



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0001522/2012

DEA Reference: 14/12/16/3/3/1/744

Enquiries: Fiona Grimett

Telephone: 012-395-1793 Fax: 012-320-7539 E-mail: Fgrimett@environment.gov.za

Mr Pieter Francois Roux
Coria (PKF) Investments 28 (Pty) Ltd
P.O. Box 4244
CAPE TOWN
8000

Tel: 021 795 5240

Fax: 021 794 3415

PER FACSIMILE / MAIL

Dear Mr Roux

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/546: PROPOSED 132KV POWER LINE AND SUBSTATION BETWEEN NOBLESFONTEIN WIND ENERGY FACILITY AND AN EXISTING ESKOM POWER LINE ON THE FARM NOBLESFONTEIN 227 NEAR VICTORIA WEST, UBUNTU LOCAL MUNICIPALITY, NORTHERN 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 facsimile: 0123207561;

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

By hand: 2nd Floor, Fedsure Building, North Tower,

Cnr. Lilian Ngoyi (Van der Walt) and Pretorius Streets,
Pretoria.

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

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

Appeals must be submitted in writing to:

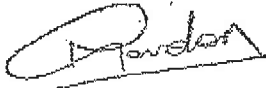
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: 012-310-3271

Email: AppealsDirectorate@environment.gov.za

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

Yours sincerely



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 31/05/2013

CC:	Ms Karen Jodas	Savannah Environmental (Pty) Ltd	Tel: 011-656-3237	Fax: 086-684-0547
	Mr D van Heerden	Northern Cape DE&NC	Tel: 053-807-7306	Fax: 0866-256-470
	Mr Martin Fillis	Ubuntu Local Municipality	Tel: 053-621-0026	Fax: 053-621-0368
	Mr S Malaza	Compliance Monitoring (DEA)	Tel: 012-310-3397	Fax: 012-320-5744

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

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

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

**132KV POWER LINE AND SUBSTATION BETWEEN NOBLESFONTEIN WIND ENERGY FACILITY
AND AN EXISTING ESKOM POWER LINE ON THE FARM NOBLESFONTEIN 227 NEAR VICTORIA
WEST, UBUNTU LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE**

Pixley Ka Seme District Municipality

Authorisation register number:	14/12/16/3/3/1/744
NEAS reference number:	DEA/EIA/0001522/2012
Last amended:	First issue
Holder of authorisation:	Coria (PKF) Investments 28 (Pty) Ltd
Location of activity:	NORTHERN CAPE PROVINCE: Ubuntu Local Municipality, Within Ward 3

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 –

CORIA (PKF) INVESTMENTS 28 (PTY) LTD

with the following contact details –

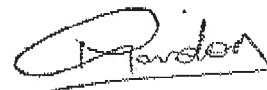
Mr Pieter Francois Roux
Coria (PKF) Investments 28 (Pty) Ltd
P.O. Box 4244
CAPE TOWN
8000

Tel: 021 795 5240

Fax: 021 794 3415

Cell: 076 435 4241

E-mail: Francois@sarge.co.za



to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 or 3 (GN R. 544, 545 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 10 (j):</u> The construction of facilities or infrastructure for the transmission and distribution of electricity outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts.</p>	<p>The project entails the construction of a 132kV substation and power line of approximately 4,935 meters in length outside an urban area.</p>
<p><u>GN R. 544 Item 11 (xi):</u> The construction of infrastructure or structures covering 50 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, excluding where such construction will occur behind the development setback line.</p>	<p>The power line will span a watercourse and infrastructure may be constructed within 32m of a watercourse. No infrastructure will be located within the actual drainage line/watercourse itself.</p>
<p><u>GN R. 544 Item 13:</u> The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres.</p>	<p>During construction and operations fuel could be stored on site, as well as oils from the substation transformers.</p>
<p><u>GN R. 544 Item 23 (ii):</u> The transformation of undeveloped, vacant or derelict land to residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares.</p>	<p>Land transformation for the construction of the substation will be of dimensions 250m x 250m (or 6.25ha)</p>
<p><u>GN R. 546 Item 19:</u> The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p>	<p>The existing access road may be widened or lengthened. The project</p>



Listed activities	Activity/Project description
(a) In the Northern Cape province: ii. Outside urban areas, in: (bb) National Protected Area Expansion Strategy Focus areas.	site passes along the edge of a Protected Area Expansion Priority area.

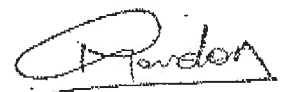
as described in the Basic Assessment Report (BAR) dated April 2013 at:

Alternative S1	Latitude	Longitude
Starting point of activity (Substation location and power line starting point)	31° 45' 17.614" S	23° 9' 44.081" E
Middle point of activity	31° 44' 43.848" S	23° 10' 49.996" E
End point of activity	31° 43' 33.096" S	23° 11' 55.968" E

- for the proposed establishment of a 132kV substation and power line to connect the Noblesfontein Wind Energy Facility to an existing Eskom power line (Biesiespoort/Kromrivier 1 132kV power line) on the Farm Noblesfontein 227, in Ward 3 of the Ubuntu Local Municipality, approximately 43km south of Victoria West in the Northern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- A 132kV power line of approximately 5km in length, located within servitude of 36m, which will connect the onsite Noblesfontein substation to the Eskom grid via a turn-in and -out configuration with the existing Biesiespoort/Kromrivier 1 132kV power line. The 132kV power line will be strung as a double circuit line, to accommodate the turn in and out configuration.
- The 132kV Noblesfontein substation, approximately 250m x 250m (6.25ha) in extent. The substation will house the following infrastructure:
 - Transformer and Auxiliary transformer;
 - Isolators (disconnecting switch) and earth switch;
 - Feeder bays for incoming lines;
 - Circuit/equipment protection;
 - Substation yard boundary fence;
 - Small oil spill sump;



- Lighting and surge arrestors; and
 - Conductors (cables).
- Existing access roads on the site may be widened or lengthened. As far as possible, existing or previously authorised roads in the area will be utilised to access the power line and substation, however the construction of the substation and power line may require the construction of additional gravel access roads of up to 4m wide. At least one of these will be maintained as a service road during the operational phase of the facility.

The substation and power line, with new positioning as indicated above, will replace the original substation and power line authorised by the Department of Environmental Affairs for the 132 MW Noblesfontein Wind Energy Facility on Farm Noblesfontein 227, Unbuntu Local Municipality, Northern Cape Province (DEA reference: 12/12/20/1993/1).

Conditions of this Environmental Authorisation

Scope of authorisation

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



6. This activity must commence within a period of three (3) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

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

Management of the activity

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



Monitoring

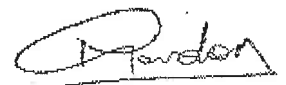
13. The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 13.1. The ECO shall be appointed before commencement of any authorised activity/ies.
- 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 13.3. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 13.4. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 13.5. 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.

Recording and reporting to the Department

14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
17. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Commencement of the activity

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
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19. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
20. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

21. Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.

Operation of the activity

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

Site closure and decommissioning

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

Specific conditions

19. Bird flight diverters/anti-collision devices must be installed on the power line. The input of an avifaunal specialist must be obtained, once the exact positions of the towers have been surveyed and pegged, in order to identify sections of high avifaunal sensitivity along the preferred alignment where the bird flight diverters must be fitted. These devices must be according to Eskom's Transmission Guidelines.



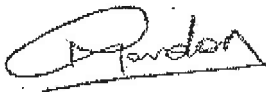
20. An avifaunal specialist's opinion must be obtained, and be adhered to, as to the most appropriate time to schedule construction and maintenance activities in order to minimise impacts on the Blue Crane or Ludwig's Bustard, particularly during avian breeding times.
21. No construction activities are allowed within 100m of the stone walling site. If this buffer cannot be maintained and the development encroaches within the 100m buffer of this site, a temporary fence must be erected around the site (in consultation with the archaeologist) and foremen and workmen educated about its significance.
22. If any layout changes are proposed, these must be subject to further assessment by a suitably qualified archaeologist.
24. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
25. A permit must be obtained from the relevant conservation authority should the removal or destruction of any indigenous protected and endangered plant or animal species be required.
26. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.

A handwritten signature in black ink, appearing to read 'P. Gordon', is located in the bottom right corner of the page. The signature is written in a cursive style with a large initial 'P'.

General

27. 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.
28. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
29. 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: 31/05/2012



Mr Mark Gordon
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

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

- a) The information contained in the BAR dated April 2013;
- b) The comments received from organs of state and interested and affected parties as included in the BAR dated April 2013;
- c) Mitigation measures as proposed in the BAR dated April 2013 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the BAR; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

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

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The substation and power line are needed to support the 132MW Noblesfontein Wind Energy Facility, which was awarded preferred bidder status by the Department of Energy. The environmental authorisation for the 132MW Noblesfontein Wind Energy Facility included for the construction of a 1km power line and substation, however, through the final micrositing of the facility it was realised that the location of the authorised power line and substation was far too relative to the bulk of the turbines. The relocation of the substation and power line was necessary from a technical perspective. This environmental authorisation is therefore for the relocation of the power line and substation to a more central position within the approved 132MW Noblesfontein Wind Energy Facility development site.
- c) The new position of the substation and power line as authorised above will replace the original substation and power line authorised by the Department of Environmental Affairs for the 132 MW



Noblesfontein Wind Energy Facility on Farm Noblesfontein 227, Unbuntu Local Municipality, Northern Cape Province (DEA reference: 12/12/20/1993/1).

- d) The evacuation of additional power into the Eskom grid will serve to improve the stability of the grid for the immediate area and will assist government in achieving the goal of 17GW renewable energy as part of the electricity generation technology mix by 2030.
- e) The BAR dated April 2013 identified the relevant environmental legislation and guidelines that have been considered in the preparation of the BAR dated April 2013.
- f) The methodology used in assessing the potential impacts identified in the BAR dated April 2013 and the specialist studies have been adequately indicated.
- g) 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 BAR dated April 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) According to the independent EAP, the information contained in the BAR dated April 2013 is accurate and credible.
- d) The proposed substation is situated on a ridge, from which the proposed power line will run east for approximately 850m onto the flat plain and extend north for approximately 4km, to connect to the grid at the existing Eskom Biesiespoort/Kromrivier 1 132kV power line.
- e) The site is of relatively low ecological sensitivity. The only significant ecological feature exists within 1.5km of the substation, within the vicinity of the steeper slopes. Overall, the route minimises ecological risks and is viewed as being ecologically acceptable. Impacts on avifauna (Blue Crane and Ludwigs Bustard) can be suitably mitigated.
- f) The proposed substation and power line corridor are considered as having a low cultural significance. One stone-wall structure was documented east of the north-south section of the proposed overhead power line that will connect from the substation to the existing Eskom power line.



- g) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- h) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction process.

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

