizen	Western Cape Department of Environmental Affairs	Tel: 021 4835756	Email: mare-liez@westerncape.gov.za
	W. Hattingh	Swellendam Local Municipality	Tel: 028 5148539	Email: whattingh@swellenmun.co.za



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

**DEVELOPMENT OF THE ESKOM AGULHAS 400/132kV 2X500 MVA TRANSMISSION
SUBSTATION AND LOOP-IN LOOP-OUT LINES WITHIN THE SWELLEDAM LOCAL
MUNICIPALITY IN WESTERN CAPE PROVINCE**

Overberg District Municipality

Authorisation register number:	<i>14/12/16/3/3/2/927</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>ESKOM SOC Ltd</i>
Location of activity:	<i>WESTERN CAPE PROVINCE: Swellendam Local Municipality</i>

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

with the following contact details –

Ms Martina Phiri
ESKOM
P.O. Box 1091
JOHANNESBURG
2000

Tel no: 011 800 3550

Email: PhiriM@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983), Listing Notice 2 (GN R. 984), and Listing Notice 3 (GN R. 985):

Listed activities	Activity/Project description
<p><u>GN R. 983 Item 11:</u> <i>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.</i></p>	<p>The proposed project entails development of a 132kV double circuit distribution line to connect the existing Vryheid and proposed Agulhas Substations</p>
<p><u>GN R. 983 Item 12:</u> <i>The development of: (xii) infrastructure or structures with a physical footprint of 100m² or more Where such development occurs – (a) within a watercourse.</i></p>	<p>The study area is located within a number of watercourses that may be affected depending on the site alternative selected for the substation and loop in and loop out power lines. Should DEA authorise an alternative within a watercourse which triggers listed activities under NWA, a Water Use Licence Application (WULA) process will be undertaken accordingly prior to commencement of construction activities.</p>
<p><u>GN R. 983 Item 24:</u> <i>The development of: (ii) a road with a reserve wider than 13.5m, or where no reserve exist where the road is wider than 8m But excluding b) roads where the entire road falls within an urban area.</i></p>	<p>The proposed development will require the construction of access roads that would be used during both construction and operation of the proposed power lines and substation.</p>
<p><u>GN R. 983 Item 27(i):</u> <i>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation., except where such clearance indigenous-vegetation is required for – (i) The undertaking of a linear activity.</i></p>	<p>The construction of the 400/132kV, 2x500 MVA transmission substation will require the clearance of vegetation; the earmarked study area is about 600m x 600m; however the immediate foot print of the substation will be less than the 20 hectare</p>

	<p>threshold. • Temporary transformation of land would be required by the construction team for placement of their construction camps in strategic positions close to the proposed developments.</p>
<p><u>GN R. 983 Item 28:</u> <i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development: - (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; Excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The site alternatives for the proposed development are zoned agriculture. It is envisaged that the total footprint of the proposed project will be above a hectare and the land is not developed.</p>
<p><u>GN R. 984 Item 9:</u> <i>The development of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275kV or more, outside an urban or industrial complex. but further than 32 metres from a watercourse, measured from the edge of the watercourse.</i></p>	<p>The proposed project entails development of the new Agulhas 400/132kV 2x500 MVA substation and associated 2x400kV loop in and loop out transmission power lines.</p>
<p><u>GN R. 985 Item 3 (f)(i):</u> <i>The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower –</i> <i>(a) is to be placed on a site not previously used for this purpose; and</i> <i>(b) will exceed 15 metres in height – but excluding attachments to existing buildings and masts on rooftops.</i> <i>(f) In Western Cape:</i> <i>(i) All areas outside urban areas.</i></p>	<p>The proposed development will involve the installation of telecommunication mast at the substation that will be used for communication purposes, which will exceed 15m in height.</p>
<p><u>GN R. 985 Item 4(f)(aa):</u></p>	

<p><i>The development of a road wider than 4 metres with a reserve less than 13, 5 metres. –</i></p> <p><i>(f) In Western cape:</i></p> <p><i>(i) Areas outside the urban areas;</i></p> <p><i>(aa) Areas containing indigenous vegetation.</i></p>	<p>The proposed development would require the construction of additional access roads that would be used during both construction and operations of the proposed substation and loop in and loop out power lines. The proposed sites are outside urban areas and some contain indigenous vegetation.</p>
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as described in the Environmental Impact Assessment Report (EIR) dated January 2017 at:

Western Cape Province

Swellendam Local Municipality

Farm Name	Portion Number	SG Code
Farm 253	No Portion Number Available	C0730000000025300000
Farm 257	No Portion Number Available	C0730000000025700000
Mo-Pama 261	Portion RE	C0730000000026100000
Kluitjeskraal 256	Portion 2	C0730000000025600002
Kluitjeskraal 256	Portion 5	C0730000000025600005
Kluitjeskraal 256	Portion RE	C0730000000025600000
Leeuw Rivier 251	Portion 3	C0730000000025100003
Dagbreek 524	No Portion Number Available	C0730000000052400000
Mo-Pama 261	Portion 1	C0730000000026100001
Volmoed 523	Portion 1	C0730000000052300001
Leeuw Rivier 251	Portion 7	C0730000000025100007
Kluitjeskraal 256	Portion 3	C0730000000025600003
Kluitjeskraal 256	Portion 4	C0730000000025600004
Vrede 352	No Portion Number Available	C0730000000035200000
Farm 347	No Portion Number Available	C0730000000034700000
Leeuw Rivier 251	Portion 8	C0730000000025100008

Preferred Substation Alternative C	Latitude (S)	Longitude (E)
Starting point of the activity	34°07'37.74"	20°20'22.07"
Existing Vryheid Substation (End point of the activity)	34°8'58.02"	20°19'52.64"

- Eskom Transmission Grid Planning and Eskom Distribution Western Cape Operating Unit proposes Vryheid Network Strengthening to the east of Bacchus 2x500 MVA 400/132kV substation, which forms part of the Outeniqua CLN in the Western Cape Grid, within Swellendam Local Municipality in Western Cape Province.

The substation supplies Vryheid and Ashton sub transmission substations in the east. Ashton substation is supplied via Boskloof 132kV switching station, whilst Vryheid substation is supplied directly from Bacchus substation. Vryheid and Ashton substations are both equipped with 2x40MVA 132/66kV transformers and are radially supplied.

The proposed project entails the development of the following:

- The Agulhas 400/132kV 2 x 500 MVA Main Transmission Substation (MTS) which will have a study area of approximately 600m x 600m;
- The loop in and loop out lines to connect the proposed Agulhas MTS to the existing 400kV line Bacchus – Proteus 1;
- Build a Double Circuit Kingbird line from Agulhas MTS to Vryheid; and
- Extend Vryheid 132kV Busbar and build 2x132kV feeder bays.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred route Alternative 1 (Alternative C) for the proposed development of the Eskom Agulhas 400/132KV 2X500 MVA Transmission Substation and loop-in loop-out lines within the Swelledam Local Municipality in Western Cape Province with the above 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. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

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 14 (fourteen) 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 the National Appeal Regulations, 2014;
 - 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.

Commencement of the activity

11. The authorised activity shall not commence until the period for submission of appeals has lapsed as per the National Appeal Regulations, 2014 and no appeal has been lodged against the decision. 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

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 strictly adhered to.

Frequency and process of updating the EMPr

13. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 22 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.
14. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
15. 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 be 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.
16. 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.
17. 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

18. 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.
 - 18.1. The ECO must be appointed before commencement of any authorised activities.
 - 18.2. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
 - 18.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 18.4. 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

19. 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 at the following e-mail address: DirectorCompliance@environment.gov.za
20. 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.
21. 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.
22. 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.

23. 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.
24. 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

25. 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

26. 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

27. 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

28. Sections of the power line crossing adjacent to dams, rivers, drainage lines and watercourses must be marked with bird flappers on the earth wires to reduce the impact on avifauna.
29. A 25m buffer must be adhered to from all delineated water resource systems for the protection water resources.
30. The identified areas of red data floral and other sensitive vegetation must be avoided at all times.
31. Vegetation clearing must be kept to the development footprint, to ensure the least disturbance to agricultural activities.

32. All bare soil must be covered by planting indigenous vegetation to prevent degradation and erosion.
33. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area must be utilised.
34. The Water Use Licenses must be obtained from the Department of Water and Sanitation.
35. The recommendation raised by the landowner on page 118 of the EIAr must be adhered to.
36. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work must cease and it must be reported immediately to the Western Cape Provincial Heritage Resources Authority and SAHRA so that a professional investigation can be undertaken. Sufficient time should be allowed to investigate and to remove/collect such material. Recommendations made after the investigation must be adhered to.
37. All construction material, equipment and any other foreign objects brought into the area by contractors and staff must be removed immediately after construction.
38. 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 No.59 of 2008).

General

39. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, 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: 18/05/2017



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 EIR dated January 2017 and received on 25 January 2017.
- b) Mitigation measures as proposed in the EIR dated January 2017 and the EMPr.
- c) The information contained in the specialist study contained within Appendix D of the EIR; 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 the specialist study conducted and its recommended mitigation measures.
- b) The need for the proposed Agulhas substation and associated power lines form part of the Vryheid Network Strengthening which is driven by tourism and agriculture that forms part of the new infrastructure that Eskom has planned, the objective being to ensure reliable electricity supply. This will indirectly benefit communities as reliable electricity will result in uninterrupted supply and therefore growth in industry, which could potentially yield additional jobs. The overarching impact will be positive economic spinoffs, which benefit the community, the region and country at large.
- c) The EIR dated January 2017 identified all legislations and guidelines that have been considered in the preparation of the EIR.
- d) The methodology used in assessing the potential impacts identified in the EIR dated January 2017 and the specialist study 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.
- f) The findings of the agricultural specialist with regard to the preferred alternative that the site was found to have the lowest agricultural potential as a result of the shallow soils and high percentage of rocks and is probably why this site is used for livestock grazing and not the cultivation of crops.

- g) It was further indicated in the report that alternative H is not considered feasible due to the fact that the site is used for the cultivation of wheat, the distribution line will cross two drainage channels and riparian zones, it is characterized by renosterveld patches and the sensitivity associated with the site will result in space constraints and limit the opportunities of future expansion.

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 EIR dated January 2017 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) EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the EIR. The EMPr will be implemented to manage the identified environmental impacts during the construction phase.

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.