



**REFERENCE:** 16/3/3/6/4/2/D2/6/0019/17  
**ENQUIRIES:** Shireen Pullen  
**DATE OF ISSUE:** 2017-06-12

The Director  
Envirolution  
PO Box 1898  
**SUNNINGHILL**  
2157

**Attention: Ms. S. Bolingo**

Tel: 0861 444499  
Fax: 0861 626222  
Email: sheila@envirolution.co.za

Dear Madam

**RE: DRAFT ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT FOR THE NARINA  
(BLANCO) TO DROËRIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE**

1. The abovementioned document received by this Department on 12 May 2017 refers.
2. This letter serves as an acknowledgment of receipt of the abovementioned document by the Directorate: Development Management (Region 3) of this Department.
3. This Department has reviewed the document and has no additional comment. The comment (Ref: 16/3/3/6/4/2/1/D2/6/0098/15) dated 15 November 2016 on the EIA Report for the previous Environmental Impact Assessment process still stands and all the issues raised remains valid.
4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
5. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours faithfully

  
**HEAD OF DEPARTMENT**

Copy:

Ms. A. La Meyer

Directorate: Development Facilitation (DFF)

Email: Adri.LaMeyer@westerncape.gov.za

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93 York Street, George, 6529  
tel: +27 44 805 8600 fax: +27 44 805 8650

Private Bag X6509, George, 6530

[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

## Sheila Bolingo

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**From:** Sheila Bolingo <sheila@envirolution.co.za>  
**Sent:** Thursday, July 27, 2017 6:40 PM  
**To:** 'Hercheline Liddle'  
**Cc:** 'Adri La Meyer'; 'Shireen Pullen'  
**Subject:** RE: Draft EIA report for the Narina (Blanco) to Droerivier 400KV Transmission line and Substation upgrade

Good day Hercheline,

Your comment is noted.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

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No 52 Cnr Vorster Avenue & Glen Avenue  
Glenanda



---

**From:** Hercheline Liddle [<mailto:Hercheline.Liddle@westerncape.gov.za>]  
**Sent:** Tuesday, June 13, 2017 3:09 PM  
**To:** [sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)  
**Cc:** Adri La Meyer; Shireen Pullen  
**Subject:** Draft EIA report for the Narina (Blanco) to Droerivier 400KV Transmission line and Substation upgrade

Dear Ms Bolingo

Attached please find acknowledgement of receipt of the Draft EIA report for the Narina (Blanco) to Droerivier 400KV Transmission line and Substation upgrade.  
Thank you

Regards

**Hercheline Liddle**

Development Management : Region 3  
Department of Environmental Affairs and Development Planning  
Western Cape Government  
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## Sheila Bolingo

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**From:** Sheila Bolingo <sheila@envirolution.co.za>  
**Sent:** Thursday, July 27, 2017 9:25 PM  
**To:** 'Ernst Baard'  
**Cc:** 'Kim Gabriel'; 'Colin Fordham'; 'Garth Mortimer'  
**Subject:** RE: ESCOM application  
**Attachments:** Response to CapeNature comments on Blanco-Droerivier powerline EIA report\_July17.pdf

Dear Ernst

Your letter dated 12 June 2017 regarding the above project has reference. Thank you for your comments on the proposed application. Please find herewith attached responses to your comments.

Below is the Dropbox link with the updated biodiversity reports:  
[https://www.dropbox.com/sh/mh0414avzr9yggo/AAAliOs\\_HfzcAyDQQIjAdLQJa?dl=0](https://www.dropbox.com/sh/mh0414avzr9yggo/AAAliOs_HfzcAyDQQIjAdLQJa?dl=0)

Should you have any queries or would like to discuss anything further, please do not hesitate to contact me.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

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**From:** Sheila Bolingo [<mailto:sheila@envirolution.co.za>]  
**Sent:** Wednesday, June 14, 2017 9:28 AM  
**To:** 'Ernst Baard'  
**Cc:** 'Kim Gabriel'; 'Colin Fordham'; 'Garth Mortimer'  
**Subject:** RE: ESCOM application

Good day Ernst,

Thank you for your comments, they have been received, a response will be emailed to you in due course.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99  
Fax: 0861 62 62 22  
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**From:** Ernst Baard [<mailto:ebaard@capenature.co.za>]  
**Sent:** Monday, June 12, 2017 11:38 AM  
**To:** [sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)  
**Cc:** Kim Gabriel; Colin Fordham; Garth Mortimer  
**Subject:** ESCOM application

Dear Ms Bongo

Please find correspondence attached for your attention. Please acknowledge receipt of the letter?

Yours sincerely

Ernst Baard

**Dr Ernst HW Baard**  
Executive Director | Biodiversity Support



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**reference** 4/2/6/1/5/0\_CKDM/Nar-Droe\_2015/094  
**date** 12 June 2017

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**Fax: 086 162 6222**

**sheila@envirolution.co.za**

Attention: Ms Sheila Bongo

APPLICATION IN TERMS OF THE NEMA EIA REGULATIONS FOR THE PROPOSED CHANGE OF LAND USE BY UPGRADE AND INSTALLATION OF A SECOND 400 kV MAIN TRANSMISSION POWERLINE AND ASSOCIATED MAIN TRANSMISSION SUBSTATIONS, FROM NARINA TO DROËRIVIER, OVER THE EDEN, CENTRAL KAROO AND CACADU DISTRICT MUNICIPAL AREAS, WESTERN AND EASTERN CAPE PROVINCES

DEA reference # 14/12/16/3/3/2/995

CapeNature, as custodian of biodiversity in the Western Cape<sup>1</sup>, would like to thank you for the opportunity to review the proposed Draft Environmental Impact Report (received on the 12<sup>th</sup> of May 2016) and wishes to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

The applicant is proposing to build an approximately 200 km 400 kV powerline from Narnia (Blanco) substation, near George, to the Droërvier Substation at Beaufort West in the Western Cape Province. This process aims to identify 2 km wide corridor for the proposed 400 kV line, following which the line will be designed (within the corridor) and a 55 m servitude established within the corridor at a later stage. Two alternative routes (excluding the No-Go alternative), were assessed. The preferred alternative is 178 km in length, but passes through the Swartberg Nature Reserve which is also a World Heritage site. The second alternative bypasses the Swartberg Nature Reserve, and is 270 km in length.

This project underwent an identical EIA process during 2016, which was almost completed in early 2017, but the applicant's timeframes lapsed and the project had to be re-submitted via a new EIA process. CapeNature internally debated the findings of the previous process with numerous specialists, manager and directors within the organisation and strongly objected to the preferred alternative during the previous process (SSD ref. #: 4/2/6/1/5/0\_CKDM/Nar-Droe\_2015/094, dated the 10<sup>th</sup> of February 2017). Following a review of this application with appendices, CapeNature would like to make the following comments/recommendations:

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<sup>1</sup> Section 9, Western Cape Nature Conservation Board Act 15 of 1998

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Colin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Bruce McKenzie, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Redlinghuis, Mr Paul Slack

1. The Western Cape Biodiversity Sector Plan (WC BSP 2017)<sup>2</sup> has only recently become available. Therefore, it is recommended that all biodiversity specialists be availed the opportunity to revise their relevant reports for this project accordingly to, inter alia, determine the desirability of the proposed routes within Protected Areas and Critical Biodiversity Areas. In addition to which these specialists must give a reasoned opinion on the likely effects of each alternative would have on meeting the WC BSP conservation targets.
2. The Swartberg Nature Reserve is a United Nations Educational, Scientific and Cultural Organization (UNESCO) listed World Heritage site. Where relevant, CapeNature therefore recommends that all impacts for the Preferred Alternative corridor be updated to reflect that construction or operational phase activities within this site will have an international extent significance weighting, especially relevant to fauna and flora impacts.
3. Alternative 2 crosses primarily transformed habitat compared to the preferred alternative crossing the pristine Swartberg World Heritage Site. The applicant is required for safety reasons to periodically cut/remove vegetation below the existing powerlines crossing the Swartberg World Heritage Site to reduce the risk of fires. This activity results in direct destruction of threatened plant species and fundamental long term impacts to the vegetation structure of the world heritage site. Many of the threatened plant species are also fire dependant and by limiting the frequency of fires through the servitude the vegetation structure would also be altered. The following comments relate to the specialist vegetation assessment report:
  - 3.1. It is recommended that the impacts for each alternative be rated separately to accurately ascertain which alternative has the lowest impact ratings.
  - 3.2. The preferred alternative passes through South Swartberg Sandstone Fynbos (where it crosses the Swartberg Mountains), up to 3 m high that is currently being cleared during the operation phase of the powerlines. The majority of the Alternative 2 route has karroid vegetation approximately 0.5 m high, which will likely not require clearing. This should be considered when comparing the impact ratings.
  - 3.3. The general region within the Swartberg Nature Reserve, near the powerline crossing over the Swartberg Mountains is also the only area where Berrisford's colophon beetle *Colophon berrisfordi* is known to occur. This species is not listed in the species list of the vegetation assessment. The presence of such species within the preferred alternative 2 km wide corridor should be noted and will likely increase the vegetation sensitivity of the corridor accordingly.
4. The aim of this project is for the applicant to obtain greater electrical grid stability. As has been previously mentioned in the field trips and at meetings, the current servitude is often subject to snowfall, fires and lightning strikes, in particular where it passes over the Swartberg Mountains through the nature reserve. This is a direct threat to grid stability and power outages. Therefore, the question is whether Alternative 2 would not provide greater grid stability to the applicant?
5. A proposal was made during the field trip in 2016, that Alternative 2 could be more viable financially, should users from the Eastern Cape also require grid strengthening. It does not appear that this recommendation was investigated further? The establishment of a new corridor could lead to other advantages for the other regions of the country possibly outside of the Western Cape.

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<sup>2</sup> Pence, G.Q.K. 2017. The Western Cape Biodiversity Spatial Plan: Map, Handbook and Technical Report. Western Cape Nature Conservation Board (CapeNature), Cape Town



To conclude, this application was an assessment to determine the route of a 2 km wide corridor, within which a 55 m powerline servitude would to be designed and built. CapeNature liaised internally with numerous specialists, managers and staff. Based on the information provided, CapeNature does not object to Alternative 2 and continues to strongly object to the preferred alternative for this project.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Baard', with a stylized flourish above the first letter.

**Dr Ernst HW Baard**

Executive Director: Biodiversity Support



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**Date:** 25 July 2017

**Reference:** 14/12/16/3/3/2/995

PGWC Shared Services Center  
cnr Bosduif & Voistruis Streets  
Bridgetown  
7764

**Attention:** Ernst Baard

**Your Reference:** 4/2/6/1/5/0\_ C KDM/Nar-Droe 2015/094

**RE: THE PROPOSED CONSTRUCTION OF THE BLANCO-DROËRIVIER 400KV POWER LINE AND SUBSTATIONS UPGRADE.**

Dear Ernst

Your letter dated 12 June 2017 regarding the above project has reference. Thank you for your comments on the proposed project. Please find herewith the responses to your comments **in bold** below:

Following a review of this application with appendices, Cape Nature would like to make the following comments/recommendations:

1. The Western Cape Biodiversity Sector Plan (WCBS 2017)<sup>2</sup> has only recently become available. Therefore, it is recommended that all biodiversity specialists be afforded the opportunity to revise their relevant reports for this project accordingly to, inter alia, determine the desirability of the proposed routes within Protected Areas and Critical Biodiversity Areas. In addition to which these specialists must give a reasoned opinion on the likely effects of each alternative would have on meeting the WCBS conservation targets.

**As per CapeNature recommendation, all biodiversity reports (Fauna, Flora & Avifauna) have been revised to take the latest Western Cape Biodiversity Sector Plan (WCBS 2017) into considerations. The different report have addressed meeting the WCBS conservation targets from a different approach, for instance according to the revised Vegetation report, although the vegetation type in the study area are classified as Least Threatened, it is poorly protected and certain habitats or communities may be subsequently affected by the loss of unprotected vegetation types on a cumulative basis from the broad area which may impact the province ability to meet its conservation targets and the line alternative with a lesser significant impact (in this case Alternative 2 according to the Vegetation report) may assist in meeting the WCBS conservation targets to some extent. A dropbox link with all the updated biodiversity report is included in this email correspondence.**

2. The Swart berg Nature Reserve is a United Nations Educational, Scientific and Cultural Organization (UNESCO) listed World Heritage site. Where relevant, CapeNature therefore recommends that all impacts for the Preferred Alternative corridor be updated to reflect that construction or operational phase activities within this site will have an international extent significance weighting, especially relevant

**The updated biodiversity report have included and revised all of the CBA and sensitivity maps for both EIAs based on the new version of the WCBSP 2017 include an international extent for the Blanco-Droerivier project. This resulted in slight changes to the overall impacts. The CBA maps were very similar to previous versions and did not result in any changes to overall impacts or preferred route options. But some recommendations and preferred route options remained the same (from an avifaunal and faunal perspective) and changed (from vegetation view), these are summarised as follows:**

- **Avifauna:** “It is the specialist’s opinion that the Blanco-Droerivier Alternative 1 would have less of an impact on avifauna than Alternative 2, providing the recommended mitigation measures are implemented. Although the preferred route bisects the Swartberg Mountains and Outeniqua Mountains IBAs, it is the significantly shorter of the two options, and there is existing powerline infrastructures which mitigates many of the impacts associated with birds and powerlines. The existing service roads (and shorter route option) will result in less bird habitat being destroyed or fragmented during the construction phase of the project. Furthermore, Alternative 2 separates three IBAs. There is likely to be regular migration of bird SCC (particularly raptors) between these mountainous areas. Birds are less likely to be cautious of large infrastructures in this area, which could lead to higher mortalities of SCC and powerline priority species due to collisions/electrocutions with powerline infrastructures”.
- **Fauna:** “From a faunal perspective it is recommended that the Blanco-Droerivier Alternative 1 is the preferred route option for the proposed power line. It is noted that Alternative 1 does traverse a UNESCO World Heritage Site (Swartberg Mountains) as well as a reptile hotspot. However, it is (i) the significantly shorter route option, ii) there is existing powerline infrastructure including service roads and therefore the construction footprint will be smaller, and iii) it avoids the Vetkuil Amphibian Hotspot which provides a highly isolated habitat for numerous amphibian species including species of conservation concern”.
- **Vegetation:** “Alternative 1 goes also through an UNESCO-listed World Heritage Site. The implication of this is that the Swartberg Nature Reserve might lose its World Heritage Status if another power line and its associated infrastructure is being constructed through this nature reserve. Furthermore the regular cutting of the fynbos to maintain a low fuel-load under the power line is another impact which could jeopardise the international status of this reserve”.

3. Alternative 2 crosses primarily transformed habitat compared to the preferred alternative crossing the pristine Swart berg World Heritage Site. The applicant is required for safety reasons to periodically cut/remove vegetation below the existing powerlines crossing the Swart berg World Heritage Site to reduce the risk of fires. This activity results in direct destruction of threatened plant species and fundamental long term impacts to the vegetation structure of the world heritage site. Many of the threatened plant species are also fire dependant and by limiting the frequency of fires through the servitude the vegetation structure would also be altered. The following comments relate to the specialist vegetation assessment report:

- 3.1 It is recommended that the impacts for each alternative be rated separately to accurately ascertain which alternative has the lowest impact ratings.

**The impacts for each alternative has been rated separately (please refer to the revised reports)**

3.2 The preferred alternative passes through South Swart berg Sandstone Fynbos (where it crosses the Swart berg Mountains), up to 3 m high that is currently being cleared during the operation phase of the powerlines. The majority of the Alternative 2 route has karroid vegetation approximately 0.5 m high, which will likely not require clearing. This should be considered when comparing the impact ratings.

**The vegetation report has considered this and has revised the report and has concluded that “Alternative 2 is regarded as the better route for the proposed power line because of the following: the proposed route through the Swartberg Nature Reserve might jeopardise its status as World Heritage Site. Furthermore Alternative 2 goes through large sections of transformed vegetation. Less Red Data shrubs species such as *Protea*, *Leucodendron*, *Erica*, *Brunia* occur along alternative 2”**

3.3 The general region within the Swartberg Nature Reserve, near the powerline crossing over the Swart berg Mountains is also the only area where Berrisford's colophon beetle *Colophon berrisfordi* is known to occur. This species is not listed in the species list of the vegetation assessment. The presence of such species within the preferred alternative 2 km wide corridor should be noted and will likely increase the vegetation sensitivity of the corridor accordingly.

**According to the revised vegetation report, Alternative 1 route cuts across a national protected area in the Swartberg Mountain range namely the Groot Swartberg Nature Reserve, which is a UNESCO - listed World Heritage Site. The area is also the habitat of the critically endangered *Colophon berrisfordi* beetle and as such the presence of this species makes this alternative less desirable.**

4. The aim of this project is for the applicant to obtain greater electrical grid stability. As has been previously mentioned in the field trips and at meetings, the current servitude is often subject to snowfall, fires and lightning strikes, in particular where it passes over the Swartberg Mountains through the nature reserve. This is a direct threat to grid stability and power outages. Therefore, the question is whether Alternative 2 would not provide greater grid stability to the applicant?

**According to Eskom, Alternative 2 would not necessarily provide greater grid stability, and as per previous correspondences with this Department, Alternative 1 still more technically viable and Eskom has design mitigations for all these adverse factors. Eskom is of the opinion that they can design for snow, high wind fires etc. with all these mitigations.**

5. A proposal was made during the field trip in 2016, that Alternative 2 could be more viable financially, should users from the Eastern Cape also require grid strengthening. It does not appear that this recommendation was investigated further? The establishment of a new corridor could lead to other advantages for the other regions of the country possibly outside of the Western Cape.

**It must note that there is no forecasted need for a new substation in Eastern Cape, hence a substation that side will not be financially viable from Eskom's perspective.**

6. To conclude, this application was an assessment to determine the route of a 2 km wide corridor, within which a 55 m powerline servitude would to be designed and built. CapeNature liaised internally with numerous specialists, managers and staff. Based on the information provided, Cape Nature does not

object to Alternative 2 and continues to strongly object to the preferred alternative for this project. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

**CapeNature objection of Alternative 1 has been noted and taken into consideration by all biodiversity specialist and Eskom technical team alike. It must be noted that the EIA study has been undertaken from an integrated approach whereby it considers the implication of the line on the biodiversity, water resources, social, visual and heritage perspective. And in this case, nine out of the 10 specialist studies that have been undertaken have recommended Alternative 1; this recommendation is also supported from a technical point of view. It is noted that Alternative 1 does traverse a UNESCO World Heritage Site (Swartberg Mountains), however, it is (i) the significantly shorter route option, ii) there is existing powerline infrastructure including service roads and therefore the construction footprint will be smaller. Ideally, the types of impacts that should be avoided would be those that cannot be mitigated with good result. Usually this would be the visual impacts and the heritage. Sensitive ecological features such as vegetation and fauna habitats could often be avoided during the detail design phase of the project, by careful placing of tower footprints. Proper implementation of mitigation measures can minimise some of the negative impacts of Alternative 1 as recommended by the specialists (ie a preconstruction walk-through of the development footprint/project site in order to assess the pylon footprint areas for Red Data species as well as sensitive ecosystems such as streams, wetlands, etc.. In addition, a search and rescue operation should be done to remove plant species which can be successfully transplanted). It is also noted Eskom may continuously require inputs from this Department in order to best manage some fire risks that might be associated with this project.**

Should you have any queries or would like to discuss anything further, please do not hesitate to contact me.

Kind regards,

Sheila Bolingo  
(Environmental Consultant)  
sheila@envirolution.co.za



# agriculture, forestry & fisheries

Department:  
Agriculture, forestry & fisheries  
REPUBLIC OF SOUTH AFRICA

## FORESTRY WESTERN CAPE

Area Office, Forestry Regulation and Support, Private Bag X 12, Knysna 6570

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Tel: (044) 302 6900 Fax: (044) 382 5461 E-mail: [MelanieKo@daff.gov.za](mailto:MelanieKo@daff.gov.za)

Enquiries: M Koen Ref: F13/11/2 Date: 12 June 2017

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### **ENVIROOLUTION CONSULTING: Environmental Engineering & Management Consulting**

#### **Attention: Sheila Bolingo**

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Tel/ Fax: 0861 44 44 99/ 0861 62 62 22

**Dear Sir/ Madam**

### **COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT FOR THE NARINA (BLANCO) TO DROERIVIER 400KV TRANSMISSION LINE & SUBSTATION UPGRADE WITH DEA REFERENCE: 14/12/16/3/3/2/995**

1. The Department of Agriculture, Forestry and Fisheries (DAFF) is responsible for the implementation and the enforcement of the National Forest Act (NFA), Act 84 of 1998 as amended and the National Veld and Forest Fire Act, Act 101 of 1998 as amended (NVFFA). DAFF would like to thank you for the opportunity to comment on the draft EIA report
2. **Section 7** of the NFA, Act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license. 26 National Forest Types have been declared as natural forest in terms of Section 7(3) (a) of the NFA, Government Notice No. 762, 18 July 2008. "Forest" is defined in the NFA to include i.e. "a natural forest... and the ecosystems which it makes up", thereby including all components of the forest, not only the trees. Section 3(3) (a) contains the principle of sustainable forest management in the NFA that natural forest must not be destroyed save in exceptional circumstances, regarding change of land use...etc. **Section 15** of the NFA (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence.
3. DAFF would prefer the alternative that has no impact on indigenous forest/ protected trees, at this stage it seems to be Alternative 2. But DAFF would make a final decision once a detailed impact assessment has been conducted and provided to the Department.
4. DAFF reserves the right to revise initial comment based on any additional information that may be received

Yours Faithfully: Melanie Koen

pp AREA MANAGER FORESTRY WESTERN CAPE: KNYSNA



## Sheila Bolingo

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**From:** Sheila Bolingo <sheila@envirolution.co.za>  
**Sent:** Thursday, July 27, 2017 5:28 PM  
**To:** melaniekoen12@gmail.com  
**Cc:** MelanieKo (MelanieKo@daff.gov.za)  
**Subject:** RE: DAFF comments on Draft Environmental Impact Assessment Eskom Powerline Droerivier to Blanco  
**Attachments:** Notes of meeting held with DAFF (Melanie Koen).pdf; Signed attendance register.pdf

Dear Melanie

Your letter dated 12 June 2017 regarding the above project has reference. Thank you for the comments on this proposed project, your comments refers:

DAFF would prefer the alternative that has no impact on indigenous forest/ protected trees, at this stage it seems to be Alternative 2. But DAFF would make a final decision once a detailed impact assessment has been conducted and provided to the Department.

Please note that both alternative routes could potentially have an impact on the indigenous forest/ protected trees as they are both joined at the Outeniqua Mountains. But as discussed in the site visit held on the 20<sup>th</sup> June 2017, there is only one alternative (corridor) to cross the Outeniqua Mountain Range. The forest occurs in pockets along the Outeniqua Mountain's southern slopes. Forest vegetation will be destroyed at the footprints of the power line pylons as it is one of ESKOM's maintenance policies to clear the trees and shrubs under the power lines to lower the fuel load of the vegetation. By doing so they want to prevent fires to occur under or near power lines. This activity can potentially destroy trees such as *Ocotea bullata*, *Afrocarpus falcatus*, *Podocarpus latifolius*, *Curtisia dentata*, *Pittosporum viridiflorum* and some fynbos shrubs such as Protea, Leucodendron, Erica, Brunia and others. It will be difficult to choose an ideal route through the existing infrastructure (centre pivots, hothouses, crop fields, dams, farmsteads and timber forests) as well as natural forests. Figure below indicates suggested line routes (Options A, B, C, & D) which aim to avoid as much natural forest as possible.

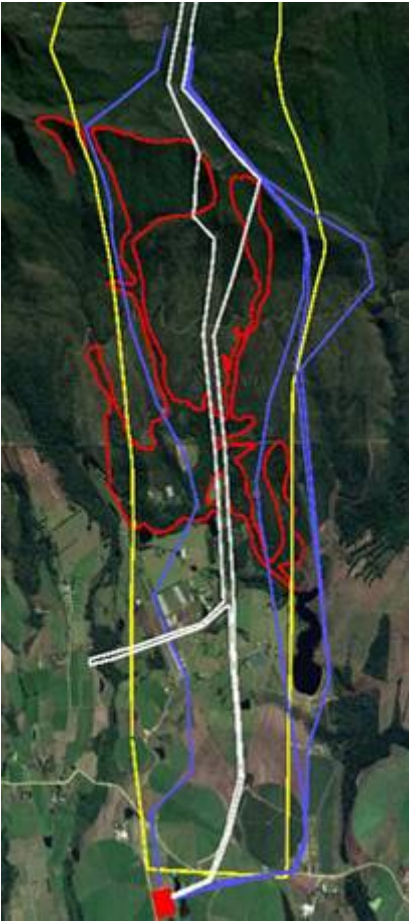


Figure: A Google image of the southern slopes of the Outeniqua Mountains. Note the pockets of Southern Afrotemperate Forests (red areas) and the cleared vegetation where existing power lines are (white lines). The yellow lines indicate the corridor within which the proposed power line must fit. The red square is the Narina substation and the blue lines are possible route options (A, B, C & D).

So in conclusion the revised Vegetation report (<https://www.dropbox.com/s/dlvvkxnowxcgixw/Blanco-Droerivier%20Vegetation%20Report.pdf?dl=0>) recommends that the **southern slopes of the Outeniqua Mountains** to be treated as **No-Go areas**, Figure 8 of section 6.4.1 in this report indicates suggested line routes options which aim to avoid as much of the natural forest as possible for consideration during the finalising of the design. There should be a **preconstruction walk-through** of the development footprint/project site in order to assess the pylon footprint areas for protected and Red Data species as well as sensitive ecosystems. Where these cannot be totally avoided, a permit to be obtained for removal of protected trees (DAFF) and provincially protected flora that are affected.

Should you have any queries or would like to discuss anything further, please do not hesitate to contact me.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99  
Fax: 0861 62 62 22  
[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)  
[www.envirolution.co.za](http://www.envirolution.co.za)

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No 52 Cnr Vorster Avenue & Glen Avenue  
Glenanda



---

**From:** Gesan Govender [<mailto:gesan@enviolution.co.za>]

**Sent:** Monday, June 12, 2017 2:53 PM

**To:** 'Sheila Bolingo'

**Subject:** FW: DAFF comments on Draft Environmental Impact Assessment Eskom Powerline Droerivier to Blanco

**From:** Melanie Koen [<mailto:melaniekoen12@gmail.com>]

**Sent:** 12 June 2017 02:49 PM

**To:** [info@enviolution.co.za](mailto:info@enviolution.co.za); [mulalosu@daff.gov.za](mailto:mulalosu@daff.gov.za)

**Subject:** DAFF comments on Draft Environmental Impact Assessment Eskom Powerline Droerivier to Blanco

Dear Madam

Attached please find DAFF's comments with regards to above developmental proposal

Our Office is currently experiencing technical difficulty with our computers and will forward a stamped letter as soon as we can

Kind regards

Melanie Koen

044 302 6907

082 803 2361

## **FEEDBACK ON MEETING WITH MELANIE KOEN (DAFF OFFICIAL)**

Venue: Wimpy, 3 York Street, George

Date: 20 July 2017

Attendees:

1. Me Melanie Koen (DAFF official)
2. Prof Johann du Preez (Plant ecologist – EnviroNiche Consulting)

### **Meeting:**

Johann du Preez gave DAFF official an overview of the project discussing the need as well as the reasons for the various route alternatives. He also explained the various vegetation types one can encounter along the various route alternatives.

Pockets of natural Afro-temperate forest are limited to the south-facing slopes of the Outeniqua Mountains. We had a discussion on the possible route options within the ESKOM corridor of 2000m. The aim was to find a route with the least impact on the natural forest.

### **Site visit**

We went on a site visit to:

1. The Narina distribution centre and surrounding area;
2. The slopes of the Outeniqua Mountain to have a look at the forest and to discuss the proposed route options;
3. Klein Brak River area as well as Bottelierskop Nature Reserve to have a look at shrub vegetation along the slopes of deep valleys.



Prof P.J. du Preez (0823764404)



**ATTENDANCE REGISTER**



**AUTHORITY (DAFF) MEETING**

**Project Name:** GOURIKWA TO BLANCO TO DROËRIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE

**Date:** 20 July 2017

**Venue:** George

**Time:** 9:00 am

NAME	ORGANISATION	EMAIL/TELEPHONE NUMBER	SIGNATURE
Melanie Koen	Department Agriculture Forestry & Fisheries	MelanieKo@daff.gov.za	
Johann du Preez	Enviro Niche Consulting	greenisa@gmail.com	

# BREEDE-GOURITZ

Catchment Management Agency  
Opvanggebied Bestuursagentskap  
I-Arhente yoLawulo lomMandla nokungqongileyo  
101 York Street George 6530, P.O. Box 1205 George 6530

Enquiries: P. Ntanzi  
Your Ref:

Tel: 023-3468000  
Our  
Ref:4/10/2/K30C/Blanco to  
Droeriver, Gourikwa to  
Blanco

Fax: 044 873 2199

E-mail:pntanzi@bgcma.co.za

Date: 13 June 2017

Envirolution Consulting  
P.O. Box 1898  
SUNNINGHILL  
2157

Attention: Sheila Bolingo

## DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED PROJECTS:

1. BLANCO TO DROERRIVER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE IN THE WESTERN CAPE AND EASTERN CAPE PROVINCES.
2. GOURIKWA TO BLANCO 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE.

With reference to the above mentioned report received by this office on the 16 May 2017.

### This office has reviewed the report and has the following comments:

1. It is noted that this EIA process is conducted following the lapsing of a previous similar application and that the contents of the EIA report has not changed significantly.
2. Be advised that previous comments provided by the BGCMA on the letter dated 07 October 2016 and 11 October 2016 still apply. However BGCMA must be informed should there be changes or addition on the development.

The BGCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.

The onus remains on the registered property owner to confirm adherence to any relevant legislation with regards to the activities which might trigger and/or need authorization for.

Please do not hesitate to contact this office if you have any further queries.

Yours Faithfully



PHAKAMANI BUTHELEZI

CHIEF EXECUTIVE OFFICER



## Sheila Bolingo

---

**From:** Sheila Bolingo <sheila@envirolution.co.za>  
**Sent:** Thursday, July 27, 2017 6:40 PM  
**To:** 'Philisiwe Ntanzi'  
**Cc:** 'Andiswa Sam'  
**Subject:** RE: DRAFT EIA BLANCO TO DROERIVER AND GOURIKWA TO BLANCO POWERLINES

Dear Philisiwe,

Your letter dated 13 June 2017 regarding the above projects has reference. Thank you for the comments on these proposed project, we note that the previous comments provided by the BGCMA on the letter dated 07 October 2016 and 11 October 2016 still apply.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99  
Fax: 0861 62 62 22  
[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)  
[www.envirolution.co.za](http://www.envirolution.co.za)

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No 52 Cnr Vorster Avenue & Glen Avenue  
Glenanda



---

**From:** Philisiwe Ntanzi [<mailto:pntanzi@bgcma.co.za>]  
**Sent:** Thursday, June 15, 2017 12:46 PM  
**To:** [sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)  
**Cc:** Andiswa Sam  
**Subject:** DRAFT EIA BLANCO TO DROERIVER AND GOURIKWA TO BLANCO POWERLINES

Good day Ms Sheila Bolingo

Please find attached comments for your attention. Please note that the original letter has been posted to you.

Regards

**Philisiwe Ntanzi** | Water Use Officer | Breede-Gouritz Catchment Management Agency  
Tel: 023 346 8030 | Cell: 083 995 9246 | Fax: 044 873 2199 | [pntanzi@bgcma.co.za](mailto:pntanzi@bgcma.co.za)  
Unit 302, 101 York Street, P.O. Box 1205, George, 6530





**Our Ref:** HM/EDEN AND CENTRAL KAROO/BLANCO TO DROERIVER SUBSTATION  
**Case No.:** 15033001AS0331M  
**Enquiries:** Andrew September  
**E-mail:** [andrew.september@westerncape.gov.za](mailto:andrew.september@westerncape.gov.za)  
**Tel** 021 483 9543  
**Date:** 18 November 2016



Lita Webley  
8 Jacobs Ladder  
St. James  
7945

**FINAL COMMENT**  
**In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003**

**HERITAGE IMPACT ASSESSMENT: PROPOSED 400KV POWERLINE FROM BLANCO TO DROERIVER SUBSTATION, EDEN AND CENTRAL KAROO DISTRICT, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)**

**CASE NUMBER:** 15033001AS0331M

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 4 October 2016. This matter was discussed at the Impact Assessment Committee (IACom) meeting held on 9 November 2016.

FINAL COMMENT

The report satisfies the requirements of S 38(3) of the NHRA. The Committee supports Alternative 1 subject to the following conditions:

- A targeted walk down of certain sections of the line as described in the archaeological report must be undertaken in order to assess the possibility of impacts;
- A report on the results of the walk down must be submitted to HWC for assessment and approval;
- Rock art sites must be protected from vandalism by ensuring that they are fenced off during the construction of the powerline;

If unmarked graves are uncovered during the construction of the tower footings, all work in that area should cease immediately, and HWC must be contacted.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

  
.....  
Mr. Mxolisi Dlamuka

**Chief Executive Officer, Heritage Western Cape**

[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

**Street Address:** Protea Assurance Building, Green Market Square, Cape Town, 8000 • **Postal Address:** Private Bag X9067, Cape Town, 8001  
• **Tel:** +27 (0)21 483 5959 • **E-mail:** [ceoheritage@westerncape.gov.za](mailto:ceoheritage@westerncape.gov.za)

**Straatadres:** Protea Assuransie gebou, Groentemarkplein, Kaapstad, 8000 • **Posadres:** Privaatsak X9067, Kaapstad, 8001

## Sheila Bolingo

---

**From:** Sheila Bolingo <sheila@enviolution.co.za>  
**Sent:** Wednesday, June 14, 2017 1:25 PM  
**To:** 'Nicole Abrahams (WR)'  
**Cc:** 'René de Kock (WR)'  
**Subject:** RE: PROPOSED NARINA (BLANCO) TO DROERIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE

Thank you Nicole for your comments these are noted and have been forwarded to Eskom.

- a. Please note that SANRAL is a registered I&AP for this project and would be informed of the progress of the project as we proceed.
- b. As standard practice, Eskom will be in contact with your Department prior to construction in order to acquire permission from yourselves as the project is proposed in close proximity to the SANRAL roads.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99  
Fax: 0861 62 62 22  
[sheila@enviolution.co.za](mailto:sheila@enviolution.co.za)  
[www.enviolution.co.za](http://www.enviolution.co.za)

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No 52 Cnr Vorster Avenue & Glen Avenue  
Glenanda



---

**From:** Nicole Abrahams (WR) [<mailto:AbrahamsN@nra.co.za>]  
**Sent:** Thursday, May 25, 2017 3:42 PM  
**To:** 'sheila@enviolution.co.za'  
**Cc:** René de Kock (WR)  
**Subject:** PROPOSED NARINA (BLANCO) TO DROERIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE

Dear Sheila Bolingo



The above listed project bears reference.

The South African National Roads Agency SOC Limited (SANRAL) has received information regarding the above proposed projects relating to the establishment of a 400KV transmission line, possibly along the N9 or N12 respectively. The following comments should be noted:

- a. SANRAL herewith like to register as IAP for this project.
- b. If services need to be constructed parallel within 60m measured from the road reserve fence, over or under the national road, (in this case the N12 and N9) the service owner must apply for a written permission from SANRAL, before any work may be carried out. Attached please find an application form for the proposed encroachment.

I trust that you will find the above in order

Regards

	<p>Ms Nicole Abrahams <b>Environmental Coordinator</b> Tel: 021 957 4600/2  Cell : 062 215 8945  Email: <a href="mailto:Abrahamsn@nra.co.za">Abrahamsn@nra.co.za</a></p>
<p>Reg.No. 1998/009584/30</p> 	<p>SANRAL <b>Western Region</b> 1 Havenga Street, Oakdale, 7530 Private Bag X19, Bellville, 7535 <a href="http://www.sanral.co.za">www.sanral.co.za</a> SANRAL Fraud Hotline: 0800204558</p>

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If verification is required please request a hard-copy version. The South African National Roads Agency SOC Ltd, PO Box 415, Pretoria, 0001, South Africa, Tel +27-(0)12 844 8000, [www.nra.co.za](http://www.nra.co.za).

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## Sheila Bolingo

---

**From:** Sheila Bolingo <sheila@envirolution.co.za>  
**Sent:** Friday, July 14, 2017 10:20 AM  
**To:** 'Karoo News Group'  
**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE  
**Attachments:** Gourikwa-Blanco Avifaunal Specialist Report.pdf

Please find attached the Gourikwa-Blanco avifauna report.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99  
Fax: 0861 62 62 22  
[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)  
[www.envirolution.co.za](http://www.envirolution.co.za)

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No 52 Cnr Vorster Avenue & Glen Avenue  
Glenanda



---

**From:** Sheila Bolingo [mailto:sheila@envirolution.co.za]  
**Sent:** Friday, July 14, 2017 10:18 AM  
**To:** 'Karoo News Group'  
**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE

Good day

As per my previous correspondence, an avifaunal study was conducted for the projects however the reporting was combined in the Faunal Report.

This has been separated and an individual report is herewith attached. I will send the Gourikwa Blanco one in a separate email due to sizes.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99  
Fax: 0861 62 62 22  
[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)  
[www.envirolution.co.za](http://www.envirolution.co.za)

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Glenanda



---

**From:** Karoo News Group [<mailto:karoonegroup@gmail.com>]

**Sent:** Friday, June 23, 2017 5:30 PM

**To:** 'Sheila Bolingo'

**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE

Good day

Please advise why the avian study was not included in the initial PPP. It is one of the most important impacts and for this particular line as many protected species have been killed by the existing line through the Karoo having a severe effect of Blue Crane and Bustard populations amongst others

Sincerely

---

**From:** Sheila Bolingo [<mailto:sheila@enviolution.co.za>]

**Sent:** Wednesday, 14 June 2017 9:48 AM

**To:** 'Karoo News Group' <[karoonegroup@gmail.com](mailto:karoonegroup@gmail.com)>

**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE

Good day Sir,

Kindly note that a separate Avifaunal Report is being compiled, a copy of this report will be forwarded to you in due course.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99

Fax: 0861 62 62 22

[sheila@enviolution.co.za](mailto:sheila@enviolution.co.za)

[www.enviolution.co.za](http://www.enviolution.co.za)

Vista Place Suite 1a & 2

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Glenanda



---

**From:** Sheila Bolingo [<mailto:sheila@enviolution.co.za>]

**Sent:** Thursday, June 01, 2017 5:27 PM

**To:** 'Karoo News Group'

**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE

Good day

Just like in the case of the Gourikwa-Blanco project, the Blanco-Droerivier avian study form part of the fauna report (attached).

Please advise why the avian study cannot form part of the fauna report.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99  
Fax: 0861 62 62 22  
[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)  
[www.envirolution.co.za](http://www.envirolution.co.za)

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Glenanda



---

**From:** Karoo News Group [<mailto:karoonewsgroup@gmail.com>]  
**Sent:** Thursday, June 01, 2017 4:37 PM  
**To:** 'Sheila Bolingo'  
**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE

Dear Sheila

We would like to state upfront and on record that there is a requirement for a Avian Specialist Study and that it may not be included in the Faunal Study

Please supply Avian Study for BLANCO TO DROERIVIER. We commented on thios previouslt and would like to see if our concerns have been recorded

Sincerely

---

**From:** Sheila Bolingo [<mailto:sheila@envirolution.co.za>]  
**Sent:** Thursday, 01 June 2017 10:16 AM  
**To:** 'Karoo News Group' <[karoonewsgroup@gmail.com](mailto:karoonewsgroup@gmail.com)>  
**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE

Good day

My apologies for the delayed reply, please find attached a Fauna report (which encompasses the avian study).

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99  
Fax: 0861 62 62 22  
[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)  
[www.envirolution.co.za](http://www.envirolution.co.za)

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No 52 Cnr Vorster Avenue & Glen Avenue  
Glenanda



---

**From:** Karoo News Group [<mailto:karoonegroup@gmail.com>]  
**Sent:** Thursday, June 01, 2017 9:16 AM  
**To:** 'Sheila Bolingo'  
**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE

---

**From:** Karoo News Group [<mailto:karoonegroup@gmail.com>]  
**Sent:** Tuesday, 16 May 2017 8:06 AM  
**To:** 'Sheila Bolingo' <[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)>  
**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE

Please email a copy of the Avian Specialist study

---

**From:** Sheila Bolingo [<mailto:sheila@envirolution.co.za>]  
**Sent:** Friday, 12 May 2017 5:09 PM  
**To:** Sheila Bolingo <[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)>  
**Subject:** DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE  
**Importance:** High

Dear Interested and/or Affected Party,

Envirolution Consulting (Pty) Ltd was appointed by **Eskom Holdings SOC Limited** to conduct the Environmental Impact Assessment (EIA) Process for the PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE (**DEA Reference: 14/12/16/3/3/2/994**)

The EIA process for the project commenced in early 2015, this **application** has however **lapsed** in accordance with Regulation 23 (1) of the EIA Regulations, 2014 and a new EIA process is currently being initiated. A **draft EIA Report** has been prepared by Envirolution Consulting and is available for public review. The review period is from **12 May 2017 – 12 June 2017**. You are invited to review the report at one of the following locations:

- The Envirolution website at <https://www.envirolution.co.za/index.php/public-participation>
- Dropbox link: <https://www.dropbox.com/sh/0efjizq3kps9j8z/AACjFD8Cvyz9boG9ERZ9x-YCa?dl=0>
- George Public Library and Mossel Bay Public Library

Please submit written comment on or before **12 June 2017**. Please advise if your comments have remained the same or if you have additional or new comments. All comments received will be submitted in the final EIA Report which will be submitted to the DEA for decision. Comments can be made as written submission via fax, post or e-mail.

**Should you require a CD copy, please email us and this can be couriered to you on request.**

We look forward to your participation and involvement throughout this process

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99

Fax: 0861 62 62 22

[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)

[www.envirolution.co.za](http://www.envirolution.co.za)

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No 52 Cnr Vorster Avenue & Glen Avenue  
Glenanda



## Sheila Bolingo

---

**From:** Sheila Bolingo <sheila@envirolution.co.za>  
**Sent:** Thursday, July 27, 2017 11:33 AM  
**To:** 'Andre Swart'  
**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE  
**Attachments:** Response to Mr Andre Swart of Stadler & Swart Attorneys.pdf  
**Importance:** High

Dear Mr Swart

Your letter dated 12 June 2017 regarding the above project has reference. Thank you for your comments on these proposed applications. Please find herewith attached responses to your comments.

Should you have any queries or would like to discuss anything further, please do not hesitate to contact me.

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

Tel: 0861 44 44 99  
Fax: 0861 62 62 22  
[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)  
[www.envirolution.co.za](http://www.envirolution.co.za)

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No 52 Cnr Vorster Avenue & Glen Avenue  
Glenanda



---

**From:** Andre Swart [<mailto:Andre@stadlers.co.za>]  
**Sent:** Monday, June 12, 2017 1:18 PM  
**To:** 'Sheila Bolingo'; 'info@envirolution.co.za'  
**Subject:** RE: DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE  
**Importance:** High

Dear Sheila,

Please see attached correspondence for your attention.

Kind regards,  
(sent on behalf of)

**ANDRE SWART**  
**Attorney, Notary and Conveyancer**

1 Doneraile Street, George  
PO Box 46, George, 6530  
Tel: 044 874 4090  
Fax: 044 874 0026  
Cell: 082 452 3353



**From:** Sheila Bolingo [<mailto:sheila@envirolution.co.za>]

**Sent:** 12 May 2017 05:09 PM

**To:** Sheila Bolingo <[sheila@envirolution.co.za](mailto:sheila@envirolution.co.za)>

**Subject:** DRAFT EIA REPORT AVAILABLE FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE IN THE WESTERN CAPE PROVINCE

**Importance:** High

Dear Interested and/or Affected Party,

Envirolution Consulting (Pty) Ltd was appointed by **Eskom Holdings SOC Limited** to conduct the Environmental Impact Assessment (EIA) Process for the PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE, AND SUBSTATION UPGRADE (**DEA Reference: 14/12/16/3/3/2/994**)

The EIA process for the project commenced in early 2015, this **application** has however **lapsed** in accordance with Regulation 23 (1) of the EIA Regulations, 2014 and a new EIA process is currently being initiated. A **draft EIA Report** has been prepared by Envirolution Consulting and is available for public review. The review period is from **12 May 2017 – 12 June 2017**. You are invited to review the report at one of the following locations:

- The Envirolution website at <https://www.envirolution.co.za/index.php/public-participation>
- Dropbox link: <https://www.dropbox.com/sh/0efjizq3kps9j8z/AACjFD8Cvyz9boG9ERZ9x-YCa?dl=0>
- George Public Library and Mossel Bay Public Library

Please submit written comment on or before **12 June 2017**. Please advise if your comments have remained the same or if you have additional or new comments. All comments received will be submitted in the final EIA Report which will be submitted to the DEA for decision. Comments can be made as written submission via fax, post or e-mail.

**Should you require a CD copy, please email us and this can be couriered to you on request.**

We look forward to your participation and involvement throughout this process

Best Regards,

**Sheila Bolingo**  
**Environmental Consultant**

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*Our ref.: AHS/CVDL/G197-19628*  
*Your ref.:*  
*Date: 12 June 2017*  
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*Page: 1 of 20*

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Dear Sir / Madam,

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**COMMENTS AND REPRESENTATIONS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE**

**COMMENTS AND REPRESENTATIONS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE PROPOSED BLANCO (NARINA) TO DROERIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE**

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- [1] We act on behalf of Geelhoutboom Estate (Pty) Ltd (Registration Number 2004/009498/07) (the Client).
- [2] Eskom Holdings SOC Ltd (Eskom) proposes the establishment of a Gourikwa to Blanco 400Kv transmission line and substation upgrade, as well as a Blanco (Narina) to Droërivier 400Kv transmission line and substation upgrade.
- [3] Envirolution Consulting (Pty) Ltd (the EAP) has been appointed by Eskom to undertake an environmental application process for the proposed projects.
- [4] As a registered Interested and Affected Party, our Client was furnished with copies of the Draft Scoping Reports prepared by the EAP, which reports were dated January 2017.

- [5] Our Client's comments on the Draft Scoping Reports as envisaged in terms of Regulation 43(1) of the Environmental Impact Assessment Regulations published in Government Notice No R982 of 4 December 2014 (the EIA Regulations)<sup>1</sup> were duly submitted to the EAP and dated 10 February 2017.
- [6] Due to the fact that both Draft Scoping Reports contained the same material flaws and lack of information, our Client combined its comments on both reports in its abovementioned consolidated letter.
- [7] Our Client was informed *via* two emails on 12 May 2017 by the EAP that both abovementioned environmental application processes for the proposed projects had lapsed. The EAP has, however, failed to provide our Client with copies of the new Applications for Environmental Authorisations, nor did it provide our Client with copies of the Plans of Study for Environmental Impact Assessment. This fact severely prejudices the rights of our Client. The EAP is hereby called upon to urgently provide our Client with these documents.
- [8] From correspondence provided by the EAP it is apparent that although the previous Environmental Application Processes have lapsed, the Draft Scoping Reports were accepted by the National Department of Environmental Affairs (the Competent Authority) in letters both dated 4 May 2017. In both such letters consent was granted to Eskom to "*proceed with the Environmental Impact Assessment process in accordance with the tasks contemplated in the PoSEIA [sic] and the requirements in Appendix 3 of the EIA Regulations, 2014.*" It is with regret that our Client notes that the Draft Scoping Reports were accepted by the Competent Authority in light of the instances of material flaws and lack of information that was pointed out in our Client's comments and submissions.
- [9] Subsequently our Client, as registered Interested and Affected Party, was furnished with copies of the Draft Environmental Impact Assessment Reports (draft EIA Reports) pertaining to both projects and both dated May 2017.
- [10] This letter constitutes our Client's comments on the Draft EIA Reports as envisaged in terms of Regulation 43(1) of the EIA Regulations.
- [11] Due to the fact that both Draft EIA Reports (as was the case with the Draft Scoping Reports) contain the same material flaws and lack of information, our Client again combines its comments on both reports in this consolidated letter.
- [12] The purpose of these comments is to demonstrate that the Draft EIA Reports (as was the case with the Draft Scoping Reports) in material respects do not comply with the mandatory requirements of the National Environmental Management Act No 107 of 1998 (the NEMA) and the EIA Regulations. Portions of our Client's previous comments shall be repeated herein for purposes of emphasis and to indicate that the EAP has failed to address the issues raised by our Client during the scoping process in the Draft EIA Reports. The EAP has attempted to respond to the comments of our Client which responses (the EAP Responses) are contained in documents attached as annexures to both Draft EIA Reports under the heading "*Comments and Responses Report*". Both documents are substantially similar with regards to our Client's comments. Below we shall provide our Client's reaction to such responses of the EAP.

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<sup>1</sup> All references to Regulations will be references to the 2014 EIA Regulations.

[13] Upon a reading of the Draft EIA Reports, and as highlighted below, it is clear that the EAP failed to address the issues and instances of non-compliance as highlighted by our Client previously during the scoping process.

[14] As is evident from the above the environment application of Eskom is subject to scoping and environmental impact reporting as envisaged in Part 3 of Chapter 4 of the EIA Regulations.

[15] Our Client submits that the instances of non-compliance with the EIA Regulations are to such extent material and fatal to the environmental applications of Eskom that the Competent Authority will be constrained to refuse environmental authorisation in terms of Regulation 24(1)(b). Regulation 24(1)(b) provides as follows:

*“24(1) The competent authority must within 107 days of receipt of the environmental impact report and EMP, in writing –*

*(b) refuse environmental authorisation.”*

[16] We have advised our Client that it will, in the circumstances, not be open to Eskom to redress the flaws of the Draft EIA Reports in terms of the provisions of Regulation 23(1)(b). Such provisions relate to significant changes affected to the Draft EIA Reports and the introduction of significant new information subsequent to public participation. Any such attempt will in the instant matter constitute a collapsing of the distinct phases of the Environmental Application Process which will be unlawful.

[17] In these comments we will focus only on the material instances of non-compliance seeing as our Client is as a result of such non-compliances, not in a position to comprehensively comment on all relevant issues. Our Client reserves the right to deal with other issues of concern at an appropriate stage.

[18] Below we shall deal with:

18.1 The context of the Eskom Environmental Applications and the fragmentation thereof;

18.2 Legislative Scheme:

18.2.1 Planning Legislation;

18.2.2 NEMA;

18.2.3 EIA Regulations.

18.3 Non-compliance with the NEMA:

18.3.1 Lack of Information;

18.3.2 Alternatives;

18.3.3 Need and Desirability.

18.4 Vested Rights.

## CONTEXT OF THE ENVIRONMENTAL APPLICATIONS

- [19] Our Client again submits that the environmental applications which form the subject matters of the Draft EIA Reports, cannot be considered separate and distinct from each other and the environmental application of Eskom for the proposed Narina (Blanco) 400/132Kv MTS Substation and Droërivier Proteus Loop-In Loop-Out Powerline Project within the Blanco Area. The three relevant environmental applications form a core component of the larger Eskom grid in the Western Cape. Our Client submits that the fragmented manner in which the three environmental applications are processed constitutes a total collapse of the Environmental Application Processes, which makes it almost impossible for Interested and Affected Parties to understand and comment on the applications. Our Client submits that all three of Eskom's environmental applications should be consolidated and processed in an integrated manner.
- [20] In response to the above, the EAP makes the vague and unsubstantiated comment that the environmental applications which form the subject matters of the Environmental Reports are three different projects with different timelines and "*different internal demands on the part of Eskom.*" No further information is provided. These vague comments do not place Interested and Affected Parties in any position to consider and comment on the various environmental applications as an integrated whole. Furthermore, it does not comply with the National Environmental Management Principles contained in the NEMA. In particular this approach of Eskom and the EAP does not comply with the principle of integrated environmental management which is one of the underlying principles of the NEMA. Section 2(4)(b) of the NEMA provides as follows:
- "24(4)(b) *Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.*"
- [21] In various parts of the Draft EIA Reports, the EAP represents that the environmental authorisation for the proposed Narina (Blanco) 400/132Kv MTS Substation and Droërivier Proteus Loop-In Loop-Out Powerline Project within the Blanco Area has been granted by the Competent Authority on 1 September 2016, but that the substation has not yet been constructed. Differently put, the Draft EIA Reports suggest to Interested and Affected Parties that the approval of the Narina (Blanco) MTS Substation is a fact. This position is legally incorrect and misleading. On 21 October 2016, our Client submitted a comprehensive appeal against the Narina approval, which has the effect that such approval is suspended and may be set aside on appeal by the MEC. In view of the grounds of appeal against the Narina approval, any purported approval by the MEC on appeal will be challenged by our Client in judicial review proceedings. In response to the aforementioned submissions, the EAP states that the environmental authorisation for the proposed Narina substation has been granted. For purposes of emphasis, our Client submits that this position is legally incorrect and misleading and that our Client submitted a comprehensive appeal against the Narina substation approval.
- [22] The setting aside of the Narina approval or even the variation thereof, may have a material impact on the current environmental applications. Hence the reason why our Client submits that the three environmental applications should at least be processed simultaneously and an integrated decision making process be followed.
- [23] Eskom's environmental applications are complex and difficult to understand from a technical perspective. The EAP has totally neglected and refused to give any details to Interested and Affected

Parties regarding the strategic planning context of the applications and to do so in terms which will be understandable to the average reader. The EAP provided the following response to the aforementioned comments:

*“The development of the transmission backbone and the associated regional power corridors were reviewed as part of the Strategic Grid Study which considered the potential development scenarios beyond the 10-year horizon of the Transmission Development Plan (TDP) until 2030. The objective of this strategic study was to align the transmission network with the requirements of the generation future options and those of the growing and future load centres. This Strategic Grid Study has enabled the 10-year TDP to be aligned with the future long-term development of the whole Eskom system.*

*A Customer Load Network (CLN) is a network within a specific geographical area, which in turn is a subdivision of a Grid. The West Grid consists of four Customer Load Networks, namely Peninsula, Southern Cape, West Coast and Namaqualand. The proposed 400kV Transmission power line from the Blanco Substation to the Droërivier Substation forms part of Eskom’s West Grid and the Southern Cape CLN.”*

[24] The above quoted response received from the EAP only serves to provide further evidence that the environmental applications are complex and difficult to understand. Again, the EAP has neglected and refused to provide details regarding the strategic planning context of the Applications in a manner which will be understandable to the average reader.

[25] As will be explained in the paragraphs that follow, the EIA Regulations prescribe that the contents of an Environmental Impact Assessment Report must include a description of the policy and legislative context. Item 3(e) of Appendix 3 to the EIA Regulations provides as follows:

*“3. An environmental impact assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include -*

*(e) a description of the policy and legislative context within which the development is located and an explanation of how the proposed development complies with and responds to the legislation and policy context”*

[26] We will deal in more detail with the legislative scheme in the paragraphs that follow.

## **LEGISLATIVE SCHEME**

### *Planning Legislation*

[27] In terms of Item 3(e) of Appendix 3, it is a mandatory requirement that the Draft EIA Reports must contain a description of the policy and legislative context(s) as well as an explanation of how the projects comply with and respond to the legislation and policy context. Our Client submits that a mere identification of applicable legislation is not sufficient, but the actual policy and legislative context must be properly described. The Draft EIA Reports do not at all comply with this requirement. The EAP responded to the afore-mentioned comments by stating that Chapter 3 of the draft Scoping Report provided a clear description of the policy and legislative context applicable to the projects. For the reasons stated herein, as well as our Client’s previous comments, this statement by the EAP is denied

and it is submitted that the mandatory requirements contained in the EIA Regulations have not been complied with.

[28] Our Client submits that the Draft EIA Reports must also deal with the legislation providing for spatial planning and land use. The Scoping Reports failed to do so as does the Draft EIA Reports.

[29] Eskom's applications in this matter are essentially applications for the erection of buildings and structures on land and constitute '*land development*' as defined in the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA). The term '*land development*' is defined in SPLUMA as follows:

*““land development” means the erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme”*

[30] Section 33(1) provides as follows:

*“33(1) Except as provided in this Act, all land development applications must be submitted to a municipality as the authority of first instance.”*

[31] From the Draft Scoping Reports it appeared that the environmental applications were not submitted to the different local and district municipalities with jurisdiction as contemplated in SPLUMA. In response hereto the EAP provided the vague response that *“all affected local and district municipalities with jurisdiction have been involved in these applications.”* Our Client submits that the mere involvement of a municipality in a public participation process, does not constitute the submission of a land development application to such municipality as contemplated in Section 33(1) of SPLUMA.

[32] The reason why it is of specific importance that the description of the legislative context in the Draft EIA Reports should in some detail deal with the applicable planning legislation, is because Eskom will require planning approvals from the municipalities, in terms of the applicable Municipal Planning By-Laws read with the applicable Zoning Scheme Regulations. Our Client submits that at least the land comprising the infrastructure including the footprints of the substations and pylons, will have to be rezoned to an appropriate zoning which provides for electricity infrastructure. In response to the aforementioned submissions, the EAP states that the projects will not require rezoning, due processes will be followed if and when an environmental authorisation is issued and that other applicable requirements will be attended to at a later stage after the Environmental Impact Assessment Phase. This statement is vague and unsubstantiated and does not enable Interested and Affected Parties to make informed decisions and submit proper comments. Our Client's rights in this regard are therefore severely prejudiced. Furthermore, the statement that the projects do not require rezoning is legally untenable and the EAP fails to provide any substantiation for this inaccurate and misleading statement.

[33] Section 26(1) of SPLUMA provides as follows:

*“26(1) An adopted and approved land use scheme—*

- (a) has the force of law, and all land owners and users of land, including a municipality, a state owned enterprise and organs of state within the municipal area are bound by the provisions of such a land use scheme.”*



- [34] Almost all properties impacted upon by the Eskom applications are zoned for agricultural purposes and our Client submits that the applicable zoning schemes do not allow infrastructure, such as the kind that Eskom proposes to erect, without the required planning approvals. It is *inter alia* for this reason that applications of this kind must be submitted with the different municipalities with jurisdiction.
- [35] In terms of Section 55(1) of the SPLUMA, only the Provincial Government or a municipality may apply to the Minister of Rural Development and Land Reform for exemption from the provisions of SPLUMA if it is in the public interest to do so. All Provincial Governments and municipalities with jurisdiction will have to apply for such exemptions. Eskom does not have any power to make such applications.
- [36] In addition to the planning approvals required for the Eskom infrastructure, Eskom will also require an approval from the Head of the Department of Environmental Affairs and Development Planning, as envisaged in terms of Section 53(1) of the Land Use Planning Act 3 of 2014 (LUPA) or an exemption from the Provincial Minister. Section 53(5) provides as follows:
- “53(5) An approval by the Head of Department of a land development application does not release an applicant from the obligation to obtain the required approval from the municipality for the land development.”*
- [37] Eskom and the EAP have furthermore neglected to properly refer the environmental applications to the Minister of Rural Development and Land Reform as required in terms of Section 52 of SPLUMA. In this regard the EAP states that such Minister is a registered Interested and Affected Party in the current processes. It is our Client’s submission that the mere participation as an Interested and Affected Party by the Minister, does not constitute a referral as contemplated in Section 52(1) of the SPLUMA referred to below.
- [38] Section 52(1) of SPLUMA provides as follows:
- “52(1) Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), a land development application must be referred to the Minister where such an application materially impacts on—*
- (a) matters within the exclusive functional area of the national sphere in terms of the Constitution;*
  - (b) strategic national policy objectives, principles or priorities, including food security, international relations and cooperation, defence and economic unity; or*
  - (c) land use for a purpose which falls within the functional area of the national sphere of government.”*
- [39] It is important to note that electricity generation, transmission and distribution falls within the exclusive national competency of Government.
- [40] Our Client submits that it is incumbent upon Eskom and the EAP to explain the abovementioned legislative context, as prescribed in Item 3(e) of Appendix 3. Planning applications, i.e. rezoning, consent and departure applications can only be submitted by landowners. This is not addressed in the Draft EIA Reports. It is not sufficient for the EAP to state that *“all other legislative requirements will*

*be dealt with post EIA*". This position of the EAP is in direct conflict with the mandatory requirements of the EIA Regulations.

- [41] Furthermore, our Client submits that in all likelihood the title deeds of a large number of the involved properties and farms will contain title conditions which restricts the land use to that of Agriculture. Planning approvals cannot be granted in conflict of prevailing title conditions. Our Client therefore submits that Eskom will have to peruse all title deeds to ensure that the proposed land use is not in contravention thereof and will have. Eskom fails to explain in the Draft EIA Reports what the statutory requirements are for the removal of such restrictive title conditions.
- [42] Eskom will not be able to circumvent the aforementioned statutory requirements by means of expropriations. This fact has not been addressed in the Draft EIA Reports.
- [43] The significant impacts on the study area of the environmental applications include impacts on agriculture, tourism, heritage resources and visual impacts. Our Client submits that the Spatial Development Frameworks (SDFs) which find application in respect of the study areas of the environmental applications, designate almost all land concerned for agricultural purposes and not for the kind of electricity infrastructure that Eskom now proposes to construct on the affected farms. The proposed Eskom infrastructure and use thereof is clearly in conflict with the designation of such properties for agricultural purposes in terms of the applicable SDFs. The EAP fails to address this fact in its Response and merely makes the vague statement that *"The EIA process will ensure that these potential impacts are assessed and mitigated."*
- [44] Our Client also submits that the applicable SDF's specifically provide that valuable agricultural land should be protected, tourism promoted and that the heritage and visual landscapes be protected. The Eskom applications are in stark contrast with the aforementioned guidelines in the applicable SDFs.
- [45] As remarked above, Eskom's proposed infrastructure development constitutes *'land development'* as envisaged in terms of the SPLUMA. Section 22(1) of SPLUMA provides as follows:
- "22(1) A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework."*
- [46] Any planning application (i.e. rezoning, consent use or departure application) will have to be consistent with the applicable SDFs of the municipalities with jurisdiction. The EAP fails to address this issue in its Response. The Draft EIA Reports do not address this issue.
- [47] Section 19(2) and (3) of LUPA provides as follows:
- "19(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.*
- (3) If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant*

*designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan.”*

- [48] It is clear that the proposed utilisation of the land concerned deviates from the applicable SDFs, which will necessitate an amendment of the SDFs before the municipality with jurisdiction will be entitled to approve any planning application of Eskom.

#### NEMA

##### Section (23)(1), (2)(b) and (c)

- [49] For ease of reference and for the benefit of providing appropriate emphasis, we will repeat the applicable provisions contained in the NEMA, as well as the EIA Regulations and will make appropriate cross-references thereto in these comments.

- [50] An Environmental Impact Assessment (EIA) is an Environmental Management Tool to ensure the integrated environmental management of activities which may have a significant negative impact on the environment.

- [51] Section 23 specifically deals with the purpose and general objective of integrated environmental management and constitutes the statutory framework within which all EIA's must be undertaken.

- [52] Section 23(1), (2)(b) and (c) provides as follows:

*“23(1) The purpose of this Chapter is to promote the application of appropriate environmental management tools in order to ensure the integrated environmental management of activities.*

*(2) The general objective of integrated environmental management is to—*

- (a) promote the integration of the principles of environmental management set out in section 2 into the making of all decisions which may have a significant effect on the environment;*
- (b) identify, predict and evaluate the actual and potential impact on the environment, socioeconomic conditions and cultural heritage, the risks and consequences and alternatives and options for mitigation of activities, with a view to minimising negative impacts, maximising benefits, and promoting compliance with the principles of environmental management set out in section 2;*
- (c) ensure that the effects of activities on the environment receive adequate consideration before actions are taken in connection with them.”*

##### Section 24(4)

- [53] The mandatory minimum procedural requirements for an EIA of the kind in this matter, are contained in Section 24(4)(b)(i) which *inter alia* provides as follows:

*“24(4) Procedures for the investigation, assessment and communication of the potential consequences or impacts of activities on the environment -*

*(b) must include, with respect to every application for an environmental authorisation and where applicable -*

*(i) investigation of the potential consequences or impacts of the alternatives to the activity on the environment and assessment of the significance of those potential consequences or impacts, including the option of not implementing the activity;”*

[54] The Appellant submits that the following principles of environmental management, as set out in Section 2, is of specific application in this matter:

*“2(3) Development must be socially, environmentally and economically sustainable.*

*(4)(b) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.”*

[55] In terms of Section 1, the phrase *“best practical environmental option”* is defined as follows:

*“the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term”;*

[56] The EIA Regulations need to be interpreted and complied with within the framework of the aforementioned provisions of NEMA.

#### *EIA Regulations*

[57] The regulatory framework which applies to the environmental applications of Eskom is that prescribed in the EIA Regulations. The environmental applications of Eskom are applications which are subject to Scoping and Environmental Impact Report (S&EIR).

[58] In its previous comments on the Narina Application, our Client repeatedly complained that the EAP and Eskom failed to comply with various mandatory provisions of the Regulations as far as the contents of the Draft Environmental Reports are concerned. Eskom has failed to respond to such complaints. The EAP merely states that such project has no bearing on these projects. In this regard the Competent Authority is referred to our comments at paragraph 19 and 20 above which for purposes of brevity we shall not repeat. Suffice to emphasise that these two subject projects, together with the Narina Application cannot be considered separately.

[59] Regulation 23(3) and Item 3(e), (f) and (h) of Appendix 3 state as follows:

*“23(3) An environmental impact report must contain all information set out in Appendix 3 to these Regulations....”*

- “3. *An environmental impact assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include –*
- (e) a description of the policy and legislative context within which the development is located and an explanation of how the proposed development complies with and responds to the legislation and policy context;*
  - (f) a motivation for the need and desirability for the proposed development, including the need and desirability of the activity in the context of the preferred location;*
  - (h) a full description of the process followed to reach the proposed development footprint within the approved site, including:*
    - (i) details of the development footprint alternatives considered;*
    - (ii) details of the public participation process undertaken in terms of regulation 41 of the Regulations, including copies of the supporting documents and inputs;*
    - (iii) a summary of the issues raised by interested and affected parties, and an indication of the manner in which the issues were incorporated, or the reasons for not including them;*
    - (iv) the environmental attributes associated with the development footprint alternatives focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;*
    - (v) the impacts and risks identified including the nature, significance, consequence, extent, duration and probability of the impacts, including the degree to which these impacts –*
      - (aa) can be reversed;*
      - (bb) may cause irreplaceable loss of resources; and*
      - (cc) can be avoided, managed or mitigated;*
    - (vi) the methodology used in determining and ranking the nature, significance, consequences, extent, duration and probability of potential environmental impacts and risks;*
    - (vii) positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected focusing on the geographical, physical, biological, social, economic, heritage and cultural aspects;*
    - (viii) the possible mitigation measures that could be applied and level of residual risk;*

- (ix) *if no alternative development locations for the activity were investigated, the motivation for not considering such; and*
- (x) *a concluding statement indicating the preferred alternative development location within the approved site”*

[60] The EAP states in its Response that “*the Scoping Report included all information required in terms of the Regulations.*” For the reasons stated below, as well as in our Client’s previous comments, this statement of the EAP is misleading and untrue.

[61] It is to be noted that the prescribed contents of environmental impact assessment reports are mandatory and leave no discretion to the EAP or Eskom.

[62] As far as non-compliance with Item 3(e) is concerned (legislative context), we refer to what we have stated in Paragraph 27 above.

## **NON-COMPLIANCE WITH THE NEMA**

### *Lack of Information*

[63] As far as the disclosure of information is concerned, the EIA Regulations impose certain mandatory duties on the EAP. Reference is made to Regulation 13(1)(f), which states as follows:

*“13(1) An EAP and a specialist, appointed in terms of regulation 12 (1) or 12 (2), must—*

*(f) disclose to the proponent or applicant, registered interested and affected parties and the competent authority all material information in the possession of the EAP and, where applicable, the specialist, that reasonably has or may have the potential of influencing—*

*(i) any decision to be taken with respect to the application by the competent authority in terms of these Regulations; or*

*(ii) the objectivity of any report, plan or document to be prepared by the EAP or specialist, in terms of these Regulations for submission to the competent authority;*

*unless access to that information is protected by law, in which case it must be indicated that such protected information exists and is only provided to the competent authority.”*

[64] From the environmental applications it appears that the Eskom Transmission Grid Planning Unit initiated a study to investigate possible solutions to address transformation and network constraints. It appears that this study served as the basis of the alternatives proposed by Eskom. Our Client submits that details of the aforementioned study must be disclosed to the competent authority and Interested and Affected Parties, including the possible solutions identified in the study. Eskom is obliged to disclose the strengthening options which were considered, including details of the various upgrades of infrastructure. The EAP responded to the aforementioned submissions by stating that “*Eskom have indicated that the Eskom Planning Reports cannot be made available in the public domain. The best*

*techno-economical option was chosen.”*. Our Client submits that the study prepared by the Eskom Transmission Grid Planning Unit constitutes material information which may influence the rights of our Client as well as may have an impact on the decision-making process of the Competent Authority. The failure of Eskom to provide this study constitutes a material flaw in the Environmental Application Process, with the result that rights of Interested and Affected Parties are severely prejudiced.

[65] Our Client submits further that the Eskom Transmission Grid Study constitutes material information which informed the alternatives identified in the Eskom environmental applications. In terms of Regulation 13(1), the EAP must disclose the contents of the Eskom Transmission Grid Study to Interested and Affected Parties. From the response of the EAP it is evident that the EAP is not in possession of the study. It therefore follows that the EAP, in preparing the Draft EIA Reports, merely acted on the dictates of Eskom. This is contravention of Regulation 13(1) which provides that an EAP must be independent.

[66] Further examples, for illustrative purposes, of the absence of material information are the following extracts from the Gourikwa to Blanco Scoping Report:

*“2.1 ... Various combinations of 400 kV and 765 kV Transmission lines were assessed for the loading scenarios at Gourikwa. Results showed that loading will result in islanding of the Gourikwa power station in one scenario, and the islanding of the power station together with the Blanco and Proteus Transmission Substations in the second scenario. This means that if the project does not go ahead, then increased power generation at Gourikwa will overload the grid and cut off power supply from the power station. Therefore, in order to ensure that Gourikwa is Grid Code compliant, a third line needs to be built out of the facility. Four options for the proposed line were considered.*

*When the available options were technically evaluated, the line from Gourikwa MTS to the Droërivier Substation via the Narina Substatio (Alternative 5 site that was approved by DEA on 1 September 2016) was preferred based on the natural path for the power to flow. This can be attributed to the future generation in the Cape Peninsula and surrounding area. This option is also in alignment with the proposed second Droërivier – Proteus 400 kV line as per the Technical Development Plan. For the Gourikwa-Narina option, a 400 kV Transmission line from Gourikwa to Blanco (which is the next closest load centre) will have to be established.”*

[67] In terms of Item 2(h)(i) of Appendix 2 of the EIA Regulations, a full description of the process followed to reach the proposed preferred activity must be provided. Details of all alternatives considered must be disclosed. We will deal in more detail with non-compliance as far as alternatives are concerned below. Eskom and the EAP will have to provide the competent authority and Interested and Affected Parties with details and proof of the investigations undertaken with full disclosure of the content thereof and a proper motivation why no other potential alternatives exist. All strategic documents and information must be made available to Interested and Affected Parties.

[68] The manner in which Eskom has processed its environmental applications to date totally undermines the Public Participation Process. Regulation 40(2) provides as follows:

*“(2) The public participation process contemplated in this regulation must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application unless access to that information is protected by law and must include consultation with—*



- (a) *the competent authority;*
  - (b) *every State department that administers a law relating to a matter affecting the environment relevant to an application for an environmental authorisation;*
  - (c) *all organs of state which have jurisdiction in respect of the activity to which the application relates;*
- and*
- (d) *all potential, or, where relevant, registered interested and affected parties.”*

[69] Regulation 14(5)(a) and (b) *inter alia* deals with the instance where an EAP refuses or neglects to disclose material information and prescribes as follows:

*“14(5) If, after considering the matter, there is reason for the competent authority to believe that there is noncompliance with regulation 13 by the EAP or specialist, the competent authority must, in writing, inform the interested and affected party who notified the competent authority in terms of subregulation (2), the EAP or specialist and the applicant accordingly and may—*

- (a) *refuse to accept any further reports, plans, documents or input from the EAP or specialist in respect of the application in question;*
- (b) *request the applicant to—*
  - (i) *commission, at own cost, an external review, by another EAP or specialist that complies with the requirements of regulation 13, of any reports, plans or documents prepared or processes conducted in connection with the application;*
  - (ii) *appoint another EAP or specialist that complies with the requirements of regulation 13 to redo any specific aspects of the work done by the previous EAP or specialist in connection with the application or to complete any unfinished work in connection with the application; or*
  - (iii) *take such action as the competent authority requires to remedy the defects.”*

#### *Alternatives*

[70] Due to the fact that the instances of non-compliance regarding alternatives, as highlighted by our Client previously, have to date not been addressed or remedied, we shall repeat our Client’s previous submissions in this regard as they are still valid and bear due consideration. Where necessary our Client’s reactions will be provided to responses received from the EAP.

[71] Reference is made to Item 2(h)(i) of Appendix 2 referred to above. In addition to what we have stated above regarding the absence of material information in respect of alternatives, our Client submits that the Reports prepared and provided by the EAP to date lack a full description of the processes followed to reach the proposed preferred activity and the details of all alternatives considered.

- [72] Our Client submits that it was incumbent upon Eskom to identify all potential alternatives and then to assess those alternatives which are considered to be reasonable and feasible. The EIA Guideline and Information Document Series (Guideline on Alternatives) of the Western Cape Department of Environmental Affairs and Development Planning contains the following guideline as far as the identification and investigation of alternatives are concerned:

*“Detailed information on the consideration of alternatives must, however, be provided in the relevant reports. In this regard (a) the methodology, (b) criteria used to identify, investigate and assess alternatives (these must be consistently applied to all alternatives), and (c) a reasoned explanation why an alternative was or was not found to be reasonable and feasible must be provided.”*

- [73] The following guidelines as far as alternatives are concerned are contained in Guideline 5: Assessment of Alternatives and Impacts of the Department of Environmental Affairs:

*“I&As must be provided with an opportunity of providing inputs into the process of formulating alternatives. Once a full range of potential alternatives has been identified, the alternatives that could be reasonable and feasible should be formulated as activity alternatives for further consideration during the basic assessment or scoping and EIA process.*

*The number of alternatives that are selected for assessment should not be set arbitrarily, but should be determined by the range of potential alternatives that could be reasonable and feasible and should include alternatives that are real alternatives to the proposed activity.”*

- [74] The fact that the Gourikwa or Droërivier substations may already exist, is no reason why Eskom is not obliged to identify and assess other alternatives. Furthermore, the mere existence of current infrastructure does not constitute a ‘*motivation*’ as envisaged in terms of Item 2(h)(x) of Appendix 2 for not consideration alternatives.

- [75] Our Client submits that it was incumbent on the EAP and Eskom to disclose detailed information on the consideration of all potential alternatives. Both the EAP and Eskom failed to do so.

- [76] The Regulations oblige the EAP and Eskom to provide a reasoned motivation why alternatives identified as potential alternatives were not considered to be reasonable and feasible. This is not a matter which is at all in the discretion of Eskom or the EAP.

- [77] Our Client furthermore submits that all identified potential alternatives must be “*comparatively considered*” and then those alternatives found to be “*feasible and reasonable*” must be “*comparatively assessed*”. Interested and affected parties must then be afforded an opportunity to provide comments on the aforementioned comparative considerations and assessments.

- [78] The failure of the EAP to comply with the above provisions relating to alternatives is emphasised when regard is had to the following response received from the EAP:

*“During the detailed design phase of the project, the exact positioning and placement of the substation and associated pylons will be finalized in conjunction with any affected landowners.”*

- [79] In Response to the above, the EAP states that alternatives referred to in vague terms in the draft scoping reports will be further assessed in the EIA phase in consultation with the various stakeholders as well as specialist studies. It is furthermore stated by the EAP that alternatives will be further assessed in the

Environmental Impact Assessment by the appointment of independent specialists which will assess the alternatives after which those that are found and considered to be viable, feasible and reasonable will be presented to all registered, interested and affected parties during the Environmental Impact Assessment process.

- [80] Our Client submits that the abovementioned proposed cause of action of the EAP constitutes a total collapse of the Environmental Impact Assessment process as provided for in Part 3 of the EIA Regulations. It was incumbent upon Eskom to provide full particulars of alternatives and to comply with the abovementioned provisions pertaining to alternatives during the scoping process. It is not competent for Eskom or the EAP to attempt to rectify the materially flawed process in relation to alternatives at this late stage during the Environmental Impact Report Phase.

#### *Need and Desirability*

- [81] In terms of Item 3(f) of Appendix 3, a motivation for the need and desirability in any environmental reports is also a mandatory requirement.
- [82] The need and desirability of the proposed activity is described in the Draft EIA Reports exclusively with reference to the Eskom Transmission Grid Planning study and a reference to an Eskom Ten-Year Plan (addressed below). As remarked above, Eskom is obliged to disclose the Eskom Transmission Grid Planning study as such study is pivotal to a proper understanding of the need and desirability of the projects and also the identification of alternatives. The contents of the Grid Planning Study will afford Interested and Affected Parties an opportunity to know whether all potential alternatives have been identified and to understand the reasoning process why only certain of those potential alternatives were considered to be reasonable and feasible. Our Client submits that this is a fatal flaw to the environmental applications of Eskom.
- [83] The concept of need and desirability can be explained in terms of the meaning of its two components in which “need” refers to time and “desirability” refers to place. Put differently, is this the right time and is it the right place for locating the type of activity proposed by Eskom.
- [84] Our Client and Interested and Affected Parties simply cannot know or ascertain what the need and desirability of the alternatives are in the absence of the Eskom study. It appears that the Eskom Transmission Grid Planning Study was produced during 2012, in other words before the start of the Environmental Application processes.
- [85] The desirability of the proposed activity turns on the “*placing*” thereof. The question is whether the proposed activity is the best practicable environmental option for the specific sites. As remarked above, according to the NEMA the “*best practicable environmental option*” means the option that provides the most benefit and causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term. In determining the best practical environmental option, adequate consideration must also be given to opportunity cost.
- [86] Our Client submits that the need and desirability of any development proposal must be considered within the appropriate spatial strategic context, namely the SDF of any particular municipality. As indicated above, our Client submits that the Eskom development proposal is inconsistent with the SDFs of the relevant municipalities which has the consequence, in terms of Section 22 of LUPA, that the involved municipalities will not be able to grant any planning approval, including any rezoning of any property, unless the relevant SDF has been properly amended to designate the land concerned for

purposes of Eskom infrastructure. Our Client therefore submits that in the current circumstances it is not possible for Eskom to properly motivate the need and desirability of the proposed development, especially in the absence of material information not being included in the Draft EIA Reports.

- [87] In terms of Item 3(d) of Appendix 3, the Draft EIA Reports must contain a description of the scope of the proposed activities including ‘*associated structures and infrastructure*’. The Draft EIA Reports do not properly describe what associated structures or infrastructure would be required and disclose relevant information.
- [88] In an attempt to address the issue of need and desirability of the proposed projects the EAP attached a document of Eskom entitled “*Transmission Ten-Year Development Plan 2012-2021*” to the Draft EIA Reports (Annexures 6.3 to both respective Draft EIA Reports). The purpose of such plan (the Eskom Plan) is described as follows in its Executive Summary:

*“The Transmission Division of Eskom Holdings has the responsibility of developing the transmission network. The publication of the Transmission Ten-Year Plan is to inform stakeholders about Eskom’s plans for the development of the transmission network. This publication fulfils the requirements of the South African Grid Code, which requires the Transmission Network Service Provider (TNSP) to publish plans annually on how the network will develop.”*

- [89] From the above it is clear that the purpose of the Eskom Plan relates to the developing of the electricity transmission network and to keep stakeholders informed of developments in such regard. From a reading of such Eskom Plan it is evident that it does not relate at all to the requirements of need and desirability as contemplated in the NEMA and EIA Regulations. The Draft EIA Reports contain only vague reference to such Eskom Plan and do not provide any explanation of how it applies and relates to the requirements of the NEMA and EIA Regulations pertaining to need and desirability.

## **VESTED LAND USE RIGHTS**

- [90] The vested land use rights of our Client have not been dealt with in the environmental application of Eskom, but were totally disregarded. This constitutes a fatal flaw to the environmental application of Eskom.
- [91] The Draft EIA Reports represent that most properties are zoned for agricultural purposes. This constitutes a misrepresentation as far as our Client’s properties are concerned.
- [92] We attach hereto as **Annexure A**, a rezoning approval of the then Provincial Administration of the Cape of Good Hope, dated 11 August 1993, in which the rezoning of Portions 1 and 3 of the Farm 318, from Agricultural Zone 1 to Resort Zone II, for the development of 50 holiday accommodation units was approved. The aforementioned approval was granted in terms of Section 16 of the Land Use Planning Ordinance No. 15 of 1985, subject to various conditions. We specifically refer to Condition 1.4, which states as follows:
- “Dat die 50 eenhede slegs opgerig mag word nadat die dam gebou is, alhoewel daar met die voorbereiding van die boupersone van die chalets en die infrastruktuur ‘n aanvangemaak mag word gelyktydig met die bou van die dam; met dienverstande dat twee eenhede dadelik opgerig mag word na goedkeuring van die projek.”*
- [93] The first units were duly constructed, infrastructure installed and the land use rights locked-in.

[94] The layout of the approved Resort Zone II units is indicated on **Annexure B** attached hereto. The competent authority is specifically alerted to the fact that the power lines has been proposed almost immediately adjacent to the resort units. The competent authority needs to be mindful of the critical fact that no servitudal rights exist in favour of Eskom over our Client's properties. Our Client records that in view of its vested land use rights, that it will not be amenable to grant any consent to Eskom to register any kind of servitude over its properties. The Client will resist and challenge any attempt by Eskom or the National Government to expropriate any servitude or land owned by the Client.

[95] The Client's property rights and specifically the Resort Zone II Use Rights, constitute "*property*" as envisaged in terms of Section 25 of the Constitution. Section 25(1) to (3) of the Constitution provides as follows:

*"25(1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.*

*(2) Property may be expropriated only in terms of law of general application-*

*(a) for a public purpose or in the public interest; and*

*(b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.*

*(3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including –*

*(a) the current use of the property;*

*(b) the history of the acquisition and use of the property;*

*(c) the market value of the property;*

*(d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and*

*(e) the purpose of the expropriation."*

The primary use rights which attach to a property in terms of a Resort Zone II zoning, is that of "*holiday housing*", which is defined in the Scheme Regulations applicable to the property as follows:<sup>2</sup>

*"“Holiday housing” means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel or motel."*

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<sup>2</sup> The Scheme Regulations made in terms of Section 8 of the Western Cape Land Use Planning Ordinance 15 of 1985 find application in respect of the properties.

- [96] As set out above, our Client will not consent to any servitude which may be required by Eskom over its property. Apart from the instance of actual expropriation, our Client submits that the implementation of the Eskom proposal over its properties will effectively result in a constructive expropriation of the Resort Land Use Rights, which attach to Portion 1 and 3. Such opportunity cost will in the circumstances be totally irrational and at a cost totally unacceptable to society in the long term as well as the short term. The Client therefore submits that the alternatives proposed are not the “*best practical environmental option*”.
- [97] Our Client submits that the alignment of the power lines will make the sustainable development of the resort units impossible. Eskom is a state owned utility which must comply with the Occupational Health and Safety Act 85 of 1993, as well as the applicable management systems in accordance with ISO 9001, ISO14001 and the OHSAS 1800 requirements. Our Client submits that Eskom will not be able to implement any of the alternatives consistent with the aforementioned legislation and systems.
- [98] In view of the fact that the alternatives will be implemented substantially in a residential resort, it will have far reaching occupational health and safety consequences as far as adverse impacts of electrical and magnetic fields are concerned, as well as the general safety of humans living in the resort.
- [99] Should Eskom’s environmental application be approved, our Client will be entitled to constitutional compensation as envisaged in terms of Section 25(3) of the Constitution. The competent authority is specifically alerted to the fact that the current Land Use Rights of the properties, as well as the market value thereof, constitutes relevant factors which will determine the compensation to which the appellants will be entitled to in terms of Section 25(3) of the Constitution.
- [100] As far as Constitutional compensation is concerned, reference is made to Condition 1.4 of the Rezoning Approval of 11 August 1993, which obliged the landowner to **first** construct the Geelhoutboom Dam prior to utilising the property in terms of the zoning. The Geelhoutboom Dam constitutes the natural source of the Resort and had to be constructed before our Client’s predecessor in title could proceed with the implementation of the full extent of its resort rights. Our Client records that the total construction costs of the Geelhoutboom Dam at the time of its construction already exceeded R12 000 000,00.
- [101] The instance of vested rights and the socio-economic impact in respect thereof, have not been subjected to the public participation process, nor did such significant impact form part of the impact assessment undertaken. This is confirmed when regard is had to the following response of the EAP:

*“The EIA application is merely a planning tool for potential future developments, only when the project is approved can Eskom consider the vested land use rights of individual landowner through engagement with affected landowners. Once more it must be noted that it’s not the intention of these applications to change the current zoning of the land. If needs be, proper protocols will be followed post EIA.”*

The above statement of the EAP is misdirected and inaccurate. Our Client submits that its vested land use rights form a material and integral consideration which the EAP must take into consideration during the Environmental Application Process and not once environmental authorisation (if any is granted). It is furthermore submitted that it is essential that individual landowners be consulted and engaged with during the Environmental Application Processes. This approach of the EAP not to consider vested land use rights and not to engage with landowners results in the Environmental Application Process being flawed.

- [102] Our Client submits that the significant adverse impact on its Constitutional Property Rights, should have informed the identification and consideration of alternatives in material respects. This was not done in this matter. The manner in which the proposed activities might affect our Client's property rights, has not been identified or considered or taken into consideration when the impact of the proposed activity was assessed.
- [103] Our Client submits that the desirability of the proposed activity will also be significantly affected in view of the infringement on its Constitutional Property Rights and that all identified impact must be assessed against the current vested rights of our Client.
- [104] As remarked above, Eskom is a state-owned utility and the first principle should be that the state uses its own properties over which these linear activities can be undertaken. Our Client alerts the competent authority to the fact that the property to the North and adjacent to our Client's property, is owned by the state and the preferred alternative for the state and Eskom, should be to construct the proposed power lines as well as the incidental infrastructure, over the state owned land and not over private property, at an enormous cost to the public. This is a very relevant factor which has not been properly considered by either the EAP or Eskom, nor was it dealt with in the Environmental Reports of Eskom.

## **CONCLUSION**

- [105] For the reasons stated above, our Client submits that the Draft EIA Reports are fatally flawed and the competent authority cannot in terms of Regulation 24(1)(a) grant environmental authorisation in respect of all or any part of the activities applied for.

Yours faithfully,

**STADLER & SWART**

**PER:**

**A H SWART**

PROVINSIALE ADMINISTRASIE  
VAN DIE KAAP DIE GOEIE HOOP



PROVINCIAL ADMINISTRATION  
OF THE CAPE OF GOOD HOPE

TAK GEMEENSKAPSDIENSTE  
HOOFDIREKTORAAT  
GRONDONTWIKKELINGSKOÖRDINERING

COMMUNITY SERVICES BRANCH  
CHIEF DIRECTORATE  
LAND DEVELOPMENT CO-ORDINATION

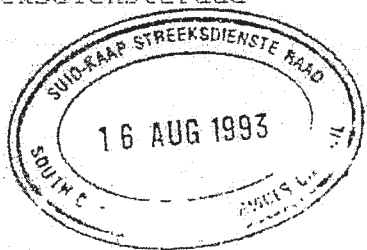
PROVINSIALE GEBOU, WAALSTRAAT,  
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Suid-Kaap Streeksdiensteraad  
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GEORGE  
6530



TELEFOON  
TELEPHONE (021) 483-4585

NAVRAE  
ENQUIRIES Mnr L Cloete

VERWYSING  
REFERENCE AFR6/19/4/2-B4

DATUM  
DATE

11 AUG 1993

Meneer

HERSONERING VAN GEDEELTES VAN GEDEELTES 1 EN 3 VAN DIE PLAAS 318,  
GEORGE

- 1. Met verwysing na u brief 14/7/2/799 gedateer 15 September 1992 moet ek u meedeel dat die Administrateur, met ingang vanaf datum van hierdie brief, kragtens artikel 16 van Ordonnansie 15 van 1985, saamgelees met artikel 42(1) van die Ordonnansie, goedkeuring verleen het vir die hersonering van gedeeltes van Gedeeltes 1 en 3 van die Plaas 318, George vanaf Landbousonne I na Oordsonne II ten einde die eienaar in staat te stel om 50 eenhede vir vakansie-doeleindes op te rig soos aangetoon op uitlegplan no. G/G/262/2, onderworpe aan die volgende voorwaardes:
  - 1.1 Dat die eienaar 'n toegangspad tot die bevrediging van die Suid-Kaap Streeksdiensteraad voorsien. ✓
  - 1.2 Dat die aangehegte voorwaardes van die Suid-Kaap Streeksdiensteraad nagekom word.
  - 1.3 Dat die toegang na Gedeelte 31 van die plaas Geelhoutboom no. 217 soos tans in gebruik, behou word en geensins benadeel word nie. ✓
  - 1.4 Dat die 50 eenhede slegs opgerig mag word nadat die dam gebou is, alhoewel daar met die voorbereiding van die boupersele van die chalets en die infrastruktuur 'n aanvang gemaak mag word gelyktydig met die bou van die dam; met dien verstande dat twee eenhede dadelik opgerig mag word na goedkeuring van die projek. ✓

Die uwe

ADJUNK-DIREKTEUR-GENERAAL: GEMEENSKAPSDIENSTE



ANNEXURE 4

**KOPIEREG:**  
 This drawing is the copyright of DELplan Consulting. Do not scale from it but refer to figured dimensions. All measurements must be checked and confirmed by a Professional Land Surveyor. Any discrepancies should please be reported to DELPlan immediately.

Die kopiereg van hierdie tekening behoort aan DELplan Consulting. Moenie daarvan afskaal nie, maar verwys na altesame soos aangedui. Alle afmetings moet deur 'n Professionele Landmeter nagegaan en bevestig word. Enige teenstering moet onmiddellik geseel word aan DELplan rapporteer word.

**PROJECT:**  
 Geelhoutboom Estate (Pty) Ltd

**DESCRIPTION:**  
 BESKRYWING:  
 Farms 318/1, 3, 4, 5, 6, 8, 9, 10 & Remainder Farms 318/2 & 7, George

**TITLE:**  
 Aerial Locality Plan

**NOTES:**

**A3 Scale:** 1:15 000



Tel: 044 873 4566 ■ Email: [planning@delplan.co.za](mailto:planning@delplan.co.za)  
[www.delplan.co.za](http://www.delplan.co.za)



**DESIGNED:** Surveyor General  
**ONTWERP:**

**DRAWN:** MV  
**GE TEKEN:**

**DATE:** OCTOBER 2016

**PLAN NO:** ANNEXURE 4  
**PLAN NR:**







**STADLER & SWART ATTORNEY COMMENTS AND RESPONSE REPORT  
ON COMMENTS RECEIVED ON THE 12 June 2017 FOR THE DRAFT EIA REPORT  
OF THE PROPOSED GOURIKWA TO BLANCO and BLANCO TO DROERIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE**

ISSUE/CONCERN/QUESTION	RESPONSE
<p><b>1</b> We act on behalf of Geelhoutboom Estate (Pty) Ltd (Registration Number 2004/009498/07) (the 'Client').</p> <p><b>2</b> Eskom proposes the establishment of a Gourikwa to Blanco 400kv transmission line and substation upgrade as well as a Blanco (Narina) to Droërivier 400kv transmission line and substation upgrade.</p> <p><b>3</b> Enviolution Consulting (Pty) Ltd (the EAP) has been appointed by Eskom Holdings SOC Ltd (Eskom) to undertake an environmental application process for the proposed projects.</p> <p><b>4</b> As a registered Interested and Affected Party, our Client was furnished with copies of the Draft Scoping Reports prepared by the EAP, which reports were dated January 2017.</p> <p><b>5</b> Our Client's comments on the Draft Scoping Reports as envisaged in terms of Regulation 43(1) of the Environmental Impact Assessment Regulations published in Government Notice No R982 of 4 December 2014 (the EIA Regulations)<sup>1</sup> were duly submitted to the EAP and dated 10 February 2017.</p> <p><b>6</b> Due to the fact that both Draft Scoping Reports contained the same material flaws and lack of information, our Client combined its comments on both reports in its abovementioned consolidated letter.</p>	<p>Thank you for these comments (point 1-6) is noted.</p>

<p><b>[7]</b> Our Client was informed via two emails on 12 May 2017 by the EAP that both abovementioned environmental application processes for the proposed projects had lapsed. The EAP has, not however, failed to provide our Client with copies of the new Applications for Environmental Authorisations, nor did it provide our Client with copies of the Plans of Study for Environmental Impact Assessment. This fact severely prejudices the rights of our Client. The EAP is hereby called upon to urgently provide our Client with these documents.</p>	<p>The lapsing of the previous application was first explained in Scoping phase  <i>"The EIA process for the proposed construction of the Blanco to Droërivier 400kV Power line and Substation commenced in early 2015 under the reference number: 14/12/16/3/3/2/922. This application has lapsed in accordance with Regulation 23 (1) of the EIA Regulations, 2014 and a new EIA process is currently being undertaken. This new process entails (1) the resubmission of a new application to DEA and the project will be assigned a new reference number, (2) the release of a Draft Scoping Report (DSR) and a Draft Environmental Impact Assessment Report (DEIAR) for public review and thereafter (3) resubmission the final reports to DEA for decision-making."</i></p> <p>Copies of the new Application form was appended as Appendix 2 Scoping report and the plan of study for EIA phase was included in Chapter 8 of the Scoping report which was made available to all stakeholders for review.</p>
<p><b>[8]</b> From correspondence provided by the EAP it is apparent that although the previous Environmental Application Processes have lapsed, the Draft Scoping Reports were accepted by the National Department of Environmental Affairs (the Competent Authority) in letters both dated 4 May 2017. In both such letters consent was granted to Eskom to <i>"proceed with the Environmental Impact Assessment process in accordance with the tasks contemplated in the PoSEIA [sic] and the requirements in Appendix 3 of the EIA Regulations, 2014."</i> It is with regret that our Client notes that the Draft Scoping Reports were accepted by the Competent Authority in light of the instances of material flaws and lack of information that was pointed out in our Client's comments and submissions.</p>	<p>The lapsing of the previous application was solely based on EIA time frames requirements and therefore a new application had to be resubmitted. The Scoping Report was compiled in accordance with Appendix 2 EIA Regulations, 2014.</p>
<p><b>[9]</b> Subsequently our Client, as registered Interested and Affected Party, was furnished with copies of the Draft Environmental Impact Assessment Reports (draft EIA Reports) pertaining to both projects and both dated May 2017.</p> <p><b>[10]</b> This letter constitutes our Client's comments on the Draft EIA Reports as envisaged in terms of Regulation 43(1) of the EIA Regulations.</p> <p><b>[11]</b> Due to the fact that both Draft EIA Reports (as was the case with the Draft Scoping Reports) contain the same material flaws and lack of information, our Client again combines its comments on both reports in this consolidated letter.</p>	<p>Comments noted</p>

**12** The purpose of these comments is to demonstrate that the Draft EIA Reports (as was the case with the Draft Scoping Reports) in material respects do not comply with the mandatory requirements of the National Environmental Management Act No 107 of 1998 (the NEMA) and the EIA Regulations. Portions of our Client's previous comments shall be repeated herein for purposes of emphasis and to indicate that the EAP has failed to address the issues raised by our Client during the scoping process in the Draft EIA Reports. The EAP has attempted to respond to the comments of our Client which responses (the EAP Responses) are contained in documents attached as annexures to both Draft EIA Reports under the heading "Comments and Responses Report". Both documents are substantially similar with regards to our Client's comments. Below we shall provide our Client's reaction to such responses of the EAP.

**[13]** Upon a reading of the Draft EIA Reports, and as highlighted below, it is clear that the EAP failed to address the issues and instances of non-compliance as highlighted by our Client previously during the scoping process.

Three issues were raised with regards to the 'non-compliance nature of the report with the NEMA.

- Issue 1 (Lack of information) in response to this, it was explained that Eskom has indicated that the Eskom Planning Reports cannot be made available in the public domain. The best techno-economical option was chosen. However, the key information regarding the points raised is provided in Chapter 2 of the EIA Report. The Transmission Development Plan can be downloaded directly from the following Eskom website <http://www.eskom.co.za/Whatweredoing/TransmissionDevelopmentPlan/Documents/TransDevPlan2016-2025Brochure.pdf> .However Extracts of the planning documents have been provided in the report.
- Issue 2 (Need and Desirability) in this regard it was again explained that careful consideration is given to the entire portfolio of the Eskom Transmission Projects. If an opportunity arises to defer projects, then Eskom will take this into considerations. In this instance due to the current constrains experienced by Distribution to meet the load and refurbishment requirements, this project is required as a matter of urgency. The location is correctly identified to also address the future developments in the area. Therefore in terms of Eskoms future planning, this is indeed the right time and place for this type of activity.
- Issue 3 (Vested Rights): Landowners form the focal point of these applications and their vested rights have been taken into considerations throughout the whole EIA process. Every means of communication tool as prescribed by the regulation and beyond have been used to involve the potentially affected landowners in these applications.

These interactions with the landowners are recorded in the public participation process section of the EIA report. Section 4.3 also gives a summary of concerns from landowners. Furthermore different specialist studies (i.e. Social, Socio-economic and Visual impact studies) were conducted that mostly focussed on the impacts of that proposed line will have on landowners. These studies made recommendations of the alignment with the least from each perspective.

Having said this, the process of engaging with landowners also goes beyond the EIA process as each impacted landowner must be consulted for servitude negotiations.

**[14]** As is evident from the above the environment application of Eskom is subject to scoping and environmental impact reporting as envisaged in Part 3 of Chapter 4 of the EIA Regulations.

**[15]** Our Client submits that the instances of non-compliance with the EIA Regulations are to such extent material and fatal to the environmental applications of Eskom that the Competent Authority will be constrained to refuse environmental authorisation in terms of Regulation 24(1)(b). Regulation 24(1)(b) provides as follows:

*"24(1) The competent authority must within 107 days of receipt of the environmental impact report and EMPr, in writing –  
(b) refuse environmental authorisation."*

Three issues were raised with regards to the 'non-compliance nature of the report with the NEMA.

- Issue 1 (Lack of information) in response to this, it was explained that Eskom has indicated that the Eskom Planning Reports cannot be made available in the public domain. The best techno-economical option was chosen. However, the key information regarding the points raised is provided in Chapter 2 of the EIA Report. The Transmission Development Plan can be downloaded directly from the following Eskom website <http://www.eskom.co.za/Whatweredoing/TransmissionDevelopmentPlan/Documents/TransDevPlan2016-2025Brochure.pdf> .However Extracts of the planning documents have been provided in the report.
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- Issue 3 (Vested Rights): Landowners form the focal point of these applications and their vested rights have been taken into considerations throughout the whole EIA process. Every means of communication tool as prescribed by the regulation and beyond have been used to involve the potentially affected landowners in these applications.

These interactions with the landowners are recorded in the public participation process section of the EIA report. Section 4.3 also gives a summary of concerns from landowners. Furthermore different specialist studies (i.e. Social, Socio-economic and Visual impact studies) were conducted that mostly focussed on the impacts of that proposed line will have on landowners. These studies made recommendations of the alignment with the least from each perspective.

Having said this, the process of engaging with landowners also goes beyond the EIA process as each impacted landowner must be consulted for servitude negotiations.

**[16]** We have advised our Client that it will, in the circumstances, not be open to Eskom to redress the flaws of the Draft EIA Reports in terms of the provisions of Regulation 23(1)(b). Such provisions relate to significant changes affected to the Draft EIA Reports and the introduction of significant new information subsequent to public participation. Any such attempt will in the instant matter constitute a collapsing of the distinct phases of the Environmental Application Process which will be unlawful.

**[17]** In these comments we will focus only on the material instances of non-compliance seeing as our Client is as a result of such non-compliances, not in a position to comprehensively comment on all relevant issues. Our Client reserves the right to deal with other issues of concern at an appropriate stage.

Comments noted

<p><b>[18]</b> Below we will deal with:  <b>18.1 The context of the Eskom Environmental Applications and the fragmentation thereof;</b>  <b>18.2 Legislative Scheme:</b>  18.2.1 Planning Legislation;  18.2.2 NEMA;  18.2.3 EIA Regulations.  <b>18.3 Non-compliance with the NEMA:</b>  18.3.1 Lack of Information;  18.3.2 Alternatives;  18.3.3 Need and Desirability.  <b>18.4 Vested Rights</b></p>	<p>Comments noted</p>
<p><b>context of the Eskom Environmental Applications and the fragmentation thereof (point 19-26)</b></p> <p><b>[19]</b> Our Client submits that the environmental applications which form the subject matters of the Draft Environmental Reports cannot be considered separate and distinct from each other and the environmental application of Eskom for the proposed Narina (Blanco) 400/132Kv MTS Substation and Droërivier Proteus Loop-In Loop-Out Powerline Project within the Blanco Area. The three relevant environmental applications form a core component of the larger Eskom grid in the Western Cape. Our Client submits that the fragmented manner in which the three environmental applications are processed constitutes a total collapse of the Environmental Application Processes, which makes it almost impossible for Interested and Affected Parties to understand and comment on the applications. Our Client submits that all three of Eskom's environmental applications should be consolidated and processed in an integrated manner.</p>	<p>Please note that this is two different projects, with different timelines and purposes. The Narina S/S and loop in lines are two separate EIA's, but one project for the purpose of strengthening the Blanco distribution network. The Gourikwa-Blanco-Droerivier project is a totally separate project with its own EIA for the purpose of accommodating planned increase in generation capacity.</p>
<p><b>[20]</b> In response to the above, the EAP makes the vague and unsubstantiated comment that the environmental applications which form the subject matters of the Environmental Reports are three different projects with different timelines and "different internal demands on the part of Eskom." No further information is provided. These vague comments do not place Interested and Affected Parties in any position to consider and comment on the various environmental applications as an integrated whole. Furthermore, it does not comply with the National Environmental Management Principles contained in the NEMA. In particular this approach of Eskom and the EAP does not comply with the principle of integrated environmental management which is one of the underlying principles of the NEMA. Section 2(4)(b) of the NEMA provides as follows:  <i>"24(4)(b) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option."</i></p>	<p>Please note that this is two different projects, with different timelines and purposes. The Narina S/S and loop in lines are two separate EIA's, but one project for the purpose of strengthening the Blanco distribution network. The Gourikwa-Blanco-Droerivier project is a totally separate project with its own EIA for the purpose of accommodating planned increase in generation capacity.</p>

**[21]** In various parts of the Draft EIA Reports, the EAP represents that the environmental authorisation for the proposed Narina (Blanco) 400/132Kv MTS Substation and Droërvier Proteus Loop-In Loop-Out Powerline Project within the Blanco Area has been granted by the Competent Authority on 1 September 2016, but that the substation has not yet been constructed. Differently put, the Draft EIA Reports suggest to Interested and Affected Parties that the approval of the Narina (Blanco) MTS Substation is a fact.

This position is legally incorrect and misleading. On 21 October 2016, our Client submitted a comprehensive appeal against the Narina approval, which has the effect that such approval is suspended and may be set aside on appeal by the MEC. In view of the grounds of appeal against the Narina approval, any purported approval by the MEC on appeal will be challenged by our Client in judicial review proceedings. In response to the aforementioned submissions, the EAP states that the environmental authorisation for the proposed Narina substation has been granted. For purposes of emphasis, our Client submits that this position is legally incorrect and misleading and that our Client submitted a comprehensive appeal against the Narina substation approval.

**[22]** The setting aside of the Narina approval or even the variation thereof, may have a material impact on the current environmental applications. Hence the reason why our Client submits that the three environmental applications should at least be processed simultaneously and an integrated decision making process be followed.

It is a fact that authorisation for the proposed Narina (Blanco) 400/132Kv MTS Substation and Droërvier Proteus Loop-In Loop-Out Powerline Project within the Blanco **is granted** (this is not incorrect or misleading); however it acknowledges that an appeal on the application is pending.

It should also be note that the Minister of Environmental Affairs has dismissed the appeal, through the letter date 15-05-2017.

Please note that this is two different projects, with different timelines and purposes. The Narina S/S and loop in lines are two separate EIA's, but one project for the purpose of strengthening the Blanco distribution network. The Gourikwa-Blanco-Droerivier project is a totally separate project with its own EIA for the purpose of accommodating planned increase in generation capacity.

[23] Eskom's environmental applications are complex and difficult to understand from a technical perspective. The EAP has totally neglected and refused to give any details to Interested and Affected Parties regarding the strategic planning context of the applications and to do so in terms which will be understandable to the average reader. The EAP provided the following response to the aforementioned comments:

*"The development of the transmission backbone and the associated regional power corridors were reviewed as part of the Strategic Grid Study which considered the potential development scenarios beyond the 10-year horizon of the Transmission Development Plan (TDP) until 2030. The objective of this strategic study was to align the transmission network with the requirements of the generation future options and those of the growing and future load centres. This Strategic Grid Study has enabled the 10-year TDP to be aligned with the future long-term development of the whole Eskom system.*

*A Customer Load Network (CLN) is a network within a specific geographical area, which in turn is a subdivision of a Grid. The West Grid consists of four Customer Load Networks, namely Peninsula, Southern Cape, West Coast and Namaqualand. The proposed 400kV Transmission power line from the Blanco Substation to the Droërvier Substation forms part of Eskom's West Grid and the Southern Cape CLN."*

Comments are noted. The clarification regarding strategic projects in the region is discussed in Chapter 2 under section 2.2 of the EIA Reports. **In summary:**

**Blanco (Narina) 400/132 kV Substation and Loop-in Lines** - triggered in 2010 by Eskom Distribution due to local load requirements. Eskom Transmission Grid Planning initiated a study in 2012 to investigate possible solutions to address transformation constraints at Proteus Substation as well as the sub-transmission constraints experienced on the network supplying the Blanco area.

The load forecast for Proteus Substation indicated that the transformers will be supplying a peak demand in excess of the installed firm capacity and would therefore overload under loss of one of the two transformers. Also, the loss of either one of the 3x132 kV lines from Proteus to Blanco will result in the other two lines overloading. The loss of the Blanco-Knysna 132 kV line currently results in low voltages at Knysna Substation. One of the 3x132kV lines from Proteus to Blanco has been in operation for 23yrs and is about to reach its 25yr life expectancy and will require refurbishment.

In order to resolve all of the above constraints, the recommended solution is to establish a new 400/132 kV Blanco (Narina) Substation in the area. It is the least life cycle cost solution, is sufficient over the 20 year planning window period and will reduce overall network system losses.

**Gourikwa – Blanco 400 kV line and Blanco – Droërvier 2nd 400 kV line** – triggered in 2013 by Eskom Peaking Generation due to generation integration requirements

At Gourikwa Power Station, the power output will be increased via the CCGT Conversion Project which will convert 5 x existing OCGT units at each station to CCGT. This will entail the installation of Heat Recovery Steam Generators (HRSG) that will use the heat from the exhausts of the gas turbines to create steam. The steam from the HRSGs will be used to drive two new steam turbines, leading to increased cycle efficiency. The resultant output per CCGT unit will be 225 MW comprising of 150 MW (gas turbine) + 75 MW (steam recovery). Additional Transmission network infrastructure is therefore required to enable an increase in power output in order to ensure compliance in accordance with the Grid Code.

The problematic double contingencies related to Power Station Grid Code compliance at Gourikwa are the loss of the:

- Gourikwa-Proteus 1 and 2 400 kV lines. This results in the islanding of the Gourikwa Power Station.
- Proteus – Bacchus and Droërvier – Blanco 400 kV lines. This results in the islanding of the Gourikwa Power Station together with Blanco and Proteus Transmission Substations.

In order to ensure that Gourikwa is Grid Code compliant, a 3rd line needs to be built out of the facility i.e. Gourikwa – Blanco 400 kV line and Blanco – Droërvier 2nd 400 kV line

There is also a potential for renewable energy and gas powered IPPs in the area that will require this infrastructure. An added benefit of these lines is that it will reduce the risk of major outages in the broader area during maintenance of the existing Transmission lines.

7 The need date is dependent on the commitment from the generation project/s.



<p><b>[24]</b> The above quoted response received from the EAP only serves to provide further evidence that the environmental applications are complex and difficult to understand. Again, the EAP has neglected and refused to provide details regarding the strategic planning context of the Applications in a manner which will be understandable to the average reader.</p>	<p>This is explained in detail in point 23.</p>
<p><b>[25]</b> As will be explained in the paragraphs that follow, the EIA Regulations prescribe that the contents of a Scoping Report must include a description of the policy and legislative context.  <b>[26]</b> We will deal in more detail with the legislative scheme in the paragraphs that follow.</p>	<p>Comment noted</p>
<p><b>Legislative Scheme: (point 27-62)</b></p> <p><b>Planning Legislation</b></p> <p><b>[27]</b> In terms of Item 3(e) of Appendix 3, it is a mandatory requirement that the Draft EIA Reports must contain a description of the policy and legislative context(s) as well as an explanation of how the projects comply with and respond to the legislation and policy context. Our Client submits that a mere identification of applicable legislation is not sufficient, but the actual policy and legislative context must be properly described. The Draft EIA Reports do not at all comply with this requirement. The EAP responded to the aforementioned comments by stating that Chapter 3 of the draft Scoping Report provided a clear description of the policy and legislative context applicable to the projects. For the reasons stated herein, as well as our Client's previous comments, this statement by the EAP is denied and it is submitted that the mandatory requirements contained in the EIA Regulations have not been complied with.</p>	<p>Chapter 3 of the Scoping Reports gives a clear description of the policy and legislative context applicable to these projects.</p>
<p><b>[28]</b> Our Client submits that the Draft EIA Reports must also deal with the legislation providing for spatial planning and land use. The Scoping Reports failed to do so as does the Draft EIA Reports.</p>	<p>This comment is noted, Chapter 3 of the EIA report has outlines the relevant legislative and permitting requirements applicable to the proposed project and clearly demonstrate the relevance of these legislation to the project.</p>
<p><b>[29]</b> Eskom's applications in this matter are essentially applications for the erection of buildings and structures on land and constitute 'land development' as defined in the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA). The term 'land development' is defined in SPLUMA as follows:  <i>"land development" means the erection of buildings or structures on land, or the change of use of land, including township establishment, the subdivision or consolidation of land or any deviation from the land use or uses permitted in terms of an applicable land use scheme'</i></p>	<p>Comment noted</p>
<p><b>[30]</b> Section 33(1) provides as follows:  <i>'33(1) Except as provided in this Act, all land development applications must be submitted to a municipality as the authority of first instance.'</i></p>	<p>Land development applications are not applicable for a powerline project; the exception is with for the approval of building plans (ie Control Room, which is not part of the scope of this project and therefore not applicable). Other applications to the municipality include applications for service (i.e. water, sewage and electricity), which is not applicable in this case as this is purely a overhead line project.</p>

<p><b>[31]</b> From the Draft Scoping Reports it appeared that the environmental applications were not submitted to the different local and district municipalities with jurisdiction as contemplated in SPLUMA. In response hereto the EAP provided the vague response that “all affected local and district municipalities with jurisdiction have been involved in these applications.” Our Client submits that the mere involvement of a municipality in a public participation process does not constitute the submission of a land development application to such municipality as contemplated in Section 33(1) of SPLUMA.</p>	<p>All affected local and district municipalities with jurisdiction have been involved in these applications. The different engagement with the different municipalities is outlined the in the PPP document (Appendix 4.1) of the EIA Report.</p>
<p><b>[32]</b> The reason why it is of specific importance that the description of the legislative context in the Draft EIA Reports should in some detail deal with the applicable planning legislation is because Eskom will require planning approvals from the municipalities, in terms of the applicable Municipal Planning By-Laws read with the applicable Zoning Scheme Regulations. Our Client submits that at least the land comprising the infrastructure including the footprints of the substations and pylons will have to be rezoned to an appropriate zoning which provides for electricity infrastructure. In response to the aforementioned submissions, the EAP states that the projects will not require rezoning, due processes will be followed if and when an environmental authorisation is issued and that other applicable requirements will be attended to at a later stage after the Environmental Impact Assessment Phase. This statement is vague and unsubstantiated and does not enable Interested and Affected Parties to make informed decisions and submit proper comments. Our Client’s rights in this regard are therefore severely prejudiced. Furthermore, the statement that the projects do not require rezoning is legally untenable and the EAP fails to provide any substantiation for this inaccurate and misleading statement.</p>	<p>This is a power line project; the line crossing over the land will not require rezoning of that land. The EIA only gives Eskom a right of servitude, due processes are followed if and when EA is issued, ie the other applicable requirements (ie permits) will be attended at a later stage post EIA phase.</p>
<p><b>[33]</b> Section 26(1) of SPLUMA provides as follows:  ‘26(1) An adopted and approved land use scheme—  (a) has the force of law, and all land owners and users of land, including a municipality, a state owned enterprise and organs of state within the municipal area are bound by the provisions of such a land use scheme.’</p>	<p>Comment noted</p>
<p><b>[34]</b> Almost all properties impacted upon by the Eskom applications are zoned for agricultural purposes and our Client submits that the applicable zoning schemes do not allow infrastructure, such as the kind that Eskom proposes to erect, without the required planning approvals. It is inter alia for this reason that applications of this kind must be submitted with the different municipalities with jurisdiction.</p>	<p>This is a power line project; the line crossing over the land will not require rezoning of that land. The EIA only gives Eskom a right of servitude, due processes are followed if and when EA is issued, ie the other applicable requirements (ie permits) will be attended at a later stage post EIA phase.</p>
<p><b>[35]</b> In terms of Section 55(1) of the SPLUMA, only the Provincial Government or a municipality may apply to the Minister of Rural Development and Land Reform for exemption from the provisions of SPLUMA if it is in the public interest to do so. All Provincial Governments and municipalities with jurisdiction will have to apply for such exemptions. Eskom does not have any power to make such applications.</p>	<p>Land development applications are not applicable for a powerline project; the exception is with for the approval of building plans (ie Control Room, which is not part of the scope of this project and therefore not applicable). Other applications to the municipality include applications for service (i.e. water, sewage and electricity), which is not applicable in this case as this is purely a overhead line project.</p>

<p><b>[36]</b> In addition to the planning approvals required for the Eskom infrastructure, Eskom will also require an approval from the Head of the Department of Environmental Affairs and Development Planning, as envisaged in terms of Section 53(1) of the Land Use Planning Act 3 of 2014 (LUPA) or an exemption from the Provincial Minister. Section 53(5) provides as follows: <i>'53(5) An approval by the Head of Department of a land development application does not release an applicant from the obligation to obtain the required approval from the municipality for the land development.'</i></p>	<p>Land development applications are not applicable for a powerline project; the exception is with for the approval of building plans (ie Control Room, which is not part of the scope of this project and therefore not applicable). Other applications to the municipality include applications for service (i.e. water, sewage and electricity), which is not applicable in this case as this is purely a overhead line project.</p>
<p><b>[37]</b> Eskom and the EAP have furthermore neglected to properly refer the environmental applications to the Minister of Rural Development and Land Reform as required in terms of Section 52 of SPLUMA. In this regard the EAP states that such Minister is a registered Interested and Affected Party in the current processes. It is our Client's submission that the mere participation as an Interested and Affected Party by the Minister does not constitute a referral as contemplated in Section 52(1) of the SPLUMA referred to below.</p>	<p>Department of Agriculture, Rural Development and Land Reform is an identified I&amp;APs for this project and has been informed of the project (refer to database I Appendix 4.1). Land development application is outside the scope of the EIA process.</p>
<p><b>[38]</b> Section 52(1) of SPLUMA provides as follows: <i>'52(1) Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), a land development application must be referred to the Minister where such an application materially impacts on—</i>  <i>(a) matters within the exclusive functional area of the national sphere in terms of the Constitution;</i>  <i>(b) strategic national policy objectives, principles or priorities, including food security, international relations and cooperation, defence and economic unity; or</i>  <i>(c) land use for a purpose which falls within the functional area of the national sphere of government.'</i></p>	<p>Comment noted</p>
<p><b>[39]</b> It is important to note that electricity generation, transmission and distribution falls within the exclusive national competency of Government.</p>	<p>Comment noted</p>
<p><b>[40]</b> Our Client submits that it is incumbent upon Eskom and the EAP to explain the abovementioned legislative context, as prescribed in Item 3(e) of Appendix 3. Planning applications, i.e. rezoning, consent and departure applications can only be submitted by landowners. This is not addressed in the Draft EIA Reports. It is not sufficient for the EAP to state that "all other legislative requirements will be dealt with post EIA". This position of the EAP is in direct conflict with the mandatory requirements of the EIA Regulations.</p>	<p>The EIA process is one among many other processes that these projects must go through before its implementation; some of those processes are outside the scope of the EIA process hence the EAP's response that "all other legislative requirements will be dealt with post EIA. This does not part of the EIA process"</p>
<p><b>[41]</b> Furthermore, our Client submits that in all likelihood the title deeds of a large number of the involved properties and farms will contain title conditions which restrict the land use to that of Agriculture. Planning approvals cannot be granted in conflict of prevailing title conditions. Our Client therefore submits that Eskom will have to peruse all title deeds to ensure that the proposed land use is not in contravention thereof and will have to explain in some detail in the Draft Environmental Reports what the statutory requirements are for the removal of such restrictive title conditions.</p>	<p>These proposed line will not change the agricultural nature of the area, it's not the intention of these applications to change the zoning of the land. If needs be, proper protocols will be followed post EIA.</p>

<p><b>[42]</b> Eskom will not be able to circumvent the aforementioned statutory requirements by means of expropriations.</p>	<p>These proposed line will not change the agricultural nature of the area, it's not the intention of these applications to change the zoning of the land. If needs be, proper protocols will be followed post EIA.</p>
<p><b>[43]</b> The significant impacts on the study area of the environmental applications include impacts on agriculture, tourism, heritage resources and visual impacts. Our Client submits that the Spatial Development Frameworks (SDFs) which find application in respect of the study areas of the environmental applications, designate almost all land concerned for agricultural purposes and not for the kind of electricity infrastructure that Eskom now proposes to construct on the affected farms. The proposed Eskom infrastructure and use thereof is clearly in conflict with the designation of such properties for agricultural purposes in terms of the applicable SDFs. The EAP fails to address this fact in its Response and merely makes the vague statement that <i>"The EIA process will ensure that these potential impacts are assessed and mitigated."</i></p>	<p>These proposed line will not change the agricultural nature of the area, it's not the intention of these applications to change the zoning of the land. If needs be, proper protocols will be followed post EIA.</p>
<p><b>[44]</b> Our Client also submits that the applicable SDF's specifically provide that valuable agricultural land should be protected, tourism promoted and that the heritage and visual landscapes be protected. The Eskom applications are in stark contrast with the aforementioned guidelines in the applicable SDFs.</p>	<p>This comment is agreed upon, and because these resources are viewed as being important for this environment, different specialists studies were commissioned as part of the EIA process to evaluate and assess the potential impact of the powerlines on these resources. The best alternative option with the least environmental impact on these resources is recommended for implementation.</p>
<p><b>[45]</b> As remarked above, Eskom's proposed infrastructure development constitutes 'land development' as envisaged in terms of the SPLUMA. Section 22(1) of SPLUMA provides as follows: <i>'22(1) A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework.'</i></p>	<p>Comment noted</p>
<p><b>[46]</b> Any planning application (i.e. rezoning, consent use or departure application) will have to be consistent with the applicable SDFs of the municipalities with jurisdiction. The EAP fails to address this issue in its Response. The Draft EIA Reports do not address this issue.</p>	<p>These proposed line will not change the agricultural nature of the area, it's not the intention of these applications to change the zoning of the land. Hence such application is outside the scope of the EIA process.</p>
<p><b>[47]</b> Section 19(2) and (3) of LUPA provides as follows: <i>"19(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development is not in conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structure plan.</i> <i>(3) If the proposed utilisation or development of land in a land use application or a land development application does not comply with and is not consistent with the relevant designation for the utilisation of land in an applicable spatial development framework or structure plan, the proposed utilisation or development deviates from that spatial development framework or structure plan."</i></p>	<p>Comment noted</p>
<p><b>[48]</b> It is clear that the proposed utilisation of the land concerned deviates from the applicable SDFs, which will necessitate an amendment of the SDFs before the municipality with jurisdiction will be entitled to approve any planning application of Eskom.</p>	<p>These proposed line will not change the agricultural nature of the area, it's not the intention of these applications to change the zoning of the land. If needs be, proper protocols will be followed post EIA.</p>

<p><b>NEMA</b></p> <p><b>[49]</b> For ease of reference and for the benefit of providing appropriate emphasis, we will repeat the applicable provisions contained in the NEMA, as well as the EIA Regulations and will make appropriate cross-references thereto in these comments.</p> <p><b>[50]</b> An Environmental Impact Assessment (EIA) is an Environmental Management Tool to ensure the integrated environmental management of activities which may have a significant negative impact on the environment.</p> <p><b>[51]</b> Section 23 specifically deals with the purpose and general objective of integrated environmental management and constitutes the statutory framework within which all EIA's must be undertaken.</p> <p><b>[52]</b> Section 23(1), (2)(b) and (c) provides as follows:  <i>'23(1) The purpose of this Chapter is to promote the application of appropriate environmental management tools in order to ensure the integrated environmental management of activities.'</i></p> <p><b>[53]</b> The mandatory minimum procedural requirements for an EIA of the kind in this matter, are contained in Section 24(4)(b)(i) which inter alia provides as follows:  <i>'24(4) Procedures for the investigation, assessment and communication of the potential consequences or impacts of activities on the environment -</i></p>	<p>Comments 49-53 are noted</p>
<p><b>[54]</b> The Appellant submits that the following principles of environmental management, as set out in Section 2, is of specific application in this matter:  <i>'2(3) Development must be socially, environmentally and economically sustainable.  (4)(b) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.'</i></p>	<p>Comment is noted.</p>
<p><b>[55]</b> In terms of Section 1, the phrase "best practical environmental option" is defined as follows: "the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term"</p>	<p>Comment is noted.</p>
<p><b>[56]</b> The EIA Regulations need to be interpreted and complied with within the framework of the aforementioned provisions of NEMA.</p>	<p>An EIA process, as defined in the NEMA EIA Regulations, is a systematic process of identifying, assessing, and reporting environmental impacts associated with an activity. The EAP can confirm that NEMA principles are covered in these EIA applications.</p>
<p><b>EIA Regulations</b></p> <p><b>[57]</b> The regulatory framework which applies to the environmental applications of Eskom is that prescribed in the EIA Regulations. The environmental applications of Eskom are applications which are subject to Scoping and Environmental Impact Report (S&amp;EIR).</p>	<p>Comment is noted.</p>

<p><b>[58]</b> In its previous comments on the Narina Application, our Client repeatedly complained that the EAP and Eskom failed to comply with various mandatory provisions of the Regulations as far as the contents of the Draft Environmental Reports are concerned. Eskom has failed to respond to such complaints. The EAP merely states that such project has no bearing on these projects. In this regard the Competent Authority is referred to our comments at paragraph 19 and 20 above which for purposes of brevity we shall not repeat. Suffice to emphasise that these two subject projects, together with the Narina Application cannot be considered separately.</p>	<p>Comment noted, the consultant has been informed by Eskom that all comments received on the Narina-Blanco Application were responded to in the Comments and Response Report of that report</p>
<p><b>[59]</b> Regulation 23(3) and Item 3(e), (f) and (h) of Appendix 3 state as follows:  <i>"3. An environmental impact assessment report must contain the information that is necessary for the competent authority to consider and come to a decision on the application, and must include –</i></p>	<p>The EIA Report has included all information required in terms of the Appendix 3 of the EIA Regulations. The DEA has accepted both the applications as they meet these requirements.</p>
<p><b>[60]</b> The EAP states in its Response that "the Scoping Report included all information required in terms of the Regulations." For the reasons stated below, as well as in our Client's previous comments, this statement of the EAP is misleading and untrue.</p>	<p>The EIA Report has included all information required in terms of the Appendix 3 of the EIA Regulations. The DEA has accepted both the applications as they meet these requirements.</p>
<p><b>[61]</b> It is to be noted that the prescribed contents of environmental impact assessment reports are mandatory and leave no discretion to the EAP or Eskom.</p>	<p>The EAP is aware of this requirement, accordingly this scoping report is aligned to the Environmental Impact Assessment Regulations, 2014 (Appendix 2).</p>
<p><b>[62]</b> As far as non-compliance with Item 3(e) is concerned (legislative context), we refer to what we have stated in Paragraph 27 above.</p>	<p>As per the previous response on this matter, Chapter 3 of the Scoping Reports gives a clear description of the policy and legislative context applicable to these projects. The reports have been drafted to comply with the EIA regulation; it must note that these scoping reports have been previously accepted by the competent authority (DEA) for this application. This Department is responsible for environmental policy and is the controlling authority in terms of NEMA and the EIA Regulations.</p>
<p><b>Non-compliance with the NEMA: (point 63-89)</b></p> <p><b>Lack of Information</b></p> <p><b>[63]</b> As far as the disclosure of information is concerned, the EIA Regulations impose certain mandatory duties on the EAP. Reference is made to Regulation 13(1)(f), which states as follows: '13(1) An EAP and a specialist, appointed in terms of regulation 12 (1) or 12 (2)...."</p>	<p>The EIA Report has included all information required in terms of the Regulations.</p>

[64] From the environmental applications it appears that the Eskom Transmission Grid Planning Unit initiated a study to investigate possible solutions to address transformation and network constraints. It appears that this study served as the basis of the alternatives proposed by Eskom. Our Client submits that details of the aforementioned study must be disclosed to the competent authority and Interested and Affected Parties, including the possible solutions identified in the study. Eskom is obliged to disclose the strengthening options which were considered, including details of the various upgrades of infrastructure. The EAP responded to the aforementioned submissions by stating that "Eskom have indicated that the Eskom Planning Reports cannot be made available in the public domain. The best techno-economical option was chosen." Our Client submits that the study prepared by the Eskom Transmission Grid Planning Unit constitutes material information which may influence the rights of our Client as well as may have an impact on the decision-making process of the Competent Authority. The failure of Eskom to provide this study constitutes a material flaw in the Environmental Application Process, with the result that rights of Interested and Affected Parties are severely prejudiced.

Eskom have indicated that the Eskom Planning Reports are confidential documents and cannot be made available in the public domain. The best techno-economical option was chosen. However, Eskom Transmission Development Plan can be downloaded directly from the following Eskom website

<http://www.eskom.co.za/Whatwerecoing/TransmissionDevelopmentPlan/Documents/TransDevPlan2016-2025Brochure.pdf>.

Key information regarding Eskom Transmission Grid Planning study is provided in Chapter 2 of the EIA Report, extracts of the planning documents have been provided in the report.

**In summary:**

Blanco (Narina) 400/132 kV Substation and Loop-in Lines - triggered in 2010 by Eskom Distribution due to local load requirements

Eskom Transmission Grid Planning initiated a study in 2012 to investigate possible solutions to address transformation constraints at Proteus Substation as well as the sub-transmission constraints experienced on the network supplying the Blanco area.

The load forecast for Proteus Substation indicated that the transformers will be supplying a peak demand in excess of the installed firm capacity and would therefore overload under loss of one of the two transformers. Also, the loss of either one of the 3x132 kV lines from Proteus to Blanco will result in the other two lines overloading. The loss of the Blanco-Knysna 132 kV line currently results in low voltages at Knysna Substation. One of the 3x132kV lines from Proteus to Blanco has been in operation for 23yrs and is about to reach its 25yr life expectancy and will require refurbishment.

In order to resolve all of the above constraints, the recommended solution is to establish a new 400/132 kV Blanco (Narina) Substation in the area. It is the least life cycle cost solution, is sufficient over the 20 year planning window period and will reduce overall network system losses.



Gourikwa – Blanco 400 kV line and Blanco – Droërivier 2nd 400 kV line – triggered in 2013 by Eskom Peaking Generation due to generation integration requirements

At Gourikwa Power Station, the power output will be increased via the CCGT Conversion Project which will convert 5 x existing OCGT units at each station to CCGT. This will entail the installation of Heat Recovery Steam Generators (HRSG) that will use the heat from the exhausts of the gas turbines to create steam. The steam from the HRSGs will be used to drive two new steam turbines, leading to increased cycle efficiency. The resultant output per CCGT unit will be 225 MW comprising of 150 MW (gas turbine) + 75 MW (steam recovery). Additional Transmission network infrastructure is therefore required to enable an increase in power output in order to ensure compliance in accordance with the Grid Code.

The problematic double contingencies related to Power Station Grid Code compliance at Gourikwa are the loss of the:

- Gourikwa-Proteus 1 and 2 400 kV lines. This results in the islanding of the Gourikwa Power Station.
- Proteus – Bacchus and Droërivier – Blanco 400 kV lines. This results in the islanding of the Gourikwa Power Station together with Blanco and Proteus Transmission Substations.

In order to ensure that Gourikwa is Grid Code compliant, a 3rd line needs to be built out of the facility i.e. Gourikwa – Blanco 400 kV line and Blanco – Droërivier 2nd 400 kV line

There is also a potential for renewable energy and gas powered IPPs in the area that will require this infrastructure. An added benefit of these lines is that it will reduce the risk of major outages in the broader area during maintenance of the existing Transmission lines.

The need date is dependent on the commitment from the generation project/s.

**Please refer to point 64**

**[65]** Our Client submits further that the Eskom Transmission Grid Study constitutes material information which informed the alternatives identified in the Eskom environmental applications. In terms of Regulation 13(1), the EAP must disclose the contents of the Eskom Transmission Grid Study to Interested and Affected Parties. From the response of the EAP it is evident that the EAP is not in possession of the study. It therefore follows that the EAP, in preparing the Draft EIA Reports, merely acted on the dictates of Eskom. This is contravention of Regulation 13(1) which provides that an EAP must be independent.



<p><b>[66]</b> Further examples, for illustrative purposes, of the absence of material information are the following extracts from the Gourikwa to Blanco Scoping Report:</p> <p><i>'2.2 ... Various combinations of 400 kV and 765 kV Transmission lines were assessed for the loading scenarios at Gourikwa. Results showed that loading will result in islanding of the Gourikwa power station in one scenario, and the islanding of the power station together with the Blanco and Proteus Transmission Substations in the second scenario. This means that if the project does not go ahead, then increased power generation at Gourikwa will overload the grid and cut off power supply from the power station. Therefore, in order to ensure that Gourikwa is Grid Code compliant, a third line needs to be built out of the facility. Three options for the proposed third line were considered.</i></p> <p><i>When all three options were technically evaluated, the line into Droërvier Substation via Blanco Substation was preferred based on the natural path for the power to flow. This can be attributed to the future generation in the Cape Peninsula and surrounding area. This option is also in alignment with the proposed second Droërvier – Proteus 400 kV line as per the Technical Development Plan. For the Gourikwa-Blanco option, a 400 kV Transmission line from Gourikwa to Blanco (which is the next closest load centre) will have to be established.'</i></p>	<p>Noted</p>
<p><b>[67]</b> In terms of Item 2(h)(i) of Appendix 2, the Draft Environmental Reports must give a full description of the process followed to reach the proposed preferred activity. Details of all alternatives considered must be disclosed. We will deal in more detail with non-compliance as far as alternatives are concerned below. Eskom and the EAP will have to provide the competent authority and Interested and Affected Parties with details and proof of the investigations undertaken with full disclosure of the content thereof and a proper motivation why no other potential alternatives exist. All strategic documents and information must be made available to Interested and Affected Parties.</p>	<p><b>Please refer to point 64</b></p>
<p><b>[68]</b> The manner in which Eskom has processed its environmental applications to date totally undermines the Public Participation Process. Regulation 40(2) provides as follows:</p> <p><i>“(2) The public participation process contemplated in this regulation must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application unless access to that information is protected by law and must include consultation with—</i></p>	<p>Details of the public participation process undertaken in terms of regulation 41 of the EIA Regulations are included in Appendix 4.1 of the EIA Reports</p>

<p><b>[69]</b> Regulation 14(5)(a) and (b) inter alia deals with the instance where an EAP refuses or neglects to disclose material information.</p> <p><i>"14(5) If, after considering the matter, there is reason for the competent authority to believe that there is noncompliance with regulation 13 by the EAP or specialist, the competent authority must, in writing, inform the interested and affected party who notified the competent authority in terms of subregulation (2), the EAP or specialist and the applicant accordingly and may"</i></p>	<p>The EAP has disclosed all information at hand applicable to this project, and in no instance has the EAP refused to furnish I&amp;APs additional requested information. As explained in previous points, Eskom have indicated that the Eskom Planning Reports are confidential documents and cannot be made available in the public domain. The best technological option was chosen. However, Eskom Transmission Development Plan can be downloaded directly from the following Eskom website <a href="http://www.eskom.co.za/Whatwaredoing/TransmissionDevelopmentPlan/Documents/TransDevPlan2016-2025Brochure.pdf">http://www.eskom.co.za/Whatwaredoing/TransmissionDevelopmentPlan/Documents/TransDevPlan2016-2025Brochure.pdf</a>.</p> <p>Key information regarding Eskom Transmission Grid Planning study is provided in Chapter 2 of the EIA Report, extracts of the planning documents have been provided in the report.</p> <p>It is the opinion of the EAP that the information provided by Eskom (as detailed in the EIA report) is more than enough information explaining the purpose and scope of the project.</p>
<p><b>[70]</b> Due to the fact that the instances of non-compliance regarding alternatives, as highlighted by our Client previously, have to date not been addressed or remedied, we shall repeat our Client's previous submissions in this regard as they are still valid and bear due consideration. Where necessary our Client's reactions will be provided to responses received from the EAP.</p>	<p>Noted</p>
<p><b>[71]</b> Reference is made to Item 2(h)(i) of Appendix 2. In addition to what we have stated above regarding the absence of material information in respect of alternatives, our Client submits that the Draft Environmental Reports lack a full description of the process followed to reach the proposed preferred activity and the details of all alternatives considered.</p>	<p>Chapter 2 of the EIA Reports gives background description of the alternatives considered for the EIA applications.</p>
<p><b>[72]</b> Our Client submits that it was incumbent upon Eskom to identify all potential alternatives and then to assess those alternatives which are considered to be reasonable and feasible. The EIA Guideline and Information Document Series (Guideline on Alternatives) of the Western Cape Department of Environmental Affairs and Development Planning contains the following guideline as far as the identification and investigation of alternatives are concerned:</p> <p><i>'Detailed information on the consideration of alternatives must, however, be provided in the relevant reports. In this regard (a) the methodology, (b) criteria used to identify, investigate and assess alternatives (these must be consistently applied to all alternatives), and (c) a reasoned explanation why an alternative was or was not found to be reasonable and feasible must be provided.'</i></p>	<p>Chapter 2 of the EIA Reports gives background description of the alternatives considered for the EIA applications.</p>

<p><b>[73]</b> following guidelines as far as alternatives are concerned are contained in Guideline 5: Assessment of Alternatives and Impacts of the Department of Environmental Affairs:</p> <p><i>'I&amp;As must be provided with an opportunity of providing inputs into the process of formulating alternatives. Once a full range of potential alternatives has been identified, the alternatives that could be reasonable and feasible should be formulated as activity alternatives for further consideration during the basic assessment or scoping and EIA process. The number of alternatives that are selected for assessment should not be set arbitrarily, but should be determined by the range of potential alternatives that could be reasonable and feasible and should include alternatives that are real alternatives to the proposed activity.'</i></p>	<p>Comment noted</p>
<p><b>[74]</b> The fact that the Gourikwa or Droërivier substations may already exist, is no reason why Eskom is not obliged to identify and assess other alternatives. Furthermore, the mere existence of current infrastructure does not constitute a 'motivation' as envisaged in terms of Item 2(h)(x) of Appendix 2 for not consideration alternatives.</p>	<p>The existing infrastructure needs to be expanded, these projects fall as part of those envisaged expansions.</p>
<p><b>[75]</b> Our Client submits that it was incumbent on the EAP and Eskom to disclose detailed information on the consideration of all potential alternatives. Both the EAP and Eskom failed to do so.</p>	<p>Chapter 2 of the EIA Reports gives background description of the alternatives considered for the EIA applications.</p>
<p><b>[76]</b> The Regulations oblige the EAP and Eskom to provide a reasoned motivation why alternatives identified as potential alternatives were not considered to be reasonable and feasible. This is not a matter which is at all in the discretion of Eskom or EAP.</p>	<p>Alternatives as well as "no go options are proposed and these have been assessed in the EIA report</p>
<p><b>[77]</b> Our Client furthermore submits that all identified potential alternatives must be "comparatively considered" and then those alternatives found to be "feasible and reasonable" must be "comparatively assessed". Interested and affected parties must then be afforded an opportunity to provide comments on the aforementioned comparative considerations and assessments.</p>	<p>Alternatives as well as "no go options are proposed and these have been assessed in the EIA report</p>
<p><b>[78]</b> The failure of the EAP to comply with the above provisions relating to alternatives is emphasised when regard is had to the following response received from the EAP:</p> <p><i>"During the detailed design phase of the project, the exact positioning and placement of the substation and associated pylons will be finalized in conjunction with any affected landowners."</i></p>	<p>Two alternatives were proposed by Eskom, and those two alternatives are assessed as part of the Impact Assessment.</p>

<p><b>[79]</b> In Response to the above, the EAP states that alternatives referred to in vague terms in the draft scoping reports will be further assessed in the EIA phase in consultation with the various stakeholders as well as specialist studies. It is furthermore stated by the EAP that alternatives will be further assessed in the Environmental Impact Assessment by the appointment of independent specialists which will assess the alternatives after which those that are found and considered to be viable, feasible and reasonable will be presented to all registered, interested and affected parties during the Environmental Impact Assessment process.</p>	<p>Noted</p>
<p><b>[80]</b> Our Client submits that the abovementioned proposed cause of action of the EAP constitutes a total collapse of the Environmental Impact Assessment process as provided for in Part 3 of the EIA Regulations. It was incumbent upon Eskom to provide full particulars of alternatives and to comply with the abovementioned provisions pertaining to alternatives during the scoping process. It is not competent for Eskom or the EAP to attempt to rectify the materially flawed process in relation to alternatives at this late stage during the Environmental Impact Report Phase.</p>	<p>Two alternatives were proposed by Eskom, and those two alternatives are assessed as part of the Impact Assessment.</p>
<p><b><i>Need and Desirability</i></b></p> <p><b>[81]</b> In terms of Item 2(f) of Appendix 2, a description of the need and desirability in any environmental reports is also a mandatory requirement.</p>	<p>The scoping reports have complied with Item 2(f) of Appendix 2, as this aspect is dealt with in Chapter 2 of the Scoping Reports</p>

**[82]** The need and desirability of the proposed activity is described in the Draft Environmental Reports exclusively with reference to the Eskom Transmission Grid Planning study. As remarked above, Eskom is obliged to disclose the Eskom study as such study is pivotal to a proper understanding of the need and desirability of the project and also the identification of alternatives. The contents of the Grid Planning Study will afford Interested and Affected Parties an opportunity to know whether all potential alternatives have been identified and to understand the reasoning process why only certain of those potential alternatives were considered to be reasonable and feasible. Our Client submits that this is a fatal flaw to the environmental applications of Eskom.

Eskom have indicated that the Eskom Planning Reports are confidential documents and cannot be made available in the public domain. The best techno-economical option was chosen. However, Eskom Transmission Development Plan can be downloaded directly from the following Eskom website <http://www.eskom.co.za/Whatweredoing/TransmissionDevelopmentPlan/Documents/TransDevPlan2016-2025Brochure.pdf>. Key information regarding Eskom Transmission Grid Planning study is provided in Chapter 2 of the EIA Report extracts of the planning documents have been provided in the report.

**In summary:**

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In order to ensure that Gourikwa is Grid Code compliant, a 3rd line needs to be built out of the facility i.e. Gourikwa – Blanco 400 kV line and Blanco – Droërivier 2<sup>nd</sup> 400 kV line

There is also a potential for renewable energy and gas powered IPPs in the area that will require this infrastructure. An added benefit of these lines is that it will reduce the risk of major outages in the broader area during maintenance of the existing Transmission lines.

The need date is dependent on the commitment from the generation project/s.

**[83]** The concept of need and desirability can be explained in terms of the meaning of its two components in which “need” refers to time and “desirability” refers to place. Put differently, is this the right time and is it the right place for locating the type of activity proposed by Eskom.

Careful consideration is given to the entire portfolio of the Eskom Transmission Projects. If an opportunity arises to defer projects, then Eskom will take this into considerations. In this instance due to the current constraints experienced by Distribution to meet the load and refurbishment requirements, this project is required as a matter of urgency. The location is correctly identified to also address the future developments in the area. Therefore in terms of Eskom's future planning, this is indeed the right time and place for this type of activity.

**[84]** Our Client and Interested and Affected Parties simply cannot know or ascertain what the need and desirability of the alternatives are in the absence of the Eskom study. It appears that the Eskom Transmission Grid Planning Study was produced during 2012, in other words before the start of the Environmental Application process.

Eskom have indicated that these reports cannot be made available in the public domain due to confidentiality reasons. However, the key information regarding the points raised is provided in Chapter 2 of the EIAR report.

<p><b>[85]</b> The desirability of the proposed activity turns on the “placing” thereof. The question is whether the proposed activity is the best practicable environmental option for the specific sites. As remarked above, according to the NEMA the “best practicable environmental option” means the option that provides the most benefit and causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term. In determining the best practical environmental option, adequate consideration must also be given to opportunity cost.</p>	<p>Comment noted</p>
<p><b>[86]</b> Our Client submits that the need and desirability of any development proposal must be considered within the appropriate strategic context, namely the SDF of any particular municipality. As argued above, our Client submits that the Eskom development proposal is inconsistent with the SDFs of the relevant municipalities which has the consequence, in terms of Section 22 of LUPA, that the involved municipalities will not be able to grant any planning approval, including any rezoning of any property, unless the relevant SDF has been properly amended to designate the land concerned for purposes of Eskom infrastructure. Our Client therefore submits that in the current circumstances it is not possible for Eskom to properly motivate the need and desirability of the proposed development, especially in the absence of material information not being included in the Draft Environmental Reports.</p>	<p>Table 12 in Chapter 7 of the EIA report gives detailed information on the Need And Desirability and desirability of the project. It must be reiterated that application for rezoning for this project is not required, however all other legislative requirements will be dealt with post EIA. These applications do not form part of the EIA process.</p>
<p><b>[87]</b> In terms of Item 3(d) of Appendix 3, the Draft EIA Reports must contain a description of the scope of the proposed activities including ‘associated structures and infrastructure’. The Draft EIA Reports do not properly describe what associated structures or infrastructure would be required and disclose relevant information.</p>	<p>Associated structures and infrastructure are described in Chapter 2 of the EIA Report under section 2.4.1 (Infrastructural description).</p>
<p><b>[88]</b> In an attempt to address the issue of need and desirability of the proposed projects the EAP attached a document of Eskom entitled “Transmission Ten-Year Development Plan 2012-2021” to the Draft EIA Reports (Annexures 6.3 to both respective Draft EIA Reports). The purpose of such plan (the Eskom Plan) is described as follows in its Executive Summary:  “The Transmission Division of Eskom Holdings has the responsibility of developing the transmission network. The publication of the Transmission Ten-Year Plan is to inform stakeholders about Eskom’s plans for the development of the transmission network. This publication fulfils the requirements of the South African Grid Code, which requires the Transmission Network Service Provider (TNSP) to publish plans annually on how the network will develop.”</p> <p><b>[89]</b> From the above it is clear that the purpose of the Eskom Plan relates to the developing of the electricity transmission network and to keep stakeholders informed of developments in such regard. From a reading of such Eskom Plan it is evident that it does not relate at all to the requirements of need and desirability as contemplated in the NEMA and EIA Regulations. The Draft EIA Reports contain only vague reference to such Eskom Plan and do not provide any explanation of how it applies and relates to the requirements of the NEMA and EIA Regulations pertaining to need and desirability.</p>	<p>Careful consideration is given to the entire portfolio of the Eskom Transmission Projects. If an opportunity arises to defer projects, then Eskom will take this into considerations. In this instance due to the current constrains experienced by Distribution to meet the load and refurbishment requirements, this project is required as a matter of urgency. The location is correctly identified to also address the future developments in the area. Therefore in terms of Eskoms future planning, this is indeed the right time and place for this type of activity.</p>

<p><b>Vested Rights (points 90-104)</b></p> <p><b>[90]</b> The vested land use rights of the Client have not been dealt with in the Environmental Application of Eskom, but were totally disregarded. This constitutes a fatal flaw to the Environmental Application of Eskom.</p>	<p>The EIA application is merely a planning tool for potential future developments, only when the project is approved can Eskom consider the vested land use rights of individual landowner through engagement with affected landowners. Once more it must be noted that it's not the intention of these applications to change the current zoning of the land. If needs be, proper protocols will be followed post EIA.</p>
<p><b>[91]</b> The Draft Environmental Reports represent that all properties are zoned for agricultural purposes. This constitutes a misrepresentation as far as our Client's properties are concerned.</p>	<p>The EIA application is merely a planning tool for potential future developments, only when the project is approved can Eskom consider the vested land use rights of individual landowner through engagement with affected landowners. Once more it must be noted that it's not the intention of these applications to change the current zoning of the land. If needs be, proper protocols will be followed post EIA.</p>
<p><b>[92]</b> We attach hereto as Annexure A, a rezoning approval of the then Provincial Administration of the Cape of Good Hope, dated 11 August 1993, in which the rezoning of Portions 1 and 3 of the Farm 318, from Agricultural Zone 1 to Resort Zone II, for the development of 50 holiday accommodation units was approved. The aforementioned approval was granted in terms of Section 16 of the Land Use Planning Ordinance No. 15 of 1985, subject to various conditions. We specifically refer to Condition 1.4, which states as follows:</p> <p><b>[93]</b> The first units were duly constructed, infrastructure installed and the land use rights locked-in.</p>	<p>The EIA application is merely a planning tool for potential future developments, only when the project is approved can Eskom consider the vested land use rights of individual landowner through engagement with affected landowners. Once more it must be noted that it's not the intention of these applications to change the current zoning of the land. If needs be, proper protocols will be followed post EIA.</p>
<p><b>[94]</b> The layout of the approved Resort Zone II units is indicated on Annexure B attached hereto. The competent authority is specifically alerted to the fact that the power line has been proposed almost immediately adjacent to the resort units. The competent authority needs to be mindful of the critical fact that no servitudal rights exist in favour of Eskom over our Client's properties. Our Client records that in view of its vested land use rights, that it will not be amenable to grant any consent to Eskom to register any kind of servitude over its properties. The Client will resist and challenge any attempt by Eskom or the National Government to expropriate any servitude or land owned by the Client.</p>	<p>Eskom servitude will only be registered after the receipt of the EA. Eskom appoints the independent Professional valuer to evaluate the affected property. Then the valuer contacts the rightful landowner and visit the property to compile the valuation report that will determine the compensation to be paid. Eskom representative visits the landowner to negotiate with the landowner for the acquisition of the servitude. Once the landowner signs the Option to acquire the servitude the process of servitude registration commences. Servitude registration takes about six months. The compensation will be paid after the registration</p>



<p><b>[95]</b> The Client's property rights and specifically the Resort Zone II Use Rights constitute "property" as envisaged in terms of Section 25 of the Constitution.</p> <p><i>"25(1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.  (2) Property may be expropriated only in terms of law of general application-  (a) for a public purpose or in the public interest; and  (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.  (3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances..."</i>-</p> <p>The primary use rights which attach to a property in terms of a Resort Zone II zoning, is that of "holiday housing", which is defined in the Scheme Regulations applicable to the property as follows:</p> <p><i>"Holiday housing" means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel or motel."</i></p>	<p>Comment noted</p>
<p><b>[96]</b> As set out above, our Client will not consent to any servitude which may be required by Eskom over its property. Apart from the instance of actual expropriation, our Client submits that the implementation of the Eskom proposal over its properties will effectively result in a constructive expropriation of the Resort Land Use Rights, which attach to Portion 1 and 3. Such opportunity cost will in the circumstances be totally irrational and at a cost totally unacceptable to society in the long term as well as the short term. The Client therefore submits that the alternatives proposed are not the "best practical environmental option".</p>	<p>Should the property be affected by the servitude, a professional independent land valuer will be appointed to conduct the Strip and Specific Valuation reports. The landowner will meet the Eskom negotiator to discuss the valuation report, and the specific valuation will indicate the difference between the values of the property before the powerline is constructed, and after construction has occurred. The 'willing-to-sell, willing-to-buy' rule will also apply, which means that Eskom is willing to buy the property at the market value based on the valuation report done by the independent valuer.</p>
<p><b>[97]</b> Our Client submits that the alignment of the power lines will make the sustainable development of the resort units impossible. Eskom is a state owned utility which must comply with the Occupational Health and Safety Act 85 of 1993, as well as the applicable management systems in accordance with ISO 9001, ISO14001 and the OHSAS 1800 requirements. Our Client submits that Eskom will not be able to implement any of the alternatives consistent with the aforementioned legislation and systems</p>	<p>ESKOM will have to comply with all relevant rules and regulations. During the detailed design phase of the project, the exact positioning and placement of the substation and associated pylons will be finalized in conjunction with any affected landowners. It should also be noted that due to the fact that the proposed powerline is a short distance, fewer pylons will be required (to be confirmed during detailed design).</p>
<p><b>[98]</b> In view of the fact that the alternatives will be implemented substantially in a residential resort, it will have far reaching occupational health and safety consequences as far as adverse impacts of electrical and magnetic fields are concerned, as well as the general safety of humans living in the resort.</p>	<p>A detailed Construction and Operational Management Plan (COEMP) has been compiled as part of the process, which will now be updated to include all the specific conditions, as well as detail design aspects as soon as they are available. This will be strictly implemented on the site during construction and operation. This COEMP was submitted as part of the EIA process, and has been accepted by the DEA.</p>

**[99]** Should Eskom's environmental application be approved, our Client will be entitled to constitutional compensation as envisaged in terms of Section 25(3) of the Constitution. The competent authority is specifically alerted to the fact that the current Land Use Rights of the properties, as well as the market value thereof, constitutes relevant factors which will determine the compensation to which the appellant will be entitled to in terms of Section 25(3) of the Constitution.

Should the property be affected by the servitude, a professional independent land valuer will be appointed to conduct the Strip and Specific Valuation reports. The landowner will meet the Eskom negotiator to discuss the valuation report, and the specific valuation will indicate the difference between the values of the property before the powerline is constructed, and after construction has occurred. The 'willing-to-sell, willing-to-buy' rule will also apply, which means that Eskom is willing to buy the property at the market value based on the valuation report done by the independent valuer.

**[100]** As far as Constitutional compensation is concerned, reference is made to condition 1.4 of the Rezoning Approval of 11 August 1993, which obliged the landowner to first construct the Geelhoutboom Dam prior to utilising the property in terms of the zoning. The Geelhoutboom Dam constitutes the natural source of the Resort and had to be constructed before our Client's predecessor in title could proceed with the implementation of the full extent of its resort rights. Our Client records that the total construction costs of the Geelhoutboom Dam at the time of its construction already exceeded R12 000 000,00.

Should the property be affected by the servitude, a professional independent land valuer will be appointed to conduct the Strip and Specific Valuation reports. The landowner will meet the Eskom negotiator to discuss the valuation report, and the specific valuation will indicate the difference between the values of the property before the powerline is constructed, and after construction has occurred. The 'willing-to-sell, willing-to-buy' rule will also apply, which means that Eskom is willing to buy the property at the market value based on the valuation report done by the independent valuer.

**[101]** The instance of vested rights and the socio-economic impact in respect thereof, have not been subjected to the public participation process, nor did such significant impact form part of the impact assessment undertaken. This is confirmed when regard is had to the following response of the EAP:

*"The EIA application is merely a planning tool for potential future developments, only when the project is approved can Eskom consider the vested land use rights of individual landowner through engagement with affected landowners. Once more it must be noted that it's not the intention of these applications to change the current zoning of the land. If needs be, proper protocols will be followed post EIA."*

The above statement of the EAP is misdirected and inaccurate. Our Client submits that its vested land use rights form a material and integral consideration which the EAP must take into consideration during the Environmental Application Process and not once environmental authorisation (if any is granted). It is furthermore submitted that it is essential that individual landowners be consulted and engaged with during the Environmental Application Processes. This approach of the EAP not to consider vested land use rights and not to engage with landowners results in the Environmental Application Process being flawed.

Please note that the quoted statement is immensely misinterpreted in every way. Landowners form the focal point of these applications and their vested rights have been taken into considerations throughout the whole EIA process. Every means of communication tool as prescribed by the regulation and beyond have been used to involve the potentially affected landowners in these applications.

These interactions with the landowners are recorded in the public participation process section of the EIA report. Section 4.3 also gives a summary of concerns from landowners. Furthermore different specialist studies (i.e. Social, Socio-economic and Visual impact studies) were conducted that mostly focussed on the impacts of that proposed line will have on landowners. These studies made recommendations of the alignment with the least from each perspective.

Having said this, the process of engaging with landowners also goes beyond the EIA process as each impacted landowner must be consulted for servitude negotiations.

<p><b>[102]</b> Our Client submits that the significant adverse impact on its Constitutional Property Rights, should have informed the identification and consideration of alternatives in material respects. This was not done in this matter. The manner, in which the proposed activities might affect our Client's property rights, has not been identified or considered or taken into consideration when the impact of the proposed activity was assessed.</p>	<p>Social, Socio-economic and Visual impact studies that were conducted for this project has assessed the significant adverse impact the line may have on landowner properties, the alignment with the least impact has been recommended.</p>
<p><b>[103]</b> Our Client submits that the desirability of the proposed activity will also be significantly affected in view of the infringement on its Constitutional Property Rights and that all identified impact must be assessed against the current vested rights of our Client.</p>	<p>Social, Socio-economic and Visual impact studies that were conducted for this project has assessed the significant adverse impact the line may have on landowner properties, the alignment with the least impact has been recommended.</p>
<p><b>[104]</b> As remarked above, Eskom is a state-owned utility and the first principle should be that the state uses its own properties over which these linear activities can be undertaken. Our Client alerts the competent authority to the fact that the property to the North and adjacent to our Client's property, is owned by the state and the preferred alternative for the state and Eskom, should be to construct the proposed power lines as well as the incidental infrastructure, over the state owned land and not over private property, at an enormous cost to the public. This is a very relevant factor which has not been properly considered by either the EAP or Eskom, nor was it dealt with in the Environmental Reports of Eskom.</p>	<p>Eskom servitude will be registered after the receipt of the EA. Eskom appoints the independent Professional valuer to evaluate the affected property. Then the Valuer contacts the rightful landowner and visit the property to compile the valuation report that will determine the compensation to be paid. Eskom representative visits the landowner to negotiate with the landowner for the acquisition of the servitude. Once the landowner signs the Option to acquire the servitude the process of servitude registration commences. Servitude registration takes about six months. The compensation will be paid after the registration</p>
<p><b>[105]</b> For the reasons stated above, our Client submits that the Draft EIA Reports are fatally flawed and the competent authority cannot in terms of Regulation 24(1)(a) grant environmental authorisation in respect of all or any part of the activities applied for.</p>	<p>It is the opinion of the EAP that the Draft EIA report has been complied in line with Appendix 3 of the 2014 EIA Regulations as demonstrated in Table 2 (Compliance section) of the Draft EIA report.</p> <p>The EIA report has address those identified potential environmental impacts and benefits (direct, indirect and cumulative impacts) associated with the project including design, construction, operation, and decommissioning, and recommend appropriate mitigation measures for potentially significant environmental impacts. It is the opinion of the EAP that the EIA reports has provided the environmental authorities with sufficient information to make an informed decision regarding the proposed project.</p>

## Sheila Bolingo

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**From:** Rudzani Ranwedzi <RanwedRP@eskom.co.za>  
**Sent:** Thursday, July 27, 2017 2:42 PM  
**To:** Andre Swart (Andre@stadlers.co.za)  
**Cc:** Michiel Goosen; Pumza Jizana; Sheila Muniongo (sheila@envirolution.co.za); Shaun Swanepoel  
**Subject:** RE: PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE / PROPOSED BLANCO (NARINA) TO DROERIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE  
**Attachments:** EA amendment November 2016.pdf; EA Blanco February 2016.pdf

Good Day

My email below has reference. Please ignore the previously attached EA and find the attached correct EA for Narina project.

Please receive my apology for sending the incorrect document.

Regards

**Rudzani Precious Ranwedzi (Pr.Sci.Nat)**

---

**From:** Rudzani Ranwedzi  
**Sent:** 27 July 2017 01:02 PM  
**To:** Andre Swart (Andre@stadlers.co.za)  
**Cc:** Michiel Goosen; Pumza Jizana; Sheila Muniongo (sheila@envirolution.co.za); Shaun Swanepoel  
**Subject:** FW: PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE / PROPOSED BLANCO (NARINA) TO DROERIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE

Good Day

Emails below has reference. Please find Eskom's response to your raised enquiries below.

1. The location of the ESKOM infrastructure on adjacent state land.

The location of the authorised proposed Eskom infrastructure will be as per EA (attached with its amendment) Ref. no. DEA/EIA/0002114/2013

four corner points of the Preferred Substation	Latitude	Longitude
Alternative Site 5	33° 55' 28.72" S	22° 22' 01.25" E
	33° 55' 28.82" S	22° 22' 24.28" E
	33° 55' 47.82" S	22° 22' 24.12" E
	33° 55' 47.96" S	22° 22' 01.14" E
Power line Route Alternative 5 (at 250m intervals)	Latitude	Longitude
	33° 55' 39.60" S	22° 22' 00.84" E
	33° 55' 39.12" S	22° 21' 50.70" E
	33° 55' 19.12" S	22° 21' 40.95" E
	33° 55' 39.49" S	22° 21' 31.37" E
	33° 55' 39.52" S	22° 21' 21.52" E
	33° 55' 40.00" S	22° 21' 11.98" E
	33° 55' 39.74" S	22° 21' 02.02" E
	33° 55' 39.74" S	22° 20' 50.39" E
	33° 55' 39.76" S	22° 20' 42.61" E
	33° 55' 39.53" S	22° 20' 35.98" E

The substation site will be 600x600 m and the line servitude for the 2x400kV lines will be 114m as shown in Fig 1 below, these infrastructures are located on private land (yellow) and not on the state land (green).

Eskom is already crossing the landowners property with the Narina project and it will not be possible to utilise the state owned property (green in Fig1) for the Droerivier-Narina-Gourikwa project because of the positioning of the Narina substation. The position of the substation is already as far as possible against the mountain. Fig 2 below shows a schematic version of the three project and how they all interconnect (Blue is existing, green is the Narina S/S project and red is the Droerivier-Narina-Gourikwa project.)

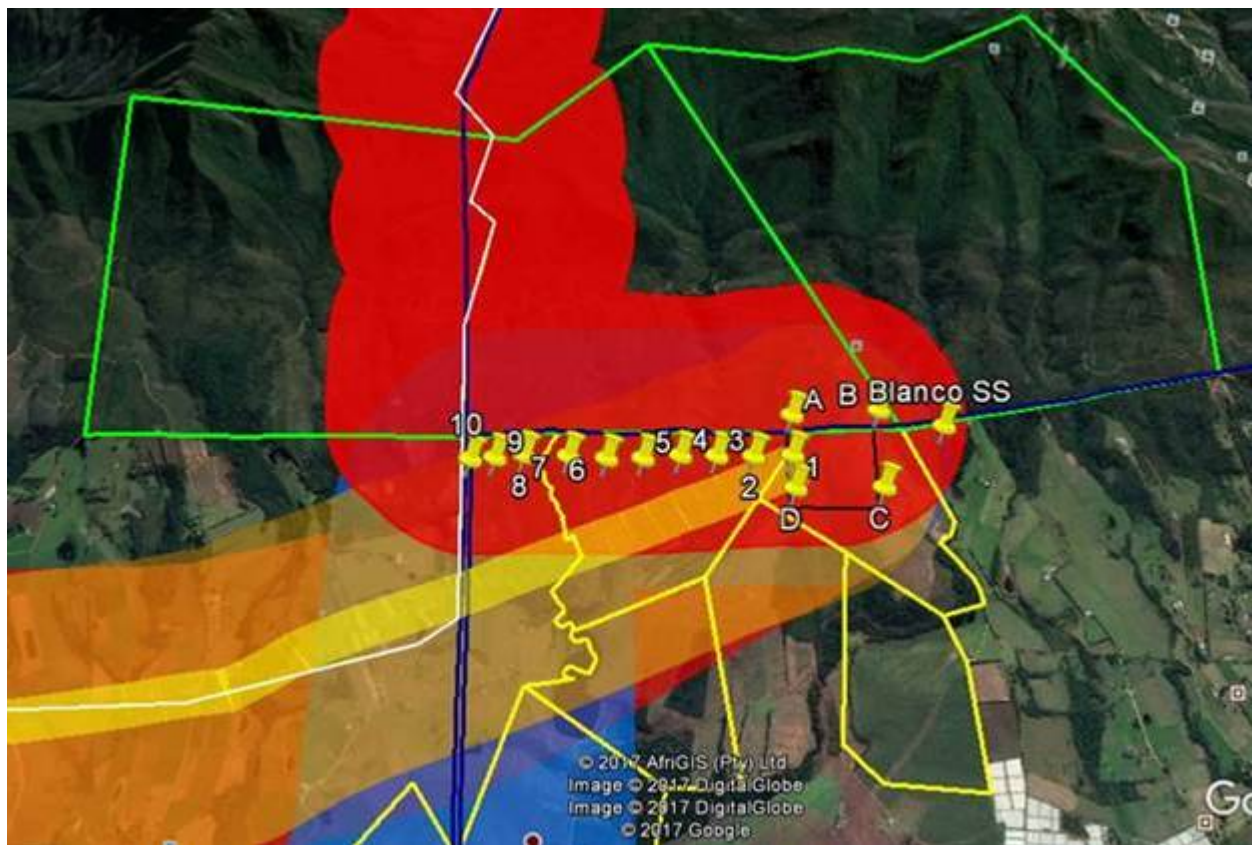


Fig 1

Fig 2

2. The issue of access to our client's property.  
Access to the client's property will have to be agreed on during land negotiations and need to be captured in the option documents
3. The position of ESKOM as far as the required rezoning of portions of our client's property is concerned.  
Only the Narina substation site need to be rezoned as part of the Blanco project. Line servitudes don't get rezoned.

Should you require additional information, please do not hesitate to contact me.

Regards

**Rudzani Precious Ranwedzi (Pr.Sci.Nat)**

---

**From:** Andre Swart [<mailto:Andre@stadlers.co.za>]

**Sent:** 26 July 2017 09:26 AM

**To:** Rudzani Ranwedzi

**Subject:** RE: PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE / PROPOSED BLANCO (NARINA) TO DROERIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE

Dear Rudzani,

As requested, herewith the attachments referred to in our email.

We await to hear from you.

Kind regards,  
*(sent on behalf of)*



**ANDRE SWART**  
**Attorney, Notary and Conveyancer**

1 Doneraile Street, George  
PO Box 46, George, 6530  
Tel: 044 874 4090  
Fax: 044 874 0026  
Cell: 082 452 3353



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**From:** Rudzani Ranwedzi [<mailto:RanwedRP@eskom.co.za>]

**Sent:** 26 July 2017 07:53 AM

**To:** Shaun Swanepoel <[SwanepSG@eskom.co.za](mailto:SwanepSG@eskom.co.za)>; Andre Swart <[Andre@stadlers.co.za](mailto:Andre@stadlers.co.za)>

**Subject:** RE: PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE / PROPOSED BLANCO (NARINA) TO DROERIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE

Good Day

Land Development is responsible for this project. Please send the attachment referred to on the emails below for us to be able to respond to the enquiries better.

Regards

**Rudzani Precious Ranwedzi (Pr.Sci.Nat)**

---

**From:** Shaun Swanepoel

**Sent:** 25 July 2017 07:30 PM

**To:** Andre Swart

**Cc:** Rudzani Ranwedzi

**Subject:** RE: PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE / PROPOSED BLANCO (NARINA) TO DROERIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE

Dear Andre,

The abovementioned matter does not involve our division Eskom Distribution for whom Barbara van Geems and I work. Eskom Transmission, ERE: Land Development is responsible for this project. I have copied into this email the name of my colleague Ms Rudzani Ranwedzi whom is to my understanding involved with this project.

I trust this in order.

Kind regards

Shaun

Shaun Swanepoel  
Land and Rights  
Land Development and Environmental  
Dx OU Asset Creation  
PTM Building Ground Floor  
P.O.Box 222  
Brackenfell  
7561  
Tel +27 21 980 3913



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**From:** Andre Swart [<mailto:Andre@stadlers.co.za>]  
**Sent:** 25 July 2017 09:52 AM  
**To:** Shaun Swanepoel  
**Subject:** RE: PROPOSED GOURIKWA TO BLANCO 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE / PROPOSED BLANCO (NARINA) TO DROERIVIER 400KV TRANSMISSION LINE AND SUBSTATION UPGRADE  
**Importance:** High

Dear Shaun,

The abovementioned matter, as well as your email below refers.

I act for Geelhoutboom Estates (Pty) Ltd. During October 2016, our client submitted extensive comments regarding the abovementioned matters, which comments we attach hereto for your attention.

Before the submission of our client's comments, the question whether ESKOM will, in terms of the new planning legislation, be obliged to apply for the rezoning of land as far as the proposed associated infrastructure is concerned, was discussed in some depth with the senior officials of the Western Cape Department of Environmental Affairs and Development Planning. We are mindful of the exemption provision in terms of the Land Use Planning Act, but it was clear that DEADP will not grant exemption for ESKOM infrastructure in the Western Cape (perhaps excluding the powerlines as such). This is an issue that is surely of national concern to ESKOM.

I refer you to the parts in our client's comments where cogent submissions are made regarding the availability of government land adjacent to our client's property (see paragraph 89), which makes it grossly unfair to have the infrastructure on our client's property.

At the meeting we would like to discuss the following:

1. The location of the ESKOM infrastructure on adjacent state land.
2. The issue of access to our client's property.
3. The position of ESKOM as far as the required rezoning of portions of our client's property is concerned.



I attach hereto a previous email sent to Dr van Geems with possible dates and times for the meeting. Kindly let us know whether any of these dates are suitable, alternatively suggest possible dates and times on which this meeting can take place.

Kind regards,

**ANDRE SWART**  
**Attorney, Notary and Conveyancer**

1 Doneraile Street, George  
PO Box 46, George, 6530  
Tel: 044 874 4090  
Fax: 044 874 0026  
Cell: 082 452 3353



---

**From:** Shaun Swanepoel [<mailto:SwanepSG@eskom.co.za>]  
**Sent:** 21 July 2017 11:00 AM  
**To:** Ontvangs <[Ontvangs@stadlers.co.za](mailto:Ontvangs@stadlers.co.za)>  
**Subject:** FW: Geelhoutboom: Eskom Servitude

Good Day Sarah.

Barbara van Geems was unfortunately on leave when this email was sent.

Do you still require a meeting.

Please let me know so that we can make the necessary arrangements. Further to this please confirm what the specific particulars (also property info, owners etc.) of such meeting would be.

Thank you.

Regards  
Shaun

Shaun Swanepoel  
Land and Rights  
Land Development and Environmental  
Dx OU Asset Creation  
PTM Building Ground Floor  
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7561  
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[shaun.swanepoel@eskom.co.za](mailto:shaun.swanepoel@eskom.co.za)

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**From:** Ontvangs [<mailto:Ontvangs@stadlers.co.za>]  
**Sent:** 15 June 2017 04:17 PM  
**To:** Barbara Van Geems  
**Subject:** Geelhoutboom: Eskom Servitude

Good day Madam,

The abovementioned matter has reference.

We would like to urgently arrange a consultation at your offices between yourself, Ronel van Coller and Louis van der Watt of Atterbury and Mr. Swart with regards to the above Eskom matter.

The following dates and times have been provided for a possible meeting to take place:

Tuesday 20 June, 12:00 to 15:00  
Thursday 22 June, 11:00 to 14:00

It would be appreciated if you could please indicate whether you are available for one of these two days.

Many thanks and kind regards,

**SARAH MURRAN**  
Planning Department Secretary

01 Doneraile Street, George  
PO Box 46, George, 6530  
Tel: 044 874 4090  
Fax: 044 874 0026



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