

BRAAMHOEK TRANSMISSION POWER LINE AND SUB-STATION INTEGRATION

ANNEXURE 6:

Letters from

Ladysmith & District Farmer's Association

Department of Water Affairs and Forestry

National Roads Authority

Petronet

LADYSMITH AND DISTRICT FARMERS' ASSOCIATION LADYSMITH EN DISTRIK BOEREVERENIGING

Telephone 036 6312186
Telefoon

President: I M King
Secretary R A Lees
Sekretaris

P O Box 697,
Posbus
LADYSMITH, 3370

3rd May 2005

Eskom
P O BOX 1091
JOHANNESBURG
2000

ATT : PIETER STEENKAMP
e-mail : steenkpa@eskom.co.za

Dear Pieter

BRAAMHOEK TRANSMISSION LINE MEETING – 6th May 2005

I refer to your e-mail of the 3rd of May 2005.

I am afraid I do not recall a commitment by the Association to send you a letter giving details of outstanding issues. In any event I believe that the issues had been detailed in previous letters and that such issues had been discussed at our last meeting with you.

I would humbly suggest that the “ball is in the Eskom court” and that Eskom should take the following action in order to obtain participation of the Association and its members in the Braamhoek transmission line project:-

1. By appointment visit each land owner whose land is crossed by existing transmission lines.
2. Detail existing transmission line problems with each land owner.
3. Give a written commitment on the action which will be taken to remedy the problems (as per 2 above) as well as action to be taken to ensure that such problems do not recur on existing and future transmission lines. This should include a completion date for remedial action.

4. Submit a written report on the problems and action to be taken as per (1) to (3) above to the Ladysmith and the Besters Farmers' Associations.
5. Cease all legal action and meet the damages claims (as well as costs) of Messrs HR Green and MG Green.

We are not experts on the so-called "EIA" process, indeed we know little or nothing about the details of such a process. However it would seem to us that in the case of the proposed Braamhoek transmission line such an "EIA" process cannot be completed satisfactorily without the co-operation and participation of the Ladysmith and the Besters Farmers' Associations and their members. Any reports emanating from the "EIA" process will have to contain reference to the fact that such a process did not include the co-operation and full participation of the affected farmers' associations and their members. We assume that such reports will be made available to the public.

Yours faithfully,

R A Lees

Cc Besters Farmers' Association



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e-mail: brijballa@dwaf.gov.za

Cell: 082 888 3313
Ref: 16/27/V102/A/1

**Regional representative: Department of Water Affairs and Forestry
Water Quality Management
Private Bag X2015, Dundee 3000
26 Beaconsfield Street, Talana Building, Dundee 3000**

ACER (Africa)
Public Participation Office
P.O. Box 503
Mtunzini
3867

Attention: Bongi Shinga

**RE: ENVIRONMENTAL IMPACT ASSESSMENTS FOR THE PROPOSED
BRAAMHOEK 400Kv TRANSMISSION LINE AND SUBSTATION
INTERGRATION**

Your letter requesting this Department's comments concerning the above project has got reference.

This department has got no objection to the above-mentioned project subject to:-

1. Compliance with the National Water Act, 1998 (Act No. 36 of 1998), particularly section 19 which states: "An owner of land, a person in control of land or a person who occupies or uses the land must take all reasonable measures to prevent any pollution resulting from any activity which is likely to cause pollution of a water recourse."
2. The report should mention the type of the sanitation facilities that will be used during construction and where the contents will be disposed of. If chemical toilets or septic drains should be used, they should be managed according to applicable legislations. An agreement letter from the Municipality should be forwarded to this office.
3. Stockpiling of any material should not be at close proximity to the watercourse owing to the high sedimentation.
4. The necessary storm water cut-off drains and berms should be in place surrounding the area of the substation and the storm water plans should be forwarded to this office.
5. This office recommends that waste be transported to a permitted waste disposal site. An agreement letter with the Municipality should be forwarded to this Department.
6. Paragraph 25 states that a route has been plotted that is seen to achieve a balancing on minimizing impacts, a detailed plan on how the hazardous substances will be handled on site during construction and operating phase should be submitted.



7. The distance of the project from the nearby watercourse and the pollution control measures should be mentioned as well as any other watercourses nearby.
8. Any pollution incident associated/originating from these activities in any nearby watercourses must be reported to this Department within 24 hours.



FOR REGIONAL DIRECTOR
Date: 25/04/2005





Eastern Region
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PO Box 100410, Scottsville, South Africa, 3209
Tel +27 (0) 33 3928100 Fax +27 (0) 33 3863365
Offices in Hatfield – Pretoria (Head Office), Cape Town, Menlyn - Pretoria, Port Elizabeth

Reference: CN3 – 11/1/4 – 067 - 02

Date: 18 April 2005

REGISTRATION NO. 1998/009584/06

Your reference: EIAs 12/12/20/672,673 &674

ACER (Africa)
P O Box 503
MTUNZINI
3867

Attention: Bongi Shinga

Dear Madam

NATIONAL ROUTE 3/6 & 7

PROPOSED BRAAMHOEK 400KV TRANSMISSION POWERLINE & SUBSTATION

The latest draft scoping report on the above-mentioned scheme has reference.

It is noted that no mention is made of our latest letter to Braamhoek Consultants JV, a copy of which is enclosed.

As these comments were related to access across the proposed De Beer's Pass it is assumed that it will receive attention in the EIA dealing with access roads primarily.

It has also been confirmed that ACER (Africa) will be consulting with the N3 Toll Concessionaire (N3TC) on these matters.

This office awaits the outcome of your meeting with N3TC who will be liaising with us on the statutory matters.

Yours faithfully

**For REGIONAL MANAGER
EASTERN REGION**

C J Landman
083 283 6023
landmanc@nra.co.za

Copy N3TC

*Creating
wealth through
infrastructure*





Reference: CRMT86

Ref: PYP/W1/7/05/04/6321

Ms Bongzi Shinga
Acer (Africa)
P.O. Box 503
MTUNZINI
3867

Telephone: (031) 361-1343

Fax: (031) 361-1534

Date: 02 December 2004

Dear Ms Shinga

**Braamhoek 400kV Transmission Powerlines And Sub-Station Integration EIAs –
Construction And Upgrade Of Access Roads EIAs**

Your letter dated 23 November 2004 refers.

Petronet, being a division of Transnet Limited, has no objection in principle to the proposed EIAs for the construction and upgrade of access roads and transmission lines crossing the 323,8 and 406,4mm diameter pipelines within Transnet's 6,1 and 6m wide pipeline servitudes as indicated on your drawing.

This authority to proceed shall only be valid for six months from the date of this letter. If it is envisaged that the work will commence at a later stage an extension of time must be requested timeously.

CONDITIONS

Prior to commencement of work it is required that a representative of Petronet be present to indicate the position of the pipelines and to undertake any work on Transnet's pipelines that may be necessary. In this connection the **Servitude Supervisor, Mr Klippiess Kritzinger, can be contacted at (034) 989 9512** at least 14 days before the date on which you wish to commence the work in the vicinity of the pipelines.

Arrangements will also be made to visit the site periodically whilst the work is in progress.

Should the work be undertaken without Petronet's representative being contacted as mentioned above, Petronet reserves the right to request that you expose the pipeline at your cost in order that an examination can be made for possible damage.

PETRONET

A Division of Transnet Limited
Reg. 1990/000900/06

P O Box 3113
DURBAN 4000
South Africa

202 Smith Street
DURBAN 4001
South Africa



In partnership
against HIV/Aids

Directors: FTM Phaswana (Chairman) M Ramos* (Group Chief Executive) Dr I Abedian Prof GK Everingham NBP Gcaba
Dr SE Jonah KBE* PG Joubert NNA Matyumza MA Moses BT Ngcuka S Nicolaou KC Ramon
BS Tshabalala* (Acting Chief Financial Officer)

*Executive

*Ghanaian

Acting Group Company Secretary : Z Stephen

The attached standard conditions and requirements for overhead cables must be complied with.

You are requested to forward detailed drawings of the proposal on finalisation of design. Frere, Ladysmith, Elandsplaagte and Besters cadastrals with pipeline routes are attached for your information and reference.

On completion of the work you are required to return a copy of this letter to our office, duly endorsed and signed by your site representative as well as Petronet's site representative that the work was satisfactorily completed and conditions adhered to.

Yours sincerely



J.L. Scrooby
SERVITUDE MANAGER

PETRONET

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PETRONET STANDARD CROSSING CONDITIONS AND REQUIREMENTS FOR OVERHEAD CABLES

1. No foundations or structures shall be erected on, over or across the pipeline servitude/s, nor shall any stays etc. be anchored inside the pipeline servitude/s. It is, however, preferred that these structures should not be erected within 15m from the pipeline/s.
2. In the interest of safety it is recommended that distinctive markers, clearly visible from both directions shall be provided for cables and towers higher than 20 metres so that a pilot will readily see the powerline during aerial inspections.
3. Any interstructure earth continuity conductor shall be insulated from the structure for a distance of at least 800m on either side of the pipeline/s measured perpendicular to its axis/their axes. The conductor may be "spark-gapped" at the structures if required.
4. Should authorisation be granted that work may proceed, Petronet's representative must be contacted prior to any work being undertaken within Transnet's pipeline servitude/s. Details of contact person will be furnished when application is made to carry out work.
5. Transnet shall not be liable for any damage, including consequential loss or damage whether direct or indirect which might be caused to the applicant's service during normal operations, routine maintenance and repairs to the pipeline/s.
6. (a) The APPLICANT shall and hereby does indemnify TRANSNET against -
 - (i) any damage to TRANSNET'S own property, whether movable or immovable, including any consequential damage directly flowing from physical damage to any such property;
 - (ii) liability in respect of any damage to the property, whether movable or immovable of the APPLICANT or third parties;
 - (iii) liability in respect of the death of or injury to any employees of TRANSNET or the APPLICANT or any third party;
 - (iv) any legal costs or expenses reasonably incurred in connection with claims or actions arising out of any of the foregoing;

whenever such damage, injury or death is due to or arises out of the construction, installation or existence of the WORKS or any portion thereof, or the use thereof by the APPLICANT, provided that the APPLICANT shall incur no liability for any damage, injury or death which is due to wilful misconduct or gross negligence on the part of Transnet or any of its employees.

- (b) TRANSNET shall notify the APPLICANT forthwith of the occurrence of any damage or the receipt of any claim or damage for or against which the APPLICANT is prima facie liable to indemnify Transnet in terms of paragraph (a) of this clause and shall, in respect of such claim or demand abide by the directions of the APPLICANT as to whether and on what terms it shall be settled, compromised or contested, it being understood and agreed that whatever action may be taken by Transnet pursuant to such directions of the APPLICANT shall be at the APPLICANTS risk and expense.

ANY UNAUTHORISED ACTIVITIES WITHIN THE PIPELINE SERVITUDE IS STRICTLY PROHIBITED. APPLICATION TO CARRY OUT ANY WORK WHATSOEVER, WITHIN A TRANSNET PIPELINE SERVITUDE, MUST BE MADE, TOGETHER WITH DETAILED PLANS IN TRIPLICATE, TO:-

**Chief Executive
Petronet
P O Box 3113
DURBAN
4000**