



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/1813

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Mrs Justine Wyngaardt  
Eskom Holdings SOC Limited  
PO Box 222  
Brackenfell  
**WESTERN CAPE**  
7561

Telephone Number: (021) 980 3112  
E-mail Address: [wyngaajo@eskom.co.za](mailto: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. 983/984/985: FOR THE PROPOSED ESKOM DAGBREEK BYPASS PROJECT SITUATED WITHIN DRAKENSTEIN LOCAL MUNICIPALITY IN THE 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) as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department's decision 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. Kindly include a copy of this document with the letter of notification to interested and affected parties.

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.

MS

**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](mailto: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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



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

**Date:** 09/10/2017

cc:	Annelize Grobler	Landscape Dynamics	Email: <a href="mailto:info@landscapedynamics.co.za">info@landscapedynamics.co.za</a>
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

The Eskom Dagbreek Bypass project situated within the Drakenstein Local Municipality in the Western  
Cape Province

Cape Winelands District Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/1/1813
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	Eskom Holdings SOC Limited (Eskom Distribution – Western Operating Unit)
<b>Location of activity:</b>	Ward 31; Farm Rondeheuwel 25; Portion 38; Drakenstein Local Municipality, Cape Winelands District Municipality in the Western Cape Province

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.

M.S

## 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, as amended, 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  
PO Box 222  
Brackenfell  
**WESTERN CAPE**  
7561

Telephone number: (021) 980 3112  
Cell phone number: (082) 938 3479  
Fax number: (021) 980 3053  
E-mail address: [wyngaajo@eskom.co.za](mailto:wyngaajo@eskom.co.za)

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

Activity number	Activity description
GN R 983 Item 11: <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>	The project entails the construction of a new 66kV bypass power line.

As described in the Basic Assessment Report (BAR) dated September 2017 at:

**21 SG Codes:**

C	0	5	5	0	0	0	0	0	0	0	0	0	0	2	5	0	0	0	3	8
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Preferred alternative: Hotazel Substation	Latitude	Longitude
Starting point of the activity	33° 25' 49.08" S	18° 58' 33.97" E
Middle point of the activity	33° 25' 53.02" S	18° 58' 38.83" E
End point of the activity	33° 25' 56.10" S	18° 58' 41.49" E

With the location as indicated in the locality plan, attached as Annexure 2 of this authorisation.

- for the Eskom Dagbreek Bypass project situated within the Drakenstein Local Municipality in the Western Cape Province, hereafter referred to as "the property".

The project will comprise of the following:

- A 140m wide route corridor (70m on both sides of the proposed bypass power line);
- A pylon structure;
- A temporary access road of approximately 300m under the line; and
- An approximately 380m 66kV bypass power line.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred layout alternative for the Eskom Dagbreek Bypass project situated within the Drakenstein Local Municipality in the Western Cape Province as described above is hereby 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 05 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. provide 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 until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. 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**

14. The Environmental Management Programme (EMPr) submitted as part of the application for environmental authorisation is hereby approved.
15. The EMPr must be implemented and strictly enforced during all phases of the project.
16. The EMPr must be seen as a dynamic document and must be included in all contract documentation for all phases of the development.
17. The provisions of the EMPr are an extension to the conditions of the environmental authorisation and therefore non-compliance with the EMPr shall constitute non-compliance with the environmental authorisation.

### **Frequency and process of updating the EMPr**

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 28 below, indicate insufficient mitigation of environmental impacts associated with the
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undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.

19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. 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, as amended. 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.
21. 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, as amended. 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.
22. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. 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, as amended.

## **Monitoring**

23. 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.
  - 23.1. The ECO must be appointed before commencement of any authorised activities.
  - 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 23.4. 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**

24. 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.
25. 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.
26. 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, as amended.
27. The holder of the authorisation must, in addition, submit 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.
28. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014, as amended 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.
29. 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**

30. 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**

31. 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**

32. 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**

33. Anti-collision devices such as bird flappers must be installed on the bypass power lines. The input of a Flora and Fauna specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the line.
34. The holder of this environmental authorisation must restrict the construction activities to the footprint area.
35. The holder of this environmental authorisation must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the Environmental Impact Assessment Regulations, 2014, as amended.
36. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the rehabilitation plan indicated in the final EMPr.
37. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
38. No exotic plants must be used for rehabilitation purposes; only indigenous plants of the area must be utilised.
39. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.
40. Contractors and construction workers must be clearly informed of the 'no-go' areas. The 'no-go' areas must be clearly demarcated and must be avoided.
41. Disturbed areas must be rehabilitated as soon as possible after construction with locally indigenous plants to enhance the conservation of existing natural vegetation on site.
42. Existing road infrastructure and corridors must be used for providing access to the site.
43. Signs must be placed along construction road to identify speed limits, travel restrictions, and other standard traffic control information.
44. All construction vehicles must adhere to a low speed limit to avoid collisions.
45. The holder of the environmental authorisation must ensure that all equipment and machinery are well maintained and equipped with silencers.
46. No dumping or temporary storage of any materials may take place outside designated and demarcated laydown areas, and these must all be located within areas of low environmental sensitivity.

47. Hazardous waste such as bitumen, oils, oily rags, paint tins etc. must be disposed of at an approved waste landfill site licensed to accept such waste.
48. Hazardous substances must not be stored where there could be accidental leakage into the surface.
49. Leakage of fuel must be avoided at all times and if spillage occurs, it must be remedied immediately.
50. Excavation greater than 1m depth must be examine by an ECO to check the paleontological material.
51. No activities, which require a water use authorisation, must be allowed to encroach into a water resource(s) without a water use authorisation being in place from the Department of Water and Sanitation.
52. Construction managers/foremen must be informed before construction starts of the possible types of heritage sites and cultural material that may be encountered and the procedures to follow when they find sites.
53. If concentrations of archaeological heritage material, fossils and human remains are uncovered during construction, all work must cease immediately and be reported to the South African Heritage Resources Agency (SAHRA) so that a systematic and professional investigation / excavation can be undertaken.
54. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
55. Removal of alien invasive species or other vegetation and follow-up procedures must be in accordance with the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
56. Relevant permits must be obtained from relevant authorities for any removal or destruction of Threatened or Protected Species (TOPs).

### **General**

57. The recommendations of the EAP in the final BAR dated September 2017 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.
58. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 58.1. at the site of the authorised activity;
  - 58.2. to anyone on request; and
  - 58.3. Where the holder of the environmental authorisation has a website, on such publicly accessible website.

59. 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: 09/10/2017



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 listed activity as applied for in the application form received on 31 July 2017.
- b) The information contained in the final BAR dated September 2017.
- c) The comments received from the Directorate Biodiversity Conservation (The Department of Environmental Affairs), the Department of Environmental Affairs and Development Planning, CapeNature, Heritage Western Cape and Interested and Affected Parties as included in the final BAR dated September 2017.
- d) Mitigation measures as proposed in the final BAR and the EMPr.
- e) The input contained in the specialist Fauna and Flora study contained within the appendix of the final BAR dated September 2017.

### 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 input of the Fauna and Flora specialist study included in the final report dated September 2017.
- b) The need for the proposed project aims to contribute to the provision of a long term solution to reliable electricity supply.
- c) The benefits of the project to the area as presented in the final BAR which includes the reliable electrical supply network.
- d) The final BAR dated September 2017 identified all legislation and guidelines that have been considered in the preparation of the final BAR dated September 2017.
- e) The methodology used in assessing the potential impacts identified in the final BAR dated September 2017 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014, as amended, 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 final BAR dated September 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 information contained in the final BAR dated September 2017 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMPr measures for the pre-construction, construction, operation and rehabilitation phases of the development were proposed and included in the final BAR and will be implemented to manage the identified environmental impacts during the construction 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.

## Annexure 2: Locality Plan

