



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/2/61

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ESKOM, Distribution Division
Private Bag X1
Beacon Bay
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5205

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PER FACSIMILE / MAIL

Dear Mr Smith

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF THE 132KV RUIGTEVALLEI – DREUNBERG POWERLINE, GARIEP MUNICIPALITY, EASTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

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

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

By post: Private Bag X447,
Pretoria, 0001; or
By hand: Environment House
473 Steve Biko,

Arcadia,
Pretoria, 0083

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Appeals must be submitted in writing to:

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

Tel: (012) 399 9356

Email: AppealsDirectorate@environment.gov.za

The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisation
Department of Environmental Affairs

Date: 02/09/2016

CC: Walter Fyvie	GIBB Pty Ltd	Tel no: (041) 392 7500	Email: wfyvie@gibb.co.za
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APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

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

NOTES:

1. An appeal against a decision must be lodged with:-

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



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Environmental Authorisation

In terms of section 24G of the National Environmental Management Act, 1998 (Act No. 107 of 1998)

Commencement of the 132kv Ruigtevallei – Dreunberg powerline, Gariep Local Municipality in the Eastern Cape Province

Joe Gqabi District Municipality

Authorisation register number:	<i>14/12/16/3/2/61</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>ESKOM Distribution Division</i>
Location of activity:	<i>Eastern Cape Province within the Gariep Local Municipality</i>

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

ESKOM DISTRIBUTION DIVISION

with the following contact details –

Mr Tom Smith

ESKOM Distribution Division

Private Bag X1

Beacon Bay

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5205

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Fax: (043) 703 2392

E-mail: Tom.smith@eskom.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in GN R. 543:

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10:</u> The construction of facilities or infrastructure for the transmission and distribution of electricity</p> <p>(i) Outside urban area or industrial complexes with a capacity of more than 33 but less than 275 kilovolts</p>	<p>Approximately 90 km of 132 kV overhead powerline will be constructed from the Ruigtevallei substation to the Dreunberg substation.</p>
<p><u>GN R. 546 Item 12:</u> The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation</p> <p>(a) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004</p>	<p>Clearance of an area of vegetation covering 300 square meters or more when 75% or more constitutes indigenous vegetation within a CBA</p>
<p><u>GN R. 546 Item 16:</u> The construction of</p> <p>(iv) infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse</p> <p>(a) In Eastern Cape</p> <p>(ii) outside urban areas, in:</p> <p>(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in term of NEMPAA or from the core area of a biosphere reserve.</p>	<p>The construction of infrastructure covering 10 square meters or more within a watercourse or within 32 meters of a watercourse within a protected areas identified in terms of NEMPAA or within a CBA</p>

as described in the Application for Rectification with motivation dated December 2014 at the :
30 kilometres north-west of Venterstad, to the Dreunberg substation, located approximately 20 kilometres north of Burgersdorp; as per the co-ordinates attached as **Annexure 2 of the EA**.
- for the commencement of the 132kv Ruigtevallei – Dreunberg powerline, Gariep Local Municipality in the Eastern Cape Province, hereafter referred to as "the property".

Conditions of this Environmental Authorisation

Scope of authorisation

1. The 132kV Ruigtevallei – Dreunberg power and associated infrastructure within site co-ordinates as indicated in **Annexure 2** is hereby approved.
2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
6. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

7. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
8. The notification referred to must –
 - 8.1. specify the date on which the authorisation was issued;
 - 8.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 8.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 8.4. give the reasons of the competent authority for the decision.

9. The holder of the authorisation must publish a notice –
 - 9.1. informing interested and affected parties of the decision;
 - 9.2. informing interested and affected parties where the decision can be accessed; and
 - 9.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Monitoring

10. The applicant must appoint a suitably independent Environmental Control Officer (ECO) for the operation phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the Environmental Management Programme (EMPr).
 - 10.1. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
 - 10.2. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

Recording and reporting to the Department

11. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring of the Department* at Directorcompliance@environment.gov.za.
12. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
13. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Continuation of the activity

14. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management and Operation of the activity

15. The Environmental Management Programme (EMPr) submitted as part of the application for the EA is hereby approved. This EMPr must be implemented and adhered to.
16. The applicant must comply with the mitigation measures as proposed in the EMPr for the operational phase of the activity.

Site closure and decommissioning

17. Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

General

18. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMPr must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
19. The holder of the authorisation must notify both the *Director: Coordination, Strategic Planning and Support* and the *Director: Compliance Monitoring of the Department* at Directorcompliance@environment.gov.za at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
20. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for

reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 02/09/2011



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
Date:

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Application for Rectification with motivation dated December 2014;
- b) The information contained within Public Participation Process Report dated December 2014;
- c) The site inspection conducted on 04 and 05 March 2015; and
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.

3. Findings

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

- a) The identification and assessment of impacts are detailed in the Application for Rectification with motivation dated December 2014 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.

- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The environmental authorisation in terms of S24G of NEMA is accordingly granted.

ANNEXURE 2: 132 KV POWER LINE CO-ORDINATES

84 km. Ruigtevallei –	Latitude	Longitude
Dreunberg 132 kV	30°44'38"S	25°33'50.81"E
powerline	30°44'59.7"S	25°35'56.43"E
	30°44'44.76"S	25°37'37.99"E
	30°45'40.57"S	25°39'2.35"E
	30°45'37.73"S	25°41'54.77"E
	30°46'42.89"S	25°44'15.67"E
	30°46'47.84"S	25°44'30.75"E
	30°46'57.62"S	25°44'42.09"E
	30°47'18.09"S	25°44'35.60"E
	30°47'43.87"S	25°44'24.88"E
	30°47'54.30"S	25°44'26.78"E
	30°48'21.93"S	25°45'34.73"E
	30°48'0.03"S	25°46'21.33"E
	30°47'54.13"S	25°46'40.43"E
	30°47'51.62"S	25°46'57.93"E
	30°47'53.35"S	25°47'5.99"E
	30°48'7.79"S	25°48'54.14"E
	30°47'55.05"S	25°51'26.47"E
	30°48'20.54"S	25°52'13.07"E
	30°48'23.49"S	25°52'54.97"E
	30°48'14.61"S	25°53'1.48"E
	30°48'15.06"S	25°53'19.57"E
	30°48'22.99"S	25°54'25.85"E
	30°48'40.42"S	25°56'48.26"E
	30°48'49.12"S	25°56'54.80"E
	30°48'50.28"S	25°57'11.75"E
	30°49'22.77"S	25°57'41.63"E
	30°49'51.61"S	25°58'3.48"E
	30°49'58.98"S	25°58'28.88"E
	30°50'26.10"S	25°58'56.53"E

M.S

Department of Environmental Affairs
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	30°50'57.59"S	26°0'20"E
	30°51'7.67"S	26°1'6.10"E
	30°51'11.66"S	26°1'24.32"E
	30°51'31.53"S	26°2'47.82"E