



environment & tourism

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

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Ref: 12/12/20/673

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Enquiries: Ms Mosili Ntene

Ms M Mafumo
Eskom Transmission
P.O Box 1091
JOHANNESBURG
2000

Fax: (011) 800 3917

Dear Ms Mamokete Mafumo

RECORD OF DECISION FOR THE CONSTRUCTION OF THE PROPOSED BRAAMHOEK-VENUS 400kV ESKOM TRANSMISSION POWER LINE.

Your application for authorisation, in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in respect of an activity identified in terms of section 21 of the Act, of 27 October 2004 regarding the above matter refers.

This department has evaluated the final scoping report dated May 2005 and has considered your application.

By virtue of the power delegated to me in terms of section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) I hereby, in terms of section 22(3) of the Act, authorise:

- **Item 1 (a): The construction of the Braamhoek-Venus 400kV Transmission power line from the Braamhoek substation at the Braamhoek Pumped Storage Scheme to Venus substation near Estcourt.**

Enclosed please find the record of decision and the conditions under which your application is authorised.

Appeals must comply with the provisions of regulation 11 of the environmental impact assessment regulations, (Government Notices No. R. 1182 and 1183 of 5 September 1997), which reads as follows:

- (1) An appeal to the Minister or the provincial authority under section 35(3) of the act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
- (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them.
- (3) An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from the department's offices at tel. (012) 310 3590 or e-mail: cveeden@deat.gov.za.



Ms Pam Yako
Director - General
Department of Environmental Affairs and Tourism
Letter signed by: L McCourt
Designation: Chief Director, Env. Impact Mngt
Date: 24/4/2006

CC: Mr Todi Netshithangani: KwaZulu Natal Department of Agriculture and Environmental Affairs:
Fax: (036) 635 3304

Mr Moses Mahlangu: Margen Industrial Services:
Fax: (013) 656 2233

RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/673: THE CONSTRUCTION OF THE PROPOSED ESKOM TRANSMISSION BRAAMHOEK-VENUS 400kV LINE FROM THE BRAAMHOEK SUBSTATION TO VENUS SUBSTATION

By virtue of the power delegated by the Minister in terms of section 33(1) Environment Conservation Act, (Act 73 of 1989) ("the Act"), I hereby, in terms of section 22(3) of the Act, authorise Eskom Transmission to undertake the activity specified/ detailed below subject to the indicated conditions.

1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:

The development entails the construction of the Braamhoek-Venus 400kV Transmission power line, from the Braamhoek substation at the Eskom Generation Braamhoek Pumped Storage Scheme to Venus substation near Estcourt, as per the route corridor description in the final scoping report dated May 2005 and as shown on the locality map 1, appendix 1, of the final scoping report dated May 2005, the route corridor described as the Western Route. This route will be parallel to the proposed 400kV turn-in lines from the Majuba-Venus #2 400kV and parallel to the existing Majuba-Venus # 2 400kV line in a vacant servitude owned by Eskom.

2. KEY FACTORS INFORMING THE DECISION:

In reaching its decision in respect of the application, the Department has taken, *inter alia*, the following information into consideration:

- The final scoping report dated May 2005.
- All specialist reports included in the final scoping report dated May 2005.
- Appendix A & B: Public participation: dated May 2005.

In reviewing this information, the Department made the following findings:

- The proposed development is part of Eskom's new capacity installation programme and is intended to meet the future peak electricity demands of South Africa.
- The purpose of the Braamhoek-Venus 400kV Transmission power line is to integrate the proposed new Eskom Generation Braamhoek Pumped Storage Scheme into the Transmission National Grid to facilitate the transfer of available generation capacity at the Braamhoek Pumped Storage Scheme to the grid where it is required at peak demand times and to further supply this additional capacity in such a way as to improve security of supply in the national grid system in its entirety.
- The mitigation measures proposed in the final scoping report are appropriate and practical for implementation.

- The proposed development is compatible with the proposed area for the development.
- Specific environmental specialist studies were commissioned as part of the environmental impact assessment process and it was found that the impact of this development was acceptable.
- It is envisaged that should the recommendations stipulated on page 35, and the mitigation measures contained in the impact tables (appendix 2) of the final scoping report dated May 2005, and the conditions as stipulated in this record of decision be complied with, the negative environmental impact of this activity will be minimised.
- Based on the above, the Department's conclusion is that this activity will not lead to any substantial detrimental impact on the environment, that potential detrimental impacts resulting from this activity can be mitigated to acceptable levels and that the principles of section 2 of NEMA can be upheld.

The Department has accordingly decided to grant Eskom Transmission authorisation in terms of Regulations R 1182 and R 1183 (as amended), promulgated under section 21, 22 and 26 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions listed below.

3. CONDITIONS

3.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorisation applies in respect of:

- The construction of the Braamhoek-Venus 400kV Transmission power line, constructed from the Braamhoek substation at the Braamhoek Pumped Storage Scheme to Venus substation near Estcourt on the Western Route as indicated on map 1 dated 29 March 2005 included in the final scoping report dated May 2005 (appendix 1).

3.2 SPECIFIC CONDITIONS

3.2.1 Environmental Management Plan (EMP)

3.2.1.1 Eskom must submit a site specific EMP to the authorities for acceptance before commencement of any of the activities related to this authorisation. The EMP must include but not be limited to the following aspects:

- Rehabilitation of all areas disturbed during the construction phase of the project.
- Siting and management of construction camps, ablution and housing facilities as well as material storage areas used by the contractor. All work areas must be supplied with proper ablution facilities.
- Management and rehabilitation of access roads to individual construction areas that will not become permanent roads upon completion of construction. Any new road constructed for access purposes must comply with the relevant SANS codes and permission for construction must be obtained from DEAT as required by Schedule 1, item 1 (d) of R. 1182.

- Waste avoidance, minimisation and disposal of waste at an appropriate facility.
- Protection of any heritage sites likely to be impacted by the development should such sites be found during any phase of the project to follow.
- Management of traffic during the construction phase of the development where the servitude access roads and other transportation networks intersect.
- A fire management plan for implementation on site.
- Implementation of site specific erosion and sediment control measures during construction and the maintenance and operational phases of the project.
- A site specific plan for the installation of mitigation measures to reduce and prevent avi-faunal interaction with the new power lines.
- A formal plan for the relocation of dwellings and people from the servitude should this be required.
- All recommendations and mitigation measures as proposed on page 35 and in Appendix 2: Impact tables, of the final scoping report dated May 2005 forms part of this record of decision and must be implemented as part of the EMP.

3.2.1.2 The EMP must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually.

3.2.1.3 The construction EMP will be seen as a dynamic document. However, any changes to the EMP must be submitted to DEAT for acceptance before such changes could be effected.

3.2.1.4 All contractors working on site must be informed with regard the contents of the EMP.

3.2.2 Environmental Control Officer (ECO)

3.2.2.1 Eskom must appoint an Independent Environmental Control Officer (ECO) who would on behalf of Eskom, on a daily basis monitor the project compliance with conditions of the record of decision, environmental legislation and recommendations of the Environmental Management Plan (EMP) and that the recommendations for mitigation of the scoping report are implemented. The cost of the ECO shall be borne by Eskom.

3.2.2.2 Eskom must appoint the ECO one month before the start of construction and the authorities must be notified of such an appointment for communication purposes.

3.2.2.3 The ECO shall submit an environmental compliance report on a two-monthly basis, in writing, to the Director-General of the Department of Environmental Affairs and Tourism (DEAT), copied to the KwaZulu-Natal Department of Agriculture and Environmental Affairs.

3.2.2.4 The ECO shall maintain the following on site:

- A daily site diary
- A non-conformance register
- A public complaint register

- 3.2.2.5 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the servitude is handed over to Eskom by the contractor.

3.2.3 Monitoring and auditing

- 3.2.3.1 Records relating to monitoring and auditing must be made available for inspection to any relevant authority in respect of this development.
- 3.2.3.2 This department reserves the right to monitor and audit the development throughout its full life cycle to ensure that it complies with the conditions stipulated in the record of decision as well as mitigation measures in the final scoping report dated May 2005 and the EMP.

3.2.4 Transportation and handling of hazardous materials.

- 3.2.4.1 During the construction of the power line, an effective monitoring system must be put in place to ensure safety and to detect any leakage or spillage of coolants from all oil containing equipment during their use.
- 3.2.4.2 The transportation, handling and storage of hazardous substances must comply with all the provisions of the Hazardous Substances Act, (Act No.15 of 1973), associated regulations as well as SANS 10228 and SANS 10089 codes. Should a temporary bulk fuel supply storage facility be required on site, it must comply with the mentioned SANS codes and authorisation must be obtained from DEAT as required by Section 1, item 1 (c) (ii) of R, 1182.

3.2.5 Rehabilitation after construction

- 3.2.5.1 No exotic plant species may be used for rehabilitation purposes. Only indigenous plants may be utilised.
- 3.2.5.2 Implementation of measures aimed at controlling invasive plant species and weeds must be implemented.
- 3.2.5.3 No disturbance of the land at any stream or rivers edge is allowed unless such disturbance complies with legislation and conforms to strict design parameters.

3.2.6 Compliance with other legislation

- 3.2.6.1 Archaeological remains, artificial features and structures older than 60 years are protected by the National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of laying foundations, construction in the vicinity of the finding must be stopped. An archaeologist must be called to the site for inspection. Under no circumstances shall any artefacts be destroyed or removed from the site. The South African Heritage Resource Agency must be contacted to this effect. Their recommendations should be included in the construction EMP and be adhered to.

- 3.2.6.2 All provisions of the Occupational Health and Safety Act, 85 of 1993, and any other applicable legislation must be adhered to by the holder of this authorisation.
- 3.2.6.3 All provisions of the National Water Act, 36 of 1998, must be adhered to by the holder of this authorisation. No development may take place under the 1:50 year flood line of any river or stream that is affected by the property under development.
- 3.2.6.4 Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 28 of 2002 administered by the Department of Minerals and Energy.
- 3.2.6.5 No indigenous and / or protected vegetation may be removed without the required permits from the relevant Provincial Nature Conservation department.

3.3 GENERAL CONDITIONS

- 3.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, Act No.73 of 1989, and does not exempt the holder thereof from compliance with any other legislation.
- 3.3.2 This authorisation refers only to the activity as specified and described in the final scoping report dated May 2005. Any other activity listed under section 21 of the Environment Conservation Act, 1989 (No. 73 of 1989) which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the Environment Conservation Act, Government Notice R. 1182 and R.1183 (as amended).
- 3.3.3 This authorisation is subject to the approval of the relevant local authorities in terms of any legislation administered by those authorities.
- 3.3.4 Construction may only start once all negotiations for the servitude is finalised and all landowners have signed the required legal documents granting Eskom the right to construct the line.
- 3.3.5 The applicant must, within 7 (seven) calendar days of receipt of this record of decision inform all interested and affected parties and at least include the following:
- (i) That an authorisation has been issued to the applicant to proceed with the construction and operation of the activity. If requested, provide copies of this ROD.
 - (ii) That any appeals against the issuing of the authorisation must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days from the date on which this ROD has been issued to the applicant at the address stipulated in this ROD.
 - (iii) That an appeal questionnaire may be used in the lodging of an appeal. It is obtainable from the Department's offices at tel. (012) 310 3590 or e-mail: cveeden@deat.gov.za.
 - (iv) The date on which the ROD was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.

Failure to inform interested and affected parties within the stipulated time period may result in the Minister considering requests from such parties for permission to submit a late appeal favourably.

- 3.3.6 One week's written notice must be given to this Department before commencement of construction activities. Such notice shall make clear reference to the site location details and reference number given above.
- 3.3.7 One week's written notice must be given to this Department before commencement of operation activities. Such notice shall make clear reference to the site location details and reference number given above.
- 3.3.8 The applicant shall be responsible for ensuring compliance with the conditions contained in this ROD by any person acting on his behalf, including but not limited to, an agent, servant, or employee or any person rendering a service to the applicant in respect of the activity, including but not limited to, contractors and consultants.
- 3.3.9 The applicant must notify the Department in writing, within 24 (twenty four) hours if any condition of this authorisation cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.
- 3.3.10 A copy of the authorisation and ROD shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this authorisation and ROD.
- 3.3.11 Compliance/non-compliance records must be kept and shall be made available on request from the authorities within five days of receipt of the request.
- 3.3.12 Any changes to, or deviations from, the project description set out in this letter 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.
- 3.3.13 This Department may review the conditions contained in this letter from time to time and may, by notice in writing to the applicant, amend, add or remove a condition.
- 3.3.14 In the event that the predicted impacts exceed the significance as predicted by the independent consultant in the final scoping report dated May 20 05 and supporting documentation, the authorisation may be withdrawn after proper procedures have been followed.
- 3.3.15 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department of Environmental Affairs and Tourism (DEAT) in respect of its significance will prevail.
- 3.3.16 The applicant must notify the Department, in writing, at least 10 (ten) days prior to the change of ownership, project developer or the alienation of any similar rights for the activity described in

this letter. The applicant must furnish a copy of this document to the new owner, developer or person to whom the rights accrue and inform the new owner, developer or person to whom the rights accrue that the conditions contained herein are binding on them.

- 3.3.17 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.3.18 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or authorisation 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 approval as set out in this document or any other subsequent document emanating from these conditions of approval.
- 3.3.19 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4) of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 3.3.20 Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as well as any other appropriate legal mechanisms.
- 3.3.21 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 3.3.22 Any complaint from the public during construction must be attended to as soon as possible to the satisfaction of the parties concerned. A complaints register must be kept up to date and shall be produced upon request.
- 3.3.23 Departmental officials shall be given access to the properties earmarked for construction activities for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all reasonable times.
- 3.3.24 All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from this Department.

3.4 DURATION OF AUTHORISATION

If the activity authorised by this letter does not commence within 4 (four) years from the date of signature of this letter, the authorisation will lapse and the applicant will need to reapply for exemption or authorisation in terms of the above legislation or any amendments thereto.

4. CONSEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this letter. Failure to comply with any of the above conditions may result in, *inter alia*, the Department withdrawing the authorisation, issuing directives to address the non-compliance – including an order to cease the activity – as well as instituting criminal and/or civil proceedings to enforce compliance.

5. APPEALS

Appeals in respect of this decision must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days of the date of this decision. Appeals can be submitted utilising one of the following methods:

By facsimile: (012) 322 0082
By post: Private Bag X447, Pretoria 0001
By hand: 2nd Floor, Fedsure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Appeals must comply with the provisions of Regulation 11 of Government Notice No. R. 1183 which reads as follows:

An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the ROD was issued to the applicant in terms of regulation 10(1);

An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.

An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from the Department's offices at tel. (012) 310 3590 or e-mail: cveeden@deat.gov.za.

Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal which will be submitted to the Minister, to all registered interested and affected parties. Proof of such notification must be submitted to the Minister with the appeal. Failure to comply with this provision may result in the Minister refusing to consider the appeal.

6. APPLICANT:

Eskom Transmission
P O Box 1091
JOHANNESBURG
2000

Contact person: Ms Mamokete Mafumo
Tel: (011) 800 2621
Fax: (011) 800 3917

7. CONSULTANT:

Margen Industrial Services
P O Box 12822
LERAATSFONTEIN
0138

Contact person: Mr Moses Mahlangu
Tel: (013) 656 1212
Fax: (013) 656 2233

8. SITE VISIT

A site visit was undertaken on 4-6 October 2004 by the following personnel:

Mr V Matabane	Department of Environmental Affairs & Tourism
Mr R Nemanashi	Department of Environmental Affairs & Tourism
Mr I Felton	KwaZulu-Natal Department of Agriculture and Environmental Affairs
Ms M Mafumo	Eskom Transmission
Ms C Streaton	Eskom Transmission
Mr M Mahlangu	Margen Industrial Services
Mr S Dunsmore	PBAi

Various specialists subcontracted to the consultant.



Ms Pam Yako
Director – General
Department of Environmental Affairs and Tourism
Letter signed by: L McCourt
Designation: Chief Director, Env Impact Mngt
Date: 24/4/2006