



12th March 2021

Dear Stakeholder

DEFF REFERENCE: 14/12/16/3/3/1/1520-AM1

NOTIFICATION OF AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 06 JUNE 2016 FOR THE CONSTRUCTION OF THE NEW BULK POWER INFRASTRUCTURE AT THE PORT OF SALDANHA, SALDANHA BAY LOCAL MUNICIPALITY, WESTERN CAPE PROVINCE

Notice is hereby given in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No 107 of 1998), as amended (NEMA hereafter) and Regulation 4(2) of the NEMA Environmental Impact Assessment Regulations of 2014 (as amended) that based on a review of the application for amendment and the supporting amendment report of the Environmental Authorisation (EA), the Department of Environment, Forestry and Fisheries (DEFF) on 08 March 2021, has decided to amend the EA dated 16 June 2016 as follows:

Amendment 1: To amend the scope of the EA in condition 1 on page 4 of the EA.

From:

"The proposed new main intake substation and the 66kV power line alternative 1 for the proposed project are approved"

To:

"The proposed new main intake substation and the 66kV power line alternative 1 for the proposed project as well as an underground feeder cable and fibre optic sleeve manhole system of approximately 6.5 kilometres that includes specific infrastructure components such as sleeves, manholes and fibre optic cables to allow for direct communications from Blouwater to Iscor/Ystervark substations is approved"

The reason for the construction of the underground optic sleeve manhole system is to allow for direct communication from the Blouwater Substation to Iscor/Ystervark Substation.

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GA Environment is a member of the GladAfrica Group of Companies

Directors: Mr. N Mashaba (Executive Chairman), *Mr. G Albertyn (Pr. Eng, AAarb) (Deputy Chairman), Mr. KC Lebesa (Group CEO), Mr. S Naidoo (Pr.CPM) (COO), Ms. K Hlongwane (CA(SA)) (Group CFO) *Mr. M Maponyane (ACIS, MDP), **Mrs. N Mashaba (CA(SA)), **Mr. K Mayayise (Pr. Tech Eng., Pr. CPM), **Mrs. M Claassens (CA (SA)), **Mrs. K Hinrichsen (BSc LLB).

Company Secretary: Mrs. K Hinrichsen (BSc, LLB). **Company Reg no:** 2013/000961/07.

* Independent non-executive

**Non-executive

QMF-EV-MK-023-REV10-09/03/2020

Amendment 2: To change the location of the activity on page 1 of the EA

From:

"WESTERN CAPE PROVINCE: Within Ward 5 of the Saldanha Bay Local Municipality, at the Port of Saldanha, Farm 127, 129, 192: Yzervarkensrug, 196: State Land, 197: Pienaarspoort, 1185"

To:

"WESTERN CAPE PROVINCE: Within Ward 5 of the Saldanha Bay Local Municipality, at the Port of Saldanha, Farm 127, 129, 192: Yzervarkensrug, 196: State Land, 197: Pienaarspoort, 1185 and Farms 1139, 1112"

The reason for this amendment is that the proposed underground fibre optic sleeve manhole system will traverse new properties that were not included in the EA.

Amendment 3: To amend the contact details of the holder of the EA

From:

Mr Fazeel Christian
Transnet SOC Ltd
P.O. Box 1545
Bellville
7535
Telephone Number: (021) 940 1947
Email: Fazeel.Christian@transnet.net

To:

Mr Willem Petrus Van Dyk
Transnet SOC Ltd
P.O. Box 1545
Bellville
7535
Telephone Number (022)703 8453
Email: Willie.VanDyk@transnet.net

The application for amendment to change the name of contact person from Mr Fazeel Christian to Mr Willem Petrus van Dyk is due to restructuring in Transnet SOC Limited.

- **Amendment 4: To include Surveyor General Number of the additional properties to be traversed by the underground fibre optic sleeve manhole system on page 3 of the EA:**

C	4	6	0	0	0	0	0	0	0	0	0	1	2	9	0	0	0	0	3
C	4	6	0	0	0	0	0	0	0	0	1	1	1	2	0	0	0	0	0
0	4	6	0	0	0	0	0	0	0	0	1	1	3	9	0	0	0	0	0

The proposed underground fibre optic sleeve manhole system will also traverse new properties that were not included in the EA.

- **Amendment 5: To include coordinates of the underground fibre optic sleeve manhole system on page 3 of the EA:**

Underground fibre optic sleeve manhole system	Latitude	Longitude
Starting point	32°59'46.75"S	18° 0'6.63"E
Middle Point	32°58'27.96"S	18° 0'59.17"E
End Point	32°58'55.64"S	18° 2'52.35"E

The coordinates to be included in the EA for the underground fibre optic sleeve manhole system.

Additionally, the Environmental Management Programme (EMPr) submitted as part of the final amendment report dated November 2020 is approved and must be implemented and adhered to.

Please note that a copy of this Amendment of the Environmental Authorisation is available on request.

This notice has also been issued as per Annexure 8 of the Directions Regarding Measures to address, prevent and combat the spread of COVID-19 relating to NEMA Permits and Licenses issued on the 5th of June 2020. The circulation of this Notice is also subject to all the applicable health and safety and other restrictions, directions and requirements determined in terms of section 27(2) of the Disaster Management Act.

Upon receipt of this notification, any Interested and Affected Parties wishing to formally appeal the decision must follow the appeal procedure in accordance with Chapter 2 of the National Appeal Regulations 2014, as amended. A copy of the National Appeal Regulations 2014 and the DEFF decision to amend the EA the have been attached to this notification letter. The procedure for appeal is as follows:

- 4 (1) *An appellant must submit an appeal to the appeals administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest within 20 days from:*
- (a) *the date that the notification of the decision for an application for an environmental authorisation was sent to the registered Interested and Affected Party by the applicant; or*
 - (b) *the date that the notification of the decision was sent to the applicant by the Competent Authority, issuing authority or licensing authority, in the case decisions other than those referred to in paragraph (a)*
- (2) *An appeal submission must be-*
- (a) *submitted in writing in the form obtainable from the appeal administrator: and*
 - (b) *accompanied by –*
 - i. *a statement setting out the grounds of appeal;*
 - ii. *supporting documentation which is referred to in the appeal submission and;*
 - iii. *a statement including supporting document, by the appellant to confirm compliance with Regulation 4(1) of these Regulations.*

Should any person wish to lodge an appeal against the decision, he/she must submit the appeal in writing to the appeal administrator, and a copy of the appeal to the applicant within 20 days from the date of notification (**12 March 2021**) to:

The Director: Appeals and Legal Review:

Email: appeals@environment.gov.za

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

By post: *Private Bag x447*
Pretoria
0001

Applicant: Transnet SOC Ltd

Name: *Mr Willem Petrus Van Dyk*

e-mail: Willie.VanDyk@transnet.net

Tel: (022)703 8453

Should you have queries or require additional information regarding the appeal process, you can contact the Appeal Administrator or Project Environmental Assessment Practitioner, Dirk Prinsloo of GA Environment at the address indicated on this letterhead or via email on environment@gaenvironment.com or dirkp@gaenvironment.com. Please note that you can make an appeal against this decision by no later than the **06th April 2021** in accordance with Chapter 2 of the National Appeal Regulations 2014, as amended.

We would like to thank you for participating in the Environmental Authorisation Amendment and Public Participation Processes. Your participation has been valuable and highly appreciated.

Yours sincerely,



Dirk Prinsloo (EAPASA 2019/471.)

Principal Environmental Assessment Practitioner

Email: dirkp@gaenvironment.com

Tel: 011 312 2537/071 396 5787



environment, forestry & fisheries

Department:
Environment, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

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

DEFF Reference: 14/12/16/3/3/1/1520/AM1

Enquiries: Mr Thando Booï

Telephone: (012) 399 9387 E-mail: TBooi@environment.gov.za

Mr Willem Petrus van Dyk
Transnet SOC Ltd
P.O. Box 1545
BELLVILLE
7535

Telephone Number: (022) 703 8453
Email Address: Willie.VanDyk@transnet.net

PER EMAIL / MAIL

Dear Mr Van Dyk

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 06 JUNE 2016 FOR THE CONSTRUCTION OF NEW BULK POWER INFRASTRUCTURE AT THE PORT OF SALDANHA, SALDANHA BAY LOCAL MUNICIPALITY, WESTERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 06 June 2016, your application for amendment of the EA and the draft amendment report received by the Department on 07 September 2020, the acknowledgement letter dated 14 September 2020, the comments on the draft amendment report dated 28 September 2020, the final amendment report received by the Department on 13 November 2020 and the email dated 13 January 2021, refer.

Based on a review of the application for amendment and the supporting amendment report of 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 16 June 2016, as follows:

Amendment 1: To amend the scope of the EA in condition 1 on page 4 of the EA.

From:

"The proposed new main intake substation and the 66kV power line alternative 1 for the proposed project are approved"

To:

"The proposed new main intake substation and the 66kV power line alternative 1 for the proposed project as well as an underground feeder cable and fibre optic sleeve manhole system of approximately 6.5 kilometres that includes specific infrastructure components such as sleeves, manholes and fibre optic cables to allow for direct communications from Blouwater to Iscor/Ystervark substations is approved"

The reason for the construction of the underground optic sleeve manhole system is to allow for direct communication from the Blouwater Substation to Iscor/Ystervark Substation.

M.S

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The proposed underground fibre optic sleeve manhole system will also traverse new properties that were not included in the EA.

Amendment 5: To include coordinates of the underground fibre optic sleeve manhole system on page 3 of the EA:

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Mid-point	32°58'27.96"S	18° 0'59.17"E
End- point	32°58'55.64"S	18° 2'52.35"E

The coordinates to be included in the EA for the underground fibre optic sleeve manhole system.

Additionally, the Environmental Management Programme (EMPr) submitted as part of the final amendment report dated November 2020 is approved and must be implemented and adhered to.

This proposed amendment letter must be read in conjunction with the EA dated 16 June 2016.

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 stipulates 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 abuses or compromises 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 14 (fourteen) 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 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:

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

By email: appeals@environment.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@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries

Date: 03/03/2021

cc:	Dirk Prinsloo	GA Environment (Pty) Ltd	Tel: (021) 462 6047	Email: environment@gaenvironment.com
	Adri la Meyer	DEA&DP	Tel: (021) 483 2887	Email: adri.lameyer@westerncape.gov.za
	Nazeema Duarte	Saldanha Bay Local Municipality	Tel: (022) 701 7116	Email: Mazeema.Duarte@sbm.gov.za

M.S

GOVERNMENT NOTICES

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No. R. 993

8 December 2014

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998
(ACT NO. 107 OF 1998)

NATIONAL APPEAL REGULATIONS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the regulations pertaining to the processing, consideration of, and decision on appeals, under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.



BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE

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CHAPTER 1

INTERPRETATION AND PURPOSE OF REGULATIONS

Interpretation

1. (1) In these Regulations any word or expression to which a meaning has been assigned in the Act, and unless the context requires otherwise—

“appeal administrator” means a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

“appeal authority” is the Minister, the MEC or a person delegated the power to decide on appeals by the Minister or MEC, as the case may be;

“appellant” means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of these Regulations;

“decision-maker” means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

“applicant” means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

“independent”, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6 of these Regulations, means—

- (a) that such a person has no business, financial, personal or other interest in the appeal in respect of which that person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that appeal; and
- (b) that there are no circumstances that may compromise the objectivity of that person in performing such work;

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

- (2) When a period of days must be reckoned in terms of these Regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days.
- (3) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

Purpose of Regulations

2. The purpose of these Regulations is to regulate the procedure contemplated in section 43(4) of the Act relating to the submission, processing and consideration of, a decision on an appeal.

Application of Regulations

3. (1) These Regulations are applicable to an appeal in terms of section 43 of the Act to the Minister or MEC against a decision taken in terms of the:

- (a) Environment Conservation Act, 1989 (Act No. 73 of 1989);
- (b) National Environmental Management Act, 1998 (Act No. 107 of 1998);
- (c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
- (d) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); or
- (e) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

and subordinate legislation made in terms of any of these Acts.

- (2) No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority.
- (3) An appeal against a decision by an official or municipal manager acting under delegated authority from a metropolitan, district or local municipality must be submitted, processed and considered in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

CHAPTER 2

ADMINISTRATION AND PROCESSING OF APPEALS

Appeal submission

4. (1) An appellant 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:

- (a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
 - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be—
- (a) submitted in writing in the form obtainable from the appeal administrator; and
 - (b) accompanied by—
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; and
 - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

Appeal panel

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.
- (2) The appeal panel contemplated in subregulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.

Recommendations and decisions on appeals

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in subregulation (3) must contain written reasons for the decision.

Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.
- (2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

CHAPTER 3

GENERAL MATTERS

Repeal of regulations

9. The regulations mentioned in the Table in Annexure 1 to these Regulations are hereby repealed or amended to the extent set out in the third column of the Table.

Transitional arrangements

10. (1) An appeal lodged prior to the commencement of these Regulations, and which is still pending when these Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the appeal was lodged.
- (2) An appeal lodged after the commencement of the Environmental Impact Assessment Regulations, 2014 must be submitted, processed and considered in terms of these Regulations.

Short title and commencement

11. These Regulations are called the National Appeal Regulations, 2014, and take effect on the date of publication in the *Gazette*.

ANNEXURE 1

REGULATIONS REPEALED		
Date and year of publication	Short title	Extent of repeal
Government Notice No. R.543, <i>Gazette No. 33306</i> of 18 June 2010.	Environmental Impact Assessment Regulations, 2010.	Chapter 7.