

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE
FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON
RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
Receive notice of Environmental Authorisation from the relevant Competent Authority	Receive notice of Environmental Authorisation from Applicant/Consultant
Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
Notification served by the Applicant must include: A copy of the notice of intention to appeal; and A notice indicating where and for what period the appeal submission will be available for inspection by all IAPs	3. Appellant must serve on the Applicant 3.1. A copy of the notice of intention to appeal A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal	The appeal must be submitted to the relevant Competent Authority or delegated organ of State within 30 days of lodging of the notice of intention to appeal
A person or organ of state that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of state within 30 days from the date that the appeal submission was made available for inspection by the appellant	An Applicant that receives notice of an appeal may submit a responding statement to the relevant Competent Authority or delegated organ of State within 30 days from the date the appeal submission was made available for inspection by the appellant

NOTES:

1. An appeal against a decision must be lodged with:-

- a) the Minister if the decision was issued by the Director- General (or another official) acting in his/ her capacity as the delegated Competent Authority
- b) the MEC if the decision was issued by the Head of Department (or another official) acting in his/ her capacity as the delegated Competent Authority
- c) the delegated organ of state where relevant.

2. An appeal lodged with:-

- a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
- b) the MEC must be submitted to the provincial department responsible for environmental affairs
- c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state

3. An appeal must be:-

- a) on an official form obtainable or published by the relevant department
- b) accompanied by:
 - a statement setting out the grounds of appeal
 - supporting documentation which is referred to in the appeal and is not available to the relevant Competent Authority
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62
 - the prescribed appeal fee, if any.

4. A copy of the official appeal form can be obtained from:

See authorisation cover letter.



**environment
& tourism**

Department:
Environmental Affairs and Tourism
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: 12/12/20/1014
Last amended:
Holder of authorisation: Eskom Holdings Limited
Location of activity: City of Cape Town, Western
Cape Province

A handwritten signature and the date 26/04/2019.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

ESKOM HOLDINGS LIMITED:

with the following contact details –

Deidre Herbst
Eskom Holdings (Pty) Ltd
P.O.Box 1091
JOHANNESBURG
2000


Tel: 011 800 3501

Fax: 011 800 5410

to undertake the following activity/ activities (hereafter referred to as "the activity")

GN R. 386 activities:

- 1(k) The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with – an internal diameter of 0.36 metres or more; or a peak throughput of 120 litres per second or more.


20/09/2009

- 1(n) The construction of facilities or infrastructure, including associated structures or infrastructure, for – (n) the off stream storage of water including dams and reservoirs, with a capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of listed activity in item 6 of Government Notice No. R. 387 of 2006;
- 1(s) The construction of facilities or infrastructure, including associated structures or infrastructure, for the treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2 000 cubic metres but less than 15 000 cubic metres.
- 7 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 30 cubic metres but less than 1 000 cubic metres at any one location or site.
- 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.

GN R.387 activities

- 1(a) The construction of facilities or infrastructure, including associated structures or infrastructure, for the generation of electricity where –
(i) the electricity output is 20 megawatts or more; or
(ii) the elements of the facility cover a combined area in excess of 1 hectare;
- 1(c) The construction of facilities or infrastructure, including associated structures or infrastructure, for –the above-ground storage of a dangerous good, including petrol,

diesel, liquid petroleum, gas or paraffin, in containers with a combined capacity of 1000 cubic meters or more at any one location or site including the storage of one or more dangerous goods, in a tank farm;

- 1(e) The construction of facilities or infrastructure, including associated structures or infrastructure, for –any process or activity which requires a permit or license in terms of legislation governing the generation or release of emissions, pollution, effluent or waste and which is not identified in Government Notice No. R. 386 of 2006;
- 1(j) The construction of facilities or infrastructure, including associated structures or infrastructure, for –the bulk transportation of dangerous goods using pipelines, funiculars or conveyors with a throughput capacity of 50 tons or 50 cubic metres or more per day;
- 2 Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.

for the proposed Ankerlig power station conversion and integration project in the Western Cape that comprises of the following components: Conversion of the nine Open Cycle Gas Turbine installed and being installed to Combined Cycle Gas Turbine units. This conversion will increase the generating capacity of the Ankerlig Power Station by approximately 720MW by increasing the efficiency of the gas turbine plant. The primary components of the conversion project include the following:

- A heat recovery steam generator (HRSG) would be added to the gas turbine to recover waste heat to drive the steam turbine cycle.
- A condenser for HRSG unit which would convert exhaust steam from the steam turbine back into water through a cooling process.
- Depending on the configuration, a bypass stack for the CCGT, anticipated to be approximately 60m in height would be associated with each HRSG. Therefore, between two and four stacks would be required.
- Water treatment plant for treatment of potable water and production of demineralised water (for steam generation). High quality water would be required for use within the CCGT power generation process. Membranes/ion exchange systems would be required for water treatment on site. A waste disposal system for the effluent from water

treatment system would be required. All solid waste generated from this process would be disposed of off-site at a suitably licensed waste disposal facility.

- Dry-cooled technology consisting of a system of air-cooled condenser fans situated in fan banks approximately between 25-30 meters above ground.
- Additional fuel storage facilities and associated off-loading and other related infrastructure to cater for the increased fuel requirements associated with the higher load factor.
- Elevated water tank, approximately 20m high, with a volume of approximately 2.5 million litres (i.e. storage for approximately 5 days of operation).

The power station is to be operated as a zero liquid effluent discharge (ZLED) system, i.e. water within the power station would be recycled for re-use in the power station process. No liquid waste from the power station would therefore be discharged. The water abstracted and stored by the Witzand Water Treatment Works for industrial purposes will be used as a water resource for the conversion plant.

The activity will take place on Remainder of Farm 1395 in Cape Town, Western Cape Province, hereafter referred to as "the property".

The granting of this environmental authorisation is subject to the conditions set out below.

Conditions

Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.3 The activity authorized may only be carried out at the property indicated above.
- 1.4 Any changes to, or deviations from, the project description set in this authorisation 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 and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

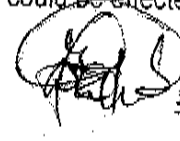
- 1.5 This activity must commence within a period of four (4) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 1.6 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 1.7 Compliance with the requirements of Section 38 of the National Heritage Resources Act, Act 25 of 1999, including any comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed.

Appeal of authorisation

- 1.7 The holder of the authorisation must notify every registered interested and affected party (IAP), in writing within 10 (TEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.8 The notification referred to in 1.7 must –
 - 1.8.1 specify the date on which the authorisation was issued;
 - 1.8.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 1.8.3 advise the interested and affected party that a copy of the authorisation will be furnished on request, and
 - 1.8.4 give the reasons for the decision.

Management of the activity

- 1.9 An Environmental Management Plan ("EMP") for construction compiled and submitted to the Department with the EIR dated November 2008 is herewith approved.
- 1.10 The construction EMP will be seen as a dynamic document. However, any changes to the EMP must be submitted to the authorities for approval before such changes could be effected.


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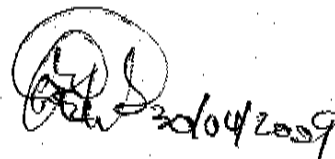
- 1.11 The provisions of the EMP are extension of the conditions of the environmental authorisation (EA) and therefore non-compliance with the EMP would constitute non-compliance with the EA.

Monitoring

- 1.12 The applicant must appoint a responsible person that will act as an Environmental Control Officer (ECO) that will have the responsibility of implementing the approved EMP.
- The ECO shall be appointed before the start of construction and the authorities must be notified of such an appointment for communication purposes.
 - The ECO shall submit a quarterly environmental compliance report, in writing, to The Director: Environmental Impact Evaluation and copy the Applicant with such report. This report shall include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. The report must reflect the DEAT reference number of the project on the cover page.
 - The ECO shall maintain the following on site:
 - A site diary
 - Copies of all reports submitted to the Department
 - A complaints register of all public complaints and the remedies applied to such complaints
 - The ECO shall remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to Eskom by the contractor for operation.

Recording and reporting to the Department

- 1.13 The holder of the authorization must submit an environmental compliance audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must –
- 1.13.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the EMP.
- 1.13.2 Records relating to compliance monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

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Commencement of the activity

- 1.14 The construction of the authorised activities may not commence within thirty (30) days of date of signature of this authorisation.
- 1.15 Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity/activities unless authorised by the minister in writing.
- 1.16 Thirty (30) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

Operation of the activity

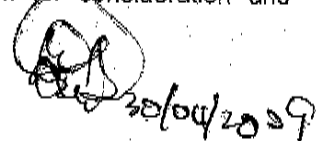
- 1.17 Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

Site closure and decommissioning

- 1.18 Should the use of the facilities installed as part of this authorisation ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

- 1.19 The applicant must abide by the approved thresholds for different elements of the project and ensure the actual footprint of construction/disturbance is implemented in respect of the power station conversion, as outlined in "Activities authorized" above.
- 1.20 The applicant must engage the authorities; namely, the City of Cape Town, CapeNature and the Western Cape Department of Environmental Affairs and Development Planning to decide on an appropriate biodiversity offset area of at least 262ha of Cape Flats Dune Strandveld to conserve in return for the loss of 17.5ha of this vegetation at the area earmarked for diesel fuel storage.
- 1.21 The details of the property identified as an offset area and management plan thereof must be submitted to the Department of Environmental Affairs and Tourism for consideration and approval.



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- 1.22 Search and rescue of certain translocatable, selected succulents and bulbs must be undertaken at the site assigned for fuel storage and translocate the specimens to the biodiversity offset area that will be decided as in condition 1.20 above.
- 1.23 Should any protected trees be affected by the proposed activity, a permit application must be submitted to DWAF prior to removing the trees and a permit thereof obtained to enable lawful removal of the trees.
- 1.24 Any machinery or stockpiles presenting a source of pollution during construction activities should be placed on an impermeable, bermed surface to prevent run-off of the spillages.
- 1.25 All hazardous materials must be stored in a secured area that is fenced and has restricted entry.
- 1.26 The areas disturbed during the construction phase must be protected from runoff by introducing a combination of vegetative and structural protective covers (permanent seeding, ground cover, mulch, sodding, erosion control, matting and top soiling).
- 1.27 The developer must ensure compliance with the National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004), section 56 (d) and section 57 (1), with regards the protected and indigenous species.
- 1.28 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 1.28.1 Relevant legislation that must be complied with by the holder of this authorisation include but is not limited to:
- Compliance with the requirements of Section 38 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.
 - Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
 - Compliance with the requirements of the National Water Act, 1998 (Act No.36 of 1998).
 - Relevant local authority bylaws and regulations.
- 1.29 Non-compliance must be reported immediately to the Director: Environmental Impact Evaluation of this Department.

General conditions

- 1.30 A copy of this authorisation must be kept at the site office where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to

see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

- 1.31 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.
- 1.32 The holder of the authorisation must notify the Department, in writing and within 24 (TWENTY FOUR) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.33 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.

Date of environmental authorisation: 30/04 2009



Ms Nosipho Ngcaba

Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Mr. Dumisani Mthembu

Designation: Chief Director: Environmental Impact Management (Acting)


Annexure 1: Reasons for Decision

1. Background

The applicant, Eskom Holdings Limited, applied for authorisation to carry out the following activities

GN R. 386 activities:

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 - (a) masts of 15 metres and lower exclusively used
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GN R.387 activities

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- 1(e) The construction of facilities or infrastructure, including associated structures or infrastructure, for –any process or activity which requires a permit or license in terms of legislation governing the generation or release of emissions, pollution, effluent or waste and which is not identified in Government Notice No. R. 386 of 2006;
- 1(j) The construction of facilities or infrastructure, including associated structures or infrastructure, for –the bulk transportation of dangerous goods using pipelines, funiculars or conveyors with a throughput capacity of 50 tons or 50 cubic metres or more per day;
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cooled technology; additional fuel storage facilities; and, elevated water tank on Remainder of Farm 1395 in Cape Town, Western Cape Province, hereafter referred to as "the property".

The applicant appointed Savannah Environmental (Pty) Ltd to undertake a Scoping /EIA process and to compile both Scoping Report and EIR as required by regulation R. 385.

2. Information considered in making the decision


In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the EIR dated November 2008
- b) The specialists studies undertaken;
- c) The comments received from various interested and affected parties (I & APs) as included in the EIR;
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- (a) It will address the demand of electricity in the area.
- (b) The increased carrying capacity will also contribute to the current and future development.
- (c) The proposed project will improve electricity supply in the greater Western Cape area.
- (d) The project will not severely or significantly impact negatively on the environment, as most of the work will be an upgrade undertaken on the site of the existing Ankerlig Power Station and providing the biodiversity offset area is managed for optimal conservation purposes.
- (e) Sufficient public participation process was conducted and the consultant has met the minimum requirements as prescribed in the EIA regulations, GN. No. 385 of 21 April 2006 for public involvement.



30/04/2009

4. Findings

After consideration of the information and factors listed above, the Department made the following findings:

- The issues raised by I & AP's were adequately addressed.
- The proposed project would be undertaken on an area which has already been surrounded by development activities where the significant environmental impact would be managed.
- The information contained in the EIR was relevant and credible in order to make the decision.
- The applicant has satisfied the minimum requirements as prescribed in the EIA regulations of 21 April 2006.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.


30/04/2009