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

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Ref: A24/16/3/426

Tel: (012) 310 3624 Fax: (012) 310 3688 e-mail vmatabane@ozone.pwv.gov.za

Enquiries: Vincent Matabane

Mr John Geeringh
Eskom Transmission Division
P.O Box 1091
JOHANNESBURG
2000

Dear Mr Geeringh

**RECORD OF DECISION FOR THE CONSTRUCTION OF THE PROPOSED ADIS-PHOEBUS 400kV
TRANSMISSION LINE**

Your application for authorisation, in terms of Section 22 of the Environment Conservation Act (Act No. 73 of 1989) in respect of an activity identified in terms of Section 21 of the said act refers.

This department has evaluated the scoping report for this proposed development to verify whether this development will have a significant negative impact on the environment. The conclusion is that should the conditions as stipulated in the record of decision be implemented by the applicant, environmental impact associated with this proposal will be minimal.

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 the proposed Adis-Phoebus 400 kV transmission line.

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 be directed to:

The Minister of Environmental Affairs and Tourism
Private Bag X447
PRETORIA
0001
Tel: (012) 310 3611
Fax: (012) 322 0082

Appeals must comply with the provisions of regulation 11 of the environmental impact assessment regulations, (Government Notices No. R. 1182 and 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@ozone.pwv.gov.za.



DEPUTY DIRECTOR-GENERAL: ENVIRONMENTAL QUALITY AND PROTECTION (Acting)

DATE: 12/11/2003

RECORD OF DECISION

RECORD OF 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 GN R. 1183 OF 5 SEPTEMBER 1997.

1. REFERENCE NUMBER: A24/16/3/426

2. BRIEF DESCRIPTION OF ACTIVITY:

The project entails the construction and operation of a new 400kV transmission line from Adls Substation in North West Province to Phoebus Substation in Gauteng

3. LOCALITY:

Provinces: North West and Gauteng
Magisterial District: Brits and Tshwane Municipalities
Farm Name: Various
Nearest Town: Soshanguve, Mabopane, Ga-Rankua and Brits

4. APPLICANT:

ESKOM- Transmission Group
P.O Box 1091
JOHANNESBURG
2000

Contact person: Mr John Geeringh
Tel: (011) 8002465
Fax: (011) 8003917

5. CONSULTANT:

Margen Industrial Services
P.O Box 4884
WITBANK
1035

Contact Person: Mr Moses Mahlangu
Tel: (082) 854 9538
Fax: (013) 699 0917

6. DECISION:

Authorisation is granted in terms of Section 22 (3) of the Environment Conservation Act, 1989 (Act No 73 of 1989). This authorisation is granted subject to the conditions outlined below.

6.1 STANDARD CONDITIONS:

- 6.1.1 This authorisation refers only to the activity as specified and described above. Any other development associated with this project and listed under Section 21 of the Environment Conservation Act, 1989 (Act No 73 of 1989) is not covered by this authorisation, and must therefore comply with the requirements of the act and Government Notice R 1183.
- 6.1.2 Authorisation is granted in terms of Section 22 of the Environment Conservation Act, 1989 (Act No.73 of 1989). This authorisation does not exempt the holder from compliance with any other applicable legislation.
- 6.1.3 The authorisation is strictly subject to the approval of the affected local authorities in terms of any legislation administered by those authorities. Additional conditions laid down by the local authority must be adhered to as far as such conditions do not conflict with the conditions of this authorisation.
- 6.1.4 One week's notice, in writing, must be given to this department and the relevant provincial departments 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 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 Notices No. R. 1182 and 1183 of 5 September 1997) which reads as follows:
 - (1) An appeal to the Minister of 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 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) Inform all registered interested and affected parties that an appeal questionnaire may be obtained from the department's offices at tel. (012) 310 3590 or e-mail: cveeden@ozone.pwv.gov.za, and may accompany the appeal.
- 6.1.6 In all relevant contracts entered into by the applicant, the contractor shall be compelled to comply with the terms of this authorisation. The applicant must carry out regular environmental audits to establish how well the contractor is complying with the conditions of this authorisation. In the event of non-compliance by the contractor, a penalty must be instituted.
 - 6.1.7 The owner and/or developer must notify this department and relevant provincial department, in writing, within 24 hours thereof if any condition of the authorisation is not complied with.
 - 6.1.8 A copy of this authorisation shall be available at all times on the site during construction and operation, 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/non-compliance with the conditions of the authorisation must be kept in good order. Such records shall be made available to this department and the relevant provincial departments within seven days of receipt of a written request by these authorities 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 change or amendment is environmentally justified.
 - 6.1.12 This department and the relevant provincial departments 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 and the relevant provincial departments must be notified of any change of address of the developer.
 - 6.1.14 Proof of compliance with the conditions described in this record of decision must be forwarded to this department and to the relevant provincial departments at least one week prior to the commencement of construction or operation of the development.

- 6.1.15 The conditions of the authorisation shall be brought to the attention of all persons (employees, contractors, sub-consultants etc.) associated with the undertaking of this activity and the applicant shall take such measures that are necessary to bind such persons to these conditions.
- 6.1.16 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.
- 6.1.17 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). 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.
- 6.1.18 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 6.1.19 The principles of sustainability and the principle of tread lightly must be implemented throughout the life cycle of the project.
- 6.1.20 In the event of non-compliance by any contractor implicated in this activity, Eskom will be held liable.
- 6.1.21 A performance-based requirement must be included in all contracts related to any activity of this authorisation.
- 6.1.22 In the event of non-compliance by the contractor, Eskom must institute a penalty.

6.2 SPECIFIC CONDITIONS

- 6.2.1 This project is authorised on condition that a detailed project specific environmental management plan (EMP) is compiled and submitted to this department as well as to the relevant provincial departments for acceptance prior to construction. The EMP must form part of the contract documentation for contractors appointed for the construction and operation phases.
- 6.2.2 Separate EMPs must be compiled for the construction camp as the activities of construction workers might have a significant impact on the environment. Such EMPs should form part of the EMP listed in 6.2.1.

- 6.2.3 Eskom must appoint and designate a suitably qualified environmental officer, whose responsibility will be to ensure that the EMP's are implemented. The name and contact details of such an official shall be provided to the authorities for communication purposes before construction commences.
- 6.2.4 This development is authorised on condition that Eskom reaches a negotiated settlement with affected farmers, landowners and affected households especially near Vemetco mine, in respect of securing a servitude for the powerline. Eskom must submit proof of such a settlement to this department before construction can commence.
- 6.2.5 A suitably qualified botanist must be appointed to inspect the designed footprints for the placing of transmission towers for any sensitive or protected plant species prior to the commencement of this activity. In the event of such species found and likely to be impacted upon by the tower position, the recommendations of the botanist in terms of the protection or relocation of such species shall be implemented.
- 6.2.6 Disturbed areas must be rehabilitated immediately to prevent soil erosion. Areas to be rehabilitated must be planted with a mixture of endemic pioneer grass species endemic to the area as soon as the new growing season starts.
- 6.2.8 Bird flight diverters must be installed along bird flight paths to reduce the incidences of bird collision with the transmission line.
- 6.2.10 Vehicle access to the powerline servitude must as far as possible be limited to existing roads. New access roads will be subjected to a separate assessment including inspection and reporting by a qualified botanist.
- 6.2.11 Transmission line towers must be placed in such away that they are not exposed against the skyline in order to limit potential visual intrusion.
- 6.2.12 Eskom must encourage the use of cross-rope suspension towers as they are visually less intrusive than other types of towers.
- 6.2.13 Construction camps are known to have the tendency of impacting negatively on the environment. Criteria must be developed to determine the suitability of various sites for construction camps along the servitude. One such criterion should be that no area should be cleared of trees, bushes and other vegetation for the purpose of a camping site. Open fires must not be allowed in the construction camp. An EMP envisaged under 6.2.1 must address this aspect.
- 6.2.14 The mixing of cement, concrete, chemicals and other materials must be done in designated areas on concrete aprons or protected linings, with the necessary provision made to contain spillage and overflows. The residues of these materials must be removed and the area rehabilitated once the work has been completed.

- 6.2.15 Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals Act, 1991 (Act No. 50 of 1991) administered by the Department of Minerals and Energy.
- 6.2.16 New drifts and bridges for access purposes shall only be constructed after consultation with the relevant provincial environmental departments.
- 6.2.17 Eskom and its contractors shall not establish any waste site along the servitude. All waste must be stored in suitable containers for daily collection and disposal at an appropriate licensed waste disposal site. The hierarchical approach to integrated waste management with the preferred option being reduction, reuse and recycling followed by treatment and disposal, must be adopted.
- 6.2.18 Unnecessary traversing of private land must be discouraged. All access to private properties must be negotiated in advance with land-owners.
- 6.2.19 The use of residential township roads must be avoided and any use of dirt roads must be followed by the rehabilitation process.
- 6.2.20 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 archaeological artefact be exposed during excavation for the purpose of laying the foundations of the pylons, especially in areas highlighted on Map 7.2 of the scoping report, construction in the vicinity of the finding must be stopped. An archaeologist must be called to the site for inspection. Under no circumstances shall any artefact be destroyed or removed from site by the contractor. The South African Heritage Agency must be contacted to this effect.
- 6.2.21 Where appropriate and possible, preference must be given to the local communities in the awarding of contracts and other job opportunities.
- 6.2.22 The holder of this authorisation and contractors must adhere to all the provisions of the Occupational Health and Safety Act, 85 of 1993.

7. KEY FACTORS FOR DECISION

- 7.1 The project is intended to meet the electricity demand in the North West Province and to ultimately strengthen national electricity network.
- 7.2 The scoping report submitted satisfies the requirements of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 7.3 The public participation process undertaken has been extensive and is considered adequate.
- 7.4 Should all conditions as stipulated in this record of decision be implemented, the potential environmental impact of this activity will be reduced from medium to low and subsequently rated as insignificant.

7.5 The necessary specialist studies have been undertaken.

8. SITE VISIT

A site visit was undertaken on 6 May 2003 by the following:

Mr Vincent Matabane	- National DEAT
Ms Tshlidzi Ligaraba	- North West DACE
Ms Malida Ramathape	- North West DACE
Ms Liz Warren	- Gauteng DACE
Mr John Geeringh	- Eskom
Ms Carol Streaton	- Eskom
Mr Moses Mahlangu	- Margen Industrial Services
Mr Stuart Dunsmore	- PBA International (SA)
Dr Jullus Pistorius	- Archaeologist and Heritage Management Consultant
Prof George Bredenkamp	- Botanist and ecologist specialist
Dr Leslie Brown	- Botanist and ecologist specialist
Ms Anita Bron	- Social scientist
Dr Chris van Rooyen	- Endangered Wildlife Trust
Ms Lisa Hopkinson	- Lisa Hopkinson Environmental Legal Consulting Services

9. DURATION AND DATE OF EXPIRY:

This authorization is valid for a period of 2 (two years) from the date of issue. That is, if physical work on the development has not commenced within this period then this authorization is deemed to have elapsed and is no longer valid. Should the applicant intend to invoke the project, the application procedure as detailed in GN R. 1183 of 5 September 1997 shall be followed.



DEPUTY DIRECTOR-GENERAL: ENVIRONMENTAL QUALITY AND PROTECTION (Acting)

DATE: 12/11/2003