



read

Department:
**Rural, Environment and Agricultural
Development**
North West Provincial Government
REPUBLIC OF SOUTH AFRICA

Administration Building
114 Chris Hani Street
Private Bag X 804
Potchefstroom
2520
Tel: +27 (18) 299 6583
Fax: +27(86) 646 0961
E-mail: tmakuwa@nwpd.gov.za

CHIEF DIRECTORATE: ENVIRONMENTAL SERVICES
DIRECTORATE: ENVIRONMENTAL QUALITY MANAGEMENT

Ref : NWP/EIA/81/2013

Attention: **Mr. William smart**
Samancor Chrome Limited
P.O. Box 245
MOOINOOI
0325

Tel no.: (014) 574 6061
Fax No.: (014) 574 6193

PER FACSMILE AND POST

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE CHROME OPENCAST MINING ON PORTIONS 63, 64, 65, 69, 111 AND 140 OF THE FARM ELANDSDRIFT 467 JQ, LISTED ACTIVITY NUMBER 22 (ii) IN GN NO. R. 544, LISTED ACTIVITY NUMBER 15 IN GN NO. R. 545 AND LISTED ACTIVITY NUMBER 14(a)(i) IN GN NO. R. 546, MADIBENG LOCAL MUNICIPALITY, NORTH WEST PROVINCE

Your application for Environmental Authorisation, in terms of Section 24(2) (a) of the National Environmental Management Act, 1998 as amended (Act No. 107 of 1998) in respect of -

Government Notice No. R. 544 of 18 June 2010 for

The construction of a road, outside urban areas, where no reserve exists where the road is wider than 8 metres [Listed activity 22(ii)].

Government Notice No. R. 545 of 18 June 2010 for

Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more [Listed activity 15].

Government Notice No. R. 546 of 18 June 2010 for

The clearance of an area of 5 hectares or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation, in North West, in all areas outside urban areas [Listed activity 14(a)(i)]

In terms of the Regulations of Chapter 5 of NEMA, 1998 refer.

WE BELONG WE CARE WE SERVE

This Department has evaluated the **Environmental Impact Assessment Report** received on 18 April 2015, including additional information received on 18 September 2015 and 03 December 2015, for the proposed chrome opencast mining on Portions 63, 64, 65, 69, 111 and 140 of the farm Elandsdrift 467JQ, Madibeng Local Municipality, North West Province, to verify whether this activity will have significant negative impact on the environment.

Enclosed please find the Environmental Authorisation and the conditions under which your application is authorised.

Formal appeals regarding the Environmental Authorisation can be directed to the MEC for Department of Rural, Environment and Agricultural Development, North West Province. Such an appeal must be lodged in terms of Chapter 7 of the Regulations of 18 June 2010.

Yours Faithfully



Mr. Mafu Nkosi

Chief Director: Environmental Services
Department of Rural, Environment and Agricultural Development

Date: 03/07/2016

Cc: **Environmental Assurance (Pty) Ltd**

Contact Person: Ms. Monica Niehof

Tel No.: (012) 460 9768

Cell No.: 072 607 8719

Fax No.: (012) 460 3071

Madibeng Local Municipality

Contact Person: Municipal Manager

Tel No.: (012) 318 9218

Fax no.: 086 645 2925

Email: madibeng@madibeng.gov.za



Table of Contents

			Page no.
A		Definitions	4
B		Environmental Authorisation	5
	1.	Decision	5
	2.	Activity Authorised	5-6
	3.	Conditions	6
	3.1.	Scope of Environmental Authorisation	6-7
	4..	Appeal of Environmental Authorisation	7-8
	5.	Management of the activity	8
	6.	Monitoring	8-9
	7.	Recording and Reporting to the Department	9
	8.	Commencement of the activity/Notification to the Authority	9
	9.	Operation of the activity	9-10
	10.	Site Closure and decommissioning of the activity	10
	11.	Specific Conditions	11-12
	12	General	12-13
		Annexure 1 – Reasons for Authorisation	14-15
		Annexure 2 – Appeal Procedures	16-17



A. DEFINITIONS

“activity” means an activity identified in any notice published by the Minister or MEC in terms of Section 24D(1)(a) of the Act as a listed activity or specified activity.

“commence” means the start of any physical activity, including site preparation and any other activity on the site in furtherance of a listed activity or specified activity, but does not include any activity required for purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity.

“construction” means the building, erection or establishment of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or expansion of such facility, structure or infrastructure and excluding the reconstruction of the same facility in the same location, with the same capacity and footprint.

“expansion” means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased.

“independent”, in relation to an EAP or a person compiling a specialist report or undertaking a specialised process or appointed as a member of an appeal panel, means

- a) that such EAP or person has no business, financial, personal or other interest in the activity, application or appeal in respect of which that EAP or person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that activity, application or appeal; or
- b) that there are no circumstances that may compromise the objectivity of the EAP or person in performing such work.

“public participation process” means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.

“registered interested and affected party”, in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of Regulation 55.

“registered EAP” means an environmental assessment practitioner registered with an appointed registration authority contemplated in Section 24H of the Act.

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended.

“the Department” means the Department of Rural, Environment and Agricultural Development

“state Department” means any Department or administration in the national or provincial sphere of government exercising functions that involve the management of the environment.

“the Regulations” means the Environmental Impact Assessment Regulations of 18 June 2010.

B. Environmental Authorisation

Authorisation register number: NWP/EIA/81/2013

Last amended: First issue

Holder of Environmental Authorisation: Samancor Chrome limited

Location of activity: Portions 63, 64, 65, 69, 111 and 140 of the farm Elandsdrift 467 JQ, Madibeng Local Municipality

1. 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:

2. Activity authorised

By virtue of the powers delegated by the MEC in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and the Environmental Impact Assessment Regulations of 18 June 2010, the Chief Director: Environmental Services of the Department of Rural, Environment and Agricultural Development authorises:-

Samancor Chrome Limited
P.O. Box 245
MOOINOOI
0325

Tel no.: (014) 574 6061
Fax: No.: (014) 574 6193

to undertake the following activity:

Opencast mining of chromite and middle Group 1, and middle Group 2 (MG1 and MG2) chromitite seams. The opencast mining area stretches over a strike length of 3 624 metres. The area to be mined will be subdivided into 4 pits. The development will also include construction of haul roads.

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

Site Location:

Alternative S1	Latitude	Longitude
Alternative S1	25° 43' 98"	27° 31' 78"



The proposed development site is located on Portions 63, 64, 65, 69, 111 and 140 of the farm Elandsdrift 467 JQ, which falls within the jurisdiction of Madibeng Local Municipality, North West Province, hereafter referred to as "the property"

3. Conditions

3.1 Scope of Environmental Authorisation

3.1.1 The preferred **Alternative Site (S1)** is approved.

3.1.2 Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the Environmental Authorisation.

3.1.3 The holder of the Environmental Authorisation must be responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the Environmental Authorisation.

3.1.4 The activity authorised may only be carried out at the property as described in Point 2 under site location.

3.1.5 This activity must commence within a period of **five (5) years** from the date of issue. If commencement of the activity does not occur within that period, the Environmental Authorisation **lapses** and a new application for Environmental Authorisation must be lodged in order for the activities to be undertaken.

3.1.6 If the holder of the Environmental Authorisation anticipates that commencement of the activities would not occur within **five (5) year** period, he/she **must** apply and **show good cause** for an extension of the Environmental Authorisation **three (3) months** prior to its expiry date.

3.1.7 This Environmental Authorisation does not negate the holder of the Environmental Authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

3.1.8 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:

- a) Archaeological remains, artificial features and structures older than **sixty (60) years** are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant Heritage Resources Agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.



- b) All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
 - c) All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
 - d) All provisions of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).
 - e) All provisions of the Petroleum Products Act, 1977 (Act No. 120 of 1977) as amended.
 - f) All provisions of Hazardous Substance Act, 1973 (Act No. 15 of 1973).
 - g) All provisions of the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998).
 - h) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013).
 - i) The development must adhere to the municipal by-laws.
- 3.1.9 The holder of an Environmental Authorisation has the responsibility to apply for Environmental Authorisation amendment to the competent authority for any alienation or deviation from project description.

4. Appeal of Environmental Authorisation

- 4.1 The holder of the Environmental Authorisation must notify every **registered** interested and affected party, in writing and within **twelve (12) days**, of receiving an Environmental Authorisation from the Department.
- 4.2 The notification referred to in 4.1 must –
- 4.2.1 Inform interested and affected parties of the decision, reason for decision and where the decision can be accessed.
 - 4.2.2 Advise the interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
 - 4.2.3 Specify the date on which the Environmental Authorisation was issued.
 - 4.2.4 Inform the registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the Regulations (Government Notice No. R. 543 of 18 June 2010) (see Annexure 2).
- 4.3 An appeal against the decision must be lodged in terms of Chapter 7 of Government Notice No. R. 543 of 18 June 2010 in terms of NEMA, 1998, as amended, from the date of this Environmental Authorisation, with:



The Member of the Executive Council
Department of Rural, Environment and Agricultural Development
Agricentre Building
Cnr. Dr. James Moroka and Stadium Road
Private Bag X2039
MMABATHO
2735

Tel No.: (018) 389 5688/5056
Fax No.: (018) 384 2679

5. Management of the activity

- 5.1 The draft Environmental Management Programme (EMPr) for the project submitted as part of application for Environmental Authorisation is **hereby approved**.
- 5.2 The recommendations and mitigation measures outlined in the Environmental Impact Assessment Report compiled by Environmental Assurance (Pty) Ltd received on 18 April 2015, including additional information received on 18 September 2015.
- 5.3 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to Chief Director: Environmental Services for approval prior to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **thirty (30) days** of receiving the submission.
- 5.4 The provisions of the EMPr are an extension of the conditions of the Environmental Authorisation and therefore non-compliance with the EMPr would constitute non-compliance with the Environmental Authorisation.
- 5.5 The EMPr must form part of the contractor's tender documentation for all contractors working on the project and must be made available on the site.

6. Monitoring

- 6.1 The holder of Environmental Authorisation has the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in the Environmental Impact Assessment Report are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.2 The holder of Environmental Authorisation must appoint an Environmental Control Officer (ECO) for the duration of the construction phase that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Environmental Impact Assessment Report are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.3 The name and contact details of the ECO must be communicated to the Department of Mineral Resources.



- 6.4 The ECO must be appointed before commencement of any land clearing or construction activity.
- 6.5 The ECO must ensure communications with key stakeholders in respect to monitoring of compliance with conditions of Environmental Authorisation and the EMPr and also liaise with the Department of Mineral Resources.
- 6.6 The ECO must keep record of all activities on site, monitoring programmes, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 6.7 It is the responsibility of the holder of this Environmental Authorisation to ensure that an ongoing management and monitoring of the impacts of the activities on the environment throughout the life cycle of the activities is put into practice.

7. **Recording and reporting to the Department**

- 7.1 All incidents of major spill must be reported to the Department of Mineral Resources- North West Regional Manager, within **twenty-four (24) hours** and action taken to remedy the situation must be outlined.
- 7.2 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

8. **Commencement of the activity/Notification to authority**

- 8.1 **Fourteen (14) days** written notice must be given to the Department of Mineral Resources- North West Regional Manager that the activity will commence. Commencement for the purposes of this condition includes site preparation.
- 8.2 An appeal made against Environmental Authorisation result in it being suspended, therefore the activity must not commence pending the decision by the MEC.
- 8.3 The number of people employed for construction phase must be submitted to this Department.

9. **Operation of the activity**

- 9.1 Dust must be controlled in accordance with the Dust Management Plan compiled by Environmental Assurance (Pty) Ltd received by the Department on 18 September 2015. Dustfall monitoring must be undertaken in consultation with the Bojanala Platinum District Municipality to ensure that the National Dustfall Standards are complied with.
- 9.2 A stormwater management system must be developed and implemented to prevent pollution of any water resource including groundwater component from occurring, recurring or continuing to occur. The stormwater management system must be kept separate from the sewage reticulation system.



- 9.3 Waste water must be treated and recycled, and this must form part of the management strategy for the operation of the project. Department of Water and Sanitation must be informed of the incidents that could lead to water pollution and must be involved in mitigation/corrective measures undertaken as a result of such incidents.
- 9.4 The holder of Environmental Authorisation must ensure that water is used in a sustainable manner and that all reasonable measures are taken to conserve it.
- 9.5 Groundwater contamination with Cr⁶⁺ must be avoided. The proposed groundwater monitoring programme must be undertaken in consultation with the Department of Water and Sanitation (DWS).
- 9.6 General waste must be collected and disposed of at a licensed landfill site on a weekly basis. Recyclable waste must be recovered for recycling purpose. No temporary dumping of waste is allowed on site.
- 9.7 A waste management plan to be designed and implemented for the operational phase of the development. The waste management plan must address amongst others:
- Collection procedures, transportation and disposal of waste;
 - The minimization and sorting of waste at source; and
 - Recycling of recoverable waste.
- 9.8 All vegetation outside immediate development footprint must be left intact and undisturbed. Measures must be introduced to clear all alien invasive plants and to control further spread into natural areas.
- 9.9 The number of people employed for operational phase must be submitted to this Department one (01) month after commencement with operation of the activity.
- 10. Site Closure and Decommissioning of the activity**
- 10.1 Should the activity ever cease or become redundant, the applicant must 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.
- 10.2 Should the authorised activity be abandoned or decommissioned, a Closure Management Plan [CMP] must be compiled and submitted to this Department for approval.
- 10.3 The disturbed areas must be rehabilitated to almost a natural state, and landscaping of the disturbed areas must make extensive use of locally appropriate indigenous vegetation.



11. Specific Conditions

- 11.1 The applicant must adhere to the proposed mitigation measures and recommendations contained in the Environmental Impact Assessment Report compiled by Environmental Assurance (Pty) Ltd received on 18 April 2015 and additional information received on 18 September 2015.
- 11.2 The development must be restricted to the establishment of chrome opencast mining on Portions 63, 64, 65, 69, 111 and 140 of the farm Elandsdrift 467 JQ, Madibeng Local Municipality, North West Province.
- 11.3 Appropriate signage must be placed to caution the community, employees and contractors not to attempt to enter certain structures without being authorised and regular safety inspections must be conducted in order to ensure that participants are equipped with necessary safety equipments.
- 11.4 All plant species of conservation importance (if any) must be removed from the demarcated area prior to the commencement of mining and must either be relocated outside of the mining area or donated to the South African National Biodiversity Institute in consultation with Biodiversity Management Directorate of this Department.
- 11.5 Topsoil must be removed and stockpiled aside for rehabilitation and such topsoil must be protected against water and wind erosion.
- 11.6 The stockpiles must not be placed within drainage line or site and all trenches and excavation works must be properly backfilled and compacted and if any soils are contaminated, it should be stripped and disposed of at a registered hazardous waste landfill site.
- 11.7 All mitigation measures and recommendations of the Biodiversity Assessment Report dated October 2012, Flora Assessment Report dated August 2012, Herpetofauna Habitat Assessment Report dated August 2012, Mammal and Avifauna Habitat Assessment Report dated August 2012, must be adhered to.
- 11.8 A buffer zone of 100m must be established between the edge of the riparian zone of the Elandsdrift Spruit and the mining area to prevent mine encroachment and damage of the spruit.
- 11.9 Excavated pits to be developed during mining must be rehabilitated concurrently with mining, and all excavated pits considered hazardous must be fenced off and proper signage must be placed around them for safety purposes.
- 11.10 Recommendations of the Heritage Impact Assessment study (report dated September 2012) undertaken by Archætnos Culture & Cultural Resource Consultants, must be adhered to.
- 11.11 Ablution facilities must be provided to the workers during the development of the mine. They must be serviced regularly to ensure proper operation, and they must be emptied at the municipal sewage treatment works to prevent any possible pollution.



- 11.12 Dust suppression measures must be developed and implemented during development of the mine to reduce dust generated as a result of the mine.
- 11.13 Construction vehicles must be fitted with exhaust silencers to minimise the excessive levels of noise.
- 11.14 The recommendations of the Traffic Impact Assessment study undertaken by Corli Havenga Transportation Engineers (report dated 12 March 2014), must be adhered to.
- 11.15 All road intersection improvements on the provincial roads must be approved by the Department of Public Works and Roads.
- 11.16 Blasting must be undertaken only during the day, and blast times must be communicated with existing local communities living around the mine.
- 11.17 All solid waste produced by the development during establishment of the mine must be removed once a week to the licensed landfill site.
- 11.18 The holder of Environmental Authorisation is responsible for compliance with the provisions for duty of care and remediation of environmental damage in accordance with Section 28 of National Environmental Management Act, 1998 (Act No. 107 of 1998).
- 11.19 The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/or servicing. All equipments that leak must be repaired immediately and/or removed from the site when necessary. The discharge of any pollutants such as cement, concrete, lime, chemicals, etc into the natural environment and the storm water system must strictly be prohibited.
- 11.20 The overall EMPr must be based on the premise of sound environmental management and cost effective measures that will ensure wherever possible solution to the remediation of the impacts caused by the construction and operation activities.
- 11.21 Notwithstanding the preceding conditions, the holder shall adhere to, and ensure adherence by all contractors, sub-contractors and workers for this project, to all conditions listed herein, and all obligations, commitments, monitoring and proposed mitigation measures as outlined in the EMPr.

12. General

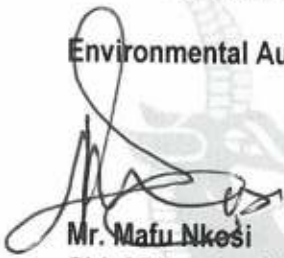
- 12.1 A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken. The Environmental Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the Environmental Authorisation who works or undertakes work at the property.
- 12.2 The holder of the Environmental Authorisation must notify the Department, in writing and within **forty-eight (48) hours**, if any condition of this Environmental Authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this Environmental Authorisation may result in criminal



prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Regulations.

- 12.3 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Environmental Authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of this Environmental Authorisation as set out in this document or any other subsequent document emanating from these conditions of this Environmental Authorisation.

Environmental Authorisation Approved By:

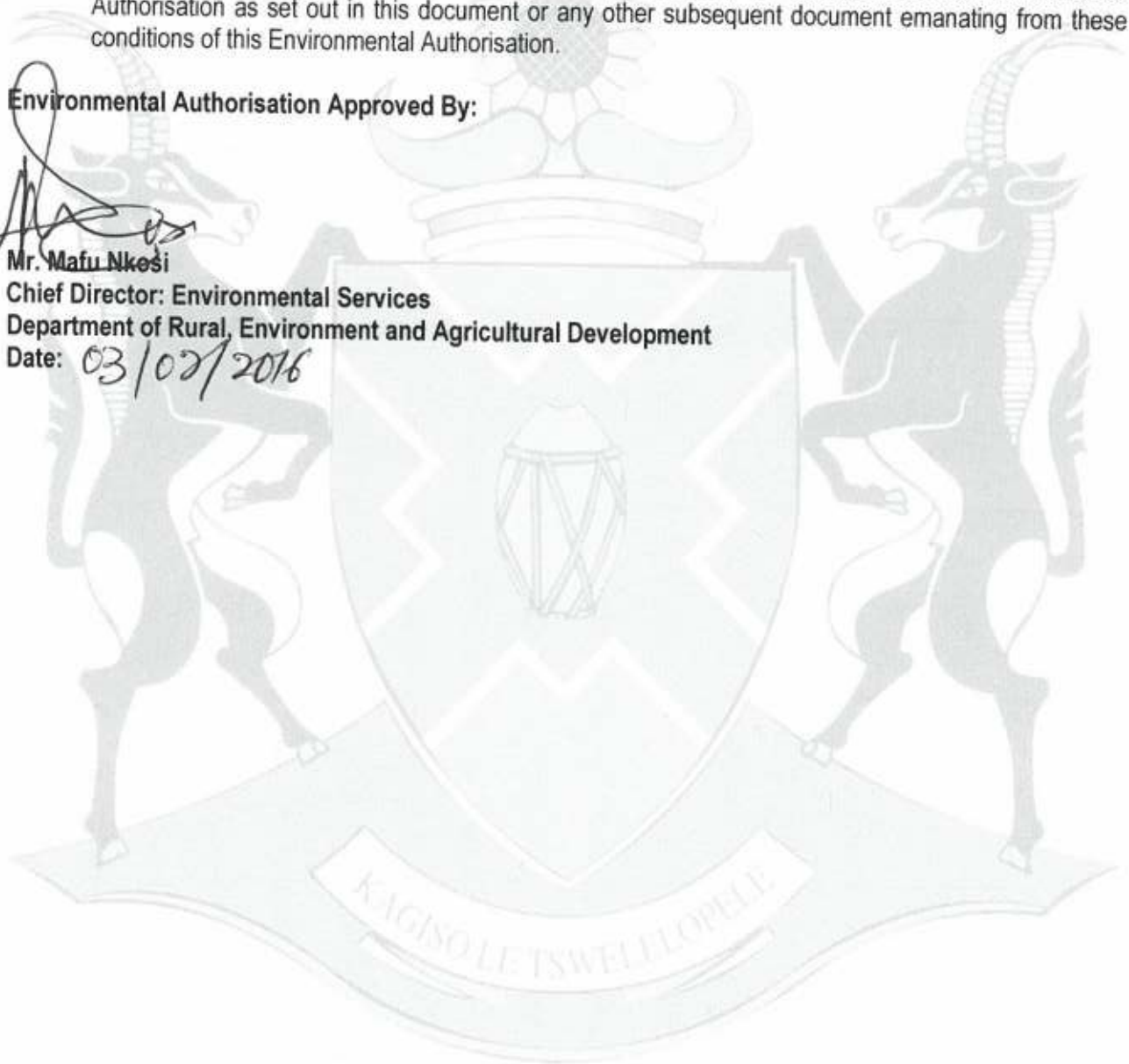


Mr. Mafu Nkesi

Chief Director: Environmental Services

Department of Rural, Environment and Agricultural Development

Date: 03/07/2016



ANNEXURE 1: REASONS FOR AUTHORISATION

1. Background

The Applicant, **Samancor Chrome Limited** applied for Environmental Authorisation to carry out the following activity:

Chrome opencast mining

The applicant appointed **Environmental Assurance (Pty) Ltd** to undertake Environmental Impact Assessment process as required by Regulation 17 of the EIA Regulations of 2010.

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 Environmental Impact Assessment Report compiled by Environmental Assurance (Pty) Ltd received by the Department on 18 April 2015, including additional information received 18 September 2015 and 03 December 2015.
- b) All mitigation measures and recommendations as proposed in the Environmental Impact Assessment Report and the Environmental Management Programme received by the Department on 18 April 2015 and additional information received on 18 September 2015.
- c) 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) as amended.
- d) The findings of a site visit undertaken by the Department official Ms. Thembekile Makuwa with the Environmental Assessment Practitioner Ms. Monica Niehof of Environmental Assurance (Pty) Ltd on 28 April 2015.

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) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2010 for public involvement. The proposed development was advertised in "Rustenburg Herald" newspaper dated 07 March 2014 as part of the public participation process.
- b) The legal and procedural requirements have been complied with and the information contained in the document is to the satisfaction of this Department.
- c) The mitigation measures proposed in the Environmental Management Programme are acceptable and practical for implementation, and adequately curtail the identified impacts.



d) The procedure followed for impact assessment is adequate for the decision-making process

4. Findings

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

- a) The proposed mining activity will create job opportunities to local communities during the development and operational phase.
- b) The proposed development will fit in with the surrounding environment consist of other existing mining activities in the area.
- c) Heritage Impact Assessment undertaken by Archaeos Culture & Cultural Resource Consultants (report dated September 2012) indicated that a large "Late Iron Age" site consisting of extensive stone walling was identified on site, but it will not be impacted by the proposed development as it is located on a buffer area.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the activity will not conflict with the general objectives of Integrated Environmental Management laid down in terms of Section 23 (2) (a-f) of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the activity can be mitigated to acceptable levels. **The application is accordingly granted.**



ANNEXURE 2: APPEAL PROCEDURES

APPEAL PROCEDURE IN TERMS OF CHAPTER 7 OF GN. NO. R. 543 OF 18 JUNE 2010 TO BE FOLLOWED BY THE APPLICANT, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Application of this Chapter

58. (1) This Chapter applies to decisions that –
- (a) are subject to an appeal to the MEC in terms of Section 43 (1), (2) or (3) of the Act; and
 - (b) were taken by an organ of state acting under delegation in terms of Section 42 or 42A of the Act in the exercise of a power or duty vested by the Act or these Regulations in a competent authority.

Notices of intention to appeal

60. (1) A person affected by a decision issued who wishes to appeal against the decision, must submit a notice of intention to appeal with the MEC, or delegated organ of state, as the case may be, within **twenty (20) days** after the date of the decision.
- (2) If the appellant is an applicant, the appellant must provide each person and organ of state which was registered interested and affected party in relation to the applicant's application, within ten **(10) days** of having submitted the notice contemplated in subregulation (1), with-
 - (a) a copy of the notice referred to in subregulation (1); and
 - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the MEC and where and for what period the appeal submission will be available for inspection by such person or organ of state.
 - (3) If the appellant is a person other than an applicant, the appellant must provide the applicant within ten **(10) days** of having lodged the notice contemplated in subregulation (1) with-
 - (a) a copy of the notice referred to in subregulation (1); and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
 - (4) The MEC or delegated organ of state, may, as the case may be, in writing, on good cause extend the period within which a notice of intention to appeal must be submitted.

Submission of appeals

61. (1) An appeal lodged must be submitted to the MEC as an appeal authority
- (2) An appeal must be-
 - (a) submitted in writing; 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 MEC or designated organ of state;
 - (iii) a statement by the appellant that Regulation 60 (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) The appellant must take into account any guidelines applicable to appeals as contemplated in Section 24J of the Act.

Time within which appeals must be lodged

62. (1) An appeal as contemplated in Regulation 61(1), must be submitted within **thirty (30) days** after the lapsing of the **twenty (20) days** contemplated in Regulation 60(1).

- (2) The MEC or designated organ of state, as the case may be, may, in writing, on good cause extend the period within which an appeal must be submitted.

