

# Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

3 May 2016

Dear Interested and/or Affected Party

**AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 9 JULY 2014 FOR THE PROPOSED 75MW PV4 PHOTOVOLTAIC ENERGY PLANT ON THE FARM HOEKPLAAS NO. 146 NEAR COPPERTON, NORTHERN CAPE PROVINCE (DEA REFERENCE NO.: 14/12/16/3/3/2/495/AM2)**

This letter serves to notify all registered Interested and Affected Parties (I&APs) of the Department of Environmental Affairs' (DEA) decision in respect of the application for amendment of the Environmental Authorisation issued on 9 July 2014 for the proposed 75MW PV4 Photovoltaic energy plant on the Farm Hoekplaas No. 146 near Copperton, Northern Cape Province. Furthermore, the provisions regarding the submission of appeals that are contained in the National Environmental Management Act (NEMA) (No. 107 of 1998) Environmental Impact Assessment (EIA) Regulations (2014) are also outlined herein, should an I&AP wish to appeal DEA's decision.

## 1. Decision

We wish to inform you that, based on a review of the reason submitted by Hoekplaas Solar PV Four (Pty) Ltd for requesting an amendment to the abovementioned Environmental Authorisation (EA) (i.e. an amendment to the property description)<sup>1</sup>, the DEA, in terms of Chapter 5 of the EIA Regulations, 2014, **has decided to amend the EA dated 9 July 2014** as follows:

**Amendment 1: Amendment to the property details of the EA:**

- The title on Page 1 of the EA

**From:**

*"75MW PV4 Photovoltaic Energy Plant on the Farm Hoekplaas (Remainder of Farm No. 146) near Copperton, Northern Cape Province"*

---

<sup>1</sup> It had been brought to the Applicant's attention that the property description included in the EA for the project did not correlate entirely with the property description in the lease agreement/s and title deed for the affected property. In this regard, the EA referred to "Farm Hoekplaas (Remainder of Farm No. 146)", whilst the lease and Title Deed refers to "The Farm Hoekplaas No. 146". The Applicant therefore applied for the property description in the EA to be amended from "Farm Hoekplaas (Remainder of Farm No. 146) to "The Farm Hoekplaas No. 146". The amendment does not affect the development footprint of the proposed project, as the correct property was assessed in the EIA (albeit that the property was incorrectly described as Farm Hoekplaas (Remainder of Farm No. 146) instead of "The Farm Hoekplaas No. 146").

---

**To:**

*"75MW PV4 Photovoltaic Energy Plant on the Farm Hoekplaas No. 146 near Copperton, Northern Cape Province"*

- The table on Page 1 of the EA

**From:**

*"Farm Hoekplaas (Remainder of Farm No. 146) Siyathemba Local Municipality Pixley ka Seme District Municipality Northern Cape Province"*

**To:**

*"Farm Hoekplaas No. 146 Siyathemba Local Municipality Pixley ka Seme District Municipality Northern Cape Province"*

- The table on Page 5 of the EA

**From:**

*"On farm Hoekplaas (Remainder of Farm No. 146) near Copperton"*

**To:**

*"On Farm Hoekplaas No. 146 near Copperton"*

- Page 5 of the EA

**From:**

*"- for the proposed 75MW PV4 Photovoltaic Energy Plant on the Farm Hoekplaas (Remainder of Farm No. 146) near Copperton, Northern Cape Province, hereafter referred to as "the property"."*

**To:**

*"- for the proposed 75MW PV4 Photovoltaic Energy Plant on Farm Hoekplaas No. 146 near Copperton, Northern Cape Province, hereafter referred to as "the property"."*

- Condition 1 on Page 5 of the EA

**From:**

*"The preferred site and associated infrastructure on the farm Hoekplaas (Remainder of Farm No. 146) near Copperton in the Northern Cape Province are approved."*

**To:**

*"The preferred site and associated infrastructure on Farm Hoekplaas No. 146 near Copperton in the Northern Cape Province are approved."*

---

---

DEA's amendment to the EA is included in Annexure A herewith for your information<sup>2</sup>.

## 2. Right to appeal

We would like to draw your attention to your right to appeal against the decision to the Minister in terms of Chapter 2 of Government Notice No. R993 of the NEMA EIA Regulations (2014), which prescribes the appeal procedure to be followed.

An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the Applicant (i.e. Hoekplaas Solar PV Four (Pty)), any registered Interested and Affected Party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the applicant by the competent authority.

By post: Private Bag X447,  
Pretoria, 0001; or

By hand: Environment House  
473 Steve Biko,  
Arcadia, Pretoria,  
0083

### Appeals must be submitted in writing to:

Mr Z Hassam, Director: Appeals and Legal Review, of DEA at the above mentioned addresses. Mr Hassam can also be contacted at: Tel (012) 399 9356 Email: Appealsdirector@environment.gov.za.

An appeal submitted to the Minister must comply with the requirements of Chapter 2 of the EIA Regulations (2014) (refer to Annexure B herewith, for your convenience).

Should you require any further information or have any queries, please contact the undersigned.

Yours sincerely



**NICOLE HOLLAND** (Pr. Sci. Nat.)

**For: Holland & Associates - Environmental Consultants**

---

<sup>2</sup> Note: the proposed amendment letter from DEA dated 25 April 2016 must be read in conjunction with the EA dated 9 July 2014, as amended. Copies of the aforementioned EA (dated 9 July 2014), are available from Nicole Holland of Holland & Associates Environmental Consultants on request.

---

# Holland & Associates



Environmental Consultants

Impact Assessments - Environmental Management Programs - Compliance Monitoring - Process Review

3 Mei 2016

Geagte Belanghebbende en/of Geaffekteerde Party

## **WYSIGING VAN DIE OMGEWINGSMAGTIGING UITGEREIK OP 9 JULIE 2014 VIR DIE VOORGESTELDE 75MW PV4 FOTOVOLTAÏESE ENERGIE PLANT OP DIE PLAAS HOEKPLAAS NR. 146 NABY COPPERTON, NOORD-KAAPROVINSIE (DOS VERWYSINGSNR: 14/12/16/3/3/2/495/AM2)**

Die doel van hierdie brief is om alle geregistreerde Belanghebbende en Geaffekteerde Partye (B&GPe) in te lig oor die Departement van Omgewingsake (DOS) se besluit rakende die aansoek vir 'n wysiging van die Omgewingsmagtiging (OM) wat op 9 Julie 2014 uitgereik is vir die voorgestelde 75MW PV4 fotovoltaïese energie plant op die Plaas Hoekplaas Nr. 146 naby Copperton, Noord-Kaapprovinsie. Die voorwaardes vir die indiening van 'n appèl kragtens die Nasionale Wet op Omgewingsbestuur (Nr. 107 van 1998) (NEMA) se Regulasies (2014) vir Omgewingsinvloedbepalings (OIB) word ook hierin uiteengesit, sou 'n B&GP teen die besluit wil appelleer.

### **1. Besluit**

Ons wil u graag in kennis stel dat, op grond van 'n oorsig van die redes wat Hoekplaas Solar PV Four (Edms) Bpk voorgelê het as deel van die aansoek om bogenoemde Omgewingsmagtiging (OM) te wysig (i.e. 'n aansoek vir die uitstel van die eiendomsbesonderhede)<sup>1</sup>, die DOS, in terme van Hoofstuk 5 van die OIB-regulasies, 2014, **besluit het om die OM gedateer 9 Julie 2014** as volg te wysig:

#### **Wysiging 1: Wysiging aan eiendomsbesonderhede van die OM:**

- Die titel op Bladsy 1 van die OM

#### **Van:**

---

<sup>1</sup> Dit is onder die Applikant se aandag gebring dat die eiendomsbeskrywing in die projek se OM nie heeltemal ooreenstem met die eiendomsbeskrywing in die huurooreenkomst(e) en titelaktes van die geaffekteerde eiendom nie. Die OM verwys byvoorbeeld na "Plaas Hoekplaas (Restant van Plaas Nr 146)", terwyl die huurooreenkoms en titelakte dit as "Die Plaas Hoekplaas Nr 146" beskryf. Die Applikant het daarom aansoek gedoen om die eiendomsbeskrywing in die OM te verander sodat dit ooreenstem met die wettige eiendomsbeskrywing soos in die Titelakte vervat: m.a.w. vanaf "Plaas Hoekplaas (Restant van Plaas Nr 146)" na "Die Plaas Hoekplaas Nr 146". Die wysiging het geen invloed op die ontwikkelingsvoetspoor van die voorgestelde projek nie, aangesien die korrekte eiendom in die OIB beoordeel is (alhoewel die eiendom foutiewelik as Plaas Hoekplaas (Restant van Plaas Nr 146) aangedui is, in stede van "Die Plaas Hoekplaas Nr 146").

---

*"75MW PV4 Fotovoltaïese Energie Plant op die Plaas Hoekplaas (Restant van Plaas Nr. 146) naby Copperton, Noord-Kaapprovinsie"*

**Na:**

*"75MW PV4 Fotovoltaïese Energie Plant op die Plaas Hoekplaas Nr 146 naby Copperton, Noord-Kaapprovinsie"*

- Die tafel op Bladsy 1 van die OM

**Van:**

*"Plaas Hoekplaas (Restant van Plaas Nr. 146) Siyathemba Plaaslikemunisipaliteit Pixley ka Seme Distriksmunisipaliteit Noord-Kaapprovinsie"*

**Na:**

*"Plaas Hoekplaas Nr 146 Siyathemba Plaaslikemunisipaliteit Pixley ka Seme Distriksmunisipaliteit Noord-Kaapprovinsie"*

- Die tafel op Bladsy 5 van die OM

**Van:**

*"Op Plaas Hoekplaas (Restant van Plaas Nr 146) naby Copperton"*

**Na:**

*"Op Plaas Hoekplaas Nr 146 naby Copperton"*

- Bladsy 5 van die OM

**Van:**

*"- vir die voorgestelde 75MW PV4 Fotovoltaïese Energie Plant op die Plaas Hoekplaas (Restant van Plaas Nr 146) naby Copperton, Noord-Kaapprovinsie, hierna "die eiendom" genoem."*

**Na:**

*"- vir die voorgestelde 75MW PV4 Fotovoltaïese Energie Plant op die Plaas Hoekplaas Nr 146 naby Copperton, Noord-Kaapprovinsie, hierna "die eiendom" genoem."*

- Toestand 1 op Bladsy 5 van die OM

**Van:**

*"Die voorkeur webwerf en verwante infrastruktuur op die Plaas Hoekplaas (Restant van Plaas Nr 146) naby Copperton in die Noord-Kaapprovinsie goedgekeur is."*

---

**Na:**

*“Die voorkeur webwerf en verwante infrastruktuur op die Plaas Hoekplaas Nr 146 naby Copperton in die Noord-Kaapprovinsie goedgekeur is.”*

Die DOS se wysiging aan die OM is vir u inligting<sup>2</sup> as Bylae A tot hierdie brief ingesluit.

**2. Reg tot appèl**

Ons wil graag u aandag vestig op u reg om teen hierdie besluit te appelleer. Sodanige appèl moet kragtens Hoofstuk 2 van Goewermentskennisgewing Nr R993 van die NEMA se OIB-regulasies (2014), waarin die prosedure vir sodanige appèl uiteengesit word, by die Minister ingedien word.

‘n Persoon wat appelleer moet binne 20 dae vanaf die datum waarop die besluit deur die bevoegde owerheid aan die applikant (dws Hoekplaas Solar PV Four (Edms) Bpk.) gestuur is, ‘n appèl ‘n appèl by die appèladministrateur indien en ‘n afskrif daarvan aan die Applikant voorsien, asook aan elke geregistreerde Belanghebbende en Geaffekteerde Party (B&GP) en enige staatsinstansie wat ‘n belang daarby het.

Per pos: Privaatsak X447,  
Pretoria, 0001; of

Per hand: Environment House  
Stevebikostraat 473,  
Arcadia, Pretoria

**Appèlle moet skriftelik ingedien word by:**

Mnr Z Hassam, Direkteur: Appèlle en Regsoorsig van die DOS en wel by enige van die bostaande adresse. U kan ook met mnr Hassam in verbinding tree by Tel: (012) 399-9356 of E-pos:

[Appealsdirector@environment.gov.za](mailto:Appealsdirector@environment.gov.za).

Enige appèl wat by die Minister ingedien word, moet voldoen aan die vereistes van die Nasionale Appèlregulasies (verwys na Bylae B wat vir u gerief hierby ingesluit is).

Tree asb met onderstaande in verbinding indien u enige verdere navrae het of inligting verlang.

Die uwe



**NICOLE HOLLAND** (Pr. Sci. Nat.)

**For: Holland & Associates - Environmental Consultants**

---

<sup>2</sup> Nota: die voorgestelde gewysigde OM vanaf die DOS gedateer 25 April 2016 moet gelees word in oorleg met die OM gedateer 9 Julie 2014, soos gewysig. Afskrifte van genoemde OM (gedateer 9 Julie 2014), is op versoek beskikbaar vanaf Nicole Holland van Holland & Associates Omgewingskonsultante.

---

---

**ANNEXURE A:  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS' AMENDMENT OF ENVIRONMENTAL  
AUTHORISATION – 25 APRIL 2016**

**BYLAE A:  
DEPARTEMENT VAN OMGEWINGSAKE SE WYSIGING VAN DIE OMGEWINGSMAGTIGING –  
25 APRIL 2016**

---



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road · Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

**DEA Reference:** 14/12/16/3/3/2/495/AM2

**Enquiries:** Mr Muhammad Essop

**Telephone:** (012) 399 9406 **E-mail:** MEssop@environment.gov.za

Mr Warren Morse  
Hoekplaas Solar PV Four (Pty) Ltd  
PO Box 50  
**CAPE TOWN INTERNATIONAL AIRPORT**  
7525

Telephone number: (021) 934 5278  
Email Address: warren@mulilo.com

### PER EMAIL / MAIL

Dear Mr Morse

### AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 09 JULY 2014 FOR THE PROPOSED 75MW PV4 PHOTOVOLTAIC ENERGY PLANT ON THE FARM HOEKPLAAS NO. 146 NEAR COPPERTON, NORTHERN CAPE PROVINCE

The Environmental Authorisation (EA) issued for the above application by this Department on 09 July 2014 and your application for amendment of the EA received by this Department on 22 March 2016 refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, has decided to amend the EA dated 09 July 2014 as follows:

#### **Amendment 1: Amendment to the property details of the EA:**

The title on Page 01 of the EA:

**From:**

*"75MW PV4 Photovoltaic Energy Plant on the Farm Hoekplaas (Remainder of Farm No. 146) near Copperton, Northern Cape Province"*

**To:**

*"75MW PV4 Photovoltaic Energy Plant on the Farm Hoekplaas No. 146 near Copperton, Northern Cape Province"*

The table on Page 01 of the EA:

**From:**

*"Farm Hoekplaas (Remainder of Farm No. 146) Siyathemba Local Municipality Pixley ka Seme District Municipality Northern Cape Province"*

M.S



**To:**

*"Farm Hoekplaas No. 146 Siyathemba Local Municipality Pixley ka Seme District Municipality Northern Cape Province"*

The table on Page 05 of the EA:

**From:**

*"On farm Hoekplaas (Remainder of Farm No. 146) near Copperton"*

**To:**

*"On Farm Hoekplaas No. 146 near Copperton"*

Page 05 of the EA:

**From**

*"- for the proposed 75MW PV4 Photovoltaic Energy Plant on the Farm Hoekplaas (Remainder of Farm No. 146) near Copperton, Northern Cape Province, hereafter referred to as "the property"."*

**To:**

*"- for the proposed 75MW PV4 Photovoltaic Energy Plant on Farm Hoekplaas No. 146 near Copperton, Northern Cape Province, hereafter referred to as "the property"."*

Condition 01 on Page 05 of the EA:

**From:**

*"The preferred site and associated infrastructure on the farm Hoekplaas (Remainder of Farm No. 146) near Copperton in the Northern Cape Province are approved."*

**To:**

*"The preferred site and associated infrastructure on Farm Hoekplaas No. 146 near Copperton in the Northern Cape Province are approved."*

This proposed amendment letter must be read in conjunction with the EA dated 09 July 2014.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department's decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R. 993, which prescribes the appeal procedure to be followed. Kindly include a copy of this document with the letter of notification to interested and affected parties.

An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the applicant by the competent authority.

By post: Private Bag X447,  
Pretoria,  
0001; or

By hand: Environment House  
473 Steve Biko,  
Arcadia, Pretoria,

**Appeals must be submitted in writing to:**

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: ([https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations)).

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 25/04/2016

cc:	Ms Nicole Holland	Nicole Holland & Associates Environmental Consultants	E-mail: <a href="mailto:nicole@hollandandassociates.net">nicole@hollandandassociates.net</a>
-----	-------------------	---	--

---

**ANNEXURE B**  
**NATIONAL APPEAL REGULATIONS (GN R. 993)**

**BYLAE B**  
**NASIONALE APPELREGULASIES (GK R. 993)**

---

---

## GOVERNMENT NOTICES

---

### DEPARTMENT OF ENVIRONMENTAL AFFAIRS

No. R. 993

8 December 2014

#### NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)

#### NATIONAL APPEAL REGULATIONS

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make the regulations pertaining to the processing, consideration of, and decision on appeals, under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA**  
**MINISTER OF ENVIRONMENTAL AFFAIRS**

**SCHEDULE**

**TABLE OF CONTENTS**

**CHAPTER 1**

**INTEPRETATION AND PURPOSE OF REGULATIONS**

1. Interpretation
2. Purpose of Regulations
3. Application of Regulations

**CHAPTER 2**

**ADMINISTRATION AND PROCESSING OF APPEALS**

4. Appeal submission
5. Responding statement
6. Appeal panel
7. Recommendations and decisions on appeals
8. Communication

**CHAPTER 3**

**GENERAL MATTERS**

9. Repeal of regulations
10. Transitional arrangements
11. Short title and commencement

Annexure 1: Regulations Repealed

## CHAPTER 1

## INTERPRETATION AND PURPOSE OF REGULATIONS

## Interpretation

1. (1) In these Regulations any word or expression to which a meaning has been assigned in the Act, and unless the context requires otherwise—

**“appeal administrator”** means a holder of an office in the Department or Provincial Department responsible for environmental affairs who administers the appeal on behalf of the appeal authority;

**“appeal authority”** is the Minister, the MEC or a person delegated the power to decide on appeals by the Minister or MEC, as the case may be;

**“appellant”** means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of these Regulations;

**“decision-maker”** means an official who has been delegated the authority to make a decision in terms of the laws referred to in regulation 3(1) of these Regulations;

**“applicant”** means a person to whom a decision has been issued in terms of the Act or specific environmental management Act;

**“independent”**, in relation to a person appointed as a member of an appeal panel or a person providing an appeal authority with expert advice as contemplated in regulation 6 of these Regulations, means—

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

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

- (2) When a period of days must be reckoned in terms of these Regulations, the period must be reckoned as from the start of the day following that particular day to the end of the last day of the period, but if the last day of the period falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the next day which is not a Saturday, Sunday or public holiday, and the period of 15 December to 5 January must be excluded from the reckoning of days.
- (3) Where a prescribed timeframe is affected by one or more public holidays, the timeframe must be extended by the number of public holiday days falling within that timeframe.

### **Purpose of Regulations**

2. The purpose of these Regulations is to regulate the procedure contemplated in section 43(4) of the Act relating to the submission, processing and consideration of, a decision on an appeal.

### **Application of Regulations**

3. (1) These Regulations are applicable to an appeal in terms of section 43 of the Act to the Minister or MEC against a decision taken in terms of the:
- (a) Environment Conservation Act, 1989 (Act No. 73 of 1989);
  - (b) National Environmental Management Act, 1998 (Act No. 107 of 1998);
  - (c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
  - (d) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); or
  - (e) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

and subordinate legislation made in terms of any of these Acts.

- (2) No appeal is available if the Minister or MEC took the decision himself or herself in his or her capacity as the competent authority, issuing authority or licensing authority.
- (3) An appeal against a decision by an official or municipal manager acting under delegated authority from a metropolitan, district or local municipality must be submitted, processed and considered in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

## **CHAPTER 2**

### **ADMINISTRATION AND PROCESSING OF APPEALS**

#### **Appeal submission**

4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:

- (a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
  - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be—
- (a) submitted in writing in the form obtainable from the appeal administrator; and
  - (b) accompanied by—
    - (i) a statement setting out the grounds of appeal;
    - (ii) supporting documentation which is referred to in the appeal submission; and
    - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

### **Responding statement**

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

### **Appeal panel**

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority.
- (2) The appeal panel contemplated in subregulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.



### **Recommendations and decisions on appeals**

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in subregulation (3) must contain written reasons for the decision.

### **Communication**

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act.
- (2) In order to meet the time periods determined in these regulations, the person referred to in subregulation (1), must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

## **CHAPTER 3**

### **GENERAL MATTERS**

#### **Repeal of regulations**

9. The regulations mentioned in the Table in Annexure 1 to these Regulations are hereby repealed or amended to the extent set out in the third column of the Table.

**Transitional arrangements**

10. (1) An appeal lodged prior to the commencement of these Regulations, and which is still pending when these Regulations takes effect, must be finalised in terms of the legislation that applied at the time when the appeal was lodged.
- (2) An appeal lodged after the commencement of the Environmental Impact Assessment Regulations, 2014 must be submitted, processed and considered in terms of these Regulations.

**Short title and commencement**

11. These Regulations are called the National Appeal Regulations, 2014, and take effect on the date of publication in the *Gazette*.

## ANNEXURE 1

REGULATIONS REPEALED		
Date and year of publication	Short title	Extent of repeal
Government Notice No. R.543, <i>Gazette No. 33306</i> of 18 June 2010.	Environmental Impact Assessment Regulations, 2010.	Chapter 7.