



# environment & tourism

Department:  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Federal Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3011 Fax: (+27 12) 322 2082

Ref: 12/12/20/740

Enquiries: L.Grobbelaar

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

Attention: Ms Mamokete Mafumo  
Eskom Transmission  
PO Box 1091  
Johannesburg  
2000

Tel: 011-800-2621  
Fax: 011-800-3917

Dear Ms Mafumo

## RECORD OF DECISION FOR THE PROPOSED GARONA-ARIES 400kV TRANSMISSION POWER LINE AND UPGRADE OF THE EXISTING GARONA SUBSTATION, NORTHERN CAPE 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:

- a) The construction and operation of a 400kV transmission power line of approximately 165km length between the Aries and Garona substations, within the Northern Cape Province.
- b) The upgrade of the existing Garona substation.

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

Please note that the Record of Decision (ROD) dated the 27<sup>th</sup> of March 2007 is hereby withdrawn and replaced with this ROD.

Page 1 of 2

Mishasho wa ziba Vihlaka na Vihlankolamashango • Umhango wezemvelo nokuvakasha • Hebe (emCimbi) yokuNgqongileyo nokhenketho  
Ndzavulo ya Tihaka & Mbango • Department Omgevingsake en Toerisme • Lefapha la Tikoloho la Boharibhudi • Lefapha la Gojanala  
Kgoro ya Tikelogo le Bodi • Umhango wezemvelo nokuvakasha • Umhango wezemvelo nokuvakasha

Batho Bala • putting people first

1 P. 1 NO. 265

0118003917

2. AUG. 2007 16:14

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: [oveeden@deat.gov.za](mailto:oveeden@deat.gov.za).

Yours sincerely



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

**RECORD OF DECISION**

**RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/740, THE PROPOSED GARONA-ARIES 400KV TRANSMISSION POWER LINE AND UPGRADE OF THE EXISTING GARONA SUBSTATION, NORTHERN CAPE 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 Transmission 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 a 400kV transmission power line of approximately 155km length between the Aries and Garona substations, within the Northern Cape Province.
- b) The upgrade of the existing Garona substation which involves the extension of the substation by approximately 182m towards the north east and 88m to the north west, from the eastern corner of the existing substation site.

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. LOCATION:**

**2.1 Garona-Aries 400kV power line**

Province : Northern Cape  
Magisterial District : Siyanda District Municipality  
Extent of Development : Approximately 155km in length

**2.2 Garona Substation**

Province : Northern Cape  
Magisterial District : Siyanda District Municipality  
Extent of Development : Approximately 182m north-east & 88m north-west from the eastern corner of the substation site  
Co-ordinates : 28° 44' 20.0" S (lat); 21° 59' 44.998" E (long)

**3. APPLICANT:**

Eskom Transmission  
PO Box 1091  
Johannesburg  
2000

*K*  
*20/07*

Contact person: Mamokete Mafumo  
Tel: 011-800-2621  
Fax: 011-800-3917  
E-mail: Mamokete.mafumo@eskom.co.za

4. **CONSULTANT:**  
Tswelopele Environmental (Pty) Ltd  
P O Box 2083  
Finegowrie  
2123

Contact person: Brian Whitfield  
Tel: 011-789-7170  
Fax: 011-787-3059  
E-mail: brian@elms.co.za

5. **SITE VISITS:**

| DATE                  | PERSONS PRESENT  |
|-----------------------|--|
| 31 July-1 August 2006 | a) K. Samie (Department: Environmental Affairs and Tourism)<br>b) M. Mafumo (Eskom)<br>c) W. Henning (Eskom)<br>d) B. Whitfield (Tswelopele Environmental) |

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) Scoping Report                    | Tswelopele Environmental                            | May 2005          |
| b) Comments on Scoping Report        | Department of Tourism, Environment and Conservation | 14 June 2006      |
| c) Response to comments              | Tswelopele Environmental                            | 12 September 2006 |
| d) Environmental Impact Report (EIR) | Tswelopele Environmental                            | December 2006     |
| e) Comments on EIR                   | Department of Tourism, Environment and Conservation | 09 February 2007  |
| f) Additional information            | Eskom   | 8 June 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.

RECORD OF DECISION

Reference: 12/12/20/740

Page 2 of 8

- 6.2.2 The proposed development of the 400kV powerline from Garona substation to Aries substation is required to meet customer load demands in the Cape load centres.
- 6.2.3 The extension and/or upgrade to the Garona substation is required in order to accommodate the Garona-Aries 400kV powerline infrastructure.
- 6.2.4 The central section of the line represents the common route alignment, as no alternatives to this section have been identified. However, five (5) alternative powerline alignments were considered in the northern and southern sections of the powerline route, namely:
- Alternative 1A: located in the north-eastern section of the study area and travels around the north-western section of Neus se Berg in order to mitigate the impact of the transmission line on the Thuru Game Lodge. This alternative traverses 1.2km of the Gordonia Lower Gariep Broken Veld, which is classified as having a high sensitivity, but the impacts can be mitigated to acceptable levels.
  - Alternative 1B: also located in the north-east section of the study area, but travels south-east to lie within close proximity to the existing Spoorwet railway line. It is envisaged that the existing service road will be shared between Spoorwet and Eskom. This alternative runs adjacent to the boundary of the Thuru Game Lodge who have objected to this alternative.
  - Alternative 2A: located in the south-western section of the study area. This alternative travels westwards and then south towards the Aries substation in order to divert the transmission line through more undulating plains in order to bypass rocky hills such as the 'Aasvoelkop' and 'Driekop se Poort' ranges. This alternative passes through a sparsely populated area with little environmental sensitivity. Farm owners in this area indicated that the point where alternatives 2A and 2B cross the non-perennial Hartbeesriver was unwise, as floods could burst the banks of the river to over 1km wide which could result in pylons structures occurring within the floodwaters, which may cause damage to the transmission powerline.
  - Alternative 2B: located in the south-western section of the study area, but travels further south of alternative 2A in a south westerly direction to Aries substation in order to keep the transmission line close to existing infrastructure such as the existing Spoorwet railway line. This alignment proposes sharing of the excavated pass of the railway line through the mountainous area.
  - Alternative 2C: located in the south-western section of the study area, but travels in a southerly direction with respect to as the 'Aasvoelkop' and 'Driekop se Poort' ranges, just north of a quiver tree forest scenic area and the town of Kenhart, before proceeding to the Aries substation.
- 6.2.5 The Environmental Impact Report, dated December 2006, prepared by Tswelopele Environmental, does not make any recommendations as to which alternatives should be authorised, however, a comparative analysis of specialist findings and the additional information received suggested that alternative 1A and 2C are the routes with the least significant impact on the receiving environment.
- 6.2.6 The public participation process was undertaken by Tswelopele Environmental. On evaluation, it is hereby established that the consultant has satisfied the minimum requirements as prescribed in the EIA regulations.
- 6.2.7 Objections to alternative alignment 1B were received from four farm owners, including owners of the Thuru Lodge, and a pilot, which was based on visual intrusion, loss of tourism based income revenue and potential collision of helicopters with the transmission line during game management activities. Two of the objectors Mr Kotze and Mr Fourie are willing to allow the line to be routed along Alternative 1A which will still impact on their farms however this routing would drastically reduce the perceived negative impact on their properties.
- 6.2.8 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

*[Handwritten signature]*  
2/08

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.

- 6.3 The Department has accordingly decided to grant Eskom Transmission 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 the Garona-Aries 400kV powerline and the upgrade and/or expansion of the existing Garona substation, as described further in Section 1 of this record of decision (ROD).

### 7.2 SPECIFIC CONDITIONS

- 7.2.1 The route of the Garona-Aries 400kV overhead power lines shall comply with the route which follows and/or incorporates alternatives 1A and 2C as contained in the map of the study area included in Appendix 2 of the Environmental Impact Report dated December 2006, prepared by Tswelopele Environmental.

- 7.2.2 Where the transmission line crosses the Hartbees River 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.

- 7.2.3 The applicant must ensure that:

- a) 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.
- b) 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 the Orange and Hartbees Rivers, as well drainage lines and other bird sensitive areas as determined by the Endangered Wildlife Trust, 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 species and 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) 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.
- 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.

*File*

- 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 forest and/or grassland are protected by temporary fencing (during construction) and limitations on access for vehicles, machinery and materials storage.
- 7.2.4 Marking of the powerline should be according to the technical specifications contained in the chapter entitled "Specifications for Bird Flight Diverters Installation on a Transmission Line", as contained in the Bird Impact Assessment Study dated June 2006, prepared by the Endangered Wildlife Trust, as contained in Appendix 4 of the Environmental Impact Report, dated December 2006, prepared by Tswelopele Environmental.
- 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 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.
- 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 No construction and development activities are permitted in wetland areas.
- 7.2.10 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.
- 7.2.11 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.

*[Handwritten signature]*  
F/20

7.2.12 Compliance with other legislation

- a) 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 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, 1996 (Act No.84 of 1996)

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 the Department's offices at tel. (012) 310 3590 or e-mail: [cveeden@deat.gov.za](mailto: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.
- 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.

*[Handwritten signature]*  
2/08/17



- 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 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.
- 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.

RECORD OF DECISION

Reference: 12/12/20/740

Page 7 of 8

*[Handwritten signature]*  
2/02

**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: 2<sup>nd</sup> 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 the Department's offices at tel. (012) 310 3590 or e-mail: [cveeden@deat.gov.za](mailto:cveeden@deat.gov.za).

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: 20/7/2007