



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

Ref: 12/12/20/839

Enquiries: L.Grobbelaar

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

Attention: **Ms Gugu Buthelezi**
Eskom Holdings Limited
PO Box 66
New Germany
3610

Tel: (031) 710-5262
Fax: (031) 710-5146

Dear Ms Buthelezi

RECORD OF DECISION FOR THE PROPOSED ARIADNE / MSUNDUZI 132kV POWERLINE 2 & 3 AND ARIADNE / GEORGEDALE 132kV POWERLINE 1 & 2, KWAZULU-NATAL PROVINCE

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, regarding the above matter refers.

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 and operation of two separate double circuit 132kV powerlines for Ariadne / Msunduzi and Ariadne / Georgedale near Pietermaritzburg, KwaZulu-Natal Province.

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

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

12/12/20/839: Ariadne / Msunduzi and Ariadne / Georgedale 132kV powerlines, KZN

Muhasho wa zwa Vhupo na Vhuendelamashango • LiTiko le Tesimondzawo netekuVakasha • Isebe lemiCimbi yokusiNggongileyo noKhenketho Ndzawulo ya Tinhaka & Mbango • Departement: Omgewingsake en Toerisme • Lefapha la Tikoloho le Bohanhlaudi • Lefapha la Bojanala Kgoro ya Tikologo le Boeti • UmNyango wezeBhuduluko nokuVakatjha • Umnyango Wezemvelo Nokuvakaha

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:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, PRetief@deat.gov.za ; or
Mr H Grovè, Appeals Administrator, Tel: 012 310 3070, HGrovè@deat.gov.za, at the
Department.

The Applicant is strongly advised to refrain from the initiation of any construction activities prior to the conclusion of the appeals process. All construction activities initiated during the appeals process will be done solely at the Applicant's risk.

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: 19/10/2007

RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/839, THE PROPOSED ARIADNE / MSUNDUZI 132kV POWERLINE 2 & 3 AND ARIADNE / GEORGEDALE 132kV POWERLINE 1 & 2, KWAZULU-NATAL PROVINCE

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 (Ltd)** 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 two separate double circuit 132kV powerlines for Ariadne / Msunduzi and Ariadne / Georgedale near Pietermaritzburg, KwaZulu-Natal Province.
- b) The length of each of the lines will be approximately 6km.

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 and reads as follows:

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.

2. LOCATION:

The site is located to the south east of Pietermaritzburg, with Bisley Game Reserve to the north west, Shorts Retreat in Mkondeni to the north east, Thornville and the Ariadne substation, near Leliefontein in the south west and the old Manderston railway station to the south east. The location is indicated on Figure 3.1.1 in the Final Scoping Report dated the 1st of February 2007.

3. APPLICANT:

Eskom Distribution
PO Box 66
New Germany
3610

Contact person: **Gugu Buthelezi**
Tel: (031) 710-5262
Fax: (031) 710-5146
E-mail: Gugulethu.Buthelezi@eskom.co.za

4. CONSULTANT:

Karin Samouilhan
1 Jerome Drive



Kloof
3610

Contact person: **Karin Samouilhan**
Tel / Fax: (013) 764-2569
E-mail: edpdbn@iafrica.com

5. SITE VISITS:

DATE	PERSONS PRESENT
19 December 2006	a) P. Ngoasheng (Department: Environmental Affairs and Tourism) b) F. Chauke (Department: Environmental Affairs and Tourism) c) Representatives from Eskom d) Karen Samouilhan (Environmental Consultant)

6. KEY FACTORS INFORMING THE DECISION:

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

DOCUMENT	COMPILED BY	DATE
a) Application forwarded to DEAT	KZN Department of Agriculture and Environmental Affairs	26 September 2006
a) Draft Scoping Report	Karen Samouilhan	20 November 2006
b) Final Scoping Report	Karen Samouilhan	1 February 2007
c) Additional information	Karen Samouilhan	30 July 2007

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

6.2.1 The requirements of section 24(4) of the National Environmental Management Amendment Act, 2004 (Act No. 8 of 2004) have been met.

6.2.2 The proposed development of the two separate double circuit 132kV powerlines is to improve the reliability of supply to Pietermaritzburg through the utilisation of the available capacity at the Ariadne Substation and Msunduzi Switching Station.

6.2.3 Various alternative routes as well as corridor options were investigated during the scoping process and the following routes were found to be the preferred options:

- Option C (as per the Scoping Report dated January 2007), Ariadne to Masons – Prince Albert – Retief route.
- Eastern Route Line Option with Option 2 & 12 being the route in the northern portion. The proposed powerlines will follow existing infrastructure, cross one valley and then turn to run on the eastern side of the railway viaduct, which is also existing infrastructure.
- Western Route Line Option with Option 4-6 being the route in the northern portion. The proposed powerlines will be positioned in the western section of the parcels of land bound by Option 4, Option 5 and Option 6.

6.2.4 The western and eastern line corridors do not traverse the Northern Crane Breeding area.

- 6.2.5 Numerous objections were received from the landowners as well as from interested and affected parties. These objections were addressed by the consultant as far as possible.
- 6.2.6 The public participation process was undertaken by Karen Samouilhan. On evaluation, it is hereby established that the consultant has satisfied the minimum requirements as prescribed in the EIA regulations.
- 6.2.7 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.

The Department has accordingly decided to grant **Eskom Holdings Limited** 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.

7. CONDITIONS

7.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorisation applies in respect of two separate double circuit 132kV powerlines for Ariadne / Msunduzi and Ariadne / Georgedale near Pietermaritzburg as further described in Section 1 of this record of decision (RoD).

7.2 SPECIFIC CONDITIONS

- 7.2.1 The route of the Ariadne / Msunduzi 132kV powerlines must comply with the route referred to as the Western Line Corridor Option with Option 4-6 in the northern portion of the site as indicated on the Locality Plan included in the Scoping Report dated January 2007 prepared by Karen Samouilhan.
- 7.2.2 The route of the Ariadne / Georgedale 132kV powerlines must comply with the route referred to as the Eastern Line Corridor Option with a combination of Option 2 and 12 in the northern portion of the site as indicated on the Locality Plan included in the Scoping Report dated January 2007 prepared by Karen Samouilhan.
- 7.2.3 Where the transmission line crosses any rivers and associated drainage lines and/or flood plains, the applicant is responsible for instituting the appropriate mitigation measures during the construction and operational phases in order to ensure that damage to the environment and the transmission line and infrastructure is avoided.
- 7.2.4 The applicant must ensure that:
- the spans between the towers must be increased to the maximum necessary to meet technical and safety requirements, in order to limit the impact on sensitive vegetation areas.
 - sections of the powerline crossing or traversing adjacent to any dams and open water courses are marked with bird flappers on the earth wires.

- c) all sections of the power line crossing rivers, as well as drainage lines and other bird sensitive areas as determined by Appendix E and site plan in the Scoping Report dated January 2007, are marked with bird flappers on the earth wires.
- d) apart from the river and drainage line crossings, but where the powerline runs parallel to riverine, riparian and wetland areas, powerline design should be in accordance to the requirement of the Water Act.
- e) the presence of red data floral species and other sensitive vegetation are identified and/or verified by a suitably qualified specialist. The areas occupied by these red data and other sensitive vegetation must be avoided at all times, and portions of the proposed line affecting these areas must be re-aligned to avoid these sensitive areas.
- f) the heritage and ecology specialist reports must inform the nature and positioning of the power lines to ensure that no sensitive environmental features are impacted upon.
- g) 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.
- h) existing indigenous vegetation, particularly intact natural habitats, including rare and threatened plant species along the power line alignment are preserved.
- i) 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.
- j) excluded areas from development including important stands of vegetation, particularly indigenous grassland are protected by temporary fencing (during construction) and limitations on access for vehicles, machinery and materials storage.

7.2.5 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.

7.2.6 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 of the line. DWAF permits must be obtained prior to commencement of necessary plant removal. No other activities are allowed to take place along the river banks.

7.2.7 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.

7.2.8 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.

7.2.9 The applicant is responsible for the preparation of an Environmental Management Plan (EMP), and submission to this Department for approval before the commencement of the activity. Construction may not commence prior to the approval of the EMP.

- 7.2.10 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.
 - k) Measures for the management of heritage resources if such are exposed during construction. Should any heritage resources be exposed during the excavation for the purpose of construction, construction in the vicinity of the finding must be stopped. A registered heritage specialist must be called to site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. The relevant heritage resource agency must be informed about the finding.
- 7.2.11 The developer must appoint a suitably qualified Environmental Control Officer (ECO) who would on behalf of the EMC, on a daily basis monitor the project compliance with conditions of the record of decision, environmental legislation and recommendations of the EMP. The cost of the ECO shall be borne by the applicant.
- 7.2.12 The ECO must be appointed one month before the start of construction and the authorities must be notified of such an appointment for communication purposes.
- 7.2.13 The ECO shall ensure that periodic environmental performance audits are undertaken on the project implementation.
- 7.2.14 The ECO shall submit an environmental compliance report on a two-monthly basis, in writing, to the Director of Environmental Impact Evaluation of the Department of Environmental Affairs and Tourism (DEAT), copied to the Kwa-Zulu Natal Department of Agriculture and Environmental Affairs.
- 7.2.15 The ECO shall maintain the following on site:
- A daily site diary
 - A non-conformance register
 - A public complaint register
 - A register of audits
- 7.2.16 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is handed over to Eskom by the contractor for operation.



- 7.2.17 Relevant legislation that must be complied with by the holder of this authorisation include but is not limited to:
- a) Compliance with the requirements of Section 38 of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.
 - b) The Applicant must comply with the National Water Act, 1998 (Act 36 of 1998).

7.3 GENERAL CONDITIONS

- 7.3.1 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.
- 7.3.2 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.
- 7.3.3 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.
- 7.3.4 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:
 - o Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, PRetief@deat.gov.za ; or
 - o Mr H Grové, Appeals Administrator, Tel: 012 310 3070, HGrové@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.
- 7.3.5 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.
- 7.3.6 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.
- 7.3.7 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.
- 7.3.8 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.
- 7.3.9 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.



- 7.3.10 A copy of the 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 ROD and the EMP.
- 7.3.11 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.
- 7.3.12 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.
- 7.3.13 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.
- 7.3.14 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.
- 7.3.15 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.
- 7.3.16 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.
- 7.3.17 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, is temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation, as set out in this document or any other subsequent document emanating from these conditions of authorisation.
- 7.3.18 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.
- 7.3.19 The applicant shall be responsible for all necessary costs incurred as a result of compliance with these conditions, unless otherwise specified.
- 7.3.20 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.
- 7.3.21 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.
- 7.3.22 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.

7.4 DURATION OF AUTHORISATION

If the activity authorised by this letter does not commence within 48 months 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.



8. SEQUENCES OF NON-COMPLIANCE

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.

9. 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 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 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.

An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from:

Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, PRetief@deat.gov.za ; or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, HGrové@deat.gov.za, at the Department.

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.

Yours sincerely



Ms Pam Yako

Director – General

Department of Environmental Affairs and Tourism

Signed by: Ms. L. McCourt

Designation: Chief Director: Environmental Impact Management

Date: 19/10/2007