



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia, PRETORIA,
Tel (+ 27 12) 399 9372

NEAS Reference: DEAT/EIA/1551/2008

DEA Reference: 12/12/20/1213

Enquiries: Gabisile Hlongwane

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Ms Martina Phiri
Eskom Holdings SOC Limited
P.O. Box 1091
JOHANNESBURG
2000

Tel no: 011 800 3550

Fax no: 011 800 3917

PER FACSIMILE / MAIL

Dear Ms M. Phiri

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 386/387/543/544/545/546: CONSTRUCTION OF THE PORT ELIZABETH SUBSTATION, THE UPGRADING OF THE EXISTING GRASSRIDGE AND DEDISA SUBSTATIONS AND 2 X 400kV TRANSMISSION POWERLINES FROM THE PORT ELIZABETH SUBSTATION TO GRASSRIDGE AND DEDISA SUBSTATIONS, NELSON MANDELA BAY METROPOLITAN MUNICIPALITY, EASTERN 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 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

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

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By hand: Environment House
473 Steve Biko Road
Arcadia
Pretoria.

If the applicant wishes to lodge an appeal, it 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: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:


Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-399-9358

Email: AppealsDirectorate@environment.gov.za

The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

Yours faithfully


Ms Linda Garlipp
Acting Deputy Director-General: Legal, Authorisations, Compliance and Enforcement
Department of Environmental Affairs
Date: 12/09/2014

CC:	Ms Rebecca Thomas	SIVEST Consultancy (EAP)	Tel: 011 798 0600	Fax: 011 803 7272
	Mr Alan Southwood	DEDEAT (Provincial Department)	Tel: 041 508 5813	Fax: 041 519 7698
	Mr Graham Richards	Nelson Mandela Bay Municipality	Tel: 041 932 4175	Fax: 041 932 4175
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-399 9433	Fax: 012-320-5744

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

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;

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;

3. An appeal must be:-

- a) submitted in writing;
- b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

Construction of the Port Elizabeth Substation, the upgrading of the existing Grassridge and Dedisa Substations and the construction of 2 X 400kV Transmission Powerlines from the Port Elizabeth Substation to the Grassridge and Dedisa Substations

Nelson Mandela Bay Metropolitan Municipality

Authorisation register number:	<i>12/12/20/1213</i>
NEAS reference number:	<i>DEA/EIA/1551/2008</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Eskom Holdings SOC Limited</i>
Location of activity:	<i>Port Elizabeth, Eastern Cape Province</i>

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.

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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 activities specified below.

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 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 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

ESKOM HOLDINGS SOC LIMITED

with the following contact details –

Ms. M. Phiri

Eskom Holdings SOC Limited

P.O. Box 1091

JOHANNESBURG

2000

Tel: (011) 800 3550

Fax: (011) 800 3917

Cell: (082) 468 2137

E-mail: PhiriM@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated as Listed Activities under GN. R. 386 and GN. R. 387 of 21 April 2006, which was later updated to Listing Notices 1, 2 and 3 (GN R. 544, 545 & 546) of 18 June 2010 to carry out the following activities:

GN. R. 385 Activities Originally Applied for:	GN. R. 543 Listed Activities, equivalent to Original GN. R. 385 Activities Applied for:	
<p>GN. R. 386 1 (m)</p> <p>The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 m from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including –</p> <p>(iii) bridges;</p>	<p>GN. R. 544, 18 June 2010 (Item 11)</p> <p>The construction of:</p> <p>(iii) bridges;</p> <p>(x) buildings exceeding 50 square metres in size; or</p> <p>(xi) infrastructure or structures covering 50 square metres or more</p> <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p><i>These items are necessary where access roads, power line infrastructure (i.e. tower footprint) etc. for the proposed power line need to be constructed when crossing water courses or within 32m from wetlands.</i></p>
<p>GN. R. 386 (Item 7)</p> <p>The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 1 000 cubic metres at any one location or site.</p>	<p>GN. R. 544, 18 June 2010 (Item 13)</p> <p>The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres.</p>	<p><i>During construction of the proposed 2 x 400kV power lines as well as the transformers at the proposed new PE Substation, Eskom will require the storage of more than 80 cubic metres of a dangerous good, some of which may be temporary storage of transformer oil in containers prior to being pumped into the newly built transformers and that of any dangerous good to be used during construction and operation.</i></p>
<p>GN R. 386 (Item 16(b))</p>	<p>Not Applicable in 2010 Regulations. GN R544, Activity 23 relates to the</p>	

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<p>The transformation of undeveloped, vacant or derelict land to residential mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.</p>	<p>same activity but excluding transformation for linear activities, which is this case for this power line project.</p>	
<p>GN. R. 386 (Item 20) The transformation of an area zoned for use as public open space or for a conservation purpose to another use.</p>	<p>GN. R. 544, 18 June 2010 (Item 24) The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule such land was zoned open space, conservation or had an equivalent zoning.</p>	<p><i>The proposed PE Substation footprint will exceed 1000 square metres, as well as the combined footprint of the power line corridor, which will traverse conservation or open space land. This aspect is defined within the EIA report.</i></p>
<p>GN. R. 386 (Item 12) The transformation or removal of indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>	<p>GN. R. 544, 18 June 2010 (Item 26) Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).</p>	<p><i>This is confirmed through the biodiversity specialist study that was undertaken. Vegetation occurring within a critically endangered or an endangered ecosystem could be removed as a result of the proposed 2 x 400 kV power lines. Such ecosystems do occur within the 2km corridor being applied for and therefore may be affected, depending on final alignment of the power lines and access roads.</i></p>
<p>GN. R. 386 (Item 14)</p>	<p>Not Applicable in 2010 Regulations.</p>	

<p>The construction of masts of any material or type and of any height, including those used for telecommunications broadcasting and radio transmission, but excluding (a) masts of 15m and lower exclusively used by (i) radio amateurs; or (ii) for lighting purposes (b) flagpoles; and (c) lightening conductor poles</p>		
<p>GN. R. 386 (Item 15)</p> <p>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</p>	<p>GN. R. 546, 18 June 2010 (Item 4)</p> <p>The construction of a road wider than 4 metres with a reserve less than 13,5 metres</p> <p>(a) In Eastern Cape</p> <p>ii. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve;</p>	<p><i>Access roads wider than 4m, identified during detailed design, could potentially be constructed in relation to the areas indicated above. Details of various vegetation ecosystems have been provided within the reports provided to the DEA to date.</i></p>

	iii. In urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;	
GN. R. 387 (Item 1(l)) The construction of facilities or infrastructure, including associated structures or infrastructure, for the transmission and distribution of above ground electricity with a capacity of: 120 kilovolts or more	GN. R. 545, 18 June 2010 (Item 8) The construction of facilities or infrastructure for the transmission and distribution of electricity with a capacity of 275 kilovolts or more, outside an urban area or industrial complex.	<i>The project will entail the construction of 2 x 400 kV power lines, within and outside of urban areas and industrial complexes.</i>
GN. R. 387 (Item 2) Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.	Not Applicable in 2010 Regulations. GN. R. 545, Activity 15 relates to the same activity but excluding alteration of 20 hectares or more for linear activities, which is this case for this power line project.	
Additional GN. R. 543 Listed Activities relevant to the project but were not applicable at the time of Application under GN. R. 385:		
GN. R. 544 Listing Notice 1 (Item 10) The construction of facilities or infrastructure for the transmission and distribution of electricity - (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.	<i>Sections of the proposed 2 x 400 kV power lines will be within urban areas and will exceed the capacity of 275 kilovolts. Although GN R545, Activity 8 is also applied for, which covers 275kV or more outside of urban areas, it does not address this specific aspect within urban areas, and we believe this needs to be applied for Environmental Authorisation. This aspect has been assessed</i>	

<p>GN. R. 544 Listing Notice 1 (Item 38)</p> <p>The expansion of facilities for the transmission and distribution of electricity where the expanded capacity will exceed 275 kilovolts and the development footprint will increase.</p>	<p>within the full EIA Report.</p> <p><i>The existing Grassridge and Dedisa Substations are proposed to be upgraded as part of the project, which will cater for associated infrastructure of 2 x 400 kV power lines and the footprints will be increased. This aspect has been assessed within the full EIA Report.</i></p>
<p>GN. R. 546 Listing Notice 3 (Item 14)</p> <p>The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation, except where such removal of vegetation is required for:</p> <p>(1) purposes of agriculture or afforestation inside areas identified in spatial instruments adopted by the competent authority for agriculture or afforestation purposes;</p> <p>(2) the undertaking of a process or activity included in the list of waste management activities published in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) in which case the activity is regarded to be excluded from this list;</p> <p>(3) the undertaking of a linear activity falling below the thresholds in Notice 544 of 2010.</p> <p>(a) In Eastern Cape:</p> <p>(i) All areas outside urban areas.</p>	<p><i>Due to the length (Approximately 40km) and width (Approximately 2km) of the proposed 2 x 400kV corridor, combined with the findings of the biodiversity specialist report, it is most likely that more than 5 hectares of 75% indigenous vegetation will potentially be cleared by the project. A large percentage of the project will also traverse sections both within and outside of urban areas. Details of various vegetation ecosystems have been provided within the reports provided to the DEA to date.</i></p>
<p>GN. R. 546 Listing Notice 3 (Item 19)</p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>(a) In Eastern Cape:</p> <p>ii. Outside urban areas, in:</p> <p>(aa) A protected area identified in terms of NEMPAA,</p>	<p><i>Due to the vast extent of the proposed 2 x 400 kV corridor and access roads where required during detailed design, it is likely that access roads in relation to all of the above could be possible, including the lengthening of existing roads. Details of various vegetation ecosystems have been provided within the reports provided to the DEA to</i></p>

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<p>excluding conservancies;</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</p> <p>(ii) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p>	<p>date.</p>
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as described in the amended Application Form dated 03 December 2013 at:

PE Substation Alternative 2 at KwaNobuhle	Latitude	Longitude
PE Substation	S33.83204414350	E25.42608575710
	S33.83708933360	E25.42256630360
Motherwell Alternative 2 Powerline Route Corridor	Latitude	Longitude
Starting point of activity (PE Substation)	S33.83241780450	E25.42648900550
Middle point of activity (Grassridge Substation)	S33.72216841370	E25.62572718100
End point of activity (Dedisa Substation)	S33.719463	E25.635220

- for the construction of the Port Elizabeth Substation and 2 X 400kV Transmission Powerlines to the existing Grassridge and Dedisa Substations within the Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape Province, hereafter referred to as "the property".

The infrastructure associated with the Port Elizabeth Substation includes:

- New Port Elizabeth Transmission Substation with the size footprint of 320m X 230m;
- 35m Telecommunication Mast at Port Elizabeth Substation;
- 24m Lighting Mast at Port Elizabeth, Dedisa and Grassridge Substations;
- Fully equip feeder 3 at Dedisa Substation;
- Upgrade of Grassridge and Dedisa Substations by the extension of busbar system;
- Erection of the fourth feeder at Grassridge Substation;
- 110m wide servitude from the 2km wide Corridor for the two proposed Transmission Powerlines;
- Erection of Cross Rope Suspension Towers of approximately 40m in height with a total footprint area of 70m X 30m for each tower;
- 1 x ±26km Port Elizabeth – Grassridge 400kV Transmission Powerline; and
- 1 x ±32km Port Elizabeth – Dedisa 400kV Transmission Powerline.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The Motherwell Alternative 2 Corridor from PE Substation to Grassridge Substation and Dedisa Substation within which the Revised EIA Team Preferred Route lays 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 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 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 five (5) years from the date of issue of this 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
 - 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. The Environmental Management Programme (EMPr) submitted as part of the Summary Environmental Impact Report is hereby approved. This EMPr must be implemented and adhered to.

Monitoring

13. The applicant must appoint a suitably experienced 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 authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 13.1. The ECO must be appointed before commencement of any authorised activities.
- 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 13.4. 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

14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. 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 EMPr.

17. 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.

Commencement of the activity

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. In terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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.

Notification to authorities

20. 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, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

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

Site closure and decommissioning

22. 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

23. Zones directly adjacent to Coega fault must be avoided; a 300m buffer must be maintained.
24. No activities are allowed to encroach into water resource without a water use authorisation being in place from the Department of Water Affairs.
25. Anti-collision devices such as bird flappers must be installed where powerlines crosses avifaunal corridors, as recommended by the avifaunal specialist. The input of an avifaunal specialist must be obtained for the fitting of the anti-collision devices onto specific sections of the powerlines once the exact positions of the towers have been surveyed and pegged prior construction.
26. The undertaking of detailed walk downs of the powerlines by the following specialists must be performed before construction starts; in order to identify areas of concern and recommend alternatives to mitigate against impacts:
 - Avifaunal;
 - Flora and Fauna;
 - Wetlands;
 - Heritage.
27. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species. Copies of permits in respect of any of the above must be kept on site at all times during construction phase.
28. Agricultural land disturbed by construction must be rehabilitated upon completion of the construction activities.
29. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
30. Liaison with land owners and/or farm managers must be done prior to construction in order to provide sufficient time for them to plan their activities.
31. The temporary loss of cultivated land must be included in the negotiation process with the land owners prior construction.
32. The relocation of dwellers and households must be completely avoided. Should a need arise for relocation to be implemented as a last resort, a form of compensation to those affected must be applicable and the relocation process must follow the legal course in terms of the relevant legislation and/or policy.

33. Vegetation clearing must be kept to an absolute minimum within the identified authorised footprint. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
34. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
35. The construction site office and laydown areas must be clearly demarcated and no encroachment must occur beyond demarcated areas.
36. All heritage and paleontological sites must be avoided and must be declared as no-go zones.
37. The powerlines must not be routed over hills, koppies or ridges, and these areas must be avoided completely
38. 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. 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 59 of 2008).

General

39. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMPr 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.
40. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at 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.
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: 12/09/2014.



Ms Linda Garlipp

**Acting Deputy Director-General: Legal, Authorisations, Compliance and Enforcement
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 information contained in the Summary Environmental Impact Report dated 12 August 2013 and other subsequent Additional Information received up to 24 July 2014;
- b) The comments received from the Eastern Cape Department of Economic Development, Environmental Affairs and Tourism, other organs of state and interested and affected parties as submitted as part of the Summary Environmental Impact Report dated 12 August 2013;
- c) Mitigation measures as proposed in the Summary Environmental Impact Report dated 12 August 2013 and the EMPr;
- d) The information contained in the summary of specialist studies contained in the Summary Impact Report dated 12 August 2013;
- e) Findings of the site visit conducted on 06 October 2011; and
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

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 findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project is primarily to optimise supply in the Nelson Mandela Bay Metropolitan Municipality area and to ensure a reliable transmission network in the Eastern Cape.
- c) The Summary Environmental Impact Report dated 12 August 2013 identified all legislation and guidelines that have been considered in the preparation of the Environmental Impact Assessment Report.

- d) The methodology used in assessing the potential impacts identified in the Summary Impact Report dated 12 August 2013 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 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 Summary Impact Report dated 12 August 2013 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 proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the Summary Impact Report dated 12 August 2013 and subsequent Additional Information received up to 24 July 2014 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the Summary Environmental Impact Report and 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 environmental authorisation is accordingly granted.



environmental affairs

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Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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Ms Linda Garlipp
Chief Director: Law Reform and Appeals

Dear Ms Garlipp

APPOINTMENT AS DEPUTY DIRECTOR-GENERAL: LEGAL, AUTHORISATIONS AND COMPLIANCE ENFORCEMENT (ACTING) FROM 5 SEPTEMBER 2014 UNTIL FURTHER NOTICE

I hereby inform you that you are appointed as Deputy Director-General: Legal, Authorisations and Compliance Enforcement (Acting) from 5 September 2014 until further notice, whilst Mr Ishaam Abader is on sick leave.

All the correspondence and other documents that are usually signed by the Deputy Director-General: Legal, Authorisations and Compliance Enforcement must be signed under Deputy Director-General: Legal, Authorisations and Compliance Enforcement (Acting) during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1998), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. Copies of departmental policies can be obtained from the Human Resource Office.

Yours sincerely

Ms Nosipho Ngcaba
DIRECTOR-GENERAL

DATE: 05/09/2014

ACKNOWLEDGEMENT

I ACCEPT / DO NOT ACCEPT
appointment as Deputy Director-General:
Legal, Authorisations and Compliance
Enforcement (Acting)

Signed:

Date: 05/09/2014