



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Reference: 12/12/20/1825

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Ms. Nokhuthala D. Hlongwana  
Eskom Holdings Limited  
P. O. Box 222  
**BRACKENFELL**  
7561

Fax: (021) 980 3053

Dear Ms. Hlongwana

**EXEMPTION FROM THE PROVISIONS OF GOVERNMENT NOTICE R. 385 PROMULGATED IN TERMS OF SECTION 24 (5) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), 1998 (ACT No. 107 of 1998) FOR THE PROPOSED CONSTRUCTION OF A NEW 66/11KV MOORREESBURG - VYEVLEI POWER LINE AND SUBSTATION, CAPE TOWN, WESTERN CAPE PROVINCE**

With reference to the abovementioned application, please be advised that the Department has decided to grant the abovementioned exemption. The exemption notice is attached herewith.

Eskom Holdings Limited is hereby granted exemption from appointing an independent Environmental Assessment Practitioner as required by Regulation 18(a).

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 interested and affected parties.

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

Mr TH Zwane Senior Legal Administration Officer Tel: 012 310 3929 [tzwane@deat.gov.za](mailto:tzwane@deat.gov.za); or  
Ms. MM Serite Legal Administration Officer Tel: 012 310 3788 [mserite@deat.gov.za](mailto:mserite@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) 320 7561  
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.

You must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department in the list of interested and affected parties, notified of this exemption for record purposes.

Yours sincerely,



Ms. Lize McCourt  
**CHIEF DIRECTOR:** Environmental Impact Management  
Department of Environmental Affairs

DATE: 26 May 2010

CC: Appeals Section

Fax: (012) 320 7581



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**EXEMPTION FROM THE PROVISIONS OF GOVERNMENT NOTICE R. 385 PROMULGATED IN  
TERMS OF SECTION 24 (5) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT  
No. 107 of 1998) FOR THE PROPOSED CONSTRUCTION OF A NEW 66/11KV MOORREESBURG -  
VYEVLEI POWER LINE AND SUBSTATION, CAPE TOWN, WESTERN CAPE PROVINCE**

**1. PARTICULARS OF THE APPLICANT**

**Name** : Eskom Holdings Limited

**Address** : P. O. Box 222

**BRACKENFELL**

7561

**Contact Person:** Ms. Nokhuthala Hlongwana

**Telephone** : (021) 980 3105

**Fax** : (021) 980 3053

**2. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:**

The development entails the acquisition a servitude and build a 66kv power line (approximately 24km) from Moorreesburg substation towards Vyevlei substation; create a 66kV feeder bay at Moorreesburg substation to cater for the Vyevlei substation; build a Vyevlei 1x10MVA 66/11kV step-down substation consisting of 1x66kV feeder bays (Vyevlei F1 and F2). It further proposes to leave spatial requirements for a second 10MVA 66/11kV transformer bay and 1x11kV feeder bay.

The proposed project falls within the ambit of the following listed activities contained in the Government Notice Regulation 386 of 2006 in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998):

*1(l); The construction of facilities or infrastructure, including associated structures and infrastructure, for the transmission and distribution of aboveground electricity with a capacity of more than 33kV and less than 120kV.*

(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.*

### 3. DECISION

By virtue of the powers conferred on me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment (EIA) Regulations, 2006 I hereby exempt Eskom from compliance with the following regulations –

Appointing an independent Environmental Assessment Practitioner (EAP) as required by Regulation 18(a).

### 4. PROVISION OF REGULATIONS FROM WHICH EXEMPTION IS GRANTED

4.1 Eskom Holdings Limited is hereby granted exemption in terms of regulation 51 of the EIA Regulations, 2006 from appointing an independent Environmental Assessment Practitioner as required by Regulation 18(a).

### 5. KEY FACTORS FOR THE DECISION

5.1 Details provided of the qualifications of the Eskom in-house EAP indicate that the EAP is suitably qualified to carry out the basic assessment procedure.

5.2 In view of the applicant's academic qualifications and experience in the administration of EIA's and the circumstances of the proposal under application, the considered view of the Department is that the scope of work envisaged for the EIA procedure does not warrant appointment of an independent EAP.

5.3 The photos that were submitted with the motivation for exemption show that the study area is vastly transformed and possess little conservation value.

5.4 The proposed development will be taking place in already degraded area along the road.

5.5 According to Eskom, inputs from specialists in the fields of botany, archaeology and ornithology when and where necessary will be utilised and potential environmental impacts identified will be mitigated through the implementation of specific mitigation measures which will be included in the EMP.

## 6. CONDITIONS

### 6.1 Project Specific Conditions

- 6.1.1 The public participation must be undertaken according the provisions of regulations 56 of GN R. 385.
- 6.1.2 The alternatives must be investigated for the route of the proposed power line and site of the substation.
- 6.1.3 The land owners and occupiers of land within 100m of the boundary of the site or alternative site for the substations who are or may be directly affected by the activity must be must be given written notice in terms of regulation 16(3).
- 6.1.4 Consent letter from the landowner for the proposed site of the substation must be submitted together with the application form.

### 6.2 General Conditions

- 6.2.1 An appeal may be lodged against this decision in terms of Chapter 7 of Government Notice 385 of 3 July 2006.
- 6.2.2 The Department reserves the right to amend or withdraw the exemption decision issued on the application as described above.

Yours sincerely,

  
**Ms. Lize McCourt**  
**Chief Director: Environmental Impact Management**  
**Department of Environmental Affairs**

Date: 26/5/2010