



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko, Arcadia· PRETORIA

DEA Reference: 14/12/16/3/3/2/401/AM3

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

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PER E-MAIL / MAIL

Dear Ms Phiri

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 06 MARCH 2015 (AS AMENDED) FOR THE PROPOSED ESKOM 400/132 KV ASTERIA ESKOM MAIN TRANSMISSION SUBSTATION (PREVIOUSLY KNOWN AS THE HOUHOEK MAIN TRANSMISSION SUB-STATION), INCLUDING THE BACCHUS-PALMIET LOOP-IN AND LOOP-OUT POWER LINES AND ESKOM DISTRIBUTION POWER LINE INTEGRATION, WESTERN CAPE PROVINCE.

The Environmental Authorisation (EA) issued for the above-mentioned application on 06 March 2015, the EA amendment dated 24 July 2015, the second EA Amendment dated 07 November 2018, and the application form for amendment of an EA received by the Department on 06 September 2019, refer.

Based on a review of the reasons for requesting an amendment to the above EA, the Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended, has decided to amend the EA as follows:

Amendment 1: Amendment relate to the extension of commencement of the construction period of the EA by an additional Five (05) years from 06 March 2020 to 06 March 2025.

Condition 6 of the EA dated 06 March 2015 (as amended), is thus amended as follows:

"The activity must commence within a period of ten (10) years from the date of issue of this authorisation (i.e. the authorisation lapses on 06 March 2025). If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken".

Reason for amendment:

The applicant, Eskom Holdings SOC Ltd, is currently undertaking final walk downs by faunal, floral, heritage and avifaunal specialists in order to inform the final tower locations, as well as compiling an erosion management plan. The undertaking of a specialist walk down and the compilation of an erosion management plan are conditions of the Environmental Authorisation. The findings from the specialist walk down may influence the final project layout, which, together with the erosion management plan, need to be submitted to the Department of

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Environmental Affairs (DEA) for approval prior to construction. Therefore given the timeframes required for the compilation and approval of the erosion management plan and the finalisation and approval of project layouts, as well as the timeframes for the tendering processes and appointment of sub-contractors, it is unlikely that Eskom will start construction before the existing Environmental Authorisation lapses.

This letter must be read in conjunction with the EA dated 06 March 2015, as amended.

Kindly note that no further requests for extension of this EA will be accepted in future. The Department is aware that the environment changes constantly, as a result conditions may be significantly different from the one that existed at the time of the issuing of this EA, hence the validity of the EA cannot exceed a maximum period of 10 years. As such, failure to commence with construction activities on or before 06 March 2025 will result in the exhaustion of the maximum 10 year period that is a standard for the Department in terms of validity periods for all EAs. Should you not commence with the authorised listed activities within the above stipulated period, your EA will be deemed to have lapsed and a new application for environmental authorisation will have to be lodged.

In terms of Regulation 4(2) of the National Environmental Management Act: the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) days of the date of this EA, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za;

By hand: Environment House
473 Steve Biko Street
Arcadia
Pretoria
0083; or

By post: Private Bag X447

Pretoria
0001

Please note that in terms of Section 43(7) of the NEMA, the lodging of an appeal 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 any activity authorised in the EA until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully.



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

Date: 16/10/2019

CC:	Mr Giles Churchill	Acer (Africa) Environmental Consultants	Email: giles.churchill@acerafrica.co.za
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