



# environment & tourism

Department  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

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Reference: 12/12/20/873

Enquiries: Mr Wayne Hector

Telephone: (012) 310 3223 Fax: (012) 320 7539 E-mail: [Whector@deat.gov.za](mailto:Whector@deat.gov.za)

Ms C Streaton  
Eskom Holdings Limited  
P O Box 1091  
JOHANNESBURG  
2000

Tel: (011) 800-5411

Fax: (011) 800-3917

## PER FACSIMILE / MAIL

Dear Madam,

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION: PROPOSED CONSTRUCTION OF THE 765KV GAMMA SUBSTATION ON THE FARMS UIT VLUGT FONTEIN NO. 233 AND SCHIETKUIL NO 3 IN THE PIXLEY KA SEME AND CENTRAL KAROO DISTRICT MUNICIPALITIES: WESTERN CAPE PROVINCE AND NORTHERN CAPE PROVINCE

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, in writing and within 7 (seven) 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.

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

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, [pretief@deat.gov.za](mailto:pretief@deat.gov.za) ; or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [hgrové@deat.gov.za](mailto:hgrové@deat.gov.za), at the Department.

Should you wish to appeal any aspect of the decision, you 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 3688;

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

By hand: 2<sup>nd</sup> 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 I&AP's as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Muhsheho wa zwa Vhupo na Vhundredsalamashango • LITiko le Tsamondzawo netekuVakasha • Isabe termiCimbi yakusiNggonglleyo noKhenketho Ndzawulo ya Tinkhe & Mbango • Department: Omgewingeake en Toerisme • Lefapha la Tikoloho le Bohankhaidi • Lefapha le Bojanala Kgoro ya Tikologo le Bosti • Umnyango wezashuduluko nokuVakalaha • Umnyango Wezemvelo Nokuvakaha

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

You are strongly advised to refrain from the initiation of any construction activities prior to the conclusion of the appeals process. All construction activities initiated during the appeals process will be done solely at your own risk.

Yours faithfully



**Ms Pam Yako**  
**Director - General**  
**Department of Environmental Affairs and Tourism**  
**Letter signed by: Mr Wynand Fourie**  
**Designation: Acting Chief Director: Environmental Impact Management**  
**Date: 19/11/2017.**

**Cc:**  
**Ms B Shinga**  
**Mr M Fredericks**  
**Mr P Retief**

**ACER (Africa)**  
**DEA&DP**  
**DEAT**

**Fax: (035) 340-2232**  
**Fax: (044) 874-2423**

**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)
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. 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 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. 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	4. 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
5. 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	5. 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:-**
  - a) the Minister if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
  - b) 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
  - c) the delegated organ of state where relevant.
2. **An appeal lodged with:-**
  - a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
  - b) the MEC must be submitted to the provincial department responsible for environmental affairs
  - c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state
3. **An appeal must be:-**
  - a) on an official form obtainable or published by the relevant department
  - b) 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:**  
 Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705 [pretief@deat.gov.za](mailto:pretief@deat.gov.za) ; or  
 Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [hgrové@deat.gov.za](mailto:hgrové@deat.gov.za), at the Department.  
 Should you wish to appeal any aspect of the decision, you 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 3688;  
 By post: Private Bag X447, Pretoria, 0001; or  
 By hand: 2<sup>nd</sup> Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

# Environmental Authorisation

<b>Authorisation register number:</b>	12/12/20/873
<b>Last amended:</b>	
<b>Holder of authorisation:</b>	ESKOM HOLDINGS LIMITED
<b>Location of activity:</b>	Portion 1 of the Farm Uit Vlugt Fontein 265 bordering Farm Schietkuil 3

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## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions 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 –

Ms Carol Streaton  
P O Box 1091  
JOHANNESBURG  
2000

Tel: (011) 800-5411  
Fax: (011) 800-3917

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

**GN. No. 386 (14):** *The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission.*

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

**GN. No 387(1)(c)** *The construction of facilities or infrastructure, including associated structures or infrastructure for the above ground storage of dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in*

*containers with a combined capacity of 1000 cubic metres or more at any one location or site including the storage of one more dangerous goods, in a tank farm.*

- 1(i)** *The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission of above ground electricity with a capacity of 120 kilovolts or more.*
  
- 2** *Any development activity, including associated structures and infrastructure, where the total area of the development area is, or is intended to be, 20 hectares or more.*

*for the construction of proposed 765 kV Gamma substation and associated infrastructure as described in the Scoping Report (SR), dated April 2007 and the Environmental Impact Report (EIR), dated August 2007.*

*at 31° 25' 00"S and 24° 43' 00"E, portion 1 of Farm Uit Vlug Fontein 265 and bordering Farm Schietkuil 3, which fall within the jurisdiction of Pixley Ka Seme Municipality of the Northern Cape Province and Central Karoo District Municipality in the 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 authorised may only be carried out at the property indicated above.
- 1.4** 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.

- 1.5 This activity must commence within a period of two (2) 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.

1.6.1 Relevant legislation that must be complied with by the holder of this authorisation include:

- Compliance with the requirements of Section 38(1), (3) and (7) of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
- All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- All provisions of the National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004).
- Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Minerals and Energy.

### **Appeal of authorisation**

- 1.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) 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 8 of the regulations; and
- 1.8.3 advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

### **Management of the activity**

- 1.9 A project-specific Environmental Management Plan (EMP) has been compiled for the project (Chapter 9 of EIR dated August 2007). An Environmental Control Officer (ECO), who acts as an intermediary between individual landowners, Eskom and the contractors, will monitor compliance with the EMP.
- 1.10 The Environmental Management Plan (EMP) that was included in the EIR dated August 2007 is approved by this Department. The EMP must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually.
- 1.11 The construction EMP must be seen as a dynamic document. However, any changes to the EMP, which is environmentally defensible, must be submitted to DEAT for acceptance before such changes could be effected. The EMP is regarded as an extension of the ROD and shall be treated as such in terms of compliance monitoring.
- 1.12 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) before commencement of land clearing, construction, or exploratory activities to ensure that the mitigation / rehabilitation measures and recommendations referred to in the EIR dated August 2007 and this Environmental Authorisation are implemented and to ensure compliance with provisions of the EMP.

### **Monitoring**

- 1.13 The applicant will have the responsibility of implementing the approved EMP.
- 1.14 All contractors working on site must be informed with regard the contents of the EMP.

### **Recording and reporting to the Department**

- 1.15 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. 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 EMP.
- The applicant must submit an Audit Report to this Directorate within 6 months after completion of the activity. Therefore the report must include:
  - Detail of the rehabilitation measures of the site that must be compiled by an Independent Environmental Auditor.
  - Detail of all incidents and mitigation measures implemented to address such incidents.
  - Any measure that require follow-up.

### **Commissioning of the activity**

- 1.16 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.

### **Operation of the activity**

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

### **Site closure and decommissioning**

- 1.18 Should the use of the facility 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.
- 1.19 Decommissioning of the facility is subject to a separate Environmental Impact Assessment and environmental authorisation at the appropriate time.

### **Specific conditions**

- 1.20 Changes in the proposal resulting in significant environmental impacts are only permissible if approved in writing by the Department.

- 1.21 All waste generated during the construction must be removed and disposed of at a waste disposal facility permitted in terms of Section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 1.22 An integrated waste management approach must be used that is based on waste minimization and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a waste disposal facility permitted in terms of Section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) *inter alia*.
  - 1.22.1 Refuse must be disposed of into scavenger and waterproof bins.
  - 1.22.2 Chemical ablution facilities must be available for the use of construction staff at all times during the construction period. These facilities must be removed from the site when the construction phase is completed as well as associated waste to be disposed of at a registered waste site.
- 1.23 Construction work must be confined to the construction site(s) as demarcated and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 1.24 Hazardous and flammable substances must be stored and used in compliance with the applicable regulations and safety instructions.
- 1.25 The applicant must train safety representatives, managers and workers in workplace safety. Enforce all applicable physical safety standards and regulations, including for subcontractors.
- 1.26 The translocation site for the geophytes species (*Boophane disticha* or gifbol) should be identified, prior to translocation and construction activities commencing to ensure proper protection of the plant species.
- 1.27 Drainage and stormwater management on the site must be carefully planned and properly implemented to ensure sound protection of the sub-station site against the effects of erosion and potential flooding during construction and unpredictable storm events.
- 1.28 Erosion of the surrounding area where the sub-station will be constructed must be prevented or minimised at all cost. The recommendations proposed in this respect, with particular reference to groundwork's must be strictly followed (DEA&DP dated 2 November 2007).
- 1.29 The quality of water that will be sourced from boreholes on the property for human consumption must to be monitored on a regular basis.
- 1.30 All proposed mitigation measures included in the FEIR dated August 2007 must be implemented.

- 1.31 The applicant must minimize habitat destruction and disturbance during all construction, maintenance and decommissioning activities. Vegetation must only be removed as required for construction and operation for the line. The applicant is responsible for avoiding the removal or trimming of any vegetation along the servitude during construction and operation. DWAF permits must be obtained for these individual plants before they are removed.
- 1.32 Construction work must be confined to the construction site(s) and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 1.33 No surface or ground water may be polluted due to any activity on the property/site. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
- 1.34 The construction site must be demarcated before the construction phase commences and disturbance to the surrounding area must be avoided, through the following measures:
  - 1.34.1 Access to the site must be obtained by making use of the existing road. Vehicles must be restricted to the clearly demarcated access route
  - 1.34.2 All activities (storage and off-loading of material, construction and installation) must be restricted to the demarcated area to minimise any potential disturbance to the surrounding area.
  - 1.34.3 Only construction and maintenance personnel must have access to the site.
  - 1.34.4 No fires must be permitted on the site.
  - 1.34.5 No concrete or cement mixing must take place on the soil or grass surfaces. Cement mixers must be placed in suitable trays to prevent spillage onto the soil surface. If possible, the use of ready-mix concrete should be considered.
- 1.35 Within six months of the telecommunications structure ceasing to be functional for the purpose for which it is now authorised, it must be removed at the expense of the applicant, and the site, including all associated infrastructure such as access roads, must be rehabilitated to the satisfaction of this Department.
- 1.36 South African National Roads Agency's letter dated 14 March 2007, attached to the EIR dated August 2007, must strictly be adhered to.
- 1.37 Eskom must stay within the agreement with the property owner of the Schietkuil as signed on 15 November 2006. No interference with his wild game will be tolerated. An alternative water source needs to be provided or developed for the herd of springboks that currently uses the water-hole on the site where the Sub-station will be developed.

## General

- 1.38 A copy of this authorisation must be kept at the property 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.
- 1.39 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 applicant knows the new details.
- 1.40 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. 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.
- 1.41 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: 19/11/2007.

  
Ms Pam Yako

Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Mr Wynand Fourie

Designation: Acting Chief Director: Environmental Impact Management

## Annexure 1: Reasons for Decision

### 1. Background

The applicant, Eskom Holdings Limited, applied for authorisation to carry out the following activities –

**GN. No. 386 (14):** *The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission.*

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

**GN. No 387 (1)(c)** *The construction of facilities or infrastructure, including associated structures or infrastructure for the above ground storage of dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of 1000 cubic metres or more at any one location or site including the storage of one more dangerous goods, in a tank farm.*

**1(i)** *The construction of facilities or infrastructure, including associated structures or infrastructure for the transmission of above ground electricity with a capacity of 120 kilovolts or more.*

**2** *Any development activity, including associated structures and infrastructure, where the total area of the development area is, or is intended to be, 20 hectares or more.*

*for the construction of proposed 765 kV Gamma substation and associated infrastructure as described in the Scoping Report (SR), dated April 2007 and the Environmental Impact Report (EIR), dated August 2007.*

The applicant appointed ACER (Africa) Environmental Management Consultants to undertake a Scoping / EIR process and to compile a Scoping Report (SR) and an Environmental Impact Report (EIR) as required by regulation R. 385.

## 2. 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 SR dated April 2007;
- b) The information contained in the EIR dated August 2007;
- c) Comments of I&AP's;
- d) The consent given by the landowners;
- e) 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);

## 3. 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 applicant, Eskom Holdings Limited proposes:
  - The construction of proposed 765 kV Gamma substation and associated infrastructure.
  - Construction of 6 m wide, tarred access roads (totalling a length of approximately 1.8 km).
  - Erect fencing where required.
  - A telecommunication mast will be required at the Gamma Sub-station. The mast will be a microwave lattice mast, between 30 and 50 m high and will form an integral part of the sub-station.
- b) The new access road will be tarred from the R63. The flow of traffic to the site during the construction period will be relatively light and, during operations, there will be virtually no traffic.
- c) Three alternative sites were investigated.
  - The proposed site on the farm Uit Vlugt Fontein No 223, bordering on the farm Schietkuil No 3.

- An alternative site on the farm Uit Vlucht Fontein, for which a positive Record of Decision was issued by DEAT (as explained, Eskom has decided to move the location of the sub-station).
- The "no go" or no-development alternative.

It should be noted that, in this particular case, the existing Gamma site for which environmental authorisation has been obtained remains the default sub-station for Eskom should environmental authorisation not be obtained for the proposed new site.

- d) A detailed public participation process was undertaken and the consultant has satisfied the minimum requirements as prescribed in the EIA regulations, 2006 for public involvement. The public participation process is running concurrently with the Gamma-Grassridge 765kV transmission line.
- e) As part of the EIA process, ACER (Africa) Environmental Management Consultants, being the principal consultancy, identified potential environmental impacts associated with the proposed construction works and proposed feasible mitigation measures to mitigate the identified impacts.

#### 4. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- It is a detailed Scoping report and EIR that includes the identification and assessment of impacts.
- The procedure followed for the impact assessment seems to be adequate for the decision-making process based on the size of the project and affected area. The assessing officer is of the opinion that the assessment is adequate and comprehensive enough and that possible impacts have been assessed correctly.
- All legal and procedural requirements have been met.
- There has been sufficient consultation with I&AP's apart from the landowner.
- No comments were received from the provincial authority or local authority.
- The proposed development is compatible with the proposed site for the development.
- Project specific environmental management measures ("EMP") were proposed and included in the EIR, submitted to the Department for approval, 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 authorisation for the activity is accordingly granted.