

Mr Dumisani Mthembu
Director: Environmental Impact Assessments
Department of Environmental Affairs and Tourism
Private Bag X 447
PRETORIA
0001

Date:
01 April 2009

Enquiries: Deidre Herbst
Tel +27 11 800 3501

Reference: GEM09_045

Dear Mr Dumisani Mthembu

**SUBMISSION OF EIA APPLICATION WITHOUT LETTERS OF CONSENT FROM
LANDOWNERS: PROPOSED RAILWAY ROUTE FROM N4 TO KUSILE POWER
STATION**

Eskom would like to request the Department of Environmental Affairs & Tourism (DEAT) to accept the application form for the said project, without the Letters of Consent from the landowners, at this stage, with the proviso that Eskom will submit the list of landowners and their letters of consent during or at the end of the Scoping Phase.

The route/corridor identification and selection process for the proposed railway route to Kusile power station is seen as an important input into the EIA for the said project, and will be undertaken by Zitholele Environmental Consultants, the EIA consultants, with Eskom. During the screening process environmental issues will be investigated, and the process based on possible environmental impacts (biophysical and social) that could result from the proposed project, and technical requirements for the project.

Based on the outcome of the route/corridor screening process, Eskom would arrange for signing of letters of consent from the relevant landowners, and will submit such letters to authorities during or at the end of the Scoping Phase.

I trust you find this arrangement in order.

Yours sincerely



DL Herbst
SENIOR MANAGER, ENVIRONMENTAL MANAGEMENT, GENERATION DIVISION

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Environmental Management
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Company Secretary: M Adam
Eskom Holdings Limited Reg No 2002/015527/06



APPLICATION FORM

(For official use only)

File Reference Number:

Application Number:

Date Received:

Application for authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2005

Kindly note that:

1. This application form is current as of 1 July 2006. It is the responsibility of the EAP to ascertain whether subsequent versions of the form have been published or produced by the competent authority.
2. The application must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. It is in the form of a table that can extend itself as each space is filled with typing.
3. Where applicable **black out** the boxes that are not applicable in the form.
4. Incomplete applications may be returned to the applicant for revision.
5. The use of "not applicable" in the form must be done with circumspection as if it is used in respect of material information that is required by the competent authority for assessing the application, and may result in the rejection of the application as provided for in the regulations.
6. This application must be handed in at the offices of the relevant competent authority as determined by each authority.
7. No faxed or e-mailed applications will be accepted.
8. The application must be completed by an independent environmental practitioner.
9. Unless protected by law, all information filled in on this application will become public information on receipt by the competent authority. Any interested and affected party should be provided with the information contained in this application on request, during any stage of the application process.

SITE IDENTIFICATION AND LINKAGE

Please indicate all the Surveyor-general 21 digit site (erf/farm/portion) reference numbers for all sites (including portions of sites) that are part of the application.

To	be	submitted	with	scoping	report						

(If there are more than 10, please attach a list with the rest of the number)
 (These numbers will be used to link various different applications, authorisations, permits etc. that may be connected to a specific site)

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1. BACKGROUND INFORMATION

Project applicant:	Eskom		
Trading name (if any):	Eskom Holdings Pty Ltd		
Contact person:	Deidre Herbst		
Physical address:	Megawatt Park, Maxwell Drive, Sunninghill, Sandton		
Postal address:	P. O. Box 1091,		
Postal code:	Johannesburg	Cell:	083 660 1147
Telephone:	(011) 800 3501	Fax:	086 660 6092 or (011) 800 5140
E-mail:	HerbstDL@eskom.co.za		

Project consultant:	Zitholele Consulting (Pty) Ltd		
Contact person:	Jacqui Hex		
Postal address:	PO Box 6002		
Postal code:	Halfway House	Cell:	082 560 8601
Telephone:	(011) 254 4982	Fax:	(011) 805 2100
E-mail:	jacquih@zitholele.co.za		
Professional affiliation(s) (if any)			

Landowner:	This will be clarified once routes / corridors have been selected, and will be submitted with Scoping report.		
Contact person:			
Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			

In instances where there is more than one landowner, please attach a list of landowners with their contact details to this application.

Local authority in whose jurisdiction the proposed activity will fall:	Kungwini Local Municipality		
Contact person:	Bhushu Mokoena		
Postal address:	P.O. Box 40, Bronkhorstspuit		
Postal code:	1020	Cell:	
Telephone:	(013) 932 6220	Fax:	(013) 932 5548
E-mail:	danm@kungwinimun.co.za / execmeyer@kungwinimun.co.za		

In instances where there is more than one local authority involved, please attach a list of local authorities with their contact details to this application.

Project title:	EIA for the railway line (and associated infrastructure) from the existing railway (parallel to the N4) to the Kusile Power Station		
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Property description:	A route/corridor selection process will be undertaken in order to identify the route(s) / corridor(s) to be investigated in the EIA process. The area under investigation is broadly from north west (around the Wilge river) to north east (around the Balmoral off-ramp) of Kusile power station		
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(Farm name, portion etc.) Where a large number of properties are involved (e.g. linear activities), please attach a full list to this application.

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Town(s) or district(s):
Physical address:

Bronkhorstspuit

This will be determined later in the process.

In instances where there is more than one town or district involved, please attach a list of towns or districts to this application.

Current land-use zoning:

Agricultural and/or livestock farming, however this will be confirmed later in the process.

In instances where there is more than one current land-use zoning, please attach a list of current land use zonings that also indicate which portions each use pertains to, to this application.

Is a change of land-use or a consent use application required?

YES ✓	
	NO ✓

Must a building plan be submitted to the local authority?

Locality map:

A locality map must be attached to the back of this document, as **Appendix A**. The scale of the locality map must be at least 1:50 000. The scale must be indicated on the map. The map must indicate the following:

- an accurate indication of the project site position as well as the positions of the alternative sites, if any;
- road access from all major roads in the area;
- road names or numbers of all major roads as well as the roads that provide access to the site(s);
- all roads within a 1km radius of the site or alternative sites; and
- a north arrow.

Owners consent:

In line with the requirements of the EIA regulations, letters of consent of all landowners or a detailed explanation by the applicant explaining why consent is not possible must be attached to the back of this document as Appendix. **The owners' consent will be obtained once routes / corridors have been identified, and Eskom has approached the suite of relevant landowners.**

2. Activities applied for

An application may be made for more than one listed or specified activity that, together, make up one development proposal. All the listed activities that make up this application must be listed.

Indicate the number and date of the relevant notice:

Activity No (s) (in terms of the relevant or notice) :

Describe each listed activity:

Indicate the number and date of the relevant notice:	Activity No (s) (in terms of the relevant or notice) :	Describe each listed activity:
Government Notice R 387 (21April 2006)	1	<p>(c) The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 1 000m³ (1 000 000lt or 1Mlt) at any one location , including the storage of one or more dangerous goods in a tank farm.</p> <p>(e) Any process or activity which requires a permit or licence in terms of legislation governing the generation or release of emissions, pollution, effluent or waste which is not identified in Government Notice No. R. 386 of 2006.</p> <p>(f) The recycling, re-use, handling, temporary storage or treatment of general waste with a throughput</p>

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		<p>capacity of 50 tons or more daily average measured over a period of 30 days.</p> <p>(l) The transmission and distribution of above ground electricity with a capacity of 120 kV or more.</p> <p>(p) The treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000m³ or more.</p> <p>(s) Facilities and infrastructure for rail transportation, including the following: {i} Railway lines {ii} Stations {iii} Shunting yards</p>
	2	Any development activity, including associated structures, where the total area of the development is, or is intended to be, 20ha or more.
	5	<p>The route determination of roads and design of associated physical infrastructure, incl. roads that have not yet been built:</p> <p>(c) the road reserve is wider than 30m;</p>
	7	Reconnaissance, exploration, production and mining as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), as amended in respect of such permits and rights.
	8	In relation to permits and rights granted in terms of 7 (above), or any other right granted in terms of previous mineral legislation, the undertaking of any reconnaissance exploration, production or mining related activity or operation within a exploration, production or mining area, as defined in terms of section 1 of the Mineral and Petroleum Resources Development Act, 2002.
	10	Any process or activity identified in terms of section 53(1) of the NEM: Biodiversity Act, 2004.
Government Notice R 386 (21April 2006)	1	(l) The transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts.

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	<p>(m) Activities within the 1:10 year flood line of a river or a stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including:</p> <ul style="list-style-type: none"> {i} canals (ii) channels {iii} bridges
	<p>(o) Facilities for the recycling, re-use, handling, temporary storage or treatment of general waste with a throughput capacity of 20m³ or more daily average measured over a period of 30 days, but less than 50 tons daily average measured over a period of 30 days.</p>
	<p>(p) Facilities for the temporary storage of hazardous waste</p>
	<p>(s) The treatment of effluent, wastewater or sewage with an annual throughput capacity greater than 2000m³ but less than 15 000³</p>
4	<p>The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 m³ from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.</p>
7	<p>The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum gas or paraffin, in containers with a combined capacity of more than 30m³ (300000lt) but less than 1000m³ (1Mlt) at any one location or site.</p>
8	<p>Reconnaissance, prospecting, mining ore retention operations as provided for in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) in respect of such permits and renewals thereof.</p>
12	<p>The transformation or removal of indigenous vegetation of any size where the transformation or removal would occur within an ecosystem listed as endangered or critically endangered in terms of section 52 of the NEM: Biodiversity Act, 2004.</p>
13	<p>The abstraction of groundwater at a</p>

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	volume where any general authorisation issued in terms of the National Water Act, 1998 (Act 36 of 1998) will be exceeded.
14	The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding – (a) Masts of 15 metres and lower exclusively used {i} By radio amateurs; or {ii} For lighting purposes (b) Flag poles; and (c) Lightning conductor poles.
15	The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long
16	(a) The transformation of undeveloped, vacant or derelict land to establish infill development covering an area of 5 ha or more, but less than 20 ha. (b) The transformation of undeveloped, vacant or derelict land to residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill where the total area to be transformed is bigger than 1ha (10000m ²)
25	The expansion of or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or license or a new permit or license in terms of legislation governing the release of emissions, pollution, effluent.

Please note that any authorisation that may result out of this application will only cover activities applied for. Omissions may render any authorisation that is based on incomplete information to be nil and void.

3. Type of application

3.1 Application for Basic Assessment

Is this an application for conducting a basic assessment (as defined in the regulations)?

If, YES, is a basic assessment report attached?

If, NO, please indicate when the basic assessment report will be submitted:

NO ✓

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Not Applicable

3.2 Application for Scoping and Environmental Impact Assessment (EIA)

Is this an application for Scoping and EIA (as defined in the regulations)?

YES

If, YES, is a Scoping Report and Plan of Study for EIA attached?

NO

If, NO, please indicate when the Scoping Report and Plan of Study for EIA will be submitted:

IT IS ANTICIPATED THAT THE SCOPING REPORT WOULD BE SUBMITTED TOWARDS JUNE 2009

The scoping report and/or the plan of study for EIA will be submitted after consultation with the competent authority:

YES

A consultation with the competent authority is hereby requested:

YES

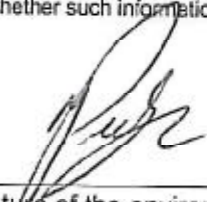
APPLICATION FORM

4. Declarations

4.1 The independent Environmental Assessment Practitioner

I, **Jacqui Hex**, declare under oath that I –

- act as the independent environmental practitioner in this application ;
- do not have and will not have any financial interest in the undertaking of the activity, other than remuneration for work performed in terms of the Environmental Impact Assessment Regulations, 2005;
- have and will not have no vested interest in the proposed activity proceeding;
- have no, and will not engage in, conflicting interests in the undertaking of the activity;
- undertake to disclose, to the competent authority, any material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document required in terms of the Environmental Impact Assessment Regulations, 2005;
- will ensure that information containing all relevant facts in respect of the application is distributed or made available to interested and affected parties and the public and that participation by interested and affected parties is facilitated in such a manner that all interested and affected parties will be provided with a reasonable opportunity to participate and to provide comments on documents that are produced to support the application;
- will ensure that the comments of all interested and affected parties are considered and recorded in reports that are submitted to the competent authority in respect of the application, provided that comments that are made by interested and affected parties in respect of a final report that will be submitted to the competent authority may be attached to the report without further amendment to the report;
- will keep a register of all interested and affected parties that participated in a public participation process; and
- will provide the competent authority with access to all information at my disposal regarding the application, whether such information is favourable to the applicant or not.



 Signature of the environmental practitioner:

Zitholele Consulting (Pty) Ltd

Name of company:

2/4/2009

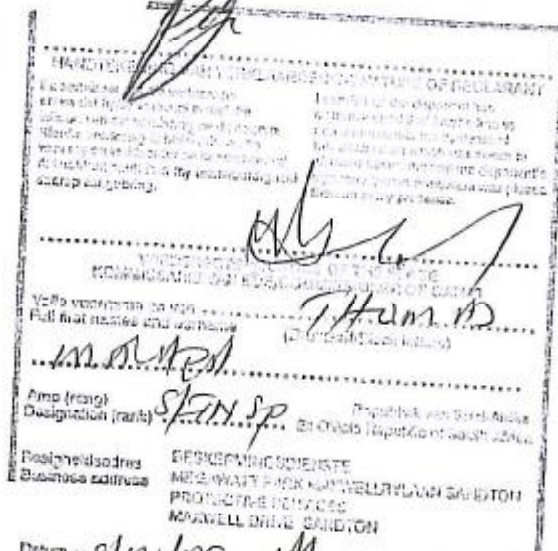
 Date:

Signature of the Commissioner of Oaths:

Date:

Designation:

Official stamp (below)



Handwritten signature: *[Signature]*
 Date: *2/4/2009*

Full name and surname: *M. M. M. M.*
 Designation (rank): *SP-AN SP*
 Designation address: *DEKORFINGSDIENSTE*
 Business address: *INDIENWATY PARK KAMPVLEURVLAK SANDTON*
PROVINSIE DE WES-KAAP
KNOWELL DRIVE SANDTON

APPENDIX A
Locality Map

