



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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

DFFE Reference: 12/12/20/1867/AM4

Enquiries: Ms Matlhodi Mogorosi

Telephone: (012) 399 9388 E-mail: MMogorosi@dffe.gov.za

Ms Martina Phiri
Eskom Holdings SOC Limited
PO Box 1091
JOHANNESBURG
2000

Telephone Number: (011) 800 3550
Email Address: PhiriM@eskom.co.za

PER EMAIL / MAIL

Dear Ms Phiri

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 11 JUNE 2012 FOR THE PROPOSED MITCHELL'S PLAIN SUBSTATION, A SWITCHING SUBSTATION AND THE 400KV DOUBLE CIRCUIT TRANSMISSION POWERLINE FROM THE PROPOSED MITCHELL'S PLAIN SUBSTATION TO THE PROPOSED SWITCHING STATION IN THE CITY OF CAPE TOWN, WESTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 11 June 2012, the first amendment issued by this Department on 28 June 2017, the application for Environmental Authorisation with reference no. 14/12/16/3/3/1/1963 submitted on 28 September 2018, the final BAR submitted on 18 January 2019, the refusal issued on 30 April 2019, and your application for amendment of the EA received by the Department on 22 March 2022 and the acknowledgement thereof on 01 April 2022, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the EA dated 11 June 2012 as amended, as follows:

Amendment 1: Extension of the validity period on page 5 of the EA:

The validity period of the EA (which is due to lapse on 11 June 2022) is hereby extended by an additional three (03) years to **11 June 2025**. As such, condition 6 of the EA dated 11 June 2012 is amended as follows:

"6 This activity must commence within a period of thirteen (13) years from the date of issue of the authorisation (i.e. the EA lapses on 11 June 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."

Amendment 2: Change of contact details

From:

Ms Mmamoloko Seabe
Eskom Holdings SOC Limited
PO Box 1091
JOHANNESBURG
2000

Telephone Number: (011) 800 3245
Email Address: SeabeJM@eskom.co.za

To:

Ms Martina Phiri
Eskom Holdings SOC Limited
PO Box 1091
JOHANNESBURG
2000

Telephone Number: (011) 800 3550
Email Address: PhiriM@eskom.co.za

The reason for the amendment is as follows:

Ms Seabe is no longer in the employ of Eskom, as such the contact details of the relevant contact person who is now responsible for the authorised project need to be reflected.

The project initially received authorisation on 11 June 2012 and subsequent to the granting of authorisation, Eskom was informed during servitude negotiations that the Airports Company South Africa (ACSA) intended to upgrade and realign the Cape Town International Airport runway and the approved alignment for the double circuit line would pose a hazard to the safety of the flights when taking off and landing in Cape Town International Airport. As such, Eskom had to identify and assess a new alignment for the already authorised power line.

The land for the substation was purchased and registered. However, construction could not commence without the acceptable alignment to construct the powerline. City of Cape Town (CoCT) was then engaged, and a key stakeholder committee was established comprising of Eskom, ACSA (Airports Company South Africa) and CoCT to identify a new suitable alignment. A newly identified alignment was accepted by all stakeholders in 2018 and an application for environmental authorisation was submitted to the Department of Forestry, Fisheries and the Environment (DFFE) for the proposed Erica Loop-in-Loop-Out (LILO) 400Kv Double Circuit Transmission power line (DFFE reference: 14/12/16/3/3/1/1963).

The final Basic Assessment was submitted on 18 January 2019, and a refusal was issued on 30 April 2019, because the map used in the final BAR reflected that the construction corridor was outside of the boundaries of the Driftsands Nature Reserve; resulting in the EAP concluding that the requirements of the National Environmental Protected Areas Act, 2002 did not apply to the Basic Assessment Report (BAR) application, which was an incorrect conclusion.

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Since the issuing of the refusal, Eskom has been in contact with CapeNature, and an agreement has been reached to amend the Driftsands Nature Reserve Protected Areas Management Plan (PAMP) to include the proposed Erica LILO 400KV Double Circuit Transmission Power Line Project. However, the EIA process has and is currently experiencing the following difficulties:

- Delays due to Covid-19, which resulted in the postponement of some work activities for several months.
- During the screening process and the commissioned process to revise the Driftsands PAMP, Eskom was informed by CapeNature about the extensive unlawful occupation of the Driftsands Nature Reserve that started during the 3rd quarter of 2020.
- 2021 a solution was still being sought to stop the continued unlawful occupation of the land, since the court application was unsuccessful.
- A notice was published by the provincial government 21 January 2021 in the Province of the Western Cape: Provincial Gazette Extraordinary 8535 (P.N.4/2022) giving intention of the provincial governments intention to abolish the Driftsands Nature Reserve
- All the above has severely impacted on Eskom's process and now it seems all the work and progress achieved with CapeNature and other key stakeholders may become irrelevant.

On 6 and 8 February 2021 serious attempts were made to illegally occupy the Erica MTS site. Illegal occupants were removed with the assistance of the CoCT Anti-Land Invasion Unit. As a result of the above, Eskom has decided to secure the site through the construction of a high security wall ahead of the construction of the MTS and related infrastructure of powerlines.

The process to construct the high security wall has commenced through:

- Engagements with Department of Water and Sanitation to seek the necessary approvals.
- Engagements with the CoCT: Planning Department regarding all necessary requirements as per their by-laws.
- Procurement of a contractor for the construction of the security wall. Delays are being experienced as a result of the instruction from the Director General: Treasury dated 25 February 2022, a moratorium on all procurement by organs of state concerning the Constitutional Court ruling on matters related to the Preferential Procurement Regulations. However, as soon as National Treasury advises the government procurement committees can proceed with the processing of the new tender submissions and the tender will be submitted for approval. In the meantime, Eskom needs to ensure that the EA issued for the registered and purchased Erica MTS site remains valid.

The Erica Substation is crucial to strengthening of electricity supply for further load growth in the Cape Peninsula area (which covers the Hout Bay, Wynberg, Mitchell's Plain and Cape Point areas) and ensure N-1 Grid Code Requirements. Eskom has established a working relationship with the City of Cape Town, CapeNature, and other key stakeholders to address land invasion issues and to ensure the continued viability of the project. The construction of the proposed substation and powerlines will continue to be a challenge, but it is vital for the continued security of electricity supply to the City of Cape Town.

This proposed amendment letter must be read in conjunction with the EA dated 11 June 2012 as amended.

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.

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

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 prescribes 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:

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

By email: appeals@dffe.gov.za;

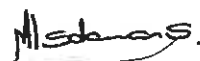
By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria,
0083; or

By post: Private Bag X447,
Pretoria,
0001;

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, 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 the activity 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 appeals@dffe.gov.za.

Yours faithfully



Ms Milicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 27/04/2022.



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REPUBLIC OF SOUTH AFRICA

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Enquiries: Devinagie Bendeman Telephone: 012 399 9337 E-mail: vbendeman@ffe.gov.za

Ms. Millicent Solomons
Director: Prioritized Infrastructure Projects

Dear Mrs Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORIZATIONS FOR THE PERIOD OF 25 APRIL 2022 UNTIL 31 OCTOBER 2022

I hereby inform you that I have decided to appoint you as the Acting Chief Director: Integrated Environmental Authorizations for the period of 25 April to 31 October 2022 whilst Mr Sabelo Malaza is fulfilling his temporary reassignment function at the Forestry Branch.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorizations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of these legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Ms Devinagie Bendeman
Deputy Director-General: RCSM (Regulatory Compliance and
Sector Monitoring)

Date 20 April 2022

ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~
appointment as Acting Chief
Director: Integrated Environmental
Authorizations

Signed:

Date:

20/04/2022