



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

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Reference: 12/12/20/1037

Enquiries: Mr. Mogole Mphahlele

Telephone: (012) 310 3004 Fax: (012) 320 7539 E-mail: mlmphahlele@deat.gov.za

Fiona Havenga
Eskom Holdings Limited
P O Box 1091
JOHANNESBURG
2000

Tel: 011 800 4579

Fax: 011 800 3917

PER FACSIMILE / MAIL

Dear Ms. Havenga

ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF A 400KV TRANSMISSION POWER LINE BETWEEN THE ANKERLIG POWER STATION AND THE OMEGA SUBSTATION ON FARM GROOT OLIPHANTSKOP 81, CAPE TOWN, WESTERN CAPE

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties (IAPs), in writing and within ten (10) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to IAPs.

A copy of the official appeal form can be obtained from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za ; or

Muhasho wa zwa Vhupo na Vhuendelamashango • LiTiko le Tsalmondzawo ntekuVakasha • Isebe lemiCimbi yokusiNgongilayo noKhenketho
Ndzawulo ya Tinhaka & Mbango • Department: Omgewingsake en Toerisme • Lefapha la Tikoloho le Bohanhlaudi • Lefapha la Bojanala
Kgoro ya Tikologo le Boeti • UmNyango wezeBhuduluko nokuVakajha • Umnyango wezemivelo Nokuvakaha

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.

Any party wishing to appeal any aspect of the decision must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

By facsimile: (012) 310 7561;

By post: Private Bag X447, Pretoria, 0001; or


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

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered IAPs as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of IAPs, notified through your notification letter of the decision, for record purposes.

The authorised activity/activities may not commence within thirty (30) days of the date of signature of the authorisation. Please further note that the Minister may, on receipt of appeals against the authorisations or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Ms. Nkosipho Ngcaba

Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Ms. Lize McCourt

Designation: Chief Director: Environmental Impact Management

Date: 16/3/09

CC: Ms J-A. Thomas

Savannah Environmental (Pty) Ltd

Fax: 086 684 0547

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE
FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON
RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
Receive notice of Environmental Authorisation from the relevant Competent Authority	Receive notice of Environmental Authorisation from Applicant/Consultant
Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
Notification served by the Applicant must include: A copy of the notice of intention to appeal; and A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

NOTES:

1. An appeal against a decision must be lodged with:-

- the Minister if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
- the MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority
- the delegated organ of state where relevant.

2. An appeal lodged with:-

- the Minister must be submitted to the Department of Environmental Affairs and Tourism
- the MEC must be submitted to the provincial department responsible for environmental affairs
- the delegated organ of state, where relevant, must be submitted to the delegated organ of state

3. An appeal must be:-

- on an official form obtainable or published by the relevant department
- accompanied by:
 - a statement setting out the grounds of appeal
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62
 - the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from:

See authorisation cover letter.



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Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: 12/12/20/1037
Last amended:
Holder of authorisation: Eskom Holdings Limited
Location of activity: City of Cape Town, Western
Cape Province

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Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

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, 2006 the Department hereby authorises –

ESKOM HOLDINGS LIMITED:

with the following contact details –

Fiona Havenga
Eskom Holdings Limited
P O Box 1091
JOHANNESBURG
2000

Tel: 011 800 4579

Fax: 011 800 3917

to undertake the following activity/ activities (hereafter referred to as "the activity")

GN R. 386:

14 The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding -

(a) masts of 15 metres and lower exclusively used

(i) by radio amateurs; or

(ii) for lighting purposes

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- (b) flag poles; and
- (c) lightning conductor poles.

- 15 The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

GN R.387 activities

- 1 The construction of facilities or infrastructure, including associated structures or infrastructure, for –
- (l) the transmission and distribution of above ground electricity with a capacity of 120 kilovolts or more;

for the proposed construction of a transmission power line between the Ankerlig Power Station and the Omega Substation to integrate the additional power generated at the Ankerlig Power Station to the national grid. The transmission power line will be constructed and operated within a servitude of 55 metres wide. The transmission power line will run parallel to the two existing Atlantis-Koeberg 400kv power line servitudes from the Ankerlig Power Station alongside the Atlantis railway line, and then in a south-westerly direction. At Duinenfontein, the route continues straight until it links to the existing Koeberg Stickland 400kv power line servitude. The line then deviates east across the R303 directly to the Omega Substation at a point situated in the Klein Zoute River Agricultural Holdings in the City of Cape Town, Western Cape Province, hereafter referred to as "the property".

The granting of this environmental authorisation is subject to the conditions set out below.

Conditions

Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.

- 1.3 The activity authorized may only be carried out at the property indicated above.
- 1.4 Any changes to, or deviations from, the project description set 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.
- 1.5 This activity must commence within a period of four (4) years from the date of issue. 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.
- 1.6 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.
- 1.7 Compliance with the requirements of Section 38 of the National Heritage Resources Act, Act 25 of 1999, including any comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.

Appeal of authorisation

- 1.7 The holder of the authorisation must notify every registered interested and affected party (IAP), in writing within 10 (TEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.8 The notification referred to in 1.7 must –
 - 1.8.1 specify the date on which the authorisation was issued;
 - 1.8.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 1.8.3 advise the interested and affected party that a copy of the authorisation will be furnished on request, and
 - 1.8.4 give the reasons for the decision.

Management of the activity

- 1.9 An Environmental Management Plan ("EMP") for construction compiled and submitted to the Department with the EIR dated November 2008 is herewith approved.

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- 1.10 The construction EMP will be seen as a dynamic document. However, any changes to the EMP must be submitted to the authorities for approval before such changes could be effected.
- 1.11 The provisions of the EMP are extension of the conditions of the environmental authorisation (EA) and therefore non-compliance with the EMP would constitute non-compliance with the EA.

Monitoring

- 1.12 The applicant must appoint a responsible person that will act as an Environmental Control Officer (ECO) that will have the responsibility of implementing the approved EMP.
- The ECO shall be appointed before the start of construction and the authorities must be notified of such an appointment for communication purposes.
 - The ECO shall submit a quarterly environmental compliance report, in writing, to The Director: Environmental Impact Evaluation and copy the Applicant with such report. This report shall include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. The report must reflect the DEAT reference number of the project on the cover page.
 - The ECO shall maintain the following on site:
 - A site diary
 - Copies of all reports submitted to the Department
 - A complaints register of all public complaints and the remedies applied to such complaints
 - The ECO shall remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to Eskom by the contractor for operation.

Recording and reporting to the Department

- 1.13 The holder of the authorization must submit an environmental compliance audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must –
- 1.13.1 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 EMP.
- 1.13.2 Records relating to compliance monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

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- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- Compliance with the requirements of the National Water Act, 1998 (Act No.36 of 1998).
- Relevant local authority bylaws and regulations.

1.31 Non-compliance must be reported immediately to the Director: Environmental Impact Evaluation of this Department.

General conditions

- 1.32 A copy of this authorisation must be kept at the site office where the activity will be undertaken. The authorisation 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.
- 1.33 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 1.34 The holder of the authorisation must notify the Department, in writing and within 24 (TWENTY FOUR) 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.
- 1.35 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 regulations.

Date of environmental authorisation: 16 March 2009


Ms Nosipho Ngcaba
Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Ms. Lize McCourt

Designation: Chief Director: Environmental Impact Management