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CONFIDENTIAL**MPUMALANGA PROVINCIAL GOVERNMENT**

Riverside Government Complex
On R40 Between Nelspruit & White River
Nelspruit 1200
Republic of South Africa



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DEPARTMENT OF AGRICULTURE AND LAND ADMINISTRATION
DIRECTORATE: ENVIRONMENTAL MANAGEMENT

Liliko Letekullima.
Nekuphatlwa kweMhlaba,

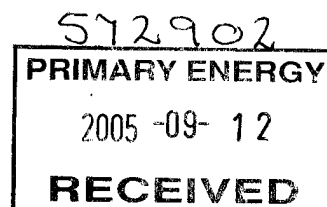
Department van Landbou,
en Grondadministrasie

Umnyango Wezokullima
Nebhoduluko Kwe Narha

Enquiries: Selby Hlatshwayo

17/2/04H 05-01

Eskom Holdings Limited
P.O. Box 1091
JOHANNESBURG
2000



To whom it may concern

AUTHORIZATION TO UNDERTAKE A LISTED ACTIVITY IN TERMS OF SECTION 22 OF THE ENVIRONMENT CONSERVATION ACT, 1989 (Act 73 of 1989).


After due consideration of the facts presented to the administrators of the Department of Agriculture and Land Administration in Mpumalanga Province, I the undersigned, through the powers vested to me in terms of Section 33 (1) of the Environment Conservation Act, 1989 (Act 73 of 1989)(herein referred to as the Act), hereby grant authorization in terms of Section 22(3) of the Act for the **proposed long-term coal supply to Eskom's Majuba Power Station.**

The MEC for Agriculture and Land Administration, however reserves the right to recall this authorization at any time as he/she may deem fit, and afterwards require that the relevant sections of the Act be adhered to for any further development on the affected area.

The Record of Decision and Conditions to be complied with are attached.

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Any appeal regarding the said development can be directed to the MEC: Agriculture and Land Administration, Private Bag X 11219, Nelspruit, 1200, within **thirty (30) days** from the date of this Authorization.

**HOD****For MEC: Agriculture and Land Administration****Date**

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DIRECTORATE: ENVIRONMENTAL MANAGEMENT

*Litiko Letekullma,
Nekuphatlwa kweMhlaba,*

*Department van Landbou,
en Grondadministrasie*

*Umnnyango Wezokullma
Nebhoduluko Kwe Narha*

Enquiries: Selby Hlatshwayo

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RECORD OF DECISION**Brief Description of the Activity**

The project entails the construction of a railway line between Ermelo and Majuba Power Station

Location

The proposed rail route of sixty-seven kilometers will affect 43 landowners, consisting of private individuals, trusts and companies. The route affects 64 portions of farms with the route traversing through 54 portions. The portions affected are the following: Portions 9, 3 and 4 of the farm De Roodepoort 435 IS, Portions 1, 4, 7, 8, 13, 14, 15, 16, 18, 19, 20 and 21 of the farm Uitgezocht 436 IS, Portions 4, 5, 6, 8, 12 and 14 of the farm De Vereening 448 IS, Portions 7 and 8 of the farm Kroomdraai 441 IS, Portions 2, 30, 36, 37, 57, 59 and 61 of the farm Dorpsplaats, Portions 2, 14 and 16 of the farm Transvalia 444 IS, Portion 3 of the farm Holland 471 IS, Portions 7, 8 Portions remainder of 25 and 27 of the farm Tweefontein 479 IS, Portions 2, 3, 4, 5, 7, Portions remainder & 6 of the farm Grabe's rust 495 IS, Portion 4 and 20 of the farm Rietspruit 507 IS, Portions 5, 7, 9 and 11, Portions remainder of the farm Sterkspruit 508 IS, Portions 4 and 6 of the farm Platberg 508 IS, Portion 1 of the farm Brakfontein 529 IS, Portion 20 of the farm Vlakplaats 58 HS, Portions

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52, 53 and 54 of the farm Amersfoort T&T 57 HS and Portion 1 of the farm Koppieskraal.

Applicant

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2000

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Consultant

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1885

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Site visit

08 June 2004 by Mr. Selby Hlatshwayo and Dr. G. Batchelor of the Department and representatives from the Amersfoort -Ermelo Agricultural Union.

Decision

After due consideration of the application for Authorization and the facts presented to the Department of Agriculture and Land Administration (hereafter referred to as this or the Department) authorization is granted in terms of Section 22(3) of the Act.

Conditions

Refer to the attached Annexure A.

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Key factors for the decision

1. A comprehensive public consultation process was undertaken.
2. Biophysical, social and economic impacts were considered in the Environmental Impact Assessment Report.
3. The railway line is a viable option to supply coal to Majuba Power Station
4. This will ensure that Majuba Power Station uses its maximum potential through optimizing the available burn capacity.
5. The construction of the railway line will lower the load on trucks used to transport coal to Majuba Power Station.
6. There are more coal reserves in the Ermelo-Witbank area as compared to any other area. This makes it economical to exploit these coalfields as compared to the ones in Perdekop as these reserves are limited.
7. A number of alternatives options for transporting the coal to Majuba Power Station were evaluated. This included the Kabouter railway line which was found not to be viable due to the high costs involved in upgrading it and the ruggedness of the terrain, as the wagons to be pulled will be about 100 and the train length will be approximately 1,3 kilometres long and not suitable for the Kabouter line.
8. Environmental Impacts will be managed in accordance to the Environmental Management Plan

Appeal

Any appeal regarding the said development can be directed to the MEC: Agriculture and Land Administration, Private Bag X 11219, Nelspruit, 1200, within **thirty (30) days**.



HOD

For MEC: Agriculture and Land Administration

8 9 05

Date

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ANNEXURE A TO THE RECORD OF DECISION FOR THE PROPOSED LONG-TERM COAL SUPPLY TO ESKOM'S MAJUBA POWER STATION

General Conditions

- 1.1 This authorization refers only to the project specified above and described in the Record of Decision. Separate applications must be lodged for any other development and/or activity at or near the proposed development, which is covered by Section 21 of the Act and Government Notice R1182 of 5 September 1997.
- 1.2 Authorization is only granted in terms of Section 22(3) of the Act and does not exempt the holder from compliance with other relevant legislation.
- 1.3 No development may take place on the area of concern without the necessary permits/approvals and/or service agreements from all relevant authorities.
- 1.4 Copies of the relevant documents mentioned in 1.3 above must be forwarded to this Department within three months of the issuing of this authorization.
- 1.5 This Department may add, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, is environmentally justified.
- 1.6 The content of this authorization must be made known to all registered Interested and Affected Parties within **five (5) days** of the date of issue of this authorization.
- 1.7 This Record of Decision is transferable from Eskom to Spoornet.

2. Establishment of the development

- 2.1 This authorization is repealed if the project has not commenced within two (2) years from the date of this authorization.
- 2.2 Fourteen days written notice must be given to this Department before commencement with the construction activities.
- 2.3 This Department should be notified in the earliest convenient time of any decision to discontinue the proposed construction of the railway line between Ermelo and Majuba Power Station.
- 2.4 Concerns raised by the farmers should be attended to at the earliest convenience and be addressed to the satisfaction of all concerned.

3. Construction and operation

- 3.1 The construction of the railway line should not adversely affect the activities of the farmers.

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- 3.2 Appropriate notification signs must be erected along the servitude of the railway line warning people of the hazards around the construction site and any presence of heavy vehicles on site.
- 3.3 A fence must be constructed along the proposed railway line in order to prevent livestock from entering the construction site.
- 3.4 Access to the construction site must be strictly controlled.
- 3.5 Inform the relevant farmers about two days prior to the blasting which is to occur in a specific area so that proper arrangements could be made to remove livestock from areas close to the blasting site.
- 3.6 Ensure that farmers are having access to the land they work on.
- 3.7 An Environmental Management Plan must be developed for this project.
- 3.8 The Environmental Management Plan may be altered, where monitoring and auditing of the construction and operation of the project shows this to be beneficial. Any alteration to the Environmental Management Plan is subject to the approval from this Department. The contents of the Environmental Management Plan must be made known to all personnel, contractors and subcontractors associated with the project.
- 3.9 An Environmental control officer must be appointed to ensure that the conditions stipulated in this Record of Decision and the mitigation measures which will be included in the Environmental Management Plan are complied with.
- 3.10 The clearing of vegetation should be done in consultation with the relevant farmer, as this will enable the applicant not to unnecessarily remove red data species or relocate them in another area.
- 3.11 Stringent measures should be applied to suppress dust emanating from the construction site as this could destroy or lower the value of crops cultivated in the area.
- 3.12 Appropriate soil erosion prevention measures must be implemented during the construction and operation of the railway line.
- 3.13 Should any material of cultural or archeological significance be encountered during the construction phase, all activities must cease immediately and the South African Heritage Resource Agency be informed accordingly..
- 3.14 No hunting of fauna, including the setting of snares by the construction workers must be allowed.
- 3.15 Construction material should not be stored closer than 100m from any watercourse.
- 3.16 Open fires may only be used in especially cleared areas for that specific purpose and no trees should be felled for the purpose of obtaining firewood.
- 3.17 Appropriate measures must be implemented to prevent and control veld fires as the area in which the construction of the railway line will take place, is prone to veld fires.

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- 3.18 Appropriate measures must be implemented to ensure that construction workers will not cause unnecessary disturbances due to unacceptable behaviour.
- 3.19 Vehicle maintenance should take place only in demarcated properly managed areas, and no maintenance activity should take place in natural veld.
- 3.20 All hazardous substances on the site must be accurately identified and be disposed of at an appropriate licensed waste disposal site.
- 3.21 Littering and dumping of waste on site is prohibited.
- 3.22 During construction chemical toilet facilities (preferred) or other approved toilet facilities may be used and sited such that they do not cause water or other pollution.
- 3.23 Workers movements must be restricted to the construction area only and must be enforced in terms of the contracts of appointment.
- 3.24 Construction should be limited to normal working hours to reduce impact on residents at night and on weekends as well as the public holidays. Should this not be the case, negotiated with relevant farmers about the extension of working hours.

4. Campsites and/or site offices

- 4.1 Camping sites shall be sited and fenced in consultation with the land owner or tenant and personnel will be restricted to these fenced areas.
- 4.2 No camping site shall be located closer than 50 metres from the stream, spring or dam and vegetation including trees shall not be damaged or felled
- 4.3 Accommodation for personnel is to include both the kitchen and sanitary facilities.
- 4.4 Fires will only be allowed in facilities specially constructed for that purpose and no trees will be felled for the purpose of obtaining firewood
- 4.5 Chemical toilet facilities (preferred) or other approved toilet facilities may be used and sited such that they do not cause water or other pollution
- 4.6 Waste generated from the camps must be disposed of at a licensed landfill site.

5. Water

- 5.1 It is the responsibility of the applicant and the contractor on site to prevent any pollution of surface as well as ground water.
- 5.2 Ensure that the workers are having enough potable water in order to prevent them from going to nearby streams or farms to fetch water.
- 5.3 Consult with the relevant farmers and the Department of Water Affairs and Forestry before crossing any stream during the construction of the railway line

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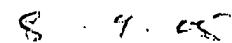
- 6.1 Solid waste generated during the construction phase, must be collected on a daily basis and placed in a suitable container for this purpose. Once full and on a regular basis, this refuse container shall be emptied and the contents disposed of at a licensed commercial facility for this purpose. The refuse container is to be covered at all times.

7. Risk management

- 7.1 All employees who will be working on the construction of the railway line, must be well equipped with emergency procedures in case of any accident.

8. Monitoring

- 8.1 This Department will perform random inspections on the construction sites to ensure compliance with the legislation and conditions. The company will be informed of such inspections and must make personnel available to accompany members from this Department on such inspections.
- 8.2 Environmental compliance will further be monitored through complaints received from the public.
- 8.3 This Department must be notified within 24 hours in the event of non-compliance with any of the conditions of this authorization.
- 8.4 Records relating to the compliance or non-compliance with the conditions of this authorization, must be kept in good order. Such records must be made available to this Department within seven (7) workdays from the date of a written notice for such records by the Department.
- 8.5 Non-compliance with or any deviation from the conditions of this authorization is regarded as an offence, and after reasonable provision has been made for the situation to be remedied, will be dealt with in terms of Section 29, 30 and 31A of the Act.
- 8.6 Any complaints regarding the said development must be thoroughly investigated and addressed to the satisfaction of parties concerned. Copies of such complaints must be forwarded to the Department within forty eight hours of such a complaint being made.

**HOD****For MEC: Agriculture and Land Administration****Date**