



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

Tel: (012) 310-3911

Fax: (012) 322-2682

**Ref: A24/16/397**

**Enquiries: Peter Ngoasheng**

**Tel: (012) 310 3597 Fax: (012) 310 3688 e-mail: [pngoasheng@ozone.pwv.gov.za](mailto:pngoasheng@ozone.pwv.gov.za)**

Ms Lynette Mafumo  
Eskom Project Manager  
P O Box 1091  
**JOHANNESBURG**  
2000

Fax: (011) 800 3917

Dear Ms Mafumo

**APPLICATION FOR AUTHORISATION FOR THE CONSTRUCTION OF A 400KV TRANSMISSION LINE  
BETWEEN DUVHA POWER STATION AND JANUS SUBSTATION, LIMPOPO PROVINCE**

Your application of 31 January 2003 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, regarding the above matter refers.

This department has evaluated the scoping report dated June 2003 and has 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, authorise:

**The construction of a 400kV transmission line between Duvha power station and Janus substation, Limpopo province**, subject to the conditions listed in the record of decision. (Schedule 1 of Government Notice No. R. 1182: Item 1(a) (facilities for commercial electricity generation and supply). Enclosed please find the record of decision and the conditions under which your application is authorised.

In terms of section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), appeals on the record of decision can, within 30 days from the date of this authorization 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). 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@ozone.pwv.gov.za](mailto:cveeden@ozone.pwv.gov.za).



**DEPUTY DIRECTOR-GENERAL: ENVIRONMENTAL QUALITY AND PROTECTION (ACTING)**

**DATE:** 30/09/2003

Cc: Margaret Kalule-Sabiti Environmental Impact Management Services Fax: (011) 787 3059

## RECORD OF DECISION

DECISION IN TERMS OF SECTION 22 (3) OF THE ENVIRONMENT CONSERVATION ACT, 1989 WITH REGARD TO THE UNDERTAKING OF THE ACTIVITY DESCRIBED BELOW AS REQUIRED BY GOVERNMENT NOTICE NO. R. 1183 OF 5 SEPTEMBER 1997.

1. REFERENCE NUMBER: A24/16/3/397

2. BRIEF DESCRIPTION OF ACTIVITY

The construction of a 400kV transmission line between Duvha power station and Janus substation.

3. LOCALITY

Province: Mpumalanga / Limpopo  
Magisterial District: Linear activity  
1:50 000 map: 3325 BC Coerney  
Location: Linear activity between Duvha power station and Janus substation.

4. APPLICANT

Ms Lynette Mafumo  
Eskom Project Manager  
P O Box 1091  
JOHANNESBURG  
2000

Contact Person: Ms Lynette Mafumo  
Tel: (011) 800 2621  
Fax: (011) 800 3917

5. CONSULTANT

Dr Margaret Kalule-Sabiti  
Environmental Impact Management Services  
P O Box 2083  
PINEGOWRIE  
2123

Contact Person: Dr Margaret Kalule-Sabiti  
Tel: (011) 789 7170  
Fax: (011) 787 3059

## 6. DECISION

Authorisation is granted in terms of section 22(3) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) for the construction of the western alignment 400kV transmission line between Duvha power station and Janus substation. The approved alignment is marked with arrows on the attached map.

This authorisation is granted subject to the following conditions:

### 6.1 General

- 6.1.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 6.1.2 This authorisation refers only to the activity as specified and described above. 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 Act, Government Notice R. 1183 and its amendments.
- 6.1.3 The authorisation is subject to the approval by the affected local authorities in terms of any legislation administered by those authorities.
- 6.1.4 One week's notice, in writing, 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.
- 6.1.5 The conditions of this authorisation must be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of this activity and the applicant must take such measures necessary to bind such persons to these conditions. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorisation. In the event of non-compliance the applicant should institute a penalty.
- 6.1.6 The applicant must, within 5 calendar days of receipt of this record of decision:
  - a) Inform all interested and affected parties registered during the EIA process of the outcome of this application and, if requested, provide copies of this record of decision, including all the conditions attached thereto.
  - b) Include in such information the explicit provisions of regulation 11 of the Environmental Impact Assessment Regulations (Government Notice No. R. 1183 of 5 September 1997) 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 record of decision 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".

- c) Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
  - d) 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@ozone.pwv.gov.za](mailto:cveeden@ozone.pwv.gov.za).
- 6.1.7 The applicant must notify this department, in writing, within 24 hours thereof if any condition of the authorisation is not complied with.
  - 6.1.8 A copy of the authorisation 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.
  - 6.1.9 Records relating to the compliance and non-compliance with the conditions of the authorisation must be kept in good order. Such records shall be made available to this department within seven days of receipt of a written request by the department for such records.
  - 6.1.10 Changes in the project resulting in significant environmental impacts are only permissible if approved in writing by this department.
  - 6.1.11 This department may add to, change and/or amend any of the conditions in this authorisation if, in the opinion of the department, the addition, change or amendment is environmentally justified.
  - 6.1.12 This department must be notified, within 30 days thereof, of any change of ownership and /or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
  - 6.1.13 This department must be notified of any change of address of the applicant.
  - 6.1.14 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organisation 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.
  - 6.1.15 If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4).

- 6.1.16 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.
- 6.1.17 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 6.1.18 Any complaint from the public during the construction of the facilities must be attended to as soon as possible to the satisfaction of the parties concerned. A complaint register must be kept up to date and shall be produced upon request.
- 6.2 Project specific conditions**
- 6.2.1 The mitigation measures and the recommendations contained in the scoping report dated June 2003 for the proposed construction of a 400kV transmission line between Duvha power station and Janus substation must be implemented.
- 6.2.2 These mitigation measures, recommendations and the EMP shall be a legally binding component of any contract and should therefore be legally enforceable.
- 6.2.3 An environmental manager/control officer must be appointed to ensure that the conditions stipulated in this record of decision (ROD) and the mitigation measures proposed on page 66 of the scoping report dated June 2003, are complied with. The name and contact details of such a manager/officer must be announced and forwarded to this department before construction commences.
- 6.2.4 A monitoring and auditing program must be implemented to assess compliance with the conditions stipulated in this ROD. The results of the monitoring and auditing must be made available to this department upon request.
- 6.2.5 All removal of vegetation during the upgrading should be done in consultation with the provincial environmental authorities, and appropriate post-construction rehabilitation measures shall be implemented in cooperation with the provincial environmental authorities.
- 6.2.6 Prior to physical construction, the EMP, which shall be a living document, must be submitted to this department for approval.
- 6.2.7 The EMP may be altered, where monitoring and auditing of the construction of the transmission line show this to be beneficial. Any alterations to the EMP shall be subject to approval by this department.
- 6.2.8 The contents of the approved EMP must be made known to all personnel, contractors and subcontractors associated with the project.
- 6.2.9 Procedures for implementing the approved EMP must be developed for solid waste disposal, water provision and storage thereof.

- 6.2.10 All waste generated during the construction must be removed and disposed of at an approved waste disposal facility.
- 6.2.11 The use of potentially harmful construction materials must be controlled and closely monitored during construction.
- 6.2.12 All liquid effluent must be disposed of in a manner approved by the local authority.
- 6.2.13 Sanitation facilities must be provided within the construction camp and along the proposed route.
- 6.2.14 Archaeological and cultural sites must be identified and fenced off in accordance with the requirements of the South African Heritage Resources Agency before construction commences. Should any material of cultural or archaeological significance be found during the development then all activities must cease immediately and the SAHRA must be informed accordingly.
- 6.2.15 All borrow pit applications must be forwarded to the Department of Minerals and Energy and the relevant provincial environmental authority for approval before construction commences.
- 6.2.16 The construction team must make use of existing access roads where possible.
- 6.2.17 Measures must be taken to maintain a safe distance from sensitive bird habitats and breeding areas such as wetlands, dams and river crossings.
- 6.2.18 Measures to reduce soil erosion during construction phase must be clearly stated in the EMP.
- 6.2.19 The land acquisition process (including compensation) must be finalized before construction of the transmission lines starts.
- 6.2.20 All the mitigation measures reflected in the scoping report form part of the conditions of this record of decision.
- 6.2.21 Failure to comply with these conditions of authorization will render this authorization invalid and the applicant liable to legal action under section 29 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that an environmental management system (EMS) be compiled and implemented for the project. The EMS should incorporate the conditions of approval given in this ROD. This will facilitate monitoring and auditing.

**8. KEY FACTORS AFFECTING THE DECISION**

- 8.1 The department's authorisation is based upon a review of the scoping report dated June 2003. The report findings indicate that impacts will be of low significance on the environment. This department is therefore satisfied that the construction of the 400kV Duvha - Janus transmission line will have no significant detrimental impact on the environment provided that the conditions under which this activity is authorised are implemented.
- 8.2 The department is further of the opinion that the benefits of this activity will outweigh the possible negative environmental impacts.

**9. SITE VISIT**

05 February 2003 - Attended by the following:

Mr Peter Ngoasheng	Department of Environmental Affairs and Tourism
Mr Theo Ferreira	Environmental Impact Management Services
Mr Anton von Well	Department of Finance and Economic Affairs
Ms Carol Streaton	Eskom
Ms Lynette Mafumo	Eskom

**10. DURATION AND DATE OF EXPIRY**

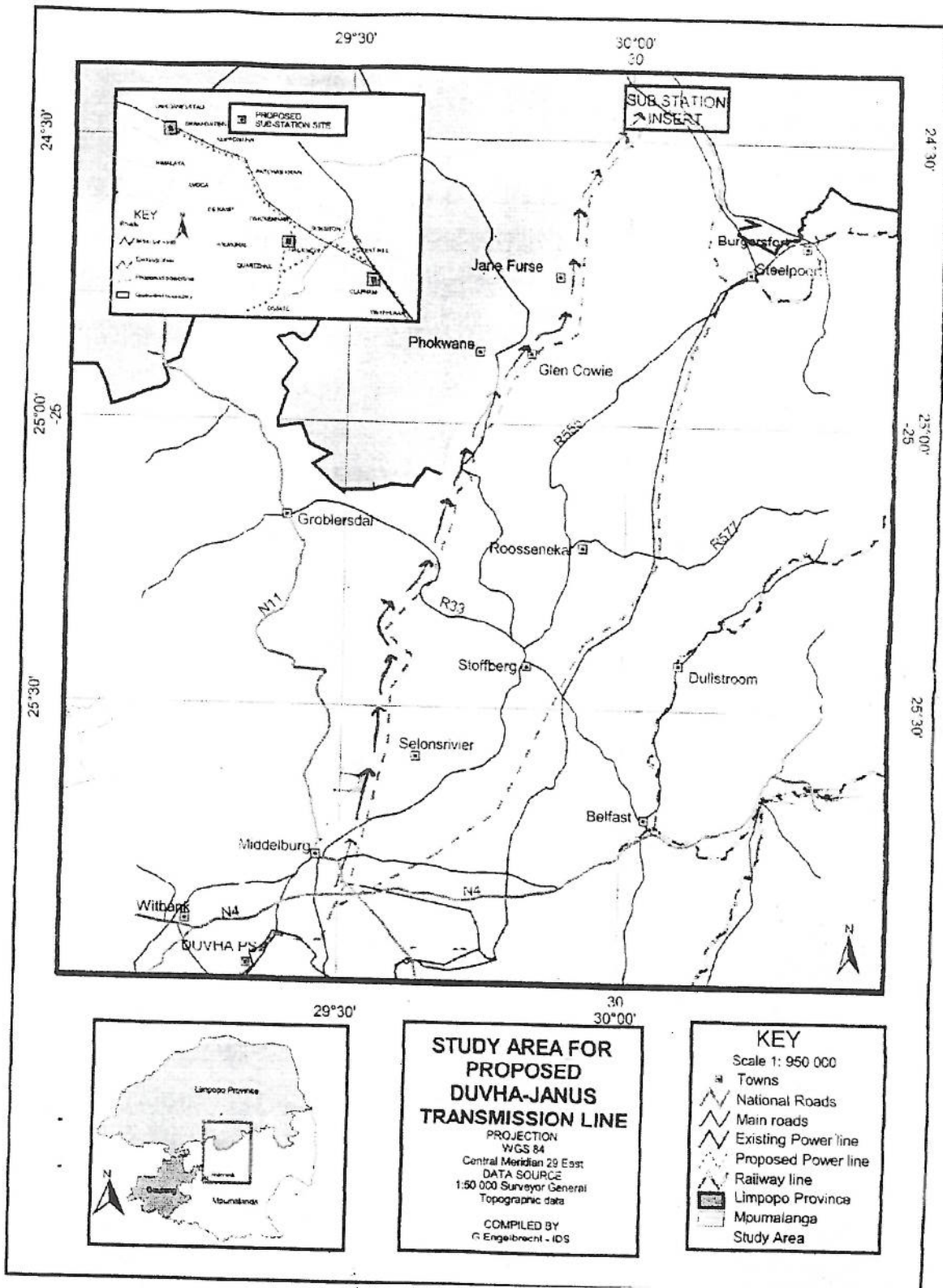
If construction does not commence within a period of two years, this authorisation will be invalidated.



**DEPUTY DIRECTOR-GENERAL: ENVIRONMENTAL QUALITY AND PROTECTION (ACTING)**

**DATE:** 30/09/2003





**Note: Environmental Impact Management Services (Pty). Ltd. (EIMS) hereby confirms that "DEAT" has recommended the western alignment as indicated by arrows (above) for the construction of the 400kV Duvha - Janus transmission line.**

Sign By *[Signature]* ..... Of "DEAT" On *03* ..... Of *December* ..... 2003.



## environment & tourism

Department:  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2682

**Reference:** 12/12/20/425

**Enquiries:** Ms Mosili Ntene

**Telephone:** (012) 310 3031 **Fax:** (012) 320 7539 **E-mail:** mntene@deat.gov.za

Ms M L Mafumo  
Eskom Holdings: Transmission Land and Rights  
P O Box 1091  
**JOHANNESBURG**  
2000

Fax no: (011) 800 3917

### PER FACSIMILE / MAIL

Dear Ms Mafumo

### REQUEST FOR RELAXATION OF ROD CONDITION 6.2.19: DUVHA-LESEDING 400KV TRANSMISSION POWER LINE (REFERENCE 12/12/20/425)

The Department confirms having received your letter dated 7 November 2006 requesting relaxation of the abovementioned ROD condition. The condition was included to ensure that Eskom follow due process in obtaining servitude rights before construction activities are initiated.

The department takes note of the situation regarding a landowner not wanting to grant Eskom the servitude rights due to a dispute over the compensation amount. It is the opinion of this department that Eskom has negotiated with the particular landowner in good faith and will now follow another avenue to obtain the servitude right.

The department therefore agrees to your request for relaxation of the ROD condition 6.2.19 stating that all compensation must be finalised before construction commence. The department also understands that the compensation of landowners only take place upon registering of the servitude. This may take some time after negotiations are complete, and therefore may cause unnecessary delays to the implementation of the project. Eskom is therefore advised that you may proceed with the construction process on this project.

However, Eskom should ensure that all other relevant legislation that may be influenced by this action is adhered to.

Yours faithfully

Ms Pam Yako

Director – General

Department of Environmental Affairs and Tourism

Letter signed by: L Molefe

Designation: Director, Env Impact Evaluation

Date: 06/12/2006