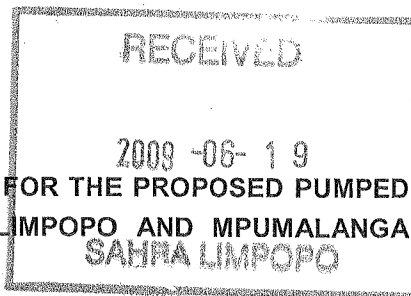


Date: 05 June 2009

Dear Interested and Affected Party



**AMENDMENT OF ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED PUMPED STORAGE SCHEME IN THE STEELPOORT AREA, LIMPOPO AND MPUMALANGA PROVINCES (REF 12/12/20/858)**

In October 2007, you were notified of the Environmental Authorisation (dated 24 October 2007) granted by the Department of Environmental Affairs and Tourism (DEAT) for the above project.

In November 2008, you received further correspondence that the Applicant for the project (Eskom Holdings Limited) had prepared an application for an amendment to the Environmental Authorisation (EA). The amendments to the authorisation entailed the following:

- The inclusion of the farm Steynsdrift 145 JS as one of the authorised sites on which listed activities applied for by Eskom will be undertaken. The name of this farm was excluded from the EA. The property forms an integral part of the pumped storage scheme and was included in the Environmental Impact Assessment (EIA) and assessed accordingly. The studies undertaken for the activities associated with the power station development considered this farm in the impact assessment.
- Eskom also applied for the removal of **condition 1.20.3** from the EA which stated, "no activities of the proposed development must be executed within 100m away from the river banks, streams and/or within 1:100 year flood line". This application was accepted by DEAT and subsequently removed from the EA. Other conditions that Eskom has applied to remove were conditions 1.20.5, 1.20.7 and 1.20.8, but DEAT did not approve their removal from the EA.

On 16 March 2009, Eskom Holdings Limited prepared another application motivating the removal of **conditions 1.20.5, 1.20.7 and 1.20.8** of the Environmental Authorisation issued on 24 October 2007. DEAT has decided to withdraw the following conditions, from the EA, to allow the applicant to proceed with the construction activities:

- **Condition 1.20.5** – "the quarry on site must be below the dead volume of the dam to minimise the visual impacts".
- **Condition 1.20.7** – "the dam wall is high enough to prevent overflow from the upper reservoir during the high rainfall season. This will prevent mixing of species in the upper and the lower reservoirs and water quality of the two reservoirs will be maintained".

SSI Engineers and Environmental Consultants (Pty) Ltd, trading as 'SSI' Reg. No. 1966/001916/07  
Building No. 5, Country Club Estate, 21 Woodlands Drive, Woodmead, 2191 / PO Box 867, Gallo Manor, 2052, South Africa  
Telephone +27 11 798 6000 Facsimile +27 11 798 6010 Email: info@bohlweki.co.za

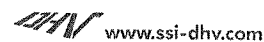


Bohlweki-SSI Environmental, a Division of SSI Engineers and Environmental Consultants (Pty) Ltd.  
Reg. No. 1966/001916/07

Linking People  
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Directors

N Bhojaram | CE Manning | AR Martin | CM Engelsman (Dutch) | JT van Manen (Dutch) | R Overakker (Dutch)



A copy of the decision dated 01 June 2009 from DEAT, with regards to the amendments is attached for your review (see **Appendix B**).

Based on the submission and in terms of Regulation 43 of the Environmental Impact Assessment (EIA) Regulations (April 2006), the Department has decided to amend the authorisation. I&APs are advised to read this amended authorisation in conjunction with the original EA issued on 24 October 2008 that was sent to you on 26<sup>th</sup> October 2007. A copy of the original EA can be provided on request. The document can be requested from Ms Sibongile Hlomuka (Tel: 011 798 6429; Fax: 011 798 6010; Email: [sibongileh@ssi.co.za](mailto:sibongileh@ssi.co.za)).

In terms of Regulation 62(1) of the Environmental Impact Assessment Regulations (No. R.385 of July 2006), any person wishing to appeal against this Environmental Authorisation must lodge a notice of intention to the Minister of Environmental Affairs and Tourism, within 10 days of receipt of this communication. A copy of this letter is being sent out to all registered I&APs for the project, on the 06 June 2009, and 4 days is allowed for postage. The Notice of Intent period thus commences on 11 June 2009, and ends on 22 June 2009.

A notice of intent can be submitted utilising one of the following methods:

**By Post:** Minister for Environmental Affairs and Tourism  
Private Bag X447  
PRETORIA, 0001

**By Facsimile:** 012 310 3688

**By Hand:** 2<sup>nd</sup> Floor Fedsure Forum Building, North Tower  
Cnr Van der Walt and Pretorius Streets, Pretoria

Appeals must comply with the provisions of Chapter 7 of Government Notice No R. 385 which states the following:

1. A Notice of Intent to Appeal must be lodged with the Minister within 10 (ten) days after a person has been notified in terms of the regulations.
2. In terms of Point 1, according to Rule 9 of the Magistrates' Courts Act (No 32 of 1944) a notification (when posted) is deemed effective four days after the postmarked date of such a notice. Therefore, notification of intent must be lodged by the **22 June 2009** and delivered by hand, post or fax to one of the above.
3. An appeal must be submitted to the relevant department within 30 days of the lodging of the notice of intention to appeal referred to in regulation 62 (1).
4. An appeal (as mentioned in Point 3) must be submitted on an official form published by or obtainable from the relevant department and set out all the facts, as well as the grounds of appeal, and must be accompanied by all relevant documents or certified copies of documents.
5. The prescribed Notice of Intent to Appeal form and Appeal form is obtainable from:

**Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, [pretief@deat.gov.za](mailto:pretief@deat.gov.za) or**  
**Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [hgrové@deat.gov.za](mailto:hgrové@deat.gov.za).**

The relevant extracts from Chapter 7 of the Regulations are included in **Appendix A** for your information.

The Minister shall, after considering the relevant facts and supporting documents received during the appeal process:

- Uphold the original decision; or
- Uphold the original decision with modifications; or
- Reverse the original decision.

I&APs intending to submit a Notice of Intent to Appeal should send a copy to Bohlweki-SSI Environmental (details provided below) as well as the copy of the Appeal accompanied by a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

Kind Regards

A handwritten signature in black ink, appearing to be 'Sibongile Hlomuka', with the initials 'PI' written to the left of the signature.

**SIBONGILE HLOMUKA**  
**BOHLWEKI-SSI ENVIRONMENTAL**  
**TEL: 011 798 6429**  
**FAX: 011798 6010**  
**EMAIL: sibongileh@ssi.co.za**

#### **Appendix A: Appeals**

An extract from the Environmental Impact Assessment Regulations (No. R. 385 of July 2006):

## Chapter 7 – Appeals

### Application of this chapter:

60. (1) This chapter applies to decisions that –
- (a) are subject to an appeal to the Minister or MEC in terms of section 43 (1), (2) or (3) of the Act; and
  - (b) were taken by an organ of states acting under delegation in terms of section 42 or 42 (a) of the Act in the exercise of a power or duty vested by the Act or these Regulations in a competent authority.
- (2) No appeal in terms of this Chapter lies against decision taken by the Minister or MEC themselves in the capacity as the competent authority for the activity to which the decision relates.

### Jurisdiction of Minister and MEC to decide appeals:

61. An appeal against a decision must be lodged with –
- (a) the Minister, if the Minister is the competent authority for the activity in relation to which the decision was taken;
  - (b) the MEC, if the MEC is the competent authority for the activity in relation to which the decision was taken or
  - (c) the delegated organ of state, where relevant.

### Notices of intention to appeal:

62. (1) A person affected by a decision referred to in regulation 60(1) who wishes to appeal against the decision, must lodge a notice of intention to appeal with the Minister, MEC or delegated organ of state, as the case may be, within 10 days after that person has been notified in terms of these regulations of the decision.
- (3) If the appellant is a person other than an applicant, the appellant must serve on the applicant –
- (a) a copy of the notice referred to sub-regulation (1); and
  - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant

### Submission of appeals:

63. (1) 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 in the relevant province or
  - (c) the delegated organ of state, where relevant, must be submitted to that delegated organ of state.
- (2) An appeal must be –

- (a) on an official form published by or obtainable from the relevant department; and
  - (b) accompanied by –
    - (i) a statement setting out the grounds of appeal;
    - (ii) supporting documentation which is referred to in the appeal and which is not in the possession of the Minister, MEC or delegated organ of state;
    - (iii) a statement by the appellant that regulation 62 (2) or (3) has been complied with together with copies of the notices referred to in that regulation; and
    - (iv) the prescribed appeal fee, if any.
- (3) When submitting an appeal, the appellant must take into account any guidelines applicable to appeals.

**Time within which appeals must be lodged:**

64. (1) An appeal must be submitted to the relevant department within 30 days of the lodging of the notice of intention to appeal to in regulation 62 (1).
- (2) The Minister, MEC or delegated organ of state, as the case may be, in writing, on good cause extend the period within which an appeal must be submitted.



# environment & tourism

Department  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2882

Reference: 12/12/20/858

Enquiries: Mr Lesiba Ngoashe

Telephone: (012) 310 3597 Fax: (012) 320 7539 E-mail: [pngoashe@deat.gov.za](mailto:pngoashe@deat.gov.za)

Ms D L Herbst  
Eskom Holdings Limited  
P.O. Box 1091  
JOHANNESBURG  
2000

Fax no: (011) 800 5140

PER FACSIMILE / MAIL

Dear Ms Herbst

## THE PROPOSED DEVELOPMENT OF THE STEELPOORT PUMPED STORAGE SCHEME: REQUEST FOR AMENDMENT OF ENVIRONMENTAL AUTHORISATION AND CLARIFICATION ON CONDITIONS OF AUTHORISATION

Your letter GEM09\_LO29 dated 16 March 2009 regarding the above-mentioned matter has reference.

Kindly note that your request for the amendment of the environmental authorisation (EA) issued on 24 October 2007 in respect of the project reference 12/12/20/858 has been carefully considered and is hereby accepted. The Department in terms of the powers vested in it by regulation 43 of Environmental Impact Assessment Regulations, 2006 has decided to amend the environmental authorisation dated 24 October 2007 by withdrawing the following conditions to enable the applicant to proceed with the construction activities:

- 1.20.5 "the quarry on site must be below the dead volume of the dam to minimize the visual impacts".
- 1.20.7 "... the dam wall is high enough to prevent overflow from the upper reservoir during high rainfall season. This will prevent mixing of species in the upper and the lower reservoirs and water quality of the two reservoirs will be maintained".

However, condition 1.20.8 of the environmental authorisation dated 24 October 2007 remains in force as it does not preclude the applicant from proceeding with the authorised activities and

Mahanyo wa zwa Vhupo na Vhuendelamashango • Litiko le Tsejmondzawo netekuvakasha • Isoba lemiCimbi yokuaiNgqongileyo noKhenketho  
Maziko olo ya Tintaka & Mbango • Department: Omgewingsake on Toetsame • Letspha la Tikoloho la Bohankhadi • Letspha la Bojanala  
ngodolozatikologo lo Bost • UmNyango wezeBhuduluko nokuVakasha • Umnyango wezamazelo Nokuvakasha

is included in the environmental authorisation to ensure that adverse environmental impacts are minimised.

This amendment must be read in conjunction with the environmental authorisation dated 24 October 2007.

Your attention is drawn to Chapter 7 of the regulations which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving this letter and, must submit the appeal within 30 days of the lodging of the notice of intention to appeal, by means of the same methods as prescribed for interested and affected parties below. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to interested and affected parties.

In terms of regulation 10(2) you are instructed to:

- (1) Notify all registered interested and affected parties, in writing and within 10 (TEN) calendar days of the date of this letter, of the Department's decision to amend the environmental authorisation.
- (2) Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
- (3) Advise all registered interested and affected parties that should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal, by means of one of the following methods:

By post:

Minister for Environmental Affairs and Tourism  
Private Bag X447  
PRETORIA,  
0001


By facsimile: (012) 310 3688; or

By hand: 2<sup>nd</sup> floor Fedure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria

- (4) Inform every interested and affected party that a prescribed Notice of Intent to Appeal form and Appeal form is obtainable from:  
Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, [pretief@deat.gov.za](mailto:pretief@deat.gov.za); or  
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [hgrove@deat.gov.za](mailto:hgrove@deat.gov.za); at the Department.
- (5) Inform all interested and affected parties that should they wish to appeal, the appellant must serve on the applicant a copy of the notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

The authorised activity / activities may not commence within thirty (30) days of the date of signature of the authorisation. Please further note that the Minister may, on receipt of appeals against the authorisation or conditions thereof, suspend the authorisation pending the outcome of the appeals.

Yours sincerely



Ms Lize McCourt  
Chief Director: Environmental Impact Management  
Department of Environmental Affairs and Tourism

Date: 1/6/2009



**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**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. 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 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. 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	4. 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
5. 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	5. 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 Water and Environmental Affairs;
- 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.

## Environmental

Date: 05 June 2009

Dear Interested and Affected Party

RECEIVED  
2009-06-18  
SAHRA LIMPOPO

**AMENDMENT OF ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED PUMPED STORAGE SCHEME IN THE STEELPOORT AREA, LIMPOPO AND MPUMALANGA PROVINCES (REF 12/12/20/858)**

In October 2007, you were notified of the Environmental Authorisation (dated 24 October 2007) granted by the Department of Environmental Affairs and Tourism (DEAT) for the above project.

In November 2008, you received further correspondence that the Applicant for the project (Eskom Holdings Limited) had prepared an application for an amendment to the Environmental Authorisation (EA). The amendments to the authorisation entailed the following:

- The inclusion of the farm Steynsdrieff 145 JS as one of the authorised sites on which listed activities applied for by Eskom will be undertaken. The name of this farm was excluded from the EA. The property forms an integral part of the pumped storage scheme and was included in the Environmental Impact Assessment (EIA) and assessed accordingly. The studies undertaken for the activities associated with the power station development considered this farm in the impact assessment.
- Eskom also applied for the removal of **condition 1.20.3** from the EA which stated, "no activities of the proposed development must be executed within 100m away from the river banks, streams and/or within 1:100 year flood line". This application was accepted by DEAT and subsequently removed from the EA. Other conditions that Eskom has applied to remove were conditions 1.20.5, 1.20.7 and 1.20.8, but DEAT did not approve their removal from the EA.

On 16 March 2009, Eskom Holdings Limited prepared another application motivating the removal of **conditions 1.20.5, 1.20.7 and 1.20.8** of the Environmental Authorisation issued on 24 October 2007. DEAT has decided to withdraw the following conditions, from the EA, to allow the applicant to proceed with the construction activities:

- **Condition 1.20.5** – "the quarry on site must be below the dead volume of the dam to minimise the visual impacts".
- **Condition 1.20.7** – "the dam wall is high enough to prevent overflow from the upper reservoir during the high rainfall season. This will prevent mixing of species in the upper and the lower reservoirs and water quality of the two reservoirs will be maintained".

SSI Engineers and Environmental Consultants (Pty) Ltd, trading as 'SSI' Reg. No. 1966/001916/07  
Building No. 5, Country Club Estate, 21 Woodlands Drive, Woodmead, 2191 / PO Box 867, Gallo Manor, 2052, South Africa  
Telephone +27 11 798 6000 Facsimile +27 11 798 6010 Email: info@bohlweki.co.za



Bohlweki-SSI Environmental, a Division of SSI Engineers and Environmental Consultants (Pty) Ltd.  
Reg. No. 1966/001916/07

## Directors

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N Bhojaram | CE Manning | AR Martin | CM Engelsman (Dutch) | JT van Manen (Dutch) | I R Overakker (Dutch)

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Ladysmith  
Mafikeng  
Mossel Bay  
Pietmaritzburg  
Polokwane  
Port Elizabeth  
Port Shepstone  
Pretoria  
Queenstown  
Vryheid

A copy of the decision dated 01 June 2009 from DEAT, with regards to the amendments is attached for your review (see **Appendix B**).

Based on the submission and in terms of Regulation 43 of the Environmental Impact Assessment (EIA) Regulations (April 2006), the Department has decided to amend the authorisation. I&APs are advised to read this amended authorisation in conjunction with the original EA issued on 24 October 2008 that was sent to you on 26<sup>th</sup> October 2007. A copy of the original EA can be provided on request. The document can be requested from Ms Sibongile Hlomuka (Tel: 011 798 6429; Fax: 011 798 6010; Email: [sibongileh@ssi.co.za](mailto:sibongileh@ssi.co.za)).

In terms of Regulation 62(1) of the Environmental Impact Assessment Regulations (No. R.385 of July 2006), any person wishing to appeal against this Environmental Authorisation must lodge a notice of intention to the Minister of Environmental Affairs and Tourism, within 10 days of receipt of this communication. A copy of this letter is being sent out to all registered I&APs for the project, on the 06 June 2009, and 4 days is allowed for postage. The Notice of Intent period thus commences on 11 June 2009, and ends on 22 June 2009.

A notice of intent can be submitted utilising one of the following methods:

**By Post:** Minister for Environmental Affairs and Tourism  
Private Bag X447  
PRETORIA, 0001

**By Facsimile:** 012 310 3688

**By Hand:** 2<sup>nd</sup> Floor Fedsure Forum Building, North Tower  
Cnr Van der Walt and Pretorius Streets, Pretoria

Appeals must comply with the provisions of Chapter 7 of Government Notice No R. 385 which states the following:

1. A Notice of Intent to Appeal must be lodged with the Minister within 10 (ten) days after a person has been notified in terms of the regulations.
2. In terms of Point 1, according to Rule 9 of the Magistrates' Courts Act (No 32 of 1944) a notification (when posted) is deemed effective four days after the postmarked date of such a notice. Therefore, notification of intent must be lodged by the **22 June 2009** and delivered by hand, post or fax to one of the above.
3. An appeal must be submitted to the relevant department within 30 days of the lodging of the notice of intention to appeal referred to in regulation 62 (1).
4. An appeal (as mentioned in Point 3) must be submitted on an official form published by or obtainable from the relevant department and set out all the facts, as well as the grounds of appeal, and must be accompanied by all relevant documents or certified copies of documents.
5. The prescribed Notice of Intent to Appeal form and Appeal form is obtainable from:

**Mr PKM Retief, Appeals Administrator, Tel: 012 310 3705, [pretief@deat.gov.za](mailto:pretief@deat.gov.za) or  
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [hgrové@deat.gov.za](mailto:hgrové@deat.gov.za).**

The relevant extracts from Chapter 7 of the Regulations are included in **Appendix A** for your information.

The Minister shall, after considering the relevant facts and supporting documents received during the appeal process:

- Uphold the original decision; or
- Uphold the original decision with modifications; or
- Reverse the original decision.

I&APs intending to submit a Notice of Intent to Appeal should send a copy to Bohlweki-SSI Environmental (details provided below) as well as the copy of the Appeal accompanied by a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

Kind Regards

A handwritten signature in black ink, appearing to be 'Sibongile Hlomuka', with the initials 'PI' written to the left of the signature.

**SIBONGILE HLOMUKA**  
**BOHLWEKI-SSI ENVIRONMENTAL**  
**TEL: 011 798 6429**  
**FAX: 011798 6010**  
**EMAIL: sibongileh@ssi.co.za**

#### **Appendix A: Appeals**

An extract from the Environmental Impact Assessment Regulations (No. R. 385 of July 2006):

## Chapter 7 – Appeals

### Application of this chapter:

60. (1) This chapter applies to decisions that –
- (a) are subject to an appeal to the Minister or MEC in terms of section 43 (1), (2) or (3) of the Act; and
  - (b) were taken by an organ of states acting under delegation in terms of section 42 or 42 (a) of the Act in the exercise of a power or duty vested by the Act or these Regulations in a competent authority.
- (2) No appeal in terms of this Chapter lies against decision taken by the Minister or MEC themselves in the capacity as the competent authority for the activity to which the decision relates.

### Jurisdiction of Minister and MEC to decide appeals:

61. An appeal against a decision must be lodged with –
- (a) the Minister, if the Minister is the competent authority for the activity in relation to which the decision was taken;
  - (b) the MEC, if the MEC is the competent authority for the activity in relation to which the decision was taken or
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### Notices of intention to appeal:

62. (1) A person affected by a decision referred to in regulation 60(1) who wishes to appeal against the decision, must lodge a notice of intention to appeal with the Minister, MEC or delegated organ of state, as the case may be, within 10 days after that person has been notified in terms of these regulations of the decision.
- (3) If the appellant is a person other than an applicant, the appellant must serve on the applicant –
- (a) a copy of the notice referred to sub-regulation (1); and
  - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant

### Submission of appeals:

63. (1) 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 in the relevant province or
  - (c) the delegated organ of state, where relevant, must be submitted to that delegated organ of state.
- (2) An appeal must be –

- (a) on an official form published by or obtainable from the relevant department; and
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    - (i) a statement setting out the grounds of appeal;
    - (ii) supporting documentation which is referred to in the appeal and which is not in the possession of the Minister, MEC or delegated organ of state;
    - (iii) a statement by the appellant that regulation 62 (2) or (3) has been complied with together with copies of the notices referred to in that regulation; and
    - (iv) the prescribed appeal fee, if any.
- (3) When submitting an appeal, the appellant must take into account any guidelines applicable to appeals.

**Time within which appeals must be lodged:**

64. (1) An appeal must be submitted to the relevant department within 30 days of the lodging of the notice of intention to appeal to in regulation 62 (1).
- (2) The Minister, MEC or delegated organ of state, as the case may be, in writing, on good cause extend the period within which an appeal must be submitted.



# environment & tourism

Department  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

Private Bag X447, Pretoria, 0001 • Fedsure Building, 315 Pretorius Street, Pretoria, 0002. Tel: (+27 12) 310 3911 Fax: (+27 12) 322 2882

Reference: 12/12/20/858

Enquiries: Mr Leoba Ngoosheng

Telephone: (012) 310 3597 Fax: (012) 320 7539 E-mail: [pngoosheng@deat.gov.za](mailto:pngoosheng@deat.gov.za)

Ms D L Herbst  
Eskom Holdings Limited  
P O Box 1091  
JOHANNESBURG  
2000

Fax no: (011) 800 5140

PERFACSIMILE / MAIL

Dear Ms Herbst

## THE PROPOSED DEVELOPMENT OF THE STEELPOORT PUMPED STORAGE SCHEME: REQUEST FOR AMENDMENT OF ENVIRONMENTAL AUTHORISATION AND CLARIFICATION ON CONDITIONS OF AUTHORISATION

Your letter GEM09\_LO29 dated 16 March 2009 regarding the above-mentioned matter has reference.

Kindly note that your request for the amendment of the environmental authorisation (EA) issued on 24 October 2007 in respect of the project reference 12/12/20/858 has been carefully considered and is hereby accepted. The Department in terms of the powers vested in it by regulation 43 of Environmental Impact Assessment Regulations, 2006 has decided to amend the environmental authorisation dated 24 October 2007 by withdrawing the following conditions to enable the applicant to proceed with the construction activities:

- 1.20.5 *"the quarry on site must be below the dead volume of the dam to minimize the visual impacts"*.
- 1.20.7 *"... the dam wall is high enough to prevent overflow from the upper reservoir during high rainfall season. This will prevent mixing of species in the upper and the lower reservoirs and water quality of the two reservoirs will be maintained"*.

However, condition 1.20.8 of the environmental authorisation dated 24 October 2007 remains in force as it does not preclude the applicant from proceeding with the authorised activities and

Umlando lwa zwa Vhupho na Vhuandlamashango - LJitiko le Tesimondzawo netekuValakasha - Isobhe lemiCimbi yokusiNgqongileyo noKhenketho  
Indaba eTshaba ya Tshabalala & Mbango - Department: Omgewingsakho on Toantsame - Lefapha le Tikhulohlo le Bohanhlauti - Lefapha le Bojanala  
Udandakanya Tikhulohlo le Boeti - UmNyango wezaBhuduluko nokuVekazjha - UmNyango Wezamazelo NokuVekakaha

is included in the environmental authorisation to ensure that adverse environmental impacts are minimised.

This amendment must be read in conjunction with the environmental authorisation dated 24 October 2007.

Your attention is drawn to Chapter 7 of the regulations which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving this letter and, must submit the appeal within 30 days of the lodging of the notice of intention to appeal, by means of the same methods as prescribed for interested and affected parties below. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to interested and affected parties.

In terms of regulation 10(2) you are instructed to:

- (i) Notify all registered interested and affected parties, in writing and within 10 (TEN) calendar days of the date of this letter, of the Department's decision to amend the environmental authorisation.
- (ii) Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
- (iii) Advise all registered interested and affected parties that should they wish to appeal that they must lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the Department's decision and, must submit their appeal within 30 days of the lodging of their notice of intention to appeal, by means of one of the following methods:

By post:

Minister for Environmental Affairs and Tourism  
Private Bag X447  
PRETORIA,  
0001

By facsimile: (012) 310 3688; or

By hand: 2<sup>nd</sup> floor Fedsure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria

- (iv) Inform every interested and affected party that a prescribed Notice of Intent to Appeal form and Appeal form is obtainable from:  
Mr PKM Relief, Appeals Administrator, Tel: 012 310 3705, [pretief@deat.gov.za](mailto:pretief@deat.gov.za); or  
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [hgrove@deat.gov.za](mailto:hgrove@deat.gov.za); at the Department.
- (v) Inform all interested and affected parties that should they wish to appeal, the appellant must serve on the applicant a copy of the notice of intention to appeal as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.



The authorised activity / activities may not commence within thirty (30) days of the date of signature of the authorisation. Please further note that the Minister may, on receipt of appeals against the authorisation or conditions thereof, suspend the authorisation pending the outcome of the appeals.

Yours sincerely



Ms Lizette McCourt  
Chief Director: Environmental Impact Management  
Department of Environmental Affairs and Tourism

Date: 1/6/2009

**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**

<b>APPLICANT</b>	<b>INTERESTED AND AFFECTED PARTIES (IAPs)</b>
1. Receive notice of Environmental Authorisation from the relevant Competent Authority	1. Receive notice of Environmental Authorisation from Applicant/Consultant
2. Within 10 days of receipt of notification, notify the relevant Competent Authority and all IAPs of intention to appeal	2. Within 10 days of receipt of notification, notify the relevant Competent Authority of intention to appeal
3. Notification served by the Applicant must include: 3.1. A copy of the notice of intention to appeal; and 3.2. 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 3.2. A notice indicating where and for what period the appeal submission will be available for inspection by the applicant
4. 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	4. 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
5. 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	5. 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 Water and Environmental Affairs;
- 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.



PO Box 74726, Lynnwood Ridge, Pretoria, 0040  
Block C1, Offices@Nature, 500 Botterklapper Street  
The Willows, 0080, Pretoria, South Africa  
Tel: +27 (0) 12 807 7036  
Fax: + 27 (0) 12 807 1014  
[www.shangoni.co.za](http://www.shangoni.co.za)  
[info@shangoni.co.za](mailto:info@shangoni.co.za)  
Registration no: 2002/000002/07

EIA Ref: 17/2/3/GS-50

South African Heritage Resources Agency (SAHRA)  
PO Box 4637  
Cape Town  
8000

Attention: Mr. Phillip Hine



**APPLICATION FOR ENVIRONMENTAL AUTHORIZATION: EXPANSION OF THE EARLYBIRD FARM ABATTOIR ON PORTION 0 OF ERF 279 STANFIELD HILL, STANDERTON, MPUMALANGA.**

Earlybird Farm, A Division of Astral Operations Limited, has initiated a Basic Assessment Process to obtain Environmental Authorization from the Mpumalanga Department of Economic Development, Environment and Tourism (DEDET) for the proposed abattoir expansion project on Portion 0 of Erf 279 Stanfield Hill, Standerton, Mpumalanga.

The proposed abattoir expansion project will require environmental authorization subject to a Basic Assessment Process as required by Sections 21 to 25 of Government Notice R 543 of the EIA Regulations of 18 June 2010.

Shangoni Management Services (Pty) Ltd was appointed as the Independent Environmental Assessment Practitioner (EAP) responsible for the Basic Assessment Procedure.

Attached please find a background information document, locality map of the site, and a stakeholder registration form in respect of the application. Your written comments on this expansion project will be appreciated. In order to process your inputs, all written comments must reach our offices by **14 NOVEMBER 2011**. In the event of you not wishing to comment on this application it will be appreciated if we could receive a written confirmation thereof to enable us to continue with the application.

Please do not hesitate to contact the undersigned should you require any additional information.

Contact Details: Shangoni Management Services  
Miss. Isabel Hough  
E-mail: [isabelhough@shangoni.co.za](mailto:isabelhough@shangoni.co.za)  
Cell: 079 534 4303  
Fax 2 E-mail: 086 578 9670  
Fax: 012 807 1014  
Online Participation: Go to [www.shangoni.co.za](http://www.shangoni.co.za) and click on Public Participation.

Yours Faithfully,



Miss. Isabel Hough  
Environmental Assessment Practitioner

# APPLICATION FOR ENVIRONMENTAL AUTORIZATION: PROPOSED EXPANSION TO THE EARLYBIRD FARM ABATTOIR IN STANDERTON

LEKWA LOCAL MUNICIPALITY, MPUMALANGA

OCTOBER 2011

EIA Ref: 17/2/3/GS-50



## 1. INTRODUCTION

The applicant (Earlybird Farm, A Division of Astral Operations Limited) has initiated an Environmental Authorization process for the proposed expansion to the Earlybird Farm abattoir in Standerton.

## 2. LEGAL REQUIREMENTS

In accordance with the regulations published in Government Notice R 543 and R 544 of 18 June 2010, in terms of section 24D of the National Environmental Management Act (Act No. 107 of 1998), the developer is required to carry out a Basic Environmental Assessment for the following activities:

### GNR 544 of 18 June 2010 (Basic Assessment):

**Activity 30:** The expansion of facilities for the slaughter of animals where the daily product throughput will be increased by more than:

- (i) 50 poultry.

## 3. ENVIRONMENTAL ASSESSMENT PRACTITIONER

Shangoni Management Services (Pty) Ltd. was appointed by the applicant as the independent Environmental Assessment Practitioner (EAP) to undertake the Environmental Impact Assessment process.

## 4. SITE DESCRIPTION

**4.1 Property Description:** Portion 0 of Erf 279 Stanfield Hill, Standerton, Mpumalanga

**4.2 Location:** The project site is located in Viking Road, off the R50, in Standerton, Mpumalanga. The site lies in the Northern regions of Standerton.

## 5. DESCRIPTION OF PROPOSED ACTIVITY

The proposed development is the expansion of the Earlybird Farm abattoir facility in Standerton. The expansion will allow an increase in the processing capacity of the abattoir from 1 540 000 chickens per week to 2 000 000 chickens per week.



Figure 1: Location of the proposed expansion project.



Figure 2: Location of the site and surrounding roads.



Figure 3: The wider area surrounding the site.

## 6. PUBLIC PARTICIPATION PROCESS

Public participation is an integral part of the Basic Assessment process, and will include the following components:

### **First part of the Public Participation:**

The primary purpose of this phase is to give potential interested and affected parties (I&APs) an opportunity to register as an interested or affected party and to submit comments and concerns. These comments and concerns are included in the Basic Assessment Report.

### **Comment on the Basic Assessment Report:**

The draft Basic Assessment Report will be made available to registered I&APs, to provide an opportunity to comment in writing on this document when concluded before it is submitted to the competent authority. All comments received will be included in a comments and response report compiled by the Environmental Assessment Practitioner. This report will describe the issue raised, the date it was raised and by whom, and how the issue will be, or has been dealt with.

The comments that are received on the draft Basic Assessment Report are included in the final report prior to submission to the Mpumalanga Department of Economic Development, Environment and Tourism.

### **Online Participation: For online registrations, submission of comments and review of project related documentation**

1. Go to [www.shangoni.co.za](http://www.shangoni.co.za)
2. Click on public participation
3. Select project of interest
4. Register as a stakeholder under "Registration"
5. Submit comment/concern electronically
6. All available project related documentation is available for perusal throughout the process
7. As project progresses, notices will be placed under the notices/updates tab
8. If you are registered you will receive an e-mail to inform you of any new developments with regards to the project and also when the report is available for public review.

## Contact Details of EAP

Your participation is important for the process. If you would like to be added to our database of stakeholders who wish to participate in this process, or should you have any queries regarding the process or comments about the proposed development, please contact Miss Isabel Hough (details below) before or on 14 November 2011.

### **Contact details:**

Shangoni Management Services (Pty) Ltd.

### **Postal address:**

PO Box 74726  
Lynnwood Ridge  
Pretoria  
0040

Tel: 012 807 7036

Cell: 079 534 4303

Fax: 012 807 1014

Fax to e-mail: 086 578 9670

Email: [isabelhough@shangoni.co.za](mailto:isabelhough@shangoni.co.za)

For online participation go to [www.shangoni.co.za](http://www.shangoni.co.za) and click on Public Participation.



# STAKEHOLDER REGISTRATION FORM



THE PROPOSED EXPANSION OF THE EARLYBIRD FARM ABATTOIR IN STANDERTON

PLEASE E-MAIL / FAX THIS FORM TO MISS ISABEL HOUGH: [isabelhough@shangoni.co.za](mailto:isabelhough@shangoni.co.za) / 086 578 9670 /  
012 807 1014  
EIA Ref Nr: 17/2/3/GS-50

NAME	
SURNAME	
INITIALS	
TITLE	
<b><u>CONTACT DETAILS</u></b>	
<b><u>HOME / PRIVATE</u></b>	
TEL (H)	
CELL (1)	
EMAIL	
FAX (H)	
FAX 2 E-MAIL	
POSTAL ADDRESS	
PHYSICAL ADDRESS	
<b><u>WORK</u></b>	
TEL (W)	
CELL (W)	
EMAIL	
FAX (W)	
FAX 2 E-MAIL	
POSTAL ADDRESS	
PHYSICAL ADDRESS	



# Earlybird Locality

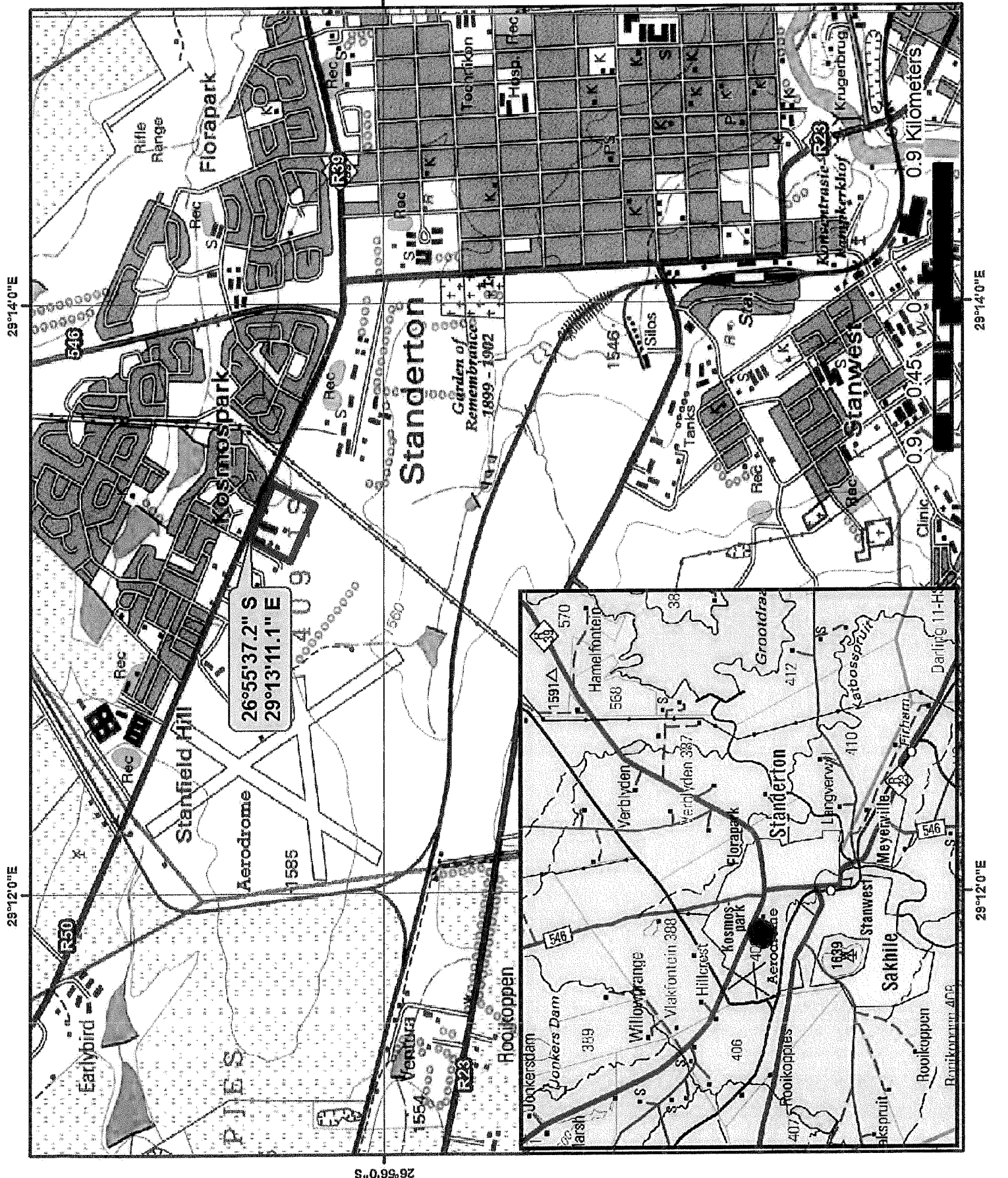


Legend



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