



**DEPARTMENT: ENVIRONMENTAL AFFAIRS AND TOURISM
REPUBLIC OF SOUTH AFRICA**

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Ref: 12/12/201577

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Enquiries: Vincent Matadane

Mr J Geenigh
Eskom Transmission
P.O. Box 1091
JOHANNESBURG
2000

Fax: (011) 800 3917

Dear Mr Geenigh

**RECORD OF DECISION FOR THE PROPOSED CONSTRUCTION OF A 765KV TRANSMISSION LINE
BETWEEN HYDRA SUBSTATION AND GAMMA SUBSTATION AND THE CONSTRUCTION OF GAMMA
SUBSTATION**

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 29 June 2004 regarding the above matter refers.

This department and the Northern Cape Department of Tourism, Environmental and Conservation, have evaluated the environmental impact report dated April 2005 and have 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 authorize:

- The construction of a 765KV transmission line between Hydra Substation and the proposed Gamma Substation site parallel to the Hydra-Droevier 400KV No. 2 line. The total length of the line is 130km.
- Construction of Gamma Substation on Farm Uithugfontein.

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

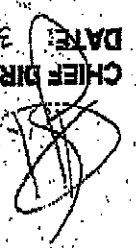
Appeals must comply with the provisions of regulation 11 of the environmental impact assessment regulations, (Government Notices No. R. 1182 and 1183 of 5 September 1997), which reads as follows:

(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 departments offices at tel (012) 310 3590 or e-mail: evdeden@deal.gov.za.

Yours sincerely



CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

DATE: 30/9/2005

CC: Edwin Segole: Department of Tourism, Environment and Conservation, Fax: (053) 831 3530
Jo-Ann Thomas: Bohlweid Environmental (Pty) Ltd Fax (011) 466 3849

RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/0577 CONSTRUCTION OF THE PROPOSED 765 KV POWERLINE BETWEEN THE EXISTING HYDRA SUBSTATION AND GAMMA SUBSTATION

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

1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:

The construction of a new substation near Victoria West (to be known as Gamma substation), and a 765kV transmission line between the existing Hydra substation located near De Aar (currently operating at 400kV) and the new Gamma substation at site B as indicated in the environmental impact report.

The development consists of the following:

- The construction of a 765kV transmission line between the existing Hydra Substation and the area earmarked for the construction of Gamma Substation, over a distance of 130km.
- The construction of Gamma Substation on farm Liviugdommen.

The project falls within the ambit of sub-regulation 1(a) of Government Notice R1162 (as amended) promulgated under sections 21, 26 and 28 of the Act.

2. KEY FACTORS INFORMING THE DECISION:

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

- The final environmental impact report dated 11 January 2005.

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

- The proposed development is part of Eskom's Cape Strengthening Project and is intended to meet the electricity demands of the Cape region.

- The existing transmission lines supplying the Cape region are becoming heavily loaded and are predicted to reach their full carrying capacity in the near future. Additional transmission capacity is required in the area to reinforce the local transmission network, maintain the quality of supply to customers supplied from Hydra Substation, and to meet the escalating electricity demands in the Cape region.

- 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.

- 6. Installation of bird guards and divertors where the line is in close proximity to water bodies.
- 5. Rehabilitation after construction activity is completed.
- 4. The monitoring of access roads leading to individual construction areas and their subsequent construction camps.
- 3. The control of influx of job seekers at the Gamma Substation site and along sections of the line at the construction camps.
- 2. Rehabilitation of areas to be disturbed during the construction phase of both the transmission line and the substation.
- 1. The protection of indigenous vegetation of special concern at the tower footprint and at the proposed Gamma Substation site during construction.

3.2.1.1 Eskom must submit the EMP to the Department of Environmental Affairs and Tourism for approval before commencement of any of the activities related to this authorization. The envisaged EMP must cover the following aspects:

- The construction of Gamma Substation on the Farm Uringfontein already purchased by Eskom:
 - The construction of Gamma Substation within the footprint of 1,6km x 800m (128ha).
 - Turns of the existing 400kV lines into the substation.
- The construction of a 765kV transmission line parallel to the existing Hydra-Droërivier No 2 400kV transmission line over a distance of 130km:
 - The line will be constructed within a single 80m wide servitude.
 - The compact cross-rope suspension tower will be used for the majority of the line.
 - Self supporting towers will be used at bend points along the line.

3.1 Description and extend of the activity

3. CONDITIONS

The Department has accordingly decided to grant Eskom Transmission authorization in terms of Regulations R1182 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.

- Based on the above, the Department's conclusion is that this activity will not lead to a 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.
- 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.

7. Waste avoidance and minimization during construction.
8. Management of traffic during construction phase where the line intersects roads.
- 3.2.1.2 Compliance with the approved EMP must form part of all contractor's working tender's documentation and must be endorsed contractually.
- 3.2.1.3 Once accepted by the Department of Environmental Affairs and Tourism (DEAT), the revised EMP will be seen as a dynamic document. However, any substantial changes must be submitted to DEAT for acceptance before such changes could be effected.
- 3.2.2 Environmental Control Officer (ECO)
- 3.2.2.1 Eskom Transmission must appoint the ECO, whose responsibility would be to ensure the following:
- (a) That the EMP mentioned in 3.2.1 is implemented.
 - (b) That the construction sites and construction activities are monitored and audited for compliance with the principles of the National Environmental Management Act, 1998.
 - (c) That the conditions of this authorization are implemented.
 - (d) That construction audit reports are compiled and submitted to DEAT on a quarterly basis.
 - (e) That disturbed areas are rehabilitated as prescribed.
 - (f) That the recommendations of the environmental impact report dated January 2005 are implemented.
- 3.2.2.2 Eskom Transmissions must appoint the ECO within two weeks from the date of issue of this authorization and such an appointment must be announced to DEAT and the other relevant authorities for communication purposes.
- 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 and the EMP.
- 3.2.4 Acquisition of servitude
- 3.2.4.1 This development is authorized on condition that Eskom initiates the necessary process to acquire the specific servitude before the construction activity of the line commences. Evidence of such a process must be submitted to this department for record purpose.
- 3.2.5 Transportation and handling of hazardous materials.
- 3.2.5.1 During the construction of the proposed Gamma Substation, the coolants for capacitor banks must be handled, transported and stored in such a way that any leakage or spillage is prevented from occurring. Should accidental spillages occur, Eskom must clean up the spill immediately and rehabilitate the affected area within 48 hours. This department must be notified of the incident and how it was handled within a period of 48 hours.

3.2.5.2 The transportation and handling of all hazardous substances associated with this development must comply with all the provisions of the Hazardous Substances Act (Act No.15 of 1973), associated regulations as well as SABS 0228 and SABS 0229 codes.

3.2.6 Compliance with other legislation.

3.2.6.1 Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) administered by the Department of Minerals and Energy.

3.2.6.2 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 for the construction of the Gamma Substation and the construction of transmission towers, 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 by the contractor. Eskom must comply with all the requirements of the National Heritage Resources Act, 1999 (No. 25 of 1999).

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.

3.3 GENERAL CONDITIONS

3.3.1 The authorization 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 authorization refers only to the activity as specified and described in the environmental impact report dated January 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 authorization, 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 authorization 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 at least of the following:

(i) That an authorization 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 authorization 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: cweeden@deal.gov.za.

(v) 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 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.

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 January 2005 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 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 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).

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.

3.3.20 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 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.

3.3.23 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 authorization

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 for exemption or authorization 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 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.

APPEALS

5.

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:

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 RQD 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: cweeden@desat.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.

APPLICANT:

6.

Eskom Transmission

P O Box 1091

JOHANNESBURG

2000

Contact person: Mr John Geeringh

Tel: (011) 800 2465

Fax: (011) 800 3917

CONSULTANT:

7.

Bohweki Environmental

P O Box 11784

Vorna Valley

1686

Contact person: Ms Jo-Ann Thomas

Tel: (011) 466 3841

Fax: (011) 466 3849

SITE VISIT

A site visit was undertaken on 24-28 May 2004 by the following:

- Mr V Malabane
- Mr E Segole
- Ms M Matumo
- Ms P Selepe
- Ms C Streaton
- Ms J Thomas
- National Department of Environmental Affairs & Tourism
- Northern Cape Department of Tourism, Environment and Conservation
- Eskom Transmission
- Eskom Transmission
- Eskom Transmission
- Eskom Transmission
- Bohiveld Environmental

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT

DATE: 30/9/2005

