



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2662

Reference: 12/12/20/1825

Enquiries: Masina Litsoane

Telephone: 012-395-1810 Fax: 012-320-7539 E-mail: MLitsoane@environment.gov.za

Dr. Barbara van Geems
Eskom Holdings Limited
P.O. Box 222
Brackenfell
7561

Fax no: 021 980 3053

PER FACSIMILE / MAIL

Dear Dr. Van Geems

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: PROPOSED CONSTRUCTION OF NEW 66/11Kv MOORRESBURG-VYEVLEI POWERLINE AND SUBSTATION, WESTERN 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 submission 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 interested and affected parties.

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

Mr T Zwane, Senior Appeals Administrator. Tel: 012 310 3929 tzwane@environment.gov.za

at the Department.

Should any party, including you, wish to appeal any aspect of the decision, they / 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: 2nd Floor, Fedsure Building, North Tower, cnr. Van der Walt and Pretorius Streets, Pretoria.

You (applicant) 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, should you intend to submit an appeal.

Please include the Department (Attention: Director, Environmental Impact Evaluation) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

The authorised activity / ies shall not commence within thirty (30) days of the date of signature of the authorisation. Further, please note that the minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Ms Lize McCourt

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

Department of Environmental Affairs

Date: 29 November 2010

CC:
Eskom

Attn: Ms. Nokhuthala Hlongwana
Tel: (021) 980 - 3105
Fax: (021) 980 - 3053

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 of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
- b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
- c) 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;
- d) the delegated organ of state where relevant.

2. An appeal lodged with:-

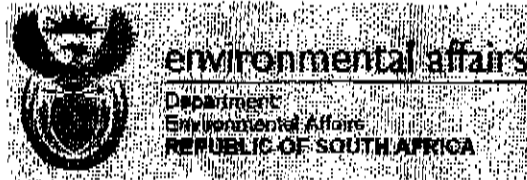
- a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
- b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
- c) the MEC must be submitted to the provincial department responsible for environmental affairs;
- d) 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:

See authorisation cover letter.



Environmental Authorisation

Authorisation register number: 12/12/20/1825

Last amended: First issue

Holder of authorisation: ESKOM HOLDINGS LIMITED

Location of activity: WESTERN CAPE PROVINCE:
Between Malmesbury and
Moorreesburg, Swartland Local
Municipality

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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 –

Dr. Barbara van Geems
Eskom Holdings Limited
P O Box 222

BRACKENFELL

7561

Tel: (021) 980 3242

Fax: (021) 980 3053

to undertake the following activity (hereafter referred to as "the activity"):

GN R.386:

Item 1 (l): *The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts.*

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

as described in the Basic Assessment Report (BAR) dated September 2010 at:

Alternative Site	Latitude (S)	Longitude (E)
Start point	33°10'51.98"	18°41'07.86"
Middle point	33°18'21.99"	18°42'55.15"
End point	33°21'34.39"	18°37'50.89"
Substation	33°21'34.39"	18°37'50.89"

within the Swartland Municipality in Western Cape, hereafter referred to as "the property", for the construction of 66kV powerline (approximately 30km) from Moorreesburg substation towards Vyevelei substation. Associated with the activity is the following:

- Construction of a 66kV feeder bay at Moorreesburg substation to cater Vyevelei substation;
- Construction of a Vyevelei 1X10MVA 66/11kV step-down substation consisting of 1X66kV feeder bay and 2X11kV feeder bays (Vyevelei F1 and F2);
- Construction of access route to the substation site for construction and maintenance purposes.

Conditions

Scope of authorisation

1. The preferred site alternative (*i.e.* site alternative 1) which proposes to construct a new 66/11kV Moorreesburg – Vyevelei powerline and substation which is approximately 30km is approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation shall be 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 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.
6. This activity must commence within a period of 5 (five) 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. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
7. 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.
 - 7.1 Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:
 - Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
 - All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - All provisions of the National Water Act, 1998 (Act 36 of 1998).
 - All provisions of the National Forests Act, 1998 (Act No. 84 of 1998).
 - All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).

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- All provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
 - 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.
8. Vegetation clearing must be limited to areas required for site establishment. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
9. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.
10. Any solid waste shall 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).

Appeal of authorisation

11. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days, of receiving notice of the Department's decision to authorise the activity.
12. The notification referred to above must –
- 12.1 specify the date on which the authorisation was issued;
 - 12.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 12.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 12.4 give the reasons for the decision.

Management of the activity

13. The Environmental Management Plan ("EMP") submitted to the Department as part of Application for EA is hereby approved. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development when approved.
14. Changes to the EMP, which are environmentally defensible, shall be submitted to this Department for approval before such changes could be effected.


15. The Department reserves the right to amend the EMP should any impacts that were not anticipated or covered in the BAR be discovered.
16. The provisions of the approved EMP including recommendations and mitigation measures in the BAR shall be an extension of the conditions of this EA and therefore noncompliance with them would constitute noncompliance with the EA.
17. The recommendations and mitigation measures recorded in the BAR dated September 2010 must be implemented and adhered to.
18. All correspondence with regard to this application must be forwarded for attention to: The Director: Environmental Impact Evaluation within the Department.

Monitoring

19. The applicant must appoint a qualified Environmental Control Officer (ECO) that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of 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 keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - The ECO shall submit quarterly environmental compliance reports, in writing, to the Department, for attention of The Director: Compliance Monitoring, and copy the Applicant.
 - The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is handed over to Eskom Holdings Limited for operation.

Recording and reporting to the Department

20. Records relating to 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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21. This Department reserves the right to monitor and audit the Development through its life cycle to ensure that it complies with conditions of this Environmental Authorisation.
22. All compliance and monitoring correspondences must be forwarded for attention of the Director: Compliance Monitoring Directorate within the Department.

Commissioning of the activity

23. 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


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

Site closure and decommissioning

25. Should the activity 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.

Specific conditions

26. No exotic plants may be used for rehabilitation purpose. Only endemic Indigenous plants of the may be utilised.
27. All workers must undergo "Environmental Awareness Training" within five (5) calendar days of the workers starting work on the site. This training must include awareness in the requirements of this Environmental Authorisation and the approved EMP.
28. The construction camp must be located in a disturbed area and must be screened off during the entire construction phase.

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29. Hazardous materials must be stored in regularly serviced containers enclosed in bunded areas. The bunded areas must be provided with a tap-off system through which spillages and leakages that might occur will be removed without any spillage outside of the bunded areas.
30. Surface and storm water runoff generated on site must be channelled into designed adequate drains and not contribute to drainage problems to the existing roads.
31. Chemical ablution facilities must be available for use by construction staff at all times during the construction period. These facilities must be removed from the site when the construction phase is completed.
32. Waste management on site must be managed as follows:
 - Any form of waste material and rubble generated during construction must be disposed of at a facility registered in terms of **section 20(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)**, if it cannot be responsibly re-used on site or off site;
 - Under no circumstances shall waste be buried or burnt on site;
Waste must be stored in bins/skips while on site; and
 - No littering is allowed.

General

33. 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.
34. 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.
35. 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.
36. 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: 29 November 2011



Ms Lize McCourt

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited, applied for the following activity:

GN R.386:

- Item 1(i): *The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of more than 33 kilovolts and less than 120 kilovolts.*
- Item 15: *The construction of a road that is wider than 4 meters or that has a reserve wider than 6 meters, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 meters long.*

For the construction of 66kV powerline (approximately 30km) from Moorreesburg substation towards Vyevelei substation. Associated with the activity is the following:

- Construction of a 66kV feeder bay at Moorreesburg substation to cater Vyevelei substation;
- Construction of a Vyevelei 1X10MVA 66/11kV step-down substation consisting of 1X66kV feeder bay and 2X11kV feeder bays (Vyevelei F1 and F2);
- Construction of access route to the at the substation site.

The applicant appointed an in-house Eskom Environmental Assessment Practitioner to undertake an environmental assessment process in accordance with the EIA Regulations, 2006.

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 BAR dated September 2010;
- b) The comments received from interested and affected parties as included in the BAR;
- c) Mitigation measures as proposed in the BAR dated September 2010 and the EMP; and

- d) The objectives and requirements of relevant legislation policies and guidelines, including section 2 of the National Environmental Management, 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 EAP's competency in carrying out the environmental impact assessment procedures.
- b) The need and desirability of the project;
- c) The manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity;
- d) The legislations and guidelines that have been considered in their preparation and the legislation and guidelines that will be considered in the preparation of the Environmental Impact Assessment;
- e) The methodology used in assessing the potential impacts; and
- f) Whether sufficient public participation process as per the Regulations.

4. Findings

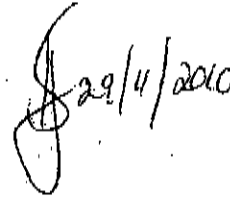
After consideration of the information and factors listed above, the Department made the following findings -

- Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures;
- The EMP has proposed adequate mitigation measures for the pre-construction, construction and rehabilitation phases of the development;
- The need for the proposed project emanates from the dramatically voltage problems of below 95% limit in some parts of the feeder in Malmesbury Farmers (F1);
- The majority of impacts on the natural environment associated with the proposed construction of the power line and substation are considered to be of low in significance provided that the mitigation measures are implemented;

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- The BAR dated September 2010 identified relevant legislations and guidelines that have been considered in their preparation and the legislation and how they have been applied to this application;
- Guidelines that were considered in the preparation of the Environmental Impact Assessment;
- Acceptable methodology has been identified and adequately used in assessing the potential impacts; and
- A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2006 for public involvement.

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 application is accordingly granted.

 29/4/2010