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DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM  
REPUBLIC OF SOUTH AFRICA

## FAX COVER SHEET

DATE: 21 September 2006

TO:	Ms. Deidre Herbst		
ORGANISATION	ESKOM		
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FROM:	Noncedo Sabane		
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NO PAGES:	15 Including fax cover		

SUBJECT:	Granting of Conditional Authorisation for Project Reference 12/12/20/695 : Construction of the Proposed Eskom Holdings Limited : Generation Division 4800MW Coal Fired Power Station and Associated Infrastructure near Lephalale
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MESSAGE:	Good Morning Deidre,  Please find attached the communication from Ms Lize McCourt as agreed. An original Letter will be forwarded by post.  Regards,  Noncedo Sabane DEAT (Department of Environmental Affairs and Tourism) T: (012) 310 3416 F: (012) 322 2602
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Ref: 12/12/20/695  
Tel: (012) 310 3031 Fax: (012) 320 7539 e-mail: [mntene@deat.gov.za](mailto:mntene@deat.gov.za)  
Enquiree: Ms Mosili Ntene

Ms D Herbst  
Eskom Holdings Limited: Generation Division  
PO Box 1091  
**JOHANNESBURG**  
2000


Fax: (011) 800 3501

Dear Ms Herbst

**GRANTING OF CONDITIONAL AUTHORISATION FOR PROJECT REFERENCE 12/12/20/695:  
CONSTRUCTION OF THE PROPOSED ESKOM HOLDINGS LIMITED: GENERATION DIVISION  
4800MW COAL FIRED POWER STATION AND ASSOCIATED INFRASTRUCTURE NEAR  
LEPHALALE**

Please find attached the record of decision in respect of your application for authorisation in terms of Regulations R1182 and R1183 (as amended) promulgated under sections 21, 22, 26 and 28 of the Environment Conservation Act (Act 73 of 1989).

Yours sincerely



Ms Pam Yako  
Director-General  
Department of Environmental Affairs and Tourism

Date: 21/09/06.

CC: Ms Ashlea Strong      Bohlweki Environmental      Fax: (011) 466 3841

**RECORD OF DECISION FOR PROJECT REFERENCE 12/12/20/695: CONSTRUCTION OF THE PROPOSED ESKOM GENERATION 4800MW COAL FIRED POWER STATION, NEAR LEPHALALE**

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 Generation to undertake the activities specified/ detailed below subject to the indicated conditions.

**1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:**

As illustrated in the site layout Plan in Appendix A of the Final Environmental Impact Report dated 22 May 2006 the proposed development entails the following:

- The construction of a 4800MW coal fired power station near Lephalale, on approximately 700ha of the farm Naauwontkornen 509 LQ.
- The installation of ancillary infrastructure including the ashing facility on 500-1000ha of the farm Eenzaamheid 687 LQ
- The construction of a conveyor belt for coal supply on the eastern alignment
- The re-routing of the Steenbokpan Road to the northern alternative
- The construction of the overland ash conveyor belt

**2. KEY FACTORS INFORMING THE DECISION:**

2.1 In reaching its decision in respect of the application, the Department of Environmental Affairs and Tourism ("the Department") has taken, *inter alia*, the following into consideration:

- a) The information contained in the:
- Final Scoping Report dated
  - Final Environmental Impact Assessment Report dated 22 May 2006.
  - Specialist Reports contained in the Final Environmental Impact Assessment Report.
  - Addendum to the Final Environmental Impact Assessment Report dated June 2006.
  - Comments on the Environmental Impact Assessment Report dated 18 July 2006 from the Department of Water Affairs and Forestry (DWAF).
  - Minutes of the meeting held on 10 May 1982 in the office of the Chief Officer (Air Pollution Control) between Eskom and the Department of Health to discuss the Pollution Control conditions related to Eskom's power stations and related matters.
- b) Compliance with applicable international and national legislation and departmental policies:
- The Act
  - The principles set out in Section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998) (NEMA)
  - Process 29 set out in the Scheduled processes under the Second Schedule to the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965).
  - The principles of sound management of toxic chemical set out in Chapter 19 of Agenda 21
  - Minimum requirements for landfills by the Department of Water Affairs and Forestry (second edition, 1998)
  - Stockholm Convention

- c) The findings of the site inspection undertaken by Mr Vincent Matabane and Mr Ndihivhuwo Netshilaphala on 6<sup>th</sup> April 2005
- d) The objections from MW De Jager Kinder Trust/Landelani Game Lodge & MW De Jager Safaris set out in the letter dated 2<sup>nd</sup> August 2006 from Ivan Pauw & Partners to Bohleki Environmental Consultants in Midrand.

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

- The existing Matimba Power Station is a dry cooled, coal fired pulverised fuel power station comprising six 665 MW units, representing a total nominal capacity of 3990 MW and a total net maximum generation capacity of 3690 MW
- The proposed power station is a dry cooled, coal fired pulverised fuel power station will have a generation capacity of 4800 MW
- Existing sources of atmospheric emission which occur in the vicinity of the proposed development sites include:
  - Existing Matimba Power Station and its associated ash dump
  - Grootegeluk coal mining operations
  - Brickworks operating at Hanglip
  - Household fuel combustion
  - Potential veld fires
  - Sewage works (Farm Nelsonkop)
  - Wind blown dust from areas and agricultural activities
  - Vehicle exhaust releases and road dust entertainment along paved and unpaved roads in the area
- The proposed power station is approximately 3 Km away from the existing Matimba Power Station and the Marapong Village
- The existing Matimba Power Station does not have SO<sub>2</sub> and NO<sub>2</sub> abatement measures in place
- The burning of coal in the proposed power station will potentially release significant amounts of air pollutants such as Sulphur Dioxide (SO<sub>2</sub>), Nitrogen oxides (NO<sub>x</sub>), Carbon Monoxide (CO), and trace amounts of mercury.
- Ambient SO<sub>2</sub> levels resulting from the new power station are predicted to cause health effects in the Marapong residential area
- The proposed power station will potentially release significant amounts of greenhouse gases, namely, Carbon Dioxide (CO<sub>2</sub>) and Nitrous Oxide (N<sub>2</sub>O).
- Ambient SO<sub>2</sub> standards are already being exceeded in the area where the new power station is proposed.
- Ambient air quality standards in the Marapong residential area are already being exceeded
- The proposed development will result in a loss of approximately 1 500 hectares of vegetation due to the required pre construction site clearing.
- Approximately 1000 ha of the above are intended for facility for disposal / storage of ash. A conventional ash dam has been proposed and assessed but mention is made of investigations into alternatives to this disposal option, including backfilling at the Grootegeluk open cast coal mine. The investigation of alternatives in this regard has not sufficiently progressed to allow for an informed decision with regard to ash disposal / storage at this stage. It is however acknowledged that an ashing facility will be required.
- The proposed development is part of Eskom's new capacity installation programme and is intended to meet the future base load electricity demands of South Africa which is under severe pressure.

- The purpose of the proposed power station is to increase the Eskom Generation base load capacity to facilitate the forecast increase in demand by 2010 and to further supply this additional capacity in such a way that it improves security of supply to the national grid system and South Africa in its entirety.

Based on the information considered, the Department's conclusions are that:

- (a.) the proposed activities may lead to substantial detrimental impact on the environment;
- (b.) the need for the project have been adequately demonstrated;
- (c.) the activities will result in some socio-economic benefits, not only to the Lephalale area, but to the country as a whole;
- (d.) the implementation of the mitigation measures and conditions set out in this Record of Decision, are considered adequate to minimise detrimental impacts to acceptable levels;
- (e.) subject to successful implementation of conditions and mitigation measures, the proposed development is likely to be acceptable; and
- (f.) the principles of section 2 of NEMA can largely be upheld.

It is further the Department's conclusion that further information on alternatives for the disposal of ash produced by the facility is required before an informed decision can be made on this aspect of the application.

The Department has accordingly decided to grant Eskom Holdings Limited: Generation 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) for the activities specified below, subject to the conditions and provisions listed below.

### 3. CONDITIONS

#### 3.1 Description of the activity

The authorisation applies in respect of the following activities as listed in Schedule 1, regulation R. 1182 and described in the final environmental impact report dated 22 May 2006 and the addendum report to the final environmental impact report dated June 2006:

- Item 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;
  - ( c ) with regard to any substance which is dangerous or hazardous and is controlled by national legislation-
    - (i) infrastructure, excluding road and rails, for the transportation of any such substance; and
    - (ii) manufacturing, storage, handling, treatment or processing facilities for any such substance;
  - ( d ) roads, railways, airfields and associated structures;
  - ( n ) sewerage treatment plants and associated infrastructure;
- Item 2: The change of land use from-
  - ( c ): agricultural or zoned undetermined use or an equivalent zoning to any other land use.
- Item 9: Scheduled processes listed in the Second Schedule to the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965). (Process 29 (a) – Power Generation Processes in which fuel is burned for the generation of electricity for distribution to the public or for purposes of public transport).

The following activity applied for is not included in this authorisation and will be addressed in an amended or supplementary record of decision:

- Item 8: The disposal of waste as defined in section 20 of the Act, excluding domestic waste, but including the establishment, expansion, upgrading or closure of facilities for all waste, ashes and building rubble

The decision contemplated above will be based on the review of the investigation and assessment of alternative ash disposal options to be submitted to the Department for consideration.

## **3.2 SPECIFIC CONDITIONS**

### **3.2.1 Air quality management**

3.2.1.1 Eskom must initiate a programme for the continuous monitoring of ambient concentrations of pollutants in the Marapong residential area as well as surrounding areas around the proposed power station and existing Matimba power station. This programme must be included in the proposed power EMP and the operational EMP to be submitted to the authorities for acceptance prior to construction, commissioning and operation of the power station. The programme must, among others, detail the installation of air quality monitoring equipment at an appropriate location within the Marapong residential area. The site for the air quality monitoring equipment should be such that the monitored ambient air represents a fair reflection of the ambient air the majority of Marapong residents are likely to breathe. The air quality monitoring equipment must be such as to provide continuous measurement of the following substances or mixtures of substances: Sulphur Dioxide (SO<sub>2</sub>); Nitrogen Dioxide (NO<sub>2</sub>); Carbon Monoxide (CO); Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>); Ozone (O<sub>3</sub>); and Mercury (Hg).

The installation should also include gas-sampling systems as appropriate for the parameters being monitored, meteorological equipment and data management systems that will allow the effective and reliable transfer of data. The programme must also detail the compilation of a commissioning report produced by an independent party indicating that the installations are in place, calibrated and operating to internationally acceptable standards of operation. The programme must also detail reporting procedures including, among others, the submission of quarterly reports to the department detailing the monitoring results obtained from the installation detailed above and any other monitoring results from Eskom monitoring stations in the area. The monitoring reports must provide, but are not limited to the provision of, both a numeric and graphical representation of measured concentrations of the measured pollutants with a comparison against any applicable ambient air quality standards published in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004). This information should include detailed information for the 3 month period to which the report relates as well as a summary of historical trends from the commencement of monitoring activities.

3.2.1.2 Eskom shall install, commission and operate any required SO<sub>2</sub> abatement measures that may be necessary to ensure compliance with any applicable emission or ambient air quality standards published in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).

- 3.2.1.3 Notwithstanding the measures referred to in 3.2.8.2, should the monitoring referred to in 3.2.8.1 indicate non-compliance with ambient SO<sub>2</sub> standards, Eskom shall install, commission and operate any required SO<sub>2</sub> abatement measures in respect of the existing Matimba Power Station as may be necessary to ensure compliance with any applicable emission or ambient air quality standards published in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004).
- 3.2.1.4 Eskom must initiate a programme of support for initiatives aimed at improving air quality in the Marapong residential area. This programme must be included in the construction EMP and carried through to the operational EMP.
- 3.2.1.5 The power station must be operated in compliance with any related Registration Certificate issued in terms of the Atmospheric Pollution Prevention Act, Act 45 of 1965, or any related Atmospheric Emission License issued in terms of the National Environmental Management: Air Quality Act, Act 39 of 2004
- 3.2.2 Environmental Monitoring Committee (EMC)**
- 3.2.2.1 This development is authorised on condition that the developer establishes an EMC with clear terms of reference as described in 3.2.2.6.
- 3.2.2.2 Amongst others the EMC shall consist of the following members:
- (a) A chairperson as described in 3.2.2.3,
  - (b) The ecologist that participated in the EIA process, or any other suitably qualified and experienced ecologist approved for this purpose by the department,
  - (c) Two representatives of the public, one community member from Marapong and one from Lephalale.
  - (d) Environmental Control Officer (ECO) (once appointed in terms of 3.2.4 below), and
  - (e) A senior site manager from the main contractor.
- 3.2.2.3 The EMC must appoint an independent chairperson who has appropriate people and project management skills.
- 3.2.2.4 The EMC must meet on a bi-monthly basis from the inception of the project.
- 3.2.2.5 The EMC must report to the Director-General of the Department of Environmental Affairs and Tourism on a bi-monthly basis and the report must include matters as described in 3.2.2.6 below.
- 3.2.2.6 The purpose of the EMC is to execute the following:
- (a) To monitor and audit project compliance to the conditions of this record of decision, environmental legislation and specific mitigation requirements as stipulated in the environmental impact report and the Environmental Management Plans.
  - (b) To make recommendations to the Director-General on issues related to the monitoring and auditing of the project.

(c) The EMC shall decide on the frequency of meetings should a need arise to review the prescribed frequency. This change should be communicated to the department for acceptance.

3.2.2.7 All costs associated with the EMC shall be borne by the applicant. The terms of reference for the EMC must, in addition to the scope of work as detailed in 3.2.2.6, clearly set out roles and responsibilities related to logistical arrangements, administration and financial arrangements associated with the EMC.

3.2.2.8 Upon completion of construction, the role, responsibilities and constitution of the EMC shall be re-considered and re-established with new terms of reference for the operational phase of the development.

### **3.2.3 Environmental Management Plan (EMP)**

3.2.3.1 Eskom must submit a site specific construction EMP to the relevant authorities for acceptance before commencement of any of the activities related to this authorisation. The EMP must include but not be limited to the following aspects:

- Rehabilitation of all areas disturbed during the construction phase of the project excluding those areas where permanent structures are erected.
- Siting and management of construction camps, sanitation, ablution and housing facilities as well as material storage areas used by the contractor. All work areas must be supplied with proper sanitation facilities.
- Management and rehabilitation of access roads to individual construction areas that will not become permanent roads upon completion of construction. Any new road constructed for any purpose not authorised as part of this authorisation, must comply with the relevant SANS codes and permission for construction must be obtained from DEAT as required by Schedule 1, item 1 (d) of R. 1182.
- Waste avoidance, minimisation and disposal of waste at an appropriate facility.
- Protection of any heritage sites likely to be impacted by the development should such sites be found during any phase of the project to follow.
- Provisions for harvesting of any medicinal plants that may occur on site prior to site clearance.
- Protection of indigenous vegetation where such is not affected by the physical footprint of the power station plant or ancillary infrastructure and associated construction works.
- Provision for plant search and rescue of protected and endangered species which should be done before commencement of any construction related activity.
- Management of traffic during the construction phase of the development where the site access roads and other transportation networks intersect.
- Measurement, monitoring and management of noise and dust pollution levels during the construction phase.
- A fire control management plan for implementation on site.
- Implementation of site specific erosion and sediment and dust control measures during the construction phase of the project.
- Insofar as it relates to the activities hereby approved, all recommendations and mitigation measures as proposed in the final environmental impact report dated 22 May 2006 and the



3.2.4.4 THE ECO shall submit an environmental compliance report to the Director-General of the Department of Environmental Affairs and Tourism (DEAT), copied to the Limpopo Department of Economic Development, Environment and Tourism.

3.2.4.5 The ECO shall maintain the following on site:

- A daily site diary
- A non-conformance register
- A public complaint register
- A register of audits

3.2.4.6 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.

3.2.4.7 The ECO shall report to and be accountable to the EMC.

### **3.2.5 Monitoring and auditing**

3.2.5.1 Records relating to monitoring and auditing must be made available for inspection to any relevant authority in respect of this development.

3.2.5.2 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 record of decision as well as mitigation measures in the final environmental impact report dated 22 May 2006, the addendum report to the final environmental impact report and the construction and operational EMPs.

### **3.2.6 Transportation and handling of hazardous materials.**

3.2.6.1 During the construction of the power station, 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 transportation, their handling and installation.

3.2.6.2 The transportation and handling of hazardous substances must comply with all the provisions of the Hazardous Substances Act, (Act No.15 of 1973), associated regulations as well as SABS 0228 and SABS 0229 codes.

### **3.2.7 Rehabilitation after construction**

3.2.7.1 No exotic plant species may be used for rehabilitation purposes. Only indigenous plants may be utilised.

3.2.7.2 Measures aimed at controlling invasive plant species and weeds must be implemented and must form part of the relevant EMP.

3.2.7.3 No disturbance of the land at any stream or rivers edge is allowed unless such disturbance complies with legislation and conforms to strict design parameters.

### **3.2.8 Compliance with other legislation**

3.2.8.1 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 artefacts be exposed during excavation for the purpose of laying foundations, 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 artefacts be destroyed or removed from the site. The South African Heritage Resource Agency must be contacted to this effect. Their recommendations should be included in the construction EMP and be adhered to.

3.2.8.2 All provisions of the Occupational Health and Safety Act, 85 of 1993, and any other applicable legislation must be adhered to by the holder of this authorisation.

- 3.2.8.3 All provisions of the National Water Act, Act 36 of 1998, must be adhered to by the holder of this authorisation.
- 3.2.8.4 All provisions of the National Environment Management: Air Quality Act, Act 39 of 2004, must be adhered to by the holder of this authorisation.
- 3.2.8.5 All provisions of the Atmospheric Pollution Prevention Act, Act 45 of 1965, must be adhered to by the holder of this authorisation.
- 3.2.8.6 All provisions of the National Environment Management: Biodiversity Act, Act 10 of 2004, must be adhered to by the holder of this authorisation.
- 3.2.8.7 Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 28 of 2002 administered by the Department of Minerals and Energy.
- 3.2.8.9 A permit shall be obtained from the provincial department of nature conservation for the removal of indigenous protected and endangered plant and animal species.

### **3.2.9 Water quality management**

- 3.2.9.1 Eskom shall continuously monitor the ground water quality and implement measures to ensure that pollution of the resource does not occur. The monitoring programme for water quality and measures to control and prevent pollution of the resource shall be included in the operational EMP.

### **3.3 GENERAL CONDITIONS**

- 3.3.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 1989 (Act No.73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 3.3.2 This authorisation refers only to the activities as specified and described in the final environmental impact report dated 22 May 2006 and the addendum report to the final environmental impact report dated June 2006. 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 Environment Conservation Act, Government Notice R 1182 and R.1183 (as amended).
- 3.3.3 This authorisation is subject to the approval of the relevant local authorities in terms of any legislation administered by those authorities.
- 3.3.4 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 the Department's offices at tel. (012) 310 3590 or e-mail: [cveeden@deat.gov.za](mailto:cveeden@deat.gov.za).
- (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.
- 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.
- 3.3.5 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.
- 3.3.6 One week's written notice must be given to this Department before commencement of operation activities. Such notice shall make clear reference to the site location details and reference number given above.
- 3.3.7 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.
- 3.3.8 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.
- 3.3.9 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.
- 3.3.10 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.
- 3.3.11 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.
- 3.3.12 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.

- 3.3.13) In the event that the predicted impacts exceed the significance as predicted by the independent consultant in the final environmental impact report and appendices dated 22 May 2006 and the addendum report to the final environmental impact report dated June 2006, the authorisation may be withdrawn after proper procedures have been followed.
- 3.3.14) 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.
- 3.3.15) 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.
- 3.3.16) 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 as soon as the new details become known to the applicant.
- 3.3.17) 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 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.
- 3.3.18) 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).
- 3.3.19) 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.
- 3.3.20) The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 3.3.21) Any complaint from the public during construction must be attended to as soon as possible to the satisfaction of the parties concerned. A complaints register must be kept up to date and shall be produced upon request.
- 3.3.22) 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.
- 3.3.23) 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.

### 3.4 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 or any subsequent new legislation.

### 4. 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.

### 5. 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, 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 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 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.

### 6. APPLICANT:

Eskom Holdings Limited: Generation Division  
P O Box 1091  
**JOHANNESBURG**  
2000

Contact person: Ms Deirdre Herbst

Tel: (011) 800 3501

Fax: (011) 800 5140

**7. CONSULTANT:**

Bohweki Environmental (Pty) Ltd  
P O Box 11784  
**VORNA VALLEY**  
1686

Contact person: Ms Ashlea Strong

Tel: (011) 466 3841

Fax: (011) 466 3849

**8. SITE VISIT**

A site visit was undertaken by Mr Vincent Matabane and Mr Ndhivhuwo Netshilaphala from the department, Eskom personnel and the consultant on 6<sup>th</sup> April 2005.



Ms Pam Yako

Director – General  
Department of Environmental Affairs and Tourism

Date: 21/09/06