



environment & tourism

Department
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

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Ref: 12/12/20/782 & 12/12/20/828

Tel: (012) 310 3031 Fax: (012) 320 7539 e-mail: mlilene@deat.gov.za

Enquiries: Ms Mosili Ntshongweni

Ms Carol Streaton
Eskom Holdings Limited: Transmission Division
P.O Box 1091
JOHANNESBURG
2000

Fax: (011) 800 3917

Dear Ms Streaton

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/782 & 12/12/20/828: THE CONSTRUCTION OF THE PROPOSED ESKOM HOLDINGS LIMITED: TRANSMISSION DIVISION, HYDRA-PERSEUS 765KV POWER LINE, BETA -PERSEUS 2 X 765KV POWER LINES AND THE EXPANSION OF PERSEUS SUBSTATION TO INCLUDE A 765KV HIGH VOLTAGE YARD.

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 and the provincial departments of the Free State and Northern Cape has evaluated the environmental impact report dated 10 October 2006, the addendum report dated 15 November 2006 and the second addendum report dated 23 May 2007 and has considered your application.

By virtue of the power delegated to me in terms of section 13(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: The construction, erection or upgrading of-
 - (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply;


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:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3715, PRetief@deat.gov.za
or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, HGrove@deat.gov.za.



Ms Pam Yako
Director - General
Department of Environmental Affairs and Tourism
Letter signed by: L McCourt
Designation: Chief Director, Env. Impact Management

Date: 29/8/2007

CC: Ms Jaana-Maria Ball	ARCUSS GIBB	Fax: (011) 807 5670
Ms Basani Mkhombo	DTEC	Fax: (051) 831 3530
Mr Realeboha Khadi	DTEEA	Fax: (051) 400 4811
Mr Pierre Retief	DEAT	

RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/2007/2 AND 12/12/20/828: THE CONSTRUCTION OF THE PROPOSED ESKOM HOLDINGS LIMITED: TRANSMISSION DIVISION HYDRA - PERSEUS 765KV, BETA - PERSEUS 2 X 765KV AND THE EXPANSION OF THE EXISTING PERSEUS 400KV SUBSTATION TO INCLUDE A NEW SECTION FOR THE 765KV INTEGRATION

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 Holdings Limited: Transmission Division (Hereafter referred to as Eskom) to undertake the activities specified/ detailed below subject to the indicated conditions.

1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:

The development falls within the Free State Province and Northern Cape Province, between the towns of Dealesville and De Aar and consists of the following components:

- the extension of the Perseus 400kV Transmission substation near Dealesville to construct a new 765kV high voltage yard (50ha) as shown on the layout drawing contained in Appendix 3 of the final Environmental Impact Report (EIR) dated 10 October 2006;
- the construction of 2 x 765kV Transmission power lines (13km) between Perseus substation and Beta substation, both near Dealesville, along the final proposed alignment as shown on the study area map (Map 1 of 2) included in the Second Addendum Report to the EIR dated 23 May 2007, Appendix 6 and the coordinate list described in Appendix 7;
- the construction of 1 x 765kV Transmission power line between Perseus substation near Dealesville and Hydra substation near De Aar (296km), along the final proposed alignment as shown on the study area maps (Maps 1 and 2 of 2) included in the Second Addendum Report to the EIR dated 23 May 2007, Appendix 6 and the coordinate list described in Appendix 7;
- the servitude width required for the construction of the power line is 80m per 765kV line with a separation of 80m from centre line to centre line where the 765kV line is constructed parallel to any other power line.

All the proposed power lines and substation expansion is required as part of the Cape Strengthening programme.

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 environmental Scoping Report dated 4 May 2006;
- the addendum to the environmental Scoping Report (Final Report) dated 21 August 2006;
- the Environmental Impact Report (EIR) dated 10 October 2006;
- all specialist reports and recommendations included in the EIR dated 10 October 2006;
- the Addendum to the EIR - Public Participation Process Report dated 15 November 2006;
- the Second Addendum to the EIR dated 23 May 2007;
- comments received from the provincial environmental departments of the Free State and Northern Cape on the various reports; and
- the requirement placed on Eskom by Government and the electricity users of South Africa to ensure a secure supply of electricity to the country as a whole.

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

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- the proposed development is part of Eskom's new capacity installation programme and is intended to meet the future electricity demands of the country south of De Aar, which includes the Eastern, Southern, Western and Northern Cape provinces;
- the purpose of the proposed Transmission power lines and substation expansion at Perseus substation is to facilitate the transfer of available base load generation capacity to the grid 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 proposed development is compatible with the environment the development traverses;
- 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;
- the sensitive areas in the study area have been identified in relation to the proposed development and effort was made to ensure the route and site options with the least environmental impact was chosen;
- it is envisaged that should the recommendations and the mitigation measures contained in the EIR and specialist studies dated 10 October 2006, the Second Addendum to the EIR dated 23 May 2007, and the conditions as stipulated in this report of decision be complied with, the negative environmental impact of this activity will be minimised where it cannot be avoided altogether; and
- 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 largely be upheld.

The Department has accordingly decided to grant Eskom Holdings Limited: Transmission Division 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 OF THE ACTIVITY

The authorisation applies in respect of the following activities required by the project and as listed in Schedule 1, regulation R. 1182 and described in the EIR dated 10 October 2006:

- Item 1: The construction, erection or upgrading of-
 - (a) facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply;

3.2 SPECIFIC CONDITIONS

3.2.1 Environmental Management Plan (EMP)

- 3.2.1.1 In addition to the Generic EMPs for Transmission power line and substation construction included in the Addendum to the EIR dated 15 November 2006, Appendix 4, Eskom must submit a site specific construction EMP, which covers all activities of the construction process and environmental attributes of the construction sites, to DEAT 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:

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- Rehabilitation of all areas disturbed during the construction phase of the project. No exotic plant species may be used for rehabilitation purposes. Only indigenous plants may be utilised where vegetative material is required for rehabilitation purposes.
- 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 permanent road constructed for access purposes outside of the proposed substation sites 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.
- A site specific plan for the protection of any heritage sites close to the site likely to be impacted by the development or 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 avifaunal interaction with the new power lines.
- A site specific plan for the protection of indigenous vegetation where construction activities will take place. A single access road of six (6) meters for construction purposes shall be allowed along the power line corridor and clearing of vegetation shall be limited to the sites where pylons are erected. Stringing operations shall be done without the removal of indigenous vegetation between the pylon positions where possible and where such vegetation will not interfere with the safe operation of the power line.
- Provisions for harvesting of any medicinal plants that may occur on site prior to site clearance.
- Provision for plant search and rescue of protected and endangered species which should be done before commencement of any construction related activity.
- All recommendations and mitigation measures as proposed in the EIR dated 10 October 2006 and the Second Addendum to the EIR dated 23 May 2007 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 Once accepted by DEAT, the construction EMP will be seen as a dynamic document. However, any changes to the EMP, which is environmentally defensible, must be submitted to DEAT for acceptance before such changes could be effected. The EMP is regarded as an extension of the ROD and shall be treated as such in terms of compliance monitoring.

3.2.1.4 All contractors working on site must be informed with regard the contents of the EMP by the appointed Environmental Control Officer.

3.2.1.5 Eskom must submit a site specific EMP for the operational phase of the development to DEAT for acceptance prior to the completion of construction phase and the inception of the operational phase of the development. The operational EMP will be seen as a dynamic document. However, any major changes to the operational EMP which is environmentally defensible, must be submitted to DEAT for acceptance before such changes could be effected.

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defendable, must be submitted to DEAT for acceptance before such changes could be effected.

3.2.1.6 The operational EMP referred to under 3.2.1.5 must include measures aimed at controlling invasive plant species and declared weeds once the operational phase of the development is implemented, as well as measures to protect indigenous fauna and flora and identified heritage resources during operation and maintenance of the power lines.

3.2.2 Environmental Control Officer (ECO)

3.2.2.1 Eskom must appoint a suitably qualified Independent Environmental Control Officer (ECO) who would on behalf of Eskom, on a daily basis monitor the project compliance with conditions of the ROD, EMP and relevant environmental legislation. The ECO must raise non-conformance reports (NCR's) against any non-compliance with the conditions of the ROD and EMP during pre-construction and construction phases.

3.2.2.2 The ECO must ensure that the recommendations for mitigation, as presented in the EIR and Addendum to the EIR mentioned in 3.2.1, are implemented on site.

3.2.2.3 The ECO must ensure that all site staff receives Environmental Induction Training with specific focus on the conditions of the ROD and EMP to be adhered to. Records of such training shall be kept for audit purposes.

3.2.2.4 The ECO must compile an audit checklist that includes all the relevant conditions of the ROD, EMP and the mitigation measures proposed in the EIR and Addendum to the EIR and on a quarterly basis audit the project against the checklist. The ECO must raise non-conformance reports (NCR's) against any non-compliance with the audit checklist.

3.2.2.5 The ECO shall submit an environmental compliance report on a two-monthly basis, in writing, to the Director: Environmental Impact Evaluation (EIE) of the Department of Environmental Affairs and Tourism (DEAT). The report shall indicate the reference number of the project as supplied above and contain a summary of all NCR's raised against the developer with regard to the ROD conditions and the EMP, as well as close out documentation related to the NCR's.

3.2.2.6 The ECO shall maintain the following on site:

- A daily site diary
- A non-conformance register and copies of NCR documentation
- A public complaint register
- A register of audits and copies of audit checklists
- Copies of the ROD and EMP
- Copies of two-monthly reports to DEAT

3.2.2.7 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the landowners have signed a release and the servitude is handed over to Eskom by the contractor.

3.2.2.8 The ECO must be appointed one month before the start of construction and DEAT must be notified of such an appointment for communication purposes.

3.2.2.9 The cost of the ECO shall be borne by the Eskom.

3.2.3 Monitoring and auditing

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measures stipulated in the EIR dated 10 October 2006 and the Second Addendum to the EIR dated 23 May 2007 and the construction and operational EMP's.

3.2.4 Transportation and handling of hazardous materials.

3.2.4.1 During the construction of the substation extension and power lines, 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 (as amended).

3.2.5 Compliance with other legislation

3.2.5.1 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.

3.2.5.2 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.

3.2.5.3 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. No disturbance of the land at any annual or perennial stream or rivers edge is allowed unless such disturbance complies with legislation regulated by the Department of Water Affairs and Forestry.

3.2.5.4 All provisions of the National Environment Management Biodiversity Act, Act 10 of 2004, must be adhered to by the holder of this authorisation.

3.2.5.5 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.

3.2.5.6 No indigenous and / or protected vegetation may be removed without the required permits from the relevant Provincial Nature Conservation department.

3.2.6 Land acquisition

3.2.6.1 This development is authorised on condition that Eskom acquires the necessary servitude for the power line route. Eskom must negotiate with all affected landowners within the authorised corridor alignment prior to the start of construction activities. Proof of such negotiations must be made available to the Department on request should any dispute arise.

3.2.6.2 In addition, any route adjustment effected during negotiations, due to the specific local circumstances, outside the authorised corridor alignment, should be reported to the department in writing for acceptance before implementation.

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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 above and described in the EIR dated 10 October 2006 and the Second Addendum to the EIR dated 25 May 2007. 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 this record of decision inform all interested and affected parties (IAPs) 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:
 - Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, PRetief@deat.gov.za; or
 - Mr H Grové, Appeals Administrator, Tel: 012 310 3070, HGrove@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 IAPs within the stipulated time period may result in the Minister considering requests from such parties for permission to submit a late appeal favourably. The Department must also be included in the list of IAPs, addressed to the Director: Environmental Impact Evaluation, for record purposes.
- 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 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 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 person rendering a service to the applicant in respect of the activity, including but not limited to, contractors and consultants.

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- 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 EIR dated 10 October 2006, the Second Addendum to the EIR dated 23 May 2007 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 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.
- 3.3.16 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 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.
- 3.3.18 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).
- 3.3.19 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.

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- 3.3.20 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 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.
- 3.3.22 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.
- 3.3.23 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 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 authorisation in terms of the relevant 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 3688
 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 must be used in the lodging of an appeal. It is obtainable from the Department's offices at tel. (012) 310 3705 or (012) 310 11070.

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, as 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.

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6. APPLICANT:

Eskom Holdings Limited: Transmission Division
P O Box 1091
JOHANNESBURG
2000

Contact person: Ms Carol Streaton
Tel: (011) 800 5411
Fax: (011) 800 3917

7. CONSULTANT:

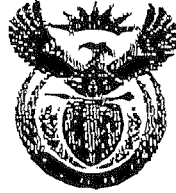
ARCUS GIBB (Pty) Ltd
P O Box 2700
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Contact person: Ms Jaana-Maria Ball
Tel: (011) 519 4600
Fax: (011) 807 5670



Ms Pam Yako
Director – General
Department of Environmental Affairs and Tourism
Letter signed by: L McCourt
Designation: Chief Director, Env Impact Management

Date: 29/8/2007

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**

Reference: 12/12/20/782 & 12/12/20/828
Enquiries: Ms Mosill Ntene
Telephone: 012 310-3031

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/782 AND 12/12/20/828; THE CONSTRUCTION OF THE PROPOSED ESKOM HOLDINGS LIMITED TRANSMISSION DIVISION HYDRA - PERSEUS 765kV, BETA - PERSEUS 2 X 765kV AND THE EXPANSION OF THE EXISTING PERSEUS 400kV SUBSTATION TO INCLUDE A NEW SECTION FOR THE 765kV INTEGRATION

1. PURPOSE

The purpose of this submission is to request the Chief Director of the Department of Environmental Affairs and Tourism to authorise the proposed construction of the proposed Hydra-Perseus 765kV power line, the Beta-Perseus 2 x 765kV power lines and the Perseus 765kV substation expansion. This is an application submitted in terms of the GN R. 1183 of 5 September 1997. Documents pertaining to these applications have been evaluated and a draft record of decision (ROD) is appended for your consideration and signature should you concur. Two separate applications were lodged for the power lines and the substation expansion, since Eskom omitted the substation application in their original application for the power line infrastructure. The two applications were handled as one study process by Eskom and their consultants and therefore a single ROD is issued that covers both applications. The two projects are directly linked.

2. SUMMARY

2.1 The development falls within the Free State Province and Northern Cape Province, between the towns of Dealesville and De Aar and consists of the following components:

- the extension of the Perseus 400kV Transmission substation near Dealesville to construct a new 765kV high voltage yard (50ha) as shown on the layout drawing contained in Appendix 3 of the final Environmental Impact Report (EIR) dated 10 October 2006;
- the construction of 2 x 765kV Transmission power lines (13km) between Perseus substation and Beta substation, both near Dealesville, along the final proposed alignment as shown on

- the study area map (Map 1 of 2) included in the Second Addendum Report to the EIR dated 23 May 2007, Appendix 6 and the coordinate list described in Appendix 7;
- the construction of 1 x 765kV Transmission power line between Perseus substation near Dealesville and Hydra substation near De Aar (296km), along the final proposed alignment as shown on the study area maps (Maps 1 and 2 of 2) included in the Second Addendum Report to the EIR dated 23 May 2007, Appendix 6 and the coordinate list described in Appendix 7;
 - the servitude width required for the construction of the power line is 80m per 765kV line with a separation of 80m from centre line to centre line where the 765kV line is constructed parallel to any other power line.

All the proposed power lines and substation expansion is required as part of the Eskom Cape Strengthening Programme.

- 2.2 An EIA process was agreed to by the Department with the requirement to submit an Environmental Impact Report (EIR) including specialist input. This process assessed alternative routes as well as the no-go option and identified and proposed mitigation measures for potential environmental impacts identified. A public participation process (PPP) was followed that allowed the landowners, general public, provincial and national government departments as well as non-governmental organisations (NGOs) the opportunity to participate and give input into the process.
- 2.3 The Final Environmental Impact Report (EIR) dated 10 October 2006, the Addendum to the EIR – Public Participation Process Report dated 15 November 2006 and the Second Addendum to the EIR dated 23 May 2007 was submitted to the Department and at the same time, to the Free State Province and Northern Cape Province for decision-making, to comply with the requirements of the Environment Conservation Act and R. 1182 and R. 1183 promulgated under the Act, as well as the requirements of the process agreed to by the department.
- 2.4 This submission is based on the review of all the relevant documents and submissions from the PPP and Provincial Departments.
- 2.5 Eskom has pro-actively obtained options to acquire a servitude from most landowners excluding one with whom negotiations is still underway on the proposed final route.
- 2.6 Authorisation of this application will contribute to the fulfilment of the vision set by Eskom for their Cape Strengthening Programme and the overall aim of catering for the accelerated economic growth programme in South Africa (ASGISA). However, this further development of the power network should conform to the principles as set out under the National Environment Management Act, 1998 and the conditions of approval contained in the attached ROD.

3. BACKGROUND

- 3.1 In terms of GN R. 1183 regulation 4 (3) (d) this department becomes the relevant authority to issue a record of decision, as the applicant is a statutory body, namely Eskom. The Free State and Northern Cape Provincial Departments, with whom the original application was lodged, becomes commenting authorities to the application.

3.2 Eskom Holdings Limited: Transmission Division appointed an independent environmental consultancy, ARCUS GIBB, to undertake an Environmental Impact Assessment (EIA) for this project. Eskom also appointed an independent reviewer, Mr Mark Wood, to review documentation and to advise Eskom and the appointed consultant. The independent reviewer agreed with the outcome of the final documentation submitted. The final documentation regarding this proposed activity was submitted to the Department on 29 May 2007.

4. DISCUSSION

4.1 Need and Justification

The Final Environmental Impact Report (EIR) dated 10 October 2006 (page 13), the Addendum to the EIR – Public Participation Process Report dated 15 November 2006 and the Second Addendum to the EIR dated 23 May 2007 sufficiently details the need and justification of the proposed activities required for the proposed construction of the power lines and the substation extension. The need and justification section details the current requirement for additional power supply to the Cape Region south of De Aar and the installation of better infrastructure to accommodate the future increased demand on electricity supply. The planning of these activities ensures that the power network will be able to function optimally once increased demand arises. The Cape Region is heavily dependent on the supply of electricity as required for the economic viability of the region and has very limited installed generation capacity in the region, hence the requirement for power line supply to the region. The need for increased electricity capacity is thus clearly understood.

4.2 Description of the project

A detailed description of the project is given on page 11 of the EIR.

4.2.1 Activities

A detailed description of the project is given in terms of the proposed activities which are planned on the attached layout plans as well as a description of the activities that will occur during construction. Issues regarding the proposed activities were raised by some Interested and Affected Parties (IAPs) and Stakeholders, which were addressed in the final EIR.

4.2.2 Infrastructure and service facilities

A description of the project is given in terms of the requirement for additional and higher capacity electrical infrastructure that will be required for the future supply of the Cape Region.

4.3 Discussion on alternatives

The consultants assessed four main different route options (page 11 of the EIR) and the no-go option. Based on the studies and subsequent detailed assessment and ground-truthing, a proposed final corridor (option 5) was selected within which Eskom pro-actively acquired servitude options. The assessment of the different alternatives was done in detail and re-done after some IAPs did not agree with the original results. The final proposed corridor for the Beta-

Perseus 2 x 765kV power lines is along the route as shown on the study area map (Map 1 of 2) included in the Second Addendum Report to the EIR dated 23 May 2007, Appendix 6 and the coordinate list described in Appendix 7 in the report. The final proposed alignment for the Hydra-Perseus 765kV power line is shown on the study area maps (Maps 1 and 2 of 2) included in the Second Addendum Report to the EIR dated 23 May 2007, Appendix 6 and the coordinate list described in Appendix 7 of the report.

4.4 Scope of the study

A full EIA process, as agreed to by the department and in accordance with the accepted plans of study for scoping and EIA and described on page 3 of the EIR has been followed, which culminated in the presentation of a final EIR, an addendum report and a second addendum report to the department and Provincial departments for decision-making. There is a record of detailed authority consultation with regard to applicable legislation. Specialists were consulted to supply input regarding significant issues highlighted during the process. A strategy was employed to determine the significance of issues and impacts and mitigatory measures were put forward to minimise the perceived significant impacts associated with the project activity.

4.5 Public involvement process:

- The Public Involvement Process was elaborate and IAPs were afforded numerous opportunities to participate. A database of IAPs was kept and is appended to the final EIR in the addendum report.
- Advertisements were placed and notices distributed to inform the IAPs about the project. Authorities at all levels were informed and given opportunity to comment and participate.
- The different reports were made available for public review giving the public reasonable time to comment.
- Issues trail:
 - All written and verbal communication from IAPs is captured and the report reflects all the issues raised by IAPs, and has attempted to address most of the issues.
 - A database of all participating IAPs was kept and an issues trail established as part of the public involvement process.
 - Issues and comments raised by the IAPs are listed and grouped, thus ensuring that investigations covered all the aspects and their associated impacts.

An independent reviewer was consulted and reviewed the documentation to ensure information is current and applicable and to inform this study.

4.6 Description of the environment:

The report contains a description of the baseline environment where the development is proposed on page 26 of the EIR. The consultant considered baseline and detailed information supplied by desktop and current on-site specialist studies. Maps, photographs and drawings

were included to supplement the written report with visual aids. The study area covers quite a large area and traverses two provinces, the Free State and Northern Cape.

The report discusses the following environmental attributes of the area:

- The bio-physical environment
 - Topography
 - Geology and soils
 - Flora
 - Fauna
- Socio-economic environment
 - Land use
 - Tourism
 - Heritage and culture
 - Visual environment

4.7 Plan of development footprint:

The report includes a visual representation of the proposed design footprint of the substation upgrade area, showing some detail with regard to the planned.

4.8 Assessment of potential impacts

The consultant employed an reasonable method for impact significance determination which was clearly spelled out on page 28 of the EIR for all IAPs to be able to follow the process.

The following potential impacts are assessed in the report and mitigation measures are proposed:

- Ecological Impacts
 - vegetation
 - erosion
 - loss of habitat
- Avi-fauna impacts
 - electrocution of birds
 - collision with power lines
 - disturbance during construction
 - habitat destruction
 - populations
- heritage and cultural impacts
 - damage to sites
 - loss of artefacts
- visual impacts
 - obscuring views
 - degrading areas with exceptional views
 - tourism related issues

- socio-economic impacts
 - safety and security
 - animal theft and poaching
 - sanitation and water supply
 - damage to roads
 - fires
 - loss of sense of place tourism
 - loss of arable land
 - resettlement of people

Only one impact is rated medium, i.e. the visual impact, which is the most difficult impact to mitigate for when constructing a power line of any size, and all other impacts are rated as low due to the good possibility of successful mitigation being implemented and the construction process being properly managed.

The assessor agrees with the assessment and significance ratings of the impacts, and although impacts will be experienced, the significance level of the impacts is acceptable in terms of the overall power line and substation construction and operational processes.

4.10 Report qualities

The report is comprehensive and contains enough information required to assist with the decision-making process. The report does reflect that much time and effort has gone into the study process to ensure proper public scrutiny of the proposed activities. The consultants considered a large amount of available information, as well as input from various specialists, authorities and IAPs, to identify issues and assess potential impacts associated with the proposed activities.

5. IMPLICATIONS

5.1 Personnel

No implications

5.2 Financial

There are no financial implications attached.

5.3 Legal

None

5.4 Communication

The provincial departments commented on the process and have indicated their support pending certain conditions as included in the appended ROD.

5.5 Appeals

Appeals from any IAPs are not foreseen at this stage, however possible appeals from certain NGOs or the public can not be ruled out. The assessor is however of the opinion that the issues related to possible appeals were addressed by Eskom in choosing a final proposed route and securing most of the servitude options pro-actively.

6 OTHER BRANCHES / CHIEF DIRECTORATES CONSULTED

None

7. RECOMMENDATIONS

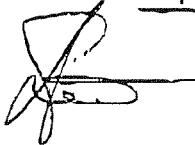
It is hereby recommended that the recommendations included in the EIR dated 10 October 2006 and the Second Addendum to the EIR dated 23 May 2007, be approved, and that the proposed activities be authorised. It is recommended that a conditional ROD be issued authorising the activities to go ahead as per the above mentioned report recommendations. Eskom Transmission is certified under ISO 14001 Environmental Management System (EMS) that should be upheld and the EMS will be expanded to ensure inclusion and coverage of the current activities once construction is completed. The Department should endeavour to visit the site during the construction phase to observe adherence to the ROD and conditions. All mitigation measures proposed by the consultant in the EIR dated 10 October 2006 and the Second Addendum to the EIR dated 23 May 2007 should be implemented by Eskom where possible. This is required by the appended ROD.

L Grobler

ASSISTANT DIRECTOR: ENVIRONMENTAL IMPACT EVALUATION

DATE: 21/08/07

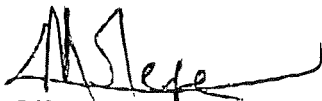
COMMENT: Supported / not supported



DEPUTY DIRECTOR: ENVIRONMENTAL IMPACT EVALUATION

DATE: 21/08/2007


COMMENT: Supported / not supported



DIRECTOR: ENVIRONMENTAL IMPACT EVALUATION

DATE: 27/08/2007

COMMENT: Supported / not supported



CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

DATE: 29/8/07

COMMENT: Approved/ ~~not approved~~