



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/2120

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### **PER E-MAIL / MAIL**

Dear Sir/Madam

### **COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF THE MAMPHULI-DZWERANI EXT A SUBSTATION AT MAMPHULI VILLAGE AND AN APPROXIMATELY 6KM LOOP IN LOOP OUT BERSFORT OF 2 X 132KV POWERLINE FROM AN EXISTING 132KV POWERLINE NEAR VUWANI, VHEMBE DISTRICT, LIMPOPO PROVINCE**

The Application for Environmental Authorisation and Draft Basic Assessment Report (BAR) dated July 2019 and received by the Department on 06 December 2019 and the acknowledgement thereof dated 09 December 2019, refer.

This letter serves to inform you that the following information must be included to the Final BAR:

#### **Application Form and DBAR**

1. Activity 4 of GN R.985 (as amended): This activity is triggered for the proposed access road to the substation. Please indicate the approximate width and length of the proposed access road.
2. Appendix 4 of the application form states that the proposed powerline traverses more than one local municipality however, only the Thulamela Local Municipality contact details are included under Section 3 of the application form. Please amend the application form to include the contact details of the Makhado Local Municipality, and submit to the Department with the final BAR.
3. Please ensure that all relevant listed activities are applied for, are specific and can be linked to the development activity or infrastructure as described in the project description.
4. An amended application form must be submitted with the final BAR. Please note that the Department's application form and other templates can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.
5. The draft BAR submitted to the Department is printed in black and white and the colour-coded maps in the BAR and specialist studies are illegible. You are required to submit a full colour, hard copy of the final BAR, accompanied by an electronic version for the Department's internal administrative purposes.
6. Appendix A: Maps is not included in the electronic copy of the draft BAR. Please ensure that the information contained in the electronic and hard copy/ies of the final BAR is complete and consistent.

## **Public Participation Process**

7. Comments must be obtained from the Biodiversity and Conservation section within this Department. Further to that, these comments must be addressed and incorporated in the final BAR.
8. The Public Participation Process must be conducted in terms of Regulation 39, 40 41, 42, 43 & 44 of the EIA Regulations 2014, as amended.
9. Please ensure that all issues raised and comments received during the circulation of the draft BAR from registered I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed and included in the final BAR. This includes amongst others; the South African Heritage Resources Agency (SAHRA); Limpopo Department of Economic Development, Environment and Tourism (LEDET); BirdLife SA; the provincial Department of Agriculture; Department of Rural Development and Land Reform (DRDLR); Makhado Local Municipality; and the Thulamela Local Municipality.
10. Copies of original comments received from I&APs and organs of state, which have jurisdiction in respect of the proposed activity are submitted to the Department with the Final BAR.
11. Proof of correspondence with the various stakeholders must be included in the final BAR. Should you be unable to obtain comments, proof should be submitted to the Department of the attempts that were made to obtain comments. In terms of Regulation 41(2)(b) of the EIA Regulations, 2014, as amended, please provide proof of written notice for the availability of the BAR for comment.
12. All issues raised and comments received during the circulation of the draft BAR from I&APs and organs of state which have jurisdiction in respect of the proposed activity are adequately addressed in the final BAR, including comments from this Department, and must be incorporated into a Comments and Response Report (CRR).
13. The CRR report must be a separate document from the main report and the format must be in the table format as indicated in *Annexure 1* of this comments letter.
14. Please refrain from summarising comments made by I&APs. All comments from I&APs must be copied verbatim and responded to clearly. Please note that a response such as "noted" is not regarded as an adequate response to an I&AP's comments.
15. Attendance registers and minutes of any meetings held by the Environmental Assessment Practitioner (EAP) with Interested and Affected Parties (I&APs) and other role players must be included in the final BAR.
16. Submit evidence of on-site notices, in degrees, minutes and seconds.
17. Submit a full page of the newspaper(s) containing the advertisement, ensuring that the information in the advert is legible and that the name of the newspaper and date are visible.
18. Please note that the newspaper advertisement for the previous application (DEA Ref: 14/12/16/3/3/1/1885) is not applicable, as this is a new application.

## **Specialist Assessments**

19. The Heritage Impact Assessment (HIA) is not included in the hard copy of the draft BAR. Please ensure that the information contained in the electronic and hard copy of the final BAR is complete and consistent.
20. The Heritage Impact Assessment (HIA) must be submitted to SAHRA for comments, via the South African Heritage Resources Information System (SAHRIS). These comments must be must be addressed and incorporated in the final BAR.
21. Should the comments from SAHRA (or any other I&AP) propose significant changes or new information to be added to the BAR (or EMPr), you are advised to refer to Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended.
22. Each specialist must indicate a preferred powerline route and substation alternative.
23. You are requested to submit original signed Specialist Declaration of Interest forms (completed in full) for each specialist study conducted. The forms have been updated and are available on Department's website (please use the Department template).

24. Should the appointed specialists specify contradicting recommendations, the EAP must clearly indicate the most reasonable recommendation and substantiate this with defensible reasons; and where necessary, include further expert advice.

### **Generic Environmental Management Programme (EMPr)**

25. The proposed 132kV substation and overhead powerline triggers Activity 11 of GN R.983 (as amended). The following generic EMPrs must be included in the final BAR:
- Generic EMPr for the development and expansion for overhead electricity transmission and distribution infrastructure;*
  - Generic EMPr for the development and expansion of substation infrastructure for the transmission and distribution of electricity.*

These generic EMPrs can be downloaded from the following link <https://www.environment.gov.za/documents/forms>.

26. Part B: Section 2 of the generic EMPrs must be completed, and an originally signed EMPr must be submitted with the final BAR. Please note that Point 7.1.1 in Part B: Section 2 needs to match the details of the applicant as contained in the application form.

### **General**

The EAP must provide detailed motivation if any of the above requirements are not required by the proposed development and not included in the EMPr.

You are further reminded that the final BAR to be submitted to this Department must comply with all the requirements in terms of the scope of assessment and content of basic assessment reports in accordance with Appendix 1 and Regulation 19(1) of the EIA Regulations, 2014 as amended.

Please also ensure that the Final BAR includes the period for which the Environmental Authorisation is required and the date on which the activity will be concluded as per the Appendix 1(3)(1)(q) of the NEMA EIA Regulations, 2014, as amended.

You are further reminded to comply with Regulation 19(1)(a) of the NEMA EIA Regulations, 2014, as amended, which states that:

*"Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority -*

*(a) a basic assessment report, inclusive of specialist reports, an EMPr, and where applicable a closure plan, which have been subjected to a public participation process of at least 30 days and which reflects the incorporation of comments received, including any comments of the competent authority."*

Should there be significant changes or new information that has been added to the BAR or EMPr which changes or information was not contained in the reports or plans consulted on during the initial public participation process, you are therefore required to comply with Regulation 19(1)(b) of the NEMA EIA Regulations, 2014, as amended, which states:

*"the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority – (b) a notification in writing that the basic assessment report, inclusive of specialist reports an EMPr, and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes or information was not contained in the reports or plans consulted on during the initial public participation*

process contemplated in subregulation (1)(a) and that the revised reports or, EMPr or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days”.

Should you fail to meet any of the timeframes stipulated in Regulation 19 of the NEMA EIA Regulations, 2014, as amended, your application will lapse.

You are requested to submit one (1) electronic copy (1 CD/USB) and one (1) hard copy of the final BAR to the Department.

You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Yours sincerely



**Mr Sabelo Malaza**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Signed by: Ms. Masina Litsoane**

**Designation: Assistant Director: National Infrastructure Projects**

**Date: 28/01/2020**

cc:	Eskom (SOC) Ltd, Limpopo Operating Unit (LOU)	Puluso Masiagwala	Email: <a href="mailto:masiagwP@eskom.co.za">masiagwP@eskom.co.za</a>
	Limpopo Department of Economic Development, Environment and Tourism	Rhulani Mthombeni	Email: <a href="mailto:mthombeniRV@ledet.gov.za">mthombeniRV@ledet.gov.za</a>
	Thulamela Local Municipality	M.S. Madi	Email: <a href="mailto:madims@thulamela.gov.za">madims@thulamela.gov.za</a>
	Makhado Local Municipality	J.E. Joubert	Email: <a href="mailto:erstj@makhado.gov.za">erstj@makhado.gov.za</a>

## Annexure 1

Format for Comments and Response Report:

Date of comment, format of comment name of organisation/I&AP,	Comment	Response from EAP/Applicant/Specialist
27/01/2016 Email Department of Environmental Affairs: Strategic Infrastructure Development (John Soap)	Please record C&R trail report in this format  Please update the contact details of the provincial environmental authority	EAP: (Noted)The C&R trail report has been updated into the desired format, see Appendix K  EAP: Details of provincial authority have been updated, see page 16 of the Application form