

APPENDIX 12-1
RECORD OF DECISION

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Ministry of the Environment, Department of Tourism and Leisure - Cape Town
Koroni ya Thando ka Bant - Umnyango wasekhohloko ka Thando - Lesitho ka Bant

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

The construction of a 175kv transmission line and its associated infrastructure from Zeus substation, Mpumalanga province to Mercury substation, Northwest province and the expansion of the two substations to accommodate the transmission line.

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, authorize:

This department, Mpumalanga Department of Agriculture and Land Administration, Gauteng Department of Agriculture, Conservation and Environment and the Northwest Department of Agriculture, Conservation and Environment, have evaluated the environmental impact report dated July 2006 and have considered your application.

Your application for authorization, 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 11 July 2005 regarding the above matter refers.

RECORD OF DECISION FOR THE PROPOSED CONSTRUCTION OF A 175KV TRANSMISSION LINE AND ITS ASSOCIATED INFRASTRUCTURE FROM ZEUS SUBSTATION, MPUMALANGA PROVINCE TO MERCURY SUBSTATION, NORTHWEST PROVINCE

Dear Ms Masheng

Fax (011) 800 3917

Ms J Masheng
Estim Holding Limited
P O Box 1091
JOHANNESBURG
2000

Ref: 12/1220/433
Tel: (012) 310 3587 Fax: (012) 310 3588 e-mail: pmgasheng@dot.gov.za
Encl: Peter Hgothang

Private Bag 9447, Pretoria, 0001 - Federal Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3811 Fax: (+27 12) 322 3463

Department of Environment and Tourism
REPUBLIC OF SOUTH AFRICA
Environment & Tourism



Mpumalanga: Agriculture and Land Administration (017) 819 2072
 Free State/Tourism, Environmental and Economic Affairs (051) 400 4811
 Gauteng: Agriculture, Conservation and Environment (011) 355 1000
 Northwest: Agriculture, Conservation and Environment (018) 388 5006

CC: Ms T Shabane
 Mr A Lepota
 Mr M Dzvornik
 Mr M Nkosi

Date: 2/3/07
 Designation: Chief Director - Environmental Impact Management
 Signed by: Lize McCourt
 Department of Environmental Affairs and Tourism
 Director-General
 P. van Yako

Yours sincerely

- (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, which are certified as true by a commissioner of oaths.
- (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.

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:



The final environmental impact report dated July 2006 and the final corridor alignment map dated July 2006 compiled by PBA International Consultants and Merges Industrial Services.

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

KEY FACTORS INFORMING THE DECISION:

The project falls within the ambit of sub-regulation 1(a) and (d) of Government Notice R.1182 (as amended) promulgated under sections 21, 26 and 28 of the Act.

(c) Construction of access roads and the installation of gates where the line crosses the farm boundaries.

(b) The expansion of the Mercury and Zeus substations to accommodate the new 765kV transformers. At Zeus the additional area will be 28 ha (700m x 400m), while at Mercury the additional area will be 44 ha (1100m x 400m).

(a) Construction of up to 55m high cross-rope suspension towers along the route utilizing strain towers on difficult terrain and on bends greater than 3°.

In addition the development consists of the following:

The proposed new route will follow the alignment as indicated on the attached map:

The proposed project involves the construction of a 765kV transmission line from Zeus substation, near Standerton in Mpumalanga province to Mercury substation, near Orkney in Northwest province. Eskom will require 80m servitude (40m on either side of the centre line). The proposed transmission line will extend over a distance of approximately 255km following the ZM 1 corridor as recommended in the final environmental impact report dated July 2006. Both Zeus and Mercury Substation will be upgraded to accommodate the 765kV transmission line. The ZM 1 transmission line must follow the western corridor closer to the Vrededorp Dome World Heritage Site.

1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:

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, authorizes Eskom to undertake the activity specified / detailed below subject to the indicated conditions.

RECORD OF DECISION FOR PROJECT REFERENCE 12/122043: THE PROPOSED CONSTRUCTION OF A 765kV TRANSMISSION LINE AND ITS ASSOCIATED INFRASTRUCTURE FROM ZEUS SUBSTATION, MPUMALANGA PROVINCE TO MERCURY SUBSTATION, NORTHWEST PROVINCE

RECORD OF DECISION



- Draft environmental impact report dated March 2006 compiled by PBA International Consultants and Margen Industrial Services.
- The Scoping Report dated December 2005 compiled by PBA International Consultants and Margen Industrial Services.
- The notes of the meeting held between Northwest, Gauteng, DEAT, Eskom and the consultant on 18 August 2006.
- Comments received from Mpumalanga, Northwest and Gauteng environmental authorities.
- Concerns raised by the Dome Meteorite Park Conservancy with regard to the visual impacts associated with the positioning of the transmission line on the eastern alignment.
- Comments received from the Biodiversity and Heritage section of DEAT.
- Government Notice No. R. 1182 and R. 1183 (as amended) promulgated in terms of Sections 21, 22 and 26 of the Environment Conservation Act, 1989 (Act 73 of 1989).
- Principles contained in the National Environmental Management Act, 1998 (Act 107 of 1998);
- Objectives of Integrated Environmental Management as set out in Section 23 of the National Environmental Management Act, 1998 (Act 107 of 1998);
- The Constitution of the Republic of South Africa (Act 108 of 1996), in particular Chapter 2 and Section 24 (b) of the Bill of Rights;
- The findings of the site undertaken by Ms M Molekwa, Ms J Kwakwe, Mr F Chauke and Mr P Ngosheng on 20 October 2006.
- In reviewing this information, the Department made the following findings:
 - The electricity demand in the Eastern Cape is increasing at much faster rate than was originally expected. If Eskom is to honour its commitment to meet the increasing needs of end-users, it has to establish and expand its infrastructure of power lines and substations.
 - The Environmental Impact Report, dated July 2006, prepared by PBA International and Margen Industrial Services complies with the minimum requirements as contained in sub-regulation 8 of Government Notice No. R. 1183 of 5 September 1997, as amended.
 - The public participation process as described in Environmental Impact Report, dated July 2006, prepared by PBA International and Margen Industrial Services is considered adequate.
 - The activities will result in job creation and other socio-economic benefits, not only to the communities around which the line will traverse, but to the country as a whole.

3.2.1.3 The ECO must also ensure that the quarterly independent environmental performance audits are undertaken during project implementation. The audit reports must be submitted to the Director-General of the Department of Environmental Affairs and Tourism (DEAT) for the attention of Ms L. Motete, copied to the Mpumalanga Department of Agriculture and Land Administration, Gauteng Department of Agriculture,

3.2.1.2 The environmental control officer (ECO) will be responsible for monitoring project compliance with the conditions of the record of decision, environmental legislation and recommendations of the EMP on a daily basis.

3.2.1.1 Eskom must appoint an environmental control officer (ECO) one month before the start of construction and this department must be notified of such an appointment for communication purposes.

3.2.1 Environmental Control Officer (ECO)

3.2 Specific conditions

The proposed project involves the construction of a 765kV transmission line from Zeus substation station, near Standerton in Mpumalanga province to Mercury substation, near Orkney in North West province. Eskom will require 80m servitude (40m on either side of the centre line). The proposed transmission line will extend over a distance of approximately 255km. Both Zeus and Mercury Substations will be upgraded to accommodate the 765kV transmission lines.

The proposed new route will follow the ZM 1 alignment as indicated on the attached map, except close to the Vrededorf World Heritage Site, where it must follow the western alignment.

3.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

3. CONDITIONS

The Department has accordingly decided to grant Eskom authorisation in terms of Regulations R.1182 and 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.

- The mitigation measures proposed in the environmental impact report are appropriate and practical for implementation.
- 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 conditions as stipulated in this record of decision be complied with, the negative environmental impact of this activity will be minimized.
- Based on the above, the Department's conclusion is that this activity will not lead to substantial detrimental impact on the environment, alternatively 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.

before such changes could be effected.

3.2.2.2 Once accepted by the Department of Environmental Affairs and Tourism (DEAT), the revised EMP will be seen as a dynamic document. However, changes in the EMP must be submitted to DEAT for acceptance

- (a) Rehabilitation of areas to be disturbed during the construction of the power line.
- (b) Siting and management of construction camps.
- (c) Access roads to individual construction areas.
- (d) Plant search and rescue before commencement of any construction related activity.
- (e) Waste avoidance and minimization during construction.
- (f) Management of traffic during construction phase where the power line crosses roads and other transportation networks.
- (g) Measures to reduce soil erosion during construction phase must be clearly stated in the EMP.
- (h) Measures aimed at controlling invasive plant species and weeds must form part of the EMP.

but not be limited to, the following aspects:

3.2.2.1 Eskom must submit a construction EMP to the Department of Environmental Affairs and Tourism for approval before commencement of any of the activities related to this authorization. Copies of the EMP must be submitted to Mpumalanga Department of Agriculture and Land Administration, Gauteng Department of Agriculture, Conservation and Environment, Northwest Department of Agriculture, Conservation and Environment and Free State Department of Tourism, Environmental and Economic Affairs to enable them to comment to DEAT on the EMP. The envisaged construction EMP must cover,

3.2.2 Environmental Management Plan

3.2.1.7 The ECO shall report to and be accountable to the Eskom.

operation.

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

3.2.1.5 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 Conservation and Environment, Northwest Department of Agriculture, Conservation and Environment and Free State Department of Tourism, Economic and Environmental Affairs.

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

3.2.1.4 The ECO shall maintain the following on site:

Conservation and Environment, Northwest Department of Agriculture, Conservation and Environment and Free State Department of Tourism, Environmental and Economic Affairs.



- 3.2.2.3 Compliance with the approved EMP must form part of the project documentation of all contractors working on the project, and must be clearly indicated in all contractor's contracts.
- 3.2.3 Rehabilitation after construction
- 3.2.3.1 Eskom must ensure that no exotic plant species are used for rehabilitation purpose. Only indigenous plants endemic to the area may be utilised.
- 3.2.4 Monitoring and auditing
- 3.2.4.1 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 environmental impact report dated July 2006 the construction and operational EMPs.
- 3.2.4.2 The ECO must ensure that records relating to monitoring and auditing referred to in 3.2.1.2 and 3.2.1.3 above are made available on a quarterly basis for inspection to DEAT officials, Mpumalanga, Northwest, Gauteng and Free State environmental authorities in respect of this development.
- 3.2.5 Land acquisition
- 3.2.5.1 This development is authorized on condition that Eskom acquires the necessary servitude for the power line route. Eskom must negotiate with all affected landowners within the preferred alignment prior to initiation of construction activity. Proof of negotiation with the affected land owners must be available on request by the department.
- 3.2.5.2 Eskom must submit the final power line alignment route to this department either the finalisation of the land acquisition process. In addition, any anticipated route adjustment influenced by the local circumstances within the corridor should be reported to the department in writing for acceptance before implementation.
- 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, construction in the vicinity of the finding must be stopped. The ECO must call an archaeologist to the site for inspection. Under no circumstances shall any artefacts be destroyed or removed from the site. The South African Heritage Resources Agency must be contacted to this effect. Their recommendations should be included in the EMP and be adhered to.
- 3.2.6.2 Eskom must ensure that no proceeding or mining activities or extension of any material is conducted within the proposed project area, or in relation to the proposed project without necessary authorisations in terms of the Minerals Petroleum Resources Development Act, 2002 (Act No.28 of 2002).
- 3.2.6.3 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 authorization.



- 3.2.6.4 All provisions of the National Water Act, Act 36 of 1998, must be adhered to by the holder of this authorisation.
- 3.2.6.5 All provisions of the National Environment Management Air Quality Act, Act 39 of 2004, must be adhered to by the holder of this authorisation.
- 3.2.6.6 All provisions of the Atmospheric Pollution Prevention Act, Act 45 of 1965, must be adhered to by the holder of this authorisation.
- 3.2.6.7 All provisions of the National Environment Management Biodiversity Act, Act 10 of 2004, must be adhered to by the holder of this authorisation.
- 3.2.6.8 Eskom must obtain a permit from the provincial department of nature conservation for the removal of indigenous protected and endangered plant and animal species.
- 3.2.7 Construction and operational impacts
 - 3.2.7.1 The construction team must make use of existing access roads where possible. In addition Eskom must ensure that the following conditions are adhered to during the implementation of the project:
 - 3.2.7.1.1 The transmission line route must be planned in such a way to avoid areas with high potential for bird strikes. Overhead earth-wires must be used to increase visibility.
 - 3.2.7.1.2 Maintain a safe distance from sensitive bird habitats and breeding areas such as wetlands, dams and river crossings.
 - 3.2.7.1.3 No towers or access roads must be placed in wetlands. If this is unavoidable, then authorisation from the Department of Water Affairs and Forestry must be obtained prior to construction.
 - 3.2.7.1.4 Vegetation, avifaunal, wetland and heritage resources specialists must undertake a site inspection of each tower position and any new access roads to assess and ensure that no endangered vegetation, sensitive avifaunal habitat or heritage resources are compromised and advise on mitigation prior to construction.
 - 3.2.7.1.5 Self-supporting strain towers must be protected with bird guards.
 - 3.2.7.1.6 An avifaunal specialist must identify the sections of the line that require demarcation for anti-collision devices once the route has been finalised.
 - 3.2.7.1.7 Align the route to where either distance will mitigate the impact or to where the topography will form a screening backdrop.
 - 3.2.7.1.8 Avoid aligning the route along the top of ridges. Should it be necessary to cross a ridge it is preferable to cross directly over rather than at an angle. This will limit the extent that the transmission line will be visible. Attempt to cross over at a depression such as a neck or saddle in the ridge. This will limit the visual effect of any pylon standing proud above the ridge line.



3.2.7.1.9 The final route of the transmission power line must cross the existing main roads as close to 90° as possible.

3.3 GENERAL CONDITIONS

3.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 1989 (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 environmental impact report dated July 2006. 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 The applicant must, within 7 (seven) calendar days of receipt of the record of decision inform all interested and affected parties of 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: evgeden@deat.gov.za.

(iv) Include 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 to submit a late appeal favourably.

3.3.5 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 must include the reference number given above.

3.3.6 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 must include the reference number given above.

3.3.7 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

- 3.3.8 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.
- 3.3.9 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.
- 3.3.10 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.
- 3.3.11 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.
- 3.3.12 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.
- 3.3.13 In the event that the predicted impacts exceed the significance as predicted by the independent consultant in the final environmental impact report dated July 2006 and supporting documentation, the authorisation may be withdrawn after proper procedures have been followed.
- 3.3.14 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.
- 3.3.15 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 the 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.
- 3.3.16 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.
- 3.3.17 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or authorization 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.

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

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 utilizing one of the following methods:

5. APPEALS

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 authorization, 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.

4. CONSEQUENCES OF NON-COMPLIANCE

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

3.1 Duration of authorization

Department.

3.3.23 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

3.3.22 Departmental officials shall be given access to the construction areas referred to under project description above for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all reasonable times.

3.3.21 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.

3.3.20 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.

3.3.19 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.

3.3.18 If any condition imposed in terms of this authorization is not complied with, the authorization 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).

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National Department of Environmental Affairs & Tourism
National Department of Environmental Affairs & Tourism
National Department of Environmental Affairs & Tourism
Eskom
PBA International (SA)
PBA International (SA)

Mr P Ngassheng
Ms J Kwakwa
Ms M Molekwa
Mr F Chauke
Ms J Masheng
Ms J Beater
Mr S Dunsmore

A site visit was undertaken on 20 October 2006 by the following:

SITE VISIT

Contact person: Mr M Mahlangu
Tel: (013) 699 0749
Fax: (013) 699 0917

Margen Industrial Services
P O Box 12822
LERAATSFONTEIN
1038

CONSULTANT:

Contact person: Ms J M Masheng
Tel: (011) 800 4623
Fax: (011) 800 3917

Eskom Holdings Limited
P O Box 1091
JOHANNESBURG
2000


APPLICANT:

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.

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.

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(2) 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.

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/43: THE PROPOSED CONSTRUCTION OF A 765KV TRANSMISSION LINE AND ITS ASSOCIATED INFRASTRUCTURE FROM ZEUS SUBSTATION, MPUMALANGA PROVINCE TO MERCURY SUBSTATION, NORTHWEST PROVINCE


 Mst. am Yako
 Director-General
 Department of Environmental Affairs and Tourism
 Signed by: Lize McCourt
 Designation: Chief Director - Environmental Impact Management
 Date: 2/3/2007