

Batho Pele - putting people first

Muhathho we zwa Vhupho na Vhwendelamashangu - Litiko le Tselimongazwano nelekuvikazaha - Isabebe jerni(Climal) yokusiNggongahayo neKuvikazaha
Ndzawulo ya Tshika & Mbergo - Departmentu Omgwayingasheke en Tsewivwe - Lechapha la Ticochho le Bontshandi - Lezopho la Bojwala
Kgoro ya Tikocho le Bontshandi - Umnyango weSobhuvuluka nokuvikazaha - Umnyango Wazamvelo Nokuvikazaha

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12/12/20/843: Proposed 2x275KV Transmission lines - Geogedale, KZN

Fax: (012) 322 0082

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Pretoria

Private Bag X447

The Minister of Environmental Affairs and Tourism

decision can be lodged with:

In terms of section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and regulation 11 of Government Notice No. R.1183 of 5 September 1997, appeals on the record of

authorized.

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

Province).

a) The construction and operation of 2x275KV transmission power lines of approximately 550m length between the existing Geogedale substation and the proposed DME Open Cycle Gas Turbine Peaking Power Station (OCGT) within Kwazulu-Natal Province (KZN

Act, 1989 (Act No. 73 of 1989) I hereby, in terms of section 22(3) of the Act, authorize:

By virtue of the power delegated to me in terms of section 33(1) of the Environment Conservation

regarding the above matter refers.

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 said Act,

RECORD OF DECISION FOR THE PROPOSED 2x275KV INTEGRATED TRANSMISSION POWER LINES - GEORGEDALE, KWAZULU-NATAL PROVINCE

Dear Ms Matumo

Fax: 011-800-3917

Tel: 011-800-2621

2000

Johannesburg

PO Box 1091

Eskom Transmission

Attention: Ms Mamokete Matumo

Tel: (012) 310-3087 Fax: (012) 320-7539 e-mail: L.grobbeelar@deat.gov.za

Enquiries: L.Grobbeelar

Ref: 12/12/20/843

Private Bag X447, Pretoria, 0001 - Fedure Building, 515 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 2911 Fax: (+27 12) 322 2692

Department
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

environment & tourism



In terms of section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and regulation 11 of Government Notice No. R.1183 of 5 September 1997, appeals on the record of decision can be lodged with:

The Minister of Environmental Affairs and Tourism
Private Bag X447
Pretoria
0001

Fax: (012) 322 0082

Appeals must comply with the provisions of regulation 11 of the Environmental Impact Assessment regulations, (Government Notice No. R. 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, 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.

Yours sincerely



Ms Pam Yako

Director - General

Department of Environmental Affairs and Tourism

Letter signed by: Ms. L. McCourt

Designation: Chief Director: Environmental Impact Management

Date: 20/7/2007

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/843, THE PROPOSED 2X275KV INTEGRATED TRANSMISSION POWER LINES, GEORGEDALE - KWAZULU NATAL PROVINCE

RECORD OF DECISION

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 (Pty) Ltd - Transmission Division to undertake the activity specified/ detailed below subject to the indicated conditions as stipulated in Section 7 of this record of decision.

1. DESCRIPTION OF ACTIVITY:

The proposed activities will include the following:
a) The construction and operation of 2x275kV transmission power lines of approximately 550m length between the existing Georgedale substation and the proposed DME Open Cycle Gas Turbine Peaking Power Station (OCGT) within Kwazulu-Natal Province (KZN Province).
b) The proposed integration of the OCGT to the Eskom transmission system will involve the following:
• Looping of the existing Georgedale Mersey 275kV transmission lines into OCGT;
• Upgrading of the IPP Mersey old section of line (connect the OCGT with the existing transmission line);
• 275kV bus bar at IPP (to receive the Georgedale Mersey line into the OCGT);
• 275kV feeder bays at OCGT; and
• 275kV transformer bays at OCGT.
The project falls within the ambit of regulations 1(a) of Government Notice No. R.1182 of 5 September 1997, (as amended) promulgated under sections 21, 26 and 28 of the Act.

2. KEY FACTORS INFORMING THE DECISION:

- 2.1 In reaching its decision in respect of the application, the Department has, *inter alia*, taken the following information into consideration:
 - a) The information contained in the:
 - Plan of Study dated November 2006.
 - Scoping Report dated April 2007.
 - b) Compliance with applicable national legislation:
 - The Act;
 - The principles set out in section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA).
- 2.2 The Department of Minerals and Energy (DME) has initiated a program to provide approximately 1000MW of peaking power into the South African electricity grid.
- 2.3 Within the KZN Province two alternative sites have been identified through the EIA process for the proposed DME Peaking Power Plants. These sites are Avon and Georgedale and are located near to Shakastraal and Georgedale respectively.
- 2.4 In the event that the EIA process for the proposed DME peaking power plants identifies the Georgedale site as the preferred alternative it is imperative that the power generated from this peaking power plant is fed into the existing Eskom transmission network.

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- Should the Georgedale site not be selected as the preferred alternative for the DME peaking power plants, and then the need for this EIA application will no longer be required and would be withdrawn.
- 2.5 The construction of the 2x275kV transmission lines and the upgrade to the Georgedale substation is required in order to provide electricity to the proposed DME power peaking plant.
- 2.6 Four route alternatives were identified for the proposed line namely:
- a) Alternative 1: represents the most direct route feasible. The route alignment crosses both the Old Georgedale Road, the small access road and the railway line before it connects with the existing 275kV transmission lines.
- Advantages of this alternative:
- It represents the shortest and most direct route.
 - This route does not intringe on the designated river / wetland buffer areas.
 - This route crosses the railway line at right angles.
- Disadvantages of this alternative:
- This route crosses the main Old Georgedale Road, the secondary road as well as the railway line.
- b) Alternative 2: involves a straight line connection between the OCGT and the existing Georgedale substation. Whilst this route would be the most direct connection to the substation, it must be noted that this route cannot technically connect to the north eastern side of the existing substation. This alternative is there not deemed feasible.
- c) Alternative 3: crosses the railway at right angles and skirts the existing buildings and connects to the existing 275kV powerline without crossing the Old Georgedale Road.
- Advantages of this alternative:
- It crosses the railway at right angles.
 - It only crosses one road, i.e. the Old Georgedale Road.
 - It does not intringe on the river / wetland buffers.
- Disadvantages of this alternative:
- This alternative requires additional bends in the powerline with the resultant additional cost implications.
- d) Alternative 4: involves crossing the railway line obliquely, skirting the edge of the secondary road and crossing the Old Georgedale Road before connecting to the existing 275kV powerlines.
- Advantages of this alternative:
- This line does not cross the secondary road and only crosses one road.
- Disadvantages of this alternative:
- This line does not cross the railway line at right angles and therefore may result in interference with the railway operation.
 - The line intringes on the designated river / wetland buffer areas.
 - The line requires a bend which has a resultant additional cost implication.
- 2.8 After a comparative analysis of the alignments, the preferred alignment for the powerline is Alternative 1, seeing that it results in cost savings for the applicant and the disadvantages associated with the road crossing are not significant.
- 2.9 Based on the above, the Department's conclusion is that this development, as authorised according to the provisions and conditions stipulated in Section 7 of this record of decision, will not lead to substantial detrimental impact on the environment, that potential negative impacts resulting from this development can be mitigated to acceptable levels and that the principles of section 2 of National Environmental Management Act (Act no. 107 of 1998) can be upheld.

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2.10 The Department has accordingly decided to grant Eskom Holdings (Pty) Ltd - Transmission Division authorisation in terms of regulations under Government Notice No. R. 1183 (as amended) promulgated under section 22, 26 and 28 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions stipulated in Section 7 of this record of decision.

3. CONDITIONS

3.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorisation applies in respect of the 2x275kV integrated transmission lines, Geogedale, as described further in Section 1 of this record of decision (ROD).

3.2 SPECIFIC CONDITIONS

3.2.1 The route of the 2x275 transmission power lines shall comply with the route which follows and/or incorporates Alternative 1 as contained in Figure 16 in the Scoping Report dated April 2007, prepared by Tswelepe Environmental.

3.2.2 The applicant must ensure that:

- a) all sections of the power line and bird sensitive areas as determined by the Endangered Wildlife Trust, are marked with bird flappers on the earth wires.
- b) a detailed assessment of the ecology and heritage nature of the pylon positions to be undertaken prior to construction to ensure that no sensitive features are impacted on.
- c) mitigation measures for affected sensitive areas, inclusive of bird mitigation measures, are applied equally to existing lines, especially in areas or sections where the proposed powerlines run adjacent and/or in proximity to existing powerlines, in order to minimise cumulative adverse impacts.
- d) existing indigenous vegetation, particularly intact natural habitats, including rare and threatened plant species along the power line alignment are preserved.
- e) wetland areas, riverine vegetation and other environmentally sensitive areas are suitably and visibly demarcated and cordoned off using red and white barrier tape to restrict vehicle access during construction.
- f) excluded areas from development including important stands of vegetation, particularly indigenous forest and/or grassland are protected by temporary fencing (during construction) and limitations on access for vehicles, machinery and materials storage.

3.2.3 Marking of the powerline should be according to the technical specifications contained in the chapter entitled "Specifications for Bird Flight Divers installation on a Transmission Line", prepared by the Endangered Wildlife Trust.

3.2.4 The applicant is responsible for the ongoing monitoring of the powerline along sensitive areas (river crossings, riparian areas and other sensitive areas as determined by the Endangered Wildlife Trust) for incidents of bird collisions and electrocutions. The applicant must submit these monitoring reports to this Department every six months, during the operation of the powerline, for a period of two years. If no incidents are recorded during that time, the mitigation measures implemented to prevent animal interactions will be deemed effective. No further reporting will be required.

3.2.5 The applicant must minimize habitat destruction and disturbance during all construction, maintenance and decommissioning activities. Vegetation must only be removed as required for construction and operation for the line. No activities are allowed to take place along the river banks. DWAF permits must be obtained for these individual plants before they are removed.

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- 3.3.3 The applicant is responsible for compliance with the provisions for *Duty of Care and Remediation of Damage* in accordance with Section 28 of the National Environmental Management Act, Act 107 of 1998. No. 107 of 1998), Government Notice No. R. 385 of 21 April 2006.
- 3.3.2 This authorisation refers only to the activity as specified and described in Section 1 of this record of decision. Any other activity listed under sections 24 and 24D of the National Environmental Management Act, 1998 (Act No. 107 of 1998), which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the National Environmental Management Act, 1998 (Act No. 107 of 1998), Government Notice No. R. 385 of 21 April 2006.
- 3.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 73 of 1989, and does not exempt the holder thereof from compliance with any other legislation including any legislation administered by the relevant local authorities.

GENERAL CONDITIONS

- 3.3 The Applicant must comply with the National Forests Act, 1998 (Act No. 84 of 1998)
 - a) The Applicant must comply with the National Water Act, 1998 (Act 36 of 1998).
 - b) The Applicant must comply with the National Forests Act, 1998 (Act No. 84 of 1998)
- 3.2.11 Compliance with other legislation and reporting thereon.
 - a) Archaological 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 cultural, historical and/or archaeological remains be uncovered during excavation and/or during the course of developmental activities, all work must cease immediately and the applicant must notify the South African Heritage Resource Agency accordingly. Their recommendations in this regard must be adhered to by the applicant.
 - b) The Applicant must comply with the National Water Act, 1998 (Act 36 of 1998).
 - c) The Applicant must comply with the National Forests Act, 1998 (Act No. 84 of 1998)
- 3.2.10 The EMP must include (but is not limited to):
 - a) details of the person who prepared the EMP
 - b) the expertise of that person to prepare an EMP
 - c) a bird impact mitigation program
 - d) a rehabilitation program for areas disturbed during construction
 - e) an alien vegetation removal and control program
 - f) a temporary (during construction) and permanent erosion control program.
 - g) a mitigation and management program for environmentally sensitive areas inclusive of river, drainage line and flood plain crossings.
 - h) an identification of the persons who will be responsible for the implementation of measures contemplated in the EMP
 - i) time periods and frequencies (where appropriate) within which the measures contemplated in the EMP must be implemented.
 - j) proposed mechanisms for monitoring compliance with the conditions of authorisation and the EMP and reporting thereon.
- 3.2.9 The applicant is responsible for the preparation of an Environmental Management Plan (EMP), and not commence prior to the approval of the EMP.
 - a) details of the person who prepared the EMP
 - b) the expertise of that person to prepare an EMP
 - c) a bird impact mitigation program
 - d) a rehabilitation program for areas disturbed during construction
 - e) an alien vegetation removal and control program
 - f) a temporary (during construction) and permanent erosion control program.
 - g) a mitigation and management program for environmentally sensitive areas inclusive of river, drainage line and flood plain crossings.
 - h) an identification of the persons who will be responsible for the implementation of measures contemplated in the EMP
 - i) time periods and frequencies (where appropriate) within which the measures contemplated in the EMP must be implemented.
 - j) proposed mechanisms for monitoring compliance with the conditions of authorisation and the EMP and reporting thereon.
- 3.2.8 No construction and development activities are permitted in wetland areas.
 - a) details of the person who prepared the EMP
 - b) the expertise of that person to prepare an EMP
 - c) a bird impact mitigation program
 - d) a rehabilitation program for areas disturbed during construction
 - e) an alien vegetation removal and control program
 - f) a temporary (during construction) and permanent erosion control program.
 - g) a mitigation and management program for environmentally sensitive areas inclusive of river, drainage line and flood plain crossings.
 - h) an identification of the persons who will be responsible for the implementation of measures contemplated in the EMP
 - i) time periods and frequencies (where appropriate) within which the measures contemplated in the EMP must be implemented.
 - j) proposed mechanisms for monitoring compliance with the conditions of authorisation and the EMP and reporting thereon.
- 3.2.7 All construction camps, sites and equipment storage areas must be established on existing built-up/developed areas. It is strictly forbidden for construction camps/sites and equipment storage areas to be allowed or established on or in areas of high ecological and archaeological sensitivity.
- 3.2.6 Construction work must be confined to the construction site(s) and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.

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- 3.3.4 The applicant must, within 7 (seven) calendar days of receipt of this record of decision inform all interested and affected parties of the following:
 - i) That an authorisation with conditions has been issued to the applicant to proceed with the construction and operation of the activity.
 - ii) That any appeals against the issuing of the authorisation must be lodged with the Minister of Environmental Affairs and Tourism within 30 (thirty) days from the date on which this ROD has been issued to the applicant at the address stipulated in this ROD.
 - iii) That an appeal questionnaire may be used in the lodging of an appeal. It is obtainable from the Department's offices at tel. (012) 310 3590 or e-mail: cveeden@deat.gov.za.
 - iv) That an appeal must 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.
- 3.3.5 Failure to inform interested and affected parties within the stipulated time period will be regarded as a breach of the ROD conditions and will be dealt with in accordance with all applicable legal mechanisms.
- 3.3.6 One week's written notice must be given to this Department before commencement of construction activities. Such notice shall make clear reference to the site location details and reference number given above.
- 3.3.7 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 The applicant must ensure that the conditions of this authorisation are brought to the attention of the developer(s), contractor(s), sub-contractor(s), operators and/or other relevant management or implementing body or agency.
- 3.3.10 Notwithstanding clause 7.3.9 above, a copy of the authorisation, ROD and the EMP 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, ROD and the EMP.
- 3.3.11 Compliance/non-compliance records must be kept and shall be made available on request from the authorities within five days of receipt of the request.
- 3.3.12 Any changes to, or deviations from, the project description set out in this letter must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations.
- 3.3.13 This Department may on own initiative amend this authorisation where necessary or desirable, in terms of Chapter 4, Part 2 of Government Notice No. 385 of 21 April 2006.
- 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 may at any time apply to the Department for the amendment of this authorisation in terms of Chapter 4, Part 1 of Government Notice No. R.385 of 21 April 2006.
- 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 within 10 days from when 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

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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 that are certified as true by a commissioner of oaths.

By facsimile: (012) 322 0082
 By post: Private Bag X447, Pretoria 0001
 By hand: 2nd Floor, Fedsure Forum Building, North Tower, cnr. 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 utilising one of the following methods:

5. APPEALS

The applicant must comply with the conditions set out in this record of decision. 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.

4. SEQUENCES OF NON-COMPLIANCE

If the activity authorised by this letter does not commence within 3 years from the date of signature of this letter, this authorisation will be deemed to have lapsed and will no longer be valid. The applicant will need to reapply in terms of the applicable legislation or any amendments thereto.

3.4 DURATION OF AUTHORISATION

Department

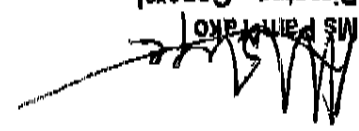
- 3.3.22 All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from this Department.
 - 3.3.21 Departmental officials shall be given access to the construction areas for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all times.
 - 3.3.20 Any complaint from the public during construction must be acknowledged within 48 hours and action must be taken to address the complaint to the satisfaction of the parties concerned. A complaints register must be kept up to date and should be produced upon request.
 - 3.3.19 The applicant shall be responsible for all necessary costs incurred as a result of compliance with these conditions, unless otherwise specified.
 - 3.3.18 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn in terms of Chapter 4, Part 3 of Government Notice No. 385 of 21 April 2006.
- other subsequent document emanating from these conditions of authorisation.
 of non-compliance by the applicant with the conditions of authorisation, as set out in this document or any construction, or operation subsequent to construction, is temporarily or permanently stopped for reasons

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Reference: 12/12/20/843

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Date: 20/07/2007
 Designation: Director: Environmental Impact Evaluation
 Signed by: Ms. L. Molefe
 Department of Environmental Affairs and Tourism
 Director - General

MS PANTAKO


Yours sincerely

Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal that 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.