



DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

**Chief Directorate: Environmental Impact Management
Directorate: Directorate: Environmental Impact Assessment
Sub-Directorate: Parastatals & National**

Private Bag X447, Pretoria, 0001- Fedsure Building, 315 Pretorius Street, Pretoria, 0002

FAX COVER SHEET

DATE:

06 November 2007

TO:	Mr J Greering Eskom Holdings Transmission (Pty) Ltd	(011) 800 3917
FROM:	Portia Mashego	
TEL:	(012) 310-3249	
FAX:	(012) 320 7539	
E-MAIL:	pmashego@deat.gov.za	
NO PAGES:	12 (including this page)	
SUBJECT:	EIA 12/12/20/720: PROPOSED CONSTRUCTION OF THE PROPOSED ESKOM 400KV TRANSMISSION LINE, KUDU INTERGRATION PROJECT	
MESSAGE:	<p>Dear Sir</p> <p>The above matter refers. Please see attached correspondence for your attention and/or records.</p> <p>Regards</p> <p>P. Mashego</p>	



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 3011 Fax: (+27 12) 322 2682

Ref: 12/12/20/720

Enquiries: Mr. W. Hector

Tel: 012 310 3001 Fax: 012 320 7539 E-mail: WHector@deat.gov.za

Eskom Holdings (Pty) Ltd – Transmission
Attention Mr. J Geeringh
P O Box 1091
JOHANNESBURG
2157

Tel: (011) 800-2456
Fax: (011) 800-3917

Dear Sir

RECORD OF DECISION FOR THE CONSTRUCTION OF THE PROPOSED CONSTRUCTION OF THE PROPOSED Eskom 400KV TRANSMISSION LINE, KUDU INTEGRATION PROJECT

Your application 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 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, authorise:

Schedule 1

Activity 1(a) The construction, erection, and the upgrading of facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply.

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

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.

Muhashe wa zwe Vhupo na Vhuendelamashango • Litiko le Tesimandzawo netekuVakasha • Isabe lemiCimbi yokusiNgaongileyo noKhenketho
Ndzawulo ya Tinkhaka & Mbango • Department: Omgewingsake en Tooname • Lefapha le Tikoloho le Bohanhlauti • Lefapha la Rojanata
Kgoro ya Tikoloho le Boeli • Umhnyango wezeBhuduluko nokuVekajha • Umnyango Wezemvelo NokuVekaha

- (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 Grové, Appeals Administrator, Tel: 012 310 3070, hgrové@deat.gov.za, at the
Department.

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered I&AP's as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of I&AP's, notified through your notification letter of the decision, for record purposes.

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: Mr Wynand Fourie
Designation: Acting Chief Director: Environmental Impact Management
Date: 6/11/2017.

Cc: Mr R Heydenrych
Mr PKM Retief

SEF
DEAT

(012) 349-1229

RECORD OF DECISION

RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/720: THE CONSTRUCTION OF THE PROPOSED ESKOM 400KV TRANSMISSION LINE, KUDU INTERGATION ROJECT

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 Limited: Transmission Division (Hereafter referred to as Eskom) to undertake the activities specified/ detailed below subject to the indicated conditions.

1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:

The construction of the power line will commence from the Oranjemund substation at the Namibian border to Gromis Substation parallel to the existing 220kV servitude. From Gromis substation this power line will run along a new servitude to connect to the Western Grid at Juno substation near Vredendal as indicated on map by Strategic Environmental Focus dated April 2007.

The total distance of the line is approximately 390km. The servitude required for this activity is an area of approximately 2145ha in extent with a width of approximately 55m.

The authorisation applies in respect of the following activities as listed in Schedule 1, GN No. R1182:

Activity 1(a) The construction, erection, and the upgrading of facilities for commercial electricity generation with an output of at least 10 megawatts and infrastructure for bulk supply.

2. KEY FACTORS INFORMING THE DECISION:

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

- The Final Scoping Report dated 23 May 2006.
- The Final Environmental Impact Report dated February 2007
- All specialist reports and recommendations included in the Final Environmental Impact Report dated February 2007.
- The public participation process and issues raised in the Final Scoping Report and the Final EIR.

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

- The proposed development is part of Eskom's new capacity installation programme and is intended to meet the future peak electricity demands.
- The purpose of the proposed transmission power lines is to provide additional electricity capacity to the future growth in the Greater Cape region and to provide more efficient and uninterrupted electrical power.
- A total of seven different routing alternatives have been investigated. Five were identified during the scoping stage and the further two were identified thereafter. A number of alternatives were rejected because of their unacceptable level of impacts and geotechnical imperatives.

- The botanical, agricultural and geotechnical assessments, show that mountainous alternatives like C and F be less preferable and are in contradiction with the social and visual assessments, which prefer alternatives C and F as preferable alternatives, because they do not go the Namaqua National Park (NNP).
- The only viable alternatives were the alternatives located in the coastal plain (alternative B & E), all of which will cross through the existing NNP or will traverse the proposed expansions of the NNP. SANparks has supported the alternative E because it would have the least impact (i.e. traverse relatively short portions) on the proposed expansion of the park
- The advantages of alternatives B and E are that they are aligned mostly to existing areas of disturbance such as roads, and are located in areas that have either already been mined (and thus highly disturbed) or are subject to mining rights.
- It is concluded that a combination of alternatives E and B be approved.
- The preferred alignment (combination of alternative B & E) will follow the following route: The line will commence at the Namibian border at the Oranjemund Substation. The line will continue in a southerly direction where it pass east of Port Nolloth to Gromis Substation north-east from Kleinzee. From Gromis substation the line runs to Hondeklip Bay, where it will pass through a small piece of the NNP. The power line changes direction outside Hondeklip Bay in a south-east direction to the farm Weltevreden 440. The line runs south towards the farm Brakfontein 147. Just outside Brakfontein 553 the line slightly deviates to the west of the farm Klein Koggel Fontein 148 where the route changes to an easterly direction to the farm Goeraap 140. The direction changes to the south where it enter Juno substation.
- The proposed development is compatible with the proposed area for the development as the existing network requires strengthening and a line from the Namibian border to Vredendal provide more power to the existing power network.
- Specific environmental specialist studies were commissioned as part of the environmental impact assessment process and it was found that the impact of this development was acceptable.
- Based on the above, the Department's conclusion is that this activity will not lead to any substantial detrimental impact on the environment, potential detrimental impacts resulting from this activity can be mitigated to acceptable levels and that the principles of section 2 of NEMA can strongly be upheld.

The Department has accordingly decided to grant Eskom Holdings Limited: Transmission Division authorisation in terms of Regulations R 1182 and R 1183 (as amended), promulgated under section 21, 22 and 26 of the Environment Conservation Act (Act 73 of 1989), subject to the conditions and provisions listed below.

3. CONDITIONS

3.1 DESCRIPTION AND EXTENT OF THE ACTIVITY

The authorization applies in respect of the proposed construction of a 400kV transmission line as further described in Section 1 of this Record of Decision. The construction of the power line will commence from the Oranjemund substation at the Namibian border to Gromis substation just outside Kleizee. From Gromis substation the transmission line will go south to Juno substation in the vicinity of Vredendal. From Juno Substation there are existing 400kV lines to carry the load to the centre of Cape Town. The Oranjemund substation and the Gromis Substation will need small changes to accommodate the additional line bays.

The above activity falls within the ambit of sub regulation 1(a) of Government Notice R1182 (as amended) promulgated under sections 21, 26 and 28 of the Act.

3.2 Specific conditions

3.2.1 Changes in the proposal resulting in significant environmental impacts are only permissible if approved in writing by the Department.

3.2.2 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 power line crossing or traversing areas adjacent to dams, open water courses, the Orange River, as well as drainage lines and other bird sensitive areas as determined by the Endangered Wildlife Trust, must be fitted with bird flappers on the earth wires.
- c) 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.
- d) 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.
- e) 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 power lines run adjacent and/or in proximity to existing power lines, in order to minimise cumulative adverse impacts.
- f) environmentally sensitive areas are suitably and visibly demarcated and cordoned off using red and white barrier tape to restrict vehicle access during construction.

3.2.3 The applicant must minimize habitat destruction and disturbance during all construction, maintenance and decommissioning activities. In particular, care is to be taken to minimize the impact on riparian and wetland vegetation along the Spekboom River. 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.

- 3.2.4 The applicant is responsible for the ongoing monitoring of the power-line along sensitive areas (river crossings, riparian areas and other sensitive areas as determined by the Endangered Wildlife Trust as contained in the Bird Impact Assessment Study dated November 2006) 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 power line, 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 Construction work must be confined to the construction site(s) as demarcated and interference with indigenous plant and animal species, particularly rare and threatened species and their habitats is prohibited.
- 3.2.6 All waste generated during the construction must be removed and disposed of at a waste disposal facility permitted in terms of Section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 3.2.7 Hazardous and flammable substances must be stored and used in compliance with the applicable regulations and safety instructions.
- 3.2.8 The applicant must place barriers and warning signs around excavations on sites and wherever there is a hazard to workers, the public and animals.
- 3.2.9 The applicant must train safety representatives, managers and workers in workplace safety. Enforce all applicable physical safety standards and regulations, including for subcontractors.
- 3.2.10 The applicant must provide appropriate warnings and traffic calming measures where construction activities interfere with traffic.
- 3.2.11 The applicant must implement dust abatement measures, such as the wetting of active construction areas that have a potential to generate dust and unpaved roads.
- 3.2.12 The applicant must take note that no temporary site camps will be allowed outside the footprint of the development area as the establishment of such structures might trigger a listed activity as defined in the NEMA Regulations, Government Notice 386 and 387 of 2006.
- 3.2.13 The applicant must appoint a suitable experienced ECO before commencement of land clearing, construction, or exploratory activities to ensure that the mitigation / rehabilitation measures and recommendations referred to in this ROD are implemented and to ensure compliance with the provisions of the EMP.
- 3.2.14 An offset must be considered to compensate for the loss of biodiversity and visual intrusion within the park as the line cross the Namaqua National Park.
- 3.2.15 An offset in the ratio of 1ha: 10-20ha must be considered because of the uniqueness of the vegetation that will be impacted on in the northernmost section (Oranjemund-Gromis). This offset must be linked to the Oranje River Mouth Ramsar site, which is in the process of being proclaimed a protected area (letter from Department of Tourism, Environment and Conservation, dated 28 March 2007).

3.3 Environmental Management Plan (EMP)

- 3.3.1 The Environmental Management Plan (EMP), dated February 2007 that was included in the EIR dated February 2007 is approved by this Department. The EMP must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually.
- 3.3.2 All recommendations and mitigation measures as proposed in the final scoping report dated 23 May 2006 and the Environmental Impact Report dated February 2007 forms part of this record of decision and must be implemented as part of the EMP.
- 3.3.3 Once accepted by DEAT, the revised construction EMP will be seen as a dynamic document. However, any changes to the EMP, which is environmentally defensible, must be submitted to DEAT for acceptance before such changes could be effected. The EMP is regarded as an extension of the ROD and shall be treated as such in terms of compliance monitoring.
- 3.3.4 All contractors working on site must be informed with regard the contents of the EMP.

3.4 Compliance with other legislation

- a) The applicant must comply with the National Water Act, 1998 (Act 36 of 1998).
- b) This authorisation is subject to compliance with the requirements of Section 38(1), (3) and (7) 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.

3.5 Land acquisition

- 3.5.1 This development is authorised on condition that Eskom acquires the necessary servitude for the power line route. Eskom must negotiate with all affected landowners within the authorised corridor alignment prior to the start of construction activities. Proof of such negotiations must be made available to the Department on request should any dispute arise.
- 3.5.2 In addition, any route adjustment, due to the specific local circumstances, outside the authorised corridor alignment, should be reported to the department in writing for acceptance before implementation.

3.6 Monitoring and auditing

- 3.6.1 Records relating to monitoring and auditing must be made available for inspection to DEAT and the Provincial DTEC in respect of this development when required by the said departments.
- 3.6.2 This Department reserves the right to monitor and audit the development throughout its full life cycle to ensure that it complies with the conditions stipulated in the ROD as well as mitigation measures proposed in the Final Environmental Impact Report dated February 2007, the construction and operational EMP's.

3.7 Transportation and handling of hazardous materials.

- 3.7.1 During the construction of the power lines, an effective monitoring system must be put in place to ensure safety and to detect any leakage or spillage of coolants from all oil containing equipment during their use.

3.7.2 The transportation, handling and storage of hazardous substances must comply with all the provisions of the Hazardous Substances Act, (Act No.15 of 1973), associated regulations as well as SANS 10228 and SANS 10089 codes. Should a temporary bulk fuel supply storage facility be required on site, it must comply with the mentioned SANS codes and authorisation must be obtained from DEAT as required by Government Notice 386 and 387 of 21 April 2006.

3.7 GENERAL CONDITIONS

3.7.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, Act No.73 of 1989, and does not exempt the holder thereof from compliance with any other legislation.

3.7.2 This authorisation refers only to the activity as specified above and described in the Final Scoping Report dated 23 May 2006 and the Environmental Impact Report dated February 2007. 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 GN No 386 and 387 of 21 April 2006.

3.7.3 This authorisation is subject to the approval of the relevant local authorities in terms of any legislation administered by those authorities.

3.7.4 The applicant must, within 7 (seven) calendar days of receipt of this record of decision inform all interested and affected parties and at least include the following:

(i) That an authorisation has been issued to the applicant to proceed with the construction and operation of the activity. If requested, provide copies of this ROD.

(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: Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, pretief@deat.gov.za or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hgrove@deat.gov.za, at the Department.

(iv) 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.

3.7.5 The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires. In the case of an appeal submitted to the competent authority, the validity of this Record of Decision will be suspended until such time as the appeal is decided.

3.7.6 One week's notice, in writing, must be given to this Directorate: Environmental Impact Evaluation for attention Ms Lebogang Molefe, before commencement of construction activities.

Failure to inform interested and affected parties within the stipulated time period may result in the Minister considering requests from such parties for permission to submit a late appeal favourably.

- 3.7.7 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.
- 3.7.8 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.
- 3.7.9 A copy of the authorisation and ROD 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 and ROD.
- 3.7.10 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.
- 3.7.11 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.
- 3.7.12 This Department may review the conditions contained in this letter from time to time and may by notice in writing to the applicant, amend, add or remove a condition.
- 3.7.13 In the event that the predicted impacts exceed the significance as predicted by the independent consultant in the final Environmental Impact Report dated February 2007 and supporting documentation, the authorisation may be withdrawn after proper procedures have been followed.
- 3.7.14 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.
- 3.7.15 The applicant must notify the Department, in writing, at least 10 (ten) days prior to the change of ownership, project developer or the alienation of any similar rights for the activity described in this letter. The applicant must furnish a copy of this document to the new owner, developer or person to whom the rights accrue and inform the new owner, developer or person to whom the rights accrue that the conditions contained herein are binding on them.
- 3.7.16 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 as soon as the new details become known to the applicant.
- 3.7.17 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 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.

- 3.7.18 If any condition imposed in terms of this authorisation is not complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4) of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 3.7.19 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.
- 3.7.20 Departmental officials shall be given access to the properties earmarked for construction activities for the purpose of assessing and/or monitoring compliance with the conditions contained in this document at all reasonable times.

4. DURATION OF AUTHORISATION

If the activity authorised by this letter does not commence within 4 (four) years from the date of signature of this letter, the authorisation will lapse and the applicant will need to reapply for exemption or authorisation in terms of the above legislation or any amendments thereto.

5. CONSEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this letter. 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.

6. 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, cor. 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 which 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 which 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.

7. APPLICANT:

Eskom Holdings Limited: Transmission Division
P O Box 1091
JOHANNESBURG
2000

Contact person: Mr John Geeringh
Tel: (011) 800 2465
Fax: (011) 800 3917

8. CONSULTANT:

Strategic Environmental Focus
P O Box 74785
LYNNWOOD RIDGE
0040

Contact person: Mr Reuben Heydenrych
Tel: (012) 349-1307
Fax: (012) 349-1229

Yours Sincerely



Ms Pam Yako
Director – General
Department of Environmental Affairs and Tourism
Letter signed by: Mr Wynand Fourie
Designation: Acting Chief Director: Environmental Impact Management
Date: 21/11/2007.

Cc: Mr R Heydenrych
Mr PKM Retief

SEF
DEAT

(012) 349-1229